

LEGISLATIVE ASSEMBLY OF ALBERTA

Monday Evening, March 26, 1973

[Mr. Chairman resumed the Chair at 8:00 o'clock.]

MR. CHAIRMAN:

The Committee of the Whole Assembly will now come to order. We adjourned on the resolution presented by the Subcommittee B chairman and seconded by the Minister of Lands and Forests. I believe there were some further questions.

MR. NOTLEY:

Mr. Chairman, there are several matters I would like to put to the minister. First of all, could the minister advise us where things stand at this stage on the proposed change in provincial parks policy? It is my understanding the government is giving at least some consideration to contracting-out campgrounds or areas adjacent to campgrounds to private concerns. I wonder if the minister could advise us just when that policy is going to be introduced or if it will be introduced at this session?

DR. WARRACK:

Yes, we do plan to bring forward a parks position paper during the 1973 Legislature.

MR. NOTLEY:

Will that be a position paper which will then form the basis of discussion over the summer? There will not be any change in policy, I take it, until the fall session at the earliest? Or will there be changes in policy perhaps made as a result of a ministerial order or an Order-in-Council?

DR. WARRACK:

Yes, with respect to the position paper, I said, "1973 Legislature" and we have not really decided -- I have not decided in my own mind quite what to recommend, depending partly on a number of factors as to whether this would necessarily be during the spring sitting or the fall. But in any case, it would be a statement of policy and the extent to which those statements of policy were different in direction from the past, they would at that time become policy.

MR. NOTLEY:

To follow this up. What steps have you taken to consult various organizations such as, for example, the Alberta Fish and Game Association, various tourist groups, and what have you, to solicit public input? Because I think you will agree that the changes, at least as I understand them, would be fairly far-reaching if they did reach the policy level. I am wondering just to what extent you have made provision in your plan for widespread, formal public input into your decision-making process?

DR. WARRACK:

I think I would defer detailed discussion in the area of parks policy until such time as the position paper itself is fully developed and ready for announcement in the House. At the same time, I would say that a very high percentage of the briefs we receive as a government do have some part dealing with what a particular organization and its membership feels with respect to parks. So we have had the opportunity for some very considerable representation and expression of suggestion of viewpoints in that area as an ongoing process.

MR. NOTLEY:

I would like to clarify this in my own mind then. I take it that once the position paper is brought down, as far as the changes are concerned these changes will not be in the form of legislative changes but will, in fact, be as a result of ministerial orders or Orders-in-Council. So that once the position paper is brought down, if I follow through what you said, it seems to me that there is really very little role or purpose in making formal representations. It would appear to me that the time to make the formal representation by these different groups would be before the position paper was brought down. So, what I really want to find out from you, for the sake of clarification, is that those groups who are concerned and a number of them come to me -- at what point should they make their representation known to you? Should it be now, in the next period of time to make formal applications and meet with you or what would be the course they should take?

DR. WARRACK:

I would be surprised that the hon. member is receiving representations that I have not already received and considered. But in any case, with respect, really to any policy, it is certainly the influence of this government that when the change in times demand that a policy be changed, that change should occur, and not be a kind of sacred cow that would be reluctant to change as times change and as viewpoints in the public consensus changed. Certainly, we have been receiving formal representations with respect to parks, as I mentioned, from a large number of organizations on a large number of occasions, and the more the better -- including right now.

MR. NOTLEY:

Just to conclude my questions on this matter, I take it from the tenor of your comments earlier that the position paper is not likely to be prepared for the spring session, but we are likely looking at a position paper to be tabled some time during the fall session and that groups would have the spring and the summer to make submissions?

DR. WARRACK:

No, it would be a mistake to take that, and that is not what I implied at all. If there were some people who have strong feelings in addition to the representations we have had on frequent occasion already, then by all means we would be happy to receive them. I'm not going to be tying myself, at this point, to a date with respect to the position paper.

MR. TAYLOR:

I'm a little concerned by the remarks made by the hon. minister. Once the government presents a position paper, that is then the position of the government. I can't follow, then, what representations could be made or why people would make representations. The government has made up its mind in regard to whatever is in that position paper.

Otherwise, it is not taking a position. If there is going to be no input from the general public, no input from the Legislature, no input from the people at large, it appears to me that the position paper is going to be one that tells the people what is good for them rather than reflecting what the people want done in connection with provincial parks.

If it is the principle of telling people what is good for them, and if that becomes the policy of the government, it is a pretty dangerous policy, completely contrary to the premises upon which your government was elected, and completely, I think, contrary to the premises of democracy.

Now, I think we have to have some indication of what this position paper is going to be, if the people are going to make representations. What does it involve? Is the government going to take a brand new position in respect to provincial parks? Is it going to be a position in regard to the number of provincial parks? Is it going to be a position in regard to the cottages around the lakes? Is it going to be a position in regard to the facilities in provincial parks? Is it going to be a position paper in regard to who pays for provincial parks? Is it now going to be a split cost of provincial parks? and so on. There are a countless number of items that would come into such a position paper.

Now that the hon. minister has mentioned a position paper, I would think that there should be some indication of what that position paper is going to be

all about, what aspects of provincial parks, so that the people at large can make representations. Otherwise, we are simply getting into the place where we are getting a government that tells the people what is good for them. We certainly don't want that in this province.

AN HON. MEMBER:

We already have one.

MR. CHAIRMAN:

I wonder if I might have the indulgence of the members of the Assembly for just a moment. I have an announcement here passed to me by the commissionaires. There is a blue Ford station wagon, licence number XG4454, with the lights on. If it belongs to a member of the Assembly, or one of the guests, the lights are on.

If I may have the concurrence of the members of the Assembly for Mrs. Chichak to introduce some guests from the Speaker's constituency -- from the Edmonton Meadowlark constituency. May she do this at this time?

HON. MEMBERS:

Agreed.

INTRODUCTION OF VISITORS (CONT.)

MRS. CHICHAK:

Thank you, Mr. Chairman, for your indulgence. It certainly is my pleasure, on the behalf of our Speaker, to introduce to the members of this Legislature, the 116th Lynwood Cubs and Scouts, 65 in number. They are accompanied by their leaders, Mr. Cliff Morley, Dr. Ernest Grunake, and several other parents. It is certainly a pleasure to see this young group out here this evening. I am sure they are enjoying observing freedom with which we debate here this evening. We would like them to stand and have the House recognize them.

COMMITTEE OF SUPPLY (CONT.)

MR. R. SPEAKER:

Mr. Chairman, I would like to voice my concern, too, for this approach to the parks policy. One of the things I have recognized as an MLA over the past ten years is that a number of the provincial parks we have in Alberta have not been initiated necessarily from the provincial level. Many of the parks were started by a local group of concerned people who wanted a small park of their own for their community. As these grew, people from other areas came in to use them and soon the province came in and assisted and said: "We will take over the area as a provincial park."

If we have a policy that becomes developed from this end, certainly that takes away some of that local material or resource that we have there for information purposes. I can think of a number of people in the area of Champion where we now have the Little Bow provincial park. Many people in that community are very proud of that, that they were the first people to have started the park, that it wasn't necessarily the provincial government. I give them full marks for that. They started it, they thought of it, the Lions Club picked it up from them and carried the initiative and they deserve full recognition.

I think this is the same way we have to develop a parks policy or a white paper, to try and bring forward that pool of resources. I am sure those local people right there have a lot of ideas as to how provincial parks should be developed and how the plans go from this point on.

MR. ZANDER:

Mr. Chairman, just for information, Mr. Minister, can you give the following information to this Assembly regarding Procter and Gamble? I have three questions.

What are the dues or the royalties now paid to the people of the province of Alberta by Procter and Gamble?

What is the duration of this agreement?

SOME HON. MEMBERS:

Point of order.

MR. NOTLEY:

Point of order, Mr. Chairman. I wonder, for the sake of convenience for the minister, perhaps we could complete one matter at a time and then --

MR. CHAIRMAN:

Very well. As soon as we complete this one, Mr. Zander, we will come back to yours. Any further question on the parks?

MR. NOTLEY:

Mr. Chairman, I would like to urge the minister to reconsider the position of the government on this matter. First of all, however, I would like to pose one question to him, and that is, after the position paper is tabled in the House, can he assure the House that there will be at least some formal opportunity for the members of this Legislature to debate that position paper before it becomes policy?

While I am on my feet, Mr. Chairman, it seems to me a step toward a change in the parks policy should be taken with extreme caution and care. I feel, as I motor around the province, that we have an excellent provincial parks system, albeit the recreation facilities could be increased. But I think that as much as possible we should get away from other parts of North America where we have rather crass commercialism, where people pay when they come in, when they sit down, when they stand up and when they leave. It seems to me, Mr. Chairman, that if we are worried about providing recreational opportunities, especially for those middle and lower income groups of people in Alberta, we should be very, very cautious indeed before we turn over a part of our parks policy to those people who are in it to make a profit.

As I say, I feel that we have a pretty good parks program in the province and what I would like to see is more money pumped in from the provincial level to provide additional parks and campgrounds in Alberta, rather than attempting to turn this over to the private sector. But I still think, regardless of one's vantage point, whether you take the viewpoint there is a role for the private sector or whether you disagree with that concept -- at the very least, if we are going to make a change in the provincial parks policy, there should be provision for wide public consultation in the first place, and at the very minimum, Mr. Chairman, once that policy statement is announced in the form of a position paper. There should be adequate opportunity in this Legislature for full debate.

MR. RUSTE:

Mr. Chairman, to the minister. Has there been any change of names of these parks? I noticed on the one going out to Banff the other day where the Bow Valley sign seems to have disappeared. Has that been re-named or are there others in that process?

MR. COOPER:

Mr. Chairman, I understand there is a new policy of development on the yearly upgrading of the present provincial parks with major progress of each park scheduled for each year. Would the minister enlarge a little or comment on this plan?

MR. BARTON:

Also, back to the same old beef again -- local autonomy -- is there any input, or is the government going to continue on in their dictatorial approach to parks affecting specific areas for participation such as advisory boards like we have that haven't had any input, especially to the fact that there is a so called plan for Lesser Slave Lake Provincial Park in which we can't get there and the only commitment we can get is that "You get \$21 and you can have our plan." It really isn't a plan but it is worth \$21. I feel if it affects anything we should have some input into it.

MR. BENOIT:

I would like to ask the minister what the department's intention is with regard to charging for the use of the parks this year. Will there be a daytime

charge as well as a nighttime charge, and what will the charges be and will they apply to all parks? Are they giving any consideration to an annual sticker for daytime use of the parks?

MR. PURDY:

Mr. Chairman, to the minister. I wonder when he is going to start to fix up some of the parks in the province that were politically named back in 1969 and 1970 in various areas of the province. The one I would like to designate is Hasse Lake Provincial Park in the Stony Plain constituency.

MR. R. SPEAKER:

Mr. Chairman, I know the question I am going to ask is under capital expenditure. Would the minister want the question now?

MR. CHAIRMAN:

In view of the other point, we should stay with the topic of parks.

MR. R. SPEAKER:

Yes, I just wanted to know what capital expenditure would be made on --

MR. CHAIRMAN:

On parks?

MR. R. SPEAKER:

Yes.

MR. CHAIRMAN:

Go ahead now.

If this is in regard to provincial parks, please go ahead now.

MR. R. SPEAKER:

Little Bow Provincial Park. There is concern there with regard to items I raised last session.

MR. MANDEVILLE:

Mr. Chairman, in regard to expansion of parks, there is the Scandia Ranch. There are 4,800 acres down on the Bow River and they are in the process of negotiating some of this land with some eastern irrigation district land with the expansion of the Kinbrook Park. Could you tell me where these negotiations are? Are they still continuing?

MR. CHAIRMAN:

Mr. Minister, do you want to answer this group of questions now?

DR. WARRACK:

I'll just follow the same chronology as we followed with respect to the queries posed.

First of all, the hon. Member for Drumheller mentioned a number of considerations that are certainly dimensions of what needs to be considered in provincial parks, or, for that matter, in municipal parks, and to a very great extent, for that matter, in the highway campsites, where there is concern for family outings and family breaks and this kind of thing. I think would certainly say all the factors mentioned are factors that need some consideration in the formulation of a provincial parks' policy.

Further to that, comments from any source, many of which we continually receive with respect to individual representations, organizations, briefs and so on, and certainly also from members of this House -- we would be very happy to receive comments and suggestions, and for that matter, viewpoints on all those factors.

The hon. Member for Little Bow and perhaps I can group the two, mentioned that the majority of the provincial parks in Alberta at this time represent

initially local parks that were begun by service clubs and in some cases municipal districts or counties and so on. There is no question in my mind that indeed some very strong and continuing congratulations are due to those local people who had the initiative and the public spirit which it took to begin a number of these parks, and this should continue, for example, with the Lions Club, well beyond the fact that Little Bow has since become a provincial park but to recognize that contribution.

At the same time it's possible, Mr. Chairman, that we might not want all of the parks to be similar in the way they have begun, in contrast, for example, to the extremely well accepted provincial park on Fish Creek in Calgary that was clearly and totally a provincial initiative.

I expect in the proper spectrum of all parks that we have -- municipal, provincial and for that matter national -- they should have different characteristics and probably different histories at the same time. We could look for a spectrum of characteristics in these parks rather than necessarily similar ones that were initiated in similar ways.

The answer briefly to the second part is yes -- you remember the question? We are going to do some work in Little Bow.

MR. R. SPEAKER:

[Inaudible]

DR. WARRACK:

Not just offhand, but if you prefer we could sit down and do that.

I was interested in the comment made with respect to the crass commercialism, because I know -- I have wondered about that, especially in the American national parks, and to a lesser extent on occasion on opportunities to visit the federal national parks. This would be a matter before us as people who represent citizens in Alberta, whether this is the kind of thing we do or don't want in our provincial park system. There are many who don't, yet on the other hand there are those who do. Certainly I would not be extending the assurance that the hon. Member for Spirit River-Fairview asks with respect to parks policy and the parks position paper.

People elect government on the basis of the policies they put before the people. There was a great deal in the platform of the Progressive Conservatives who ran in the 1971 election that had things to say about parks. That's a commitment. This is a major kind of input and a major kind of policy direction that needs to be honed to the 1973's and as far beyond as is relevant. We intend to take the policy initiative in the parks area just as we have and are continuing to do in other areas of government responsibility.

The answer with respect to Bow Valley Provincial Park, was it? -- is there -- has been no name change anywhere -- and the sign must have blown down or something.

The Scandia Ranch -- I had some correspondence on that though not really recently. Here, as a matter of fact, is a situation where there is the use of land primarily for grazing purposes on the one hand, versus the suggestion of a number of people that it ought to be made into a park instead. Clearly, dead-on we have a conflict of land use, and no immediate change is contemplated at this time. I can say that. But it's a pretty good example of some of the discussion that we had earlier in the day with respect to the differing and conflicting uses of land that are possible.

With respect to upgrading, I would need to dig just a little to respond totally. You know there is an injection of \$1.6 million in total between income, or can we say operating account and capital for the Department of Lands and Forests, and in addition there is capital provision, of course, in the Department of Public Works.

This is beginning the process of upgrading the provincial parks that we have. It is very interesting to discuss the matter of upgrading because the reason they need upgrading is that they are not fully adequate, as someone just a few minutes ago contended they were. I think the majority view is that there is a need for upgrading and we are beginning that process in the coming fiscal year in a pretty major and extensive way.

With respect to the matter of day-use charges -- didn't you ask that question during the question period, and I answered it? Or did --

MR. BENOIT:

Only partly.

DR. WARRACK:

Well, the answer then was no, and the answer now is no.

MR. BENOIT:

But, how many, Mr. Minister?

DR. WARRACK:

How many parks are going to have night --

MR. CHAIRMAN:

Mr. Benoit, I wonder if you would stand up because Hansard will not record that.

DR. WARRACK:

Well, we are not planning in this coming season just to be meticulously accurate about it. We are not planning day-use charges in the provincial parks this year.

MR. BENOIT:

But, how many?

DR. WARRACK:

For camping?

MR. BENOIT:

But how many parks?

DR. WARRACK:

For the ones that have camping in them. I don't know how many that is. In addition, yes, the matter of the fact is that we currently have, among the 51 provincial parks, some 5 that have had no development at all. In 1973, among those 5 we shall initiate development of all 5 -- in the sense of 2 of them that will in the future be major parks, namely Calling Lake and Youngs Point and the other 3 are more minor parks where the planning and development can be done on a relatively short time-frame basis, and one of those is Hasse Lake that the hon. Member from Stony Plain referred to. So the answer, to be specific then, with respect to Hasse Lake is yes - we will be initiating work on that, in this year.

MR. ANDERSON:

Have you any plans for the city of Lethbridge in the Indian Battle Park which is in the city on the river bottom?

DR. WARRACK:

Not at this time. I mentioned that in the last week in February when I was there to the Fish and Game Convention, that I did drive around through all the ins and outs that I thought I could get to without getting stuck, and see that area. It is a very attractive one. I notice the hon. member had made some comments with respect to the possible value of this in an overall recreation system that we have to offer the people in Alberta, and I have noted those.

MR. D. MILLER:

Mr. Minister, would you explain the plans that you have for Writing-on-Stone Park?

DR. WARRACK:

We have some plans with respect to Writing-on-Stone that are in conjunction with the RCMP Centennial Celebration which for Canada is this year, and for Alberta is next year, so we are gearing to a coordination of that. And this has

been a coordination between the hon. Minister of Culture, Youth and Recreation, the Minister responsible for Tourism, and myself.

MR. BARTON:

I wonder if I could get my question answered on the advisory boards or committees?

DR. WARRACK:

That was before, in question period.

MR. BARTON:

None of them are really clear, and I would appreciate a clear cut decision whether you are going to use them or not?

MR. D. MILLER:

One more question -- a supplementary deriving on Writing-on-Stone. Have your plans advanced far enough that you could make them available to us?

DR. WARRACK:

No, I'm afraid they are not at this point, except for the basic agreement that it would be extremely appropriate to involve some work at Writing-on-Stone with its history that you and I both know, in conjunction with the RCMP Centennial as it applies to Alberta. But I'm not really in a position where I can be concrete beyond that.

MR. BARTON:

Yes...[Inaudible]...there is a resolution passed by the Toyalta Organization to that effect, that you are going to have to be looking at anyway in the near future if you have an 'open' government. An answer now would be appreciated.

DR. WARRACK:

We're prepared to consider sensible representations from all sources.

MR. BARTON:

I appreciate that, but I can see why the students in the past few years haven't had very much leadership in agriculture.

MR. WYSE:

Did the minister say that a day entrance fee for parks is not in the planning stage?

DR. WARRACK:

No, I did not say that. I said there would be no day-use charges in 1973.

MR. WYSE:

Is it in the planning stage?

DR. WARRACK:

I don't know, I could ask. But it's not a policy for 1973.

MR. NOTLEY:

Just before we leave --

MR. CHAIRMAN:

Are you finished, Mr. Wyse? Mr. Notley, I was wondering if Mr. Wyse wanted to rise.

MR. WYSE:

I just wanted to ask you regarding Elkwater and the extent of the upgrading at Elkwater in this particular year.

DR. WARRACK:

I'm sorry, a note passed my ear just as you were talking. I'm sorry I didn't hear you.

MR. WYSE:

I was interested in the extent of the upgrading at Elkwater Provincial Park this year.

DR. WARRACK:

I know that some upgrading in the Cypress Hills Provincial Park is planned.

MR. NOTLEY:

Mr. Chairman, just before we leave provincial parks, I frankly would ask the minister to reconsider what he said during this debate, that we will not necessarily have a debate in the Legislature because the Tory party put this before the voters during the election campaign; somehow that gives them the mandate to introduce a new parks policy. I don't argue with the fact that that certainly would give them a mandate to introduce legislation. But surely, Mr. Chairman, there is a difference between introducing a policy which requires legislation, or at least requires adequate discussion within the Legislature so that it can be fully debated, and introducing important and rather far reaching changes which will be brought in by ministerial order, or by Order-In-Council.

It seems to me that if we are going to have 'open' government, in fact, at the very least there should be a commitment that this matter be fully discussed in the Legislature after the position paper is tabled.

DR. WARRACK:

Mr. Chairman, readers of Hansard will notice that on no occasion did I say that there would not be debate on parks in this Legislature, and that, of course, is a distortion.

If the hon. member would like to put a resolution on the order paper, there are all kinds of opportunities to debate it.

MR. CHAIRMAN:

Very well, can we now move to Mr. Zander's point? Mr. Zander.

MR. ZANDER:

Yes, Mr. Chairman -- Mr. Minister -- I've been trying for eight days to ask some questions and apparently I've been unsuccessful -- at least you recognized me at this time. My concern is --

MR. CHAIRMAN:

I have difficulty seeing you there.

MR. ZANDER:

Oh. Thanks, Mr. Chairman.

Mr. Minister, what are the dues that are presently proposed to be paid by Procter and Gamble by way of royalties to the people of the province of Alberta? Secondly, what is the duration of the agreement? And third, is there any room for renegotiation of dues or royalties since apparently the ever-increasing price of forestry products is going to continue?

DR. WARRACK:

Yes -- three points. The answer to the first question with respect to the percord royalty that would be paid to the provincial government in the operation of the pulp mill at Procter and Gamble would be \$1.15 per cord. \$1.15.

Secondly, the duration is 40 years, and it began January 1, 1973, so we're three months into the 40 year period. And thirdly, the mechanisms for renegotiation of these terms are very, very difficult indeed. It would be very difficult to renegotiate.

MR. ZANDER:

Yes, another question, Mr. Minister. In this \$1.15 per cord, is there any room where they are going to produce, as the Hinton plant is, building studs? And if that is the case in this Procter and Gamble operation, what are the dues there? Or is only pulp going to be manufactured at that plant?

DR. WARRACK:

No, Mr. Chairman, the way the agreement is written is that in the estimate of the timber inventory that is on the Procter and Gamble forest management lease, there is within that estimates of the saw-log timber as contrasted to pulp. And according to those estimates, Procter and Gamble will have to cut the saw-log timber and supply it to market. The timber dues on that volume would be at the normal floating timber dues rate which now is around \$17.

MR. CHAIRMAN:

No further questions? Question has been called on this resolution. Ready for the question?

MR. BENOIT:

This first question may not be within the purview of this department but you made reference to it, the five areas along the eastern Rocky slopes and the hearings that are coming up. Have the dates for these hearings been set yet?

DR. WARRACK:

The Minister of the Environment, who had a death in the family and is not here, would be able to be precise about it. But the five recreation quarters covered going from south to north are the Crownsnest, Canmore, Nordegg, Hinton, and Kakwa recreation ...[Inaudible]... All of these hearings will be held during 1973, as I understand it, beginning late spring or early summer and finishing late summer or early spring for the complete group of five.

MR. BENOIT:

I would like to just get the minister's general explanation of the rather large increase in personnel. In last year's estimates, 1972-73, there was an estimate of approximately 1,286 personnel, in round figures, say 1,300. But this year's book shows the 1972-73 estimates at 1,920 -- some 300 more than the 1972-73 Estimates. And the estimates for this coming year are something over 2,200. That 2,200 over the 1,200 makes something like a 900 difference of personnel, increase in personnel from the estimates given to us at this time last year and the estimates now before us. I know there must be some changes, probably from the capital work, but I'd like to see a breakdown.

DR. WARRACK:

Well, there are a number of factors involved, of course, as a matter of fact almost the least of which is really a net expansion of staff. Part of it is the method of handling it and whether someone who is in a salaried position works for seven months, for example, or five, which is typical in the Department of Lands and Forests as you know, if that is counted as one position. However, if you figure in terms of man-years it would really be seven-twelfths or five-twelfths or something along that line, depending on the proportion.

So that's a major part of it there, in terms of transition from previous to now, and an effort to give as good an indication as possible as to what is going on in the staff area.

The other thing also is that both the PEP, the Priority Employment Program in the winter and also STEP, the Summer Temporary Employment Program to assist in the employment area, involve a large number of people. Counting them again is not really a man-years kind of counting proposition.

Third, there were a number of people who had been in wage positions for really a very long period of time and were, in fact, permanent employees. Bringing them in as permanent employees makes a difference in the numbers but not a difference in the people.

MR. CHAIRMAN:

Mr. Benoit, are you finished?

MR. BENOIT:

Just one more. But in the estimates that are shown in this year's book, 1972-73, and the estimates for 1973-74, there is a 300 difference and the accounting is the same on those two columns. I'm wondering if there is an explanation for that large an increase.

DR. WARRACK:

The information that I have in that particular compilation is on a division between salaries and wages, and it moves from 1266 to 1374 on the salaries. That is a difference then of 106. And then among wages from 695 to 857, so that is a difference of 162. Of course, we have a lot of wage involvement, and particularly in the summer and winter temporary employment programs.

MR. NOTLEY:

Mr. Chairman, during the question period on March 21, when Mr. Ludwig asked the minister about seismic testing on Sturgeon Lake, and he posed the question, did, in fact, the Department of Lands and Forests approve the activities over the lake? The answer from the minister was yes. I am wondering if perhaps the minister could be a little more precise as to who, in fact, approved the application by the company, what is the mechanism for approval in this case?

Secondly, I'd like to ask the minister to comment on the statement made over the weekend by the Red Willow Fish and Game Association. It is my understanding that they called upon the government to resist any oil exploration or seismic activities on any water recreational site or potential lake in the province. I was rather interested, not only in terms -- and I read the use of language, at least as it was reported in the press -- it was not just a case of recreational facilities such as existing lakes that are used for recreational purposes, but also potential recreational lakes. So I'm wondering if the minister would be prepared to comment on the recommendation of that fish and game association, as well as delineate more clearly what the mechanism is in his department which permitted the approval to be granted for seismic testing on Sturgeon Lake.

DR. WARRACK:

The seismic activity in the Sturgeon Lake area was both over land and over the Sturgeon Lake itself. It was contemplated during the winter for two reasons, one reason being that you can then get on the ice because it is frozen and that is necessary as a structure on which to work. Secondly, during the period of time contemplated, it is pre-spawning for the fish habitat. During that period of time the fish in the lake are evenly dispersed in contrast to the extensive schooling that begins to occur on roughly the first of April as spawning time approaches. That was the reason for the timing.

In any case, this then was handled as a normal application through the Department of Lands and Forests, and examined by those having responsibilities in the area, and of course, approved in the work proceeding.

There had been some considerable public concerns expressed, and on the basis of responding to that concern and what appeared to be basically a consensus in the local area, we felt that we ought to reconsider those matters and take a new look at the entire area of seismic work over lakes.

It will sound almost like we rehearsed, Mr. Chairman, with respect to the Red Willow Fish and Game Association, because I received a letter from them this morning, as a matter of fact. They really did two things. They thanked me for the way in which the Department of Lands and Forests had handled the matter. That was the first thing. The second thing is that they did ask that we reconsider the whole matter of seismic operation over lakes. We are prepared to do that.

MR. HENDERSON:

I would like to ask the minister a general question relating to government policy in this area. Is it the policy of the government to allow seismic work on all water bodies in the province? Let's talk about lakes, for example.

DR. WARRACK:

I guess I have not had occasion to deal with a river or stream situation and that is the only other kind of water body I can imagine. I wouldn't think

it would be necessary to worry about it there. So I think it really is just lakes that we would be talking about.

Basically, the handling of the Sturgeon Lake matter was a continuation of the previous procedure where, as a matter of fact, seismic activity had taken place previously. I may have missed the point of the question.

MR. HENDERSON:

What I really wanted to know -- you left the impression, when you answered the hon. Member for Spirit River, as to the procedure by which the seismic work on Sturgeon Lake had been approved, that requests for seismic work on lakes in the province are just treated as a routine exercise by the department, an application comes in, it's rubber stamped and approved. I am asking the general question, is the carrying out of seismic work on lakes in Alberta, be it summer or winter, treated as a routine matter by the department?

DR. WARRACK:

Well, it is covered by the legislation in the area. Certainly it is not a rubber stamp situation at all. As a matter of fact, in the case in point, there was a very considerable degree of attention paid to the matter of fish habitat and whether there was any danger of substantial detriment to that habitat. This was a very major kind of professional input and judgment from the people who have those responsibilities in the department. I think it might be fair to say it is handled as an operating procedure matter, but that certainly doesn't minimize its importance. In any case, just to reiterate again, we are prepared to take a full new look in that area.

MR. HENDERSON:

Does the minister now have authority to refuse a permit through his department, a request for a seismic on a lake?

DR. WARRACK:

Yes, and in particular in consultation with the Department of the Environment.

MR. HENDERSON:

Mr. Chairman, in the tests that were conducted, and we hope eventually the minister is going to make his reports available to us, in fact I hoped we would have them before we got into the estimates. In the tests that were conducted by the department as well as some inspection work done by fish and game association, not departmental, people -- I believe it appeared there were quite a number of fish killed during the experiments that were conducted by the department. Yet when the -- and I think there were only something like two or three charges set off, or I don't know how many were in that particular experiment. How many? Two of them -- there were quite a number of fish killed in that particular experiment.

And yet the minister reported to the House that when they detonated some 32 charges later on, they didn't find any crucial evidence of fish killed. How extensive a search was made after the detonation of the 32 charges that were placed, after the minister had told the House that there was no more testing going on; how extensive an effort was carried out to determine the magnitude of fish killed? The test condition and the results from 2 shots contrast very dramatically with the results of 32 charges that were placed and fired later on. I am wondering again, what effort was made to check for the fish kill following the detonation of the 32 charges?

DR. WARRACK:

First of all, when the question was first asked I took some care to distinguish in the first set of two detonations - which was March 9, I believe that one of the tests was on a hole that had been dug the preceding day. The other had been on a hole that had been put down five days previously, so there was the period of compaction directly overtop of the second hole. Now, in terms of the detonations, these two were purposely tested in order to ascertain what, if any, difference there was. On the first hole -- the one that had been dug the previous day -- there was a fair degree of fish kill within 50 feet of the hole and none at all beyond.

In the second hole, however, where the five days compaction had occurred there was no kill at all.

In the remaining number that were detonated later, on March 21, I believe, -- I may be wrong about the date -- but in any case the remaining number were all purposely detonated after that compaction period had occurred.

We had three people from the Department of Lands and Forests plus a fourth person there from the Water Resources Division of the Department of the Environment and they did an extensive determination of whether there had been fish killed and they found none.

As a matter of fact, a week ago Sunday, I received a telegram at my home from the local fish and game association indicating they had not noted that there had been a damage and, of course, those reports were also reported in the newspaper. So they are confirmed from the local people as well as from our staff.

MR. HENDERSON:

Mr. Chairman, the reports I received from the local people suggested they were not able to conduct a sub-ice search afterwards and that they just didn't have volunteer divers available to do it. This was done then by the departmental people after the 32 charges were detonated. As I understand, after the test shots the local fish and game, using skindivers, salvaged something like 150 dead fish out of the vicinity of the shots.

DR. WARRACK:

Yes, in the instance of the first test there was some fish kill as I described. Not all of the fish killed were brought above the surface so it would be possible to give a 100 per cent guarantee that someone going down the next day would find some more fish. This is, of course, what occurred.

But in terms of the followup, the examination that was done by people in the Department of Lands and Forests, aided by the Water Resources Division of the Department of the Environment were able to satisfy themselves that no further damage had occurred. Moreover, noting the reports from the local people, they agree.

MR. HENDERSON:

Mr. Minister I wonder if you could be more specific as to what inspection procedure was used to substantiate that evidence. Did someone walk along the ice and take a look and didn't see any fish floating in the hole, or were they down underneath with skindivers like the fish and game people had on the test runs, looking for evidence of fish kill?

DR. WARRACK:

Incidentally, we had two professional divers in the initial test instance and the local people had a diver go down the next day as well. I am not sure of the mechanics of where everybody walked and so on and so forth, with respect to the followup detonations, but it was obviously sufficiently precise and fully covered in the examination that the local people on the spot were satisfied with it.

MR. HENDERSON:

Mr. Chairman, the evidence from the information from the correspondence and communication I have had from the local people doesn't bear out the minister's statement about the satisfaction of the local people. I am aware that the minister had some phone calls at his home from some very irate people over it. There is no better way at arriving at the conclusion that there was no damage than by doing a very superficial inspection. I think the basic question of how the inspection was carried out is relevant to the exercise.

Related to this, did the minister say in the Oral Question Period in days gone by that all of the 32 charges that were placed had been detonated and none were left in the bottom?

DR. WARRACK:

That is right. They have all now been detonated. There are no charges left undetonated there at this time.

MR. HENDERSON:

Is the minister really aware of what sort of an inspection procedure was carried out in the case of the 32 charges by the people in his department?

DR. WARRACK:

Not in terms of the details that were involved, but certainly enough to be satisfied, particularly with the concurrence of the local people who were on the spot, that it was well done.

MR. HENDERSON:

Well, how many fish were killed?

AN HON. MEMBER:

Three and a half.

DR. WARRACK:

None.

MR. HENDERSON:

So all the minister is saying is that he got some general information from his people that satisfies him. In the test charges -- two charges -- there were well over 150 to 200 fish killed. Then 32 blow off, and apparently there were no dead fish laying around at all.

I find it a little difficult to accept the statement of the minister that there was anything other than a superficial examination carried out. What evidence was the minister presented with that there was no extensive fish kill as a result of detonating 32 charges?

DR. WARRACK:

As I said before, in the second instance there was no kill at all and when that same procedure was followed in the subsequent 32 detonations the same result was there.

AN HON. MEMBER:

That's a fish story.

MR. DIXON:

There are about four short items here I would like to ask the minister. The first one is: when the government purchased the executive aircraft, the King Air, it was to be used for fire-fighting purposes and I would like to ask the minister if they have ever used the King Air in fire-fighting operations in the last 14 or 15 months?

Another question I would like to ask the minister, Mr. Chairman, is what negotiations are going on at the present time for the federal government to acquire a fair amount of public land either for military purposes or for some other purposes they have in mind?

My third question is: what is the government doing to encourage companies to carry on good public relations in recreational programs such as are being carried on now by the Northwest Pulp and Paper Company at Hinton to encourage the public in the use of their facilities for recreational purposes. I think the minister was there the night of fish and game and he will know what I am speaking about. I was wondering if the government itself has some areas where they could encourage recreation to be carried out, close to some of the major cities anyway.

My fourth one is, and I asked this last year of the hon. minister regarding the wild horses, I was wondering how many permits the minister has issued this year. My question last year: was the government going to consider the protection of these animals, which are rapidly dwindling? And I will leave it at that.

DR. WARRACK:

I counted five items or sub items. The first answer with respect to the aircraft is yes and if the hon. member looks at the manifest we tabled in the House recently he will find it there.

Secondly, I am not really aware of the federal government making an effort to acquire tracts of land in Alberta unless possibly as a part of a habitat program in which they may have an interest in the area of migratory birds. I think all hon. members are aware that the matter of migratory birds is a matter of joint responsibility between the federal government and the provincial government. Aside from that I can't think offhand of any instance.

With respect to the matter of public relations on the part of companies that do business with the government, while I really feel this is a part of their own internal, private business -- at the same time I think the kind of recognition and congratulations that are due Northwest Pulp and Power with respect to the presentation they made at the MLA game dinner should indeed be recognized. And I am inclined to agree with the hon. member that more of this is needed.

With respect to further recreational areas, members will notice that there are additional recreation areas being established in the forest reserves in the coming year. Of course, I will also take the opportunity to draw members' attention to the fact that the provincial park newly established on Fish Creek in Calgary, some 2800 acres inside the city of Calgary, is a major thrust in terms of recreational opportunities for the roughly 25 per cent of Alberta's population that lives in Calgary. Moreover, to reiterate, within some 18 months we would wish to be in a position of a similar kind of recreational opportunity in the sense of a metropolitan park in the Edmonton area.

Lastly, with respect to wild horses, I won't give you the whole pitch this year, unless you really want it.

[Laughter]

Everybody says "no, no!" You'd like to hear that again? I see the hon. Member for Pincher Creek grows less smiling back there because I know he disagrees pretty strongly with the Member for Calgary-Millican on this point.

But, in any case, I don't know how many horses have been picked up by permits. I would have to check that, and really the representations that I had were largely, I recall, from Toronto with respect to wild horses, and we are not planning any immediate legislation in this regard.

MR. DIXON:

What I would like to know, Mr. Minister, if you got representation, would you change your mind on the situation? You say you only got it from Toronto. Do you want letters to come in to you?

And the other question, getting back to the purchase or negotiation by the federal government. The reason I ask that is because the hon. minister, Mr. Getty, the other day said that they were looking at other areas in Alberta as maybe a substitute for the Suffield area regarding a new area for military exercises if the Suffield area is allowed to go ahead and be developed as a gas field?

DR. WARRACK:

That would only possibly have been Wood Buffalo National Park which in any case is federally-owned land, not provincial Crown land, and the answer with respect to provincial Crown land is no.

MR. RUSTE:

Mr. Chairman, to the minister. Sometime ago we received this Information Bulletin No. 1 dealing with public hearings on land use and resource development on the eastern slopes. And then there is reference to the submissions to be in by the Department of Lands and Forests by February 28, and it goes on to say that these will be made available to the public prior to the hearing so that comments and briefs concerning them can be presented at the hearings. Now have these been presented to the public and if not, when will they be? That is one question.

The other one deals with a report that came out in the Executive Report under the heading Forestry, and there are two points here I would like clarified. It refers to -- the largest single impediment to reaching our goals in production and sales in 1972 has been a shortage of workmen. That is under the heading of Forestry. All indications for 1973 are that the situation will be much worse. My question here is, have you had discussions with the timber industry or forestry industry on this, and what steps if any are being taken?

Another one dealing with forestry as well, as a major exporter parity with the U.S. dollar is a problem and we cannot afford having our dollar at a premium over the U.S. Now, is there any adjustment in dues on that basis?

Also, have you a copy available of the agreement with the federal government under the Federal-Provincial Migratory Game Bird Damage. There is an agreement there that was reached some time ago, but I haven't seen it as yet and I was wondering if we could have that.

During the discussion of the estimates in subcommittee, I understood that there was some changes in the information department or division of the Department of Lands and Forests -- is any part of that within the Department of Lands and Forests, or has it been transferred to the Bureau of Public Affairs?

And another one is -- a mention was made of the publicity program in Northwest Pulp and Power -- is there a similar program under way with regards to Procter and Gamble? It is going into operation.

The last one is, has the cleanup been completed behind the Brazeau Dam, and if not are there any funds here for it this year?

DR. WARRACK:

I'm just writing them down so that I don't forget them.

With respect to Environment Conservation authority, you'll note if you have an opportunity to check that in reply to Motion for Return 134, where questions were asked about the Canmore corridor. You'll find a copy there of the newspaper advertisement that was in circulation on newspapers on two occasions considerably prior to the deadline date with respect to February 28 on proposals for development in the area covered by the hearings. This has been done; proposals have been submitted and the idea is to put them forward for public scrutiny. So the public has that opportunity, and also the proposers have the opportunity of some forward feed back as to whether the proposal they would be suggesting in a certain location would meet with public consensus, and thereby avoid perhaps spending quite a bit of money unnecessarily.

Secondly, with respect to the forestry problems and the related labour shortage, I will restrain myself, but I'm just very pleased to have an opportunity to comment on that. Basically the proposition is this; as you know, lumber prices, and therefore, lumber dues, are high and that high price should command a certain level of production. But the production operations have become bottlenecked because of a lack of employment, a labour shortage. That labour shortage means that they have short-fallen production, causing an additional price distortion upwards. This then has put the forest industry in a very difficult situation.

As a matter of fact on February 9 and 10, I had an opportunity to visit with the Alberta Forest Products Association people and go to some of their operations in the general High Prairie area and related communities -- High Level, and Grande Prairie -- and on January 29, prior to that I had been to Northwest Pulp and Power operation at Hinton. All had that same problem -- an inability to reach the level of production that price would command because of a labour shortage. And it's a very serious problem that they, to a very great extent, attribute to the unemployment insurance set-up where we now have a very large group of people, they allege, who are voluntarily unemployed, in addition to those who are involuntarily unemployed. This is a very major problem they are experiencing.

You may have noticed in The Edmonton Journal in the business report that comes out each year at the end of January that I had an extensive discussion about that and it was reported at that time in The Edmonton Journal.

With respect to the Canadian versus the American dollar, the Canadian dollar, since June 1970, has been on a floating exchange rate, rather than on the previous fixed exchange rate. The result of this is that the Canadian dollar floats with the American dollar so that, when the Americans devalued their dollar on the world market, this was tantamount to a devaluation of the

Canadian dollar as well. And that being the case, it made our own products more price competitive with imports from other countries. It also helped us be more competitive in our exports with other countries, while making no change in the relationship at all between the United States and Canada.

The agreement with respect to migratory birds and the wildlife damage matter -- I would see no problem in presenting that, subject to the concurrence of the federal government, which I would anticipate would be no problem.

The former Education and Information Division had primarily, in the Department of Lands and Forests, two kinds of functions. One, the function that has now been consolidated to the Bureau of Public Affairs with respect to the pamphlets, information circulars and so forth that we have, so that one of the two basic functions that had been in the former Education and Information Division has gone to the Bureau of Public Affairs.

But the other is the Hunter Training Program, and the Hunter Training Program, as of July 1, 1972, was put into the Fish and Wildlife Division, so that it is now a part of the Fish and Wildlife Division. And its operations are integrated with the biological and habitat research work and also the wildlife enforcement concerns that are a part also, of course, of the Fish and Wildlife Division. So that's basically where the two units that had formerly been Education and Information Division have been reorganized.

Respecting the Procter and Gamble forest agreement area I do know that part of their planning is for at least a reasonably extensive recreation access in the sense of the use of their roads for the general public and some recreation development by them as part of a public relations program. And it is my understanding that this is part of the planning they are now doing with respect to the leasing south of the Grande Prairie area held by Procter and Gamble.

Finally, with respect to the Brazeau cleanup. This, as I am sure the hon. member recognizes, is an ongoing kind of situation because of the nature of the area not having been cleaned off prior to being filled. The wood from the old trees comes up gradually and this will continue for a period of time before it's all loosened up from the bottom. It's a several year project in terms of its cleanup. But during this winter, like the previous winter, there was a priority employment PEP program that did that cleanup work on the Brazeau.

MR. RUSTE:

One final question to the minister. In dealing with these submissions that were made to the Director of Lands by February 28th. When will those be made available to the members of the Legislature?

DR. WARRACK:

I am not positive. Because once they're submitted, it becomes part of the operation within the Environment Conservation Authority. I don't have occasion to know, because that's primarily, of course, related to the Department of the Environment. So I can't give a definite answer on that particular question.

MR. RUSTE:

I take it that these are then turned over from the Department of Lands and Forests to the Department of the Environment?

DR. WARRACK:

Yes.

MR. MANDEVILLE:

If we could revert to Fish and Wildlife for just a moment. I would just like to make a few comments on the Fresh Water Fish Marketing Board set up to handle the fish. I do realize that the constitution of this Board is from several of the provinces, but I would like to see the minister give Alberta fishermen, the fishing industry in Alberta, a better deal and have a fairer shake. I certainly think that we have a higher quality of fish in the province of Alberta, but we are certainly getting no recognition for this. However, the Marketing Board I don't feel is doing the job of marketing fish well any place in Canada. The fishermen are certainly in the hands of the Marketing Board and right at the present time the Marketing Board is getting more of the net revenue than the fishermen themselves.

I think it was in 1972, I think you are aware Mr. Minister, the Fishermen's Association got together and got permission to market their own fish. As a result of this, the price of fish increased about 50 per cent. I'd like to see if this could happen again. I understand this expired on October 31, 1972.

I also think the marketing board, if they would consist more of marketing personnel rather than technical people, I think we might be able to maybe represent sales a little bit better. I attended a meeting that your fish and game put on in Brooks. The fishermen attended this meeting. They also had the Fish Marketing Board there at the meeting and they were telling me that they were selling round fish out of Lake Newell from 5 to 8 cents a pound.

Now in this day and age with the price of food, I think that this is almost to the state of being ridiculous. And in some of our lakes today, I think this is one of the problems. We have a lot of small fish and if we could harvest these small fish, have a market for them, I am sure we'd be able to increase the size of the fish in a lot of lakes. I know that of Lake Newell is one of the lakes that is over-populated with small fish. I was thinking if it would be possible to start a pilot project down at, say, Lake Newell, that if this pilot project was started and the marketing turned over to the fishermen themselves -- let them market the fish and go down to a small net, I'm sure some of our fish buyers would certainly step in and help in any way they could. It would help the fishermen and they could market a lot of their fish at the local level. A project like this I would certainly like to see tried at Lake Newell, to see if they could overcome this depressed industry we have -- our fishermen.

DR. WARRACK:

The Fresh Water Fish Marketing Corporation was formed by joint legislation between Alberta, Saskatchewan, Manitoba, a part of the northern part of Ontario, not including the Great Lakes, and of course, the federal government. This was in 1970, I think. In any case, again, before my time. It's very fair to say that it has been fraught with problems of several natures. I would say to the hon. member that it is at a point of redirection now. As a matter of fact, the chairman of the board has changed, and the general manager has been changed, because of some of the kinds of problems you mentioned. Particularly -- you are quite right, I have no doubt -- there is a need for a greater marketing capability within the Fresh Water Fish Marketing Corporation, and I would add to that, a greater need for competence in the area of finance. Those two are the key things we are trying to regear. At the same time, it is a structure that had been developed some time ago, and it deserves to have an opportunity to see if it can work to the benefit of all fishermen.

One thing I have to add in terms of subtracting any small slice of the market to be done locally, in contrast to the full picture, is that, in the case of the low value fish, they can't really be handled by the corporation and lose all kinds of money there, and leave the cream elsewhere. There is a necessity to have the proper marketing emphasis and the proper financial accounting that has not, it is quite apparent, been there up until recent times. This is one more area that has taken quite a bit of my time and effort to try to gear toward the very useful corporation, that I know the five government parties involved, the four provinces and the federal government, intended with its establishment.

MR. BENOIT:

Further, with regard to Appropriation No. 1835; in the light of public concern for the decline of fish and wildlife in Alberta, is it the intention of the minister or his department to announce or plan any major departures from the policy that has been used in harvesting of fish and wildlife in Alberta in the past few years?

DR. WARRACK:

Mr. Chairman, a very major departure was announced on February 23 in the House as a matter of fact, with the 'Buck For Wildlife' program, having the emphasis on the wildlife habitat, and a way to finance improvement and development of that wildlife habitat. This was undertaken for the first time in this province, as announced in February. So that is, in fact, a major departure in two ways -- the program itself and secondly it's an emphasis on wildlife habitat which, if you like, is the other side of hunting. We have tended, I think, to over emphasize our attention on the hunting side, and under emphasize the attention that is necessary on the habitat side. I think that is a pretty major redirection right there.

MR. BENOIT:

Mr. Chairman, with regard to stopping streams or closing streams for different periods of time, or so far as the wildlife and big game itself, the changing of the wildlife management units or a different method of curtailing the length of season for hunting and things of that sort, anything along that line?

DR. WARRACK:

Well, as a matter of fact there were two rather major changes last year. One was a further control on the use of all-terrain vehicles for hunting between midnight and noon, extending this over a greater part of the province. That was a fairly major change, and by the way, one that was very well accepted.

In addition, Mr. Chairman, partly due I think to the changes made in this Legislature last year, 1972, where there was a 250 to 300 per cent increase in the maximum penalties for violation of the Wildlife Act, in the year 1972 there were actually fewer wildlife violations than in the previous year. That is a breaking of the trend which for ten years had gone upward and in 1972 did tilt downward. I am sure not wholly, but in part this was due to the more punitive or harsher maximum penalties in the Wildlife Act. I think there are some other factors that I could possibly go into too, but I think those are a couple of additional factors that have made a difference.

MR. D. MILLER:

Just one question. On the annual report, hon. minister, page 87 under revenue, the bottom of the page says: "Taber Provincial Park \$10". Where would they get that from?

DR. WARRACK:

As a matter of fact I don't know. But speaking of Taber gives me an opportunity to mention that Taber was one of the parks that had misfortune befall it last year in the spring flood that resulted from an ice jam that then got dynamited and so on. But the main reason I bring this up is not only because it is the hon. member's constituency but the fact that due to the good public relations of Labatt's Breweries where they were prepared to pay for half and we, out of our contingency fund -- which is what the contingency fund is for -- paid the other half and were able to get that park back ready for public use by the Canada Day weekend. I bring this up primarily to give a plaudit to Labatt's because the point of public relations had been mentioned.

MR. D. MILLER:

It is interesting to learn that much, Mr. Chairman, but this is receipts as I understand it from April 1, 1971 'till March 31, 1972 and that hadn't anything to do with the damage. If this amount is receipts from overnight camping I challenge it and I think you should have an investigation.

DR. WARRACK:

I haven't the faintest idea where the ten bucks came from, but I am sure can find out.

MR. DIXON:

Mr. Chairman, I wonder if I could ask the minister if the department, or the minister himself, is reconsidering the cutting off of the grant to the Fish and Game Association in the amount of \$10,000. Are you considering giving the grant back in the coming year, or increasing it?

DR. WARRACK:

Our primary emphasis, as I said when I was asked this question in the question period, is to support conservation projects - conservation projects in the sense of research, conservation projects in the sense of building wildlife habitat. And in that, let me assure all that I include the habitat for fish, because there is nothing quite so ardent as a person who really enjoys fishing. It is our intention to gear our efforts to a greater magnitude by far in the support of conservation projects rather than in terms of the kind of grant that might be used for office files or whatever.

MR. DIXON:

Do I take it then, Mr. Minister, there isn't going to be any grant to the Fish and Game Association as such? Before you answer the question, I was wondering if you wouldn't consider the fact that if you give an organization a grant like that they can do public relations work with it for the public. Sometimes the government or the department can't do it because it is more or less taken directly from the department, where an education program through Fish and Game Association may obtain what we have in mind in better game management, other than the government doing it.

DR. WARRACK:

It is quite right that this is not contemplated in the coming fiscal year. In terms of the other part of the argument, I am sure we can think of at least a thousand organizations that could put forward the same proposition and the intent is really to support conservation related projects. And that way we would supply an incentive for involvement in them. I have also had the view expressed to me from among the membership, as a matter of fact, that some of them feel there would be a greater sense of fulfillment in achieving a public service purpose by doing it on their own.

MR. DIXON:

You are telling me then that the members are really split on whether they should get a grant or not. It is not unanimous?

DR. WARRACK:

That is correct.

MR. HENDERSON:

Mr. Chairman, on the matter of the policy enunciated by the Minister of Lands and Forests on who they will give grants to now, is this the general policy of the government or is this just one dreamed up by the minister to deal with the Fish and Game Association?

DR. WARRACK:

I am responsible for those grants that might relate to the Fish and Wildlife Division.

MR. HENDERSON:

So it is the decision of the minister to continue with a grant to the Fish and Game Association.

DR. WARRACK:

We are going to look at it across the board as a matter of government policy, Mr. Chairman. I think it would be fair to say that it is a policy direction of the government to increase and facilitate the voluntary public service input in our society by organizations, individuals and companies. That is certainly an emphasis we want to put forward as a leading kind of incentive in what we are trying to do.

MR. HENDERSON:

Does the minister suggest that the Fish and Game Association is not interested and have not been doing that, because that is the only conclusion one arrives at; that the Fish and Game Association of Alberta is not interested in conservation, is not interested in promoting conservation projects.

I suggest, Mr. Chairman, that is news to me about the Fish and Game Association -- even the local group I have belonged to for years, and other provincial associations. I would like to ask the minister, when did he notify the Fish and Game Association it was not to receive its grant?

DR. WARRACK:

With respect to the first set of observations, those are the conclusions drawn by the member and not by myself. We have talked a number of times -- between the Alberta Fish and Game Association and myself on that matter.

MR. HENDERSON:

Yes, I am sure you have, Mr. Minister. The comments the Fish and Game Association makes certainly aren't very favourable as far as the minister is concerned. I don't know whether they have expressed it to him privately or not. But I rather suspect they have. I can only conclude, Mr. Chairman, that in the light of the minister's statement relative to what they are going to give grants for, that it is for the promotion of conservation and so on and so forth, by interested public groups. Surely that covers the Fish and Game Association.

The action of the minister in not making a grant to the Fish and Game Association is strictly motivated on the basis of political discrimination. There is no other justification for it, other than somebody in that organization has done something this government or the minister doesn't like. I can speak with some authority, having been on the receiving end of some of the thorns of the Fish and Game Association, and some of the prodding they did in the past. They can be a pretty frustrating and annoying group of people to deal with because they are so outspoken in their views. But nonetheless when the minister suggests by virtue of the fact that they won't continue the grant -- a grant the organization has had for quite a number of years and makes a statement that suggests that they are going to make grants only to those who are promoting conservation one can only arrive at the conclusion that it's a deliberate effort on the part of the minister to intimidate this group.

In other words, be nice fellows or we won't give you a nickel to assist you with your promotion of conservation of public resources. An outright action of intimidation and political discrimination. There is no other excuse or justification for it and the minister can sit there and smile to his heart's content, but I am sure before he goes too much longer in the office he will learn what to smile about because this isn't one of the issues he should be grinning from ear to ear about. It's a deliberate exercise in political intimidation of an organization --- Oh, get off it.

DR. HORNER:

[Inaudible]

MR. HENDERSON:

-- and nobody knows the art of intimidation more than the Deputy Premier does when it comes to this type of thing. So I would like to hear a sensible explanation from the minister as to why he deliberately cut off the Fish and Game Association other than the fact they said things of a political nature that presumably the minister didn't like. The minister said it wasn't the government, it was the policy of the minister. We would like to hear a sensible explanation to it, not a facetious one as we have heard thus far in this exchange.

DR. WARRACK:

I have already given the explanation on two occasions, but I am very anxious to say that I really appreciate the Fish and Game Association's aspirations and objectives and I like those people very much.

MR. RUSTE:

Mr. Chairman, I would just like to remind the minister that certainly in the Alberta Fish and Game Association, and I think all MLAs have groups in their constituencies -- certainly they are a group that is represented right across the province of Alberta. The membership varies in the urban and rural areas, you have farmers and sportsmen of all makes in these groups. Certainly the part they play in their communities is pretty important. I would suggest to the minister in their work in the hunter training programs, with their young people and in the many aspects of, not conservation, but projects that have been started by many Fish and Game Associations that you are getting full dollar value for any dollars given in grants to them. This dollar value, I think, would compare most favourably with any other grant the government may make and I would ask him to reconsider.

DR. WARRACK:

I certainly appreciate the very good public service work that the Fish and Game Associations in their individual clubs and as an association across the province do. As a matter of fact I say that as a member of the Fish and Game Association.

DR. McCRIMMON:

Mr. Chairman, to the minister. I believe several years ago there were a lot of holes drilled in the bottom of Gull Lake and subsequently the water level was dropped several feet. Could you tell me whether or not since you have come into office you have allowed any seismic or test drilling on Gull Lake?

DR. WARRACK:

Not to my knowledge, Mr. Chairman. I wasn't aware that this had been extensively done in Gull Lake before.

MR. LUDWIG:

Mr. Chairman, is the hon. minister inferring there is a leak in Gull Lake, that there is a hole --

MR. CHAIRMAN:

Mr. Fluker. Order. Mr. Fluker.

MR. FLUKER:

Mr. Chairman, to the minister and to the hon. Member for Calgary Millican. Getting back to the wild horse problem I just wonder if the minister is aware that over in France horsemeat is selling for \$4 a pound. My suggestion is that maybe we should be capturing some of these horses, selling the meat and bringing our net farm income up to well over a billion dollars in the coming year. Not only that, but the by-product from these horses, we could probably package it and spread it in southern Alberta and they too will have some green areas.

MR. LUDWIG:

Mr. Chairman, when I listen to the hon. Minister of Lands and Forests stand up --

[Interjections]

Mr. Chairman, with all due respect, you are not running a very orderly House here.

MR. CHAIRMAN:

I am sorry to say, Mr. Ludwig, that you just came in. You should have been here for the whole evening. You were too quick on your feet they were still chuckling at Mr. Fluker. Mr. Ludwig, would you now continue?

MR. LUDWIG:

If I could just break through the sound barrier. The Minister of Lands and Forests says he loves the fish and game people and in showing his love he cuts off the \$10,000 grant. All I can say is that I would hate to know what he would do if he hated them.

May I ask the minister if he has had any representations from Calgary recently, concerning the parks in the vicinity of Calgary and in particular the Nose Creek area dispute that is raging in Calgary at the present time?

DR. WARRACK:

On the matter of Nose Creek, this matter came up as a part of the announcement for the provincial park in Calgary on Fish Creek, and I recall that, as a matter of fact, the member of this House who put forward the initiative for metropolitan-oriented provincial parks, Mr. Farran, had pursued that matter at that time. There was agreement, that with the Provincial Government taking the responsibility for a provincial park on Fish Creek in Calgary, this would free the City of Calgary to deal with other problems such as Nose Creek.

MR. LUDWIG:

Was the hon. minister involved in the negotiations and discussions that led to the establishment, or the proposed establishment, of the park and fisheries area?

DR. WARRACK:

Yes, the parks division is in the Department of Lands and Forests. You said Fish Creek now, didn't you?

MR. LUDWIG:

Yes. Who did the negotiating, or is doing the negotiating for purchase of further lands for that park?

DR. WARRACK:

The land acquisition is being carried forward under the land assembly program where the purchases of land are done through either the Department of Environment or the Department of Agriculture and in this instance, the Department of Environment. Once acquired, they are turned over to the Department of Lands and Forests. So, to be precise in the answer, it is in the mechanism of land acquisition that exists under the land assembly program.

MR. LUDWIG:

Are you acquainted, Mr. Minister, with the manner in which land was acquired for this particular park, the Fish Creek Park? Is it under a government agency, say the Department of Public Works, the property management people, or have you hired a private agent with a real estate firm to acquire the land for this park?

DR. WARRACK:

So far, Mr. Chairman, we are dealing directly through the land acquisition mechanism which I described. That does not necessarily mean all land acquisitions over the future time period would necessarily be done that way.

MR. LUDWIG:

Since the minister says he is acquainted with the manner in which the land is actually being acquired, does he know whether the government, whatever agency he has used to get the land, is doing it itself, or whether the government has engaged a private firm to actually acquire the land?

DR. WARRACK:

So far, we have been doing the acquisition ourselves.

MR. LUDWIG:

Was there any necessity to expropriate any of the land for the park under the parks legislation?

DR. WARRACK:

With respect to the land that has been acquired, there has been no expropriation.

MR. LUDWIG:

Are you suggesting, Mr. Minister, that the price the parties who are selling asked, was the price that was given?

DR. WARRACK:

Not necessarily that the initial price was immediately agreed to, but that the negotiated price is one arrived at by mutual agreement in the normal way.

MR. LUDWIG:

As to who was actually doing the negotiating for the actual purchase of land, was it a government official?

DR. WARRACK:

Yes, the Government of Alberta.

MR. LUDWIG:

But who was the actual person, or persons, or group that was negotiating directly with the owners?

DR. WARRACK:

I'm not sure that we get to the point of names here, do we? Is that what you are asking?

MR. LUDWIG:

Yes, that's what I'm asking.

DR. WARRACK:

I think I'd think about that before I'd answer.

MR. LUDWIG:

Would you supply the names of the parties who were actually involved in negotiations for the land purchased in Fish Creek?

DR. WARRACK:

I'll give that matter some consideration Mr. Chairman.

MR. DIXON:

Who originally submitted the land, the names of the people? For example the Burns Foundation, was it the Burns Foundation that actually submitted the land, or was it an agent on behalf of the Burns Foundation? That's the type of thing that we're interested in finding out.

Also, Mr. Minister, while I'm on my feet, I asked in the question period the other day, when can the public actually use this land? We're most anxious and we're very pleased with the parcel, but we're most anxious that we can use it. When can we have public access to the park? Now you can say we can walk in. That might be so on a portion of it, but when are we going to be able to use it as a public, the general 20 acres that we have put all this money out for?

DR. WARRACK:

Mr. Chairman, we've only put out the money for those parks that we've acquired and that's a very recent event. If the matter was so urgent, it's a wonder that no such action had ever been taken before.

But in any case I think the hon. member on your left was actually asking in terms of the names of the people in the government, and I believe your interpretation is with respect to the names of the people that we were dealing with in the private sector. And I know that we did deal with the Burns Foundation. That's what you mean?

MR. DIXON:

I realize you dealt with the Burns Foundation, but I'm wondering who you dealt with. Did the Burns Foundation submit the land themselves?

DR. WARRACK:

[Inaudible] ... the initiative of this government.

MR. RUSTE:

One question. I don't know whether the minister can answer this or whether it would be the Minister of the Environment. But I'd like to know what the situation is as it relates to the eastern slopes to the snow-pack and the expected run-off this spring?

DR. WARRACK:

Well, I certainly don't know the answer to that very technical matter, but I expect that the capability for a good judgment of that particular question is in our capability within the forestry service.

MR. CHAIRMAN:

No further questions? Ready for the resolution?

MR. HENDERSON:

Mr. Chairman, if there are no further questions, I'd like to suggest we hold the appropriation in committee until the minister has had a chance to consider the requests for more specific information relating to the purchase of land for Fish Creek Park in Calgary.

MR. LUDWIG:

Mr. Speaker, I'd like to ask the minister a few more questions. Since he is involved, or he has advised the House that he is aware of the discussions and the dispute that is taking place in Calgary with regard to the Nose Creek Park site, is he prepared to meet a delegation from Calgary to discuss the possibility of establishing a provincial park in that area?

DR. WARRACK:

Mr. Speaker, there is some gap in communication here. The question as previously posed that way was to do with Fish Creek, and I answered "yes" with respect to Fish Creek. And moreover, I think, Mr. Chairman, I illustrated that the matter of Nose Creek had been taken into account at the time that the park was established on Fish Creek. At that time it was agreed, including with His Worship Mayor Sykes, that this left the City of Calgary free to deal with that particular matter in the way they saw fit.

MR. LUDWIG:

Are you suggesting that Nose Creek Park, that the mayor had agreed that Nose Creek Park not be considered as a provincial park?

DR. WARRACK:

What -- are you talking about Nose Creek?

MR. LUDWIG:

I didn't get the answer too clearly, Mr. Chairman. I wonder if the minister would repeat what he said concerning that matter.

MR. FARRAN:

Mr. Chairman, on a point of order. Is the hon. member talking about Nose Creek which has been realigned by the city, largely in the City of Calgary limits and goes to a pipe -- a culvert -- it hardly exists anymore. Or is he talking about Nose Hill which is a promontory close by? The other is almost a drain.

MR. LUDWIG:

I'm talking about Nose Hill, Mr. Chairman. Thank you.

DR. HORNER:

In just responding to the Leader of the Opposition in regard to holding this appropriation in regard to the acquisition of land, that is under the Department of the Environment and we have not concluded that department. I would like to suggest to him sincerely, that we could wrap up this department because we haven't concluded the Department of the Environment, and they are directly responsible for the acquisition of land. And therefore, we would be duplicating.

MR. HENDERSON:

Mr. Chairman, just to go on record, I think the suggestion of the Deputy Premier is a reasonable one and I would withdraw my request.

MR. CHAIRMAN:

The resolution as moved by the chairman for Sub-committee B and seconded by the Minister of Lands and Forests:

Resolved that the sum not exceeding \$30,037,700 be granted to Her Majesty for the fiscal year ending March 31, 1974, for the Department of Lands and Forests.

All those agreed?

HON. MEMBERS:

Agreed.

[The motion was carried.]

DR. WARRACK:

I move that the resolution be reported.

[The motion was carried.]

MR. HARLE:

Mr. Chairman, Subcommittee C has had under consideration Vote 12, the Estimates of the Expenditure for the Department of the Attorney General and begs to report the same. I therefore move, seconded by the hon. the Attorney General the following resolution:

Resolved that a sum not exceeding \$39,543,810 be granted to Her Majesty for the fiscal year ending March 31, 1974, for the Department of the Attorney General.

MR. CHAIRMAN:

Ready for the question?

MR. HENDERSON:

Mr. Chairman, there are a number of questions I would like to ask the Attorney General. First, I would like to inquire briefly into the question of the possibility of fraud which resulted from the operations of a few housebuilding contractors in the province. I don't want to get into the aspect of it that is before the courts, but Mr. Chairman, there have been a number of people who have lost significant amounts of money in dealings with some housing contractors in the province.

One of the anomalies that comes to my mind is we have laws to protect people from quite a variety of things, but purchasing a house is one of the major transactions, if not the major financial transaction, that the average individual makes in a lifetime. And there has to be cause for concern, and I think increasing concern, over the number of people who certainly can ill afford it, who have been deprived of or have lost, by means illegal or otherwise, what really amounts to their life savings in some of these transactions.

I know the government has said they don't contemplate any legislation in this regard. I recall hearing an interview on the subject on TV involving the Attorney General, when he suggested, well, you know, a few bad apples and we're not going to legislate affecting the majority when it's only one or two, a few companies involved.

Of course, the vast majority of the legislation that comes before this House that touches on the prerogative of individuals, one way or another, is aimed at dealing with minority cases, that much of the law is not to deal with the majority of those that are conducting their businesses in an ethical manner and so on. But eventually, sooner or later, society is forced to legislate, to deal with those few bad apples posing a serious social problem.

And certainly, when one looks at the cost of housing these days and looks at what some of the people in the province have experienced in this regard, I suggest that really the matter can't be left to rest at that point. Nor can it be left to the provisions of the Criminal Code under which it will force people who have lost several thousands of dollars to further risk substantial additional amounts of money in taking the case to court, trying to obtain some sort of restitution. And of course once the money is gone and spent, the question of restitution becomes academic.

I believe it is the practice in the real estate business that all money handled by a licensed real estate agent has to go into a trust fund that goes in

and out of that fund. That maintains control. It may not be possible to deal with the situation of misappropriation of funds under the Criminal Code. Very clearly we do have provincial legislation relating to the administration of those funds which can be brought to bear on the case.

I would like to inquire of the Attorney General what consideration have they given to making the provisions of a trust fund requirement for the handling of funds put up by private citizens to buy homes with, subject to some sort of trust fund transaction, in the interest of minimizing these things happening in the future.

It happens to be a fact of life, whether it is realistic or not, that these companies get a government licence and the public assumes, because they have their licence, that they are a legitimate and responsible group of people to deal with. When a company or an individual simply uses the licence as a hunting licence to go out and, by fair means or foul, line their pockets at the expense of a number of unsuspecting people, I think it is incumbent upon this Legislature to really examine the matter further as to what could be done.

The one approach that has come to my attention that might be realistic is implementation of a trust fund procedure to deal with these monies. At least, even there once again, I don't necessarily say that there isn't going to be an element of dishonesty or fraud involved. It won't guarantee that every dollar put up by a private citizen to buy a house is going to be necessarily protected. But at least it would provide a greater degree of protection than is now the case.

In asking this I realize it is an inconvenience that every housebuilder would have to put up with in the course of his day-to-day business. But I point out that the real estate people do it now, the legal profession has to handle all their clients' money through trust funds, and so forth. I think this possibility is certainly relevant in light of the cases that have developed in Alberta in recent months where people have lost, in many cases, their entire life savings in dealing with fly-by-night housing contractors.

MR. LEITCH:

Mr. Chairman, the point the hon. member raises is a good one, and I want quickly to put his mind at rest when he says that I have indicated that the government was not contemplating any legislation in this area. Because that was not the fact at all. I think I may have said the government wasn't contemplating any legislation in this area at this spring session.

I also said that the problem was to find a system of controlling what he described as the "bad apples" in a way that is going to effectively protect the purchaser without unduly adding to the expense which would be incurred by those people who conduct their businesses honestly and fairly.

There are several possibilities. One is by licensing, and I don't think the hon. member is right when he refers to contractors as now being licensed except in the sense of being incorporated, and thereby getting a provincial charter. One way to control effectively is through licensing, and another way is through bonding. I have some reservations about the effectiveness of the first, and I'm concerned about the expense of the latter because ultimately this expense is borne by the homeowner. So the trick is to find an effective safety mechanism without unduly increasing the cost.

The one, at the time, that appeals to me the most -- although I think this requires some further consideration -- is the requirement that would put the money in a trust account. If the hon. member will look at the private member's bill, introduced as Bill No. 209, he will find that that refers to a trust account in this type of situation. I have had considerable discussion with Mr. Young, who introduced the bill, about this mechanism control and think it is certainly one of the possibilities that we have explored so far. It will be more practical in the sense it is going to be effective and probably not an expensive thing to administer, either on the part of the contractors or on the part of supervisory personnel to see that the money is going into trust.

MR. HENDERSON:

Mr. Chairman, in light of the urgency of the problem -- and I find that most of the people who have brought their complaints to my attention rather philosophically accept the advice of their lawyers that there is not much they can do about their particular cases -- but in view of the question of the Member for Spirit River-Fairview which indicated that some of these people who are at least suspect at the present time might be attempting -- there are suggestions or

indications to embark upon business ventures again in the province, there is some urgency to it.

I wonder if the minister -- rather than pursuing it in the course of a private bill which, when one looks at the Order Paper, just can't be dealt with as expeditiously as if it were a public bill -- could not give consideration to bringing legislation in this session, even with the realization that it has to come into effect by proclamation and so forth. But at least the legal basis would be there for the government to act on the matter, even if they couldn't resolve all the details during this session, even if they had to wait until the fall session to finalize it.

I think it is highly desirable that some concrete action be taken by this Legislature to make it apparent to the people of the Province of Alberta that the matter is not being lightly considered by the government and by the Legislature as a whole. So could the minister entertain the possibility of taking the bill that the private member has and, through the usual motion, making it a government bill. Take action on that particular bill through the procedures in the House dealing with private bills at this session.

MR. LEITCH:

This is something we have been considering, Mr. Chairman...[Inaudible]...

MR. HENDERSON:

Then you are not able or not prepared at this time to give an undertaking that something could be expected in this session?

MR. LEITCH:

No, I am not able to do that, Mr. Chairman.

MR. CLARK:

Mr. Chairman, following along on the same matter of concern, this question of housing and housing frauds and efforts in that particular area, one of the concerns that has been brought to my attention on several occasions is that a person will have trouble getting wages from a company involved in this particular area. The Board of Industrial Relations has, at least, a knowledge of the problems involved here. This has happened in a number of the cases Mr. Henderson alludes to. At the same time we have, in one of the cases I followed up, a situation where a person, having acquired a number of lots in the city of Edmonton, and in going out and selling supposedly pre-built homes to individuals, has no licence from the province at all.

In another case drawn to my attention, the Alberta Housing Corporation was involved in supplying some of the funding as far as the person who was buying the home was concerned. Now I recognize how difficult it is to have a kind of liaison, or something, between the various government departments. But in light of what has gone on here, especially in the pre-built housing area, has the Attorney General given any special instructions to his people in the Companies Branch or the solicitors in his department to be on their toes for any information that comes to them so they in fact can get it to the Board of Industrial Relations and the Alberta Housing Corporation and, I think, make it available also to Central Mortgage and Housing?

It is all well and good to say that the people involved in acquiring a home should know what they are about, but as I mentioned earlier in one of the debates in this House, I have a constituent who was transferred from Athabasca down to Didsbury. He had to get a home quickly. He got what he thought was a rather good deal on a prefabricated home. The excavation was done, and a firm in Olds was contracted to put in the concrete works and so on. For a long time after that work was done, the subcontractor in Olds didn't get paid. Secondly, there was no effort made by the pre-built firm at all.

I recall coming to Edmonton on some business myself and, on behalf of this individual, calling the firm involved. The person I talked to absolutely refused to give any satisfaction as to when they would be down. He called back a while later and said they would be down. A few days later one truckload of stuff was down there. The person involved, who is an employee of a provincial organization, is in the situation of, rather than having the home finished in June when it was supposed to have been finished, he has a home that he still isn't living in. He is involved in a lot of legal costs to date. The firm involved has gone 'belly up', or it appears that way. There are some proceedings before the court. I recognize that one can argue that this person

shouldn't have got involved, he should have checked the firm out himself. But if he was the only person who got involved that way, then it's one thing, but there are a number of people -- not only from my area but other areas -- who have become involved.

In the bit of checking around that I have done on these cases, it seems that sometime the Board of Industrial Relations knows of the problems, perhaps sometimes the licensing people know there are problems, and perhaps sometimes some other government agency knows there are problems, but there isn't the kind of feed back and forth.

I emphasize again, I know the problem there is in getting information from one department to the other. But in light of what we have had; a series of people being hurt in this area, and taking into account the point made by Mr. Henderson, that the acquisition of a home is perhaps the most important and largest financial decision many families make, isn't there some way, either through the new department of Consumer Affairs or through The Alberta Housing Corporation or someone, where there can be a systematic checking-out done?

Just to make the point again, I recognize in a large majority of cases people aren't hurt; but the people who do get hurt in this kind of situation are people who can least afford to get hurt. They are people who are perhaps on a wage that just allows them to acquire a home, and this puts them down deeper and deeper for a long period of time.

MR. LEITCH:

Mr. Chairman, the problem the hon. member speaks about -- exchanging information between departments is not, I think, the principle difficulty here.

AN HON. MEMBER:

Would you please repeat that?

MR. LEITCH:

I say I don't think the principle difficulty here is getting an exchange of information between departments or Crown corporations such as Alberta Housing Corporation and people of that nature who are involved in the building. I think it is determining what can be done with the information because there is a difficulty -- supposing you know a firm is in a somewhat shaky financial position and may not be able to fulfill the contracts it has entered into, I am not at the moment aware of any legislation, provincial or federal, that would enable the government to do anything. So I doubt the cure lies there. I think the cure lies in what we were talking about a few moments ago, the enactment of new legislation which prevents the thing arising, by either placing money in trust or requiring bonding, in which event, if there is a failure to perform, the bond may be available to cover the loss. I think the real answer is not an exchange of information, but new legislation.

MR. CLARK:

Mr. Chairman, if I could just make one more point on it. I appreciate the point the Attorney General makes. But if nothing else, if Alberta Housing Corporation and CMHC were in a position to say, "There have been some real problems with this particular organization." or "There appear to be some problems." In a lot of cases that would have people look at it a second or third time, and that seems to me to be the only -- I recognize it isn't a perfect route at all, an awful lot better than a person waking up some morning and finding out they are out in the cold.

MR. NOTLEY:

Mr. Chairman, just following along on the point raised by the hon. Member for Olds-Didsbury. It seems to me there is a lot of merit in what he is saying, that it is really an inventory of information within the province.

However, I am wondering, Mr. Minister, what chance there would be of obtaining information from other jurisdictions in Canada, such as other provinces. The reason I raise this is because there seems to be some evidence that these fraudulent outfits set up in one province then go bankrupt, move to another province and set up under another name, go bankrupt and just travel across the country. And in the process a lot of little people get hurt.

I agree completely with the points Mr. Henderson just made that the people who tend to get hurt are the ones who can least afford it. They are tempted by

the lower prices or what appear to be bargain-basement deals. It seems to me that 'let the buyer beware' is not really an adequate response.

I can appreciate that a trust account concept would certainly be a tremendous improvement over the situation at the present time and that it may, in fact, deal with the problems of the purchaser in the main. But what about the subcontractors and what about those people who are employed by these fly-by-night outfits who do work and then suddenly find that the concern is gone completely bankrupt and there is just nothing, no assets to pay anybody? It seems to me that somehow we have to find some way of resolving that problem.

MR. LEITCH:

Mr. Chairman, in responding to the comment about an exchange of information I think that has more difficulties than advantages. For example, supposing someone goes bankrupt in the Province of Saskatchewan and comes to Alberta. The fact of bankruptcy in itself doesn't necessarily indicate that it was a fraudulent operation. Frequently it is very difficult to distinguish between merely the incompetent, or the unfortunate, businessman in some cases, who is practising dishonesty. So that kind of thing I don't think is the answer to the problem. I think we need a new vehicle which needs to be created by legislation.

I should have called to the hon. member's attention to the fact that the federal government is currently considering a national warranty plan. I am not aware of the full details of that, but it will be applicable in the house building industry and Alberta has supported it in principle. How many of these difficulties it will cure I can't say at the moment. But it does go at least part way.

MR. TAYLOR:

Mr. Chairman, I would like to pursue this matter a little further, really from both sides. Innocent people who invest their money in a home, or some money in a home, and then get gypped out of it certainly draw the sympathy of all of us. The part that I find most frustrating to try to explain to people is the fact that the company goes bankrupt. Apparently there is nothing they can do about it. They have six years under The Limitations of Action Act to commence an action. But you can't get blood out of a stone and the only satisfaction is having a man sent to gaol.

I believe there is a responsibility on the part of the Crown when someone does deliberately gyp a person out of money -- whether it's for a home or anything else, but certainly for a home -- that this is outright theft. I think it's worse than robbing a bank. There is no question about the Crown laying charges if someone goes and robs a treasury branch or the Bank of Montreal -- if they are apprehended -- and I think this is more subtle but I think it is really worse because it's almost deliberately taking money under false pretenses when there is apparently no intention of following through. There are a few cases like that. I have referred a case to the hon. Attorney General and I appreciate the fact that he is looking into it, and I'm hoping something can be done because these are hard working, ordinary, everyday people. They just can't afford to lose \$1,700 or \$2,000.

The people who do find themselves in this kind of predicament, certainly may have some bad feelings about their own -- the way they acted themselves. But in most cases they acted on what they thought were pretty good principles. They thought the company was a standard company, they thought that there was some protection, that no one could just take their money and walk off with it and produce nothing.

I would certainly like to see legislation so that a person who does this type of thing is treated the same as somebody who steals money any other way. Because, in my view, as I said before, it is outright theft. I agree with the hon. Leader of the Opposition that in saying to these people, well, you commence an action yourself, is almost hopeless because most of these people have no money left. They have spent all they've had on their home and in the one case that I have referred to the hon. Attorney General, they now have to pay back this loan which they have borrowed from the bank. So they are stuck both ways. They've paid it over, and now they are stuck with paying it back, and they have got nothing to show for it. And to produce \$2,000 from ordinary pay cheques of working people is very, very difficult.

Now on the other hand, I'm wondering if there is something wrong in regard to the approach in regard to other companies, companies that are going into business. Now I don't know, I think once a person has a bad record, well then

of course, he is obviously in a position where you can't defend him very much. But once a charge is laid, I would think that there is some responsibility for proceeding with those charges.

Another case that has been referred to the hon. Attorney General -- I was hoping to have had something back before the estimates came up. There are seven charges of fraud laid, but none of them has been proceeded with. The company has had its books seized and maybe properly so. I don't know all the ins and outs.

They claim they can't get a receipt for what was seized and that they can't even get a photocopy of it in order to fill out the T4 forms for their employees. The company claims -- and again I don't know whether it is true or not, I don't know the people -- that they have put in some \$30,000 themselves so that they could proceed to build these homes if they were given a chance. But apparently they had completed 19 homes, according to them, and that there are 67 left to go.

But the suppliers were notified by the RCMP that his company was in trouble before the charges were proceeded with. The customers were advised that the company was in trouble. The company claims that it was followed by the RCMP, that they were not permitted to do their business. Again, I do not know anything about this. This is what the company is claiming.

But the company, to make their claims to put them all in one context, claims that the government, by doing this prevents them, has prevented them from carrying out their obligations to their customers. Again, I've no way of knowing whether the company is honest or whether it isn't. But I would think that once a charge is laid -- there are seven charges of fraud laid -- that there should be some responsibility in getting those before the courts so that they can be dealt with.

One other aspect I would like to deal with and have the comments of the hon. Attorney General on, is that when a company goes bankrupt and then the principals of that company start up another company, I would think that legislation should provide that their first obligation is to pay the debts they incurred, or the obligations they incurred in the other company. I just don't think it is right at all for a company to be able to slip over its obligations by forming a new company, going into bankruptcy.

Now I realize it is federal legislation involved as well as provincial. But I think the people of this province, and I suppose the people of Canada who have had similar experiences, expect government to provide legislation that is going to deal with this outright fraud on the part of some companies.

I know it's not easy, it's difficult, because from appearances so many times you can't tell the honest from the dishonest. You have to go by their actions. But once a company is guilty of taking money from people for, say a home, or a prefab home and then not following through, surely that company should not be able to start a new company and start doing the same thing all over again.

Their first obligation should be to look after the money they have already become responsible for. And whether it has to be done by licencing or registration, I don't think the problem is too big to handle.

And I think the people, at least the people who come to me feel that they should have some way of knowing when they go to a contractor, is this chap properly registered? Is there some responsibility on his part? Has he made a deposit? Was he bankrupt before? Is this his third or fourth company? Does he owe large sums of money from previous operations?

And if he does, I would think the basis of going and forming a new company should be to pay off the obligations he has already incurred. The people shouldn't be left holding the bag. Sending him to jail may be a proper answer if he is deliberately defrauding the people. But when he comes out, if he starts business again he shouldn't get away with simply having served his term. There should be some retribution made to the people whom he defrauded.

I would like to see that become far more standard in our legal operations. A person just serving a jail term is fine, but what about the people he has injured? They get no satisfaction. They are paying his board bill and his housing bill in the jail as well as being defrauded out of what is many times their life savings. And these people, I think, should have some claim on the assets, whether he has turned them over to his wife, or grandchildren, or

whether he is starting up a brand new venture. But he shouldn't be able to be scot-free from the obligations that he incurred from previous operations.

It may take a registration plan that is going to cross the boundaries of our provinces, but even if it does, I can't see that is going to be too serious. Surely every provincial government is interested in protecting the honesty of its citizens and catching up with those who are thieves in a polite way or subtle way in that society.

I really think this problem is getting to the point now where, from both sides of it, it's going to be necessary for governments, not only the provincial, but the federal to take some pretty serious action in regard to these matters.

MRS. CHICAK:

I would just like to make one comment with respect to this area of discussion, and consideration of some legislation perhaps for the protection of citizens with regard to out-of-province sub-dividers, promoters, land sales in other countries and other provinces -- such as the recreation leisure land where it seems almost annually, in the spring of the year they come to the province with a promotion -- sales promotion of recreation lots in attractive parcels in Arizona, or in other areas.

It seems when they come with this promotion, it is certainly very skilfully done and it's very convincing. The public expects or assumes that if they are permitted to come here and promote their business that, of course, they have met such requirements, such licences, as would give adequate protection for the public with respect to deposits they are required to make.

I think that perhaps there should be some necessity of posting either performance bond, because deposits which are trust funds are being taken out of the province prior to completion of the transaction. Thus, when citizens who wish to invest and make a deposit, have a period in which they can either conclude their transaction or determine that it is not what it was purported to be, and if they wish to cancel they can get the refunds. Fair numbers of them have been faced with the problem of not being able to recover at all, and some over lengthy periods of time.

Perhaps these deposits should be retained in banks in the province until the conclusion of the transaction or some sort of protection. I would just like to draw this to the attention of the Attorney General, that this might be considered in the area of protection, for we certainly need it.

MR. LEITCH:

Mr. Chairman, I respond to the last comments first. People who are selling, in Alberta, real estate outside Canada, are required to file a prospectus with the Superintendent of Insurance who administers The Real Estate Agents' Licensing Act. But there is, and I think the point was well taken, a shortcoming in that the people who are actually selling that property are not required to be licensed under our legislation and thus they are not required to meet the bonding provisions of the legislation. Department personnel have been working on draft legislation which would cover that situation.

Now, Mr. Chairman, to turn to the comments of the hon. Member for Drumheller. I think he was really mingling three things rather indiscriminately. One was bankruptcy, the other was dishonesty, and the third was the corporate operation as opposed to the individual operation.

I should start with bankruptcy. I think we have to keep in mind that bankruptcy, as I mentioned earlier, doesn't necessarily involve dishonesty. It may simply, on occasion, be incompetence, bad management or, in some cases, simply bad business fortune.

Again, when we talk of someone who has gone bankrupt and is starting another company before being able to do that, being obligated to pay off to the bank the debts of the company that went bankrupt. I should call to the hon. member's attention, really that would impose, or perhaps most clearly put it this way -- there is no real distinction between a company doing business and the individual doing business. Individuals go bankrupt, the same as companies do. The whole purpose of the bankruptcy legislation, which is federal, thus the province has a very limited jurisdiction in that area, is to provide machinery for someone who has gone bankrupt and, rather than remain in that position for the rest of his life, be able to pay off the creditors pursuant to an arrangement approved by the court and ultimately to be discharged when the court

feels that he has made the kind of effort he should make to discharge his obligation. And at that point the court then says, having discharged to the extent that is reasonably possible the obligations, you are now free to go and resume life in the ordinary way rather than to remain in bondage as a result of, as I said, perhaps incompetence or for any of the other reasons that lead to one going bankrupt, apart from dishonesty. And to say because he has done that through a company he is forever prohibited from carrying on business as a company again would not seem to me to be the way to cure this problem at all. I think it would impose a good deal of injustice without really providing a cure.

What we are after here is some mechanism that does provide a cure for those people, and there isn't anyone, I'm sure, in the province who doesn't feel great sympathy for them, who unwittingly and sometimes after reasonably careful investigation, get themselves into the position where they have lost perhaps a number of years' savings in an effort to acquire a home.

Clearly, some way has got to be found to protect them. But I don't think at that the way is to punish particularly the person who may have gotten into it without any moral fault on his part.

Then, when we turn to the people who have fraudulently taken money in these circumstances, we are dealing with a much different situation. The hon. member suggested that a person who had fraudulently taken money in those circumstances could spend his time in jail, come out scot-free, and then go on about his business.

That, Mr. Chairman, just isn't so. It isn't so, whether he is carrying on business as an individual or as a company, because if he as the instrument or agent of the company, if he has been guilty of a fraud -- and he must have been in order to have been convicted and sentenced to the institute -- he remains personally liable, and he is not free of the obligation when he comes out. He remains personally liable. That is one of the circumstances which imposes a personal liability on him, even though he may be carrying on business as a company.

As to the suggestion that we should have some sort of registry of people who have been convicted of this kind of offense and distribute that information throughout the province, that again, Mr. Chairman, doesn't appeal to me at all as a solution in this area. We have gone to great lengths in Canada -- and I think it's the right way to go -- to say to people who have been found guilty of a breach of the law and have served their punishment, that this should not haunt them for life. And to suggest that a safety precaution would be to publish to the public their financial record or their string of failures or criminal offenses seems to me to be quite the wrong way to go about curing the problem.

I think we should cure the problem before it starts, and that is in the area either of trust accounts, as covered in the bill introduced by the hon. Member for Edmonton Jasper Place, or by some other bill. I don't think it is an easy thing to do. This problem has been in existence in Alberta for, I suspect, as long as people have done business here. And there has been no legislation enacted in the province to cover it. So it is not a matter easy of solution. I'm in perfect agreement with all those people who said we have got to have a solution, and we should have it as soon as possible. But with respect to the hon. Member for Drumheller, I can't accept as practical the solutions he has proposed.

MR. TAYLOR:

Mr. Chairman, I have just one comment, and I appreciate the comments of the hon. the Attorney General. When the court is approving bankruptcy or otherwise, and approved bankruptcy, if it is an act of God or something over which the company had no control, that's one thing.

But surely if money has been taken deliberately, if there have been dishonest practices, then that puts a little different colour on the bankruptcy. Across this country, while I have no particular companies to name, a lot of people claim that there are a number of companies that make a practice of going bankrupt. If that were so, it just shouldn't be allowed, it shouldn't be permitted. That is the idea of our registry as far as I am concerned in connection with those who try to cover up their sins under the act of bankruptcy. Any of us can get into trouble and go bankrupt as individuals or as companies and be absolutely honest, but it is the dishonest practices that I am dealing with. I don't think we should permit people to cover up dishonesty under The Bankruptcy Act and again I realize, as I have said before, this is federal legislation and I realize also it is very difficult. But when a court is going into this surely the court has some indication as to whether or not it

was an act of God or poor management or dishonesty. Those are the points that I think need looking into very carefully.

MR. HINMAN:

I am interested in vote 1218, court reporters.

MR. HENDERSON:

I wonder, before we go onto that, could we finish dealing with the question of this housing business?

MR. CHAIRMAN:

Do you agree, Mr. Hinman? Fine. Mr. Henderson.

MR. HENDERSON:

Mr. Chairman, I certainly appreciate the problem the minister has. When he talks about bankruptcy I think about the old saw that "the mark of a successful man is one who can earn more than his wife can spend". I think on those grounds most of us are on the verge of bankruptcy all the time, except the bachelor seated on my right here.

But really, in spite of the philosophy that one may espouse on the subject, what concerns me is the very distinct possibility that there are going to be more cases that will arise over and above those which are already on public record -- which have become apparent in the last six months on this particular subject -- and just by quick arithmetic there must be somewhere between \$.5 million and \$1 million in losses that private citizens have incurred already in the vicinity of Edmonton or otherwise around the province.

What concerns me about the answer the Attorney General gives, is it still leaves the question up in the air with no indication of what can be done about it. I gather from one of the answers the minister gave that pending some form of new legislation he really doesn't think he has the authority at the present time, to even stop cases that may be on the rise and that are brought to his attention. There is nothing he can do really but sit back and watch the transaction recur.

Now this is certainly the way I interpreted one of his answers to either the hon. Member for Olds-Didsbury or the hon. Member for Spirit River-Fairview. If that were the case, I think that as legislators we are really going to be negligent in our responsibilities if we just let the matter drop by saying the Attorney General is considering some legislation to deal with it, and it is a difficult problem.

I agree with his remarks that bonding is probably not attractive because the one thing it would do is force a number of smaller contractors who have a good record out of business, because many of them just operate on a shoestring, but they are honest men and they fulfil their responsibilities. Bonding undoubtedly would pose hardships that might not be a problem in major urban centres, but when one gets away from the major urban centres it certainly would be a hardship on many of the smaller contractors. So I agree that doesn't appear to be an answer.

As far as the warranty program that CMHC is considering, that really isn't relevant to this exercise at all, because if you don't get the house built the question of the warranty to maintain it is academic. That is all I understand the CMHC program is aiming at, a warranty to take care of problems and complaints from new homeowners for the first year or two following the construction of their home. So the CMHC proposed or contemplated warranty program isn't relevant to this particular problem either.

I would like to ask the Attorney General -- I gathered that my conclusion about not having any authority or power under any provincial statute at the present time to deal with cases which might be brought to his attention before any significant loss occurs may not be correct. But if I am not correct in my interpretations of his remarks, before we proceed further I would like to receive his clarification.

MR. LEITCH:

Mr. Chairman, if the actions indicate a breach of the law in the sense of a fraud, then of course the usual action can be taken whether by way of laying charges and things of that nature.

But there is no other legislation that I am aware of that if the provincial government learns that some house builder may not be able to complete his contract and there is nothing fraudulent about the way he entered into the deal, it is not fraud that is preventing him from completing the contract. I am not aware of any existing provincial legislation that enables the government to take any action in those circumstances.

MR. HENDERSON:

This is my concern. Obviously that legislation the minister mentioned isn't adequate. Presumably if it had been, something could have been done about some of the present cases. I am quite aware of the problem the government has. Almost invariably the last party to hear about these transactions happens to be the government and particularly the minister in the department that might have some authority to do something about it. I certainly sympathize with the minister in his remarks that this isn't a new problem. It has been around probably for some time. I think the rather rash of incidents that have occurred and the increasing trend, I think, towards, I guess you want to call it 'consumerism' in our society, dictates that the public are no longer prepared to accept the laissez-faire attitude of years gone by. Particularly when you get up to the price of housing that it is today where the majority of the people in the province earn less than \$8,000 per year and they put out \$15,000 or \$18,000 to buy what is considered to be a reasonably priced home now-a-days. It is a pretty major problem.

I suggest, Mr. Chairman, that the government has had notice of this problem for some months now. I find it hard to accept the suggestion of the Attorney General that we should simply let the matter rest at this point and hope that no more of these problems show up in the near future, until he comes in with some sort of legislation to deal with them.

I think that not only the government but every member of the Legislature is going to have to share some of the responsibility in further losses citizens incur in this regard.

I look at the other departments of government and I look at the staff additions, and I look at this department with none.

I wonder whether it is a shortage of staff that doesn't allow the Attorney General to come to grips more effectively with the problem. If it is, it seems every other department of the government has a pipeline into the Treasury. Maybe you should have a discussion with the Minister of Agriculture. He seems to have no problem when it comes to acquiring people to deal with this. In my mind this particular problem probably outweighs by a wide margin some of the endeavours that the Minister of Agriculture has seen fit to tap the provincial Treasury for --

[Interjections]

-- even though the Minister of Agriculture undoubtedly figures -- I am being careful. I am not saying which ones, Mr. Chairman. I am wondering if this is the problem -- why the minister hasn't been able to act in the months that have passed since this matter was first brought to his attention? Does this account for the fact that the minister isn't in a position to do anything about the matter now? A lack of staff to cope with it? Or just what is the problem?

I have to say that in light of the publicity the matter has received and in light of the minister's answers, I am forced to arrive at the conclusion that the whole matter is being taken rather lightly and the government is rather hoping this is one of those problems that will go away and not bother them for a while and maybe everyone will forget it and they won't have to have legislation.

I am just afraid that there will be more of these things pop out of the woodwork in the next few months. It will have been discussed in this House at this time and we will not have had any commitment out of the government as to at least when we might expect some action in this regard. Because I certainly think, in light of the experience of the last few months, that it's still incumbent on the government to consider bringing something in this session, even with a view of realizing it has to come into affect by proclamation. But at least they would have some statutory authority on the books that would give them some additional tool to work with in dealing with these problems, other than the bankruptcy legislation in the Criminal Code of Canada which obviously is not adequate to deal with the problem.

So I wonder if the minister could elaborate just a little bit further. I realize it's a difficult issue, but in principle what is there in the trust fund

provisions that makes it so difficult to come up with legislation, particularly in light of the fact that the minister made reference to a private bill that is coming out to deal with the problem he is considering. It leaves me to conclude that either the private bill is somewhat superfluous and really useless, or the government really hasn't considered the matter very seriously.

So when can we look to getting some more concrete action on the matter? And where does it stand on the government's priority list for the work the Attorney General's Department -- which I notice has a staff reduction of 138 -- has to deal with?

MR. LEITCH:

Mr. Chairman, I am not sure whether the hon. member said as he posed his remarks, that we had a staff reduction of 38 people?

MR. HENDERSON:

I thought it said, by my arithmetic, that it was a 138 reduction, but maybe I'm wrong. Yes, that's what I come up with.

MR. LEITCH:

I think the accurate figure, Mr. Chairman, is an increase in staff of something in the order of 70 people, being 35 salary positions and 35 wage positions.

With respect to his comments about priorities and this form of legislation I can assure the hon. member that it is a very high priority, but I am certainly in no position to give an undertaking during this session, that is, a portion of this session, that we will be prepared to introduce legislation.

MR. HENDERSON:

Mr. Chairman, just following that up. If it can't be this spring can the minister give some indication when we might expect it -- at the fall session?

MR. LEITCH:

Mr. Chairman, I am not prepared to give an undertaking for that. But as I say I think it is a serious matter and there needs to be legislation to provide an effective vehicle. But as to when we will be prepared to bring it in, I am not at this time in a position to say.

MR. CLARK:

Mr. Chairman, could I ask the minister one very short question? Have you had discussions with the Alberta Homebuilders Association? That may not be the exact name of their association, but certainly those were the people who were very much involved from the standpoint of their own profession? And on the other hand, they are the people who would be putting some of the money into any kind of arrangement -- bonding or otherwise. Have you had discussions with them on a face to face basis?

MR. LEITCH:

Not on a face to face basis, Mr. Chairman. There has been some communication between myself and the Mobile Home Association. They are involved in this problem as well, but their difficulty is a little different from the contractor who is building a house.

It's not just those two areas. It's a question of how wide this legislation should be, what areas should it cover, where by practice the purchaser pays his money without first getting his goods. That is really the problem in the housing area where the down payment is made before the contractor performs. In the case of the mobile home where the purchase money -- at least the down payment -- is paid before there is delivery. There is more than just those two areas where the same business practice prevails, and therefore where the same opportunity for a loss of money occurs.

MR. CLARK:

Just following that up, Mr. Chairman. The minister has said that indeed this is an area of priority and I think many members have expressed concern. And I agree with what he says about the mobile home owners. But, Mr. Minister, with all due respect, I get the impression that you feel the problem is so

broad, and I recognize it is a big problem, that you are not going to recommend anything to the Legislature, until you get to a situation where the whole waterfront is covered.

Certainly in light of what transpired in the last year in this area, even if you could bring in legislation that would deal with the question of home ownership and the question of mobile homes. And so I would ask you very specifically in those two areas, Mr. Minister, in the course of the last six to eight months - what specifically has your department done in the way of getting legislation ready to bring in or what kind of examination have you been involved in, or what discussions have you been involved in?

MR. LEITCH:

Well, Mr. Chairman, I've been involved in reviewing and discussing with the other ministers involved the possible routes here. As I say, one is by licensing which is through another department, and another possible route is bonding. There have been discussions within the department about this and I've had discussions with some representatives including the mobile home personnel. There has not been a face-to-face discussion as the member asked, with the housebuilders' association who would be very much involved in any legislation of this type.

MR. CLARK:

What has happened then, the past number of months -- there has been a review between the various ministers involved, you've considered licensing, and you've considered bonding, and you've talked to the mobile home people, and that's what transpired? Is that where it sits now?

MR. LEITCH:

In addition, Mr. Chairman, I've reviewed the matter with the hon. Member for Edmonton Jasper Place who has introduced the private member's bill, which would deal with the problem by establishing trust accounts.

MR. CLARK:

Well, Mr. Minister, why won't you move that bill forward and make it a Government Motion so that at least we can go that far in the session?

MR. KOZIAK:

Mr. Chairman. On that particular point. I am very interested in debating the bill which Mr. Young has introduced and I imagine that it will be coming up for debate either this coming Thursday or the week after that.

There are a lot of important points which must be considered in connection with the requirement that any deposits be placed in trust. And one of the things that comes to my mind is that when funds are deposited with a solicitor or with a real estate agent in trust, those funds are to be used for a specific purpose or can be the agents on the happening of a specific event. If the specific event doesn't transpire, the agent isn't entitled to any commission and the funds are to be returned.

Now in the case where you have a prepaid contract, the circumstances are somewhat different. Because the vendor under the contract, may immediately go to work to start providing some of the services and materials that will ultimately be incorporated in the final product. So that if you have a contract which involves the construction of some sort of -- whether it's a home or what have you -- in the value of \$10,000, this may take three or four months before this reaches completion.

Now if each contract, or each vendor under those circumstances was not able to use that deposit as part of his financing -- let's say the downpayment is in the vicinity of \$2,000-\$2,500, let's say it's a 25 per cent downpayment, then what you would have is this money sitting idly in trust until the actual completion of the product. In the meantime, that contractor would have to seek financing elsewhere. Now if he has to seek financing elsewhere for that \$2,500 and if he does a substantial amount of business, the cost of that financing has to be added on to the finished product. So, who pays for that? The consumer pays for that. Now, we have to then, in our own minds, analyse the situation. Is the one bad apple in a thousand -- is the legislation that we are going to try and cover in order to catch that one bad apple in a thousand going to do more harm in the long run to the consumer? Then the legislation will do to catch the one bad apple in the thousand, and we have to consider that very

seriously. Because the more rules, the more regulations, the more requirements we impose upon these people, the more we increase the cost of such things as housing which are at an abnormal high right now. And we must really consider these matters very seriously before we run headlong into them to solve one case which has already happened.

I'm sure the hon. Attorney General hasn't any legislation that will get rid of evil and we will always have that problem. No matter what, we will always have the bad apple who is able to determine some method in which he can separate the dollar from the innocent purchaser. And if we pass an act today which requires these funds to be held in trust, he'll find some other method to separate the innocent consumer from his dollars.

So I think we have to consider very wisely whether or not we should, in trying to catch that one bad apple in this particular case, affect one of the most important and one of the strongest industries in the province of Alberta in which a lot of good people are providing a lot of services and providing housing for many other people.

I'm very much concerned about this and I don't think we can just, this evening, come to any conclusion on this particular point. I feel that a debate on Mr. Young's bill will be very worthwhile and, I think, very worthwhile to the Attorney General in considering this matter in terms of future legislation.

MR. NOTLEY:

It seems to me that some of the points made by the hon. Member for Edmonton Strathcona just reinforce the need for more discussion in the last three or four months. Why wouldn't it have been possible, for example, to have consulted with the private home building industry so we could have some pretty clear-cut ideas of what costs might be added if, in fact, the trust feature were adopted by the government.

I know it's easy to say that this is going to mean the contractor won't be able to use the trust money and, therefore, he is going to have to make extra arrangements to finance the project. But what would this, in fact, add? Is it going to add two or three per cent, or five per cent, or what? One of the things that disturbs me and just follows from what the Leader of the Opposition said, is that the matter was raised during the fall session. I would have hoped there could have been more information obtained on this matter so that we could perhaps examine these options at least on some factual basis.

I know it is going to be difficult to nail this down in an airtight sense. But I don't think we're asking for that, Mr. Minister. There is, however, I think, at least a good deal of objective information we can obtain which, while it won't nail it down in every sense, it will at least give us some better idea of where we stand and what these options are going to cost in social terms.

The other question I would like to ask is that -- I'm a little concerned at the delay too. You mention it is possible legislation may be introduced in the fall session, but you are not willing to make a commitment on the introduction of that legislation.

I'm wondering, during the intervening time between the recess of the spring session and the fall session, what specific steps you are going to take in your department to finalize the government's position on this matter?

Are you going to be meeting with all the various groups concerned? Is there some possibility that at the fall session, if we don't have legislation, we'll at least have some kind of position paper or a report on the problems? What about other jurisdictions in Canada? Have we had anyone in the department contact the other provinces, Ontario, Quebec for example, or other provinces in Canada to find out what they are doing on this problem. Has anyone in the Attorney General's department examined what they do in the United States? Whether they have come up with any policies in various jurisdictions in the United States which would allow some method of dealing with the problems, yet not at the same time, run the legitimate people out of business?

I don't think anyone on this side of the House wants to wield the iron hand and force honest contractors out of the picture. But there certainly is a fairly serious problem here. I don't think it is just a case of one bad apple in a thousand. There have been enough cases raised in the last few months, especially with a number of these companies which keep reappearing in rather frightening repetition under different names. The same people just come cropping up under different names. It seems to me it is a fairly serious

problem and one which we would be making a mistake by ignoring or letting drift by and hoping it will resolve itself.

MR. HENDERSON:

I would like to comment on the remarks of the Member for Edmonton Strathcona his rather laissez-faire attitude: "Well you know, let's not touch it, it's too complicated." I think he has missed the major point of what we are talking about.

There is a cost that is already established in the present system, and the argument is that a handful of people are bearing that cost. And when one suggests that a few dozen people should be left to bear the burden of \$.5 million to \$2 million in losses that have resulted in the last few months in Alberta in this matter, and then ignore that completely and say it's going to cost money to set up and administer a trust fund system, I think this overlooks the basic fact that there are costs involved now. A few people are unjustly bearing them. And the whole purpose of the exercise is trying to find some means where a handful of individuals do not bear the full brunt of all these costs.

There are going to be losses in cost no matter what the system is able to come up with. There is no doubt about that. And I recall, for example, a few years back there was a case of a bankruptcy of a stock dealer in Alberta, a ...[Inaudible]... or something. The losses were something like \$200,000 -- I don't remember the figures, but they were up in that range anyhow on the part of a handful of farmers in the province -- notwithstanding a government policy of bonding and so forth to try to protect them. Of course, it came out that bonding was inadequate, and the government of that day decided that a handful of people should not be required to suffer this loss. And so legislation was brought in. They set up, in that case, an insurance fund that was made retroactive to cover the handful of farmers who had suffered those losses.

So when one argues this case from the standpoint that we have to be cautious, because it's going to cost money and the consumer is going to have to pay for it, I suggest that the argument is out of perspective. It is costing consumers money now for these losses, but it is costing only a handful of people who are seeing their life savings go down the drain while we sit in here and twiddle our thumbs and argue over whether the government should depart from the long established laissez-faire tradition in this particular area and do something about it.

I suggest that public opinion has reached a point where the government has got to do something about it. It is quite apparent from the debate that has taken place thus far this evening, that the government really hadn't considered doing anything about it. Otherwise the Attorney General wouldn't hold up the bill of a private member and say, "I've looked at this, and this is what has been suggested," particularly in light of the fact that the problem was brought to the attention of the government several months ago.

The argument that it's going to cost some money on the part of the consumer I suggest is basically irrelevant. That cost is there now. It's being carried by a handful of people who see their life savings go down the drain. And we're talking about implementing some protective system where a handful of people aren't going to have to bear the full brunt.

And so I can only say, Mr. Chairman, I think the government's attitude has been very casual towards the problem and the expressions of concern on the part of the Attorney General really aren't backed up with any evidence of real concrete considerations of this problem since it was introduced in this House in the fall session. I think it is incumbent upon the Attorney General to make some stronger commitment to the House than he has made thus far. I suggest, also, that if the problem is so complex that it can't be dealt with in a departmental manner, and in light of the changes that have taken place in the manner in which this Legislature is operating, and of the taxpayers' money that we receive for the work we do, maybe the issue should be referred to a legislative committee. It's not one that I think is just the responsibility of the people seated on the other side of the House. It is a responsibility we all share. I would like to suggest that the government do some further consideration as to what can be done to get the show on the road a little faster, with a view to coming up with some answers that satisfy the public concerns in this area. Maybe it can go to the Committee of Law and Law Amendments, to see what they can come up with on it. But certainly just an ongoing statement that the government is studying it, really doesn't come to grips effectively with the problem.

MR. LEITCH:

Mr. Chairman, I'd like to answer the comments of the hon. Opposition House Leader. It's really very amusing to listen to the opposition speakers on this topic. They suggest this is something that came into being a few months ago. They are highly critical because within those few months we haven't done something on this side of the House. They have a great number of ideas -- you should be talking to this person, you should be talking to that person. Mr. Chairman, this problem has existed in this province for a long, long time. I practised law in this province and know that this kind of thing was going on years and years ago. I know it was going on with farmers and steel buildings and things of that nature. That government didn't do anything. And now they sit in this House, and say we knew about this for a few months, and we're really disappointed that you don't have legislation for it in the spring session. That, to my mind, is the height of irresponsibility.

MR. HENDERSON:

Mr. Chairman, I said earlier in my remarks that the problem didn't just develop yesterday, but I can only wonder, in the ten years I have been in this House, what on earth the people seated on this side of the House were doing in not trying to get the government off its butt, to do something about it. That's right. We heard the hon. Member for Calgary Buffalo stand up here and give us a tremendous holier-than-thou speech last fall criticizing the Leader of the Opposition because he was home in bed one night, sick. Then we heard a great, thundering oration about what the role of the opposition is. Now we see the Attorney General standing up with his little halo on and saying what our sins were.

I say this government spends more time looking backward than it does forward. If the minister wants to dig back into the record and bring all these matters up, fine and dandy. I have no objections to him doing so. But it is not relevant to getting this government to do something with this particular issue. I'm amazed how the gentlemen seated opposite, every time something comes up that they are a little touchy about, particularly the Deputy Premier, give tremendous speeches, about all this government didn't do.

Here we have a government elected in 1971 that had all the answers to everything. And what have they done? They put their halo on -- it slips a little 'screegy' now and then -- they stand up and recite, and they have a great deal of relish in doing it, what the previous government didn't do. I'd like to inform them that a slight event took place in the fall of 1971 -- there was an election and they are the government. They have the responsibility. And thus far, in the ten years I have been sitting in this House, I don't recall once -- and I have asked some of the other members to bring it up -- this particular question coming up on a single occasion. That doesn't mean it wasn't happening --

DR. HORNER:

Oh, that's wrong.

MR. HENDERSON:

That doesn't mean it wasn't happening --

DR. HORNER:

Mr. Chairman, on a point of order, I raised the question of steel farm buildings on at least four different occasions when the hon. member was part of the government.

MR. HENDERSON:

The hon. Minister of Agriculture mentioned so many things that if he would bring up a few things that are relevant they might stand out.

DR. HORNER:

Mr. Chairman, there were so many things at that time that I had to bring them all up.

MR. HENDERSON:

Mr. Chairman, I come back to the basic issue -- is the government going to get on with the job of acting as the government instead of this business of

every time something comes up that they are a little touchy about getting up with their halo on and saying, what did you do for the last 36 years?

And of course, what on earth did they campaign to get elected as a government for if they weren't going to do something about the problems? Here is an issue that was brought before this House last fall and there has been a handful of people who have suffered losses, largely amounting in several cases to their lifetime savings of upwards of \$1 million, at least \$.5 million or more.

When the Attorney General is questioned about it in this session, all he can say is I have talked to one or two people here and one or two people there and one of the backbenchers on their side introduced a bill, a private bill that I am looking at but I won't take action on it, I won't consider making it a government bill, I won't make any commitments of what we are going to do about it and I suggest that he stands up and makes his little speech about "these things happened before," it's an evasion of responsibility on the part of the minister.

That is all it amounts to and all the ear whispering he is getting from the Deputy Premier when he slips down there and slips the word in his ear about tin sheds isn't really going to detract from the basic fact that it is an evasion of responsibility when ministers on that side who have responsibility get up and go into this little song and dance routine.

If this House wants to spend 36 years or spend the next 36 years debating the record of the government for the previous 36 years, we would be quite happy to accommodate them as far as entertainment is concerned.

But it isn't going to come to grips with the problems of the people of Alberta that rest on the shoulders of the gentlemen opposite.

And I said quite sincerely that it is a problem that all members of this Legislature share. But no one can argue, other than facetiously, that the major onus of responsibility doesn't rest with the gentlemen seated in the front bench, and the Attorney General specifically, it is his particular departmental responsibility. He is accountable to this House and to the people of the province of Alberta for it.

Again, if the members opposite want to get on to one of these exercises debating what has happened in the past, fine, let's get on with it. I don't mind it, I find it quite entertaining. But I really don't think it is productive and I really don't think it lets the minister off the hook for not living up to the responsibilities that have been assigned to him and that he asked for when he ran for public office and have been given to him by the people of Alberta.

MR. CHAIRMAN:

I believe Mr. Hinman has been trying to get up several times already.

MR. HINMAN:

I don't know, Mr. Chairman, whether you want to go on with this rather futile debate. I am always delighted when the 'now' government continues the good policies of the 'then' government, but I am a little perturbed when they continue the bad policies of the 'then' government.

I think a lot of words may be said on this topic, but I don't think much more sense is going to be added to this debate so I would like to shift it to another vote.

Vote 1218. I think, Mr. Chairman, they can come back to these questions if they want to.

I am interested in the matter of court reporters. Now I may be misinformed in some way on this; if I am the hon. minister can correct me. As I understand it, the court appoints court reporters and they not only keep records of evidence in the courts for the trials and transcribe them and supply the transcriptions to the lawyers and the people concerned, but these court reporters also have to take records of the information which is brought out in examination for discovery in purely civil matters.

Now as I understand it, all of the equipment used by the court reporters belongs to the courts, paid for by this government. That includes the recorders, the cryptographs which they use, the photocopiers which they use.

Now if my information is correct, it costs one of us 40 cents per copy to get a page of a transcript of evidence given in an examination for discovery. That is my first gripe.

If we supply all the equipment, you can go anywhere and get this copy for 10 cents, why is it 40 cents? If somebody tells me it is because they have to be sure it is accurate, I just say you can't be inaccurate with a photocopier if the original evidence was properly taken.

Well the next thing that disturbs me is that you have to go to one of the centres where the court is held even for an examination for discovery on a civil between two people who live in the same town if that is not the town where the court has jurisdiction. This adds a considerable expense if they have to take solicitors to them.

The third gripe I have is that you may be months getting an appointment. I mean literally months before you can get a court reporter to take the evidence on an examination for discovery. Many times this hold up is very, very costly to the people concerned. If it has to do with land, it can be a whole season lost. This goes on simply because there doesn't seem to be enough court reporters. When this matter came up on a question period, I understood the hon. minister to say you could use other than court reporters. I wrote him a little note to ask him how you go about it, but I didn't get a reply yet and I do still want to know.

There are several things I am concerned about, and the first one is that there are in the province people who have been court reporters, who are available to take depositions -- if you want to call them that, or if you want to call them evidence under examination for discovery. Why couldn't they be used?

My next concern is: how did the court reporters that we now have qualify to become court reporters? As near as I can find out there was no school, there was no process of training. They simply qualified and were taken in. Now I am told there is a proposal to have a two-year program in one of the tech schools followed by two or three years of apprenticeship to qualify as a court reporter. I don't know whether that is right or not, but if it is, it is a pretty ridiculous situation. Actually, I am told, only one out of 15 or 20 of those people who take stenographic courses will ever be capable of keeping up with normal speech as required by a court reporter. But if they can and have achieved that with considerable accuracy, and have a recorder which also takes the evidence and which can be checked for accuracy, I do not see why it would take more than a few weeks of additional training to get the court language mastered before these people could carry on quite successfully.

Now this is something that has gone on for years under the 'then' government, I brought it up a couple of times then and didn't get anywhere. I'll try it on this government and see if I get anywhere or not.

My suggestion is that if you want to have a group of people available when the court is overcrowded, all you need to do is have an examination once a year when stenographers who are pretty good, or think they are pretty good, can take the examination. If they qualify they might be given two or three weeks of training in court procedure. They might have to be given authority to swear witnesses. Then a list of those ought to be available so solicitors could call on them, so long as both solicitors are agreeable. If that isn't good enough, certainly they could take the transcript and thereafter those who were being examined could read it and could sign it if it is correct or make corrections which they think were necessary. These could be checked against the tape recorders.

Now what I want to know first: is it true that it costs 40 cents to get one page of a transcript? If it does why, when you can get anything else copied for 10 cents anywhere in the city.

Second, I want to know how the court reporters that you now have qualify? How do new people get in? One of the questions I also want to ask is why do men get all the preference in this field when they are certainly not the best? Maybe I can get at least two members of the Legislature to support me on that.

Then I want to know: is it possible now to use other than court reporters to take evidence when you are conducting examinations for discovery in civil affairs and, if so, could these be conducted in a town other than that where the district court holds?

Then I want to know what plans are made for qualifying these people. I am just hoping they won't be as foolish as they sounded if it is going to be a two year program and a long apprenticeship.

MR. LEITCH:

Mr. Chairman, dealing first with the question of whether it is possible for, say a stenographer to take what amounts to an examination for discovery and have it used in court, the answer to that is, in theory, yes. Anything that is an admission, which is the essence of discoveries could be taken down by agreement of parties and used in court. It's practically never done.

The problem is not nearly so simple as at first blush it might appear. For one thing the business of correcting arguments that may arise over what is in the transcript isn't capable of being resolved that easily. These examinations for discovery are things that are used during the course of the trial and once the answer is given on a discovery that is an admission that very frequently will determine the course of the trial.

Now to suggest that the parties can, after the transcript has come out, sit down and agree on what was a mistake just is wrong. It isn't going to work that way. For example take a motor vehicle case when someone has said, I was going 70 miles an hour at the time I first saw the other car. The parties get into an argument as to whether the secretary took that down properly. It's clear there isn't to be any -- except in a rare case -- agreement on that. And if there is a change in the answer you are going to want to have a further examination. So it's theoretically possible, it's rarely a practical solution.

With respect to the training program I think the hon. member is quite in error when he says that only 1 out of 15 or 20 good stenographers could qualify for a court reporter. I think the ratio is much, much, much higher than that -- 1 out of 50 or 100 would be, I'm sure, much closer to it.

With respect to qualification, to suggest that a secretary can take a couple of weeks and be fine as a fully qualified court reporter -- I would suggest the hon. member drop in sometime to an examination for discovery say where you are involved with medical terms, drop into an oil and gas hearing where you hear the court reporter -- who practically never misses a word -- dealing with more than one person talking at once and all sorts of terms that most of us hear once or twice during our lifetime. To suggest this can be done by a very good secretary after a few weeks training is wholly unrealistic.

The course that he now talks about is one that is underway at NAIT. It is a two year course. There are a number of requirements as to accuracy and speed with respect to taking shorthand. But there is more than that. They go into the legal terms that are used, and again, if the hon. member sits in on some examinations for discovery he will find that words are used even the very best of secretaries -- unless they are familiar with them -- are not going to pick up. They take some preliminary instruction in medical terms and other technical terms. So it is far from the simple kind of occupation that the hon. member suggests.

With respect to their payment and the use by the court reporters of equipment supplied by the government when they are taking examinations for discovery for litigants in a civil action what the hon. member has to keep in mind is this: that we pay our court reporters something like \$8,000 or \$9,000 a year. The going rate for a person with that kind of training in North America would run closer to \$15,000, \$16,000, \$17,000 or \$18,000 a year.

So what we really have is a court reporter system whereby the court reporters provide within the courts free to the litigants a court reporting service in exchange for the salary which is much below the going rate. They then make up their salary to what is an acceptable or going rate in North America as a result of the work they do on examinations of discovery, hearings, et cetera. So they are not only employed by the government but they also run -- if you like -- to a certain extent a private enterprise business.

Now I have considered it at some length and bearing in mind that we must have enough court reporters to service all of the courts on any given day they are operating. And they may be operating in full on Monday, Tuesday and Wednesday and doing nothing on Thursday and Friday. But if we went to any other system we'd have to have a staff of court reporters who would be capable of servicing all the courts when they are all in operation, and then for much of the rest of the time, they would be doing nothing.

So if we went to the system of providing the court reporters as civil servants, to look after services within the courts, and having the rest of the work done by free enterprise which is the system that is adopted in some jurisdictions, I think the net cost to the government is going to be much higher than the present cost.

With respect to the payment of 40 cents for a copy, that is true, but that is merely a part of the schedule of fees which are accrued by the government that the court reporters operate under. The system is that the person who buys the original, and there is a rule on examinations for discovery as to who buys the original, pays a certain price, and the person who buys a copy pays another price. That's simply the tariff of fees that are set down, and it's just irrelevant to say the fact that they charge 40 cents for a copy and try to compare that with the 5 cents you could charge if you could borrow the original and run off a xerox copy. But the two things just aren't relevant. There is no relationship between the two.

The delay for many years has been for many years in the court reporting system what I consider a major problem to the extent that the lack of court reporters has led to delay in getting cases on for trial. That's just a serious interference with the administration of justice.

Last year, in an effort to relieve this problem we passed a special warrant to provide for the hiring of six additional court reporters and, incidentally, they came up as have the existing court reporters through a relatively long period of apprenticeship. We provided for six additional court reporters and support staff which will when they get fully integrated into the system, to some extent at least relieve the delay problem. There is the group now going through NAIT, and when they graduate we'll further relieve the delay problem.

In addition to that we are currently, in the Calgary Remand Centre, installing -- or making provision to install an electronic recording system providing that the studies that we have under way now as to the effectiveness of that system and its cost, warrant installation. And if that occurs, we will again release a pool of court reporters who will, I'm sure, more than cure any delay now that is being experienced within the court reporting system.

MR. HINMAN:

I'm not quite willing to accept that at par value. In the first place, I have been a witness myself and I've had court reporters stop me twenty times in fifteen minutes to ask me what a word was that I used. So, they don't know all the words -- they know some. And that's all you can say for them. And I dare say that it wouldn't take an intelligent person two years to learn all these words or that any court reporter is going to remember them unless they are dealing with the same kind of a case time after time.

The next thing I'm going to say is that suppose they have come up through a pretty serious bit of training. They are being paid on the same basis as a four year degree teacher or somebody else for 36 hours of work, and I don't see that it is necessary for them to be collecting the extra fees to make their salaries up to \$15 or \$16,000. If they require all this training, fine, but nobody can demonstrate to me that they do.

Now as far as correcting what is said, I didn't imply that they would say that there is a correction, that I didn't say that. What I said was, that they would check with the recording devices if they didn't think they said it, and the recording device would have to be acceptable. We are using them all the time.

Now, I'm old enough to remember when a good many, even trials, were carried on with somebody writing evidence in long hand. And I've been in police courts where the magistrate himself was trying to make a record of what was going on. I don't think that was good enough and I'm not going to argue for it.

What I am going to continue to press for is that there be people who can be called and don't have to go to a court house, who can be called when there is a distinct delay, and whose notes will be acceptable. The minister said that in theory this is all right. Well, if it's all right in theory, what's the rule against it is what I want to know.

Now secondly, I would very much like to have somebody tell me just what apprenticeship course these people have been through. I've talked to a lot of them. They work in the court house, they are stenographers for quite a while, but the very first time they are court reporters they are on their own. I don't

know what happened before they got to that stage, but they tell me it just depended on what the rush was for how soon they got to that stage.

At any rate, I think it has not been an acceptable system. If we're going to have enough court reporters, as he says, to fit all the requirements, then we're going to have some extra ones. I'm concerned that there be people on call who could be used. I'm concerned that examination for discovery can be held at places other than courthouses, that two lawyers don't have to travel 50 miles and the main witnesses another hundred sometimes and stick around two days to give evidence which could just as well be taken at home. Now I think it is high time we had a good look at this whole business to make it just a little bit more justifiable. If the first person who wants the evidence pays enough for the original cost of transcribing the notes -- if it is 60 cents, I don't know what it is -- I don't know why the third, fourth, and fifth copies need to be 40 cents when they are done, not by the court reporter, but by some Joe who runs the photo-copying machine. And I know that's right -- I've been there.

Now maybe this is good enough to satisfy the rest of you, but I don't think it is good enough and I think it is something that the people -- if all the people who run into this got together at once, they'd stage a little rebellion. But it's one here and one there -- it's the old story. If you abuse people one by one and keep them separated, you can abuse almost everybody before you get any change in the system.

I do feel that this is one part of our court procedure that has been long needing an overhaul.

MR. HENDERSON:

Mr. Chairman, before we leave the question of the cost of transcripts, in my own mind, I presume the theory behind the present system is to make the cost of providing the transcripts and so on pay for itself as far as the court is concerned. But the matter that has come up is the cost the private citizen has to pay for these transcripts as opposed to what the Crown has to pay for them. The Crown gets information at maybe 10 cents a page, and the private citizen has to pay 90 cents a page, or 40 cents, or 60 cents. The minister has mentioned there is a fee schedule for it and I would like to ask the minister whether it really is a sound principle, in spite of the fact that it is a long established tradition, that the private citizen who is trying to obtain this information -- it may relate to his own circumstances -- should be required to subsidize the Crown by virtue of the fact that he may have to pay several times the price that the Crown has to pay for the information.

I'd like to hear the Attorney General's comments as to whether that particular situation -- my impression of it -- is correct, or whether it is erroneous, and if it is, how they justify different prices for the same information to different people or different parties.

MR. LEITCH:

Well, Mr. Chairman, it's part of the package as I said before. We pay the court reporters a salary, and it is simply part of that package that they provide transcripts at a certain figure. Now it may appear to someone unfamiliar with those details that there is a discrepancy between what the citizen pays and what the Crown pays. But remember, the Crown is paying a salary to that person, to the court reporter, and it is merely part of the package. We could reduce the salary and pay the same price. In the end you have to pay a salary that is going to attract people to that job. Or they have to pay an income, and this is simply a system of proportioning it between what the government pays in exchange for the services the court reporter gives the government. One of those services is attendance in the court. Another of the services is to provide transcripts at 10 cents a page. We could move that up to 90 cents a page and drop the salary. Or we could say it's nothing and boost the salary. But the two things really aren't at all connected.

MR. HENDERSON:

Mr. Chairman, it may not be from the standpoint of the fee schedule and so on, but from the standpoint of an individual trying to get at reasonable expense and to have access to this information it is relevant. And maybe it's time the whole system is reconsidered. Maybe the Crown should put them all on a salary, at whatever is necessary to attract competent people into it. But when we are talking about this piece-work basis, paying people for these services, which discriminates against the private citizen when it comes to getting information relevant in many cases to his own circumstances, at a reasonable price . . .

MR. LEITCH:

Not at all, Mr. Chairman. Let's take a look at what the private citizen does in a law suit. Two private individuals get into a dispute and find that the only way they can settle it is by getting in a litigation. So they both go and retain a lawyer, which is the expense they bear. They may want to hire experts, and frequently do, which is the expense they bear. The government has made available a building, the court house, and a judge. The provincial government makes available the building, and the federal government the judge, free. All other expenses in connection with their lawsuit, they bear. It's a purely civil issue between the two of them and that includes an examination for discovery. There is no requirement on the litigant to have an examination for discovery. He is completely free to go to court without it. There is no obligation at all that he have a discovery. It's purely up to the litigant. It's the same as it is up to the litigant whether he hires an expert engineer to get advice and have him come in as a witness. And it is up to the litigant to decide whether he wants to bring someone back from California to appear as a witness for him. Remember, we are now talking about a civil litigation. So no one forces this on them. It is just one of the steps in a lawsuit which you may or may not take.

And you can say I find it pretty difficult to say that the government should bear the expense of providing a court reporter to take examinations for discovery. These litigants, you know, control the length of discoveries. And you will find that depending on the litigant, depending on the lawyer, the discoveries might run a week, whereas the same case with different litigants, with different lawyers might be over in a day. This is solely within their control. And the kind of fee that is now being charged a civil litigant for a transcript by a court reporter is certainly lower than the fee he will pay in other jurisdictions which the hon. member was talking about when he said there should be someone around who can take a discovery. There are jurisdictions that have that. I have taken discoveries on that. The court reporters are just like engineers or anybody else. If you want one, you pick up the phone and hire one. And you go to his office or he comes to yours, whatever arrangements you want with him. It is very convenient. The fee you pay him is higher than the fee you pay here.

And there is some evidence of the impracticality of this system you suggested. That system isn't in effect even where they have a system you suggested, even where they have a free enterprise system. The people who are doing the work have a degree of competence that leads them to be used, and they charge a higher fee than is charged here.

MR. HINMAN:

Mr. Chairman, that's fine. He's really arguing my case. I don't care what the independent charge is, if you have a chance to choose him if you want to. What I am saying is that we impose the other fee, you have got to take two lawyers from Cardston and Lethbridge to have an examination for discovery. All we need to do is change the rules so that this evidence can be taken by other people and is acceptable in the court. And if they choose to pay somebody more than they would pay the court, that is fine. It would save us supplying all these buildings and this equipment and if they want to pay it that way, that is fine. All I want is for them to have that option.

MR. LEITCH:

There is nothing that prohibits that. And to say that the examinations for discovery, have to be taken in the courtroom is quite wrong. I have taken all kinds of them out of the courtroom.

MR. HINMAN:

...[Inaudible]...court reporter ...[Inaudible]...

MR. LEITCH:

. . . called the court reporter because that's the practical way to do it. I want an accurate transcript. And I am not going to waste a day taking an examination for discovery and finding out afterwards it is not accurate. Because whatever the charge is for the court reporter, that's a very small part of the total cost of being involved in that day. So you want to be sure you have someone who is going to have it right. . .

MR. HENDERSON:

Mr. Chairman, the question, really, that I was bringing up is more relevant to criminal cases. Now is the minister saying that if it's a criminal case, all this information and the transcripts are provided at no cost by the court or -- I'm not talking examination for discovery, I'm just talking transcript of matters before the court relating to criminal cases -- are they provided at no charge to the defendant by the government, or does he not still have to pay for it?

MR. LEITCH:

In criminal cases that is quite right, but again there is no obligation on a person to buy a transcript. He doesn't have to buy a transcript. That's perfectly up to him. Most do, because you are better able to defend the case if you have a transcript so he is going to want a transcript. But there is no obligation. The same thing is that he might be better able to defend a case in arson if he hires an engineer to give him some advice on fires. But again there is no obligation to do that. If we have an accused who is insolvent and wants a transcript and doesn't have the money he, of course, gets it through legal aid.

MR. HENDERSON:

Once again, even though that is the case, is there still not a substantial difference in the price the Crown pays to get the transcript as opposed to the defendant getting a transcript?

MR. LEITCH:

Well, there is, but as I say, we could simply change the system -- and I'm perfectly happy to -- to say to the court reporters -- remember the charge that is made to the person who buys the transcript is a reasonable charge in the sense that in any jurisdiction you go to and get that from a court reporter you'll pay that kind of fee for it, even in a free enterprise system. So it's certainly a reasonable charge.

The reason the Crown gets it at less cost is because we are paying their salary. It is immaterial, as far as I can see if we were to say all right, we'll remove that apparent discrepancy and the Crown will pay 90 cents a page or 40 cents or whatever the figure is, and we'll just drop your salary \$1,000 a year. This, to me, is immaterial -- out of which pocket you pay it.

MR. HENDERSON:

I would appreciate that it is immaterial to the minister because it's public money he's talking about, but it's not immaterial to the individual who is on the receiving end of it in a criminal case.

MR. LEITCH:

It doesn't make any difference to what he pays.

MR. HENDERSON:

Well, Mr. Minister, how on earth -- you are talking about the administration of justice in a matter related to the Criminal Code, and particularly in an instance where the charge is laid by the Crown and the court finds the charge is ill-founded and the thing is thrown out of court.

Here is an individual who, in order to prove he is innocent and that the Crown is misguided in its zeal in prosecuting him, and he has to fork out all this money. I can't see where there is any justice in it, quite frankly, because you are assuming, Mr. Minister, that the right is all on the side of the Crown. It isn't. That's what we've got courts for.

And the minister knows as well as I do, or better than I do, that the Crown often fumbles and bumbles and is wrong. They take an individual to court erroneously, subjecting him to all this and the costs, and so on, that go with it, and one of the costs they force upon him in order to prove that he is innocent is the cost of obtaining the information that relates to the court exercise in which the Crown has presented all the evidence against him. In order to get the transcript to examine it, he has to pay out more money for it. I can accept some of the reasoning of the minister in civil cases, but I'm not so convinced the same philosophy is valid when it comes to criminal cases.

MR. LEITCH:

Mr. Chairman, the hon. Leader of the Opposition is not really dealing with the issue. I think we can start at this point and say: is it a reasonable price that they pay? That, really, is the only issue. Whether the Crown pays it by salary or partially per page of transcript or what -- I think the question is whether the person who buys a transcript is being asked to pay a reasonable fee. I have no doubt about that.

Now you come to a second question of which the cost of the transcript is really small. You are saying that if the Crown lays a charge and it is dismissed, the accused should be reimbursed the cost that is incurred. When a charge is dismissed, the cost of the transcript is normally a relatively insignificant amount of the cost he has incurred, so there is no point talking about the cost of the transcript because you are really dealing with a much larger question -- whether the Crown should be required, in those circumstances, to reimburse him the total cost or at least a percentage of it. The transcript cost -- there are exceptions -- is normally a very small portion of the total cost he has incurred and you are now into an entirely different question which has much, much broader implications than the mere question of whether we should provide a transcript free or not. As I say, in any case where the accused is insolvent, he does get the transcript free from Legal Aid.

MR. NOTLEY:

[Inaudible]... on that. Is that automatically through Legal Aid, Mr. Minister, or is it just one of the things the committee will decide? Is it an automatic process through Legal Aid?

MR. LEITCH:

Well, once the Legal Aid certificate is granted, I believe the disbursements follow fairly automatically. There may be cases where Legal Aid wouldn't approve the cost of the transcript -- if it was a very large cost and if didn't appear the transcript was going to be of any real value. But I doubt that. It is my understanding that transcripts are made available through Legal Aid in any case where it appears to be reasonably necessary to the defense, and I think that would include most of them.

MR. NOTLEY:

That would be in all criminal cases then?

MR. LEITCH:

No, only criminal cases in which Legal Aid certificates are issued and you only get Legal Aid if -- and I try to call to mind the terms of the agreement we have now entered into with the federal government -- I think you get Legal Aid in any case where providing a defense out of your own resources would be either impossible or would require you to dispose of assets that are reasonably necessary for your livelihood.

MR. HINMAN:

Mr. Chairman, the minister said that when he gets a court reporter, he wants accuracy. Now what I proposed is that we permit people to qualify -- we can set the standards anywhere you want to -- but once they qualify, they ought to be listed and they ought to be available. Now as far as accuracy is concerned, we are using electronic equipment all the time and I would like to ask the minister, how do I know that the court reporter who takes my evidence today is reporting it accurately? He can make mistakes too and I am sure he often does. The only way you can check them is to go back to the electronic equipment. If it doesn't agree I imagine that the court reporter is wise enough to say that "That thing didn't miss here" and correct it.

I think we have another point to consider. Suppose you do charge 60 cents for the first copy and 40 cents for the second. If no other copies are asked for, it is presumed then that this has paid the full cost. But if somebody, for some reason, wants two other copies, one to send to his uncle, why should that cost 40 cents again? You have already taken enough from the two litigants, supposedly, to pay the costs.

I just can't see how we can justify this fee going on and on and then being turned over to the court reporters whose salary is paid, who use our equipment, who use our materials and use this as a bonus system and encourage them to want the court to hire too few. Certainly I am aware that the court reporters would

never be in favour of what I propose -- having qualified, listed, people available outside the courts on the choice of the litigants.

MR. COOKSON:

Mr. Chairman, could I change the topic? I think that area has been explored pretty thoroughly by the hon. Member for Cardston.

Vote 1236. Under this I would like to ask the Attorney General to make a comment or two on the cost of the RCMP. I know that your department is pretty well preoccupied with the two major police forces and the RCMP. But we have down in our area, and I am probably speaking for some other constituencies -- municipal police. The experience we found there and the feedback I get from the area is that they really want their municipal police, even though the province has employed RCMP to police the areas. The general feeling is in large, sparsely populated areas that they aren't able to do the job that municipal police can do.

I know RCMP are costing the province something probably in the area of \$20,000 or \$25,000 a year per constable. While some of this is recovered in fines and so on, they are a high class professional police force and I often wonder whether we actually need this quality or calibre of police in some of our large, sparsely populated areas where the knowledge of law is not quite as necessary.

I just wonder whether your department is really protecting the rights of these large, sparsely populated areas to employ their own municipal police. In many cases they are limited and the statutes they can exercise have cases where a man can go out and apprehend someone but he can't enforce the Criminal Code because he has to contact the local RCMP detachment. He can't enforce The Fish and Wildlife Act. He has to contact the Fish and Wildlife officer. It seems like a rather ridiculous situation.

In addition, the new tax grant structure which is in the area of the Minister of Municipal Affairs, is providing \$2 per capita for policing areas, I think, over 1,500. There is no provision, as I understand it, in these large, sparsely populated areas for any type of grant for employing their own police force.

I recognize that this force involves maybe 50 men in the province of Alberta, but they are concerned about their positions, about their jobs and I know the submission by the Rural Municipal Association indicates that in the main they feel these police do a very worthwhile job. They enforce by-laws in particular, which is something that RCMP really don't concern themselves with. They feel they need the men. They don't feel they have to be as highly qualified. I think from an economic point of view probably the province would be better to give some of these rural areas some type of grant to employ this type of person who could exercise most of the statutes and maybe reduce the RCMP force in these areas.

I would like to have the comments of the hon. Attorney General in this area.

MR. LEITCH:

Well, Mr. Chairman, I should say that the cost per RCMP member is not anywhere near the \$20,000 or \$25,000 that the hon. member suggested. That I think would be close to the actual cost of each member of the RCMP. However, the provincial government pays, I think this year, 48 per cent of that cost and not the full cost. So the members of the RCMP who are on the provincial contract are now costing something in the order of \$12,000 per year, and in addition to that there is equipment and space and things of that nature provided.

I very, very much doubt that any municipal police force is operating, including their equipment costs and things of that nature, at a figure appreciably less than that. So that what really happens here is that we are getting some highly qualified and trained people for a cost, that if it is greater than what might be the cost of municipal policemen, it is not very much greater.

The question that the hon. member raised about the limited jurisdiction of municipal police forces really deals with the situation where the RCMP are, by virtue of the provincial contract, enforcing the law within that area, but the local government wants some additional policing and for that hires someone to enforce their by-laws and on occasion requests that he be given some additional

authority which is granted pursuant to a special constable appointment. Normally those appointments are restricted to enforcing perhaps the traffic laws and the liquor laws within the community.

There's a problem, which I think is a serious one, in giving such persons any additional jurisdiction. It arises out of the fact that you would then have two police forces in the same territory with dual jurisdiction. And that, wherever it has occurred in the past, has always led to problems of one kind or another.

MR. HENDERSON:

Mr. Chairman, I wanted to touch on another aspect of the RCMP, but before I do maybe there are some questions relevant to the aspect that was being discussed by the minister right now.

MR. BUCKWELL:

Mr. Chairman, I wanted ...[Inaudible]... in small communities one which I represent, the town of Fort Macleod with a population of 2,700, we have 5 RCMP on town beat there and it's primarily because of liquor infractions of the native people and --

MR. LEITCH:

Mr. Chairman, I cannot hear the hon. member.

MR. BUCKWELL:

I say they have 5 RCMP and they have no choice on the number. They say they need additional members to give the type of service that is required, and it's primarily because of liquor infractions of the native population. Now there are other areas, I think, within the province in a similar situation where you have a high native population. Is there some other type of help that these communities could get? We are paying in the neighbourhood of \$70,000 for police protection in a town of 2,700 people and that's a tremendous load. I realize that the \$5, if a person is put in gaol overnight to sober up, barely pays the cost of a guard, particularly when you have to have both a matron and a guard in the same establishment. You get a place on a wild Saturday night and there are 25 or 30 in there ki-yi-ing and it's quite a lively spot.

MR. LEITCH:

Mr. Chairman, I wonder if the hon. member is confident about the figures he quoted of a population of 2,700 and a cost of \$70,000? In my quick arithmetic that would work out to a per capita cost of just under \$30 a year per person. I recently reviewed these figures in some detail and the highest per capita policing cost in the Province of Alberta was the City of Edmonton which ran about \$26. Most other places in Alberta were below \$20. While I can't recall specifically the per capita cost of Fort Macleod, that figure just seems to not be in accord with the information that I recently reviewed.

The problem that you have spoken about is not isolated in the sense that it is not peculiar to Macleod alone. There are a number of places within the province that have similar problems. We do not now have a program to render any special assistance to those communities except we do have a program of grants to provide buildings. It's limited to \$40,000 or two-thirds of the cost of building, whichever is the lesser. Now we have made exceptions and increased the grant above that limit to assist those areas where they have the peculiar problem of the nature you've described. But the whole question of the policing cost within the province and how it's to be paid is one that I think needs to be very carefully looked at. I think it really shouldn't be looked at in isolation. I think it's merely a part of the whole fiscal arrangement between the municipal governments and the provincial government. We really aren't dealing with it adequately when we try to isolate it and just deal with the policing costs alone.

I must say I found it difficult to find the logical base for the existing system which calls for population centers over 1,500 to pay their own policing costs although there is a phasing-in period of five years when the province picks up part of the cost and the population centres of under 1,500 get their policing absolutely free under the provincial contract.

So I find it difficult to find a logical base for that system but I think a change, the development of a logical base is something that is going to take a good deal of study and furthermore I think it perhaps should be dealt with more

as part of the total fiscal arrangement between the municipal and the provincial governments.

MR. HENDERSON:

I wonder if I could ask the minister a question about the RCMP and the basic question is: what limitations are there on the Attorney General relative to the utilization of the RCMP for law enforcement in the Province of Alberta?

MR. LEITCH:

Well, Mr. Chairman, the contract spells out the terms on which the RCMP are employed within Alberta and the answer to the hon. Leader of the Opposition's question is in the contract.

MR. HENDERSON:

Mr. Chairman, I am referring to the contract, Clause 6 of the contract says that, "the officer commanding a division, shall for purposes of this agreement, act under the direction of the Attorney General, in aiding the administration of justice in the province and carrying into effect the laws of the province." Now this relates to the use of the RCMP in the exercise at Slave Lake. It's pretty hard, in view of the minister's own words, to see with any degree of logic that exercise involved the administration of justice in the province. If that clause is meaningful, and I can't see any other that relates to that particular aspect of the contract, I can only conclude the use of the RCMP in the Slave Lake incident really exceeded the terms of the contract.

Once it has happened in this particular case, one wonders what else could happen so far as the use of the RCMP by the Attorney General. I cannot arrive at any other conclusion than that the minister exceeded the authority granted to him under the contract which I think is cause for concern. And it's equal cause for concern that the RCMP saw fit to accept that direction in spite of that clause in the contract. It brings up the question, has the minister made requests to the RCMP in other areas which they have refused to act upon?

And so, in view of the contract, I am at a loss to understand on what authority the minister made use of the RCMP in the Slave Lake affair and I would like to have the minister comment on it.

MR. LEITCH:

Mr. Chairman, the hon. Leader of the Opposition asked whether there were any occasions when the RCMP had been asked to do anything and refused. None that I am aware of.

He is perfectly free, of course, to give his own legal interpretations of the contract, and I would simply call to his attention that I've been advised that is not...[Inaudible]...the contract, and also to point out to him, that among other things we were involved with at that time, was the question of whether there were breaches of the provisions of The Municipal Government Act. We had a petition that time to ascertain whether there were conflicts of interest and breaches of that legislation and we were requested to take action if there were.

There is an area in which the RCMP have been working for some time which I think may well be outside of the terms of that contract and it's something we're considering whether it shouldn't be changed. They have been dealing with welfare applications and that would seem to me to be something outside the contract.

MR. HENDERSON:

Well, Mr. Chairman, first on the last point, I'm aware of the fact that the RCMP have been used to deal with welfare problems. In most areas that I was aware of it related to, in most cases, the treaty Indians.

And maybe not necessarily entirely, but so far as the question of the Slave Lake exercise is concerned, I find it difficult to follow the argument that using the RCMP to investigate the three gentlemen involved -- they weren't the councillors who were accused of violating the provincial legislation. So how on earth can that be used as an argument to justify the use of the RCMP in this manner?

I'm pleased to hear the minister say himself that they are examining the contract. Since the Slave Lake incident, I think, raises the very serious

question as to whether there should not be restrictions in the RCMP contract which would give the commanding officer of the force in Alberta the prerogative of refusing requests of any government, any Attorney General, that are not in keeping with the terms of the contract. Is this what he is thinking of putting in the contract? I think the question of dispensing welfare may be fine and dandy; it's a service they provide I agree, but it doesn't rate in the same category as the use of the RCMP in the Slave Lake incident.

So is the government considering of their own accord, negotiating with the RCMP in more specific terms to put to rest the fears and concerns that anybody in the province might have about the future use of the RCMP for purposes such as at Slave Lake? And I ask this without particular reference to the particular Attorney General who occupies that office now, but rather to the principle regardless of who the man is who occupies that chair, and who the government is, whether there should not be something in the contract to deal with this particular problem.

MR. LEITCH:

Mr. Chairman, I don't think that matter can or should be dealt with by the contract. I don't think the commanding officer of the police force should be left in that position under the terms of the contract.

Also, the RCMP are merely one of the forces within the province. I think these matters have to be dealt with in other ways.

MR. NOTLEY:

Mr. Chairman, I'd like to ask the Attorney General whether the contract we have with the RCMP is a standard contract. That is, if it is similar to other provinces in Canada?

MR. LEITCH:

I would assume so, Mr. Chairman, but I don't know.

MR. NOTLEY:

I think it perhaps might be worth just checking with the other provinces to what kind of contract they have.

The one thing that disturbed me a bit was the answer you made with respect to the Slave Lake affair and you suggested there was a breach of The Municipal Government Act. I could certainly understand on the basis of that some investigation of the councillors, if there was some reason to believe there was a breach of the Act. But as the Leader of the Opposition pointed out, Mr. Thomas was just one of the petitioners, and the other two people who were investigated by the RCMP had absolutely nothing to do with the controversy in Slave Lake town. Mr. Burger from Faust was involved in another controversy, and Mr. Griesbach from Wabasca was involved in a totally different controversy yet. So I find it extremely hard to follow your reasoning that the breach or suspected breach of The Municipal Government Act was, in fact, a justification for the use of the RCMP.

MR. LEITCH:

Mr. Chairman, that was merely one of the factors I think needs to be kept in mind when one is considering that question. And the terms of the contract are very general and refer to carrying into effect the laws of the Province of Alberta.

MR. HENDERSON:

Mr. Chairman, referring back to the minister's answer to my particular question I believe he indicated he didn't believe there should be any restraint or constraint placed upon the Attorney General, at least in the contract per se, and that the situation that developed --

MR. LEITCH:

On a point of order, Mr. Chairman. That isn't what I said. I said a restraint -- there shouldn't be an onus placed on the commanding officer of the police force which was I understood the hon. member's suggestion and I said I didn't think the commanding officer of the police force should be placed in that position.

MR. HENDERSON:

I stand corrected then, Mr. Chairman. The point I wanted to come to is that the minister had indicated he thought the problem should be approached in other ways.

Now what specifically did the Attorney General have in mind as to other ways of dealing with this particular problem to lay to rest once and for all concerns that people might have about use of any law enforcement establishment in the province for political purposes?

MR. LEITCH:

One of the other ways is pretty obvious, Mr. Chairman, that's answering in this House.

MR. HENDERSON:

Would the minister repeat it? I didn't quite hear.

MR. LEITCH:

I said one of the other ways was pretty obvious, Mr. Chairman, that is answering in this House.

MR. DIXON:

Mr. Chairman, I would like to bring up the following that was heard over radio station CFCN by Bill Knight, quite a well-known radio commentator in Calgary. Mr. Attorney General, he claimed that after he had criticized Canada Savings Bonds as a very bad investment, he was interviewed by the RCMP, the fraud section of the RCMP, and I am wondering if the minister could find out for us, or maybe he has already heard, as to why this kind of investigation should be brought about.

You would think that a man is entitled to criticize Canada Savings Bonds or anything else. But this is what went over the air by the man involved, by Mr. Bill Knight, who claimed he was interviewed by the RCMP after he complained that Canada Savings Bonds were a bad investment.

MR. LEITCH:

Mr. Chairman, I know absolutely nothing about that. But I will be pleased to look into it.

MR. HENDERSON:

Mr. Chairman, just referring back to the minister's answer that going through this exercise in the House is one of the other ways.

And unfortunately, I am sure the minister would agree, it's after the fact and it isn't always satisfactory to deal with the problem of providing assurance that exercises such as this won't happen again in future. So I would hope that the minister has something else in mind other than just a debate in this House because that's too late so far as taking preventative measures as I see the responsibilities as members of this Legislature.

MR. NOTLEY:

During the debate on the amendment to the Speech from the Throne on the Slave Lake question the minister expressed some concern at how the rumours of the investigation began to circulate around the community.

And if my memory serves me right I think he indicated that he was going to look into that.

Have you had any opportunity to do so, because one of the things that has troubled me about it is that here you have an independent business man who has to rely on the sale of advertising to keep his paper going and then he suddenly finds that he is the butt of rumours sweeping around the community which seem to emanate from civil service quarters. I am wondering whether or not you are in a position to advise the House as to whether you've been able to check into it?

MR. LEITCH:

I was asked, as I indicated at the time I made those remarks I would, for a report on that. It hasn't yet come.

MR. CHAIRMAN:

Ready for the resolution? Question has been called.

MR. HENDERSON:

Mr. Chairman, I would like then to turn to a variety of other subjects. Firstly, I would like to get some understanding from the Attorney General as to what he believes the responsibility of the Attorney General is relative to the enforcement of the Criminal Code of Canada within the province of Alberta? What are his authorities? What discretionary powers does he have relative to the administration of justice in the courts, et cetera?

MR. LEITCH:

Well, Mr. Chairman, really I think the hon. Leader of the Opposition will have to be more specific in order for me to respond to that.

MR. HENDERSON:

Mr. Chairman, of course, we're getting down to the circumstances surrounding the Craig case, and we can discuss it in specific terms of that case, if the minister prefers. I thought it might be preferable to discuss it in the terms of the principles involved, because the Criminal Code of Canada I understand, is a provincial statute. It is also my understanding, on a constitutional ground, that the enforcement of the Criminal Code --

MR. LEITCH:

It's a federal statute.

MR. HENDERSON:

-- pardon me, it's a federal statute, but it's also my understanding on a constitutional basis that the enforcement of the Criminal Code, and the administration of justice in the Province of Alberta as it relates to the Criminal Code, falls under the jurisdiction of the Attorney General. I guess this is the fundamental question. I want to get straight whether my understanding of that particular responsibility is correct or not.

MR. LEITCH:

Yes, Mr. Chairman, I'd say that is an accurate statement of the position. The Criminal Code is a federal statute; the responsibility for enforcing it is provincial.

MR. HENDERSON:

As a consequence, then, I gather that the operation of the courts, so far as it relates to the administration of it, is under the jurisdiction of the provincial Attorney General.

Then, Mr. Speaker, I'd like to just look briefly at the question of the jurisdiction of provincial judges, so far as it relates to the Criminal Code of Canada. The provincial judges, I understand, are appointed by the Attorney General of the province, and presumably he has some jurisdiction over the operation of the provincial judges or the lower courts in the province.

I'm wondering if the minister could indicate what the term of office of a provincial judge is -- whether he has the authority, and from reading the act it is not quite clear to me, to remove a provincial judge from office for incompetency or any other reason? I'm wondering if the minister could explain briefly what his responsibility is relative to the operation of the lower courts, and specifically with regard to the duties and functions that are performed by the provincial judges.

MR. LEITCH:

Mr. Chairman, the provincial judges are appointed by the province. I think that as matters stand today they may be removed by the province. There is an act which has not been proclaimed in force yet. There is an amendment that was

introduced in the Attorney General's omnibus bill a couple of weeks ago. When that amendment goes through, and if the act is then proclaimed into force, there will be provisions dealing with their removal.

I think, though, the hon. Leader of the Opposition was touching on a wider issue, and that is the extent to which the provincial government can or should exercise a control over the way in which the provincial judges perform their functions. I should say, at the outset, that it has been traditional in the English system of justice, that the government has very, very little to say about the way in which the judiciary perform their duties. I think that is a very sound rule. It is impetuous to give them the security of office without interference by government.

In fact, the federal government has, for years, operated under the system by which the only way Supreme Court judges, who are their appointees, could be removed is by act of Parliament. There has recently been an act passed by the federal government which does provide alternate machinery for the removal of a Supreme Court judge, but again, it is very complex machinery, and designed solely to ensure that the judge is free of any interference by government. I don't have the slightest hesitation in saying that is a sound principle, and is one that ought to be followed by the provincial government with respect to its provincial judges.

MR. HENDERSON:

Mr. Chairman, I accept in principle the statement made by the Attorney General, but I don't think it quite comes to grips with the problem that surely to goodness a judge of the provincial court has to be accountable to someone other than God.

The Craig case very specifically brings to my mind a very serious question of the actions and the apparent impunity with which a provincial judge can deliberately violate the laws of Canada, particularly as it relates to the deliberate adjournment of the fraud charge in the Craig case beyond the legal eight-day maximum where the defense attorney did not concur with the adjournment. It is my understanding of the Criminal Code that so long as all parties agree to adjourn beyond the eight days that is acceptable, but it is not acceptable under the terms of the Criminal Code, for a case to be adjourned beyond the eight days when the parties to the transaction, in this case the prosecuting attorney, I presume, and the defense attorney -- one or the other -- do not agree with the adjournment.

What are the implications so far as the law is concerned when a judge of a court, and one can only conclude, deliberately and knowingly, violates a law of Canada? I am under the impression that the people of the country look to our courts for justice, but when a provincial court judge or any judge for that matter -- I can understand making a mistake and certainly this is not unexpected nor unknown -- but surely when a case that is before the court is handled in such a manner that it does violate the laws of Canada, and this is done knowingly and deliberately, there has to be some accountability in the system other than a higher level of the courts. The whole transaction in this particular case has very clearly left the impression with the public that the first responsibility of the courts is to protect the courts themselves.

Above all protect the courts, even if it means that the administration of justice on the part of a private citizen is deliberately frustrated. I think the Attorney General would have to agree that this is a pretty serious situation when this happens. While in principle I agree with the argument that the less we have political involvement in the courts the better it is in the long-term interests of justice, surely a procedure that simply relates to a higher level of court saying, well it was a mistake and it shouldn't have been done, hasn't even happened in the courts. The courts simply said they quashed the thing because the provincial court has lost jurisdiction. It raises some very serious questions as to the effectiveness and the manner in which the law is being administered in the province.

I raise the question, what hope does an individual citizen have --

MR. FARRAN:

Point of order. That's a pretty serious statement -- the courts of the province. This is going beyond one particular case. The hon. member was saying he lacked confidence in the administration of justice through the courts in the province. I think that is an outrageous statement and a very irresponsible one.

MR. HENDERSON:

Mr. Chairman, I am simply pointing out the points that were raised in the Craig report which cast some very definite doubts on this. I wanted to make the point that in principle, so far as the responsibility of the Attorney General is concerned, in the enforcement of justice in the province, in a case where a judge of the court has deliberately and knowingly on the basis of the evidence apparently ignored the law of the land -- and this appears to be the case on the basis of the information that was contained in the report -- partiality a citizen is going to receive in coming before the court where such things have happened. I think one would have to have some very serious doubts as to whether justice would be impartially administered.

So far as casting reflection on the court, I assume that the Attorney General of the Province of Alberta has some jurisdiction and has some responsibility in this particular matter because the provincial judges involved are appointed by the Provincial Attorney General. He has indicated that he has a bill before the House which would provide some provisions for removing a judge from office. I suggest that even if he points out the Supreme Court -- well, it is a pretty ticklish subject and approached, I am sure, with a great deal of trepidation on the part of people involved in political life. But there is still machinery to deal with such problems.

I think that we would be negligent in our responsibilities on this side of the House in not trying to get a pretty clear understanding from the Attorney General as to what his responsibilities are in this matter and what his authorities are in this matter.

Apparently the courts are not accountable directly to the people of Alberta. The only accountability that I can conclude that there is is through the Attorney General as the executive officer of the Crown responsible for the administration of justice. I don't treat the matter the least bit lightly. I think the vast majority of people in this province have a deep and abiding respect for law and order and respect for the courts. I think this is what we are concerned about; that this respect is maintained and continued. But this case has raised some serious doubts which, I think, have to be pursued at this particular time in this Legislative Assembly.

I don't know what answer the Attorney General can give to the matter, other than the fact that the matter cannot be dismissed lightly. Can a judge knowingly and deliberately violate the law and be held immune from any action so far as making him accountable to the public for that particular action, or can he not?

MR. LEITCH:

Mr. Chairman, the hon. Leader of the Opposition says, can a judge knowingly and deliberately flout the law and not be accountable? The answer to that is clearly, no. I want to make it clear to this House that that is the conclusion the hon. Leader of the Opposition has drawn from this case.

Now let me just call his attention to a couple of facts.

The first one is, if he looks at the Craig report, and it is my memory from the Craig report that there is a reference to an endorsement on the back of the information by the judge that it was 'adjourned with consent'. He is quite right that in a case before a provincial judge of this nature he loses jurisdiction if the matter is adjourned for more than eight days without consent. On the back of the information that is referred to in the report he is talking about, there is an endorsement that it was adjourned for more than eight days with consent.

Now the information that came to me at the time when that occurred was this simple: that the matter had been adjourned by consent. There then was a dispute over whether consent had been given or not. They got the record and the record didn't disclose that it had been given. So they were then into an issue, as between the judge and the counsel involved, as to whether consent had been given.

Now it is quite one thing to say you deliberately flout or breach the law and it is quite another to say that some mistake in communication occurred or misunderstanding about communication.

I want to make it very clear that it is the hon. Leader of the Opposition who talked about deliberately flouting the law on the part of one of the provincial judges.

Now I think it behooves anyone in this House who makes that kind of charge to make sure that he has gotten all of the facts --

AN HON. MEMBER:

Right.

MR. LEITCH:

-- and that he has paid attention to those facts that were available to him and that he made it clear to the House on precisely what facts he was basing that accusation, so that those of us who may not share his view are able to at least form an opinion on facts upon which he is relying to form his opinion.

Now let me just add a couple of comments why I think it was a failure of communication. It's a simple, elementary exercise on the part of all of these people that a matter of this nature can't be adjourned for more than eight days. And in this particular case there had been an adjournment earlier for an excess of eight days with consent.

Now to suggest when that is known, and when it is known they will lose jurisdiction if they are going to deliberately flout a law -- first of all I don't think the Leader of the Opposition is correct, even if what he assumes happened did, in fact, happen that there was a flouting of the law, in the sense it's a breach of the law. It's simply -- what is the result? It's a loss of jurisdiction. And you can lose jurisdiction in all kinds of ways. This is merely one of them.

But far from indicating there was a deliberate and intentional adjournment to lose jurisdiction, there is a good deal of evidence around to suggest quite the opposite -- certainly the reports that came to me because I was interested in finding out why it had occurred -- or to the effect that the parties involved assumed, thought or believed the matter was going over for more than eight days with consent.

MR. HENDERSON:

Mr. Chairman, I say quite sincerely the points of the Attorney General are well taken. I don't know whether that was specifically a case or not. I'm asking the Attorney General what authority, what jurisdiction he does have in dealing with the situation should this develop. I simply point this out to the members of the House, and my knowledge specifically relates only to the report prepared by the Alberta Human Rights and Civil Liberties Association. I don't think it would be incumbent upon me to state specifically that he has. I'm raising the question of what the prerogative of the Attorney General is, if the situation has specifically developed.

The interpretation that the report leaves raises some doubts in this regard. I'm not going to have any quarrel with the comments of the Attorney General at all so far as what he said. But I would like to ask one other question relating to the information contained in the Craig Report wherein it is stated that the adjournment -- the document or information sheet I guess it is called -- was signed by a judge other than the one who had heard the case, and the 'with consent' stamp was on it. I have the report here, I can get it out, but this is the way I read the information in the report that it was a judge other than the one who had heard the case who signed the sheet. Is this a regular happening or not an unusual happening so far as the courts are concerned that a judge other than the one who heard the case would sign the information sheet and stamp it 'with consent'?

MR. LEITCH:

I would have to -- know all of the circumstances. I wouldn't think it would be usual for anyone other than the judge who heard the application to make a note on the back. But I would want to check into all the circumstances.

The hon. Leader of the Opposition asked about the jurisdiction of the Attorney General in an imaginary situation and that's the basis from which I think we can proceed. I certainly don't have any doubts about this; if a member of a provincial court misconducts himself on the bench -- and we could go into some lengthy discussion about what would be misconduct -- in the execution of his duties, there is an obligation on the provincial government to remove him from the bench.

MR. HENDERSON:

Thank you, Mr. Chairman. The other question I would like to ask the Attorney General -- I just can't put my finger on the appropriate section of the report -- would he mind just double-checking that particular portion of the report? Because I think the information I have conveyed, at least my interpretation of it, as far as I know, is the one that is afield so far as the public is concerned. I think it may have some relevancy and would ask the Attorney General to look into it further.

Turning from the question of the responsibility of the Crown on the matter of the provincial courts and provincial judges I would like to ask a few questions about the responsibility the Attorney General as it relates to the executions of the duties of the Crown Prosecutor. And I'm thinking, more specifically, those here who are in full-time employment with the Crown. I presume that the Crown Prosecutor is subject to a fair degree of consultation and direction from the Attorney General through his senior officers in the department. The Crown Prosecutor in many cases is a direct employee of the Crown.

MR. LEITCH:

Yes, Mr. Chairman, the Crown Prosecutors are employees of the Department of the Attorney General.

MR. HENDERSON:

Is it a normal happening, Mr. Chairman, again to the Attorney General? To what extent is it common or uncommon that consultation takes place between the Crown Prosecutor and the judge involving a case before the case is heard? Is this a very common occurrence or is it generally speaking, uncommon?

MR. LEITCH:

When the hon. Leader of the Opposition speaks of consultation, I'm not sure what he has in mind. I can think of cases where there would quite properly be communication between the Crown Prosecutor and the judge.

MR. HENDERSON:

Well what I'm really wondering, Mr. Chairman, is whether it is a common or uncommon practice for the prosecuting attorney, the Crown Prosecutor to discuss various aspects of a particular case, the manner in which it will proceed through court and so on with the judge before the case comes before the judge?

MR. LEITCH:

I'm sorry -- the manner in which -- I didn't catch that?

MR. HENDERSON:

Well the manner in which the case will be handled before the court and other aspects of the case before the case comes before the court.

MR. LEITCH:

Well, I would think it would be quite wrong for a Crown Prosecutor to discuss any evidence or anything of that nature with the judge, certainly in the absence of the defense of the accused or the lawyer for the accused. Now, if they were having a discussion about when they could fit in trial dates, things of that nature -- length of time he thinks it's going to take, that kind of thing -- I wouldn't think there was anything improper but certainly I'd consider it wrong to discuss evidence or things of that nature with the court in the absence of the accused or his agent.

MR. HENDERSON:

Thank you, Mr. Chairman.

Turning very briefly to the question then of the responsibility of the Attorney General as it relates to the execution of the duties of the Provincial Coroner. Is it normal that the Coroner receive direction through the Attorney General's Department on routine matters dealing with inquests and so forth? He is an employee of the Attorney Generals Department, isn't he?

MR. LEITCH:

Yes, he is, Mr. Chairman. I wouldn't say it was normal for him to receive routine direction from either myself or other members of the Attorney General's Department. The Chief Coroner is assigned a duty and in the ordinary course carries them out. There are matters in which he refers to either the Attorney General or people in the department for some advice or guidance and then, under the act, there are specific instances where the Attorney General is obligated to order inquests and things of that nature.

MR. HENDERSON:

Referring again to the report on the Craig case. I wonder, could the Minister advise the House as to whether the inquests that were held into the death of the people that were dealt with in the report, whether any of the inquests were held at the direction of the Attorney General's Department, at the request of the police department, or were they initiated on the action of the coroner himself? Does the minister know?

MR. LEITCH:

As far as I'm aware Mr. Chairman, that decision was one made by the coroner.

MR. HENDERSON:

Further then to the responsibility of the Attorney General, and this concerns the options that he has available to him to deal with the matter of irregularities, should they occur in an inquest, or the fact that possibly subsequent evidence or re-examination of evidence or transcripts and so on indicates that there was possibly an erroneous conclusion arrived at. As to what the authority and responsibility of the Attorney General is in this regard and once again I'm simply quoting from the case of the Craig Report as prepared by the Alberta Human Rights and Civil Liberties Association, raises the question of the examination of all witnesses that appear before the inquest under oath, Section 24(1) of the Act requires that the coroner examine the witnesses under oath at the inquest. And does the fact that this may not happen in an inquest necessarily constitute a violation of the procedures, or what are the implications of it, I guess, Mr. Chairman, in a legal sense?

I might as well put the other ones that relate in similar questions. What's the responsibility of the Attorney General as it relates to the operation of the Provincial Coroner concerning the requirement in The Coroners Act that the matter of, if an inquest is liable to lead to a criminal prosecution, that there is a responsibility on the coroner to extend the protection of The Canada Evidence Act and The Alberta Evidence Act. I notice the Act says "shall". What are the implications where that protection is not extended if criminal proceedings should result from the Act, or should result as an outcome of the inquest indirectly?

I think maybe I'd like to hear the answers to those two questions right now, Mr. Chairman.

MR. LEITCH:

There were a number of items in the report dealing with coroners which I feel were in error. In one area of the report dealing with evidence about the death, I believe they had overlooked the amendments of The Coroners Act which were passed last year.

There was also some comment about a policeman acting as counsel as being in breach of the Act, and I'm satisfied that is not so. That's not a breach of the Act, but it may be a question of whether that is a reasonable or appropriate practice, but I'm satisfied it is not a breach of the Act.

There are two ways in which you can get to ask questions at an inquest. One is as of right, which arises when a person appears who may be accused of an offence and as of right he is entitled to have counsel. The other way you get to ask questions at an inquest is as of grace. The coroner simply says, "All right you can ask the questions." So there is no need in the Act for there to be a specific right to do that and, in fact, the practice in Alberta has been for years and years to have the counsel representing the estate ask questions on an inquest and there is nothing, of course, in the Act that deals with that. He is simply there asking them as of grace on the part of the coroner.

With respect to the extension of the protection of The Canada and Alberta Evidence Acts, again we have to talk about two things perhaps, the legal position and what may be an appropriate practice. My memory of the legal position is this simply, that you must ask for, and it is rather restrictive, the cases that deal with this. They held that not only the witness must ask for -- some question whether his counsel is entitled to ask for, and must ask for it on every question rather than a blanket protection.

Now the practise differs substantially from that if a request is normally made by the counsel and the practise is for the court to give a blanket protection so that it applies to all evidence given by that person on those proceedings and not question by question.

There is no legal onus at any time on any court or coroner or anyone else, in my view, to voluntarily extend that protection. The way in which it legally comes into operation, is if the witness asks for it. Now the practice, and you will find this in some proceedings where a question is asked which may lead to an admission of some sort in the answer that could be used in criminal proceedings. You will occasionally find courts on their own extending the protection. But that is by no means a universal practice, and it's certainly not something that is legally required. The legal requirement is that the witness ask for it.

MR. HENDERSON:

Well, Mr. Chairman, I just want to come back to the question of the responsibility of the coroner at an enquiry into a death, it says:

He shall examine on oath all persons who tender their evidence respecting the facts and all persons he thinks it expedient to examine as being likely to have knowledge of relevant facts.

Now the report suggested from the examination of the transcripts that in some inquests not all the individuals who supposedly presented reports where there were available pathological reports, and so on, that had a bearing on the outcome of the jury, were cross-examined in person by the coroner.

What are the specific implications so far as the outcome of an inquest where that legal requirement was not fulfilled on the part of the coroner in examining all the witnesses under oath as opposed to just taking statements and having them included in the record?

MR. LEITCH:

Well, I believe, Mr. Chairman, we are now talking about the area I referred to earlier. It's my memory, and I certainly want to check the legislation before being positive about it but there were last year amendments introduced which enabled certain evidence to go in in that fashion. And I think that was overlooked in the report.

If evidence is tendered at a coroner's inquest, it isn't under oath. The hon. Leader of the Opposition asks the legal consequences of that. I wouldn't want to give an opinion on that without reviewing it. But certainly the normal practice is that if there has been something procedurally wrong in an inquisition such as an inquest, a higher court may declare it a nullity. Although I have never been sure what effect that has on a coroner's inquest. Because nothing follows from an inquest.

There is normally no action, so no one's rights are affected, no action flows from an inquest.

There is another possibility and this has occurred in the past, in the time I have been in office because of some additional information, or something of that nature a new inquest has been ordered which repeats the exercise.

MR. HENDERSON:

The only remedial course of action that is available I gather then, is that the Attorney General basically has the authority to order another inquest, or that the inquest be reopened. Is this the -- or would the court order this?

MR. LEITCH:

Yes, that is right, except someone affected by the inquest, who feels he is affected by the inquest could get an order quashing it, that is, take it to a higher court and have the proceedings quashed. As I say, I am not at all sure

that's of any significance because nothing follows as a result of the inquest anyway.

MR. HENDERSON:

Mr. Chairman, another point that the report raises relative to the Act, The Coroners Act, is the practice, or is it a practice at a coroner's inquest to have the police involved in the cross-examination of witnesses? The legislation specifically makes no provision for it. But on the other hand, is it to be concluded because the Act doesn't make provision for it, it is not allowed? Or can police officers be used for examination of witnesses?

MR. LEITCH:

As I indicated a little earlier, Mr. Chairman, in my view it is not a breach of the Act to have them examining the witnesses on behalf of the Crown. I said, and I think this is valid, that it's a question of appropriateness.

At most inquests there would obviously not be criminal proceedings, and I would think in those, there couldn't be any objection to the policeman asking questions. He is normally the one who has carried out the investigation. The question of propriety arises if it is clear there was likely to be criminal charges flowing from the inquest and there is a policeman asking questions.

MR. HENDERSON:

Once again I presume this could be a point then at which the inquest could be quashed. The question of where the inquest goes, what you do with it afterwards, the only real relevancy I can get out of that is in the case of a witness under examination by the coroner who did not request the protection of The Canada Evidence Act, The Alberta Evidence Act and there were criminal charges forthcoming from the inquest as a result of some of the evidence and if the evidence could be used against him in the criminal proceedings. I think the minister indicated this was a possibility. While it doesn't necessarily follow that this would happen, it is a possibility. The question of the relevancy of the procedure of the coroner does seem to assume some importance when you look at the possibilities of criminal proceedings slowing under the inquest.

One other question I'd like to ask the Attorney General, Mr. Chairman, is again raised in the report. The report suggests that it is not uncommon and suggests it did occur in the inquest related to the Craig case, that the coroner for all practical purposes completed a significant portion of the outcome of the inquest before the proceedings took place in the inquest and that this was typed out on the inquisition form and the jury had the liberty of adding a few of their own comments on the matter. Once again, this raises the question of the relevancy of the inquest so far as determining what the cause of death was. It raises the question of why bother to go through the inquest if the thing is all predetermined before the fact. Once again, has the Attorney General examined this aspect of these proceedings?

MR. LEITCH:

It has been brought to my attention, and I noticed it when reading the report, Mr. Chairman. I haven't had the opportunity to thoroughly consider it. One of the things, for example, if you compare the coroner's inquest to a trial with a jury -- and that's a reasonably justifiable analogy, I think -- is that there is nothing to prevent the trial judge during the course of a trial by jury from saying what he thinks the evidence leads to, what conclusions he thinks it leads to. Quite frequently that is done. The obligation on the trial judge is to say that while I think the evidence establishes this fact, you are the sole judges of the fact and are not in any way bound by my opinion. But it is quite often that he will give them an opinion. In that sense, I would think the coroner would be entitled to follow the same kind of practice -- that is, pointing out pieces of the evidence and indicating what he thinks they mean.

But certainly it is the jury -- and it should be made clear to them -- who are the final judges of what the facts are. My preliminary indication on that is that it is not a good practice to have these things filled out, even as to the sort of routine matters as time and place and things of that nature which are beyond contention. Perhaps the better practice would be to hand them a blank form. But the point I was endeavouring to make, Mr. Chairman, is that that doesn't -- when you keep in mind the practice of the trial judges during trials -- carry quite as sinister a significance as might at first flash appear.

MR. HENDERSON:

Once again, the Attorney General does not necessarily believe that, should those happenings take place, they would necessarily be a violation of the basic purpose intended in a coroner's report.

MR. LEITCH:

I put some caveats on that, Mr. Chairman, because I said that I thought clearly that the coroner, while he might be free and probably is to indicate what facts the evidence means to him, should make it clear to the jury that that is merely an opinion and one by which they are in no way to be bound, and that they are the people who make the actual decision.

MR. CLARK:

Mr. Chairman, just to refer back to the comments the Attorney General made earlier referring to a fraud case and the question of a loss in jurisdiction. Mr. Attorney General, you took quite pointed exception to the comments made by Mr. Henderson and you said you felt there was some other evidence to indicate that in fact this was a rather legitimate mistake that was made.

That wasn't the term used, but if that is not the impression you tried to portray, please correct me. Would you, at this time, outline to us what you feel this other evidence is that indicates that there wasn't some good reasons for a mistake being made so the jurisdiction was lost? Because as I read the Human Rights and Civil Liberties report, two or three things stick out in it to me as a lay person.

One is, and the most impressionable thing to me, is the fact that both charges, both the fraud and the criminal negligence charges never got to the point where Dr. Craig was found guilty or not guilty.

With all the background work that appears to have been done by the Crown Prosecutor and by the coroner -- and I say appears to be done -- and by the City of Edmonton Police it strikes a layman that it is very strange that neither one of these cases brought to final decision, that both in fact were dealt with or ended up with one losing jurisdiction and the Crown really withdrawing its charge on the case because of the evidence not being able to be presented to the court.

I really think, in light of the decision that you have made, that you are not prepared to go for a judicial inquiry into the operation of the -- a royal commission into the question of operation of the courts at the lower level -- that it is really important for people to retain confidence in the judicial system, the system of our courts.

If you have this kind of evidence if you would present it to us now, despite the hour, to point out to us why you think that the report of the civil liberties people isn't really factual in the suggestion it makes that in fact this was done as rather a part of getting the fraud case out of the way because I think it uses a term in here -- it would be an embarrassing political case.

MR. LEITCH:

Mr. Chairman, I don't know that I used the term "evidence" in the way the hon. Member for Olds-Disbury suggested. I think what I said was this. There was an indication referred to in the report, this was adjourned beyond the eight day period by consent because there was an endorsement on the information.

I also said that that was the information that came to me immediately after it happened, because I asked how it had occurred. The information that came to me was that both the court and the Crown Prosecutor thought they had consent. Then an argument developed over that. They got the transcript. There was no indication in the transcript they had consent, so at that point there could have been an issue tried before the Supreme Court as to whether they did in fact have consent which would have meant calling evidence, the judge, the Crown Prosecutor and the defense lawyer and requiring the Supreme Court to make it final.

What I did say -- and I think this is what you are referring to -- was that I felt that was the logical explanation. I can't conceive of them doing it anything but accidentally and there has never been the slightest suggestion that it was done anything but accidentally.

I think the fact of the endorsement there, the report came to me shortly after it occurred that that is what had happened. I said that explanation

strikes me as being the logical one, the one I can expect. That is the kind of thing you can anticipate happening occasionally, but the alternative which is what the hon. member has suggested, this is something deliberate on the part of the Crown or the courts for some ulterior purpose that is wholly unacceptable. There is absolutely not the slightest suggestion any place that that was so.

MR. CLARK:

Mr. Chairman, could we go on to the second situation and this was the second charge. We don't need to go back over the steps as to what happened, but this particular case, and the Attorney General has mentioned this in the House earlier, that after the thing moved along some distance in preliminary form, then the Crown Prosecutor informed the court at that stage that the Crown was unable to present the evidence. And herein, I think, lies the reason a number of people are concerned on both charges that this kind of thing happened. Maybe it is the ordinary thing, but I don't think it is. But it does strike me that it is very strange that this happened in both cases and centering around the situation was a very highly publicized, highly discussed situation.

So I ask the Attorney General to explain in more detail than he has done previously in the House, the circumstances surrounding the misplacing of the evidence in the second case. Then, if he has any other information, he should shed some light on that particular chain of events. Does he feel that is a logical thing and the kind of thing that he may certainly not have been pleased with but he would be prepared to accept as a reasonable thing to happen.

MR. LEITCH:

Well, Mr. Chairman, I don't know that I can do more than repeat what I said some time ago. Prior to that charge being laid, several senior people within the department looked at the evidence and expressed the opinion that a charge be laid. It was a matter that was obviously going to cause some adverse publicity and for that reason an opinion was asked from the senior prosecutor in the Province of Alberta, who is not a member of the department. He gave an opinion that charges should be laid. So the matter was looked at by a number of people within the department to form an opinion as to whether charges should be laid.

After they were laid and they came to the critical piece of evidence which was the tracing of the body tissue to tie the drug to the death, they found that the normal procedure in cases where charges are expected to be laid hadn't been followed and so they weren't able to trace it.

Now that is clearly something which, in my view, should have been checked before. But it is the kind -- and to say that it is something you expected to happen or accepted as being likely to happen isn't quite accurate. It is a mistake and shouldn't have occurred. I said that before and I don't know how anyone can say anything more. It is a mistake by the people who were looking at the evidence, that they didn't check that particular piece of evidence before forming an opinion.

If you come to say well, normally that isn't done because normally these things are looked after in such a way that when the prosecutor calls for the evidence it is there. So he normally doesn't go and check it. But I think it is fair to say that having found it wasn't there on one occasion and having always before you the possibility that it might not be there, it would have been good practice to check it.

MR. CLARK:

Mr. Chairman, I will just ask the Attorney General one more question. In light of the explanations he has given on both charges, why not go ahead with the kind of inquiry that would lay the whole thing before the public and deal with the whole question of administration of justice at the lower levels in the province? Why not go ahead with this? It seems to me that if it did nothing else it would lay the concerns of a lot of sincere people at rest.

MR. LEITCH:

Well, Mr. Chairman, to deal with that question, there are a great number of considerations one has to keep in mind when making decisions about inquiries. I think one of the reasonable tests to use in determining whether to call a judicial inquiry is whether there has been a public airing of one nature or another of an event. I'm thinking of such cases of this where there has been proceedings of some length that are public before the courts. There are other areas in which there has been requests for judicial inquiries. I can think of one in Calgary where a girl died while being moved back and forth from the

police cells to the hospital and there was an inquest, a public hearing. The judicial inquiry that is now underway in my view is an appropriate case to hold a judicial inquiry because the proceedings were in camera they weren't in public. There I think when questions are raised about the propriety of the proceedings and there hasn't been a public hearing of any kind then it's quite appropriate, depending on all the other factors that should be taken into consideration in reaching these decisions, to hold a public hearing.

MR. CLARK:

Mr. Attorney General, would I be fair in summarizing your reason for not feeling an inquiry is appropriate is because you feel there has been sufficient public airing of this situation?

MR. LEITCH:

Essentially that is so, Mr. Chairman. There have been public proceedings, there has been a report prepared in which those people have drawn conclusions. Certainly the information on which they based their report, most of it is public, other people can look at that same information and draw entirely different conclusions.

MR. NOTLEY:

I would like to say first of all that, with great respect, I differ with the Attorney General's assessment for the need for an inquiry. It seems to me just using the criterion of whether or not it has been aired publicly is not really adequate.

There is a great deal of genuine concern about the administration of the courts of justice in the province and the lower courts of justice. I think that concern will continue until we have some form of judicial inquiry.

Mr. Minister, when we first began discussing this matter tonight you indicated that you felt that the judiciary should be separate from the political level of government and I certainly concur with that approach. However, it seems to me one of the implications in the Sims Report prepared for the Human Rights Association is that there is really not an adequate separation of the lower court system in the province to date. I wonder, if with your permission, I would just read from page 182 and 183 of that report.

The specific breakdowns of the Craig case have been discussed previously and need not be repeated. What must be examined further is to what extent these specific breakdowns reflect more fundamental breakdowns in the system of justice. This Report cannot hope to tackle the subject adequately and further action is vital. However, a few comments might be appropriate to illustrate possible reasons for the problem.

The checks and balances of the judicial system rely for their efficiency on a clear separation of function between the various officers of the Court, including the police, the prosecutors, defence lawyers, judges, and clerks. Not only must the separation of function exist in reality, it must be seen to exist by all those observing the judicial system in operation.

The extremely heavy caseload and close working relationship between the Court functionaries necessitated by that caseload can, unless extreme vigilance is maintained (as indeed it is by some officers) serve to distort the essential separation of function.

Mr. Chairman, it seems to me that the concern that Mr. Sims has touched upon in this section of his report is one that really should trouble us and I suspect it is going to continue until such time as we have a judicial inquiry.

But I would ask the Attorney General whether or not any consideration is given to pursuing this point beyond where Mr. Sims leaves it off. He says that in assessing the Craig case within the scope of his report he really couldn't consider the implications of the clear-cut separation that should exist between the functionaries of the court and the court system et cetera. Are you prepared to do that?

MR. KOZIAK:

Mr. Chairman, before that question is answered as perhaps the hon. Attorney General could deal with my point concurrently.

I'd spoken with one of the provincial judges recently and they were somewhat concerned at that level with the politics that has been going on within this particular area and their feeling that the whole lower court system is being brought into disrepute, not by any of the reports that have been made, but by the discussions that are being taken place with respect to the lower courts, the provincial judges.

I recall just a week or two ago when we had the power failure in Edmonton and it was a substantial one. At that time one of the comments that came forward was that the cause of the power failure was human error. And as a result of that human error the entire city was blacked out and parts of the city were blacked out for eight to ten hours.

One of the comments that struck me, that the provincial judge made, which I feel I should leave with this Assembly, was that there is an Appellate Division, there is an Appellate Court. When we make a mistake there is an Appellate Division to correct that. We are not angels, we are not gods, that's the purpose for that higher court, to correct any mistakes we make.

Now surely, if everytime a mistake was made, perhaps as in this case, a question of whether a communication between a lawyer representing the accused and the judge hearing the case was in fact, properly interpreted.

If in every case where there was a mistake made by a provincial judge, we had to have judicial enquiry, well that would surely destroy our judicial system. This is what the Appellate Division is there for. If there is a mistake, that's where that mistake can be remedied and corrected.

Surely, if there is anywhere that there would be interference by the Legislative Branch of Government in the whole judicial function it would be if there were a judicial enquiry called for on every occasion that a provincial court made a mistake. And I think that that is the purpose of the Appellate Division and there is a point at which we overstep our bounds.

MR. LUDWIG:

I'm rather interested in the remarks made by the hon. member who just spoke. Certainly neither the courts nor the Premier nor the Prime Minister are above criticism, and there is freedom of speech in this province and it always has had freedom of speech, and I believe that the opposition has no business letting this issue go.

If there is any cloud or shadow hanging over the courts, then why do the hon. members opposite, particularly the Attorney General, defend what I call an indefensible position? The reason for no inquiry in my opinion is, that it requires some courage -- that the results of the inquiry can be a bit embarrassing to someone, and it could be the Attorney General. And so let's not have an inquiry, but let's defend it, let's stall. The press has told the government what it wants to see done, the people are asking, the opposition is telling them what they think we want done -- and they are defending their position all the time, and there isn't a single person on that other side with the courage of his convictions to stand up and say: "I agree that we ought to have an inquiry."

They are unanimous on that side that perhaps they ought not have one. And I suppose that if we call for a judicial inquiry, that we are impugning the integrity and the ability of judges. And that is not the way I see it. I believe that the Attorney General has been told from all directions, except from the rear, that we ought to have a judicial inquiry, and he keeps on saying "Why I can't say anything more but repeat myself." He can do a lot more. Try it. See what happens. There is a cloud, there is a shadow hanging over the whole administration of justice in this particular field. And, so now we don't want to.

There is a reluctance on the part of the government to hold a judicial inquiry in this Craig case when they were so anxious -- they just jumped at the opportunity to have one in the Davy case. Yes. Because they felt there might be a few yards to pick up. I'm saying that the Attorney General's position is indefensible. He has not given us one reason why there ought not to be a judicial inquiry of this case, but he has given us some why there ought to be. He is defending his position relentlessly at every opportunity. He is being besieged by the press, the public has certainly raised the point, and he says it has been aired in public a lot. It certainly has been, but with the question -- the main question -- not answered.

There is a shadow, there is a cloud hanging over this whole thing and the reluctance of the government means one thing, that there could be embarrassment ahead. But it requires an Attorney General who is reform-oriented, who has the courage of his convictions to say that the demand, the case for an inquiry has been made, let's have one. I wonder whether the Attorney General would not like to have an inquiry of this one, but perhaps the cabinet is not letting him have one. Perhaps the Premier would prefer not to have one.

I'm saying that even the hon. gentleman who just spoke, the hon. member, Julian Koziak, to feel that we are doing an injustice to our administration of justice by criticizing them here -- this is the place where these things ought to be criticized. If the opposition can not drive this case home and demand an inquiry and get one, I believe that the government is not discharging its responsibilities.

We should not only continue now, but I think that as long as that government is in office they should never be permitted to forget about this incident until they clear the air. Only they can. So they are going to sit and they are going to defend it one after another, because I'm saying that they are afraid to hold a judicial inquiry of the Craig case. The report that was filed, the Sims Report, has made it clear that there are questions to be answered, and we are asking questions. And, in fact, there was some effort to say that you can't criticize judges. I say we can if the circumstances merit criticism.

So I believe the Attorney General can tell us that we don't want an inquiry. Everybody wants one but the government, and I believe that the case for an inquiry has been made, as I've stated, by the people, by the press, and by the opposition.

MR. GHITTER:

I've heard the hon. Member for Calgary Mountain View suggest that the Craig case is embarrassing to someone, and for some inexplicable reason he seems to be of the deep rooted opinion that it's embarrassing to this government.

I don't know how much involvement the hon. Member for Calgary Mountain View has had over the years in our criminal courts and the activities surrounding them, but I can assure him that really if we look deeply into the Craig case and the problems surrounding it, the embarrassment isn't really one that is an embarrassment to this government as much as it is an embarrassment to the whole legal profession which has not responded to the difficulties that we have seen in our system of criminal jurisprudence.

I don't know how many times the hon. Member for Calgary Mountain View has been involved in our criminal courts and the activities surrounding them, but I think there are many areas of reform that can be considered over a time, and should be looked into and should always be looked into. But where were the lawyers of the province as matters of this nature -- not the Craig case, but many, many cases like it -- were going through the courts? Where was the hon. Member for Calgary Mountain View as many cases of the very same situation arose time and time again in Calgary and other places? I didn't hear from him at that time.

And surely you are doing the political process a disservice when you suggest that, because of all the furor that has been raised throughout this province in respect to the Craig case, now is the time that we should come forward with, of all things, a judicial inquiry to merely replay the Craig case while the important issues, the deep rooted issues that we must look at from the point of view of legal reform will become forgotten, while we argue about whether methadone is the answer for narcotic addiction, or whatever the other issues are that seem to flaunt around with the Craig case.

Now let me suggest that if there is reform needed it is not reform from the point of view of the particular circumstances and problems relating to Dr. Craig. But the reform should be looked at, at all times, not just by the politicians, but by the criminal bar, those who are involved in criminal law, those in the criminal bar who meet frequently to talk in terms of making recommendations to government, those involved through the bar societies, both Canadian and the provincial, who continually make reform suggestions to government so they can respond to them in the hopes that our law will keep abreast of the difficulties.

I as a lawyer don't like, any more than the hon. Member for Calgary Mountain View, to see the law go into disrespect with cases of this nature. But to react and suggest that judicial inquiries from the point of the Craig case

alone will solve the problem is naive and shows a complete misunderstanding of the criminal jurisprudence system.

MR. HENDERSON:

I have one or two points that I want to pursue here. I suggest, Mr. Chairman, that the words of the Member for Calgary Buffalo are well taken. I agree with him that to pursue the Craig case in the form of a judicial inquiry is not the basic issue.

That's why I set out to discuss the problem in general rather than in specific terms. To get down to the meat of the issue, to what the general problem was it was necessary to deal with the specifics. I agree with the Member for Calgary Buffalo. A judicial inquiry per se in the Craig case, I don't think is what we are talking about.

I've talked to Dr. Craig and he has the opportunity available in the courts as I think the Attorney General said if he wants to pursue the matter further in his own personal interest. And I think it would be somewhat presumptuous on my part or anyone's part in the Legislature to stand up and argue in favour of a judicial inquiry on Dr. Craig's behalf when Dr. Craig himself has not indicated -- at least to me, maybe he has indicated to other members -- that he is interested in pursuing it.

But I would like to come back to the question that I think has been raised by the Member for Edmonton Strathcona. And I think the member was touching on the question of the, probably the word propriety isn't exactly the right word, the questions, the exercise in delving into this matter through the political system. And I can only point out, Mr. Chairman, that while I subscribe to the Attorney General's stated views of keeping the process of the administration of justice separated as much as possible from the legal system, the fact that the government has declined to set up a royal commission for an examination into the administration of justice in the lower courts really has left no choice but to pursue it at this particular level.

And so we pursue it not by particular choice on our part, because I can say quite frankly and sincerely that I had really hoped that a commission would be set up, where the matter would be pursued on a non-partisan basis and there wouldn't have been any need to pursue it in here. Because I say quite frankly, and I have no personal knowledge on which to make this statement, but the circumstances as to what the Craig case represents obviously just don't reflect to the present administration.

I think undoubtedly it's a matter of record even in the Craig case that the case started before the election. And so it's only as a matter of default as far as I am personally concerned and the fact that the government has seen fit to have the matter examined in a more rational and in the final analysis a more satisfactory manner, through a royal commission in examining the broader issues of law enforcement that we have had to pursue the matter in this manner. I think it's an option we have available to us and I say again I believe we would be negligent in our responsibility if we did not pursue it.

Nonetheless, it is certainly my intention to see, so far as circumstances permit in the debate, to pursue the matter in a responsible manner because the seriousness of the situation does not lend itself to taking the matter lightly.

Finally, I would like to come back to the question we discussed with the minister leading to the dismissal or the adjournment beyond eight days. I'll just quote from the report on page 73. And this is the point I think we raised about the question of the intent of the court. I couldn't agree more with the statements that have been made insofar as the senior courts to examinations where a mistake has been made to rectify it. But in that regard I want to refer just briefly and read into the record this particular section. It is my understanding in the report in dealing with the question of the preliminary hearing enquiring into the fraud charge on April 4th. The statement in the report reads: "By the time of April 4th hearing," and this is into the fraud charges,

the Crown and Judge Relf had both been served with notice of the defendant's application to quash the warrant and its more recent application concerning the court's jurisdictions to hear the matter.

And that's just a matter of record. The way I interpret it, it's the fraud hearing.

All three parties in the matter maintained their customary positions. However, the hearing was short and more harmonious than the one that had gone before, despite the fact that the defence again objected to an adjournment, and the eight-day limit on remands had been discussed not one minute earlier,

and I presume that the author was making these statements on the basis of the transcript, "Judge Rolf set the matter over until 9:30 a.m., April 17, currently beyond the eight-day limit." Whether this is exact or not, I don't know. I'm simply reading the report, and this is the question that has been left with the public. It goes on.

The endorsement on the back of the information shows two unusual clients. Firstly, it was stamped with the name of Judge Beaudry instead of Judge Rolf, and secondly, it states that the remand is by consent of all parties. The transcripts taken on April 4 showed no sign of any agreement over the remand whatsoever.

This is on page 73 of the report. This passage has been the basis for questions brought up so far with regard to the action of the court in this particular matter and the prerogative the Attorney General has in looking into the matter. But I say once again, Mr. Chairman, that we do not pursue it because there is some partisan political mileage in it. If there was a royal commission it might throw a lot lumps back at the previous administration -- I don't know.

But I'd like to ask the minister one other question as it relates to the prerogative of Dr. Craig pursuing the matter further in his own interests in court, if he should choose to do so. I think the Attorney General -- it's on the record in Hansard, and I wcn't bother digging it out -- said that the doctor has this prerogative and course of action available to him if he wants it. He can sue the Attorney General for false arrest, or something like this. I was wondering what the real practical value of the prerogative really is -- of the doctor pursuing the matter in court further when the action of the senior court, in quashing the search warrants, and everything that ensued out of it, the way I interpret it, specifically prohibited any action against the provincial judges involved in issuing the warrants or anyone who was involved in the execution of the warrants. I have no way of judging, other than on the surface, as to whether this particular action of the superior court would, in any way, impede Dr. Craig in pursuing the matter further on his own behalf in the courts should he so choose. I wonder if the minister could answer that question?

MR. LEITCH:

I have two comments to make about that, Mr. Chairman. My memory is that those orders relate to the people who executed the warrant and that would be the policemen, but the judge is normally immune anyway. I should also say that I saw those provisions and the orders, and was disturbed that they were there. I think in theory that this is a practice that has been followed for years, and I personally find the practice of getting that kind of order very questionable, and have so told the departmental people --

MR. HENDERSON:

I'm not just quite sure exactly --

MR. LEITCH:

-- the kind of an order in which the superior court exempts certain people from liability for carrying out an order that has been quashed. When I saw it, it certainly struck me as being the kind of thing I have some serious questions about. I was told that that was a practice that has been followed for years, and I told the departmental people I didn't think it should be followed in future.

MR. HENDERSON:

Well, it is the impact it has on laymen that really raises the question as to the impartiality with which the exercise has been conducted.

Secondly, would not those actions to some extent circumscribe the doctor from pursuing the matter further in the court, should he so choose?

MR. LEITCH:

From a practical point of view, I don't think so.

MR. HENDERSON:

It wouldn't be a significant legal roadblock then?

One other question then, Mr. Chairman, before I yield the floor. The report also raises the question of the confidentiality of medical records as it relates to the fact that all the records of the doctor were seized twice by the police under warrant, and particularly when it is dealing with the question of drug addiction which, I appreciate, is a major problem so far as the law enforcement officers are concerned. It's a question of the legal procedures involved, I gather, in issuing such a sweeping warrant in the first place. Can nothing be done to minimize the possibility of medical records being seized under warrant and broad sweeping provisions -- and Lord knows what they are used for thereafter. Presumably they were all impounded and returned. But is there no protection so far as the confidentiality of medical records is concerned, as it relates to the individual and the responsibility of the police to have access to them?

MR. LEITCH:

There is a limited form as I recall it, Mr. Chairman, in some legislation dealing with such things as venereal disease. I think there were deficiencies in the practice being followed and the House may recall that I did issue a directive to the agents of the Attorney General altering the system of dealing with records that were seized where there might be an objection to the seizure.

MR. HENDERSON:

Could I ask a more specific question. In keeping with that, has the Attorney General issued, or does he have the authority to issue, any sort of a directive then on this matter insofar as his department is concerned -- the issuing of warrants where a warrant can be used presumably for a fraud charge to seize all the records of this doctor in this manner? Does the Attorney General have any power to constrain or restrain the manner in which search warrants are used in the province?

MR. LEITCH:

Mr. Chairman, when we talk about warrants we are into the criminal procedure which is set out in the Criminal Code. So the answer is that you don't have any jurisdiction over what the law is in that area, because it is federal. Essentially that has to be followed and I would be very reluctant to issue instructions involving not following it. But certainly I think there is authority in the Attorney General to issue instructions as to the procedure with respect to the work that should be done by the agents of the Attorney General.

MR. HENDERSON:

Just before I leave this particular aspect of the discussion, Mr. Chairman, I wonder if the Attorney General is going to look into this particular interpretation of this section of this report, page 73, to do with the fact the information sheet was signed by a judge other than the one who heard the case give us some report in the House at a later date?

MR. LEITCH:

I will check into that, Mr. Chairman.

MR. LUDWIG:

Mr. Chairman, regarding the remarks made by the hon. Member for Calgary Buffalo. I do not believe that clearing this case and clearing the shadow that hangs over, as he said, even the legal profession on this matter, will in any way preclude any other type of reform but it focuses attention on the need for particular reform in this area.

I suggest this problem of reform in the Attorney General's department has been brought to the attention of the hon. members here and I am suggesting there is not much evidence of any leadership in this regard of any reform that the members were demanding and insisting upon having when they were on this side of the House.

There were many ideas for reform in the juvenile delinquency field, in prison reform, in the administration of justice, the courts, magistrates courts, et cetera. There was a tremendous demand for reform and notwithstanding the fact that the hon. Premier cuts the Attorney General as a reform-oriented

Attorney General, there has not been a single bit of evidence to show that anything is going to be done in the way of reform in this department, at least not at the present time.

I am saying this one situation that has developed here and has fallen about the ears of the government and particularly the Attorney General focuses attention on the need to move in this area. And whatever the reason may be for not wanting an inquiry, they know best.

But the fact that one might say it affects the whole legal profession -- that is merely trying to detract from the fact that the responsibility lies with one person who can order this thing. You can blame anybody you like. You can blame the opposition for this. No matter whom you blame the blame rests in only one particular spot and one particular person in this House and that is the Attorney General.

When we are talking about reform, let us look at the reform in this area and see if any is forthcoming. I am not only blaming the Attorney General. There has never before been a situation in this House when he has had ten lawyers on the government side to perhaps advise him, if he needs it, as to the reform that is necessary here.

I see Mr. Foster has come to life. He looked like the living dead here for a while and now he is yacking it up here. I knew I could bring him to say something. Once more, you should appreciate the fact that I got your name into Hansard favourably.

MR. FOSTER:

Could I ask you a question?

MR. LUDWIG:

Pardon. Can you? Are you asking me? I don't know whether you can or not.

MR. CHAIRMAN:

Mr. Ludwig, can you keep to this portfolio and not Mr. Foster's portfolio. Keep it to the Attorney General.

MR. LUDWIG:

I'll have you know, Mr. Chairman, that Mr. Foster interrupted me twice and you can tell him to keep quiet and not me.

[Interjections]

MR. CHAIRMAN:

Please continue, Mr. Ludwig. I believe you did challenge Mr. Foster first.

MR. LUDWIG:

Well I told him to keep quiet.

MR. FOSTER:

Yes sir.

[Interjections]

MR. LUDWIG:

You know when we talk about reform, Mr. Chairman, we could get back to the housing problem that has developed in this province -- where the problem is clearly defined -- that is, if organized crime has not moved into this thing, they are being invited to move into a field in which they can have a free go at the citizens of this province. So the problem is clearly defined. The hon. Deputy Premier said he raised this problem years ago but he has been quiet on it ever since he got into office. The problem no longer exists.

So we are looking at a government that knows the specific problem, and knows the complaints but is telling us, "We are not going to do anything now because we don't know what to do." I pointed out that there never has been a situation, perhaps in western Canada, where the Attorney General has had as much legal help on the government side as this one has.

So the question is that they have not the slightest idea of which way to move in this particular field where we require reform. The public is crying for it and the laymen are almost telling him what to do. It requires a drastic move perhaps. This is not a situation where just a few slight amendments and treating it lightly will solve the problem. It requires a bold and positive bit of reform. It requires a bit of leadership and that leadership is not forthcoming.

MR. FOSTER:

Albert, I apologize. I was really afraid you were going to give us ...[inaudible]...

MR. LUDWIG:

Why don't you go back to sleep like you were before. We were enjoying ourselves. You know, Mr. Chairman, I am amazed at Mr. Foster. He has a chance to stand up and answer questions and show a bit of leadership himself and he has never done it. Now he is coming to life when I have got the floor.

He hasn't shown anything. He hasn't shown a bit of leadership. He has created a lot of confusion. He got the Worth Report and he has to ask a layman to tell him what it means. He has alienated the universities. He is afraid to go back to Red Deer. So now he is going to try and regain a bit of ground at my expense.

MR. CHAIRMAN:

If I may add, Mr. Ludwig, even I am more awake now since you have started to speak.

MR. LUDWIG:

Mr. Chairman, I was not aware that you were not awake all the time, somebody was heckling me and it wasn't always the government.

Now, Mr. Chairman, we get to the matter of the houses -- that the people are being rooked by making downpayments to a bunch of crooks and nobody can do anything about it -- when the hon. Member for Spirit River-Fairview asked the Attorney General whether he has inquired as to what happened in the U.S. The Mafia has moved into this field in the U.S., and if we don't do anything it is an invitation for organized crime to get into this thing. I think the challenge has been made to the Attorney General to do something.

Mr. Foster is full of ideas. Why doesn't he give the Attorney General a couple on this one, and let's see if we can't stop this particular problem. This is only one area where we require reform, and the problem is completely to do something. Mr. Foster is full of ideas -- why doesn't he give the Attorney General a couple on this one and let's see whether we can't stop this particular problem.

This is only one area where we require reform and the problem is fully described, we know what the problem is and the solution has to come from the Attorney General. He's saying, I haven't got a clue what I need to do so we will wait and in the meantime more people will get taken and the blame will perhaps rest on someone else, not the government.

As I've stated before, Mr. Chairman, there is a lack of leadership in this department in reform in many areas. We certainly know that the crime rate has gone up in Alberta tremendously and there is not a single program of reform in this particular area. I want to mention drugs --

MR. FARRAN:

I would like to draw the hon. member's attention to page 107 in Beauchesne where it says that:

Chairman...of the Committee to the conduct of a member who persists in irrelevance, or repetition, may direct him to discontinue his speech...

Now think what a blessing that would be.

[Interjections]

MR. LUDWIG:

Irrelevance has just come from the hon. Minister of Telephones and I believe that you could tell him, if he can't interrupt me in any other way, not to use a point of order. There was no point of order at all.

MR. CHAIRMAN:

Mr. Ludwig, as long as you are relevant to the Department of the Attorney General, I think he would be cut of order by all means.

MR. LUDWIG:

I suppose that's a ruling, is it?

[Interjections]

MR. LUDWIG:

You should buy one like this; it might brighten you up a little bit. You look dull with that one you have.

MR. CHAIRMAN:

Mr. Ludwig, you are being irrelevant.

MR. LUDWIG:

The tie and the Attorney General have a lot in common, Mr. Chairman. In fact, even a hanging might be appropriate for all I know. It's in his department -- crime and hanging are in his department.

Mr. Chairman, when we talk about reform in the Attorney General's department I would like the Attorney General to tell us --

MR. FOSTER:

You're starting all over again.

MR. LUDWIG:

-- what he intends to do in the area of drug abuse in this province, particularly in schools. I remember when we were on this side of the House they had all kinds of ideas on how to deal with drugs in schools. I remember the Minister of Federal and Intergovernmental Affairs got up once and shouted at us that we ought to have informers among the students in high schools. I remember that was his concern for the high school students and when I told him that I thought he was recommending a stool pigeon system he got very annoyed about it. This was their recommendation for dealing with drugs in schools. I understand that the problem has become much worse since, but there are no ideas for any reform in this area on the government side at all.

MR. TRYNCHY:

Have you got any?

MR. LUDWIG:

They were clamouring for reform in this particular field when they were on this side, but since then their concern for the serious problem, the parents' concern, the concern of students and schools has been completely forgotten. They are no longer concerned about reform in this particular field.

I am suggesting that as far as the provincial courts are concerned there are enough complaints from lawyers, from lay people, about the system that the Attorney General ought to consider setting up a legislative committee and study the whole system.

But one can certainly not feel that the public has confidence in the system when they can fumble two matters in one case and then leave it up in the air saying, this happened, we don't know why it happened, we don't know all the facts but it has been aired in public and we are just going to wait and see what happens.

The public has lost confidence in our administration of justice in lower courts. This one incident at Spy Hill -- and I'm saying that the public is not

only losing confidence in the administration of justice, the public is expressing lack of confidence in the Attorney General.

I believe that I am not the first one to bring this to him. He must know about this. I think one of the reasons that we have little confidence in the Attorney General is that he cannot stand up in this House and tell us where there is any initiative in the field of reform in his department. If he does, I invite him to stand up and tell us all the thrusts of leadership and reform that we have coming from him particularly because the hon. Premier had stated that we have a reform-oriented Attorney General.

I believe that one more point that I ought to make concerning this department is when complaints arose about the Spy Hill situation.

When we sat in subcommittee, his administrator of prisons in Alberta stated that all is well, nothing wrong. With the exception of one incident, and everything is fine in Spy Hill. I don't think that we ought to buy that. I think that all is not well in Spy Hill, but things are very serious in that jail. There has been overcrowding and there has been an incident that the public is not likely to forget.

But because a civil servant tells us that all is well, then the Attorney General will do nothing about it. I want to point out that three quarters of the budget of the Attorney General deals with the operation of the courts, policing and correctional programs. Over three quarters of the almost \$40 million budget. Over \$31 million is assigned to these three in the budget: operation of the courts, policing and correctional programs.

We feel that that is all the more reason why the Attorney General ought to show leadership in this particular area and provide us with some ideas as to what reform he is going to propose for change in this particular area. I'm sure that if we don't do anything now, or in the foreseeable future, that the public is going to be the great loser in the lack of reform and lack of leadership of the Attorney General.

I was going to point out that notwithstanding the fact that there is a claim that this part of the budget has over \$31 million, \$31,500,000, certain responsibilities in his department are being neglected.

I noticed that in dealing with the Belmont Rehabilitation Branch, there is only a 2.7 per cent increase in the budget, which means that there is in fact a cut in the budget, if you take in the inflationary increase in costs. In the Bowden Institution we have only a 1.5 per cent increase in the budget. In this particular area there is deep decrease in the amount of services which will be provided. In the Calgary Correctional Institution there is 8.5 per cent increase in the budget which means we are merely holding our own in that particular budget because of the inflationary increase; 8.5 per cent will hardly mean that there is an increase in the budget in that particular vote. In the Fort Saskatchewan Correctional Institute the increase in that budget is 4.9 per cent which means that there is in fact no increase. Lethbridge Correctional Institute, 3.6 per cent, it means that inflation will -- bearing in mind if inflation increases that is in fact a reduction in the budget. The Peace River Correctional Institute, 5.1 per cent; in fact no increase in the budget.

I know that the civil service will tell us that we have no increase in the number of inmates. That is hard to believe bearing in mind the fact that there has been a tremendous increase in crime rate in all fields but particularly in drugs, and to say that there is no provision for any expansion of facilities, no changes, no improvements, is really not saying very much for the management of this portion of the Attorney General's Budget.

The only significant increase that we have is 31.9 per cent in the Probation Branch and I believe that that is necessary and I certainly favour an increase in that particular area.

One more point that I think ought to be raised is the matter of legal aid. The legal aid is almost 3 per cent of the whole budget of the Attorney General and I am recommending that the Attorney General do not assign the whole program of legal aid to an agency which is pretty well beyond his control, but that he be personally responsible for the administration of legal aid in this province.

I believe we have \$1,400,000 in the legal aid budget and it should be the responsibility of the Attorney General to see that the funds are not only properly spent, but equitably assigned to legal firms throughout the province -- not left to an agency that is not under the control of the Attorney General because we are, in fact, spending public funds. So I do not believe that

allowing the Law Society to handle this thing is the proper discharge of the Attorney General's responsibility in the spending of \$1,400,000.

One more vote I believe ought to be looked at is the Supreme and District Courts and Sheriffs Offices. There is an 8.6 per cent increase which means that we are merely marking time in this vote because that is about the extent of the inflationary increase in that section.

I see that the salaries -- there was an increase of \$88,000 in salaries, and that roughly is almost the total increase. This is the part of the administration of justice that brings in a tremendous amount of costs, and I believe that both the courts, the Supreme Court in Calgary and the Supreme Court in Edmonton are being very heavily worked. I believe that we could stand some leadership in this area to provide more and better service. We are beginning to lag more and more in civil and criminal cases that are to go to trial.

I think with a province of this size we should not wait until there is a breakdown or until the lag in cases coming to trial is so great that the public will become critical and disappointed. We should take some initiative in this particular vote and provide more services before the problem gets out of hand.

I believe, Mr. Chairman, that I'd like to have the Attorney General tell us whether there are any changes to be made, any reforms advocated, or any more facilities provided for the handling of juveniles in this province. That was a tremendous criticism that was levelled at the previous government by the Conservatives. Let us see whether they have anything to offer to us in that area at the present time. This is a serious --

MR. CHAIRMAN:

Order.

MR. LEITCH:

That is within the Department of Health and Social Development.

MR. CHAIRMAN:

The question of juveniles is not within the Attorney General's Department.

MR. LUDWIG:

Are the detention facilities of juveniles in the Department of Health and Social Development?

MR. LEITCH:

Yes.

MR. LUDWIG:

Well, Mr. Chairman, it doesn't alter the fact that this is a related field --

[Laughter]

MR. LUDWIG:

-- yes -- and the Attorney General can and should have some leadership in this area because we are still dealing with crime, even though it is in the Social Development Department, and I believe the juveniles get to that department via his department. At least that is one service he provides. Yes, he channels them from his department to the Social Development Department so it means he has no responsibility --

MR. CHAIRMAN:

Mr. Ludwig, you're being irrelevant again -- you're in Social Development.

MR. LUDWIG:

Mr. Chairman, if my remarks are as irrelevant as your ruling, I should sit down.

MR. CHAIRMAN:

Thank you.

SOME HON. MEMBERS:

Agreed.

MR. LUDWIG:

Mr. Chairman, I'd like the Attorney General to give us an explanation of any action or any activity which was taken by his department dealing with drugs in this province. I believe it is admitted and recognized that the increase in drugs, particularly with young people, is very great, and in fact, in some instances alarming. I believe this is an area where he can display what his action is going to be and whether they will be doing anything to try to curb the rapid increase in drug abuse in this province.

So generally speaking, Mr. Chairman, I've outlined some of the concerns we have. I would like to see the Attorney General explain to us in what particular fields in his department we can expect reform if any. Thank you, Mr. Chairman.

MR. HENDERSON:

Mr. Chairman, I would like to ask the Attorney General one further question relative to the Sims report into the Craig case. I somehow get the impression from the remarks of the Attorney General that he has not personally examined the court transcripts that relate to the April 4 adjournment or remand of the fraud charge beyond the eight-day limit in the Craig case -- the eight-day limit as provided in the Criminal Code. Has the Attorney General himself examined the transcripts of that particular day's proceedings, or is he acting on advice he received from his department?

MR. LEITCH:

I haven't personally examined the transcript, Mr. Chairman.

MR. HENDERSON:

I wonder, Mr. Chairman, if I could ask the Attorney General if he would examine the transcripts of that particular day's proceedings personally, since I suggest, Mr. Chairman, it has some relevancy in putting to rest or otherwise the concerns of the public as to whether the action in adjourning beyond the eight-day limit was simply a mistake made in good faith, or whether there were some other factors involved in the reasoning of the court in setting the remand beyond the eight-day limit.

MR. LEITCH:

Well, that was the information that was given to me, Mr. Chairman, and I doubt that there would be anything in the transcripts that would have a bearing on that. But I will take a look at it.

MR. BENOIT:

I just have a brief statement to make with regard to what has been said about justice in the lower courts and three brief questions to ask.

Someone made the comment that there was always the recourse to the higher court, the Appellate Court, in cases of this nature. It may be so in some, but not in all. Because there are many people who do not have the means to do it. Even with legal aid they don't have the financial means; sometimes they don't have the courage or the desire to do it. They would rather take an injustice than to carry it through.

But my dealings with the courts through the years have been such -- mostly or altogether in the lower courts -- to lead me to the impression that there are lots of times when, not intentionally but unwittingly or carelessly, injustices have been done. And I have for years been a staunch supporter, like the hon. Member for Calgary North, of the justice situation in our country. But having met with so many situations that have left me with a question in my mind, in all fairness to those who criticize, I have not been as firm as I used to be. And I feel very much that there does appear to the public to be a need for some kind of a criterion for the judges of the lower courts. I am thinking now particularly of the travelling magistrates.

There were a number of cases, when as a welfare officer it was my responsibility to be in the courts to take children from parents and place them in the custody of the Crown or in some other care and the experiences have been devastating when I have seen what magistrates, justices of the peace, and judges do in some of these situations. They are not experienced.

I feel very much that there are truly, as some people say, two standards of justice, one for the rich and one for the poor. And somehow this has to be guarded against, if not eliminated. It may never be totally eliminated but certainly it should be minimized and guarded against.

And now, Mr. Chairman, I have three appropriations I would like to question the minister on briefly -- 1209, 1213, and 1214 where there are substantial increases.

This one, 1209, in staff training -- I'm wondering whether there is to be an increase in the staff or whether it is an improvement in the training they are to receive.

In 1213, there is a 500 per cent increase, and I don't quite understand it. I would just like a word of explanation on it.

In 1214, the Crimes Compensation Board, I'm wondering if our past performance in this particular appropriation indicates that an increase is required. I note that our 1972-73 estimate was \$200,000 and the forecast is that we will spend \$150,000, but we are increasing it to \$300,000.

MR. LEITCH:

With respect to Appropriation No. 1209, Mr. Chairman, this has the same basic budget as that for the previous year, but we have transferred into this vote, two staff members from general administration, and that, to make a more accurate allocation of the costs of the program so that the net result is that the costs are the same -- the change is the result of a transfer.

On Appropriation No. 1213, Mr. Chairman, which is the Alberta Racing Commission, up until this year that has been financed entirely by an assessment made by the commission to the tracks and through licence fees and fines. In this appropriation we are providing \$150,000, and that will do three things: one, we've taken over the costs of one of the two stewards who was normally an appointee of the tracks, and our reason for doing that was that we felt the commission should have more control over the people who were supervising the racing, rather than those supervisors being too closely tied to the tracks.

The second reason is to provide within this vote a sum of money by way of tax rebate to the smaller centres within the province to encourage the development of racing within these smaller centres.

The third reason for having this appropriation is to provide grants or assistance throughout the province to the horse racing people, and primarily we are thinking of harness racing as opposed to thoroughbred racing. It is our view that this is a form of entertainment, the opportunity to develop which we should encourage within the smaller centres of the Province of Alberta if they wish to do so.

The last vote, 1214 -- there will be a growth in the sum spent under that appropriation by the increase in awards that are made this year, because these tend to be cumulative in that the ones that were made last year and the years before don't drop off for a number of years -- many of them were wages and things of that nature. We have also made a provision here of a fairly substantial sum -- \$50,000 -- to take care of the exceptional one-time case which may occur. It is possible that it won't occur, but it is something we are guarding against by making a \$50,000 provision within that vote.

MR. BENOIT:

If an appropriation of this nature is not used within this year, does it go back to the treasury, or will it stay there?

MR. LEITCH:

It goes back.

MR. NOTLEY:

First of all, with respect to the Craig case, can the Attorney General advise the House whether he has had an opportunity to assess the role of the undercover agents in this particular case, more particularly the use of a medicare number which in fact did not exist? And while I am on my feet, what is the use of undercover agents as a general rule in the province? Who authorized the use. Is it by your department or what?

MR. LEITCH:

Well, I think, Mr. Chairman, I should perhaps respond to that first in a general sense and that is dealing with the matter of the use of undercover agents. I know that it is a practice that I think all of us, including the police forces, find to some extent one they wished they didn't have to resort to.

But I can think of a couple of instances, Mr. Chairman, -- one in Calgary where we were bothered very badly by muggings in the east end of the city and this is an offence that is exceedingly difficult to control. People would come upon persons who had been drinking and take advantage of their condition by robbing them. The situation had grown to alarming proportions and the police there decided to use policemen who would pretend to be intoxicated and pretend to be easy victims, and of course, when the person came to attack them they turned out not to be easy victims at all.

Now there was some criticism about that in this sense, that they accused the police of trickery. They said "You dressed up as a drunk and a helpless kind of individual and when someone came along to knock you over the head it turned out that far from being a helpless drunk, fellow, you were a very alert strong policeman ready to arrest them."

Frankly, Mr. Chairman, giving all of the weight that can reasonably be given to that argument it seems to me that on the other hand we have to bear in mind that there is an obligation on the part of the police force, and on the part of the government to make the streets of the cities and towns as safe as possible for people.

As I say, giving all of the weight I can to the argument that this was the kind of thing the police shouldn't have done, I am forced to conclude that the interests of making the streets of the city safe for the people of this province justified the use of that kind of undercover agent in those circumstances.

I think Mr. Chairman, when we come to cases of drugs we are dealing with the same kind of problem. I don't need to tell anyone in this House of the terrible ravages to mind and body resulting from drugs. I don't need to remind anyone in this House that it is the kind of offence in which the people involved are all willing participants. The person who is selling is anxious to sell, the person who is buying is anxious to buy. So it is substantially different. It is different in essence, in kind and in quality to most of the other crimes. In other crimes you have a victim who normally comes to the police to report the offence, to render assistance in bringing to justice the person who has committed it. That doesn't occur at all in the drug trade because the people involved in it are all anxious not to be detected.

In addition, it is the kind of business that is conducted secretly, in the night, in a small area and it is profitable -- which leads people to take extreme precautions not to be detected. I think if we took all of the drug charges within the Province of Alberta over the past few years, particularly those dealing with the most serious drug offences -- namely, the trafficking in hard drugs -- we would find that the bulk of them have been brought to court as a result of the work of undercover agents. So I would say, without being definitive about it, that the test as to when an undercover agent should be used is determined by the serious social consequences of the offence and the difficulty of gathering evidence in any other manner. Certainly, Mr. Chairman, in my view the trafficking, particularly in what may be the hard drugs, clearly falls within that category.

Now certainly there are all kinds of other cases where the use of undercover agents wouldn't be justified but in the drug field I don't think there is a place in the world where they aren't used and need to be used if there is going to be any effective control at all over that kind of offence. The hon. member asks who makes the decision about when we use them. That, certainly as far as I have been concerned while in this office, is a decision that is made as a matter of policing by the individual police forces within the province. It is undoubtedly, if they were exceeding the bounds of what I

thought was appropriate for the law enforcement, an area in which the Attorney General could take action. But I want to make it clear that as far as I am concerned in the drug area the cost in lives is so great that this kind of detection work by the police force is more than justifiable.

Now as to the use of the Medicare number, I am not fully aware of the facts of that and I would be happy to check into it. Certainly when you have an undercover agent, he is only going to be effective if he tells the people he is endeavouring to gather evidence about things that are not true. There is no way he is able to walk up to someone and say, "I'm an undercover agent. I would like you to sell me some heroin." You know it doesn't work. He would probably wind up getting shot. So he is certainly going to tell them something that isn't true. And that again is the very essence of undercover agent work.

MR. TAYLOR:

Mr. Chairman, I wonder if the hon. Attorney General would answer a couple of questions that were apparently raised in the early part of the debate. The first one was: I referred to seven charges of fraud against an Edmonton prefab home company, and the last one was laid on September 13, 1972. Can the hon. Attorney General tell us why these charges aren't being proceeded with?

MR. LEITCH:

Not without knowing the specific charges and checking into it, Mr. Chairman. I suspect that it may be at the request of the defendant. I don't know.

MR. TAYLOR:

I have been told otherwise that they are trying to get these charges dealt with and it seems like it is unfair to keep charges on month after month after month. If they are going to proceed, I would think action should be taken.

MR. LEITCH:

Well, Mr. Chairman, if the hon. member will give me -- and perhaps he has -- the case he has in mind, I'll look into it and get him an answer. I don't think there is any disagreement between us on principle. Certainly when these things are laid they should be proceeded with as expeditiously as possible.

MR. TAYLOR:

Just fine. I have already done that. The other one is: this same company has alleged that it could have met its contract had it not been for the fact that the government seized the books and if the police had not raised doubt in the mind of suppliers, et cetera. Has the hon. Attorney General any comment on that? It seems like an unfair allegation if they are blaming the government for their bankruptcy, and I think an answer should be given.

MR. LEITCH:

Well I would like to check into that, Mr. Chairman. It is inevitable, of course, that when charges of this nature are laid it is going to affect the people who have been charged. It will affect their credit rating and their business dealings. So I don't think that can be avoided, the fact of laying the charges has that effect. The other matters, that is the availability of documents, I will check into. I have no doubt they will be needed as evidence but I would have thought that suitable arrangements should have been made to ensure that they had access to them or were able to get copies.

MR. TAYLOR:

Just one other question. When documents are seized by the police is a receipt given to the company for these documents? Now this company alleges they were refused a receipt for the documents that were seized.

MR. LEITCH:

My memory is, Mr. Chairman, that they are normally given a list of the documents that have been taken into custody. Again I would be happy to check into it.

MR. CLARK:

Mr. Speaker, four or five different areas in the estimates. First of all, under Vote 1226, Mr. Leitch, Legal Aid, I was one last year who was very critical of no increase there. I would have to congratulate you this year for a 55 per cent increase in the area and after congratulating you, might I ask two questions? One is: how is that additional money going to be spent? Is the base going to be broadened somewhat to the people who are eligible for legal aid?

Secondly, what about the percentage of fees that the legal profession will be getting? Will that also be increased somewhat?

MR. LEITCH:

The answer to the first question is that the base, that is the charges for which legal aid will now be available, has been broadened. Secondly, I am not aware of any increase in the scale of fees paid to the legal profession.

MR. CLARK:

-- as a result of the 55 per cent increase in this appropriation that in fact more people will be eligible to take advantage of legal aid in the province. I commend you.

Second, with 1211 the appropriation dealing with the coroner. In referring back to the Sims Report once again when they were commenting on the coroner's inquest and it alludes there to the coroner having put in the cause of death as due to a particular drug before the inquiry was even held -- in fact, it says it was typed in before the members of the coroner's jury actually convened. This seems to me to be one of the basic reasons for calling the inquest.

Earlier Mr. Henderson asked you about you this and you said you felt this was an approach you would like to look at and you didn't completely endorse it. Is this a fair assessment of your position on the thing?

MR. LEITCH:

I think I went a little farther than that and said I really had some very serious reservations about it. But I did want to make it clear that this was an area in which the coroner was at least entitled to tell the jury what he thought, as he long as he made it clear they were the sole judges of the facts. I suppose one might argue that putting these things in the form may be saying, this is what I think. And also it may be an area in which there is no real dispute. For example, the time, the place of the death and so on.

MR. CLARK:

My comment would be that it seems to me -- if in fact that is what happened -- that the actual cause of death was supposedly typed in -- that is going a bit further than suggesting to the members of the jury what it might be.

Then moving on to 1212 for just a moment. Has the government arrived at a conclusion concerning the overcharging of insurance rates on snowmobiles and the possibility of any rebate back to people there? And if I could just ask one other question. Have you given any consideration to a form of no-fault auto insurance, something like they developed in Massachusetts?

MR. LEITCH:

To answer the first question, no. The government, as a government, has no jurisdiction to require the industry to repay any premiums that the board may have ruled excessive. And the board order doesn't deal with that. So it's not an area in which the government has any jurisdiction under existing legislation.

The second question on the no-fault insurance. That is a development which is progressing in North America and since coming to office I have asked the department to gather all of the information that is available on it and to keep in touch with those jurisdictions which have, or are experimenting with or have introduced a no-fault system. My objective there is to get some assessment on its advantages and disadvantages.

MR. NOTLEY:

Mr. Chairman, I would like to ask the minister about the question of insurance rates which the board has ruled are excessive. You've mentioned there is presently no legislative authorization for the government to demand that the

industry give back money. Are you considering any legislative moves, either this session or in the fall?

MR. LEITCH:

Do you mean legislation to authorize the government to do that?

MR. NOTLEY:

To give the board muscle -- to not only stop an increase but to say, "all right -- you fellows have been overcharging -- now you pay it back."

MR. LEITCH:

In my earlier answer, Mr. Chairman, I referred to the government not having the jurisdiction. I'm not sure about the board, I'd want to check the act again. Because the board may now have it. But if they have it, that would be a decision made by the board in light of all the circumstances they were dealing with. Without checking the legislation, I'm not sure about the board's position.

MR. CLARK:

One last question, Mr. Chairman. It deals with the comment that has been made by some people that drugs are not readily available but are somewhat available at Fort Saskatchewan. I recall in a question period either in the fall or in the last spring session, you were going to investigate that. Have you? And what did you find out?

MR. LEITCH:

Well, Mr. Chairman, as far as I'm aware, ever since drugs became a very common thing within the province, there has been a problem in the correctional institutes about the smuggling of drugs to inmates and it's a case of finding the method by which they are smuggling them in, and getting that stopped. They are always then going to find some other way to do so. So we have for example, the case where they were smuggling them through the holes in the partitions through which the telephone wires ran so that the inmate could talk on the phone to the visitor outside. That was stopped. We found other ways in which they were being brought into the institution and they were stopped.

So it is a continual process, and I don't have any information to indicate that it is now a more serious problem than it was six months ago or a year ago. It is just one of those things that exist within the institutions which you have to guard against on a continual basis.

MR. NOTLEY:

Just following up Appropriation 1226. First of all, is there any additional program to make the knowledge of legal aid more readily available to those people who need it? I know all of us members have had people come to us and actually been able to advise them that they can go to legal aid. But it seems to me that there is a problem that many people in the echelons of society where they need legal aid, simply don't know of its existence and where to start and where to go.

MR. LEITCH:

Well, I'm not aware Mr. Chairman, of any areas within the criminal law where the knowledge of existence of legal aid is lacking. It seems to me that so far as the accused persons are concerned it always comes to their attention in one way or another - either through the court, through the crown prosecutors, or some other source. So I suspect what the hon. member is talking about is a general knowledge about the availability of civil legal aid. And again, Mr. Chairman, it is my impression that while the problem the hon. member mentioned has existed in the past that is not so to at least a similar extent today.

Because this is a relatively new program it has taken time for the availability of the program to become generally known throughout the province. But now for example, people in difficulty with debts and things of that nature will be in touch with the Debtors Assistance Board; they'll advise them of legal aid. And while there may be a need for further publicity about it, I haven't received any information that would indicate that it is necessary today.

MR. NOTLEY:

Well, fees that are paid now through legal aid, how would that compare to what a normal firm would charge? Do they get on the average 50 per cent, 60 per cent, through legal aid? I know you can't be that definitive, but in approximate terms.

MR. LEITCH:

I would estimate it, Mr. Chairman, to be in the 60 to 65 per cent range.

MR. DIXON:

Mr. Chairman, to the minister. On the Probation Branch, it is my understanding that juvenile detention as you mentioned earlier, is under the Social Development Department, and I imagine they have workers that take care of some problems with the emotionally disturbed and others. I was wondering on that vote, where you have Family and Juvenile Courts in the Probation Branch. Is that Probation Branch just looking after adult cases or is that part of the Juvenile Branch?

MR. LEITCH:

It would be adult.

MR. DIXON:

Thanks. I was wondering, getting back now. You have not introduced The Police Act into the Legislature as yet, and I believe you said you weren't going to do it until fall. Am I correct in that?

MR. LEITCH:

It will be in the fall.

MR. DIXON:

When you sent out the draft bills, did you have much objection from the people that you sent them out to? I'm thinking now of police departments and others. Were there any serious objections to the original draft bill? Is that the reason why it has been held up?

MR. LEITCH:

No, Mr. Chairman, it's not. A draft bill wasn't sent out. A discussion draft was prepared and sent out and there followed, I think, three days of discussion with the police commissions, municipal governments, senior police personnel, and that was after some considerable discussion nearly a year before that.

I think we're working in an area there in which there is likelihood of strong differences of opinion, and there was some disagreement with the suggestion, some changes were made. I think in a sentence I can sum it up by saying that I was pleased with the degree of approval of the concepts incorporated in the legislation I propose to introduce. And for any further comment on that legislation, the hon. member will have to wait until we introduce it.

MR. DIXON:

I'm just curious, Mr. Minister, through the Chair. What do you mean, you didn't send out a draft bill, you sent out -- what sort of --

MR. LEITCH:

A discussion draft.

MR. DIXON:

A discussion bill, but you must have given them a good idea of what was going to be in the bill or there wouldn't have been anything to discuss. Am I correct?

MR. LEITCH:

That is right, Mr. Chairman, but I want to make it clear that we didn't send out a draft bill. We sent out a draft, a discussion draft and it was prepared after some considerable consultation with the municipal governments, police commissions and senior police officers, and personnel in the department. And a draft was prepared, but it was not in a draft bill prepared by the Legislative Counsel.

MR. RUSTE:

Mr. Chairman, a question to the Attorney General. On December 20 last, there was an Order-In-Council passed authorizing the payment of \$800 each, to two individuals. And I understand from reading the Order-In-Council that it dealt with the particular section of the Criminal Code which had been repealed by Parliament shortly before the charge was laid. Therefore, no such charge existed. My question to you, is how do they determine the amount of \$800, and second, what steps are taken so that this doesn't happen again?

And then, while I'm on my feet, have you had any applications under The Franchises Act for registrations, that came into effect earlier this year?

MR. LEITCH:

The last question I can't answer without checking into it.

The question of compensation was a matter of negotiation between the lawyers in the department and the lawyers acting for those two people.

The steps that were taken to ensure this kind of thing can't happen again -- we sent out the bills to all police forces, that is the federal changes in the law, and also any changes that are made by the Alberta Legislature, to the police forces and to the judiciaries and the timing here was such that in some way that didn't come to the court's attention. There was no counsel involved in that particular case; it was a guilty plea.

MR. HENDERSON:

Mr. Chairman, I would like to ask the Attorney General one question that hasn't been raised yet while talking on law enforcement in the provinces.

To what extent are the new guidelines in legislation relating to bail being followed in the Province of Alberta? And I refer to the Craig case where the man was arrested and demanded \$150 bail relating to a \$43 fraud charge. The report raises some questions as to the propriety of that action as opposed to the new bail legislation which was in effect before the Craig incident, at least that portion related to his arrest and the requirement of posting \$150 bail which was insisted upon.

MR. LEITCH:

I'd want to check again the information I've received on that before being positive in my answer. My memory is that one of the problems there was that he didn't apply in the first instance for bail or he would have been released on his own recognizance.

But to get the details, I'll have to check it again. I have asked for a departmental report to be made to me about the application of the operation of the bail laws within the province generally. The report that I have received was that the people who looked into this from the department believed that it was being --

MR. FARRAN:

Albert, what are you doing over here?

MR. LEITCH:

-- not only the words of the new legislation were being followed but --

MR. HENDERSON:

I wonder if the minister could speak a little louder in view of the poker games going on in the back row there. It makes it a little difficult to hear.

MR. CHAIRMAN:

Mr. Henderson, they were just alarmed at what Mr. Ludwig was doing. That's all.

MR. LEITCH:

-- that not only the words of the legislation were being followed but the spirit and intent as well.

MR. HENDERSON:

Is the circumstance relating to the Craig case an exception, rather than the rule?

MR. LEITCH:

I'm not clear. You're talking about the amount of the bail in comparison to the amount of the money he had on him?

MR. HENDERSON:

Yes, the report says the doctor had \$140 in his pocket, and bail was set at \$150 and it took him --

MR. LEITCH:

I think that was just a matter of no one drawing it to the court's attention.

MR. HENDERSON:

But is it customary to request a \$150 bail on a \$43 fraud charge?

MR. LEITCH:

Well, I am not at all sure that the amount is significant in a case such as that.

MR. HENDERSON:

Well, in this case.

MR. LEITCH:

Well, you recall in that report they are referring to one day.

MR. DIXON:

Mr. Chairman, I'd like the Attorney General to outline, if he could -- I understand there is some research going on, a review into impaired driving in Alberta. Is there a research program being carried out by your department at the present time?

MR. LEITCH:

I wouldn't call it a research program, Mr. Chairman. We do have, of course, the impaired drivers project which is maybe what the hon. member has in mind. And that's a program whereby we endeavour to get people who are convicted of impaired driving, into that course. The course is designed to cure their driving and drinking habits.

And as I mentioned in the House before, I have been concerned for a long time with the terrible toll taken on Alberta's highways by the impaired driver and I've been working on programs that might be effective to reduce that. But there is no research as such.

MR. DIXON:

Mr. Minister, a further supplementary. Under the change brought about a few months back, where the policeman now has authorization to take the keys away and prohibit the man from driving, I wonder has that a fairly good effect on statistics as far as impaired driving in the province is concerned, especially in our two major cities where most of it, I think, takes place?

MR. LEITCH:

Mr. Chairman, I'd have to check the statistics for the last year or two. I simply don't have them in my mind.

MR. F. SPEAKER:

Mr. Chairman, during the study of the Estimates last year I asked the minister to report to me on the McGrath Report. During the period since then I haven't had a report back from the minister. Possibly my neglect in not sending a memo during the summer holidays indicated to him that I didn't want the answers to some of the questions. But as a general question, first of all, to the minister, I understand that at the moment, the division between adult corrections and probation and juvenile corrections and probation is as it was back in 1971. My first question is, have any changes taken place since September, 1971 with regard to transfer of programs from the Attorney General's Department to the Department of Health and Social Development or vice versa?

MR. LEITCH:

No, I don't think so.

MR. R. SPEAKER:

There were some specific things I wanted some information on. With regard to the handling of women, has The Elizabeth Fry Society been involved in the program of rehabilitation with the prison system? Has it been actively motivated by your department?

MR. LEITCH:

The Elizabeth Fry Society has been doing some work with the female inmates. They have also been doing work with other women who have come before the courts. They have approached me a couple of times to consider programs that they would be interested in getting involved in. I have recently asked the Advisory Committee on Correctional Institutes to renew these programs and make recommendations to the government on what volunteer programs we should be supporting. They are in the process of doing that now. The last time I talked to representatives from The Elizabeth Fry Society I explained that to them. My memory is that they have been in touch with the Advisory Committee on Correctional Institutes.

MR. R. SPEAKER:

One of the recommendations in the McGrath Report is with regard to probation hostels, and they recommend that this can do a lot of good with regard to rehabilitation, first of all, and secondly in cutting the costs in dealing with some of the adult persons. What steps has the department taken in that area?

MR. LEITCH:

I'm sorry, I missed the first few words of the question.

MR. R. SPEAKER:

One of the recommendations says that a system of probation hostels be opened in Alberta, initially in Edmonton and Calgary, that private facilities meeting the standards be used where available, and that the Department of Youth be asked to take the responsibility for coordinating those to serve probationers under 25. Now the first of the probation hostels is for adult offenders.

MR. LEITCH:

Mr. Chairman, I can't call to mind the various probation facilities that are now available. We have been talking to The Salvation Army about a House of Concord, which is not quite the same thing, but close. I simply can't call to mind all the probation facilities that are available now in the province.

MR. R. SPEAKER:

Will you be making an agreement with The Salvation Army for the House of Concord? Has that been approved?

MR. LEITCH:

That is something I have also asked the advisory committee to review. It is a very major expenditure and is something that has been very favourably received in other provinces. Ontario and British Columbia are two provinces where they have these houses. It is something we are certainly interested in, and I'm currently waiting for an assessment by the advisory committee.

MR. R. SPEAKER:

You have recommended that the Department of Education take an active part in the education programs of the prisons. Are a number of the adult prisoners going to schools outside the prison itself?

MR. LEITCH:

Yes, there are, Mr. Chairman. Some of them attend schools on day parole and under the recently funded program in the two colleges in Calgary and Edmonton, which is on an experimental basis, whereby groups of inmates from Fort Saskatchewan and Spy Hill will be attending programs there.

MR. R. SPEAKER:

There was a concern at one time with regard to the chaplaincy service in the various institutions. The recommendation is that centralized chaplaincy service be established in all the prisons and the training schools. Is this being carried out and being completed?

MR. LEITCH:

I am not sure that you would describe it as a centralized chaplaincy in the terms of that report. There are available in the two major institutions representatives of both the Protestant and Catholic faiths who are there full time.

MR. RUSTE:

A supplementary question. Are they paid a salary or is it just on a fee basis, and if it is on a fee basis, when was that last adjusted?

MR. LEITCH:

It is my memory that they are paid on a fee basis and I can't recall when it was last adjusted.

MR. R. SPEAKER:

Would you check that?

MR. LEITCH:

Yes, I will.

MR. R. SPEAKER:

One of the other recommendations in here is with regard to buildings and their sizes. They recommend that the maximum number of inmates in any institution should be 200 and in specialized institutions the maximum should be less than 200. Is the department working towards this goal at the present time or have they met it and are conditions even better than that?

MR. LEITCH:

We haven't built any, so we are stuck with what we have. With respect to what we do in the future, that decision hasn't been made there. As a matter of fact I am not sure whether we are talking about something that is operated as one unit or whether they are talking about the whole complex. But certainly we haven't dealt with that yet, we haven't faced the problem of building.

MR. R. SPEAKER:

If there is a recommendation with regard to the segregating of the inmates into small groups as with the present institutions, have you attempted to go in this direction?

MR. LEITCH:

Yes, Mr. Chairman, I mentioned this in the House earlier, I think. In Spy Hill for example we have dormitories of 76, 86 and 96. We find they are entirely too large but we intend to reduce them to much smaller units 16, 32 -- something of that order.

Our problem is that we have to wait until the Calgary Remand Centre becomes operational and will then take something in the order of 100 people out of Spy Hill. At that time we can then carry out that renovation.

MR. LUDWIG:

Mr. Speaker, in view of the fact that the hon. Attorney General appears to be swamped with problems that are almost insoluble, at least it appears to be that way from this side, I think that I ought to recommend that he ought to divest himself of one of his more important votes in his budget.

I am looking at Vote 1213. He could pass that part of his budget over to someone who is much more learned in that particular field than he is, at least I think so, and I am looking at the hon. Minister of Intergovernmental Affairs. I am talking about the Alberta Racing Commission. I think it would be in the public interest to move that vote over to the hon. minister because many of us here wonder what he is really doing in this House. In fact I know that one lady asked him, she said, Mr. Getty, you don't appear to have very much to do --

MR. CHAIRMAN:

Mr. Ludwig, you are again being irrelevant. You are not dealing with the subject. You're speaking about Mr. Getty and his department.

MR. LUDWIG:

I am stating that in talking about the Racing Commission I am recommending, seriously, that it ought to be moved to that minister who knows most about racing. That is relevant, Mr. Chairman. In fact the hon. minister, Mr. Getty, and racing are almost synonymous. I mean they have much in common so I want to pursue this line of debate, Mr. Chairman. You will find, when I am finished, that it is entirely relevant.

I am going to illustrate my concern about this particular vote with a story about the hon. minister Mr. Getty, the minister, I believe, who ought to have this vote in which there is a 500 per cent increase. This lady walked up to Mr. Getty and she said, "Mr. Getty, you don't do very much in the government. What do you do in your spare time." He said, "Well ma'am, I follow the horses." She said, "How are they doing?" and he said, "They're following other horses."

So I say, Mr. Chairman, that in order that this minister has something to do when the Attorney General is swamped and he doesn't even know if he can bring in any reform because he is all over the place trying to keep his department operating, he should get rid of this one and put it in the hands of a man who could do justice to this particular vote.

Mr. Chairman, I asked the Attorney General some questions, particularly concerning any reform which one could expect from a department headed by a reform-oriented Attorney General, and he did not answer. He didn't say anything. I presume that he did not have anything to say in that regard.

But I am wondering, Mr. Chairman, in view of the fact that there is more than a 21 per cent increase in his budget to almost \$40 million, that questions of this nature as to what is happening in this department ought to be answered. I believe he has a responsibility. If there is any kind of research or any kind of reform planned in his department the hon. members here ought to know. We're voting \$40 million for him and we want to know if he is entitled to that kind of spending, if he deserves that kind of a budget. But in his failing to answer some of the questions I put to him, Mr. Chairman, I am going to review some of the things I believe ought to be forthcoming from the hon. Attorney General, some of the matters I am concerned about.

First of all there is no indication of reform in his department, as I stated. There is not a single explanation from him as to which way his department is going. He has not told us that he is doing anything in the field of reform except marking time.

[Interjections]

The Attorney General failed to explain adequately the reasons for the Slave Lake investigation. We are not satisfied that it was not political, and if it was political it was wrong, and if it was wrong something ought to be done about it.

The next matter is that the Attorney General failed to satisfy the hon. members for his failure to call an inquiry into the Craig case. I am not satisfied with his explanation, because what he really did was try to defend that what was done is expected to be done. I don't believe that the public or the hon. members of the opposition are satisfied with that answer.

He failed to show any leadership in the serious problem of Alberta citizens losing their deposits when entering into construction agreements for houses.

He failed to explain the reason for the imposition of a sales tax on liquor, beer and wine in this province at a time when everybody, including the Premier, is bragging about the tremendous revenues they have generated in this province. They turn around and without any explanation whatsoever impose a sales tax on liquor. Now I believe that more than 90 per cent of the people drink, and it does add to their cost of living.

AN HON. MEMBER:

Do you, Albert?

MR. LUDWIG:

Do you?

AN HON. MEMBER:

Yeah.

MR. LUDWIG:

If you don't, how did you get the way you are?

He has failed to advise the House of what action he proposes to take to combat the increasing crime rate in Alberta.

He failed to indicate to this House what research programs he has launched, if any, in the several problem areas in his department. I am dealing with drugs, alcoholism, drunken driving and penal reform. There was not a single explanation from the hon. minister as to what he is doing in this area and we are entitled to know that. We are voting \$40 million in the budget.

DR. HORNER:

Where did you get that card?

MR. LUDWIG:

He failed to explain why no action is forthcoming from the Attorney General in dealing with the serious drug problem in Alberta. We have no indication as to what he is doing, if anything. I think he is continuing, as he said -- he is marking time.

There is no leadership display in the area of civil reform and he, in my opinion, Mr. Chairman, failed to justify the 21.8 per cent increase in the Attorney General's budget and therefore I am moving that the minister's appropriation and Vote 1201 be reduced to \$1.

Mr. Chairman I believe that the Attorney General is bound to stand up and defend his position.

MR. CHAIRMAN:

Mr. Ludwig, may I have that motion in writing please?

MR. LUDWIG:

Yes, it is in writing.

I feel that when we ask the Attorney General questions which are relevant to his department he can't shrug them off and feel, because he was criticized or received a bit of advice, that he perhaps didn't want that he can refuse to answer --

MR. CHAIRMAN:

I'm sorry, Mr. Ludwig, there is no seconder on this motion here.

MR. LUDWIG:

You don't need a seconder in committee, Mr. Chairman.

MR. CHAIRMAN:

Then may I have an extra copy for the government side please?

MR. CLARK:

-- Mr. Chairman, on the point of order. We haven't in the past gone to this --

MR. CHAIRMAN:

That's fine. The rules are such that you are to provide copies. I did err by saying that a seconder was needed, but you know well that two copies are needed, one for the government side too.

MR. CLARK:

Diachuk, really. Really, Mr. Chairman. The Speaker even accepts them when there is only one mover in a motion for a Return. Really. Talk about putting roadblocks in the way.

AN HON. MEMBER:

Order. Order.

MR. CLARK:

He's the Chairman.

MR. LUDWIG:

Mr. Chairman, I wish to bring to your attention Standing Order 59 on page 192 and it states here that;

The standing orders of the House shall be observed in the committees of whole House so far as it may be applicable, except the standing orders as to the seconding of motions, limiting the number of times of speaking and the length of speeches.

So that we do not need a seconder, and I believe there is --

MR. CHAIRMAN:

Mr. Ludwig, I did comment that I erred on that. I'm sorry you weren't listening. I'm sorry you weren't listening.

MR. LUDWIG:

I accept your apology.

MR. CHAIRMAN:

Thank you.

MR. LUDWIG:

So, Mr. Chairman, that recommendation I gave to the hon. Attorney General that if he feels swamped with problems that he can't seem to handle in time and still provide the leadership and reform that is required in his department then,

as I stated, he should divest himself of that one I talked about -- I believe the Minister of Federal and Intergovernmental Affairs would love to have so much in his department. The Attorney General is bound to answer the questions I have asked him.

If he does not he should stand up and say he has no reform plan and he has nothing to say because he has nothing to propose. But I think that merely to ignore the question that I have asked him is not in keeping. He is not discharging his responsibility. For that reason, Mr. Speaker, I move that the minister's vote be reduced to \$1.

DR. HORNER:

Mr. Chairman, I hadn't intended to speak on the Attorney General's estimates but after the nonsense and arrogance that I have heard from the hon. Member for Calgary Mountain View in relation to a number of factors -- I know that he is an authority on wagering, I have had some experience in that regard, but whether or not he is an authority on horse racing I don't know. I also know, Mr. Chairman, that he has been labouring in this Legislature for a number of years with a pout on his lip because the former Premier of Alberta, Mr. Manning, wouldn't make him Attorney General when he was the only lawyer on the government side. There must have been some reason for that and I think we found tonight what that reason is.

MR. HENDERSON:

That isn't right. Who was the Attorney General before the election, in case the Deputy Premier forgot?

DR. HORNER:

If the hon. Leader of the Opposition will allow me to have my say -- he has had his and so has my friend for Calgary Mountain View -- on too many occasions in my view because he has done nothing but repeat himself about a bunch of arrogant nonsense in relation to what he thinks. I say to him again his nose has been out of joint in this Legislature for a long, long time because -- and he's even admitted this to us when we were in opposition -- he should have been the Attorney General, but Mr. Manning could never see it that way.

MR. LUDWIG:

That's a lie, Mr. Deputy Premier. That's a dirty lie.

DR. HORNER:

The hon. member can say whatever he likes about it, but he said it to us. I stand here and say that I don't lie. Maybe the hon. member does.

MR. HENDERSON:

Oh! Oh!

DR. HORNER:

Maybe the hon. member can't take what he is willing to dish out. He can't take the --

MR. CHAIRMAN:

Order. Order.

MR. HENDERSON:

To what extent is this debate relevant to the motion that is before the House? There is a motion here on the Attorney General's estimates. We didn't make a motion that was going to discuss the personality of the Member for Calgary Mountain View. I suggest, Mr. Chairman, it is incumbent upon you to decide whether the contributions so brilliantly being made by the Deputy Premier is relevant to the debate.

MR. CHAIRMAN:

I would say ...

DR. HORNER:

Mr. Chairman, the hon. Leader of the Opposition can pop up and down any time he likes. But what I'm saying -- and I'm responding to the absolutely irrelevant, arrogant, and nonsensical speech put forward by the Member for Mountain View. I might say in repetition of what he said earlier it was so badly out of context that the Attorney General didn't reply.

I want to say a word or two about our Attorney General after having watched a couple of Attorneys General in this Legislature and watched some Solicitors General and Ministers of Justice in others -- I want to have a word to say by comparison about the Attorney General and how he has undertaken his duties. And I bring that forward because I'm comparing it to the actions of the hon. Member for Calgary Mountain View, his pouting, and his ability to distort, deliberately. I can't help it, Mr. Chairman, if he is not as well recognized in the legal profession as the Attorney General. I can't help ...

MR. LUDWIG:

I rise on a point of order, Mr. Chairman.

AN HON. MEMBER:

Oh, sit down!

MR. LUDWIG:

Yes, Mr. Chairman, I rise on a point of order. I believe that the Deputy Premier's personal attack is a sad reflection of the kind of menace that we have in this government, and I have to call him a liar in this House because he accuses me of things that I never did and it's a rather sad reflection ...

MR. CHAIRMAN:

What is your point of order?

MR. LUDWIG:

My point of order is that the Minister is abusing me personally. If he can't speak to the relevancy of this debate ... [Interjections] ... he cannot abuse me personally and you have to set him down.

MR. CHAIRMAN:

Well, I ...

MR. LUDWIG:

And when I'm through talking to my point of order ...

MR. CHAIRMAN:

Order. Order. Your point is, I believe, that he is abusing you personally. When you made your address on this amendment the range of your debate was quite varied too, quite wide. Therefore, I see that the hon. Deputy Premier is just following the same pattern, so if you have no other point, Mr. Ludwig ...

MR. LUDWIG:

Mr. Chairman, I appeal your ruling, and I move that you now leave the chair.

SOME HON. MEMBERS:

Agreed. Agreed.

DR. HORNER:

Well, Mr. Chairman, the hon. member can appeal all he likes, but I have the right to speak to a point of order, Mr. Chairman.

MR. CHAIRMAN:

Well, we have moved that I do now leave the Chair, Mr. ...

DR. HORNBER:

Well, just a minute -- just a minute, Mr. Chairman. On a point of order. There is no -- absolutely -- ch, that isn't of course true -- because, well, well -- my hon. friend again, who's lack of knowledge is only matched by his arrogance --

MR. HENDERSON:

-- Mr. Chairman, the vote is not debatable. The Deputy Premier is entirely out of order.

AN HON. MEMBER:

Agreed!

DR. HORNER:

I'm not debating any motion. If the hon. Leader of the Opposition would just sit down and cool off for a moment, I'm speaking to a point of order.

MR. HENDERSON:

I didn't know I had my dander up, but I'm about to get it up if the Deputy Premier keeps it up.

[Laughter]

DR. HORNER:

I'm speaking to the point of order, Mr. Chairman. Well, if all the yip yap would stop long enough, I'd speak to it.

MR. CHAIRMAN:

Order. Order.

MR. HENDERSON:

How can you speak on a point of order on the question that the Chairman do now leave the Chair?

MR. FOSTER:

Mr. Chairman, speaking to the point of order, it seems to me that the hon. Member for Mountain View rose on a point of order and then purported to deal with a motion to this House when there is already a motion on the floor. It doesn't seem to me that he can rise on a point of order and make a motion.

MR. HENDERSON:

Can the Chair make a rule?

MR. CHAIRMAN:

Order. Order.

DR. HORNER:

It's the Chair that I'd like to speak to. The Chairman didn't make a rule.

MR. HENDERSON:

He did so!

DR. HORNBER:

Well, I mean -- with the deepest respect to my hon. friend, his hearing is getting a little bit bad at this hour of the morning. The Chair didn't make a ruling and so the hon. member's motion is completely out of order. You know, I really --

MR. HENDERSON:

Mr. Chairman, a motion to the Chairman to now leave the Chair is in order at any time and it's not debatable.

MR. FOSTER:

In order, it's not!

MR. HENDERSON:

And the Deputy Premier knows it!

MR. CHAIRMAN:

Order.

DR. HORNER:

The hon. member can't abrogate my right to speak in this debate after he's made the motion. For Heaven's sake -- doesn't he want to hear me? I thought he'd be delighted to hear me -- you know, I feel rather badly, he doesn't want to hear what I have to say.

The point is simply this, that he rose on a point of order without waiting for any motion or ruling from the Chair -- he makes a motion --

MR. CHAIRMAN:

May I just have order here please.

DR. HORNER:

Mind you, I have the floor and I'm speaking on this motion --

MR. CHAIRMAN:

Dr. Horner --

DR. HORNER:

As a matter of fact Mr. Chairman, he's doubly wrong because he's already moved a motion --

SOME HON. MEMBERS:

Order. Order.

DR. HORNER:

I know you're afraid to listen to me, but you've already moved a motion. How in Heaven's name can you move another motion without this one being dealt with? You can't.

MR. CHAIRMAN:

Order. Order. May I have order in the Assembly please.

I have to recognize the motion made by Mr. Ludwig that I do now leave the Chair.

DR. HORNER:

No. Mr. Chairman, we have a motion before the committee, moved by Mr. Ludwig that hasn't been dealt with yet. Now we can't surely have another motion by Mr. Ludwig -- before this one is dealt with?

MR. NOTLEY:

On a point of order, Mr. Chairman, you've already made a ruling now. It seems to me that if you --

DR. HORNER:

The ruling has been made -- you -- friend from Spirit River-Fairview doesn't know anything about the rules, but you can't have two motions before the committee at the same time.

MR. HENDERSON:

There was a question of order raised by the Member for Calgary Mountain View, and the Chair made a ruling on it and the ruling has been challenged, and it has nothing to do with the fact whether the debate on the motion that has been made, relative to the minister's appropriation, is going to continue or not. I assume it is because I intend to have a little bit to say on the subject after listening to the brilliant presentation by the Deputy Premier.

So the argument that he is being prevented from speaking to the motion is completely out of order. He is not in any way being prevented from speaking.

We are simply insisting that the recognized procedure for the conduct of this House be followed. The Deputy Premier seems to think there are two sets of rules in this House, one for him, and one for everybody else.

The motion has been made, that the Chairman now leave the Chair on the challenge from the Member for Calgary Mountain View.

MR. CHAIRMAN:

My understanding is that when Mr. Ludwig got up on a point of order, I indicated that on his point of order (when he made his motion) he presented the motion with a wide range of debate and a wide elaboration. I then said that I felt that the hon. Deputy Premier had the same latitude to speak on the amendment, and at that point if I can recollect, Mr. Ludwig then moved that I do now leave the Chair.

Now the question is, what I'm considering now -- there are two motions now on the floor. The first one is the amendment, and the second one is that I do now leave the Chair. The amendment is the one we should still deal with and if you feel then that it is wrong, then you would be able to move that I do now leave the Chair.

MR. HENDERSON:

Mr. Chairman, under Rule 43, Standing Orders of this House it is incumbent upon you to state the appropriate chapter and verse for that ruling. And I now call upon the Chair to do so.

MR. CHAIRMAN:

What was the ruling again?

MR. HENDERSON:

I would quote to --

DR. HORNER:

The motion for you to leave the Chair takes precedence, if as you say, the circumstances occurred. My particular point of order was that the hon. member could hardly, on a point of order, make the motion. If he has made the motion and you accept that motion, it takes precedence over his other motion and I ask you to call the question.

MR. CHAIRMAN:

Everyone ready for the motion that was presented that I do now leave the Chair?

[The motion was defeated.]

DR. HORNER:

Mr. Chairman, prior to being interrupted because certain people didn't want to hear me out -- I want to deal with a number of matters that were raised by the hon. Member for Calgary Mountain View in moving this motion. Let me state very clearly that such a motion is a censure motion of the minister, and the hon. Member for Calgary Mountain View having not reached the exalted post of being an Attorney General because of a number of factors that I related earlier, and because other people had some other assessment of his ability in legal matters -- doesn't make him an authority now.

I've watched in this Legislature, and I've watched the previous Attorney General, and I watched the one before that, and I've watched the ministers of

justice and somebody said the other day in regard to the Munsinger Case and a number of other cases, I've watched Ministers of Justice and Solicitors General. I can say very honestly and very sincerely to this Legislature, and indeed to the people of Alberta, that we're really very fortunate here in Alberta to have the kind of person we have as Attorney General today in Alberta. As I have sat and listened to him in the last session and in this one, the course in law that he has given to we lay people has been pretty tremendous. His patience and his ability to --

MR. LUDWIG:

Mr. Chairman --

SOME HON. MEMBERS:

Sit down, sit down.

MR. CHAIRMAN:

Order, order.

MR. LUDWIG:

On a point of order, you have checked me about three times and the rules on debate in committee have to deal with my motion and have to be relevant and not personal.

AN HON. MEMBER:

That is relevant.

MR. LUDWIG:

If he feels that abusing me is relevant to this motion, it's a reflection on the Deputy Premier, not on me. I am speaking to the point of order --

SOME HON. MEMBERS:

Order, order.

MR. LUDWIG:

And I have the floor.

MR. CHAIRMAN:

Mr. Ludwig --

MR. LUDWIG:

-- and being personal and being abusive --

MR. CHAIRMAN:

Mr. Ludwig, order. At the same time, the rules say that if a motion -- and I believe that if you want the motion that the chairman leave the Chair, this is the ruling. I was asked to leave the Chair. This motion was defeated. Such motion as rejected cannot be renewed unless some immediate proceedings have taken place. Now, this was on that point, that you stood up in the first place and asked me to leave the Chair. I would have to suggest that you do not have a new point of order. I would have to permit the Deputy Premier to continue with his debate.

MR. LUDWIG:

I didn't ask you to leave the Chair, Mr. Chairman. I did not ask you to leave the Chair.

MR. CHAIRMAN:

No, but you did not have a new point of order.

DR. HORNER:

This is the height of arrogance and insular nonsense by the hon. Member for Mountain View, to suggest that I cannot point out to him and to the Legislature and indeed the people of Alberta how fortunate they are in the calibre of our Attorney General. In suggesting that this is not relevant to this motion, the hon. gentleman doesn't know what he is talking about, as usual.

As I have said, Mr. Chairman, we've gone through all this exercise of nitpicking, and I might say that I think the whole question of whether subcommittees are worthwhile is really in doubt because they certainly haven't accomplished anything in relation to the amount of information they might have wished to acquire. But obviously they are being used for partisan political gain and for no other reason.

The exercise we have seen this evening in relation to being really -- I just don't have a bad enough word, Mr. Chairman, one that is parliamentary to describe the activities of the hon. Member for Mountain View. There has been no attempt to be objective, no attempt to say anything about what their policy is, because it is sort of ultra vires these days for the Social Credit to announce any policy. I am not sure why. Perhaps there is still some division as to whether or not they have even decided, whether or not they have a policy outside of funny money. That's about the only one that was ever enunciated very clearly and that one, of course, was only clear to those who wished to see.

Mr. Chairman, we have seen an exposition in regard to an hon. member in this Legislature in a --. He talks about my personal attack on him. I am being very lenient compared to the attack and the continued repetition, the continued harassment for nothing more than political gain to pump up his own pompous balloon.

The situation, Mr. Chairman, is, as I have pointed out, that we are indeed fortunate in having the kind of Attorney General we have -- one who has shown patience, one who has shown integrity, and one who has shown, above all else, knowledge and maturity of judgment, a man I think, we are very, very fortunate to have in this position. We reject this motion out of hand, not only because of where it came from, but on the grounds that we have the best Attorney General in Alberta today than we have ever had in this province's history.

MR. DIXON:

Mr. Chairman, I am very, very disappointed in the hon. Deputy Premier. You know you never win -- I'd like to point out to the hon. Deputy Premier that you don't win your case by running the other fellow down.

[Interjections]

Just a minute. He hasn't been doing all the dishing out. That's the trouble, this happened to get to you. You just can't take it, that's all. If you can't stand the heat in the kitchen you should get out. And to say that former Attorneys General didn't do a good job -- they all served this province well, and I'll stand here and defend them any time. I'll even defend the hon. minister opposite, but I won't run somebody else down in trying to make a big fellow out of the present Attorney General. I'm very disappointed that the hon. Deputy Premier, who I always considered had at least enough parliamentary knowledge to know that's no way of winning an argument.

I can say that the hon. Mr. Gerhart and the hon. Premier Manning who served prior to him were some of the most outstanding Canadians --

DR. HORNER:

I didn't say they weren't.

MR. DIXON:

What do you mean? You certainly did so.

DR. HORNER:

On a point of order. The hon. gentleman again -- his hearing isn't too good either at this time of the morning. I said that the present Attorney General was the best Attorney General we have had in the history of Alberta. I said nothing about previous ones.

MR. DIXON:

Well, I'm sorry. I did hear him a while ago when he said he was the best Attorney General in the history of Alberta. You don't even know all the Attorneys General that have been in Alberta. How can you come to a decision like that? I'm sure you are going to make the hon. Attorney General --

DR. HERNER:

I'm prepared to retire and it wasn't very much.

MR. DIXON:

Well, Mr. Chairman, I feel very strongly that the hon. Deputy Premier, if he had an ounce of parliamentary form at all, would apologize to the hon. Member for Calgary Mountain View, because when you get up and say that a man is disappointed because he didn't get a cabinet post, I'd say you could say that about anybody on the front bench there, even yourself. You'd love to be the Premier, but unfortunately, you're not.

I think when an hon. member, over a cup of coffee, tells you something, and then after a while you say, I can use that in an argument to embarrass him -- it looks to me like something that shouldn't be allowed in this House and I think the Chairman, with all respect should have brought the hon. Deputy Premier to task for some of the statements he made here tonight.

Maybe we can excuse the hon. member's bedside manners because of the fact that it is a little late and he sort of got carried away. But after all, I think we should have some respect for members on both sides of the House.

Then you make up that crazy story you were trying to say that the hon. Member for Calgary Mountain View was acting the way he did tonight -- and got under the skin of the hon. Deputy Premier -- that he was disappointed because of the fact that he wasn't the Attorney General in the previous government and he decided to go after the present Attorney General. How ridiculous can you get, to use your own words?

I'm pleased to see that the hon. Deputy Premier is smiling now, so maybe I can sit down. I think he's got control of himself again, and I hope he will behave himself from now on.

MR. LUDWIG:

Mr. Chairman, that --

MR. CHAIRMAN:

May the hon. member close the debate on the amendment?

MR. LUDWIG:

No, not in committee. You don't close the debate in committee.

Mr. Chairman, nonconfidence motions are moved in the House of Commons very often. I believe the hon. Mr. Stanfield has had about three recently, and it does not mean that he is either abusive or he is in contempt of all that is decent in parliament. It's the adversary system; the hon. Deputy Premier has been in Ottawa.

Perhaps I have not been chosen for cabinet rank in the past for reasons that the Deputy Premier explains, but I wonder why, with all the brilliance and the drive he has, that he never was chosen in Ottawa, but went back to the hills. So you know why I didn't get it, but why didn't he get it? I can tell you why. His speech and his display of manners in this House is a good indication not only of why he should not have been a minister in Ottawa, but why he should not have been one here. So he is wondering why I didn't become one, and I'm wondering why he is one. So that makes us even.

But there is a little Japanese proverb, Mr. Chairman, that says, 'A hit dog always howls the loudest.' And that's what happened here. The man went to pieces, and I think we can forgive him.

But the fact that I moved that a minister's vote be reduced to \$1 is not an affront to the system or to anybody's intelligence here. It is done regularly, and it is done regularly in Ottawa by his leader.

And if I am in default of any proper behaviour in the Legislature here, I think you can condemn your own national leader many times for moving motions of nonconfidence and sometimes very puny ones, very inadequate ones. But it is permitted, in fact, the rules permit every vote of a department to be challenged, not only one.

They can't stand a little bit of opposition, they can't stand a little bit of criticism. My remarks, my criticisms of the Attorney General were legitimate. I have asked him about reform in his department, I didn't get an answer. I suppose that is not a legitimate question to ask if there is any reform forthcoming from the department, particularly when the Deputy Premier, when he was on this side, was screaming for more leadership and more reform.

Now it is wrong to ask for it, so I believe that about the worst display that we have witnessed in this House was the fact that the Deputy Premier went to pieces, didn't have anything to say on my motion to reduce the minister's budget -- one particular vote -- so he launches a personal attack on me. I suppose that is an example to all the backbenchers in this House of proper parliamentary procedure and proper behaviour. I trust they will take that kind of behavior seriously and I hope they emulate him and if they do, this place will become more like a dog fight than a Legislature and you can thank the Deputy Premier for all this.

MR. HENDERSON:

Mr. Chairman, I hadn't really expected that we would get into --

MR. CHAIRMAN:

Order.

MR. MOORE:

Mr. Chairman, the hon. Member for Mountain View has just closed the debate.

[Interjections]

MR. HENDERSON:

-- any member can speak as often as he wants in this committee.

MR. CHAIRMAN:

Order.

MR. HENDERSON:

On this particular committee and on a motion. So I just suggest they shut up and listen for a minute, I've been listening to them.

MR. CHAIRMAN:

Order, Mr. Henderson. Order.

MR. HENDERSON:

Order of the Chair!

MR. CHAIRMAN:

Order, Mr. Henderson. Please! You do not say order to the Chair. Please. Now, may I just have your attention for one moment please.

When I did ask Mr. Ludwig if he might be closing the debate on the motion to the amendment he continued to speak on it. My understanding is that the same rules apply on any motion in the committee as they apply in the Assembly.

MR. HENDERSON:

Mr. Chairman, I suggest you quote the appropriate rule because the hon. Member for Calgary Mountain View already read to you the appropriate section of Beauchesne that says that -- and I would ask that he read it to you again.

MR. CHAIRMAN:

In the matter of a member taking part in a debate on an amendment to an amendment the same rules should apply as in the case of a member speaking to an amendment.

The same rules apply.

MR. LUDWIG:

Mr. Chairman, the relevant rule is on page 192 and is Standing Order 59 and I will read it again. It says:

The standing orders of the House shall be observed in the committees of the whole House so far as may be applicable, except the standing orders as to the seconding of motions, limiting the number of times of speaking and the length of speeches.

So this is a rule that is obeyed here and this is a rule that has to be followed and in committee, Mr. Chairman, it has been adequately demonstrated in this committee, we can speak to one motion, to one vote, we can speak a dozen times. Therefore to say that I closed the debate is contrary to the rules and I believe, Mr. Chairman, that you ought to --

MR. CHAIRMAN:

Please. I see it here now. Please continue, Mr. Henderson.

MR. HENDERSON:

Mr. Chairman, as I was saying. I hadn't really expected to see us develop into this type of harangue. But I am amazed at the Deputy Premier, the Minister of Agriculture, and the performance we witnessed in this debate on this particular motion. I sat on that side of the House in the back benches and the front benches and witnessed the then opposition, of which the Deputy Premier was a part, making motions of exactly the same nature and I don't recall on any occasion witnessing an exercise wherein criticism of the manner in which an executive officer of the government was fulfilling his public responsibilities, including a debate on a motion of this nature, was responded to in the form of a personal attack on a member on this side of the House.

I suggest, Mr. Chairman, that there is a substantial difference between the action of the opposition in criticizing a minister of the Crown for the manner in which he fulfills his responsibility as a member of the Executive Council and to suggest that when a member on this side of the House rises and states his views on the manner in which a minister of the Crown is fulfilling his responsibilities, it is taken as the occasion for a personal attack. I suggest that the rules of the House, when they allow it to take place, should be re-examined because they are completely out of order.

The Minister of Agriculture knows better than anybody else that there is a slight difference between the responsibilities of a minister of the Crown in his accountability to the public through the members of this House for the manner in which he makes his decisions dealing with the affairs of the people of the Province of Alberta.

When a minister opposite chooses to try to leave the impression that there is something irresponsible in a motion of this type, and further suggests that a motion of nonconfidence of this type is an attack upon the personality and the integrity of the minister toward whom the motion is directed, I suggest, Mr. Chairman, the Deputy Premier really seems to have forgotten what this democratic process is all about. Because it is quite in order.

My views and what I think of the Attorney General as an individual personally are completely unrelated to the views that we may hold on the manner in which he is or is not fulfilling his responsibilities to the people of Alberta. And that is fundamentally what we are talking about.

When one looks at the number of incidents that have arisen, I suggest there are grounds for concern. One of the other members, speaking in an earlier debate in this House, made the observation, "the higher the level of responsibility the lower the margin for error." This certainly applies to each and every one of the gentlemen seated opposite in the front benches.

Publicly they aren't afforded the margin for error that the gentlemen in the back benches are allowed. They are not afforded the margin for error that

the gentlemen on this side are allowed. They are not afforded the margin for error that the average citizen at large is allowed, because of the tremendous powers and authority that they have and the responsibilities they bear to the people of the Province of Alberta. When one examines the motion which we are now speaking to, I suggest that in spite of what one's personal feelings or views may be towards the Attorney General as a human being, that does not necessarily have anything to do with the question of the manner in which he fulfils his public responsibilities.

We have witnessed the Attorney General who by his own accord says he made a mistake in the Slave Lake incident. I suggest, Mr. Speaker, that I am further concerned as a result of tonight's debate where I hear that the Attorney General has made his decision on the Craig case as to the need for a royal commission on the basis of evidence that he has received from some of his staff people as opposed to a personal examination of the matters involved.

I suggest in a matter as serious as the Craig case that there is responsibility of the minister of the Crown to do something other than accept the views of the people in his department, particularly when the people in his department may have been, somewhere or other, associated with the original exercise which took place and the circumstances. Surely the question of simply accepting the advice of civil servants does not adequately deal with the responsibility of the minister in that particular case.

I am also concerned to find in the proceedings tonight that the minister -- at least to my interpretation, the way I read the Sims report and the Craig case -- did not seem to be aware of the fact that, on the question of the adjournment of the fraud charge beyond the eight day limit as provided for by the Criminal Code, the information sheet relating to that exercise, according to the Sims report, had been signed by a judge other than the judge who heard the case.

We've asked the Attorney General if he would look into it further. But I have to say there has to be concern expressed when the words of the Attorney General indicate that he has not really thoroughly examined all the relevant matters in that case.

I also suggest, Mr. Speaker, there is the matter of the apparent lack of action of the part of the Attorney General on the question of the housing fraud charges and loss on the part of a number of citizens of the Province of Alberta -- significant amounts of money in housing transactions where the contracts were not filled. But the minister has done little to allay our fears in this regard, concerning whether the government has really actively considered the matter.

I therefore suggest, Mr. Chairman, that it is incumbent upon the members of this House to weigh the pros and cons of this particular proposition presented in this motion.

Because I come back to the statement that I made earlier -- the greater and higher the level of responsibility on the part of an individual, the lower the margin for error. The judgment of the Attorney General in a number of matters has been called into question. I'm sure that he is concerned about all these matters and exactly what the implications are so far as his judgment is concerned.

I would simply close by saying that these statements by the Deputy Premier that there is something underhanded and irresponsible in a motion of this type are somewhat ill-founded. His suggestions that the motion must be countered by a personal attack on the part of the member making the motion on this side, are somewhat lacking in principle.

DR. HORNER:

Mr. Chairman, after we have had the statesman-like speech of the Leader of the Opposition I want to make it very clear that, in my view, the Attorney General has handled these matters in a competent and in a mature way. And in a way in which perhaps no other Attorney General would have had the competence nor straightforward intestinal fortitude to do.

In relation to the Sims report I would simply point out that this is a report by a very young lawyer -- intelligent as he may be -- who perhaps requires a great deal more information in regard to the entire question of drugs and how they should be dealt with by the police and by the courts. Let's not for a moment say that the question of the reform that the Attorney General said that he would be looking into in regard to lower courts shouldn't be done, but for my hon. friends to hang their hat on the Sims report or the Craig case is to

be getting completely off base and away from what justice really means in the Province of Alberta.

In my view, the people of Alberta want more than that from a government. They want a government which is going to be not only compassionate, but has some sense of what is happening in the province in relation to this very important matter of drugs. That's the real crux of the matter, Mr. Chairman, the question of how you handle drug cases in the Province of Alberta and what you do in relation to that.

In relation to the other comments with regard to what the Leader of the Opposition has said I simply say this: the hon. Member for Calgary Mountain View wants to play tough politics. I can play tough politics with him, any day he wants to. And that's the response that I give to him anytime that he wants to play it.

In relation to what is going on here, as I said earlier, I think that the whole idea of subcommittees has to be taken under serious consideration because obviously it was a wasted exercise in relation certainly to the estimates in this department - in relation to getting information, if that's what they were after.

MR. NOTLEY:

First of all, dealing with the points made by the hon. Deputy Premier. The crux of the Sims Report was not drugs and the way of dealing with drugs in this province at all. It should not be confused at all by that kind of statement by the Deputy Premier.

The crux of the Sims report was the implications regarding civil liberties in this province, of the whole proposition from start to finish. So let's not confuse the two things at all.

Now, Mr. Chairman, one of the points that the Sims report made which I think we have to consider pretty carefully is the proposition that this province requires a royal commission to examine civil liberties in Alberta including the operation of the lower court system.

The reason that Mr. Sims has made the suggestion that it be a royal commission, harkens back to something that the hon. Member for Calgary Buffalo said that it is necessary to look at the administration of justice on a broad-ranging basis in this province, not to get completely hung up on the question of the Craig case.

As a matter of fact just quoting from the last paragraph of the Sims Report, he says, and I quote: "Few of the recommendations in this report would serve to compensate Dr. Craig". For the Sims Report is important and significant in this province, Mr. Chairman, because of what it says on civil liberties and because of its one major recommendation -- more important than all others, that a royal commission be established to look into the administration of justice in this province.

And the reason that Mr. Sims suggests a royal commission to look into it, is he feels great respect to the judicial system, that a royal commission would provide a broader base, it would involve not only the legal fraternity in examining this question, but other people in society as well.

I suggest, Mr. Chairman, that it is incumbent upon the government to consider the recommendations in this report and not confuse it with some effort to fight drugs. There is no question in this legislature that all members, regardless of which side of the House they sit, are concerned about controlling drugs and are ready to take reasonable efforts to control drugs but that's not the point in the Sims report. The point is the question of our basic civil liberties.

The second observation I'd like to make, Mr. Chairman, deals with the question of the Slave Lake incident. I have raised this, and other members of the opposition have raised it during the course of this Legislature.

What concerns me is that there is at least some evidence to indicate that the Attorney General has acted upon information which may not be completely accurate. The personality profiles which were collected by the RCMP on these three individuals gave certain information to the government. But at least one of those individuals, Mr. Griesbach from Wabaska states in no uncertain terms that at least part of the information that the Attorney General read into the

record as well as the Minister without Portfolio in charge of Northern Development was in fact inaccurate.

Mr. Chairman, in that sort of situation it seems to me, equally incumbent that it just isn't good enough to say that's all there is to it - we'll apologize, and that's it. It's incumbent, in my view, to move toward some kind of overall inquiry. And, I think the more it's considered, the more I consider it. It seems to me that the recommendation that Mr. Sims makes...[Inaudible]...

The Deputy Premier says he is a young lawyer. That's irrelevant -- whether he is 21 or 22 or is 60. The fact of the matter is, if you read over the document and talk to some of the legal fraternity at the university, they are extremely impressed with the quality of that report. Quality which in my view, we should be looking at, not the age of the person who wrote it. But the point he makes again, is that this province requires a royal commission to examine civil liberties.

And so, Mr. Chairman, those of us in the opposition have sought repeatedly to get the Government to move on this issue. But, unfortunately, no move has been made. Therefore I feel that I have to vote for the motion proposed by the hon. Member for Calgary Mountain View. I personally have no grudge or any personal hang up as far as the hon. Attorney General is concerned. I think as a matter of record, he is a person who has by and large displayed a great deal of courage in his job. I think also, Mr. Chairman, that it should also be stated that his apology demonstrated that he was a gentleman.

But the issues at stake in Slave Lake and the issues that still lie as far as the Craig Case are concerned, are not whether --

MR. FARRAN:

Mr. Chairman, point of order.

MR. CHAIRMAN:

What is your point of order?

MR. FARRAN:

I think this is a pretty important point of order. We hear these words, "Slave Lake" over and over again. And it's very clear in about three points in Beauchesne, that you can not revive a debate that has already been concluded. In Section 148 on page 126, it says this:

It is a wholesome restraint upon members that they cannot revive a debate already concluded; and it would be little use in permitting the same question from being offered twice in the same session if, without being offered, its merits might be discussed again and again.

It is irregular to reflect upon, argue against, or in any manner call in question, in debate, the past acts or proceedings of the House, on the obvious ground that, besides tending to revise discussion upon questions which have already been once decided, such reflections are uncourteous to the House and irregular in principle...

Now all these shenanigans tonight are repetitious, reviving old arguments that we've been over since the beginning of the session. There is not a new idea been expressed here tonight. It's just to me, plain tomfoolery and wasting time -- and it's not proper to waste the time of the House.

MR. NOTLEY:

Mr. Chairman, first of all I'm rather surprised that the hon. member did not raise the motion. We've been dealing with Slave Lake for some considerable point of time. Surely if it was a point of order, it should have been raised at that time.

MR. CHAIRMAN:

Mr. Notley, one moment. The point of order can be raised any time. I have to appreciate that when Mr. Farran raised the point of order, he did not have to raise it at the beginning of tonight's debate or anything, but his point of order is valid.

MR. NOTLEY:

Mr. Chairman, I'm not questioning the fact that from a rules point of view he had to raise it earlier. I'm saying that he was a member of this Assembly, we're sitting in supply, he could well have raised it earlier.

The major point that I'm getting up to speak on concerning this point of order, Mr. Chairman, is that surely we are granting supply. That is the most important function of this Legislature, at least one of the major functions of the Legislature. And if we are to have debate restricted in the vote of supply then I suggest, Mr. Chairman, that, in fact, freedom of speech is being limited in this Legislature.

MR. TAYLOR:

On the point of order, the section read by the hon. minister refers to reviving a debate. Now there is no place in the discussions on the Craig case at this session where a vote was taken on the Craig case.

MR. CHAIRMAN:

Mr. Taylor, I think the point of order was on the Slave Lake issue, not the Craig case.

MR. TAYLOR:

On the what?

MR. CHAIRMAN:

Slave Lake issue.

MR. TAYLOR:

Slave Lake case -- there was no vote taken. It was discussed in the Speech from the Throne and surely that doesn't preclude a discussion of it in the Estimates.

Had there been a definite resolution in which the House had given a decision, then there would be some substance to what the hon. minister says. But no such resolution has passed this House.

MR. CHAIRMAN:

Mr. Notley, would you please continue now -- I have to agree with the point of order that was raised by Mr. Farran.

Please continue with your debate.

MR. NOTLEY:

Well, Mr. Chairman, I made reference to Slave Lake, I wasn't speaking about the Slave Lake issue.

MR. CHAIRMAN:

Just one moment, Mr. Notley, the question here I gather is that -- my understanding is, and I stand to be corrected -- but my understanding is that the question of the Slave Lake issue was debated and voted on here in this Assembly. Now I don't have the Hansard here, but in this Assembly on the Speech from the Throne, was there not --

MR. NOTLEY:

Mr. Chairman, my understanding of that --

MR. HENDERSON:

Mr. Chairman, your batting average on points of order tonight is getting pretty poor, and I'd like to suggest that you --

MR. CHAIRMAN:

Order. Thank you, Henderson, that was not required -- that comment.

I'm not qualified -- I stand to be corrected -- but if my memory is correct, the Slave Lake issue was debated and this was the point that Mr. Farran has raised.

MR. CLARK:

Mr. Chairman, I -- the motion of non confidence in the Speech from the Throne and that's likely what you're referring to because one of the items discussed in that motion dealt with the Slave Lake affair. But there was nothing on the Speech from the Throne. There was not a motion based on the Slave Lake affair at all.

MR. CHAIRMAN:

Thank you, Mr. Clark. I don't have the motion here. Continue, Mr. Notley.

MR. NOTLEY:

...[Inaudible]... that's right. The amendment proposed to adjourn the Throne Speech debate is a very general one. The only specific motion was the motion for return that I submitted to this Legislature that was voted down, calling upon the government to disclose the files. And I would be willing to acknowledge that to bring that back into this debate would be irrelevant. But it seems to me discussion of the larger question of Slave Lake would not be out of order.

In any event, Mr. Chairman, I believe quite strongly that the basic proposition that Mr. Sims made in his report calling for an overall judicial, or an overall royal commission to examine civil liberties in Alberta is long past due. Because the government is not prepared to move on this particular matter, as I said before, I find that I have to vote in favour of the resolution proposed, or the amendment proposed by the hon. Member for Mountain View.

When I was cut off, I was just beginning to say what I want to say now, that I am not speaking in this debate out of any disrespect for the integrity of the Attorney General. The point I raised when the Slave Lake incident became a major controversy in the province...[Inaudible]...the Attorney General apologized, and I respect that apology. I think that it clearly indicates that he is a gentleman. But whether he is a gentleman or not is totally irrelevant to whether he has performed his responsibilities as Attorney General. And it is completely irrelevant to whether or not this government is prepared to do something about the shocking trampling of civil liberties in this province that is taking place. And, in my view as I said before, the only way to clear the air, is to appoint that royal commission and set the record straight.

AN HON. MEMBER:

Ah!

MR. LEITCH:

Mr. Chairman, on a point of order. The last speaker referred to information about one of the gentlemen in the Slave Lake matter having come from the police report in connection with a statement I made in the House and as I recall it, it involved his association with the co-operative. And I would just like to set the record straight that that information in that statement which I made in the House, did not come from the police.

SOME HON. MEMBERS:

Question.

MR. CHAIRMAN:

Question has been called. Everybody ready for the question? Moved by Mr. Ludwig that the appropriation, Vote 1201 be reduced to \$1. All those in favour say "aye", those opposed say "no". Ready for the resolution?

[Interjections]

The rules say that there could be a standing vote, but not to call the names -- Oh, I am sorry.

[The motion was defeated.]

MR. CHAIRMAN:

Just a moment. Beauchesne does say that a standing vote can be taken, but not a record of names. If you wish to --

Question has been called on the resolution. Are you ready for the question?

HON. MEMEBERS:

Agreed.

MR. HENDERSON:

I'd like to ask the Deputy Premier a question relative to the government's intentions to return to the Budget Debate, as there are some other matters that some of our members wish to raise, dealing with this department, that they could deal with in the course of the formal Budget Debate, if it is the government's intention to return to it. Do we have the assurance that there will be an opportunity to pursue the formal debate further?

DR. HORNER:

Yes, Mr. Chairman, it is our intention to return to it, probably later this week.

MR. CHAIRMAN:

The resolution, as moved by the chairman of Subcommittee C --

MR. HENDERSON:

I'd like to ask one further consideration, before the question is put, of the Attorney General -- the question concerning the adjournment, at least the report in the Sims case of the adjournment, of the fraud charge beyond the eight day limit as it relates to the same report in the Craig case, and the manner in which it was adjourned and the question that I raised earlier of the different judge signing the information sheet according to the report, as opposed to the judge that heard the case. The Attorney General has indicated he is prepared to check the transcripts on it, and I suggest that the question has some relevancy to the whole number of questions that were raised in the Craig case, and one very fundamental one. The Attorney General has indicated he is prepared to report back to the House on the matter.

I don't ask the question to have the opportunity of debating that point further, but rather to hear the report of the Attorney General in the House some time in the next week or ten days. If we could have a commitment by the Attorney General to make that report in the House, we're prepared to see the vote proceed. But if we cannot get that, I would like to suggest that the appropriation be held in committee until the Attorney General has an opportunity to report on that particular matter.

MR. LEITCH:

I'm prepared, Mr. Chairman, as I indicated earlier, to check into that and to report to the House.

MR. CHAIRMAN:

Very well. The question has been called. It is moved by the chairman of Subcommittee C, seconded by the Attorney General:

Resolved, that a sum not exceeding \$39,543,810 be granted to Her Majesty for the fiscal year ending March 31, 1974 for the Department of the Attorney General.

[The motion was carried.]

MR. LEITCH:

Mr. Chairman, I move that the resolution be reported.

[The motion was carried.]

DR. HORNER:

Mr. Chairman, I move the committee rise and report, and ask leave to sit again.

[The motion was carried.]

[Mr. Diachuk left the Chair.]

* * * * *

[Mr. Speaker resumed the Chair.]

MR. DIACHUK:

Mr. Speaker, the Committee of Supply has had under consideration the following resolutions, begs to report same and leave to sit again.

Resolved, that a sum not exceeding \$30,370,700 be granted to Her Majesty for the fiscal year ending March 31, 1974, for the Department of Lands and Forests.

And,

Resolved, that a sum not exceeding \$39,543,810 be granted to Her Majesty for the fiscal year ending March 31, 1974, for the Department of the Attorney General.

And also that we may have set a record in sitting tonight.

AN HON. MEMBER:

Bulldozing.

MR. SPEAKER:

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

HON. MEMBERS:

Agreed.

DR. HORNER:

Mr. Speaker, I move the House do now adjourn until later today at 2:30 o'clock.

MR. SPEAKER:

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

HON. MEMBERS:

Agreed.

MR. SPEAKER:

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

[The House rose at 3:47 o'clock.]