

LEGISLATIVE ASSEMBLY OF ALBERTA
Thursday Evening, October 18, 1973

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

GOVERNMENT BILLS AND ORDERS
(Second Reading)

Bill No. 69
The Department of the Solicitor General Act

MISS HUNLEY:

Mr. Speaker, I move, seconded by the hon. Minister of Lands and Forests, second reading of Bill 69, The Department of the Solicitor General Act.

Mr. Speaker, it is not with any sense of complacency that I assume the responsibilities of this office. I knew there would be many heartaches and headaches involved. At least I now know that I was right on that score at any rate.

Surely, Mr. Speaker, this is an opportunity which seldom happens in one's lifetime and the challenges are truly great. I accept those challenges and will meet them head-on to the best of my ability.

A question frequently asked of me is whether the fact that I am not a lawyer is a disadvantage in my new role. Mr. Speaker, with due respect, I really don't think that being a lawyer is too essential. Not that it wouldn't be helpful, I then wouldn't have to ask so many questions. Some lawyers of my acquaintance ask quite a few questions. Not that asking questions is a bad thing, it just takes time.

Quite frankly Mr. Speaker, I believe it would be more helpful if I were an ex-convict, but then I might not be here at all. At least if I had been involved in the correctional system I would have a greater awareness of the problems, which I am sure is one of the most important [aspects of] my new portfolio.

I do not see any drastic changes in the actual format and administrative structure of the various divisions which now fall within my area of responsibility. But then, Mr. Speaker, it is early in the game and I prefer to keep my options open.

Since one of my responsibilities is the administration of The Police Act, I wish to state that I believe we are extremely fortunate in this province to have law enforcement agencies which are efficient and honest. The maintenance of law and order is so much easier under these circumstances. We are fortunate also to have, so far, remained practically free from riots and civil insurrection. As we look around us at other countries, I am sure we are very thankful for the peace and security in which we live.

I am sure also, but perhaps we don't all realize it, that we are blessed because we have the right to dissent. Sometimes I wonder, Mr. Speaker, if we have not only the right, but do we not also have a duty to dissent?

Mr. Speaker, must good citizens obey bad laws? This is a philosophical question which often troubles me. The hon. Member for Mountain View - I inadvertently listened to him the other day - indicated that least government is best government and, if I recall correctly, something to the effect that bad laws strictly enforced were as bad as good laws badly enforced.

If good citizens had not disobeyed bad laws, there would have been no American War of Independence, no Boston Tea Party. The early Christians would

not have disobeyed the Jewish Law. What about the good people who spurned the Nazi legal code for the solution to the Jewish problem? Current history has other records of dissent where good people elected not to accept bad laws. But surely in our right to dissent, we must respect always the rights of others.

At this time I'm sure it will surprise no one if I refer to a famous dissenter, Judge Emily Murphy; she who refused to consider herself a non-person, despite the law which said that women, along with children, criminals, and idiots, were not persons. It is 44 years ago today, Mr. Speaker, that the opinion of the Privy Council was delivered and women were declared to be persons.

Mrs. Murphy resided in this city. She served this city and this country well for many years, and was a great humanitarian.

I recall a story about Golda Meir. Someone was discussing with her the bra-burning feminists of our neighbour to the south. She remarked that they had better be careful because they might end up being prime ministers. Sometimes I think about Mrs. Murphy in these days.

But anyway, Mr. Speaker, thank God we still have the right to dissent. I do not advocate lawlessness and civil disobedience. That's hardly the role of the person charged with responsibilities to maintain law and order. I only suggest that as legislators we must be sensitive to wrong and injustice.

One of the largest sections of my new department is that of corrections and along with that the probation system. It is this area which interests me the most and which I am sure holds for me the greatest challenge, the greatest tensions, and probably the greatest disappointments.

How ideal it would be if every first offender became a one-time offender and never again returned to our correctional system. But I am too realistic to know that this is not always possible. But, Mr. Speaker, I am not too pessimistic to dream, to plan, to work for things, not as they are, but as they could be. It is better to light one small candle than to sit forever and curse the darkness.

As the state has a responsibility for its citizens to keep them safe, so also do the citizens have a responsibility to one another. How does the community react when one of its members returns from having done time? Does that person first pay the debt the law requires and then pay, and pay, and pay, when jobs are unobtainable and previous friends cross the street to avoid saying hello? That's hardly the way to encourage a person to avoid a life of crime.

Surely the community has a responsibility also and a great stake in what happens. Thomas Matt Osborne, in Prisons and Common Sense, says this: "As criminals can neither be coerced nor bribed into a change of purpose, there is but one way left: they must be educated." We must provide a training which will make them, not good prisoners, but good citizens; a training which will fit them for the free life to which, sooner or later, they are to return. It is of the most vital importance that they should be educated, not for the life inside, but for the life outside.

Not until we think of our prisons as, in reality, educational institutions shall we come within sight of a successful system. By a successful system I mean one that only ensures a quiet, orderly, well-behaved prison which has genuine life in it. As well, one that restores to society the largest number of intelligent, forceful, honest citizens.

If I could put these thoughts into my own words, by education I do not merely mean just hitting the books, learning a trade, or gaining an occupation. I mean educated to the practice of living in a community at peace with your neighbours, of leading a life that's meaningful.

The conditions at Spy Hill cause me grave concern. I'm anxiously awaiting the report of the Harradence Committee. On receipt of the report I intend to take whatever action is necessary. Some changes in the physical plant at Spy Hill have been ready for some time and will be implemented as soon as possible.

We expect the Calgary Remand Centre will be operational at the end of February, and it will then be possible to change the size of the large dormitory, which is one of the problems.

As for the staff at Spy Hill, a difficult job has been made more difficult lately. In recognition of this we have sent additional staff to the institute to ensure that order and discipline will prevail.

Mr. Speaker, I assure you, I assure the hon. members of this Assembly and the people of Alberta that I will carry out my duties with honesty, integrity, fairness and imagination. There is much to be done, so I will now stop speaking and get on with doing.

Thank you, Mr. Speaker.

[Applause]

MR. CLARK:

Mr. Speaker, in rising to comment on second reading of The Department of the Solicitor General Act, I think that all members on both sides would say to the Solicitor General, how commendable your thoughts are. I am sure that, on occasion, we on this side will differ with you on the way that you may carry out those responsibilities. I trust that you will accept those differences as sincere and genuine, in the best interests, not only of the Solicitor General's department, but of the people of this province.

I am sure any cabinet ministers, whether the new Solicitor General or other cabinet ministers, former, present or future, wish to be judged on their performance. Certainly we on this side of the House will use that criterion in supporting, amending, improving and opposing those things that the Solicitor General does in this province.

I am sure that members on both sides of the House will agree, Mr. Speaker, that one of the first real big tests the Solicitor General faces will be the way in which the Solicitor General's department handles the present inquiry at the Spy Hill Institution. Not only the members of this Assembly, but the people of this province will look squarely at the Solicitor General and the way she handles that responsibility.

I was most impressed with the Solicitor General's comments in the field of rehabilitation. Once again, I'm sure that members on both sides of the House will agree with you, on the need that is very prevalent and very evident in the area of rehabilitation.

Might I also say, while everyone in this House agrees with you in the field of rehabilitation, I'm sure at the same time all members must recognize the fact that people are in provincial institutions for less than two years doesn't make it impossible to do as much in the field of rehabilitation as we might like. In fairness to the Solicitor General, I believe members on both sides of the House should look at rehabilitation and the success we have had in that area in this province based on that factor. It's very easy to kick around the field of rehabilitation from a political standpoint, but once again I say to members, whether they sit on this side or the government side, remember that rehabilitation within the scope of the province is dealing with individuals who are in the institution for less than two years. Rehabilitation at the best of times is never easy.

We will look at the budget that comes down in the spring to see what kind of priority and emphasis the Solicitor General, the treasurer and the government place on the field of rehabilitation.

In conclusion might I say, we look forward to the priorities and aspirations the Solicitor General has outlined here this evening. We also look forward to the budget that comes forward for this department in the spring to compare, in fact, the comments the new Solicitor General has made this evening with the kind of financial wherewithal the government is prepared to put in her hands so that she can do the job that needs to be done.

MRS. CHICHAK:

I rise to make a very few brief comments in support of the establishment of the new department and to recognize with congratulations the portfolio that has been bestowed upon my honourable colleague.

It is interesting to note that the real leaders of human understanding and human recognition are perhaps, in more cases than not, women. I have to relate back to the case of Judge Emily Murphy, when she had to take the case for recognition, by the legal profession and by the world as a whole, that the human race consisted not only of men but women also and that the rights one attained by birth within the human race were bestowed upon both sexes. It is interesting and I think commendable that now as we continue in the recognition of humanity, one of the responsibilities of our new Solicitor General is the correctional institutes where there is a real need for understanding, patience, learning and

true recognition of the human race, its weaknesses, its wealth and the middle road.

I wanted to take this opportunity to congratulate my honourable colleague, for I know in her past performance she has certainly demonstrated her abilities and initiative in what she is able to achieve on any and all undertakings. I think Albertans can consider themselves extremely fortunate in the fact that the Premier has recognized these capabilities in this young person and has bestowed upon her, through the approval of the Legislature, this very important portfolio.

Helen, I have to say, congratulations. Thank you.

MR. TAYLOR:

Mr. Speaker, there are three comments I would like to make in connection with The Department of the Solicitor General Act, Bill No. 69.

The first one is that I am not very happy about the Attorney General of the province being stripped of so many major responsibilities. I personally think the Attorney General's office is the one to handle a number of the matters that have been moved to the Department of the Solicitor General. The Attorney General of the province has long been considered one of the major and senior officers of the Crown. I hope that the stripping will not continue to the point where he becomes a very minor figure in a cabinet, because I think the Attorney General's office is one that needs high status in any government.

If these items were going to be taken from the Attorney General and placed anywhere, I can't think of a better place to put them than under the care of the new hon. Solicitor General. I like the way she is tackling her job and the high principles and philosophy that are going to guide her work.

I'm sure every hon. member of the House wants to offer assistance in every way possible in making sure that we do keep Alberta as free from criminals and the Mafia as possible, that those who make a mistake will have some understanding and a chance to rehabilitate and that those who persist in being criminals will be treated in a definitely strong way. I believe in rehabilitation. I think we should go the second mile in rehabilitating those who make one, two or three mistakes, but I do not agree with the mollycoddling of criminals we see in some parts of Canada today. Mollycoddling of criminals is not a deterrent; it is not helping the people outside to have any respect for law and order; as a matter of fact, it's doing just the reverse.

I had a man say to me this summer after a newspaper story appeared showing a man who had killed a mounted policeman in this province, now being educated, transported to university day in and day out at public expense, and even permitted passes many times, two of which times he was picked up for impaired driving.

I call that mollycoddling of prisoners. It's not severe treatment. It's not proper treatment. I would hope that this model, which did not happen, which is not happening in this province, will not be in effect here.

I think our people expect our prisoners to be treated well and with a chance to rehabilitate, but I don't think our people expect prisoners to have advantages that those outside, who have not committed a criminal offence, can't afford and can't have. This is what's happening today. There are some who are getting advantages, because they are prisoners, that they would never have had if they'd stayed outside prison. I personally do not think that's right. I think it needs very careful checking into.

The only other point I have to mention in connection with this bill, at this time, is, and perhaps it's an oversight, I notice there's no clause in the bill requiring an annual report. I think the work of the Attorney General and Solicitor General is of such widespread interest and value that there should be an annual report, just as there is an annual report for most other departments. It should be tabled in the Legislature. I would ask the hon. minister to consider having a clause prepared to move in the Committee of the Whole by which there will be an annual report prepared and tabled in the Legislature.

MR. DIXON:

Mr. Speaker, there are one or two remarks I would also like to make on this bill. Before I do, I would like to congratulate the hon. minister. In my humble opinion she is one of the outstanding members in this Legislature, and I'm sure quite capable of carrying out the duties assigned to her. Although I

had my reservations about loading down a capable and willing horse, in particular, when you think that the hon. minister now is in charge of Medicare, which involves thousands of Albertans. She is now going to be in charge of police, which involves many, many people, not only in the police force, but those that come in contact with police forces.

I was a little disappointed with the excuse that the Premier gave for relieving the Attorney General of many of his duties. I agree with the Premier that energy is important, but I don't think it's nearly as important as individuals. Individuals to me, and I'm sure to most members in this House, are the most important. I hate to say that you're going to take the Attorney General away from activities involving people, and talk about energy and put it in first place. I think our values are slipping a bit.

I would like to state then, Mr. Speaker, that I believe that the Attorney General's department should retain the authority under The Police Act, for the simple reason that the Attorney General still has the courts and the administration of justice under him.

The police departments work very closely with our courts and with the apprehension of people who come afoul of the law. So I think the cutoff should be after the person has been dealt with in the courts, and then as he or she moves into the field of incarceration, he or she may need some rehabilitation. I think this would be an excellent field to put in the Department of the Solicitor General, and as I mentioned earlier, Mr. Speaker, in view of the fact that the hon. minister has the honour of being the first-appointed Solicitor General in our province.

I would like to urge the government to reconsider placing The Police Act and its provisions under the Solicitor General for the reasons I pointed out. Also for the very fact that the hon. minister, capable as she is, is going to find it difficult, I think, to carry out all the responsibilities that have been handed to her. I think in fairness, the government should reconsider putting The Police Act under the Solicitor General, and leave it under the Attorney General's Department, because really it is part of the administration of justice within the province, a very, very important part. Its close relationship to law enforcement is one of the reasons why we should leave it in the Attorney General's department.

Thank you, Mr. Speaker.

MR. LUDWIG:

Mr. Speaker, I do wish to extend my congratulations to the hon. Solicitor General. She stated in one of her remarks at the beginning that she inadvertently listened to me, but she quoted me rather favourably. I would just like to tell her: if she listens once in a while she can learn from the most unexpected sources.

AN HON. MEMBER:

Agreed.

MR. LUDWIG:

Who knows, I might quote her. One time, not many years ago, there was a furious debate in the House, I forget what was involved, when she said, you can't break my heart. I thought to myself, if ever there was a hard-hearted Hunley this was it. But tonight she changed my mind. I believe there is a touch of human kindness in our new Solicitor General. I hope that that kindness is reflected in her attitude towards people who may be unfortunate and run afoul of the administration of her department. This is important in rehabilitation. Perhaps one of the greatest attributes of the appointment of a woman to this department is the fact that perhaps she will show a little bit more concern for civil liberties and human rights than has been the experience with what happened in the Attorney General's department and with the consensus of the government.

I hope that a change in personality is a change in policy, a change for the better. I believe it will be. If I have an inclination to attach importance and significance to the words of the hon. Solicitor General, - they are now recorded for posterity - I hope we won't have to quote them to tell you that you once stood for this. I sincerely believe those remarks.

I do hope that sometimes when we were criticized for being politically partisan in our criticisms of the Attorney General, some good came of it. The Solicitor General recognizes the right to dissent. I'm glad she does. Whether

she does or not, it would not matter if people speak their minds. That is the way it is. Whether I criticize the Solicitor General or not, she will still do what she thinks is right. I believe that recognition of the right to dissent is important, but it has to be extended to all levels, bearing in mind the rapid changes which we are facing in society; also the recognition of the right to disagree and criticize in this House, particularly because we do deal with a government that is extremely politically oriented. The dissent on the other side of the House is virtually non-existent. So perhaps the hon. Solicitor General will get more advice from this side of the House, solicited or otherwise. I hope that some of it will bear fruit, such as the reaction we had against the Attorney Generals' handling of civil liberties and certain other matters. I believe the Premier reacted to that criticism and did what we hope is right. I hope that those remarks are taken also, to be meant as sincerely as possible.

When I stated that the government is extremely politically oriented, I mean it. The evidence is all around us that this is so. I hope when the hon. Solicitor General embarks upon her very important responsibilities she will remember that justice must not only be done, it must be seen to be done. There is evidence all around us, under this government, that justice does not seem to be done. Later on I will mention one instance which is a terrible disappointment to me because I believe that it violates principles of decency, fair play, and respect for people in what the government did.

Madam Solicitor General, or Ms. Solicitor General, even though I'm critical, I can assure you that I will cooperate in every possible way to achieve those ends which I believe to be true, which are in the public interest, and something that I sincerely believe in, although you may feel I have a political motive in saying what I am saying.

One of the most serious disappointments in this government - and I must say, in the Attorney General - is in handling complaints against the department. I hope this never happens again. I wrote a letter to the hon. Attorney General, who in my opinion is an outstanding man, complaining about a serious incident in Spy Hill. I wrote to him some time in January and I ended my letter with the remark that the government has been forewarned about the danger that has arisen in that Spy Hill jail. Well, the action that was taken was that to date. I've received no letter.

Action was finally taken as recently as the last few days when additional staff was supplied to the Spy Hill jail. It took ten months and a shake-up of a department to do it, so I commend you on the action that you took. It should not have been allowed to drag on so long and I hope it doesn't happen again because you will have to hear from us, whether you appreciate the remarks or not.

It is a responsibility of someone to bring these matters to attention, matters where people are suffering, where people are in fear of being killed or being sexually assaulted - and this happened in Spy Hill. When a young boy of 16 or 17 or 18 is committed to Spy Hill and the parents have to virtually sweat blood because someone could attack him sexually and nobody will do anything about it, it is a deterioration in the administration of justice in this province. At least, that is the way I see it. Perhaps some people will feel that this isn't serious. After all, in a jail they don't expect to be protected in this regard. I believe they do. I did not criticize anybody publicly about what happened that time but that thing was unpardonable, the action that was not taken. I hope that the Solicitor General will live by her commitment tonight. I believe that she will. But I can assure her that we, on this side, have to criticize without fear or favour when we see something like this happen. You might attribute it to political criticism or not, it doesn't matter. It doesn't matter when a person believes what has to be done. If he doesn't do it he shouldn't be in this Legislature. I am saying this, because it is not customary or it is not expected on the other side for someone to tell any minister publicly in the Legislature - where it should be said - that this shall not be done again. If you do it then perhaps the public will have to put the whole government, not withstanding its popularity, into a nose-dive at the earliest possible opportunity.

I want to point out that I hope the Remand Centre in Calgary will solve some of the problems that existed in the past, and I hope that somewhere down the line there will be serious recognition given to segregating, in a meaningful way, those prisoners who are 18 years and under. This is a serious problem. Crowding is a very, very bad fault at Spy Hill, and perhaps in other areas. Crowding these people together has exposed some of the ruthless activities that go on in this place. Warden Jackson, for whom I have the highest regard, pleaded for help, pleaded for a change and nothing was done. I'm hoping that

Warden Jackson, although he is now in the centre of controversy, and may have made statements, is a sincere and honest man. I would be very disappointed and I would certainly take issue with any government if there were any action taken to either reprimand him or move him or demote him, because he deserves nothing but the strongest public commendation. But for Warden Jackson, that Spy Hill would have been a real hellhole. That man is capable of keeping peace where others cannot, and of pouring oil on troubled waters. We should be proud and grateful for Warden Jackson.

I'm disappointed in the fact that nobody in the department - and I'm now referring to the Department of the Solicitor General - took the complaint that someone in the department may have spoken to Jackson and given him the word. I'm not saying that they did. I'm not at all saying that anyone told him that: you watch what you say or you'll be accountable. But if they did, that was a threat. But if there was any suspicion that this may have happened, it should not be dealt with behind closed doors any more.

I'm not at all satisfied. In fact, I'm disappointed that there would be any communication whatsoever on this issue between the Solicitor General and Mr. Harradence. It's a one-man commission, I understand. If I'm wrong, kindly correct me. Mr. Harradence is, indeed, an outstanding man, an outstanding criminal lawyer and I would not say anything to attack his integrity. This does not alter the fact that he was at one time the Conservative leader of this province. In my opinion, in the public eye, that appointment virtually stinks. The government had no business appointing a number one political heeler to a position to investigate, on his own, a complaint of perhaps maladministration, or a complaint of serious consequence against the government.

I am not saying that Harradence will not do the best job anybody can. But it does not look right. In my opinion people on the street take the view, and some have expressed it, that this appears to be a case of the government setting up a shield between the truth and what will come out. This is particularly important today because the government has launched a most extensive and intensive government-dominated information agency in the government, at public expense, to feed information to the media that any government has ever launched in this country.

Now we want to see that this Spy Hill investigation appears to be entirely neutral. I am still saying, with all due respect to some of the attitudes opposite, you will probably get a neutral, unbiased and objective assessment of what happened there, but it doesn't look right. It doesn't look right and it should not be the practice. I hope this is the last time it happens because that is the kind of thing that is easy to accept as political preference, political preference ...

MR. FARRAN:

On a point of order. Is the hon. Member for Calgary Mountain View impugning the integrity of Mr. Harradence, the commissioner?

AN HON. MEMBER:

No.

AN HON. MEMBER:

Yes, he is.

AN HON. MEMBER:

He is not.

AN HON. MEMBER:

He sure is.

MR. SPEAKER:

Order, please. With regard to the point of order raised by the hon. Minister of Telephones and Utilities, the Chair has some misgivings concerning the language which has been used with regard to the commissioner, inasmuch as the commissioner is presently engaged in an inquiry. Although I am unaware of any precedent or authority directly in point, the reason for my misgivings is the possibility of the outcome of such an inquiry being perhaps affected when the person in charge of it, while still engaged in the inquiry, is referred to as a "political heeler" or an expression of that kind.

MR. LUDWIG:

Mr. Speaker, I doubt whether I could withdraw the fact or withdraw any statement regarding his previous political attachments. That is a fact of life. The hon. Solicitor General has stated that she appreciates the right to dissent. I also insist on my right to criticize, if I feel that it is justifiable. If calling somebody a political heeler, and proving it, is impugning his integrity, then according to the hon. Minister of Telephones and Utilities, let him interpret it as he sees fit. I can see that the hon. Deputy Premier can't contain himself ...

AN HON. MEMBER:

Poppycock.

MR. LUDWIG:

Yes. He has now come to life. I remember at one time he was rather vociferous and referred to a Committee on Privileges and Elections as a kangaroo court. Now there was a prime example of parliamentary decency, Mr. Speaker.

MR. FARRAN:

Mr. Speaker, surely this can't be proper. Here is an hon. member, who is also a member of the Bar, who presumably respects Canadian rules of justice. He is going out of his way to insult the integrity of a commissioner, duly appointed by this Assembly to inquire into a very serious matter. The inquiry is proceeding right now. He can certainly criticize later when the judgment comes down. But to insinuate that this is not a fair or proper inquiry cannot be correct, Mr. Speaker. There must be something in the rules.

MR. CLARK:

On the point of order. Let me make it very clear that the commissioner was not appointed by this Assembly.

MR. HENDERSON:

On a point of order. I think it should go on record, at least on my part, that I have been listening very closely to the hon. member speak and I think the record will show that he has not cast reflections on the commissioner. He has cast reflections upon the appointment of the commissioner by the government, for other reasons. I would close by saying that simply the fact that he is a lawyer - we make allowance for that in this particular Assembly.

MR. LUDWIG:

Mr. Speaker, the grave difference between me and the hon. Minister of Education is that when he wants to insult someone he doesn't have the nerve to stand up.

Mr. Speaker, I didn't think that I said anything that impugned the integrity of Mr. Harradence.

But I'd like to comment on the remark made by the hon. Mr. Speaker which was not dealing with the point of order but was a gratuitous remark about the possibility of impugning or affecting the outcome of the proceedings. That's a very important point, Mr. Speaker. I appreciate the observation - I think it's well taken.

I'm saying this, that when the Solicitor General, in the course of an important inquiry into some allegation of perhaps maladministration or complete failure of action, consults the commissioner; that is the grave danger of something going wrong, when the Solicitor General can talk to a commissioner investigating this thing - I believe that this was about the last thing that ought to happen anywhere. I take serious issue with that. I believe that that could undermine an impartial decision.

Now I don't know what the meeting was between the Solicitor General and Mr. Harradence, but it's admitted there was one, or there was a conversation. It should not be done. There is a rule that does not cover a government-appointed committee but a legislative-appointed committee, No. 308, I believe, that makes it a breach of privilege to tamper with a witness. But I'm not saying - and I respect the integrity of the Solicitor General - but it does not look right when she can get into a discussion to see if somebody in the department tried to influence a witness. This has to be done in the open once you've set up a

commission. Maybe I'm wrong, but that's what I subscribe to. It's not with any intention of impugning anybody's integrity. But if I have to criticize somebody, and somebody has to try to stop me from speaking by raising the dust that I'm impugning someone's integrity, then I'll have to do what I can under the circumstances.

With those remarks, Mr. Speaker, but with particular emphasis I hope sincerely we are going to have a new look and a new value attached to human rights and civil liberties with the appointment of the Solicitor General. We're going to look, notwithstanding that she has our sincere congratulations and our sincere support - these actions have to be judged in retrospect. There are many kind and eloquent words flowing from many people on both sides of the House, but it's the actions, the true, sincere actions that determine the real worth of the action of the government.

The height of disappointment in my political career, in 15 years, was when we had made our case against the Attorney General - there was a flagrant and almost a deliberate violation of human rights and civil liberties in this province. What happened but that the hon. Premier gets up and says he's proud of him. That was sort of a wonderful culmination to what I thought was a good debate and a debate that did result in action. Notwithstanding that they tried to make themselves look good, the Premier acted.

I believe that the opposition must take a considerable amount of credit for having done a good job, for having exposed something that ought not to happen in a civilized province, never having happened before it happened here and we corrected it. I somehow feel that if we got up and told everybody we were proud of the Attorney General, as the Premier said, things would not have changed. I'm hoping, then, Mr. Speaker, that the change of personality will be a change of attitude, a change of policy and a change for the better.

Thank you, Mr. Speaker.

MR. NOTLEY:

Mr. Speaker, I'd like to add my congratulations to the new Solicitor General to the other members' tonight. I don't intend to rehash the civil liberties debate of last spring, suffice it to say that I think all members welcome the fact that at least we now have a board of inquiry examining the lower court system in Alberta. I think irrespective of our political positions in this House, we are encouraged at seeing the appointment of this board and we look forward to its report when it's completed.

I think it should also be said that I, for one, am pleased to see that we finally have an inquiry into the Cosmopolitan Life Insurance affair. It seems to me that that was one of the concerns of a good many people last spring, and while the action of the government was belated, nevertheless it's...

MR. SPEAKER:

Order, please. We've gone fairly far afield in discussing the Department of the Solicitor General. I am unable to detect the relevance of something which is clearly within, completely within, the competence of the Attorney General's department - I am unable to detect the relevance of that to the department of the Solicitor General.

MR. NOTLEY:

Mr. Speaker, presumably the relevance would be this. One of the reasons for splitting the departments is to divide the rather large responsibilities which the former Attorney General held. I don't intend to speak at any length on the points that I just raised other than to review them and to make the observations that I have already presented to the Legislature.

Mr. Speaker, one of the major areas that the Solicitor General will have to consider, along with the Attorney General - this is an area where the two really work very closely together - is in the implementation of those facets of the Matthews Report which are still left unimplemented. I think that the Matthews Report, tabled in this House in 1972, constituted a rather serious indictment of the administration of justice in the Province of Alberta. I think it is necessary for us to spare no time in taking all possible steps to make sure that not only is justice done, but, equally important, that it is seen to be done. That not only relates to the administration of justice, Mr. Speaker, but it also concerns the provincial penal system in Alberta as well which, I understand, comes directly under the Solicitor General.

Mr. Speaker, I conclude my remarks by saying I believe that in the hon. Member for Rocky Mountain House, the Premier has chosen wisely. I feel that she has acquainted herself very admirably with the rather complex difficulties of a challenging department. She has a good reputation in this House for being to the point and being on top of the situation. I and all the other members can look forward to a competent administration of the Solicitor General's department.

But that doesn't mean those of us in the opposition will not be critical or that we won't raise issues at times which may seem embarrassing to the Solicitor General. Were we not to do that, we would be remiss in our responsibilities on this side of the House.

In conclusion, Mr. Speaker, I certainly offer my congratulations to the hon. Solicitor General. Perhaps commiserations should be offered to the Attorney General, as I suspect his promotion is really, as I said a while ago, a giant step sideways. Nevertheless he's going to be kept busy with constitutional matters - that's pretty obvious as we look at the energy policy of the government - but notwithstanding that, I think the Premier has made a good choice and I wish her well.

DR. BUCK:

Mr. Speaker, I would like to take a moment or two first of all to congratulate the new Solicitor General. I know that she is capable but at the same time I am a little concerned at the size of that front bench over there. It's getting so large that we're going to need the entire back row quite soon.

At the same time as I congratulate this and to show there's concern, I would also like to congratulate the - if you are worried about me coming over there, honourable gentlemen...

AN HON. MEMBER:

Are you coming over?

DR. BUCK:

I would like to say ...

AN HON. MEMBER:

We don't want you.

DR. BUCK:

... there has never been a time in the history of this province when as strong an opposition has been required as at this stage.

I would very sincerely like to congratulate the Attorney General for his horizontal promotion. I really find it hard to believe that when the heat gets on the way to solve the problem is to create a new department. This to me seems to be a waste of the taxpayer's dollar. As far as entering into the constitutional field, the energy crisis and the energy field, I think there was plenty of work for the Attorney General where he was.

I would just like to say a few things about the correctional institution at Fort Saskatchewan. I am very sincerely disappointed that they did take the licence plate manufacturing plant out of there. In speaking to the people out there, they feel that the costs of making licence plates in the institution are cheaper than anything you would be able to get out in 'Civey Street'. Even if you happen to find another campaign manager or defeated candidate who can take it over for you, I am sure you will have problems filling some of these appointments because you've gone through the whole bunch.

I would like to say that I think it's a step backward. At the same time, in case you think I'm entirely partisan, I think it was a step backward on the part of the former government when some of the farm programs and rehabilitative programs were phased out of the institution at Fort Saskatchewan. So, fellows, you're not the only bad guys, in case you're worried over there. I feel quite badly, seeing up to 500 men incarcerated, sitting in stone walls doing absolutely nothing but watching television. I would like to see the Solicitor General bring back the farm program and the market garden program.

I would like to say to the Deputy Premier, number two, that we would like to see the men at Fort Saskatchewan jail working on the tree farm. It is exactly eight miles from Fort Saskatchewan to the Oliver tree nursery and I think instead of spending taxpayer's dollars, let's pay the boys in stir a dollar an hour and make use of them out there, hon. Deputy Premier.

[Interjections]

Well, you're the new 'now' government which has all the forward ideas, Mr. Deputy Premier. I'd like to see you try it.

Also, the agricultural programs which were phased out were a great benefit to the Metis and Indian boys. They love animals. They work well with animals. I would like to see some of these programs brought back.

At one time there was a dairy herd out at the institution. I think that place could be self-sufficient. Right now, I challenge the Solicitor General to go down to the garden. I think you will find most of it still sitting out unharvested, because they don't seem to have enough help out there. I find that very, very incongruous, Mr. Speaker.

There are many challenges to her because the former Attorney General was too busy to look after matters such as this. I welcome the new Solicitor General and I say to her, the community of Fort Saskatchewan, the churches in Fort Saskatchewan, are willing to work with you to indicate to these people that they are human beings and we are concerned about them. I offer my community and its people to help you in a rehabilitative program and an integration program to bring these people back into a useful life.

I thank you.

MR. HENDERSON:

Mr. Speaker, I don't expect to speak at length on this particular bill but I simply say, first, that I support the bill in principle. Second, I congratulate the government on its choice of a minister for the particular portfolio, and offer the minister in question my consolations, or whatever you wish to call it. Undoubtedly she has taken on a challenging job.

I can only conclude, Mr. Speaker, that the government, in presenting this bill, and in taking the action it has with the Attorney General's Department, has concluded that the workload upon one man in the office of the Attorney General is simply too great. I think any member who has any knowledge of the particular office would have to agree, it's an extremely heavy portfolio.

I think probably it's to be expected that if the public and members of this House wish to receive attention to the affairs of the public as promptly and expeditiously as possible, you eventually reach a point where more men are required, or more women, or more Ms's are required to do the work, since there are only so many hours in the day.

The only question I would have is, not with regard to the fact that the government has seen fit to assign additional ministerial responsibilities, relative to the Attorney General's department, but whether the same objective could not have been accomplished just as efficiently, possibly more efficiently with a view to coordination, if the government had rather chosen to appoint an assistant minister to the minister. I know the government was originally considering whether Health and Social Development should stay as one department. I would say, with some knowledge of the matter, this is an extremely heavy portfolio. I've said in the House that I would hope before the government splits that particular department it would look to appointing one or two assistant ministers, if necessary. That is the only question I have relative to the separation of the department.

On the other hand, provided adequate liaison can be maintained between the two ministers involved, I can appreciate the workload that falls upon the Attorney General. I say this not because Mr. Leitch is the Attorney General, but because of the responsibility of that office and the degree of attention that people require or expect to receive from the Attorney General. I believe people think of law and the enforcement of law in the province in the terms of the Attorney General's office. In other departments, a great deal of the activities may be delegated to the civil service. But in that particular department, people expect an answer from the Attorney General.

I'm sure we've all had constituents who have raised matters. They've gone through the ropes, they've gone through the establishment, the institutions of

bureaucracy, and they are still not happy because of some real or imagined injustice. They are not happy until they get a personal answer or decision from the Attorney General. I've had a number of requests which have gone to the present and past Attorney Generals in this regard. I can only conclude that the decision to split the department simply relates to the extremely heavy workload in the department, and the government has concluded that it simply requires more attention on the part of an elected official.

I would ask the minister in closing - but possibly I shouldn't ask the minister in closing; maybe she isn't capable, or isn't the person to answer this particular question - but I would be interested in knowing, if some minister other than the minister of the department could shed any light on it, whether consideration was given to the question of establishing an assistant minister, another elected member of the Assembly on the government side of the House, to take over some of the responsibilities of the Attorney General's department, as opposed to splitting it into two separate portfolios?

MR. LEITCH:

Mr. Speaker, it gives me a great deal of personal pleasure to be able to offer publicly my congratulations to the new Solicitor General. I have done so, of course, privately. I may say that over the past two years it has been a great pleasure to work with her as a member of the cabinet and, while she is taking on what I consider to be onerous and difficult duties, I haven't the slightest doubt, nor I am sure have ...

AN HON. MEMBER:

Louder.

MR. LEITCH:

... the hon. members of this House, that she is going to discharge them with great compassion and distinction. I think Alberta will be served very well by her new office.

I would, Mr. Speaker, like to make one comment on principle to the point raised by the hon. Member for Calgary Millican, who suggested that it would be appropriate to have the police remain the responsibility of the office of the Attorney General. I'm not in agreement with that, Mr. Speaker, on a question of principle. I may say, before going into an explanation about the question of principle, that the division between the police forces and the judicial function is one that exists in England. It's one that exists in the federal government, it's one that exists in the Ontario government. I haven't checked all of the other governments in Canada, but it's certainly a common division. I think it is a sound division in principle.

When one remembers the different roles of the police, the judiciary, and the correctional institutes, I think it is very easy to arrive at why it's sound in principle to make that division. Remember, the police are responsible for apprehension and gathering the evidence. The prosecution, which comes under the office of the Attorney General, is responsible for presenting the evidence. The courts, which in a limited sense only, come within the office of the Attorney General - I say in a limited sense only because, as everyone is aware, I'm sure, there is a very, very narrow role which government plays with respect to the courts. The government provides the physical and personnel support to the courts. But apart from that, the judiciary quite properly functions without direction from the government.

We have these three roles; the gathering of the evidence, the presenting of the evidence, the decision on the evidence by the judiciary; then in the event that decision leads to someone being sentenced to the correctional institute, the correctional institutes look after them from that time onward.

In Alberta, we've had for many, many years, and it's an item that we've asked the board of review to comment on: the practice of the police prosecuting in some of the outlying districts. When you have that, it makes it a little more difficult for the public, the people, the accused who is appearing before the court, to appreciate the distinction and the separation between the policeman's role, the prosecutor's role, and the judicial role. For that reason, Mr. Speaker, I think it's very, very sound in principle that those two functions, the gathering of evidence function, the judicial function, and the presenting of the evidence be separated. And, of course, it assists in that separation if you have different ministers responsible for those different functions.

I've reserved my closing comments, Mr. Speaker, to respond to the comments by the Member for Calgary Mountain View. As I listened to him, and particularly his opening remarks, Mr. Speaker, I understood him to assure us that he believed in decency. I understood him to assure us that he believed in fair play. I really wonder, Mr. Speaker, why that hon. member felt he had to assure us of those things.

Surely all of us who have been in this House for the past couple of years don't need to be told how much he believes in decency. We don't need to be told how much he believes in fair play. We don't need to be told that he doesn't believe in making statements for a political purpose. We've had two years in which to make up our own minds, Mr. Speaker.

MR. SPEAKER:

May the hon. minister close the debate?

HON. MEMBERS:

Agreed.

MISS HUNLEY:

Mr. Speaker, the hon. Attorney General has answered some of the questions raised on which I wanted to comment. However, there were some points raised by the hon. member from Fort Saskatchewan which I must draw to his attention because I don't think he is as well informed about his constituency as I am, and I don't live there.

I have checked on the harvest at the Correctional Institute at Fort Saskatchewan. As of October 12, we had harvested 200 tons of potatoes, 1 ton of cabbage, 9 tons of carrots, 2 tons of turnips, 6 tons of onions and 2 tons of beets. They were busy at that time with extra staff in order to garner the harvest. I'm not sure as of this moment whether it's all in, but it is being given attention.

I would also like to assure the hon. member that they do more than look at television. I asked for a breakdown on what the occupations actually were, because I think that in making changes in Fort Saskatchewan which are anticipated down the way we need to keep in mind, as was mentioned to me by the hon. Member for Olds-Didsbury, the short term of many of those and the fact that rehabilitation is difficult in those circumstances and perhaps occupational training is not simple.

I find that they do automotive maintenance, they do vegetable preparation and storage, they have a green house, they work on the garden and grounds, they work in the paint shop, carpentry and maintenance shop, they have an auto body shop in which they train. They have 28 cooks, bakers and kitchen help, housekeeping and janitorial services. They help with community projects, 70 of the inmates are in forestry camps, 90 in the labour force, and 3 were taking barber training at the time the report was compiled. This is not as of this moment.

So they are busy, but perhaps they are not busy enough. I think perhaps - certainly there are things that we can do better and we will try. But I think it is unfair to the administration out there to criticize it unjustly and I wanted to set the record straight.

I agree with the right to dissent, as I said a few minutes ago. How we dissent is one thing. When we reach the point of practically maligning individuals in our right to dissent, sometimes I wonder whether that is truly dissent or whether it is something else.

There appears to be some doubt in the mind of the hon. Member for Calgary Mountain View, and I am surprised at this, at the great interest he has indicated in the correctional institute, at who was conducting the inquiry. There is Mr. Harradence and there is Chief Roberts, and they have an attorney whose name is Mr. Power.

In closing, Mr. Speaker, I would thank all members for their good wishes, both written and spoken. I feel truly humble and I will truly try.

It is quite a dramatic moment for me. I will welcome criticism. I will need it. Mostly I would welcome constructive criticism and suggestions, because it is a situation in which we must all be interested, and to which we must all direct our minds. Truly I hope that they will all share the challenge.

So, Mr. Speaker, to all of those who participated in the debate tonight, and for their good wishes, thank you very much.

[The motion was carried. Bill No. 69 was read a second time.]

Bill No. 76

The Health and Social Development Statutes Amendment Act, 1973 (No. 2)

MR. CRAWFORD:

Thank you, Mr. Speaker. Bill No. 76, of which I now move second reading, seconded by the hon. Minister of the Environment, is a brief reference, in each case, to four statutes that relate to the responsibilities of my department. I believe the best course to follow, since there are four statutes involved, will be to give a brief explanation of each of the four that are proposed to be amended.

The first one is The Hospital Services Commission Act, and the amendment there is for the purpose only of changing the number of members required for a quorum, in view of the fact that the commission was increased in size, and changing from 12 to 10 the number of times which the commission must meet in the year.

The second is an amendment of some importance to The Maintenance and Recovery Act. This recalls the discussion of a couple of days ago when a number of acts were before the House that related particularly to resolving any doubts that might remain about the equality of women with men according to the legislation and the provisions of various bills.

I suppose the assurance that I can give hon. members tonight about the sexes is that the objective of the legislation is to make them equal but not the same. So in that respect all is still well.

The other thing of interest in the same respect, Mr. Speaker, is that hon. members will have once again the opportunity of applauding the fine sense of justice that the government displays in keeping things in balance. In looking after the question of equality to which I have just referred, we have now found a way by which once again we can make the man equal too. This is something I hope will be appreciated by all the men present.

Mr. Speaker, I keep hearing the interjections from the hon. Member for Clover Bar. It just makes me think that when we talk these days about how the value of a buck is going down, it isn't always the currency we're speaking of.

[Laughter]

Mr. Speaker, the law under the existing legislation had been in regard to the interesting subject of giving evidence in legal proceedings as to whether or not the gentleman, if that is the correct term in every case, had been the father of a certain child of a single mother. The law provided that it couldn't be held against the father in subsequent legislation if he were to testify in regard to adultery. Equivalent protection was not given to the woman who, of course, at some stage or other could also be a wife. This is particularly likely to be so where there had been a lengthy separation. So there is an existing marriage, and yet a paternity suit. That difficulty in equalizing the rights of the two had been dealt with by this amendment.

I think it is important, Mr. Speaker, - I don't put this forward lightly - that what we are dealing with is indeed the equating, as far as possible, of the rights of men and women under this legislation. Legislation that has dealt with domestic relations in one way or another over the years has been notorious for discrimination against women. This is what we are trying to resolve and claim some success during this session in doing so.

Now the third item in the bill before the House for consideration relates to The Pharmaceutical Association Act to which we are proposing additions that are quite important in order to retain contemporary use of language in regard to narcotics and drugs in the legislation. At the same time to do what I think hon. members would want and expect, as far as we are able to agree with the representations of the Pharmaceutical Association in respect to their legislation, and we have proposed to enact several positions which meet representations that they have recently made to government. They relate to matters such as the requirement of Canadian citizenship to sit on the council of the association. Note that no reference is made to the right to practice, but just to sit on the council and to carry out certain other duties in a more realistic way in regard to the passing of by-laws, the handling of annual

licensing fees, notification upon retirement from practice and amendments of that type which the association expects to find useful in carrying out its affairs.

Now the fourth item, Mr. Speaker, is in regard to The Provincial General Hospitals Act. Hon. members may have seen the note put in by Legislative Counsel - that the three provincial general hospitals be established by Order in Council - has been established by the Act itself. That is perhaps a technical matter, but it is one that we wish to proceed with at this time to clarify the status of the institutions. That is the effect this clause would have.

The only other item of consequence in regard to The Provincial General Hospitals Act relates to the makeup of the boards and it introduces the principle that for teaching hospitals, of which there are two in Alberta, certain representation from the faculty of medicine and associated medical faculty will be assured.

Mr. Speaker, just before concluding this brief explanation of what is proposed, I think I should come back to The Maintenance and Recovery Act and indicate that in the carrying forward of the draft from previous legislation - I'm now referring to Section 55 - there was authority under the previous Act for a person to enter into an arrangement with the minister to repay the total value of any social allowance he might have received.

It seemed that the requirement, if an agreement was made for that, to repay the whole amount meant that in many cases none was paid, because the requirement was not undertaken. We propose to change that, in order that all or part of the allowance so received might so be repaid. In that way we hope to encourage people to repay in appropriate cases to the extent that they are able.

I mention that requirement specifically because at the time of drafting - the section in line 2 uses the word "may" and that makes it entirely permissive to enter into the agreement. We think that the word of the previous Act should be retained in that, under the previous Act, the minister could require the person to enter into the agreement. That part of it should be retained. At committee stage I will indicate an amendment to retain that will be forthcoming.

MR. HENDERSON:

Mr. Speaker, I just want to make one or two comments on the section in the act which deals with the provincial general hospitals and make a suggestion for the minister's consideration. It concerns the question of equality that the minister referred to in one of the other sections of the bill.

This relates to the fact, Mr. Speaker - a fact that the minister is well aware of - that teaching hospitals are a peculiar sort of hospital. The administrative problems that arise in them can be different than the administrative problems which arise in other large public hospitals.

In light of instances and experiences I had while I occupied a portion of the minister's portfolio, I came to the conclusion that there were arguments to commend the thought that the executive director, or senior administrative officer, as you may choose to call him, of the hospital should also be a member of the board officially.

It might be argued that as an employee of the hospital he shouldn't be a member of the board. But I would also like to point out that of course the president of a university and a dean of medicine are also employees of the institution in a sense that the teaching hospital is a hospital in which the university has certain privileges and prerogatives. But technically the dean of medicine is a public servant, just as much as the chief administrator of the hospital is a public servant. There are circumstances that arise due to differences of opinion within these boards although the chief administrator finds himself - due to internal politics, by virtue of not being a member of the board - at somewhat of a disadvantage in dealing with some of the problems which arise at times. I suggest that it would not in principle amend or alter the basic structure of the board. I do suggest there are circumstances, within the administration of these particular institutions, where it is desirable for the hospital administrator - in an internal political sense, as far as the executive administration is concerned - to be on a par with the dean of medicine.

Under the present arrangement he is not. He is considered to be an employee. This puts him in the position, and has implications of taking directions from the dean of medicine.

I have to say, in my limited experience as the Minister of Health in this province, there are instances where the medical people associated with the teaching side of the hospital are inclined to take considerable advantage of that particular prerogative or the psychological implications of it.

I wonder, without belabouring the point further, Mr. Speaker, if the minister would give consideration, when we get into committee, to adding a further amendment to the bill. Under Clause (c), subsection 12, whereby the chief executive officer, administrative officer, or the executive director, - whatever the appropriate wording - would also be considered to be an official member of the board, as well as the dean of medicine and the president of the university.

I think it would provide an element of equality which is now lacking when it comes to dealing with some of the administrative problems that are peculiar to teaching hospitals.

MR. SPEAKER:

Are you ready for the question?

[The motion was carried. Bill No. 76 was read a second time.]

Bill No. 77
The Mental Health Amendment Act, 1973

MR. CRAWFORD:

Mr. Speaker, I move, seconded by the hon. Minister of the Environment, second reading of Bill No. 77, The Mental Health Amendment Act, 1973.

I want to make a few remarks, Mr. Speaker, in regard to this bill tonight. The number of actual changes proposed could be grouped in about three categories. I think that hon. members should know that in the process of developing a firm mental health policy for the province, pursuant to the legislation that was passed last year and proclaimed earlier this year, these amendments were meant to be consistent with the logical and evolutionary development of that type of policy. I am glad to say the process of consultation which we had undertaken has continued.

During that period of time, in fact a matter of about two months ago, the Provincial Advisory Council on Mental Health was established. Since then they have held several meetings.

The full value of that council to the people of Alberta over the years to come is something that I don't think we could possibly gauge at this point. But my own declaration of faith in it is that it will be of enormous value. It is certainly the intention of the people who are serving on it that it be of enormous value to the people of the province. They are serving very selflessly in the role they are filling.

I mention it specifically now, because that was one of the evolutionary developments proceeded with, which was contemplated by the Act. I thought I would mention to hon. members that these amendments were among the items that were considered by that very council, as we were preparing for the fall session. These amendments are in accord with their recommendations to us, but there are further recommendations under consideration which I don't propose to discuss now, which were not in the legislation of that council. That situation will continue.

Also, since proclaiming the Act earlier this year, we found it necessary because of some apparent defects in draftsmanship - by that I don't mean to attribute any blame, the attempts that were made were interpreted quite the way we hoped after the Act was in force, and I think that frequently happens - to have a number of important discussions with people operating the large hospitals, primarily in the City of Calgary, who were concerned about the effect the legislation would have on them.

This bill proposes to correct some of those concerns, in fact to correct substantially all of them so far as they can be. They relate to things like, who has the right to admit a patient to my hospital. This was the sort of question of the board of the Calgary hospitals in particular. I mention that because, due to the proximity of the Alberta Hospital to Edmonton, Edmonton has developed a different pattern of committing people to facilities. That is traditional, it is to be expected and it therefore didn't give rise to the same problems. But in Calgary the concern was that people who weren't on the medical

staffs of the hospital might have committal powers. That is the sort of thing that has been clarified. The way that is done is to provide that one of the persons making the commitment has to be on the medical staff of the facility to which the admission is made.

One of the other things was that during the 24 hour period during which the conveyance and examination certificate held validity, the people in charge of the facilities found they had the authority under the Act to do everything except treat the patient. They could examine him, they could detain him, they could do all of the things you would expect, but were concerned about having statutory, beyond a mere common law, presumption to be able to carry out treatment, provided it was determined to be "essential and necessary". That is the wording of the Act. It now uses the word "essential", in order that a person detained for a short time and then released wouldn't be receiving treatment which might be a violation of his personal rights. That is what the concern is, of course.

One of the other provisions in this bill would make it more workable to cancel the certificates of incapacity. We found that the way the Act was working we had one procedure for getting a certificate of incapacity and a different procedure for cancelling it once the person was found in no further need of certification. So we proposed that the procedure for the cancellation of the certificate be the same as the procedure for the granting of it. That is a useful and helpful administrative change.

Now, Mr. Speaker, I think those are the significant items. Of course there are other areas of controversy in the Act as it develops. We have not resolved all the questions that are still developing. But I can assure the hon. members that as time goes by other amendments will be brought forward for consideration as required. I think we should expect that.

MR. DIXON:

Mr. Speaker, just one or two brief remarks on this bill. I refer to the bill and also to the office of the Ombudsman regarding The Mental Health Act.

The hon. members will remember two or three years ago the Ombudsman's report was brought before the House and a great deal of attention was paid to the fact that a gentleman had been held as a patient in the mental hospital at Ponoka after being referred there by the court. The courts at the time - this man was charged with two murders - ruled that he be kept there and underlined the fact. Then recently, we had the Ombudsman coming out with an opposite report, saying that we're being too lax in looking after the people who are referred there by the courts.

In certain cases a man can be remanded, if he isn't mentally incapacitated, and be let out on bail. I'm just wondering if the hon. minister has had a chance to discuss the two different reports with the Ombudsman, because they are at variance with what we were doing, or have been doing, in the field of retaining people charged with serious criminal offences in our mental hospitals.

I think it's not only a case where the Department of Health and Social Development should be involved, I also think there should be greater liaison between the courts and the department, to see if this is really the answer to the problem. When I talk to the administrators in different mental hospitals, they tell me their hospitals are not jails, and are not set up as such.

I feel it's most unfair for the medical superintendent and the staff at Ponoka to be criticized for being lax in looking after criminal cases. That very fact has been pointed in two different directions by the Ombudsman which shows that there is confusion in that area. I just wondered if the minister has had any opportunity to question the Ombudsman on the attitude he had three years ago with the present attitude in a recent report that he had given to the minister?

MR. CRAWFORD:

Mr. Speaker, when I make my closing remarks, I would be glad to deal with that item.

MR. TAYLOR:

Mr. Speaker, I wanted to raise just one point in connection with the certificate of incapacity.

Where a patient is discharged from the mental hospital to an auxiliary hospital, as stated in the Act, the certificate of incapacity remains. Then in some cases at least, the patient is discharged from the auxiliary hospital and goes home. The certificate of incapacity still remains.

It appears to me that we are sometimes too prone or too quick to put the affairs of a person who is admitted to a mental hospital into the hands of the administrator for the mentally incompetent. Where there is no spouse or very close relative capable of handling those affairs, I agree entirely that it should be put into the hands of the administrator for the mentally incompetent. I have always found that administrator, whether he's in Calgary or Edmonton, does very excellent work, is very approachable, and gives all the information that is required.

However, where the spouse of the person is fully capable of handling affairs, it appears to me that steps should be taken to have that spouse made responsible, rather than putting those affairs into the hands of the administrator for the mentally incompetent.

There has been at least one case in this regard - I think it is now being corrected - but it caused great anxiety, particularly to the person who was discharged, and who is getting better. But she continually worried about the fact that her money was still in the hands of the government and she didn't know what was going on. Her husband was quite capable of handling the relatively small amount of money that she had and which had been invested by the administrator for the mentally incompetent.

I don't think the Act is the place to put it, but I would appreciate it greatly if the hon. minister would give some consideration, in the regulations under this Act, to make sure that where the spouse is mentally capable of handling the affairs arrangements be made for that spouse to do so, rather than putting those affairs into the hands of the administrator for the mentally incompetent.

MR. SPEAKER:

May the hon. minister close the debate?

HON. MEMBERS:

Agreed.

MR. CRAWFORD:

Yes, Mr. Speaker, I'd be pleased to comment therefore, on both the matters referred to by the hon. gentleman opposite.

The hon. Member for Drumheller has touched upon an area that is receiving an increasing amount of attention by myself and the department. It is my hope and expectation that the sort of criticism he has made, which I believe has had some validity in past years because of the attitudes and types of administration that took place, let us submit, in an area where few people really understood the real delicacies of mental incapacity to the extent that, I thankfully believe, is now becoming a part of our mental health system. The sort of assurance that I would like to give him is that the number of cases in which the commitment of affairs to the hands of the public trustee will, I hope, be dramatically less in the time to come. It's something we are working on. I acknowledge his interest in that area and the fact that the criticism is, at least in part, still valid.

Now, in regard to the recent report of the Ombudsman. I think, Mr. Speaker, that that report was made public. The hon. Member for Calgary Millican wished me to comment on what appeared to be a contradiction between that and the previous report.

If I may say so, the most recent report indicated that four dangerous people escaped from Alberta Hospital, Edmonton, and one escaped from Alberta Hospital, Ponoka. The real question must be, what can be done that is fair, and medically and psychiatrically suitable treatment for a deeply troubled individual, as all of these are, and at the same time, approach it in the best way possible. I think there is a good way to approach it. The Ombudsman's concern is for the safety of the public.

I do not want to be one who believes, if you have the one, you can't have the other. I think we can have both. I think we can have adequate treatment facilities and programs and we can have the safety of the public.

We must bear in mind that in each case the person who escaped was trying very hard to do so. In that situation, it is clear from the experience of other institutions, including jails, and maximum security centres in various parts of the world, you will always have some escapes. I suppose that more than ever underlines the importance that the treatment programs also be valid in the hope that some of the most troubled of these individuals can be helped, however unlikely that may seem at some point.

I wanted to say to the hon. Member for Calgary Millican that I believe, the discussion recently made public, by myself publicly and by the Premier in the House on the opening day of the fall sitting, that the forensic centre which has been announced and is proposed for the Edmonton area will be a substantial answer to this concern. It is being designed with that in mind. I believe we will succeed there in providing fully adequate treatment service for some extremely difficult cases and at the same time make it secure enough that the public won't be in as much danger as they are today from such potential escapees.

MR. DIXON:

If you would permit a question. I can understand and I appreciate the forensic clinic being built, but I was wondering if, at the present time, a portion of our new Remand Centre in Calgary could be used to treat the patient who is referred to Ponoka and awaiting trial. To me the Remand Centre would be the logical place where treatment is available at the local level.

MR. CRAWFORD:

Well, Mr. Speaker, maybe I could answer that by simply saying that the question of treatment is not entirely consistent with the Remand Centre. A short-term security role more than anything else is played by the Remand Centre. I would have to say that the question of just where the forensic facility, a smaller one for the southern region of the province, is established in Calgary is not finally resolved. I certainly acknowledge that representations such as those made by the hon. member, that it should be at the Remand Centre, have been made directly to me by people who are interested.

[The motion was carried. Bill No. 77 was read a second time.]

Bill No. 78 The Nursing Homes Amendment Act, 1973

MR. CRAWFORD:

Mr. Speaker, I move, seconded by the hon. Minister of the Environment, second reading of Bill No. 78, The Nursing Homes Amendment Act, 1973.

I just say in support of this measure, Mr. Speaker, that the only purpose of it is to clarify the way in which the government might give effect to a part of the program brought in by my colleague, the Minister of Municipal Affairs, in the spring session, in regard to the financing of hospitals and health care institutions. The final dollar support concept for hospitals is clarified by this amendment for nursing homes and auxiliary hospitals which are operated by boards. The only other thing I need say before it is asked is that it does not apply to nursing homes which are privately owned and operated. It is deliberately made to apply to the same type of institution as the hospital, and that is the board operated nursing home.

MR. LUDWIG:

Mr. Speaker, I have a couple of questions concerning this bill, particularly regarding nursing homes. Have the costs escalated generally in line with the cost of living; the cost of construction, maintenance and perhaps staff? Is the opportunity for spending one's time in a nursing home open to people of lesser means, and I am talking about the type of nursing home you have in mind, that would give government grants.

MR. STROM:

Mr. Speaker, there are a couple of questions I would like to raise with the hon. minister, if I may. I understand the change. I think it is quite clear that the new amendment will provide opportunity for the commission to pay grants

to the boards and that the grants will be paid under regulation. I take it that the regulations will clearly spell out the amounts payable to them.

The one matter that is of concern to me is that the original concept of nursing homes and senior citizens' homes, we thought, was extension of home care. In the original thinking it was felt that the relatives, the local authorities would retain a certain amount of responsibility in providing whatever was necessary over and above a certain cost.

I realize that we brought in some changes last year and if my memory serves me correctly I believe we are now picking up the total cost. If I am wrong in that I am sure the hon. minister will want to correct me. It is in this particular area that I am now becoming a little concerned. The amendments leave me with the impression that there may be flexibility, that they may not necessarily all be receiving the same amount of money. I say that as a question rather than a positive statement. I would appreciate it if the hon. minister would give me some further information in that regard.

I would like to point out again that we have a situation where the local authorities, I think, are quite happy to assume a certain responsibility, to keep it on a basic level. And I would hate to think that we were departing from it [the basic concept] where we would have too much flexibility through ability to pay grants that would possibly provide different levels of assistance to different nursing homes. I would appreciate it if the minister would deal with those points. If we have further questions or comments we could possibly make them as we deal with the bill in committee.

MR. TAYLOR:

Mr. Speaker, while this bill doesn't increase the boards, we have a number of bills before us which are increasing the number of persons on boards, commissions, et cetera.

But the general and the auxiliary hospitals, and the nursing homes present an excellent opportunity to do away with some government and to get a more efficient operation.

In some cases three separate boards in the same town, deal with these. In many there are two. In some places the services are combined and yet there are two or more boards operating and making the decisions.

It seems to me that a logical and efficient way of operating our hospital system is to make it possible, at least where the ratepayers so desire, to have one board in charge of the general hospital, the auxiliary hospital, and the nursing home. Having one board instead of three would certainly do away with meeting and travelling expenses.

The benefits that would accrue, in my view, to the general public and the hospitals through better coordination, less duplication and better use of facilities, would be highly beneficial. It should lead to a very efficient method of operating the hospital networks in one area.

Once again, I would certainly ask the hon. minister to consider bringing in an amendment that would make it possible, where ratepayers so agree, to have one board instead of three for these types of facilities.

MR. KING:

Mr. Speaker, in the light of comments just made by the hon. Member for Drumheller about doing away with some boards and consolidating things, I am very sorry that my colleague, the Member for Edmonton Kingsway, isn't here this evening so that we could continue with additional debate on coordinated health services, delivery, and community health centres, et cetera.

It was not my intention to advance the arguments on his behalf in his absence. I simply wanted to ask the hon. minister if, when he is closing debate, he might have something to say about the position of privately operated but non-profit nursing homes, as opposed to private nursing homes which are operated for profit.

I was thinking specifically of a nursing home which is run by a Protestant church here in the city for people who have been in the employ of that church during their professional careers. We are not talking now about a senior citizens' home, but one which provides extended care. I wonder whether or not, in spite of your earlier comment, there is any provision in the existing Act

that these people could apply to boards. If that has not been the case, is it now going to be? What might be the future of such homes?

MR. SPEAKER:

May the hon. minister close the debate?

HON. MEMBERS:

Agreed.

MR. CRAWFORD:

Thank you, Mr. Speaker. I think I can deal - maybe this is my perpetual optimism - with all of these points to the satisfaction of hon. members. At least, I think they have the information to their satisfaction. If the policy isn't quite right then it becomes a matter of opinion.

First of all, the hon. Member for Calgary Mountain View made reference to escalating costs. I thought I would comment on how the contractual arrangement with the nursing homes has kept pace with that. This is applicable to all types of nursing homes when we speak of the amount of support received by way of the contract payment. It seems to me that two years ago the amount paid per day was \$6.50 and the individual paid \$3.00 per day of his own means. Two years ago, \$9.50 a day was considered to be a very good deal for anybody in Canada who needed that type of care. In Alberta a person was receiving that for \$3.00 per day.

The two adjustments which have taken place in the contract arrangements in two years, first, increased it in one year to \$7.00 per day, which took rising costs into account, and an additional 75 cents a day was added earlier this year to the contract subsidy, meaning that it is now \$7.75 a day. The individual still pays his \$3.00 a day. As the contracts presently stand, it has proven adequate to look after these increases. Representations have come to me, on behalf of the private operators in particular, which have related to things like changes in the minimum wage. They indicate, no doubt with some accuracy, that this is bound to cause an upward pressure on staff costs. There is no doubt about it, on the capital end, building costs have increased. The hon. member has properly identified those areas of concern. They are capable of being handled at the present time.

I think, Mr. Speaker, I have answered the question asked by the hon. Member for Cypress in one respect. No, the government does not pay the total operating cost. The person still pays \$3.00 a day. Of course, it is the other hand of government which pays for the person on public assistance, but for those who are not, the \$3.00 is out of his own resources.

The hon. Member for Cypress also said he hoped the amounts that could be paid by way of grants would be spelled out in the regulations. I should say that my view of what the regulations would show would be that manner by which the amount was arrived at. It is conceivable that the amount paid would be different to certain board homes, because of differing sizes and ages of institutions, levels of service, and so on. If there is a deliberate thrust in a certain home to introduce a rehabilitation program which involves, say, the full-time services of a physiotherapist, or something like that, and another home doesn't have it, then one would receive more than the other in the way of a grant.

I believe the ability to pay differing amounts, by way of grants, is more likely to achieve equality than not, because of what I have said. If one is operating an additional program and the other isn't then it wouldn't be equal if they both received the same amount. That wouldn't be equality.

The hon. Member for Drumheller made reference to that which is a matter of local decision even now. The hon. member pointed out that some local authorities have merged their boards. Others stoutly oppose it. The situation is, where it is wanted, the present regulations provide for it. No special attention is required. Naturally if it's encouraged in any area, it's all to the good. I want to say to the hon. Member for Edmonton Highlands that at the present time there is no proposal to extend the ability to pay grant to the private nursing homes, which he knows.

Then he asked me, what about the non-profit ones which are neither board nor private homes. Let me point out that the real reason for paying the grant is to replace the right that the board previously had, by way of statute, to requisition municipal taxpayers. That is the policy introduced by my colleague,

the Minister of Municipal Affairs, and that is the right that is being withdrawn from boards. They cannot requisition municipal taxpayers. These grants are to replace that.

The other homes never had the right to requisition municipal taxpayers and I think their case must fail, Mr. Speaker, on those grounds, at least at the present time unless circumstances change vastly.

The religious operated homes - we're very thankful for their existence - have managed, out of sources of revenue of their own, to make ends meet, whereas the board ones normally went to the municipal taxpayer for additional funds.

[The motion was carried. Bill No. 78 was read a second time.]

Bill No. 79

The Alberta Property Tax Reduction Amendment Act, 1973

MR. RUSSELL:

Mr. Speaker, I would like to move, seconded by the hon. Minister of Public Works, second reading of Bill No. 79.

I can be very brief in the explanation of the principle of this bill, Mr. Speaker. I think all hon. members will recall that when The Alberta Property Tax Reduction Act was introduced this spring, I tried to emphasize the point that because of the scope and the complexity of the program, perhaps a variety of regulations and even an amendment or several amendments might be necessary in the early stages of the Act.

Fortunately, the regulations haven't proven to be very complex and neither has this amendment, although I believe the amendment is a good one. Essentially it does two things, and they deal primarily with the renter's assistance portion of the Act.

At the time of the introduction of the Act it was our intention to administer on a provincial basis renter assistance credits for all Alberta citizens. The hon. Provincial Treasurer, since the introduction of the Act, and in fact during our spring session, carried on fairly extensive consultation with the federal government in an attempt to get them to agree to administer the renter portion of the credit or assistance via the income tax provisions. They would only do it, Mr. Speaker, if it was universal, that is, applied to all renters. What we did, and I will explain this in a moment, is create two kinds of renters in Alberta, senior citizen and non-senior citizen renters, for the purposes of this credit.

We were concerned when we saw the rather complex and lengthy income tax forms that were produced by the federal government last year. In order to qualify for their senior citizen renter assistance, many of our senior citizens, who perhaps were not experienced in filling out these increasingly complex forms, would be obliged to go that route in order to get their credit.

The other consideration giving us some worry was the fact that probably most of the senior citizens would apply for the maximum benefit, which is \$100. It seemed like an awful lot of paperwork to determine on a sliding scale, on an income related basis, the benefit that might accrue to senior citizens, somewhere between \$50 and \$100. On the basis of what was involved in the cost of administration, we decided that the province would just, on an across-the-board basis, grant, upon application by the senior citizens, a straight \$100 to all senior citizen renters who rented accommodation on which the education foundation levy was charged. So a major thing that this act does is take out the old division that dealt generally with renters and replace it with one that deals only with senior citizen renters and outlines the provisions by which those senior citizen renters can obtain their credits.

I should say that the forms which the province has designed, and which are distributed and collected by the Department of Municipal Affairs, seem to be fairly well understood by our citizens. As of last week approximately 11,000 grants of \$100 each had been distributed to senior citizens.

The letters which we are getting in response to this are fairly heart-warming, Mr. Speaker. I like this part of the program. It is not one in which a lot of money, on a relative basis, is involved but the benefactors seem very pleased with the benefits they've received.

All other classes of renters in Alberta are dealt with now and would be administered by the federal government under the income tax provisions. My colleague, the hon. Provincial Treasurer, in introducing Bill No. 80, will deal with the amendments which deal specifically with that part of the program.

There is one other minor amendment in the Act that isn't really necessary for the proper administration of the Act, but seeing it was being opened this fall it seemed wise to put it in as the result of a controversy that had arisen. That is with respect to the matter of census taking by a municipality when they are computing their population for the purpose of applying for the municipal assistance grants.

I think all hon. members are aware of the history of the argument that is currently going on between the cities of Calgary and Edmonton and the province with respect to how to best count the heads in the city in any particular area. So at least this is step one. We're saying that if you're going to count them, at least count them at the same time in the year. That is what the other amendment provided for in this act accomplishes.

So those are the major provisions of the act, Mr. Speaker, and the reasons for them.

MR. DIXON:

Mr. Speaker, speaking to Bill No. 79, I'd like to congratulate the minister for bringing in the principle of some of the changes here. The particular constituencies, such as mine, in downtown areas where you have very mobile people, and I'm sure the hon. Member for Calgary Buffalo in our particular city would have the same type of people, who move maybe two or three times during the year. They still pay rent and as I look over this bill it would take care of that type of person. He wouldn't have to live 120 days in one particular place but if he could prove that he had rented in one particular area for a total of 120 days ... maybe I'm misunderstanding, maybe the minister could correct me in my thinking but that's the way I take it to read.

The other thing I would like to bring up concerns rent paid on behalf of someone. My question to the minister, would that take care of people who are on social allowance where the province and the federal government would be paying part of the rent? I have had a number of people ask me that, in particular a lot of people who are under 65 years of age who wouldn't qualify under the income tax because they are paying no tax and therefore wouldn't make out any taxable returns.

The other point, where the government would be subsidizing rent under, for example, the Edmonton or Calgary metropolitan foundation units or the large subsidized units under CMHC. I am just wondering of the minister if that point has been clarified, because there were some who did receive assistance who were in the metropolitan foundation units. Others were turned down. I just wondered if the policy was going to be that they will continue to turn them all down. Or is there a change, where the principle that where some rent has been paid on his behalf - I think it should also read "rent or subsidy" because there could be a point there where you are say you are going to pay when, in fact, someone may be paying rent on their behalf - but what about subsidy on his behalf, which is in effect paying part of the rent?

MR. LUDWIG:

Mr. Speaker, in making a brief reference to this bill, I believe that the amendments are certainly welcome, but there is one problem that I believe the hon. minister knows about but is not moving to remedy. When I say the hon. minister, I mean the whole government.

Certainly the aged should be helped - and we're helping many who need it. We are also helping many who can do very well without any grants of any kind, but I suppose there are reasons why we chose to universally apply help, with tax grabs, or tax reductions, or some sort of grant to the people on an across-the-board basis.

There is another really serious problem in this province. There are people who need help desperately, and who have had their incomes reduced seriously by inflation, people who are not able to provide decently for their children nor themselves as far as food, clothing, and shelter are concerned.

Now this would not look so bad, if the government were not helping a lot of people in the higher age group who can well do without it. We have found ourselves caught in a situation where we are applying help across-the-board, and

many who can do without, but like it, are getting it. Many people in this province today - and I'd like someone to tell me that this is not a fact - many people have had their standards of living reduced. Notwithstanding that, we say all's well, we've never had it so good in this province. I believe that the revenues of this province were never better. And the prospects for continuing good revenue ...

AN HON. MEMBER:

Lougheed did that.

MR. LUDWIG:

... were never better.

Well, I used to hear them say, Mr. Speaker, many years ago, well, Manning didn't put the oil in the ground. Now I know he didn't, because it appears that Peter Lougheed did.

So what else is new, as far as we made it that way? Of course we started a lot of social programs to help the needy. We led in this province for years and years in keeping with the ability of the province to pay. But I believe that there is a moral obligation on the part of a government which can help those who are well off, to make sure that while we are covering the whole front, we're not leaving out deserving areas of health.

If we could say "Tell them we can't afford it, we've got too many grants, we've got too many obligations, we can't give help to the poor people in this province," then let's stand up and say it. But let's not play games and say we'll help this group across-the-board, whether some need it or not. And I'm saying that many need it. Maybe the majority do, but many don't.

There may be hundreds of thousands of dollars paid out to people who have a good standard of living, good savings, who good homes, and are travelling and enjoying life. We are giving them more, however, because we believe that a means test is not perhaps advisable. We are not, I believe, discharging our moral responsibilities or the mandate we have in our aid to people with children.

Perhaps that doesn't matter. Perhaps the standards are lower. If they're poor, that happens to be just tough luck. But in this province we have to look, and I know that many are on welfare. Many are not doing very well on welfare, their children are suffering. They're not getting the standards that they ought to have in this province, the standards that we say we have. So as long as there are areas of poverty in this province, we have a responsibility, on both sides of the House, to see if we can't come up with a remedy.

Now certainly, one knows in every constituency where these people are. They're crying for help, both to the federal, the provincial and the municipal governments. One can boast in this province that inflation is the fault of something outside the province. It wasn't until this government took office that inflation became someone else's fault.

At the same time, one can hardly deny that inflation brought in a tremendous amount of revenue to this province. Through inflation alone, our revenues went up. The increase in oil prices brought in many millions of dollars, but it hurt a lot of people, people whose incomes did not go up with the rate of inflation.

They can state that income tax has brought in more revenue because of inflation, because of higher earnings. But the costs went up. The costs went up to almost keep pace with the rest of the inflationary trend. But for the people who are working for salaries, the salaries didn't go up enough, so they are suffering under this system. I believe there is a responsibility on behalf of the minister to explain whether there is any hope for these people, or tell them to try to moonlight or do something else, or let them have lower standards.

One can hardly blame anyone for criticising helping those who do not need it, no matter what the circumstances are, when we have hundreds and hundreds of people in this province who are not getting help but need it desperately.

We hear talk about the fact that we don't want to go towards a guaranteed income. I'm saying that we have a guaranteed income to a certain extent in this province. There are many people who are guaranteed a basic minimum standard. It's unfortunate that in some of these guaranteed income cases they probably have a better living than many people who are trying desperately to pull their own weight, carry their own load, so to speak, but who do not have as high a standard. This is a fact. It's an inequity.

I think this government knows there is an inequity, but does it intend to move? I say that it is not thinking about it.

Perhaps it will use the expression, the poor will always be with us. That may be a fact. But in this province, the standards of the poor can be helped.

They have the money. They've got more revenue than they expected, they got much more revenue than they budgeted for. Certainly with the anticipated increase in oil prices they will get more revenue.

Inflation is going to beat some of these people down a bit more and they have not got a voice in this House, Mr. Speaker. The opposition has an obligation to stand up and speak up for these people to see if a move can be made. They have to talk with their representatives.

The hon. Minister of Municipal Affairs feels that there are not needy people - the families who probably can't meet the mortgage payments, can't buy the best of food, or the best of clothing, their children are living in substandard accommodation and perhaps developing complexes. It's known. I would be quite prepared to listen to the minister. Let him tell us whether these things exist or not, and if they exist whether he has any plan whatsoever to help these people.

I urge him to consider the situation because it's not a plea made for any purpose but to see if he can help the poor. They have many in some constituencies, some more than others, not necessarily those in cities.

As I said, Mr. Speaker, we have a guaranteed income for a great number of people in this province. Let's see that those who are working and trying to pay their own way do not suffer lower standards because of government inaction.

MR. FARRAN:

Mr. Speaker, I would like to give the Assembly my version of the actions of this government in regard to assistance to the needy, senior citizens, people with children, to Albertans the length and breadth of this province.

First of all, as I understand it, the hon. Member for Calgary Mountain View is questioning the flat Renter Assistance Grant of \$100 to all senior citizens.

He has forgotten the statistics that were produced in this House early last year which demonstrated that very, very few senior citizens indeed were in wealthy circumstances.

However, to follow through the logic of his remark, he is saying that all senior citizens should have to undergo a means test before they receive the \$100 assistance on their rent. He's asking people in their 80s and 90s who presently do not fill out income tax forms to go to a lawyer or an accountant or struggle themselves in the kitchen with shaky hands to fill out the complicated forms that come from the federal government. I think it's scandalous that somebody should suggest that this is the right procedure for an enlightened government.

The second thing that he was suggesting was that it was improper, however, to impose such a means test on people under 65 who are well able to fill out an income tax form and did it as a regular practice every year.

MR. LUDWIG:

On a point of order. No reflection on the hon. minister, I didn't even remotely say anything like that, and I'm surprised ...

MR. SPEAKER:

Order please. Order Please.

It has been stated several times in the House that the Chair is unable to intervene in conflicting versions of what hon. members may have said.

MR. LUDWIG:

Mr. Speaker, nevertheless I deny that I have said that ...

MR. SPEAKER:

Order please.

Would the hon. member resume his seat.

MR. FARRAN:

Mr. Speaker, the point of the tax credit scheme is to pay out the grants in accordance with ability to pay. Now senior citizens are exempt for very, very good reasons.

This government has done more to reduce taxes, to fight inflation, to help people with the burden of the high cost of living than any government in Alberta's history. For senior citizens it has removed Medicare premiums, including the optional Blue Cross Plan which covers 80 per cent of the cost of drugs. It has removed entirely the education tax from their property. It has recently announced that it will be paying for hearing aids and spectacles and increasing the guaranteed supplementary allowance by another \$10 a month. In addition to these things, it has held down the rents for senior citizen lodges from one end of the province to the other, which haven't been increased since we came into office. It has commenced a tremendous program for building shelter for senior citizens which had come to a standstill for seven years. An excellent program was started by the former administration many years ago but they ran out of steam sometime around 1963.

In regard to people generally, we have made a significant step in reducing residential property tax by taking off the provincial education tax to a maximum of \$216. The maximum is there to cover the point about helping the rich when they don't need it. So there is a ceiling. However, I seem to recall complaints from the opposition that we hadn't taken off the levy for the school foundation plan in its entirety. They were saying to us, "Well, before you assumed office you were talking about taking off this provincial education tax completely. Why have you put on a ceiling of \$216?" Well, they can't have it both ways. They can't argue from both sides of their mouths at once.

[Interjections]

At least the fact that we have done it to a ceiling of \$216 has confounded those critics who, before the election in 1971, said it would be impossible to do. If we attempted to do it, it would bankrupt the province or cause us to go into a sales tax.

AN HON. MEMBER:

For Pete's sake.

MR. FARRAN:

As far as other people of limited incomes are concerned, the government has also taken some pretty broad steps, considering it has only been in office for just over two years. It has increased the welfare payments this summer by some 9 per cent. It has increased the scale of compensation for injured workmen.

It is introducing in this session a total revision of The Workmen's Compensation Act, something that has been needed in this province for about 15 years. These are the people on limited incomes because they have been injured on the battlefield of industry. The former government didn't weep too many tears over them. In fact, those in my riding who tried to obtain justice received scant shrift from the Workmen's Compensation Board under the former administration. Most of those cases I am happy to say have now been solved under the present chairman. I am certain that the MLAs opposite, during their terms of office, when they were on the government side, had injured workmen complaining to them about the treatment of the Workmen's Compensation Board but for some reason they didn't do anything about it. I know that I have handled some cases myself that have been the cause of a special sitting of this House ten years ago and still the man couldn't get justice. He got it this year though under our administration.

MR. SPEAKER:

With great respect for the hon. minister and although the Chair perhaps allowed excessive latitude to preceding speakers, perhaps we might revert more directly to the subject matter of the bill.

MR. FARRAN:

I apologize, Mr. Speaker, I was just rebutting the remark that we were not concerned about the people on limited incomes who are faced with the rising cost of living. However, I apologize for it and I will just say that this particular act is just one more of the many steps this government has taken to help the citizens in need.

MR. SPEAKER:

Are you ready for the question?

HON. MEMBERS:

Agreed.

[The motion was carried. Bill No. 79 was read a second time.]

Bill No. 84

The Motor Vehicle Accident Claims Amendment Act, 1973 (No. 2)

MR. COPITHORNE:

Mr. Speaker, I move Bill No. 84, The Motor Vehicle Accident Claims Amendment Act, 1973 (No. 2) be now read a second time, seconded by the hon. Minister of Consumer Affairs.

This is an amendment raising the car liability to \$50,000 from \$35,000. It appears that the \$35,000 maximum liability has not been enough in recent judgments that have been handed down. People who thought they were adequately covered found themselves inadequately covered.

This recommendation was also made by the Alberta Insurance Board in the early part of this year.

Mr. Speaker, I think that the amendment speaks well for itself in a time of escalating costs and judgments. I move that every member support it.

MR. GRUENWALD:

Just one question, if I could, Mr. Speaker. I agree with raising these amounts. But I would just like the minister to indicate if there is any intention, ultimately, of phasing that unsatisfied judgment out? This rather implies that they are not going to really get serious about making insurance compulsory. Are you still going to be relying on this?

MR. DIXON:

Mr. Speaker, just one point on this particular bill. I am really referring to one case. But even if there is only one case, it is one case too many regarding the fund.

I cite the case of a widow whose husband was injured in a car accident and subsequently died some weeks later. She hired a lawyer and correspondence was started with the department. The department's solicitor also got into the act. He tells me his hands are tied until her solicitor acts. When you phone the solicitor he says he has acted.

Now this widow has written me two or three times and I wondered if there isn't some means of appeal to the minister to see if the case couldn't be finalized after, say, a period of at least 36 months. Because I had a letter from her as recently as two weeks ago, saying she hoped there would be a settlement before she herself passed away because she has just gone into a nursing home.

I really feel - I am being very serious - that there are some abuses. You can say, Mr. Minister, well, she should hire another lawyer. But this is really not a good answer to somebody who hired a man originally to look after her case in good faith. I think there should be some way whereby she could appeal to the minister, and by which he could at least get the two parties together, the solicitor for the department and the solicitor acting on behalf of the estate or, in this case, of the widow of this particular gentleman. Certainly, my hands are tied.

For the last two years I have made phone calls and been assured that a settlement will be made. It's just a matter of getting all the particulars

together. But there has still been no settlement. I know today during question period I asked about a farmer who was losing his land, the government stepped in and salvaged him. I think there is a stronger case for doing something like getting settlements under the unsatisfied judgment fund where a man was run over, badly injured, and eventually died, [through an incident involving] an unlicensed and uninsured driver. I think she has a real claim, and I'm sure maybe some of the other hon. members have the same. But I'm just getting a little perturbed at the fact of how long this particular case is dragging on, and there must be others. This one is running into really a case of hardship.

MR. SPEAKER:

Order please.

With great respect for the hon. member, there is some difficulty in detecting the relevance of the complaint, which should perhaps be directed to the law society and is now being directed to the minister. The matter does not appear to be something which comes within the ambit of the principle of this bill.

MR. DIXON:

Well, Mr. Speaker, with all due respect to the Chair, my argument is that we are increasing the rate. I say to the minister, what is the use of increasing the rate when a bona fide person cannot get his claim satisfied? I think it is well within the realm of this bill.

MR. NOTLEY:

Mr. Speaker, first of all, I certainly support the principle of the bill, which is to increase the maximum amounts payable. But I would just like to follow up on the question raised by the hon. Member for Calgary West with respect to the Unsatisfied Judgment Fund ... Lethbridge West, pardon me.

It's my understanding that the Unsatisfied Judgment Fund is running quite seriously in the red. I wonder when the minister answers the hon. Member for Lethbridge West's question, perhaps he could give us some indication of just how serious that is.

DR. BUCK:

Mr. Speaker, just one comment. I strongly support this bill. I think it is timely and I think it is overdue.

The thing of the Unsatisfied Judgment Fund, Mr. Speaker, is that I feel it cannot be phased out ever, because there will always be irresponsible people who will bypass the law.

At the same time, I would like the minister to inform us if he knows just how many people are driving in Alberta without insurance. This causes me great concern, because I saw an article in the paper attributed to the minister - rightly or wrongly - saying that there are many people who are driving without insurance and there is no enforcement of this. So I would just like the minister to comment on these two points.

MR. SPEAKER:

May the hon. minister close the debate?

HON. MEMBERS:

Agreed.

MR. COPITHORNE:

Mr. Speaker, there are some items that should be cleared up that I am amazed at the hon. gentlemen opposite not knowing. One is that the Unsatisfied Judgment has not been dispensed with ...

[Interjections]

Well, they wanted to know if it was, and it has not been dispensed with. It is not going to be dispensed with.

It is running in the red. It has been running in the red, and hopefully next year - or maybe even some time this year - it will be breaking even.

With this increased car liability it's going to draw down on the fund, but we still think that the dollar that is being charged to each set of licence plates will cover the deficit.

I don't think that at any time I said there were a lot of people driving around without insurance. This is an area in which some research has been done. It has proven that there is a very high degree of insured people driving on the road today in Alberta, higher than in some of the provinces with much stronger compulsory regulations in regard to having adequate insurance.

The fund has been running at a deficit. It has dropped somewhat this year [in relation] to what it was in the previous year. We have a very comprehensive program that will be starting immediately, which the Solicitor General will be instigating and implementing, a program of checking at the different check points throughout the province for those who are not driving with proper credentials, such as insurance. I think this will work well and the rising amount of liability required will compliment the program.

[The motion was carried. Bill No. 84 was read a second time.]

Bill No. 85
The Credit Union Amendment Act, 1973

DR. HORNER:

Mr. Speaker, I move, seconded by the hon. Minister of Education, second reading of Bill No. 85, The Credit Union Amendment Act, 1973.

MR. SPEAKER:

Are you ready for the question?

[The motion was carried. Bill No. 85 was read a second time.]

Bill No. 86
The Municipal Taxation Amendment Act, 1973 (No. 2)

MR. RUSSELL:

Mr. Speaker, I move, seconded by the hon. Attorney General, second reading of Bill No. 86. It's rather a straightforward administrative revision done for a very straightforward reason, one based on dollars.

Very briefly, the situation is this. Under the existing provisions of The Municipal Taxation Act, municipalities are allowed to add to their mill rate an amount to cover a loss of revenue as a result of discounts on prepaid taxes and their estimate of uncollectable taxes. I should say that the level of uncollectable taxes has decreased considerably during the past years. There was a maximum 10 per cent ceiling on this levy. Until the property tax reduction plan was brought in, of course, it wasn't to anyone's benefit to 'overlevy', if I can use that phrase, for those reasons. All it did was simply raise the mill rate.

However, this year several municipalities found that because their home-owner tax rebates were being paid back to the home-owners on the basis of the levy collected, it was to the advantage of the home-owners to put on the maximum 10 per cent. If I can use the example, for instance, of a typical town in Alberta, levying 28 mills for the provincial education foundation levy. They added on the maximum 10 per cent, which was another 2.8 mills, billing their taxpayer 30.8 mills.

The province, upon receipt of the tax bill and the application, would then pay back the 30.8 mills but collect only for the foundation fund, the 28 mills. By using this clause, which made sense in recent years, these municipalities were able to add a 10 per cent bonus onto the legitimate education foundation levy. This amendment will overcome that.

It requires the municipalities to apply their levies for those discounts or for uncollectables on the basis of the actual experience of the municipality in the year previous. This will get it back to a more realistic basis.

MR. SPEAKER:

Are you ready for the question?

[The motion was carried. Bill No. 86 was read a second time.]

MR. HYNDMAN:

Mr. Speaker, before moving adjournment, tomorrow we will begin with second reading of Bill No. 80, The Alberta Income Tax Amendment Act, followed by second reading of Bill No. 70, The Workers' Compensation Act and then into Committee of the Whole, beginning with the top of the list, No. 57, The Disaster Services Act, including all those on page 2 of today's Order Paper under Committee of the Whole, except Bill No. 58.

I move, Mr. Speaker, that the House do now adjourn until tomorrow afternoon at 1:00 o'clock.

MR. SPEAKER:

Having heard the motion for adjournment by the hon. Government House Leader, do you all agree?

HON. MEMBERS:

Agreed.

MR. SPEAKER:

The House stands adjourned until tomorrow afternoon at 1:00 o'clock.

[The House rose at 10:40 o'clock.]