

LEGISLATIVE ASSEMBLY OF ALBERTA

Friday, December 5, 1975

[The House met at 10 a.m.]

PRAYERS

[Mr. Speaker in the Chair]

INTRODUCTION OF BILLS

Bill 81
The Temporary
Anti-Inflation Measures Act

MR. HYNDMAN: Mr. Speaker, I beg leave to introduce Bill No. 81, The Temporary Anti-Inflation Measures Act.

This bill provides the base upon which spiralling inflation psychology can be checked. The principal provisions and conditions of the bill are as follows: first, it is temporary in duration, effective for only 18 months unless extended by resolution of the Legislative Assembly of Alberta. A longer term intrusion by government in the market place would be potentially damaging for the economy and people of Alberta, as would any control of energy or farm gate prices, which are and will be excluded.

Secondly, the bill authorizes the Alberta government to enter into an agreement or agreements with the federal government, under the provisions of federal bill C-73 now before the Senate.

Thirdly, the bill provides that if there is no agreement with the federal government within the ambit of that federal bill, the Alberta government can set up the Alberta temporary anti-inflation measures board to administer an anti-inflation program, with guidelines similar in terms and substance to the federal guidelines and regulations restraining compensation in the public sector.

Fourthly, Mr. Speaker, under either approach the provisions would be retroactive to October 13, 1975.

Taken with the Alberta government's previously announced 11 per cent guidelines, taken with the proposed Alberta temporary rent regulation bill, and taken with federal guidelines in the private sector and federal restraints on professional incomes, this bill demonstrates co-operation with the federal government, under appropriate conditions, in curtailing inflationary psychology in Alberta and Canada.

[Leave granted; Bill 81 introduced and read a first time]

Bill 88
The Natural Gas Price
Administration Act

MR. GETTY: Mr. Speaker, I beg leave to introduce Bill No. 88, The Natural Gas Price Administration Act. This being a money bill, His Honour the Honourable the Lieutenant-Governor, having been informed of the contents of this bill, recommends the same to the Assembly.

Mr. Speaker, earlier during this session the House passed Bill No. 52, The Natural Gas Pricing Agreement Act. I mentioned during discussion of that bill that companion legislation would be introduced in the House which provides for the establishing of natural gas prices when there is not a federal-provincial agreement in effect. Members will find that this bill provides almost identical natural gas pricing principles, the only difference being that it does not provide for a federal-provincial agreement.

[Leave granted; Bill 88 introduced and read a first time]

Bill 89
The M.L.A. Pension
Amendment Act, 1975

MR. LEITCH: Mr. Speaker, I beg leave to introduce Bill No. 89, The M.L.A. Pension Amendment Act, 1975. This being a money bill, His Honour the Honourable the Lieutenant-Governor, having been informed of the contents of the bill, recommends the same to the Assembly.

Mr. Speaker, the principal purposes of the bill are: first, to transfer the administration of The M.L.A. Pension Act from the Public Service Pension Board to the Public Service Management Pension

Board; and secondly, to change the terms and conditions by which Members of the Legislative Assembly are entitled to receive a pension, to bring them in line with the terms and conditions under which persons are entitled to receive pensions under the management pension plan. The principal changes are to reduce the period within which one becomes eligible for a pension from 8 years to 5 years, and to reduce the age at which one becomes eligible for a full pension from 60 to 55 years.

[Leave granted; Bill 89 introduced and read a first time]

INTRODUCTION OF VISITORS

MR. MOORE: Mr. Speaker, it's a pleasure to introduce some 40 students from a number of constituencies throughout Alberta. These students attending today, together with their instructor, Mr. Wayne Getty, are from the Olds College. Mr. Speaker, about 80 per cent of these students have indicated their intention to go back to farming on completion of their education. The balance say they will be involved in agribusiness or continuing their education. They are seated in the members gallery. I'd like them to rise and be recognized by the Assembly.

ORAL QUESTION PERIOD

Temporary Anti-inflation Bill

MR. CLARK: Mr. Speaker, I'd like to direct my first question to the Minister of Federal and Intergovernmental Affairs, but I see he is not in his place. I'd like to direct it to the Premier, then. It deals with Bill No. 81 introduced today.

In light of the comments made by the minister when he introduced the bill, saying that certain aspects of the bill would depend on negotiations with the federal government as to whether Alberta would set up its own mechanism or whether it would be handled by the federal government, I'd like to get an assessment from the Premier as to [where] those negotiations stand. Frankly, I think it would be helpful to the Assembly and to Albertans to know at this time what the prospects are, in fact, of our being able to work out an agreement with Ottawa, or the prospects of having to go it alone, as it may be.

MR. LOUGHEED: Mr. Speaker, it's a very important question, but I think perhaps if the hon. leader would bear with us, the Minister of Federal and Intergovernmental Affairs will be back in his seat well before the question period is over. Per-

haps he could place the question to him at that time.

Tar Sands Development

MR. CLARK: Mr. Speaker, I'd like to direct my second question to the Premier. It flows from an interview the Premier did, I believe with ITV last weekend, when he indicated that oil sands development was now given a lower priority by the government.

I'd like to ask the Premier if he plans to make an announcement in the Assembly or perhaps take this opportunity to indicate the government's most recent thinking with regard to how rapidly the government sees oil sands plants coming on stream now. Has the government in fact changed its position somewhat in this area?

MR. LOUGHEED: Mr. Speaker, no, I don't think it's a matter of any change of position. I think the Members of the Legislative Assembly are well aware of the fact that at the moment the attention, direction, and concentration of both the government and the economy of the Province of Alberta is to try to assure that the Syncrude project is completed on schedule and as close as possible to the estimate, and that is the concentration, if you like, of the government's view in terms of oil sands from the conventional or surface point of view, as distinguished from in situ or anything that might be done under the Oil Sands Technology and Research Authority.

The matter of a policy situation in terms of oil sands policy development is, I'm sure, a matter the Minister of Energy and Natural Resources could comment on. Essentially the position I presented in that interview, which I think I have stated on a number of different occasions, is that perhaps over the past year we've considered the second oil sands plant as a very high priority. Because of the difficulties of the first plant, we felt it was extremely important to have the second plant in operation to show the viability of oil sands production in Alberta as a long-term resource for the province. However, in terms of our policy of industrial diversification and job creation and ensuring that we are not overly dependent upon the energy resources of an unprocessed nature in the province, we are looking to broader diversification of the Alberta economy. I think I could do nothing more than refer the hon. leader to my remarks of November 12 in the Assembly.

Shell and Petrofina Applications

MR. CLARK: Mr. Speaker, a supplementary question then to the Premier. Would he be in a position to indicate to us the status of the two applications now before the government, or at least in the process between the ERCB and the government?

What's the status of those applications now as far as tar sands development is concerned?

MR. GETTY: Mr. Speaker, the two applications, which have been recommended by the Energy Resources Conservation Board and are therefore before the government, are from the Shell Oil Company and a group headed by Petrofina Canada Ltd. The two groups have been discussing their applications with the government on an ongoing basis. They are assessing their position with regard to the very large amounts of capital which are required in order to commence an oil sands plant. I would say both organizations are still actively working towards being able to develop an oil sands project sometime in the future.

MR. CLARK: Mr. Speaker, a supplementary question to the minister. Is he in a position to indicate to the Assembly what kind of time line we are looking at? Are both projects moving along as rather companion projects or, in fact, is one project moving much more quickly than the other? Are we looking at the possibility of two years, three years, five years?

MR. GETTY: Well, Mr. Speaker, to some extent I would be speculating, but I would say it would not be the intention of the government or of one of the two organizations to be moving with a third oil sands project while Syncrude is still in the construction phase. The problems will be whether the third plant comes and is phased in just after the Syncrude construction phase ends -- whether the third plant then starts into construction -- or whether there is a gap or a period of years before the third plant starts. While the implications will be felt three or four years from now because of the lead time with oil sands plants, the actual planning for that decision has to be made within the relatively near future.

Steam Injection Pilot Plant

MR. CLARK: Mr. Speaker, one further supplementary question to the minister. Can he give us some indication of the developments in the Cold Lake-Bonnyville area and especially the in situ work being done? How does that fit into the priorities as the minister just outlined them?

MR. GETTY: Well, they are quite different situations, Mr. Speaker. The Cold Lake-Bonnyville experimental production project, essentially being handled by Imperial Oil, is one that organization is proceeding with very aggressively. I think their initial results are encouraging them a great deal. They are not in any way tied, though, to oil sands project developments of the kind we have been discussing, like GCOS or Syncrude. From discussions with Imperial Oil, I personally am very optimistic not only about the success of their current operation, but that there will probably be

other companies starting to look with a great deal of interest at that kind of development.

MR. CLARK: Mr. Speaker, one further question to the minister. In light of his comments regarding the encouraging aspects of the in situ venture Imperial Oil is involved with in the Cold Lake-Bonnyville area, have negotiations started at, say, the ministerial or senior departmental level between Imperial Oil and the government with regard to a scaling up -- or in fact, Imperial Oil moving on a plant that could make use of the technology they've so far developed at the Bonnyville-Cold Lake area?

MR. GETTY: There have not been what you would refer to as negotiations, Mr. Speaker. There have been discussions as to the progress and the results, but not negotiations. I would expect that there will be discussions in the coming months regarding any further scaling up.

Shell and Petrofina Applications (continued)

MR. NOTLEY: A supplementary question to the hon. minister, dealing with the application of the Shell and Petrofina proposals. Has there been any discussion in the advance planning of possible or partial funding by the province, or have there been any other discussions or any negotiations with the concerns as yet on this matter?

MR. GETTY: There have been discussions with the Shell Oil Company as late as November 22, I believe, Mr. Speaker, regarding a kind of financing -- commercial terms, I think, are the words being used. I think they've been wanting to know, and understandably so, whether there's any need to feel that the Syncrude project [has the] kind of terms all future plants will have to meet, or whether there would be potential for having the GCOS commercial terms, or a third or fourth kind of funding.

We have advised them that there is nothing magic about either of the existing plants' commercial terms, and that we're prepared to discuss any others. I would say that the initiative now is with Shell Oil to determine whether or not they want to make a type of commercial term proposal which the government can review. They are taking time now to assess the financing market -- discuss with financial institutions the degree of funds they could raise.

MR. NOTLEY: A further supplementary question to the hon. minister. Has the government of Alberta contacted federal authorities with respect to possible federal participation in the Shell and Petrofina proposals?

MR. GETTY: No, not on a specific basis. I have discussed future oil sands development with the Minister of Energy, Mr. Gillespie, within the last month. But it was

only on the basis of the agreement that perhaps some of the projections of the number of oil sands projects that would be on stream by the end of the century may be optimistic.

Tar Sands Development
(continued)

MR. NOTLEY: One final supplementary question to the hon. minister. From discussions with the federal minister, Mr. Gillespie, is the minister in a position to report to the Assembly what emphasis or priority the federal government now is putting on large-scale oil sands development as a method of meeting Canada's self-sufficiency requirements?

MR. GETTY: I would say, Mr. Speaker, that they have a high priority in their minds. It should be remembered that while the development of the oil sands is important to the Province of Alberta, the priority for other Canadians is much, much higher. Because Alberta's future needs are well protected, it will be other Canadians who will benefit from additional development of the oil sands, with the knowledge that our conventional supplies of crude and natural gas will take care of Albertans' future foreseeable needs.

MR. SPEAKER: Might this be the final supplementary, then if there's time we can come back to this topic.

DR. BUCK: Mr. Speaker, a supplementary to the hon. Premier. In light of the statement made by a prominent executive officer of Imperial Oil, who is quite closely related to the hon. Premier, that the in situ situation and its extended use would depend on how much money the government leaves the oil company, does the in situ situation require more or less intensive capital to proceed? Is the in situ process in some of the areas in Fort McMurray feasible, or is it not?

MR. SPEAKER: Is the hon. member questioning the Premier as a petroleum consultant?

MR. LOUGHEED: Mr. Speaker, I was going to answer the question by saying, I don't know.

Temporary Anti-inflation Bill
(continued)

MR. CLARK: Mr. Speaker, I wonder if I might direct a question back to the Government House Leader and ask, in light of his comments with regard to Bill 81 introduced today, at what stage negotiations are between Alberta and the federal government regarding the possibility of an agreement being worked out so the federal government might, in fact, administer certain portions

of the federal government's anti-inflation program within the jurisdiction of the province. What are the possibilities of an agreement being reached, frankly?

MR. HYNDMAN: Well, Mr. Speaker, negotiations have been carried forward over the course of the last six to eight weeks. They occurred in October when the finance ministers met in Ottawa, a week ago when the finance ministers again met in Ottawa, and there have been a large number of officials' meetings at various levels between Alberta and the federal government. As to the likelihood of an agreement, we would see a fair possibility. We would hope that would be possible. However, there are important conditions which must be met with regard to the protection of the Alberta economy at the moment, in the long term.

MR. CLARK: Mr. Speaker, a supplementary. Will the minister be able to outline during second reading and committee work on the bill those conditions Alberta sees as being reasonable and just, in addition to protection for farm gate prices and for energy costs? Secondly, might I ask the minister, does he anticipate the possibility that an agreement will be worked out with the feds prior to finishing the study of Bill 81 in the House?

MR. HYNDMAN: Mr. Speaker, with regard to the first question posed by the honorable gentleman, I would think in second reading of the bill it would be possible to outline in a general way the conditions Alberta sees as important. At the moment, with the time line in connection with any agreements relating very directly to the publication of federal regulations, which is not expected until the middle of December, and a good deal more work being required at the negotiation level, I wouldn't see being able to have any final statements available before this bill is given Royal Assent in the House.

MR. CLARK: Mr. Speaker, one further question to the minister. In light of the importance of the bill, could the minister give some indication as to the government's plan for moving the bill through the House? I raise this question because, certainly from our standpoint, it would be most desirable if we perhaps could have until the middle of next week to look at the bill and to discuss it with a number of people prior to becoming involved in second reading and the committee work.

MR. HYNDMAN: Well, Mr. Speaker, the weekend is certainly available. I would think as to the basic principles contained in the bill, it would not be unreasonable to proceed on that perhaps on Monday night. Undoubtedly there will be a number of questions in committee study. That properly should take a good deal of time, so that could be something which would take place next Tuesday evening or Wednesday.

Western Premiers' Conference

MR. HORSMAN: Mr. Speaker, my question is for the Minister of Federal and Intergovernmental Affairs. I wonder if he can advise the House as to whether all western premiers have now agreed to attend the next western premiers' conference to be hosted by Alberta. If so, can you advise the House when and where that conference will be held?

MR. HYNDMAN: Mr. Speaker, arrangements are being finalized for that meeting of western premiers. Alberta is the host this year, and it is now scheduled for February 4 and 5, 1976, in the fine southern city of Medicine Hat. I'm certain the dependable efforts of the Member for Medicine Hat-Redcliff will assist in the organization of the conference, just as those of the Member for Lloydminster assisted in the last conference in Lloydminster.

Assured Income Plan Cheques

MR. TAYLOR: Mr. Speaker, my question is to the hon. Minister of Social Services and Community Health. Has any date been set for the mailing of cheques to pensioners, in order that they will reach them well ahead of Christmas?

MISS HUNLEY: Mr. Speaker, we believe we will have satisfactory arrangements with the post office so that Alberta assured income plan cheques will be going out in adequate time and will receive priority. That's about the only statement I can make at this time. We're very optimistic that they will be out in good time for the old-age pensioners before Christmas.

Battle River Power Station

MR. STROMBERG: Mr. Speaker, to the Minister of Utilities and Telephones. Could he inform me what thermal power projects are currently being planned for the Battle River station at Forestburg?

DR. WARRACK: Mr. Speaker, the Battle River station near Forestburg is a very important part of the electric grid in Alberta. As a matter of fact, Battle River 4 is being tested in its commissioning this week. Everything looks satisfactory, so this should be on stream for the winter, which is one of the things that I had reflected concern about earlier.

Moreover, I understand that an additional major unit, Unit 5, is planned at the same location. General planning is proceeding on a large future unit at a different location -- all of which would be a major thrust in the electricity grid in Alberta and for communities in that area.

MR. STROMBERG: Supplementary to the minister. Do you foresee quite a population

expansion for the community of Forestburg with this development?

DR. WARRACK: I don't know if I'd be able to guess how much, although I know the Department of Business Development and Tourism, and no doubt Municipal Affairs as well, has done some work in this area. Certainly, I would think the answer would be conclusively, yes.

Industrial Tax Assessment

MR. STROMBERG: Supplementary question to the Minister of Municipal Affairs. In light of the tremendous assessment that will not be made available to Forestburg and the county of Flagstaff, are you giving consideration . . .

MR. SPEAKER: Would the hon. member please address the minister by his ministry.

MR. STROMBERG: Would the hon. minister be implementing equalized assessment in Alberta?

MR. JOHNSTON: Mr. Speaker, I believe the hon. Member for Camrose is referring to equalized industrial assessment. Equalized assessment is already in place. Equalized industrial assessment, of course, is one of the items being reviewed in many aspects by many departments in terms of overall balanced economic growth. But at this point, no recommendation is forthcoming.

DR. BUCK: [Inaudible] tax farm buildings.

Potash Industry, Saskatchewan

MR. MILLER: Mr. Speaker, I direct my question to the Provincial Treasurer. It's further to the announcement of the heritage fund.

Has the Government of Saskatchewan applied for a loan from the Alberta government so it can have state control of the potash industry, or has it just approached the multinational financial institutions in New York for assistance?

MR. SPEAKER: Undoubtedly, the hon. minister would want to dissociate himself from the second part of the question.

MR. LEITCH: Mr. Speaker, the answer to the first part is, not to my knowledge.

MR. NOTLEY: Mr. Speaker, a supplementary question. Would the hon. minister be prepared to favorably entertain such a request?

MR. LEITCH: Mr. Speaker, we would give due review to their balance sheet.

Educational Opportunities Fund

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Minister of Education. It concerns some concern on the part of a number of people about the future status of the Educational Opportunities Fund.

My question, Mr. Speaker, is: can the minister clarify what the future position of this fund will be? Is it the government's intention to continue the Educational Opportunities Fund next year?

MR. KOZIAK: Mr. Speaker, much as I'd like to be able to answer that question at this time, I cannot, because it is a budget matter which is presently under consideration.

MR. NOTLEY: Mr. Speaker, in view of the many programs under way as a result of the Educational Opportunities Fund, is the minister in a position to advise the Assembly why this matter is not going to be continued for sure next year?

DR. WARRACK: Did somebody say that?

MR. KOZIAK: Mr. Speaker, that wasn't the answer I gave to the first question. I said the whole matter is part of the budgetary process, and a decision has not yet been made.

MR. NOTLEY: Mr. Speaker, a further supplementary question. Is the minister in a position to advise the Assembly and those concerned about the future status of this program when a firm decision will be made? Will it be made prior to the introduction of the budget, or will we have to await the introduction of next year's budget until we know what the future status of the program is?

MR. KOZIAK: Mr. Speaker, on that particular question, I should be in a position to provide that information prior to year end, inasmuch as these programs are in place. If funding is not available or if there is a change in the method of funding, the school boards should have this information by January 1.

MR. NOTLEY: One final supplementary question to the hon. minister. Has the government conducted an assessment of the effectiveness of the Educational Opportunities program in the Province of Alberta? If so, what is its general conclusion?

MR. KOZIAK: Yes, Mr. Speaker, such an assessment has been made of the Educational Opportunities Fund [not recorded]. I'm pleased to advise the House, Mr. Speaker, the assessment is very positive.

New Home Warranty

MR. MANDEVILLE: Mr. Speaker, my question is to the hon. Minister of Housing and Public Works. Could he indicate to the Assembly what considerations are being given by the government regarding participating in the proposed national housing warranties scheme discussed last week in Ottawa? Could he indicate why the Alberta government is not going to participate in the plan?

MR. YURKO: Well, Mr. Speaker, normally the matter is a subject under the Department of Consumer and Corporate Affairs. But, as I was in Ottawa and participated on behalf of the hon. minister in this matter, I should outline very briefly that Alberta has led the way in this regard. Under the guidance of the Minister of Consumer and Corporate Affairs, Alberta instigated a warranty system through the private sector about a year ago, which is operating very effectively and efficiently at this time. On the basis of that system operating in Alberta, the federal government has given consideration to instigating across Canada a system of a similar nature through an independent board.

Our position was very simple, Mr. Speaker. We have a system that indeed is working, and applies to over 98 per cent of the contractors in the province. Until such time as the federal government, through association with some of the provinces, instigates a system which is workable and is not too costly to the eventual home-owner -- in other words, a vast bureaucracy isn't built to administer the system -- we would simply reserve entry to the system.

So the stand of the province, which I took with the direction of the Minister of Consumer and Corporate Affairs, is not one of not joining or even of not favoring a national system. We certainly favor a national system. But in light of the fact that we have a workable system, we will join a national system when, in fact, it's proven to us that one can be set up nationally which is workable and which reflects in reasonable cost to the eventual homeowner, because that is where the eventual costs are going to be directed in fact.

Housing Grant to Municipalities

MR. MANDEVILLE: A supplementary question, Mr. Speaker. Could the minister indicate the position of the government in regard to the \$1,000 grant which is going to be made available to municipalities for low-cost housing?

MR. YURKO: Mr. Speaker, a great deal of concern was expressed by the various provinces about the manner of administration by the federal government through Central Mortgage and Housing Corporation of the \$1,000 grant to municipalities, related to the

construction of low- and medium-cost homes. The concern expressed related to the fact that the federal government, through Central Mortgage and Housing Corporation, was attempting to establish some guidelines which would really direct the money toward the larger municipalities, rather than the smaller ones.

In light of the fact that several provinces have a balanced growth policy, it was necessary to make sure that the federal government's guidelines, or thrusts, in this area were in accord with the various development policies of the various provinces. As a result, the provinces asked that this fund, if you wish, involving \$1,000 per constructed home, be administered by virtue of an agreement between each province and the federal government; and subsequently that there be some leeway in terms of the conditions established in these agreements so that, in fact, they could accord with the various policies of the various provinces across the nation.

Canmore Land Purchase Negotiations

DR. BUCK: Mr. Speaker, my question is to the hon. Minister of Environment. It's a follow-up to the question I asked yesterday.

Can the hon. minister indicate if he or representatives of his department, or anybody in government, made a purchase of land owned by the Dillingham Corporation in the Canmore area [during] the time interval of approximately 2:45 yesterday till he reported this to a Calgary news reporter? Was a purchase made in that interval of time?

AN HON. MEMBER: Fast business.

MR. RUSSELL: Mr. Speaker, as far as I am aware, there has been no change in status of the information I gave the hon. member yesterday. It did generate some interest by a member of the press, and I gave him what information was available. It agrees with the answer I gave the hon. member.

DR. BUCK: Mr. Speaker, a supplementary question. Can the minister indicate how many acres of land the government is negotiating to purchase?

MR. RUSSELL: Mr. Speaker, I believe the quantity involved is in the neighborhood of 2,400 acres, located in the Canmore corridor. The hon. member asked me yesterday if any mining facilities were within that area. I said as far as I knew there weren't. That answer is correct. I am unable to say that the agreement to purchase has been consummated. There's nothing in writing yet.

DR. BUCK: Mr. Speaker, my final question. Can the hon. minister indicate to the Legislature a ballpark figure of the number of taxpayers' dollars to be spent on the purchase of this land?

MR. GETTY: It's not spent; it's invested.

DR. BUCK: [Inaudible] spent.

SOME HON. MEMBERS: Invested.

DR. BUCK: Spent.

MR. GETTY: The land of Alberta?

MR. RUSSELL: Mr. Speaker, I'm rather surprised to hear that line of questioning coming from the opposite side of the House. We've heard great concerns expressed about the foreign ownership of land in Alberta. Here the government is taking the initiative and getting some land back for Albertans from a non-Canadian corporation. I'm rather amazed the hon. member seems to find that objectionable.

The amount proposed for the investment is approximately \$1 million.

DR. BUCK: A supplementary, Mr. Speaker . . .

MR. SPEAKER: The hon. member indicated that the previous question . . .

DR. BUCK: This is my final supplementary, Mr. Speaker.
[laughter]

MR. SPEAKER: Perhaps the patent on post-final supplementaries should not be licensed out.

DR. BUCK: Mr. Speaker, then maybe we'd better not use that preamble.

Mr. Speaker, has the minister considered buying back some prime agricultural land in Alberta from non-Canadians? Has he given that any consideration?

SOME HON. MEMBERS: That's not a supplementary.

DR. BUCK: Prime agricultural land that's gone out of Albertans' hands?

SOME HON. MEMBERS: Order, order.

DR. HORNER: Try to get out of the hole you've dug yourself into.

MR. R. SPEAKER: Mr. Speaker, supplementary to the minister. In light of the possible purchase, is it the objective of the government to in turn make the land available to private investors to develop the area for recreational or other potential activities?

MR. RUSSELL: Mr. Speaker, there are no definite plans in the foreseeable future for the land. It came on the market and the government, trying to take advantage of a willing-buyer willing-seller situation, has been negotiating. No agreement has been signed yet, but I'm optimistic. It looks as if we'll be able to reach agreement on a good investment for Albertans.

DR. BUCK: At 4,000 bucks an acre.

Temporary Anti-inflation Bill
(continued)

MR. MUSGREAVE: Mr. Speaker, I'd like to address my question to the Minister of Federal and Intergovernmental Affairs. I'd like to know, Mr. Speaker, if, under the anti-inflation bill -- I understand wages are going to be controlled, in effect, to a maximum of 11 per cent in the way of increase -- the government plans to control the costs of services, transportation, or things of this nature provided by municipalities.

MR. SPEAKER: With great respect to the hon. member, perhaps we're getting into the field of dealing with the bill ahead of its time. Perhaps the questions could be put either when the bill is at second reading, or at committee stage.

Hail and Crop Insurance

MR. R. SPEAKER: Mr. Speaker, a question to the Minister of Agriculture. It's with regard to policy of the Alberta Hail and Crop Insurance Corporation.

I was wondering what change in policy is being thought of with regard to deferment of payments to farmers from the Alberta Hail and Crop Insurance Corporation when there are claims. First, what policy changes are possible, and secondly, has the minister made representations to Ottawa to make these deferments possible?

MR. MOORE: Mr. Speaker, I'm not exactly sure on that. I would have to check and advise the hon. member.

Hitch-hiking

DR. PAPROSKI: A question to the Solicitor General and/or the Attorney General. Is the government considering legislation to prohibit hitch-hiking in Alberta?

MR. FARRAN: Mr. Speaker, I think that question would pertain more to the sphere of the Attorney General.

MR. FOSTER: Thank you, my hon. colleague. Mr. Speaker, I am not aware of any such initiative at the moment.

DR. PAPROSKI: A supplementary, Mr. Speaker. In view of the direct relationship between hitch-hiking, or thumbing, and rape and violence and crime, will the minister consider such legislation?

MR. FOSTER: Mr. Speaker, I'm not sure I can take as given the so-called direct relationship between the criminal activity the hon. member refers to and the hitch-hiking tradition of a certain age group in this province. If the member feels it is a problem, and I'm not specifically aware

that it is, I'd be happy to inquire into it.

DR. PAPROSKI: As I understand it, Mr. Speaker, the minister is assuring the House he will review the matter.

Scientology

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Attorney General, as well. It's a matter of immediate public importance.

Has the minister had an opportunity to review some of the concerns expressed recently about the religion of Scientology in the Province of Alberta?

MR. FOSTER: Mr. Speaker, I have a good deal of material in my office on the Scientology question, and I am continuing to review the same.

MR. NOTLEY: Mr. Speaker, a further supplementary question to the hon. minister. Has the government received any reports of Scientology acting more as a business, as opposed to a religion?

MR. FOSTER: Mr. Speaker, certainly there are those in the province who hold to that view. Whether I would categorize it as a report to my office, I don't think I would go quite that far.

MR. NOTLEY: A further supplementary question, Mr. Speaker, to the hon. minister. Is the government at this time formally reviewing or investigating the reports as such, or are they left in a sort of informal limbo?

MR. FOSTER: Mr. Speaker, I think I stated earlier in this House that on questions of what the Department of the Attorney General might be inquiring into, or indeed what the police might be inquiring into, or what indeed might be a possible infraction of any law, it would not be appropriate for me to indicate whether any investigations were under way or not. I don't want to leave the suggestion that we are particularly looking at the Church of Scientology, or anybody else for that matter. But I don't think I should be in a position to respond to this House as to whether any investigations are under way as to alleged infractions of any laws.

Rent Regulation Legislation

MR. CLARK: Mr. Speaker, I'd like to direct a question to the Government House Leader and ask if he could indicate to the Assembly when we might expect the rent control legislation to be before the Assembly. When will it be introduced?

MR. HYNDMAN: Mr. Speaker, it would appear that would be introduced early next week.

AEC Shares Sale

MR. MANDEVILLE: Mr. Speaker, my question is a follow-up to one earlier in the week in regard to the distribution of Alberta Energy Company shares. The minister indicated that the board was meeting yesterday to work out an agreement to distribute shares.

MR. GETTY: Mr. Speaker, I understand that they have met and will be making a statement on the allocation in the very near future.

Alberta Resources Railway

MR. TAYLOR: Mr. Speaker, my question is to the hon. Deputy Premier and Minister of Transportation. Is the financial position of the ARR improving?

DR. HORNER: Mr. Speaker, I'm very happy to report that there has been some improvement in the returns to the ARR. The cost to the people of Alberta has been reduced from some \$9 million per year to about \$7 million.

MR. TAYLOR: A supplementary. Is grain from the Peace River country being handled by the ARR?

DR. HORNER: Yes, Mr. Speaker. The line from Grande Cache to Grande Prairie is now back in operation and hopefully, if we can get the co-operation of all the people in northern Alberta to develop a regional northern Alberta railways operation, the ARR might become a very profitable link in that system.

MR. NOTLEY: Mr. Speaker, a supplementary question. Is the minister in a position to report to the Assembly what the response of the railroads has been to the proposal he made to the rail transportation commission for an integrated authority to handle all the railroads in northern Alberta?

DR. HORNER: Mr. Speaker, I haven't had any official response from either of the major railways. The response from Northern Alberta Railways has been that it is willing and able to look after the operations of such an integrated system. I would think it will take some high-level negotiations to finalize that kind of system.

Malt Plant, McLennan

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Minister of Agriculture. It concerns the announcement he made at the Opportunity North Conference of a major malt plant in McLennan.

Mr. Speaker, could the minister advise the Assembly a little more about the plant, in terms of its financing and the company

which is proceeding with the construction of the plant?

MR. MOORE: Mr. Speaker, no. I can't advise too much further, other than that it's being developed by a group from Edmonton. They intend to make further announcements, probably early in 1976, with regard to the financial make-up and the various partners involved in the plant.

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS
(Third Reading)Bill 78
The Social Development
Amendment Act, 1975 (No. 2)

MISS HUNLEY: Mr. Speaker, I move that The Social Development Amendment Act, 1975 (No. 2) be read a third time.

[Motion carried; Bill 78 read a third time]

MR. HYNDMAN: Mr. Speaker, I move you do now leave the Chair and the Assembly resolve itself into Committee of the Whole to consider certain bills on the Order Paper.

MR. SPEAKER: Having heard the motion by the hon. Government House Leader, do you all agree?

HON. MEMBERS: Agreed.

[Mr. Speaker left the Chair.]

* * * * *

COMMITTEE OF THE WHOLE

[Dr. McCrimmon in the Chair]

MR. CHAIRMAN: The Committee of the Whole Assembly will come to order.

Bill 68
The Attorney General Statutes
Amendment Act, 1975 (No. 2)

[Title and preamble agreed to]

MR. McCRAE: Mr. Chairman, I move that Bill 68 be reported.

[Motion carried]

INTRODUCTION OF VISITORS (reversion)

Bill 79 The Legislative Assembly Amendment Act, 1975 (No. 2)

MR. TAYLOR: Mr. Chairman, I would like to say just a word or two on the bill. What I have to say are really words of commendation. I think the government is very wise to make sure that the guidelines set for other people are being followed by the legislators, the MLAs, the Cabinet Ministers, et cetera. Had it been otherwise, there would certainly have been turmoil throughout the province, and concern would have weakened the entire anti-inflation program.

I believe the increases are reasonable and within the guidelines, and I certainly the commend the government for taking that course of action.

MR. MANDEVILLE: Mr. Chairman, I also support the guidelines set out in the bill. I'm pleased to see that they fit within the guidelines of the federal government's announcement. If we're going to control inflation, I think this is where we've got to start. We've got to start with the government. It is unfortunate that we have to set guidelines such as this in Canada, but I think it's the only way we're going to be able to stabilize the economy. I'm pleased to see that Alberta is taking one of the first steps in this area.

I also support the principle of setting wages and salaries in line with the cost of living, which this bill is doing. I've recommended before -- and I know the hon. leader of the New Democratic Party has -- that we set our salaries and take care of them each year as we go along. Setting our salaries after each election is, I think, an uncomfortable position for members of the Legislature to be in. I think we've got to assure the public that all government spending will fall within the guidelines of the controls.

One area I would like to see covered in the bill is the members of the Legislature who are going to be on boards and commissions. I don't see anything in the bill that covers these members.

So, Mr. Chairman, I would like to make an amendment. The following section is added after Section 6, so it would be Section 6.1: "Any member who receives fees as described . . ." Mr. Chairman, just pardon me -- if I could get the page to distribute one copy of the amendment to the mover of Bill 79 and one to the Chairman.

MR. GETTY: Mr. Chairman, I wonder while the amendment is being passed around whether I could ask the committee to allow me to introduce some visitors to the Assembly.

HON. MEMBERS: Agreed.

MR. GETTY: Mr. Chairman, they weren't in the House during the period normally used for the Introduction of Visitors: a group of Grade 9 students from Cartier McGee School in the constituency of Edmonton Whitemud. They are in the members gallery and are accompanied by their teacher, Mr. Kobluk.

Bill 79 The Legislative Assembly Amendment Act, 1975 (No. 2) (continued)

MR. MANDEVILLE: Mr. Chairman, the amendment would read as follows:

6.1 Any member who receives fees as described in Section 14 (2), may not receive any increase in such fees that would result in:

- (a) a total of such fees received in the period April 1, 1976 to March 31, 1977 exceeding that received in the period April 1, 1975 to March 31, 1976 by more than 9 per cent, or
- (b) the total of such fees received in the period April 1, 1977 to March 31, 1978 exceeding that received in the period April 1, 1976 to March 31, 1977 by more than 8 per cent, or
- (c) the total of such fees received in any fiscal year commencing on or after April 1, 1978 exceeding that received in the period April 1, 1977 to March 31, 1978 by more than 7 per cent.

6.2 For the purpose of this section the amount of such fees received by a member in the period April 1, 1975 to March 31, 1976 shall be deemed to be 12 times the highest amount of such fees he was entitled to receive in the respect of any month in that period.

Mr. Chairman, it in no way says anything in regard to setting up basic salaries. It is just determining the amount of increases after the basic salary is established.

MR. CLARK: Mr. Chairman, just following the comments made by my colleague, the Member for Bow Valley. What the amendment really proposes is that for those MLAs who sit on committees, boards, and agencies under the ill-conceived moonlight legislation approved at the spring session, this would place limits on increases in the salaries they'd be able to receive.

The Chair will recall that in the course of discussions earlier this session, the Minister of Hospitals and Medical Care and I believe one other minister indicated the government was in the process of reviewing the remuneration government backbenchers would receive for sitting on government boards and agencies. The purpose of this amendment is to impose the same kind of restriction, the same kind of limitation that's being placed on members of the Legislature, on those MLAs appointed to government boards and agencies. Or to go at it another way, Mr. Chairman, it is, in fact, to guarantee we don't pass this legislation in The Legislative Assembly Amendment Act and then have a back door for some MLAs to get sizable increases because they sit on government boards and agencies.

In principle, I am prepared to support the legislation before the House as far as the increases of 10, 9, 8, and 7 per cent are concerned. But I'm very much opposed -- we're very much opposed -- to using the back door, through putting members on government boards and agencies, then boosting their salaries. Unless this kind of amendment is in the act, that in fact can happen.

In light of the comments made by the Minister of Hospitals and Medical Care, when he indicated a review was taking place of remuneration being received not only by MLAs but by people on the hospitals commission, and of the possibility that this could happen in several other areas, we put this amendment to the House with a view of saying, if we're serious about 10, 9, 8, and 7 per cent over the next 4 years, let's have it apply to everybody. Let's not have any back doors open to anyone.

MR. GOGO: Mr. Chairman, in reference to some comments just made, I don't recall any reference in this Assembly to legislation with government backbenchers being appointed to anything. I think the act stated something about an MLA being appointed.

MR. NOTLEY: Mr. Chairman, rising briefly to support the amendment, I may begin by reminding the hon. Member for Lethbridge West that the most contentious debate in the spring session related to a change which authorized the appointment of MLAs to sit on various boards and commissions.

Mr. Chairman, I realize that in the initial appointment a number of the people appointed were allowed \$100 a month plus expenses. Some of the others were appointed on the basis of expenses only. When we look at this amendment, as I would read it, it would mean that those people now appointed on the basis of \$100 a month would be subject to the increases set out

here. Those people who were appointed on the basis of expenses only would continue to work for expenses only for the duration of this plan.

Mr. Chairman, I think that's a reasonable proposition. There can be no doubt that if we're going to bring in a proposal for total remuneration of Executive Council members, members of the Legislature, the same ground rules should apply to members sitting on boards and commissions in addition to their work as members of the Legislature.

The whole question of credibility is at stake here if we're going to insist that other people live within guidelines which the Legislature will be debating probably Monday of next week. As has already been pointed out by the Leader of the Opposition, there can't be any escape hatch or back-door method of increasing remuneration.

Now I doubt this even would have arisen, Mr. Chairman, had some uncertainty not been created during one of the committee sessions where the Minister of Hospitals and Medical Care indicated that the member sitting on the hospital services board would be paid on the same basis as the non-permanent members of the board. He later corrected himself to point out that it was \$100 a month, and not the exact amount the other non-permanent members received.

However, what concerns me, and I'm sure concerns others, is that, for the period of the anti-inflation program at least, it seems to me the ground rules the government set out, when it appointed the backbenchers by the order in council last summer, should be continued in principle, and that the only additional remuneration should be consistent with the guidelines we've set here in the legislation for everyone else.

So I think the amendment clarifies the situation as far as the so-called moonlighting committees are concerned. I suspect, Mr. Chairman, it would well earn the support of most people in this province.

DR. HORNER: Mr. Chairman, quite frankly, the amendment is in fact redundant, because the question of fees and commissions relative to the public sector is adequately covered in the bill introduced today, The Temporary Anti-Inflation Measures Act. The Leader of the Opposition shakes his head. He hasn't had an opportunity, I'm sure, to peruse it. But it is, and we will be voting against the amendment because it's not necessary. It isn't the intention of the government to change any of the remuneration that might be paid to members sitting on boards and commissions.

MR. CLARK: In responding to the comments made by the Deputy Premier, may I just point out to him that the legislation the government introduced today lasts for only 18 months, unless in fact it comes back to the Assembly, and there is a need to extend that by action of the Assembly.

That, Mr. Chairman, is the exact reason it must be in this legislation, rather than, in fact, leaving it to the legisla-

tion that was introduced today. That's the very reason, Mr. Chairman, why we've gone this route, so it covers the next 4 years, as opposed to the next 18 months.

AN HON. MEMBER: That's right.

DR. BUCK: How does that grab you, Hugh?

AN HON. MEMBER: Caucus Conservatives.

AN HON. MEMBER: Question.

MR. NOTLEY: Perhaps I could just ask the minister a question. He indicated it was not the intention of the government to increase remuneration to MLAs on boards and commissions. Does that mean it is not the intention of the government during this Legislature, or is it not the intention of the government during the term of Bill 81?

DR. HORNER: It is not the intention of the government during the term of Bill 81. It is the intention of the government, during the term of Bill 81, to live within those anti-inflation guidelines as they apply to the public sector.

MR. NOTLEY: Mr. Chairman, just to follow that up. The minister is saying there won't be any increase in fees and commissions within the next 18 months; after that period of time, the question of fees and commissions would then be open season.

DR. HORNER: I suggest the hon. member might introduce his own bill based on this, during the next period of time.

AN HON. MEMBER: Oh, really.

MR. CLARK: Mr. Chairman, really. We're trying to convince Albertans, on one hand, that we are being responsible by introducing The Legislative Assembly Amendment Act with the amendments that limit us to 10, 9, 8, and 7 per cent over the next 4 years.

From the answer the Deputy Premier has given us now, it clearly indicates to me that, in fact, the government is prepared to hold its powder, keep it dry, for 18 months. Then it can go behind the scenes by passing an order in council, go behind The Legislative Assembly Act -- not discuss it here in the House, but go by order in council -- and increase the remuneration to Tory backbenchers who sit on government agencies and commissions.

We're just not playing fair with Albertans. We're on one hand saying we're giving support to the federal effort to try to break the back of inflation -- the Government House Leader included that comment in his introductory remarks today -- and the very same day, within one hour and nine minutes, we're now not prepared to commit support for this kind of venture. We're prepared to say, well, we'll keep our powder dry for 18 months, then we'll look after the boys. That's just not good enough, Mr. Chairman.

AN HON. MEMBER: Agreed.

DR. HORNER: Now, Mr. Chairman, that's not what I've said, at all. I said we had no intention of increasing the remuneration to those MLAs who are sitting on boards and commissions, and that they were adequately covered. The protection is in The Temporary Anti-Inflation Measures Act, and as such, it will be continued. If the hon. member wants, and I'm sure he will -- if we make any changes, he'll keep the public of Alberta informed.

MR. CLARK: Mr. Chairman, can I just ask the government, or the Deputy Premier, if he would be prepared to give us a statement here, a commitment on behalf of the government, that the government will not increase the remuneration to MLAs sitting on government boards and agencies more than the 10, 9, 8, and 7 per cent increases during the next four years? Then, frankly, we could live with that. If the Deputy Premier will give us that kind of commitment right now, we can move on.

DR. HORNER: Yes, Mr. Chairman.

AN HON. MEMBER: Yes, what?

MR. CLARK: Mr. Chairman, can I ask the Deputy Premier, when he says yes, if that means that in fact this is a commitment to the Legislature that the remuneration to government MLAs sitting on boards and agencies will not increase more than the guidelines that are included in The Legislative Assembly [Amendment] Act?

DR. HORNER: Yes, Mr. Chairman.

MR. CLARK: For the four years?

DR. HORNER: Yes, Mr. Chairman.

AN HON. MEMBER: Amendment.

MR. CHAIRMAN: Are you withdrawing the amendment or are you carrying it on?

MR. CLARK: Mr. Chairman, we're quite prepared to withdraw the amendment, in light of the firm commitment we've received from the Deputy Premier that there will be no increase more than the 10, 9, 8, and 7 per cent over the next 4 years. We're prepared to live with that commitment from the Deputy Premier.

MR. CHAIRMAN: Are you agreed that the amendment can be withdrawn?

HON. MEMBERS: Agreed.

MR. NOTLEY: Mr. Chairman, I would like to ask several questions. I think we can be very pleased today with the commitment by the Deputy Premier on this matter, that there won't, in fact, be any increase beyond those set out in the bill for MLAs, as it applies to members sitting on boards and commissions.

I'd like to ask the Deputy Premier if he'd just clarify the situation with respect to remuneration for cabinet ministers, over and above the \$2,400. My under-

standing is that will not be taken voluntarily.

DR. HORNER: That's correct, Mr. Chairman. The members of the Executive Council will not be taking more than the \$2,400 limit outlined in the federal anti-inflation guidelines.

MR. NOTLEY: Mr. Chairman, just a follow-up question, and this is essentially for clarification. During the period of time they will not be taking more than the \$2,400, will there in fact be any build-up of reserve? In actual fact that \$2,400 will be the amount paid, and that's that?

DR. HORNER: That is correct, Mr. Chairman.

AN HON. MEMBER: What else can you do?

AN HON. MEMBER: Oh, oh.

DR. BUCK: Mr. Chairman, I'd like to make a comment or two on this bill. First of all, I know that I will be accused of publicity-seeking, et cetera [interjections] but I have publicly stated that I will not vote for an increase. So I'm going to make that stand right now, Mr. Chairman, and I will tell the hon. members why.

[interjections]

Mr. Chairman, if the hon. members will give me the opportunity to make the few comments I wish to make.

The O'Byrne report indicated that the raises we received in 1970-71 would do for the near future. Now, Mr. Chairman, I'm going to go along with that, because this bill, the restriction we have, is going to be circumvented in the moonlighting bills, in caucus committees, so the members of the government side of the House are going to be going above the federal guidelines when you put the whole package together.

So, Mr. Chairman, if we're going to be talking about leadership, and if we're going to provide that type of leadership to Albertans and Canadians, I don't think we should take any raise, not for two years.

Mr. Chairman, I think we're moving more and more into the area of full-time MLAs. I do not believe in the philosophy of full-time MLAs, because I think it takes away the freedom to make the decisions you feel you should make. If you are a full-time MLA, there's too much tendency to make decisions which will get you re-elected. I want to have the freedom to tell my constituents, in some of the decisions that are made, that I don't agree with their choice or their decisions. I want to be able to say, no, I don't think that's right, and I'm not going to vote that way. If my political future depended on catering to every voter, because they want me to be a yes man, I would lose the freedom I want to have by voting as I feel I should.

So, Mr. Chairman, I am going to say now that I will be voting against the increase.

DR. HORNER: Well, Mr. Chairman, I find that rather interesting. I think we've heard talk in this Legislature about two

kinds of MLAs. We have had two kinds of MLAs because certain members of the opposition have been paid substantially more than the ordinary MLA, because up until now they split the salary of the Leader of the Opposition. [interjections] I find it rather amusing that it should come from my honorable friend from Clover Bar, who's obviously going to be caught in the professional guidelines in any case, in the \$2,400 increase. I rather suspect his noble exposition today was for just what he said it was: publicity-seeking.

DR. BUCK: Mr. Chairman, I can't sit in my place and take that kind of nonsense from the Deputy Premier.

Mr. Chairman, the point I am making is this: if we are going to provide the leadership that we want and that we expect the people of this province and this country to get from its leaders, then we have to make a stand. I have publicly said I would vote against the federal MP raise. And I said I would vote against an MLA raise. I will therefore vote against the raise.

DR. HORNER: We're pleased to see he's going to vote against it, Mr. Chairman, and there's nothing in the law that says he can't donate that increase to the charity of his choice. When he's doing that, he might donate back that portion of the salary of the Leader of the Opposition that he's collected in the last six months.

AN HON. MEMBER: Agreed.

DR. PAPROSKI: Mr. Chairman, let it be recorded here. Maybe he should stand and publicly make that comment: what is he going to do with that excess if, in fact, we pass this bill? [interjections]
Don't sit now, Walter.

DR. BUCK: Mr. Chairman, when the moonlighting bill was brought into this Legislature, the former Premier of this province, the Hon. Harry Strom, phoned the Rt. Hon. John Diefenbaker and asked, had he ever heard of government caucuses being paid out of the public purse? And the answer says, it couldn't be, Mr. Chairman. [interjections] The answer was, it couldn't be.

So when the hon. Deputy Premier, with his usual finesse, tries to muddy the waters, I would like to inform him of this: I have volunteered to serve on the legislative committee on the trucking industry in the province. Mr. Chairman, I would like to assure the hon. members that they don't have to worry about the professional increase in my salary going above \$2,400 if I'm going to be donating my time to the people of this province in that committee, which most likely will take between one and two years.

So if the hon. Member for Edmonton Kingsway wants me to stand up and tell him what I'm going to do with the money, I can tell the hon. member it's none of his business.

[interjections]

AN HON. MEMBER: That's only expected.

DR. BUCK: Mr. Chairman, I expected I would get this kind of static, because the government wants us to ram this bill through without any debate. I'm saying I'm going to vote against it because I've said so publicly, and I will not back down from this.

DR. PAPROSKI: If the comment is a response to the hon. opposition member, then surely, Mr. Chairman, first, it's an expected response. He hasn't really got the guts to make that comment. He says that one way, and when the chips are down, the facade is down, and the screen is down, he doesn't say anything.

That's number one, Mr. Chairman. Secondly, I would like to remind the House, and the opposition member especially, that a lot of workers in our society today are moonlighters, and they make a very important contribution to our society.

AN HON. MEMBER: Oh no!

MR. NOTLEY: Mr. Chairman, I think most of us will remember this as perhaps not one of the finest days in the history of the Alberta Legislature, not one of the most . . .

In any event, Mr. Chairman, I must confess I'm a little amused listening to the hon. Member for Edmonton Kingsway talk about the right to moonlight. You know, it's really quite amusing when you see the fellow who's working in the grocery store has to moonlight at the gas station, compared to a member of the Legislature who has to moonlight on a board or commission. You know, I think that's the kind of thing the average Albertan will find hard to swallow.

I'm not surprised that the members of the government are a little sensitive on this issue. The fact of the matter is that Albertans just don't buy the moonlighting concept. The government has been favorably treated by the news media of this province, but even the Edmonton Journal . . .

AN HON. MEMBER: Do you believe that?

MR. NOTLEY: . . . and most of the other newspapers in this province can't swallow the moonlighting concept. So, you know, the government's sensitive on it and the MLAs who are sitting on the boards and commissions are sensitive on it, and it's not surprising. But I would simply say, don't be quite so sensitive in the House on the matter, Mr. Member.

As to how the four opposition members deal with the salary of the Leader of the Opposition, with great respect, it seems to me that it's up to them, and is really not the business of the other members.

SOME HON. MEMBERS: Oh, oh.

MR. NOTLEY: It really isn't. [interjections] It really isn't. That's really the four of them, it seems to me, Mr. Minister. It's not up to the rest of us to make

comments on how that money is divided. In any event . . .

AN HON. MEMBER: They wouldn't give you any, eh?

MR. NOTLEY: Well, Mr. Chairman, the issue isn't whether the opposition would give me any. The issue is really whether or not this Legislature would take the same approach as the B.C. government, where they've got one Tory MLA who finds himself with a salary. That's what you call fair-minded government.

[interjections]

Anyway, Mr. Chairman, I don't expect the members to recognize that, but I want to pursue the question of cabinet ministers' salaries for a moment or two. It seems to me, Mr. Chairman, as I read over the bill, that at the end of this period of time -- I would just ask the minister if he would advise me whether this period of time [when] cabinet ministers will receive the \$2,400 is the duration of the federal or of the provincial program.

DR. HORNER: Mr. Chairman, it will be the duration of the federal program, because as a matter of fact that was specific in the white paper.

MR. NOTLEY: Mr. Chairman, I certainly support the government cabinet ministers confining their increases to the \$2,400 per year for 3 years. But it seems to me we're going to run into a problem, and I don't pose this just rhetorically. It seems to me a genuine problem, because at the end of the 3 years, under this act as I understand it, the ministers would be paid whatever their salaries would have been, using this 10, 9, 8, and 7 formula. So at the end of that period of 3 years, there would be a very substantial catch-up. I haven't calculated it, but it would probably be in the neighborhood of 20 to 25 per cent, just as a rough figure. There might be less, but there would be a catch-up figure.

The point I would make, Mr. Chairman, is that if cabinet ministers do this at the end of three years, I think you are then going to have very strong views among professional people to say, well, if cabinet ministers can have a catch-up, we have kept our income at this \$2,400 level for three years, therefore we should have a right to catch up. That's an understandable point of view. It's not something bad in itself.

The problem you run into, and I pose this very seriously, is that the whole argument for wage and price controls, the arguments that Mr. Stanfield and Mr. Diefenbaker have presented, the argument that the Premier presented to this House, is the inflationary psychology: you've got to come to grips with the inflationary psychology.

Now, I pose very seriously what the impact would be of cabinet ministers at the end of the three years saying, all right, we're going to have a catch-up, and that catch-up will be substantial, whatever it may be, and the effect that's going to have

on other professional groups who have been kept at this \$2,400 level, which is under the 8 or 10 per cent increase. Once you have other groups saying, we're going to catch up, the effect on public service workers who say, all right, if doctors' salaries are going to go up by 20 per cent, if cabinet ministers are going to increase theirs by 20 per cent, we, too, want 20 per cent when we negotiate with the Alberta government.

The point I make is, what does that do to your inflationary psychology? Do you not undo the work of dampening expectations by the three-year program if, at the end of it, we have the example of our cabinet ministers saying, we're going to catch up? Once groups such as MLAs or ministers of the Crown say, we are going to catch up -- and they have the statutory authority to do it -- in my view anyway, you are going to set in motion the demand among other groups to say, all right, if they can do it, by George, we can do it too. Won't that undermine the effectiveness of the whole wage restraint program in the first place?

DR. HORNER: Mr. Chairman, in response to the honorable gentleman. First of all, if we could know for sure what was going to happen at the end of the three-year period, I think it would be helpful, because otherwise it's a hypothetical situation. The other case, I think he exaggerates fairly substantially the percentage of catch-up. My calculations are that instead of the 10 per cent this year it will be in the neighborhood of around 7 per cent. The exact reason we put in a declining percentage increase, as opposed to the Prowse report of a stable 8 per cent, was just that: to help dampen the expectations and lower the inflationary spiral. So the catch-up, if there is one, will be relatively modest.

I would suggest, in fairness to those people down the road who are going to present themselves and who work as hard as people in the Executive Council have to, I don't see any real problem there. Quite frankly, I think the salaries paid to cabinet ministers in this province are relatively modest compared to those paid in other provinces. So I just have to say to the hon. member, first of all, I don't believe that the catch-up will be more than a modest one, and I really can't forecast what's going to happen down the road, because, while the federal bill says three years, there is a clause in there which could extend it -- which worries us from a general point of view -- for an indefinite period of time.

MR. McCRAE: Mr. Chairman, I wonder if I could ask permission of the Committee to revert to introduction of visitors?

HON. MEMBERS: Agreed.

INTRODUCTION OF VISITORS (reversion)

MR. McCRAE: Mr. Chairman, on your behalf, it's my pleasure today to introduce a group of school kiddies from your constituency, Ponoka. They are 30 in number, from Grade 6, and are accompanied by their teacher, Mrs. Sue Williams. They are observing an exercise in parliamentary democracy today, with yourself in the Chair. I'd like the Assembly to join me in welcoming them to this Assembly. Mr. Chairman, would you join me?

Bill 79
The Legislative Assembly
Amendment Act, 1975 (No. 2)
(continued)

MR. GHITTER: Mr. Chairman, I'd like to make a few comments in response to some of the comments I've heard this morning. I think there's another point of view that should be expressed for the record. I think in an issue of this nature, it's always very easy to get on your white charger, and grandstand. I think it's probably a fundamental flaw of our system that we as legislators should have to stand and judge our own worth and determine what individuals are worth in this system. It's probably a flaw we will have to live with, because that is the nature of the political system in our country.

What concerns me even more is I hear some of the grandstanding that is going on at the present time. What worries me is what is going to develop in future years within this House. I find it increasingly difficult, when talking to young people as to whether they should get involved in political life, as to whether it is really a place for them to be. Those who examine the schedules of our cabinet ministers, and the hours and the sacrifices in which they get involved from a time point of view, should recognize that possibly they shouldn't be penalized financially for assuming public office.

There will come a day -- and it's not too far away in our society -- where it will be difficult to get intelligent, dedicated people to serve in public office if they are going to be penalized for doing so. I happen to be aware of the personal sacrifice of many of our frontbenchers. I happen to be concerned, when I look at the lack of time they have for their families and other things they might like to do. But those are decisions they made, and more power to having people like that in our society. I don't believe they should be penalized by politicians who get on white chargers, talking in terms of all these nebulous responsibilities we have.

No one goes into this business, Mr. Chairman, to make money. That is for certain. But no one goes into this business, Mr. Chairman, to be penalized for doing so. Right now it's easy to say, we'll stay within the levels. Our minis-

ters, I think, are to be complimented for doing so, because it would be just as easy to say, we'll forget about those anti-inflationary schedules and let ministers be paid as possibly they are in other provinces. There is little that the Province of British Columbia has done in the past number of years that I find laudatory, but at least they recognize they should pay their leaders somewhat commensurate to the responsibilities which they are assuming. That is probably the only area of policy upon which Mr. Barrett and I will ever agree.

But I would suggest that maybe we should temper our discussion today with our concerns as to who will be sitting in this Legislature 5 and 10 years from now, how we will attract dedicated people, intelligent people, to sit and deal with the complex problems which we must deal with. If we get too crazy now, and start waving the grandstanding flag for popular support as it might be, I think we would be making a severe mistake. I would like to compliment our ministers for accepting those guidelines in the spirit in which they have.

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: Are there any further comments or questions with respect to Bill 79?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: If not, are you agreed?

SOME HON. MEMBERS: Agreed.

AN HON. MEMBER: No!

[Title and preamble agreed to]

DR. HORNER: Mr. Chairman, I move that Bill 79, The Legislative Assembly Amendment Act, 1975, (No. 2) be reported.

[Motion carried]

Bill 86
The Department of the Attorney
General Amendment Act, 1975

MR. FOSTER: Mr. Chairman, pursuant to the general agreement, I believe, of the Assembly a day or so ago, I would now like to make a few observations with respect to Report No. 2 of the Alberta Board of Review, entitled Administration of Justice in the Provincial Courts of Alberta.

I very much appreciate the contribution many members of the House have made with respect to the motion on the Order Paper on this subject. And I indeed appreciated the general support the House has given to the spirit and intent of the board's report. As I think has been amply pointed out, this document represents a compilation of some 250 briefs and numerous public hearings in several communities around this province. It arises pursuant to the initiative of my colleague, the former Attorney General, and the passage by cabinet of an Order in

Council in June, 1973.

I would be more than remiss if I did not acknowledge, on behalf of the House and, I hope, the public of this province, our deep and sincere appreciation to the chairman of this committee, Mr. Justice Kirby, and his members, Mr. Ted Bower of Red Deer, and Dr. Max Wyman of Edmonton. I very much appreciate the comments of the members opposite in the House in endorsing the work of the committee.

I do not intend, Mr. Chairman, to deal at this point with the supplementary report of Dr. Max Wyman. I would like to do so on some occasion, but I am not prepared to do so at the present time. My first preference is to deal in depth with the Board of Review and its specific recommendations. However, I want to come back to that at a later time.

Mr. Chairman, I don't want to burden the House with detailed quotations of the board's report. But I think it might be important to read for the House and the record of this Assembly -- as I sense others may want to read this debate at some time in the future -- a couple of paragraphs which were the introduction to the board's report. I think they adequately express what is now prologue. It's time for us to move on, but I think we should pause and look at the board's observations as it introduced its report. I'm quoting from page 1 of the report:

... we had no idea of the magnitude of the problems confronting us: the lack of identity and prestige of the Provincial Court; the impossible workload of the judges and Crown prosecutors; the demands made upon underpaid and overworked court clerks; the undesirable identification of the judges as instruments of the attorney general's department and of the court as a police court; the congestion, the delays, the enormous case loads in Edmonton and Calgary; the dreadful inadequacy of the court facilities in Edmonton and elsewhere in the province. These are but examples of problems we found that call for urgent solution.

The authors of the report go on to make other comments. I'd like to read them briefly now.

It is our hope that no time will be spent trying to assess blame. In the 70-year history of this province, no one government, no one generation of public officials is responsible for the low status accorded the Provincial Court. We are critical in our report, but not of the police, the bar, the bench or the Government. Indeed, all of them have made pleas to us for help and change to make it possible to do their jobs better. Dedicated people are being asked to cope with mountains of work, much of it trivial, in inade-

quate space, and with pitifully inadequate staff.

We repeat that we do not blame the workers in the field. Part of the blame is due to historical reasons, part to years of neglect and part to public apathy. We are grateful to the present government for allowing us to call attention to a situation that cries for correction.

In my judgment, Mr. Speaker, the Board of Review is far too generous in its comments about not assessing blame. I would like to offer, as I have publicly in the past, a comment that the responsibility for the situation in the provincial court of this province at the moment -- and indeed, I believe, the provincial courts of most provinces across this country -- rests with the government of the day and the government of the past, with the Department of the Attorney General, with the members of the legal profession in our society, who were not sufficiently stirred or concerned that they would call upon the resources of their leadership and their government, as the case may be, to bring about the changes we are now proposing.

I am not assessing blame. I am simply saying that the responsibility rests with at least those three categories, and indeed the public. I am saying I hope none of those groups of people will be criticized 10 or 15 years from now for the same kind of ignorance or lack of concern expressed in the past. I'm very hopeful that, in the future, governments, the bench, the bar, the profession, the police, the public will all be much more conscious of the defects and problems in the administration of justice, and that we will not have to face the serious dislocation and difficulty that confronts us at the moment.

I can say that as a practitioner a few years ago, I didn't spend very much time in the provincial courts, but I certainly did spend some time there. I say with apology that, frankly, I was not bothered by what I saw. I thought it was difficult and probably inappropriate, but I wasn't sufficiently stirred to do something about it. My sense of responsibility as, I think, a responsible citizen is somewhat offended by the fact that as a practitioner of law a few years ago, I was so busy looking after the affairs of my clients and my own affairs that I didn't really bother to stir my profession, to stir the government of the day or anybody else. So I, as a member of the profession, must also take responsibility for what we face today.

Mr. Chairman, I would like to go through the specific recommendations of the board's report and comment briefly on each one. I'll do so in this order -- it's not the order of the report -- dealing first of all with provincial judges, then prosecutors, clerk of the court, police, court reporters, facilities, the provincial court re-organization agency, the chief provincial court judge, and other matters raised in the report. I am working from notes in a document I have prepared for myself,

because it's a complex and comprehensive report that cannot be handled without considerable study.

With respect to provincial court judges, the recommendations are: that the judges are overworked and should have one week in four free for study, work and review; that they should be provided with four weeks' vacation; and that they should be free of all administrative duties. We generally agree with that. But it isn't quite that simple to establish such firm guidelines. I would hope the chief judge, in his discretion, will allow adequate periods of study, leave and administrative release for members of the court.

With respect to the whole question of search warrants and how they should be issued by provincial court judges, we're saying that we generally agree in this area. But we believe it should be expanded to read, from now on, judges will be required to keep files on information to obtain search warrants which are closed to the public and are not available until the investigation is completed. After the investigation is completed, these warrants shall be turned over to the clerks of the court as part of the record. They will only be made available with the consent of the prosecutors.

We agree that applications should be made to provincial court judges designated as chambers judges, but again, this depends on whatever is practical. In rural Alberta, we've got judges on circuit. You can't always have one judge available all the time. Indeed, you find yourself in a situation where judges may be asked to issue search warrants, and at the same time asked to hear the case, which is clearly inappropriate. So the qualification is, where practical.

There are recommendations that applying to more than one judge for the same search warrant should be prohibited. I don't particularly agree with that. I think once the court becomes a court of record, it will become obvious what previous activity has taken place on any file. A second judge who may be approached for a warrant will realize that an earlier judge may have turned it down. So that recommendation is not necessarily practical. But there should indeed be uniformity in the issuing of search warrants, of that there is no doubt.

With respect to the question of judges receiving continuing education, I don't think anyone in our society today can seriously doubt that all professionals should be subject to a period of continuing education. Judges, of course, are included. To suggest they should automatically be given two months free for study and preparation before appointment to the court is not necessarily true in all cases. There are some people who are quite prepared to assume these duties immediately upon their appointment. Others need somewhat more time.

I don't agree that they should be given a sabbatical leave of absence with pay one year out of seven as a matter of right. I don't believe in the concept of sabbatical

leave as a matter of right. I believe in the concept of leave for purposes of continuing education or upgrading one's skills and abilities for those who are interested in doing so, and for those who, in the judgment of the chief judge or assistant chief judges, have the capacity and desire to do so. I also believe there should be a certain mandatory period of continuing education in all cases. I'm saying I don't agree that sabbatical leave should be available to all as a matter of right. No doubt they should participate in a number of conferences and seminars and activities together as a group. I'm sure the chief judge will see that is done.

There can be no disagreement that they need to be provided with a basic library for their own personal use and have access to this library. I'm quite appalled by the state of library services available to provincial court judges -- indeed, to our prosecutors and defence counsel, in many court facilities across this province. The contents of the library, of course, must be determined by representatives of my department and the judges themselves.

The whole question of judges and where they live is indeed important. We have a highly developed circuit court system in this province. We intend to continue having some of these judges reside in these smaller centres. But they should go on circuit within their areas. Moreover, they should be pulled out of their circuit areas from time to time and allowed to sit in other communities around the province.

I think one of our problems today in this court is that the judges, through no fault of their own, have tended to become isolated: working and living in a small community somewhere, perhaps sitting in two or three areas, not really having the opportunity of getting together with their colleagues and sharing the experiences of problem-solving and cases elsewhere in the province. I'm hopeful that the leadership of the chief judge and his assistants will be brought to bear in this area, and that we will see some of our judges moving around the province on a regular basis, sitting in other communities, as indeed is the case in the district court and the supreme court.

This applies also to judges who live in the larger urban centres like Edmonton and Calgary. Occasionally they should be required to go on circuit. But at the same time, I don't want to suggest that judges should be required to be so involved in circuit work that they're away from home a great deal of the time. Some circuit work is clearly in order, and intended.

The legislation currently before the House, Mr. Chairman, provides for the provincial courts advisory committee, and therefore the judicial council. You will note that the recommendations of the Kirby report are not the same as the legislation before the House. We've gone the additional step of adding one of the chief justices, the Chief Justice of the Appellate Division of the Supreme Court. We've also expanded the public participation in this council by requiring two laymen, non-

lawyers, on the council, the chairman to be selected by me. There's a slight modification in that.

I've sensed there might be some disagreement with some of the provincial court judges who, since they do not have representation on the Judicial Council of Canada to sit in disciplinary matters of their brother judges in the district and supreme courts, may question why judges of district and supreme courts are sitting on their judicial council. If I were the Minister of Justice for Canada, I would strongly recommend that provincial court judges be represented on the Judicial Council of Canada. In fact, I've written the federal Attorney General on that point, and have been advised that they do not at this time intend to do so. I think it's quite appropriate that representatives of all the courts sit on such a council, and that laymen, as well as a representative of the benchers, be on that council.

With respect to salaries and qualifications of judges -- one of the major thrusts of the Board of Review is that most, if not all, of the staff and participants in the provincial court system are underpaid, in some cases seriously underpaid. It's very difficult to talk to the average person on the street about the salary of judges -- they're currently at \$35,000 -- and say to them that we think judges are underpaid.

The simple fact is, however, that if we are to acquire the best men and women from the legal profession in this province -- and indeed perhaps beyond this province -- to serve on the bench of this province in any court, we must be prepared to pay them a salary which is reasonably commensurate with the salary they are able to earn in the private sector. If we're not able to do so, the only people we'll be able to attract to this court will be people who would not otherwise be appointed, and I think that says it all.

My hope would be, frankly, that we can move the provincial court salaries as close as possible to the district court in this province today. The district court is currently paid, I believe, \$45,000 a year, which includes their surrogate court fees provided by the province. The salaries of the federal judges -- district court and supreme court -- are obviously established by the federal government, and the province is not involved.

The provincial judges have been moving up rapidly in the last couple of years, but I believe they have some distance yet to go. I would personally prefer to see a circumstance where the provincial court judges are as close as possible to the district court. I have no difficulty then in saying that we will attract to this court the top legally trained men and women of this province, as indeed we should. In that court today we have some of the top legally trained men and women. But I'm concerned with the quality and complexion of the court 10 years from now, not simply tomorrow.

My hope is that we can move in that direction, and achieve, as the report suggests, the objective of inducing the most

highly qualified lawyers to consider accepting these positions. No doubt, the salary should be reviewed annually. I know the federal government review theirs less frequently than that. There may be a period in time, indeed, in which the provincial court salaries go above the district court at some stage, and that would not necessarily be undesirable by any stretch of the imagination.

I would attach one rider, Mr. Chairman, with respect to the appointment of members of the profession to the court. That is, I believe we should insist upon very close to 10 years of service at the bar, and not simply appoint people fresh out of law school, or who have 2 or 3 years experience. I'm not firm on that recommendation, but I really believe that we should be able to select seasoned and experienced men and women from the profession and not be appointing very, very junior people to the bench.

The report goes on to recommend payments of judges' expenses while on circuit. The same thing applies to prosecutors and other staff. I think it makes a very simple and basic recommendation that while travelling on circuit, a provincial court judge should be paid a realistic, flat mileage rate for the use of an automobile. I agree with that. These people are not in a situation where they have the discretion as to whether or not they go out and perform a certain service. Will they travel 400 or 800 miles this month? They go because they've got to go. The court is there, the charges are there, everyone else is to be there, and no discretion is involved, as there may be with government, as to how much travelling one does. I believe that an adequate rate to compensate judges for the use of their automobiles is more than appropriate.

The report gets into recommendations as to who swears an information. The judge who swears an information, of course, should not preside at the trial of the person charged. Looking at this whole area, I would really prefer that judges not be involved in the swearing of informations whatever, and then you wouldn't face the question of whether judges would be presiding at a trial of a person who's been swearing informations.

I believe that qualified justices of the peace, not provincial judges, should take informations and issue process, and in every case, the Crown prosecutor should be looking at the information and the police reports to satisfy himself that the process is proper and adequate. His involvement should be an additional check. I believe that all justices of the peace who have the power to take informations and issue process should be required to take some paralegal training to ensure that they are adequately prepared and completely independent of the police. The long-range intent of this recommendation is that we will no longer be dependent upon untrained local justices of the peace for issuing much of this process, as we have in the past.

The recommendations made with respect

to the conduct of the courts, particularly in Edmonton and Calgary -- establishing chambers judges, or duty judges -- I agree with that and have no difficulty whatsoever with it. The hours of the court, however, should be clearly specified. There's been some difficulty in the past with court opening at a certain time and not opening at other times, and it's led to confusion with the public and the profession.

One of the recommendations of the report that seemed to get a fair amount of public response -- at least media response -- was the recommendation which says:

When persons against whom bench warrants have been issued appear voluntarily and give acceptable explanations for non-appearance, they should be brought promptly before a presiding judge for adjudication of the matter. They should not be taken into custody.

That isn't always possible, but I agree that they should be brought promptly before a presiding judge for adjudication or other dealings in the matter. Whether or not they will be brought into custody will, of course, depend on the circumstances.

Mr. Chairman, changing briefly to the whole area of prosecutors or Crown counsel as we would now like them to be known -- again, many of the general recommendations of the Kirby report are to my mind fully acceptable and should be implemented. I'm sure they will be, subject to budgetary review, which is important, of course. For example, I believe that Crown prosecutors, with the possible exception of some paralegal staff from time to time, should prosecute all charges in the provincial court. The police should be removed from that responsibility entirely. Their function should be limited to security, or the giving of evidence as any other witness might be called upon to do.

There's absolutely no doubt that prosecutors or Crown counsel in this province are, in most cases, highly overworked, and in many cases not adequately paid -- witnessed by the fact that we're now having considerable difficulty in attracting interested, competent men and women with our advertisements for Crown counsel. Part of that problem is that the economic vitality of Alberta is such that the legal profession is earning a pretty reasonable income. We're simply not competitive. I don't suggest for one minute that Crown counsel should be paid exactly commensurate with the private bar, because there are other benefits to being in government not available to the private bar. But, in my judgment, we are out of step. There needs to be an adjustment, and I'm sure there will be.

The comments about adequate reference libraries provided with basic libraries for Crown counsel are absolutely without dispute, and should be done. As I say, in many cases it's not necessary to provide each Crown counsel with his own basic library. My concern is that he have access to available library facilities. A library is as important to a lawyer as the tools of any other trade are to the tradesman. He

must have access from time to time, not only to an adequate library, but to one that goes well beyond that.

The status of the Crown counsel is a matter of concern to them. They sometimes feel they are looked down upon by other members of the profession and perhaps by the public. I don't share that view. We have some most able men and women in the legal profession in the public service of this province. I hope we're able to keep them and attract others who will wish to serve the Crown. One of the things we can do from time to time is to recognize the level of achievement of these dedicated men and women, and acknowledge that they are worthy of the appointment of Queen's Counsel. I'm hopeful that in some cases this year, we can go beyond perhaps one appointment to government service and recognize, as Kirby recommends, some of the senior Crown people in this province.

Mr. Chairman, I'm just getting warmed up, so I don't know how long this will take. I'm attempting to deal with some specific recommendations and come back. I don't suggest for a minute this is an exhaustive accounting on my part because I'm obviously leaving a good deal out, and look forward to discussion later in this committee stage.

A suggestion is [made] that informations for search warrants should be prepared by Crown prosecutors, and these applications for search warrants should be made to judges by prosecutors. When I first discussed this with the Crown counsel, they were aghast that we would suggest such a thing. Not because they didn't think it was the right thing to do, but because they've got so much to do right now. They simply didn't want to see themselves burdened with additional responsibilities. However, they are the first to agree that this is the ideal situation and should, in fact, be done. There's no dispute on that point. It's sometimes not practical, however. There will be exceptional circumstances when these recommendations cannot be strictly complied with, but no quarrel whatever with their general intent.

We now move into the area of staff, including Crown counsel who would be serving in the provincial court. The board's recommendation is, for circuit courts there should be, besides a judge, a Crown prosecutor, a judicial secretary, and where necessary an orderly. I'd like to suggest that in my judgment, that would not adequately provide for the kinds of staff and service that go on in the circuit point. I should be careful now to draw a distinction. The report talks about judicial secretaries and administrators. Throughout my remarks, I'll be referring to two new categories of staff. One will be the court secretary. That person is basically the court reporter, as we know him or her today. The other staff level will be the court administrator. At the present time, that person fulfils the function of the clerk of the court and the clerk staff.

What we're suggesting is that on circuit, besides a judge and the Crown counsel

you should have a court secretary and a court administrator in the courtroom on a circuit point. You're also going to have to have another clerk outside the courtroom, because in that case, you've got people who have to accept fines, pay bills, et cetera. But in the courtroom on circuit point, you have to have two staff members, not one. It's just too busy to allow both the court reporting function and the court administrative function to be handled by one person. When the court becomes a court of record, it's absolutely essential that one person can guarantee the record is being properly taken. So in this case, I differ with the board of review, and would suggest an additional person.

In a trial situation, or in urban centres when you're in a trial situation, you don't need both people in the courtroom. You can simply have it staffed by a court secretary sitting there who can handle the small amount of documentation involved and the occasional swearing in of a witness. But you won't need two people in a courtroom if you've got an electronic recording system.

When I was in Halifax recently, I spent some time in their court facility, which is a unified court. Provincial, district, and supreme court are all in one house with a central recording system. They have this category called court secretary. I was most impressed. I don't think it's going to cost the public of Alberta fewer dollars in the long run. I'm not suggesting it's for economy. But it's a much better system, I believe, a much more accurate and complete recording system. However, I'll discuss that in detail a little later on.

I dealt briefly with the salaries of Crown prosecutors. I have some views on that. They should be subject to annual review and adjustment. The board also suggests that the Crown counsel should have sabbatical leaves. This is the concept of one year off in seven, as a matter of right. My view is rather firm. I don't believe in sabbatical leaves as a matter of right. I believe in sabbatical leave or time off or release time for continuing education, upgrading one's skills, et cetera, depending on the interest expressed, whether by judges or Crown counsel, and depending upon the recommendations of the chief Crown counsel or chief judge. So I differ on that point.

The recommendation of so many weeks' holiday, or four weeks off a year, is simply an acknowledgement that these people work under pressure circumstances, in most cases, and need a large block of time away from their work. I think all of us who operate in the pressure cooker of public life appreciate the recommendation there. I have no difficulty with that.

The board recommends mileage for the staff. I don't know what the answer is, but the principle is that court staff who are required to go to certain centres for certain work should be paid. We should not necessarily inhibit such payment by reference to public service rates. The person in the public service sometimes has discretion as to whether he can travel, or

how much he should travel, in the course of a month. These people have no discretion. They must go if the court is to be held. In that case, they should not be penalized for the expense occasioned by their going.

Recommendations with respect to court practice [are] that "senior Crown prosecutors should be responsible for the preparation of trial dockets" I really think that should be, the scheduling of trial dockets. That is the case in Calgary right now. It is not the case in Edmonton, and we're taking steps to change that. I think that will provide for more efficient use of court time.

One of the recommendations suggests that where an accused appears for trial at a time and there's an application for adjournment, a new trial should be proposed immediately by the Crown counsel. This is a recommendation of Kirby, but it's also the law. It may be that we've not been able to comply with that as we should have in the past. But it should be done, because it's required.

I made a comment a moment ago about the role of the Crown counsel relative to the issuance of informations or other process. Implicit in that statement is the assumption that there will be sufficient Crown counsel in this province that they will have the time to work with the police before charges are laid. Right now, prosecutors are going into court with a file of charges under their arms. In many cases, they haven't read the file or been adequately prepared. Maybe they haven't reviewed the police reports. They're not sure whether there may be holes in evidence. Some cases are not proceeding when they should. There are undue delays and adjournments.

Part of the problem there is simply that the prosecutors haven't got the time to be properly prepared. I won't say how many, but right now we are seriously behind with a vast workload of cases in Calgary. We're short-staffed. There's clearly no solution to the problems we have, unless we're able to add a number of prosecutors to our staff. I think a new relationship between Crown counsel and the police is highly desirable, but can only be achieved if we have more men and women in the counsel category.

I've made some comment about information on search warrants in the hands of clerks, and whether it should be made public. In my judgment, after the fact it can be, and only with the approval of the prosecutor. But otherwise, the files of provincial court, once a court record, should be as accessible to the public as the files of district and supreme courts.

We now get into the category of new staff, and here we come to the difficult area of the judicial secretary. I think I can just summarize by saying that we are proposing two levels: the court secretary and the court administrator. Perhaps I can take a moment and explain my concept of both.

The court secretary is essentially the court reporter. For example, at the present time, court reporters are trained in a

two-year diploma program at NAIT, in shorthand, the operation of the courts, and the operation of recording equipment. It's a two-year training program, and they function in the courtroom basically as recorders of the court's proceedings. They use electronic recording equipment as a backup, not as the major reporting system.

Systems I have seen, in Halifax in particular -- I know they exist elsewhere in the country, in fact in the provincial court facility in the city of Calgary -- have a highly skilled group of people who operate very sophisticated recording equipment. In that case, all courtrooms in that building, 12 in Calgary, are equipped with a recording system that will report and record everything that's said in the courtroom as long as there's adequate definition of who's speaking and what's happening.

I believe that we should -- in fact, I will recommend that we do -- install such equipment in all major court facilities in this province, including Edmonton and Calgary, and the district and supreme courts. I am very pleased to see that the chief justice of the appellate division supports me in this matter. I believe we can substantially improve the reporting system, and I hope substantially cut many of the delays the report talks about which are occasioned as a result of the difficulty in our court system today of getting access to reporters.

Now the court secretary would not be trained to the same extent a court reporter is today. Essentially he'll be a person trained to handle this equipment, and also someone who is capable of transcribing the recordings, in the nature of a first-class stenographer. I discussed this with most of the ladies in Calgary who do this work, and many of the ladies, as it turns out, in Halifax who do this work. I don't know how much time I want to take to get into it, but I see this as one of the major solutions to the problems of delays and adjournments in the courts, and indeed in even getting into court with examinations for discovery, for example, in civil process, to say nothing of the criminal area.

The court secretary, in my judgment, does not need to be a two-year diploma trained person. I think from what I've seen so far, and we'll be pursuing this with Advanced Education, this person, while trained, need not be highly trained and is really [in] the nature of a very highly skilled stenographer, who has some capacity to operate this equipment. I think a one-year or training program for one year or less would be quite adequate.

The court administrator, on the other hand, is an entirely different person. As the report points out, there is no discipline of court administration in the educational community of North America. We have highly developed disciplines at the baccalaureate and postgraduate levels in public administration, in business administration, but nothing in court administration. As the report suggests, the administration of the courts cries for some detailed study, and, hopefully, the establishment of a

baccalaureate level in court administration some time in the future. I think we can begin with a two-year diploma program for court administrators. We already have a paralegal program offered by the department itself, and that will continue for a period of time. But we've got to move to a post-secondary program that will adequately train the administrators to operate the court system.

To run both main court centres in Edmonton and Calgary at the present time, we call upon members of the profession, that is to say, lawyers who hopefully have some administrative skills. I'm sure both gentlemen in this case are doing an excellent job. But I think they would be substantially supported and assisted if we had first-class administrators in those court facilities today. The court system is a highly complex system based totally on the user, and not controlled by any one person. There must be, in my judgment, a significant improvement in the educational qualifications for such people.

This is not going to happen quickly. I was asked a while ago, how long would it take to implement Kirby? Even if we had all the money and all the people today, even if we had all those things, it would take some years to get to the level of establishing a post-secondary program, even at the baccalaureate level, to provide the number of administrators needed in this province today, to say nothing of the future.

The wage scales of these people, of course, should be commensurate with their responsibilities. The report goes on to talk about the need for proper equipment. That equipment does exist today, and can be acquired. It's my hope, as I said, that we can so wire and equip the major court facilities in the province.

I don't want to suggest for a minute that the staff who are currently serving so well in the provincial court system are in any jeopardy whatever. They should be given the opportunity of upgrading their skills and, of course, will do so. This is being done presently by paralegal programs in the department, and educational leave will be necessary at some point.

The report talks about computers and makes some recommendations that I think are basically quite sound. In the administration of justice, we've got to learn to use new technology for easier input and recall of facts, figures, details, and information. This capacity is only partly there, and to some extent the computer capacity as it currently exists in this country can substantially improve, in my judgment, the administration of the courts. It will take some time to assess adequately how this capacity can be directed and usefully employed by the courts, and we will of course be doing so.

Mr. Chairman, one of the major areas of recommendation of the report, as well, deals with the area of the department, and the suggestion that there should be a high-level position entitled chief administrator of the provincial court and that this person should be responsible for es-

tablishing the administrative structure of the provincial court. I hasten to point out at this juncture that this particular function and capacity does not apply only to the provincial court, but applies to the district and supreme courts of this province as well. Much of what the board recommends is applicable, in my judgment, to the other courts, although its focus is clearly the provincial court. In the area of court administration, my comments apply generally to all courts in this province, not simply the provincial court.

Again, the universities are specifically encouraged by the board to provide graduate programs and research in the field of court administration. That is a long-term initiative, one I personally will be pursuing with my colleague. It has already been brought to the attention of Advanced Education, and I know they are working on it.

With respect to the police, I've already remarked that their presence in a courtroom should be confined to giving evidence and providing security where necessary. There should be little or no fraternization between police, the judges, and other people. It's very easy for the average citizen to walk into a provincial court facility or otherwise to observe judges, police officers, and prosecutors carrying on together in such a way that the individual comes away with the impression that the cards are stacked against him. I don't believe that's the case, but you can't help avoiding that impression. The administration of justice is based not only on the fact that justice be done, but the appearance that justice be done. It cannot appear to be done if all the elements are on one team and the citizen is lined up against them.

I think there's some difficulty in the whole area of providing security to the courts. Something my colleague, the Solicitor General, and I will be working on is whether we continue to have the number of court orderlies we have in this province. In my judgment they aren't entirely necessary. The functions they are currently performing could be handled some other way. I believe the courts themselves, as the board points out, need some administrative assistance to provide them with the capacity to respond to their responsibilities. Right now, judges are calling upon the clerical staff in the clerk's office to do many of their administrative tasks. The tasks need to be done, of course, and they need to be done with staff from the Attorney General's Department. But I think they need to be staff subject to the direction and control of the judges, because the clerk is himself a judicial officer. I'd like to clarify the relationship of support staff to the court, and will do so shortly.

The board suggests that the police "should not be used as process-servers, except for the execution of warrants in serious criminal matters." That may be desirable, except that the code, at the moment, requires the police to serve criminal process. So that may be a suggestion we should take up with my counterparts at

the federal level and other provinces. We'll be doing so.

The board went on to make some specific recommendations about the handling of search warrants and suggested that they "should contain a detailed and specific description of the property" that is seized, and that once [it is] seized the provincial court judge should give direction as to the detention of these seized goods and conditions of access to them. There is no disagreement with those comments or suggestions at all, in my judgment.

The report deals rather briefly with what we now call court reporters and suggests that as an interim measure in the provincial court there should be enough reporters to provide prompt reporting services for all preliminary inquiries and trials of indictable offences. We certainly agree to that, and we've budgeted for it. As I've already pointed out, I see the role of the court secretary being more prominent in this area in the years ahead. But in my judgment there is no doubt that we will continue to need court reporters, as we know them today, for a considerable period of time. The only courts that are easily convertible to the complete recording system are those in the urban centres.

Perhaps a little later on my remarks, I was going to get to the question of unified court facilities. I feel very strongly that where possible the provincial court facilities should be part of a district or supreme court facility. I'll come to that with some specific communities to recommend to you.

Much was made in this report of the physical conditions in remote areas. I have no difficulty with the recommendations the report makes with respect to upgrading these facilities. My only caveat would be that it is simply not possible to upgrade all these facilities at once. Indeed, we will start upon a program of upgrading these facilities; that has been done and has been started by my predecessor, as well as a number of other matters referred to in this report. But it's a long-term process, and we are endeavoring to deal specifically with each community, assess its requirements, and make the appropriate changes.

This is an extremely important point for members of the Legislative Assembly, if they're still with me. I think implicit in this recommendation, however, is the assumption that we cannot continue to provide the same number of circuit court points in the future. We have quite a number of communities where the number of cases heard in any year is very, very small. Alternatively, they are within 15 minutes' driving time of another community where we already have adequate facilities. I'm suggesting to members of the House that we will be proposing to relocate from some centres to some others where we have better facilities.

The decision will not be based on facilities, however. That's partly true. The decision will be primarily based on the access of the citizen to the court, and whatever may be reasonable. I cite as an

example -- and my colleagues from Lethbridge will not disagree too strongly with me, I hope -- that we've got two or maybe three circuit court points within 15 minutes of Lethbridge, and the suggestion is that perhaps those cases should be heard in Lethbridge. A case closer to home is Sylvan Lake, where in the last while the number of sittings has been cut substantially to once a month. In my judgment it shouldn't even exist. People could be heard in Red Deer in really adequate facilities, or what will be quite adequate when the program there is complete.

We come now to recommendations concerning court facilities in urban centres. The report suggests that "a court house should be dedicated to the exclusive use of the Provincial Court." Now I think in that recommendation is the assumption that "exclusive use of the Provincial Court" means exclusive to the courts, away from police cells, lockups, or other facilities that are not, strictly speaking, directly a part of the administration of justice. In this case, I quite agree with the concept of this recommendation, but feel it should not be used to exclude district and supreme court. Indeed, I would propose that where possible we plan and construct court facilities as one unit. That possibility provides itself in Edmonton with new provincial court facilities; less so in Calgary, but the possibilities in Red Deer, Medicine Hat and Lethbridge -- and I've discussed all three -- are clear. That is something I'll be pursuing with my colleague to my right.

He's not listening. [interjections] He is listening.

Part of the benefit of that is that you have access to common staff and holding facilities. The court reporting system, as I've indicated, can operate for all the courts. I've seen 20 courtrooms on one total system, with adequate time checks and security to confirm the reliability of the system. I've been quite impressed with it. If any members are interested, I'd invite you to go to see the recording system that operates in the provincial court in Calgary. It still has a few bugs, but I think it's the way to go.

There are other recommendations here that I will leave my colleague, the Solicitor General, to comment on. But generally speaking, I quite agree with the recommendations with respect to urban centres. It's simply not possible or feasible to erect in a small rural point the kind of court facility you would erect in a large urban area, but the degree of compromise we've experienced in the past should not be as high. We should attempt to provide a better level of physical plant, and we will do so.

I have a comment here that I believe the judges, and to some extent architects, have had far too much to say in the past about the planning of court facilities and what does or does not go in. So I've made it very clear to the judiciary, and to anybody else who is interested, that in future there will be no changes to court facilities, or indeed no major programs,

without the involvement of the department and of me personally.

With respect, judges are somewhat inclined to feel that they own the houses they live in. I don't begrudge them that feeling except when it comes time for decisions, major renovations, and what goes where. I'm going to require that I be involved, and I have no difficulty on that point with the senior judges. We've discussed this and we quite agree. But I think we can all point to problems in the court facilities in this province today that have arisen as a result of too much influence by some of the users. The planners in government, my colleague to my right, and I have got to have the final say. That's a friendly shot at some activities in the past.

The report deals with recording equipment and suggests that certain studies be done, that we do essentially what I've been talking about for the last few minutes.

Moving on the provincial court reorganization agency, under that general heading we get into the question of issuing warrants of committal against persons who default on payment of fines. I think we've had a very good discussion in this House on the motion on the Order Paper, and on other occasions in this area. Because I've said it myself, I agree with those who say the threat of imprisonment is the ultimate threat and must always be available. But surely we can exercise greater discretion in the courts, and provide greater alternatives for sentencing than is currently the case. My colleague the Solicitor General has a pilot project going on right now with the option of community work in payment of fines.

The suggestion is that the Institute of Law Research and Reform should do a detailed study in examination of the provincial statutes to determine which of the offences should be removed from the criminal context, et cetera. Frankly, I don't know that the institute is the appropriate vehicle. In my judgment, the reorganization agency should take this under study, to work with my department and the Solicitor General's Department in this area. However, in this area I have total sympathy with the spirit and intent of the board as I've indicated before the House, and I will not now go into it any further.

I quite agree with the suggestion in the whole area of whether the present system of levying fines should be continued, and whether we can remove minor traffic and parking offences from the criminal context. There's got to be an alternative to the existing system. I've had a long discussion in this area with my staff. I don't have any easy solutions to the problem, because I don't think there is one.

But I'd like to make a suggestion to the House, Mr. Chairman. While I agree generally with the recommendations in Item 16, I believe it may be entirely possible that instead of treating these as offences in a court, we could treat them all in the nature of a civil debt. That is to say, minor traffic offences -- parking offences

at the municipal level under municipal by-laws, minor offences under the highway traffic legislation, even moving offences including speeding, for example -- could all be handled in the nature of a debt action.

For those who are uninformed, I'll do my best to describe briefly a small-debt proceeding. A feels he has a claim against B, and issues a small-debt summons which is ultimately served on B. If B does nothing about the claim, A gets his judgment by the court without B so much as appearing or doing anything else. I think most of these offences could be handled in this way by some kind of tribunal outside the court system as we know it.

For example, I suggest that there are thousands and thousands of cases that fall into this category. We're requiring thousands and thousands of people to come into court facilities every year simply to pay a small fine. The overwhelming majority of cases which come to court are guilty pleas. There are very, very few not-guilty pleas in this area. I think we can design a system that will allow people to admit or dispute their claim. If they admit it, there would simply be a judgment in the nature of a small-debt claim that then goes on the books, and it's for the citizen to pay.

Now comes the question of payment. I think we all appreciate that while the concept of a collection agency has some appeal, it's an economic and administrative nightmare. In terms of public resources, it costs far more than \$100 to collect \$100. I'm suggesting, for example, that if I have a small ticket of \$10 and acknowledge it, but do not pay within a certain period of time, a \$15 tab may go on my motor vehicle operator's record. The next year, when I go to get my operator's licence, I'll be required to pay my operator's fee as well as the \$15, not the \$10 I admitted I owed.

In most cases I think people will pay the penalty, but I'm simply trying to avoid a large bureaucratic, administrative nightmare, and having thousands and thousands of people moving in and out of the court system to admit these small fines and to pay them. This is something that will have to be pursued in detail with my colleague, the Deputy Premier, his staff, and others in the House at the moment.

The suggestion that there should be convenient facilities, that they should be available at all hours of the day, including the night, is certainly most reasonable, and arrangements can be made to bring that into being.

I'm a little concerned about the concept of impounding motor vehicles for minor offences, particularly for non-residents of the province. There may be reciprocal arrangements, which the report refers to, that we can work out with other provinces in this area to resolve our administrative problems.

In any event, this entire question should be examined in considerable detail by the provincial court reorganization agency and such other advisors as they call

upon. I have pointed out that in one jurisdiction in this country -- I think it's one of our neighboring provinces -- someone estimated there were 17,000 different offences under provincial legislation. So one can readily see it's a horrendous task to assess the various charges. But I refer generally to minor traffic and parking offences, and minor violations under provincial laws. I think we could almost arbitrarily define most of those.

The same general comment, Mr. Chairman, applies to the treatment of infractions of municipal by-laws. Again I'm suggesting that we might seriously pursue the small-debt collection routine. That is a subject which is not going to be resolved overnight. It is one that we should commence a very early review on, and have done so.

The report goes on to deal with the reorganization agency and makes recommendations as to the functions of this agency. Mr. Chairman, I've already indicated legislation is before the House that will give me the capacity to appoint this agency to carry out the functions the board recommends. The recommendations of the report that we will assign to the agency will be assigned, obviously, by me. I agree that the agency should be responsible to me. I'm not interested in creating a new law reform commission that goes off on all sorts of tangents. I think they've got to be closely tied in to my office and to the department, and we'll see that that's done. At the same time they've got to be free from the department, and not tied in with the constraints of the department.

The department has many other things to be doing besides the implementation of this report. They will be closely involved with it. I think it was a good suggestion of the Board of Review, and I'm very happy to accept it. I would suggest the agency should be organized a little differently from what the board suggests. I don't, for example, feel that they have to have a director and some permanent staff working at it full-time all the time.

What I am suggesting is that the agency could include a small council of four or five people who would essentially be part-time people. They would have a small staff, probably seconded to them full-time from my department, and an advisory committee made up of the various interests to which the board referred: judges, the department, the RCMP, other police, other interested groups in the provincial court system. My suggestion would be that we appoint a chairman of this council and that the council include the chairman, the chief judge of the provincial court, a representative from my office who will keep me in touch with the proceedings of this council on a regular basis, probably a benchler, and perhaps one other person.

I think the chairman would have to be in a position to work full time for a period and then could return to a position where he may spend 20, 25, or 30 per cent of his time as the counsel directly responsible for the implementation -- but they

wouldn't be doing it all -- and could oversee and direct the staff below them, meet with me and my staff occasionally, and carry this matter forward so that hopefully we can implement such of this report as we agree to within a reasonable period of time.

Mr. Chairman, I imagine the agency could also be used in the near future when we come to review the next report of the Board of Review with respect to juvenile and family court. I would anticipate this agency would continue in existence for at least a two-year period, and perhaps shortly beyond, as we carry forward the recommendations I am now discussing, and the recommendations I hope to be discussing when I receive the next report of the Board of Review.

The next major section of the report, Mr. Chairman, deals with the area of the chief judge. I made a few comments on this in the House yesterday when we introduced the legislation. I agree essentially with the board. I am delighted with the initiative of the board in this. I think it's most appropriate that there be a chief provincial court judge. I think the judges will admit that they have suffered from a lack of unified co-ordination and direction in the past few years. We've had the Attorney General appoint senior judges around the province, who are largely administrative judges and who assume such functions as are assigned to them. They've not been looked upon by their peers as chief judges or assistant chief judges. I'm delighted that we are now proposing a chief judge of the provincial court. He or she will bring, I believe, real leadership to this court, and I think the members of the court will welcome this change in their court system.

I am currently discussing with a few people the possibility of appointment to this post. I am not in a position at this time to indicate who that might be, however. The appointment is a most important one, and I am hopeful that we can draw upon one of the top people in this country to assume this most important position.

When you come to that, I should also comment that in my judgment the chief judge of the provincial court, and perhaps his assistant chief judges or administrative judges as the case may be, obviously should be paid somewhat more than other court members. Here again, bearing in mind my reference to the district court, I don't know what that relationship is, but that's something I'll sort out with my colleagues in the weeks ahead. I really will say nothing further about the chief judge. It's the cornerstone, I believe, of the recommendations in this report, and I'm absolutely delighted that we can move in this direction as quickly as we can and bring about the changes we all would like to see.

The report goes on to talk about the relationship between the judges, the prosecutors, and the police. We've commented briefly on that. I don't think I have to go into it in any more detail.

The report goes on to suggest that a

detailed study should be made by the institute, again, to determine whether provisions of the Criminal Code should be changed with respect to search warrants. Then the board, I think, begs three rather important questions. Personally, I doubt it's appropriate the institute carry on that particular function. I think that's something we, in the department, should be discussing with other provinces and with the federal government, and we already have commenced doing so. I doubt the institute would be particularly interested in this subject. While I have no disagreement with the recommendations, I am just suggesting the institute may not be the proper forum for that.

The report goes on, Mr. Chairman, to deal with legal aid. I've already commented on that in the House. It is suggesting, for example, that every information or summons with respect to serious offenses should be accompanied by a notice containing certain information. I don't think we have any difficulty with that.

I noted with interest, Mr. Chairman, that the report referred to the concept of a collect phone call to be made to a legal aid office from anywhere in the province, including jails, I'm sure. Before this report came out, I tried that suggestion on certain people in the legal aid community, and was met with stony silence, thinking that the use of such technology was not quite appropriate in terms of obtaining legal advice. However, when it was discovered that the great Province of Ontario was considering this, it became very respectable and most acceptable.

So I am delighted to say that the interests involved are, I think, prepared to use the . . .

MR. NOTLEY: It was the Toronto New Democrats.

MR. FOSTER: Perhaps, I don't know, Mr. Chairman, but I doubt it was the New Democrats. It was the Government of Ontario, who are not yet the New Democrats.

This is a very appealing suggestion to me, and I think we can use the telephone system as is currently the case, but it can be expanded significantly to assist in legal aid advice, as we go forward in this important program area.

The report recommends an expansion of what is essentially the duty counsel system, and I would certainly support that. I've met with The Legal Aid Society and representatives of The Law Society of Alberta, and I've said in this House that we're simply not able to do all that the recent report of the task force would like us to do at this time. However, I have no difficulty whatever in extending the duty counsel capacity which currently exists in Edmonton and Calgary, because, if for no other reason, I believe this will assist in speeding up the process of the court, and not the contrary.

Again, the report recommends certain studies, and one is of the causes of these long adjournments in courts. This should be looked at, but I'm not sure the Insti-

tute of Law Research and Reform is the proper forum for this. We already know the situation, and we believe we can identify many remedies which are currently under way, and have been under way for some time.

We've talked about court costs, and we've dealt with that in this House. We've talked about the court of record, and we've dealt with that in this House, or will.

A recommendation for trial de novo was made at a time when the board was not aware of the move by the federal government, at the request of the provinces I believe, to do away with trial de novo. That is essentially the right, in some cases, to have a completely new trial after a trial in a provincial court, the second trial being held in the district court. Now there are historical reasons for this, none of which are too defensible in my judgment, but they're there. Trial de novo is now being abandoned, which will impose on us the obligation to become a court of record, which of course we're doing.

Mr. Chairman, in the last 45 minutes or so, I have gone through a rather cursory response to the Board of Review. I have additional information, on the financial implications of what I've been saying, which I could go into perhaps a little later. At this stage, [I] now would retire to enjoy the comments of members of the House. I might say that if we were to implement the Kirby report as soon as possible, as I've currently outlined it, would mean the addition of some 250 people to alleviate the difficulties referred to in the board report: Crown counsel, judges, court secretaries, court administrators, and staff. It is simply not possible to do that in a short period of time. At present we're having difficulty recruiting Crown counsel, and we'll have difficulty recruiting in other areas as well.

However, I'm here to say that we will make a very serious attempt to respond to this report as positively and as quickly as we can, bearing in mind certain budget restraints. As I also pointed out, we are not living precisely within the 11 per cent guideline. It's my hope we can move quickly to bring about the necessary changes, and be prepared to adjust to the changes the next report will bring us in the study of juvenile and family courts.

MR. CLARK: Mr. Chairman, I'd just like to ask the Attorney General two or three questions. I regret very much that I have to leave in about five minutes to catch a plane, unfortunately -- who said agreed? I'd like to ask the Attorney General one question that flows from his early comments when he talked about beefing up the Crown prosecutor's staff, and also ask if he can outline briefly to us how the Attorney General's Department makes a decision between whether work is done in-house or by outside firms.

The reason I say this is that, on occasions, I've heard it said that very often some of the most challenging work is in fact farmed out. Now I can appreciate that it isn't perhaps possible for the

department to have the kind of legal expertise some large firms are able to offer, because of the mere fact that large firms, working in specific areas, have individuals working in specific areas on a full-time basis. That isn't possible in the AG's department. But I think one of the rather reasoned suggestions made to me by some crown prosecutors is that in fact there isn't the opportunity sometimes to become really involved in the kind of cases that perhaps are the most -- "challenging" may not be the right term. But I'll leave it there with the Attorney General and ask him if he'd respond, please.

MR. FOSTER: I'm delighted to, Mr. Chairman. Not too long ago, the Crown prosecuted only those offences in the provincial court, with its own staff. In some cases, for example, in rural points it used part-time agents who were not employees of the department, but who were paid on a case basis. I'm talking in the criminal context now. The prosecutions in the district and supreme courts, and indeed the Supreme Court of Canada, were handled by private firms. As I understand it in Edmonton this was the case, almost exclusively. I think that had a very serious effect on the department. It simply didn't allow the staff working in one court to gain the experience of following a case through. I think it resulted in higher costs to the Crown, because it had to prepare staff and prosecutors at other levels and carry it on.

That system has been changed. It was changed by my predecessor. Right now, the staff in the department, in almost all cases, carry prosecutions all the way through. If they start in one court, and it's appealed or otherwise taken up for any reason, they'll go with it. Usually they'll take the case all the way through, including to the Supreme Court of Canada. I think it's important for the staff to know they have that responsibility. So on the criminal side, that is essentially changing. There's very, very little contract work with respect to criminal prosecutions. There may be very special prosecutions that we might consider that for, but I'm not personally aware of any at this point.

With respect to civil matters, I think we can safely say the number of staff in the civil section has not been that broad. There have not been that many lawyers in the government service. In many cases, there are many government departments which simply didn't have access to legally trained people. Part of the problem there was that the director level of any department was simply not aware of when it needed to call upon a lawyer for some advice. When it did call upon the lawyers for some advice, it went to the Attorney General's Department and found not many staff there, who were very busy and couldn't always get the answers back when they wanted to. As a result, the people in the departments which do not have their own lawyers are saying, well, we can't get this response from the Attorney General's Department, we'll get an

outside opinion. A certain amount of that is being done.

We're now getting to the point -- and we're almost there -- where all the lawyers in government are employed by this department. Now, they may be physically resident in various departments of government as departmental solicitors, but they're on our staff. They're responsible to us, so we can ensure that the departments are getting objective advice and not simply advice from a program department that wants to support their own programs. That happens occasionally.

We can provide a better opportunity for staff, because there's a broader range of experience. They can work in several different departments and still come back to our department. They can move around the government. That's happening now. It's a better job experience and job opportunity for them, in terms of the amount and type of work they can do. So we're adding to our legal capacity. We're short, no doubt about it. We are short in some areas. We have acquired some counsel in the last little while and will be acquiring others. But often departments are making decisions without having adequate legal advice in advance. That happens once in a while in a large organization. I'm going to do everything I can to ensure that doesn't happen. That means we've got to acquire some additional civil staff.

Once we have an adequate number of lawyers, say, in the civil section of the department, the question is, under what circumstances would I then go outside government for opinions on certain matters? Well, if there's one thing you can guarantee about lawyers, it is that they don't always agree. If we have the capacity in the department in a specific area, we'll obviously go to the department for their view. We may want to check that view by getting an opinion from some place else, and we do that frequently. When we get a different opinion, we'll sit down with the two groups to see if we can reconcile the matter. That happens occasionally.

In some areas where we do not have the capacity in the department -- and there are some special areas of law in which we don't have a strong capacity -- we may not even ask the department. I can't think of a case in which I've done that of late, but I know I have. We'll simply go to someone in the private sector who we know has some expertise in that area to get his opinion. In fact, we may go to two or three. In some cases, energy questions for example, we'll deal with the department because there is some expertise there, and we may deal with a number of outside people to get that kind of advice. We want to go with people who've got credentials. I'm quite prepared to say, we go to people who've got credentials. If we're hiring people who haven't got credentials, it looks like a pork-barrel operation. I can be criticized for that and I'm not too excited about it.

Thank you very much.

MR. FARRAN: Mr. Chairman, I rise briefly to my feet to remind members that the

general thrust of the Kirby report will have some pretty profound implications for my department too. The mere thought that one strengthens the courts and enhances their prestige is not the whole story. The whole system is completely interrelated. The flowthrough of many of these recommendations affects my area.

For example, the simple question of the use of civilians instead of police in the courts leads to the inevitable conclusion that one must hire more corrections officers for prisoner escort duties, for security duties in the courts, and for handling prisoners in lockups throughout the province. Many of the policemen who now appear in the courts have brought prisoners from a correctional institution or a remand centre. If they're not to be there, and the police are only to be there for the function of giving evidence, somebody else has to carry out these duties.

The proposition for new fine options, new methods of collecting fines not relying wholly on the traditional fine-imprisonment alternative, has some implications for my department. We have to work up structures in which the judges will have faith in the nature of work-for-fine, restitution, and the collection of fines by civil process. A mere stroke of a pen or the passing of a law doesn't make it effective until you have people who can put it into action.

In regard to traffic offences and law enforcement generally, this has implications for the police. If we are to have a greater degree of enforcement, or even different methods of handling sentences, the inevitable consequence is that one requires more police.

The strengthening of the courts has a direct relationship to the probation service. All judges rely on presentence reports by the probation service as one of their tools prior to sentencing. If the courts are to be strengthened in regard to provincial judges, clerks of the court, and Crown counsel, this has an inevitable effect on the probation service, which already has a fantastically high caseload.

Any innovative sentencing has repercussions for my department. Anything that relates to the traditional sentence of imprisonment also has an effect. In other words, my department is like a service department of the court. The prisons are already overcrowded to a point of grave concern. The trend continues. It is not just a question of sentencing; it's what happens to the prisoner afterward.

Legal aid, delays in the court, backlog of dealing with cases all have implications for my department. Although the immediate costs of implementing the Kirby report relate to the courtroom itself, I hope none of the members will forget there is a big infrastructure around it, which is the service department of the Department of the Solicitor General.

MR. SHABEN: Mr. Chairman, just one short, specific question to the Attorney General, concerning the rural area and distances for people to travel to have access to the courts. I was wondering if he is in a

position to make any decisions as to improvement of this situation or, in other words, cut down the distances for access of rural people to district court, as opposed possibly to provincial court.

MR. FOSTER: I don't remember the number of communities, but the provincial court sits in a considerable number in the province, as you know. The district court and supreme court [sit] in fewer communities than that, principally because there are simply not the numbers of people going into the district and supreme courts. In my judgment, the district and supreme courts serve the province quite adequately at the moment. It may be that we need to examine the odd area. I'm not personally aware of any difficulties, but if there are some I'd be happy to look at them. But I would not want to see a situation, Mr. Chairman, where we so expand the areas of sittings of the district and supreme courts as to come close to the provincial court system.

It's important that people have access to the courts, but I think there is a balance you must strike. In some cases, people will have to travel long distances to get to the courts. As this province becomes somewhat more peopled, no doubt we'll have to expand the sittings of district and supreme. But I'm not personally aware of any urgent need to expand the district court sittings in any community. If there is such a need, I'd be happy to review it.

[Title and preamble agreed to]

MR. FOSTER: Mr. Chairman, I move that the bill be reported.

[Motion carried]

MR. HYNDMAN: Mr. Chairman, I move the committee rise, report progress, and beg leave to sit again.

[Dr. McCrimmon left the Chair.]

* * * * *

[Mr. Speaker in the Chair]

DR. MCCRIMMON: Mr. Speaker, the Committee of the Whole Assembly has had under consideration Bills No. 68, 79, and 86, begs leave to report the same, and begs leave to sit again.

MR. SPEAKER: Having heard the report and the request for leave to sit again, do you all agree?

HON. MEMBERS: Agreed.

MR. HYNDMAN: Mr. Speaker, I move we call it 1 o'clock.

MR. SPEAKER: Does the Assembly agree to the suggestion by the hon. Government House Leader?

HON. MEMBERS: Agreed.

December 5, 1975

ALBERTA HANSARD

1445

MR. SPEAKER: The Assembly stands adjourned
until Monday afternoon at 2:30.

[The House rose at 1 p.m.]

