

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Friday, April 9, 1976 10:00 a.m.**

[The House met at 10 a.m.]

PRAYERS

[Mr. Speaker in the Chair]

head: **TABLING RETURNS AND REPORTS**

MR. ADAIR: Mr. Speaker, I would like to file two items: the summer report of the Buck for Wildlife activities, and a report on game fish farming in Alberta.

MR. LEITCH: Mr. Speaker, I wish to file the financial statements of the Alberta Municipal Finance Corporation for the year ending December 31, 1975.

head: **MINISTERIAL STATEMENTS**

Office of the Premier

MR. LOUGHEED: Mr. Speaker, hon. members will recall that during the course of discussions in this Legislature on March 10 of this year, I referred to the matter of the British North America Act and the issue of the patriation of the constitution. Certain new developments have occurred, and because of their magnitude and possible significance, I thought it was important to bring them quickly to the attention of the Legislative Assembly.

By the nature of it, Mr. Speaker, it will be necessary for me to read certain documents. On February 10 of this year I wrote the Prime Minister a letter regarding the constitution, which I'll be tabling in the House today. The content of the letter is as follows:

In our year-end assessment of outstanding federal-provincial matters the question of patriation of the British North America Act and adoption of an amending formula for the constitution was raised. You last wrote to me on April 19, 1975 with regard to the matter.

I understand the procedure that you contemplate for patriation would take three steps: approval by the Legislatures of the Provinces, and by both Houses of Parliament; legislation by the British Parliament; and the issue of a proclamation by the Governor-General.

In our discussions with . . . Gordon Robertson last May, I outlined the two major concerns and conditions that the Government of Alberta had with respect to acceptance of the amending formula. These concerns were as follows:

[First,] the proposed amending formula provides for consent of "at least two of the Western provinces that have, according to the then latest general [census], combined populations of at least fifty per cent of the population of all the

Western provinces". Our position is that the consent of any two Western provinces should be sufficient.

[Secondly,] the provisions in the Victoria Charter on the Supreme Court and, in particular, those parts providing for provincial participation in the appointment of Supreme Court judges should be included in any package that may be agreed upon.

In his letter dated July 28, Mr. Robertson . . . I might interject to explain that Mr. Robertson is a senior public servant in Ottawa, responsible to the Prime Minister on this matter.

. . . indicated that he had raised Alberta's second concern with Premier Bourassa who concurred with our position. I understand that further discussions were to be held with Premier Bourassa on the nature of "constitutional guarantees" for the "cultural security" of French Canada and that a more precise text was to be developed for presentation to First Ministers.

Mr. Robertson further stated that as soon as he had met with the Premier of British Columbia he would again be in contact with the provinces. We have not heard further from Mr. Robertson.

It would appear that further discussions are necessary if we are to proceed with this important endeavour. From our perspective, the single meeting last May with Mr. Robertson was of a preliminary nature and we believe that the resolution of this matter will require further meetings. The suggestion has been made that Alberta's concern regarding the modification of the amending formula could be settled by the Western provinces alone. While it is true that this portion of the formula most directly affects the Western provinces, in the final analysis the amending formula is formula for the entire nation. It is a matter which all First Ministers should consider on a collective basis.

I look forward to hearing from you and assume that further discussions will be held soon.

Mr. Speaker, I am given to understand that at this time in the House of Commons, within the last hour or in the next, the Prime Minister is dealing with this matter and may be tabling documentation. I thought it was important that some of our documentation be put on the table concurrently. Further discussion of this matter can ensue in the early part of next week when we have had a chance to assess the nature of the documentation tabled by the Prime Minister.

Mr. Speaker, I wish to table a telex to the Prime Minister that I sent two days ago, dated April 7, with confirming letter later. To the Prime Minister from myself, on behalf of the Government of Alberta:

Re your letter of March 30 regarding constitutional matters, I will be replying to your lengthy, complex letter and the enclosed draft proclamation after it has been carefully assessed.

I have no objection to the tabling of your letter of March 30 in the House of Commons this Friday, April 9th. I feel it would only be appropriate though to have all of our previous correspondence in this matter tabled at the same time.

The Government of Alberta feels strongly that any unilateral move by Parliament, on the

federal government's initiative, to remove the constitution from Westminster would be a clear violation of the historical precedent of Canadian constitutional development and the conventions and customs which have grown up over past decades concerning provincial participation in this very important matter. It is our firm view that such a major move should not be done unilaterally at the initiative of the federal government, but should be carried out only with the consent of the provinces who are full partners in Confederation. The maintenance of the legitimate and historical powers of the provinces may be at stake if patriation is carried forward unilaterally.

Of course, the question as to whether the B.N.A. Act should be sited in Ottawa rather than in London, England is a non issue. Our special concern relates to the manner in which this is carried out and the possible adverse effects on our federal system and its future course.

It is my intention to table this telex and our previous correspondence in the Alberta Legislature concurrently with or following the tabling of your letter of March 30 in the House of Commons.

Mr. Speaker, for the benefit of hon. members and the public of Alberta, it is our view that the importance of this matter is that if there is a unilateral move by the federal government to patriate the Canadian constitution, the situation of having established that precedent in that way could have a marked impact upon provincial rights in the future. If the federal government and the federal Parliament feel that they can move unilaterally in a matter of this nature, in a confederation of founding provinces, then there is a deep concern by the Alberta government — which we trust is shared by all members of the Alberta Legislature and by the public — with the preservation of our rights, our ownership of resources, and our full participation in Confederation, recognizing as we do that in the federal state, with the nature of our population and our representation in the federal House of Commons, the protection of provincial rights is so important for us.

We've taken this strong position today. We think it's important to get our position on record very quickly.

We do not take the view that the patriation of the constitution from the British Parliament to the Canadian Parliament and to the Canadian nation is not a desirable course. But if the manner in which it is done is by initiative of the federal government without the concurrence of the provinces, then we're concerned about the future of the federal state in Canada. We would hope that all members would support the strong position of the Alberta government that this is not the way to do it.

head: **ORAL QUESTION PERIOD**

U of C Budget

MR. R. SPEAKER: Mr. Speaker, I would like to direct a question to the Minister of Education and ask what

discussions the minister has had with the University of Calgary with regard to its 15.3 per cent increase in expenditure, 14.3 per cent increase in revenue, and \$2.8 million potential deficit in the 1976-77 academic year.

DR. HOHOL: Mr. Speaker, the question was probably intended for me by the hon. member. Discussions of consequence such as those that relate to revenue and expenditures are continuous. Specific examination of those will be possible during examination of my estimates.

Tuition Increases

MR. R. SPEAKER: A supplementary to the minister. In cases such as this, would it be the intention of government for the local university to increase its revenue through increased student fees?

DR. HOHOL: Mr. Speaker, it's now a matter of record that, through approval by me, all institutions of advanced education have increased their fees to the extent of 25 per cent for the next fiscal year.

MR. MOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Has the minister reviewed or been given any information or obtained any information yet with respect to future increases, if any, in student tuition fees?

DR. HOHOL: No, I have not. This will certainly be a matter of discussion amongst the various constituents in advanced education, such as boards of governors, senates, student unions, my own department, me personally, and the public generally. If there are views that are held fairly and firmly, or even speculatively, by any hon. members, I would be pleased to hear them.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Has the government yet developed any overall policy with respect to the percentage of increased institution costs for universities, colleges, what have you, that should in fact be borne by student tuition fees?

DR. HOHOL: I think we'll move to that kind of general principle. But at this point, it would be my view that a fixed and rigid kind of figure would not be in the best interests of students or the institutions, because circumstances change. While the extent of student fees shouldn't be entirely directed to the fiscal circumstances of any institution in any particular year, there should be a range, but not likely a fixed proportion or percentage.

U of C Budget (continued)

MR. R. SPEAKER: Mr. Speaker, a supplementary to the minister. What steps will the minister take, or plan to take, with regard to the projected \$2.8 million deficit? Will the minister be giving a directive similar to the one the Minister of Municipal Affairs has given to local municipalities?

DR. HOHOL: Mr. Speaker, it's through the media that I had this report, as I'm sure all hon. members did, because I must say the budget was approved in a tentative way, awaiting a line-by-line appropriation examination by the board of governors.

One of the statements — and I'm sure it's accurate — was that assuming the circumstances in which the approval is given at this time remain the same in the months ahead, should any significant shift in the criteria for budget approval be ascertained in the months ahead, the end result or the deficit could be different, of course. So really, we're anticipating and projecting. It's hypothetical at this point that the University of Calgary will have a deficit of that magnitude.

Juvenile Offenders

MR. R. SPEAKER: Mr. Speaker, a second question to the Attorney General. This is with regard to a juvenile being tried in adult court. I wonder if the Attorney General could elaborate on this action at this time.

I understand a juvenile in Edmonton has been referred to adult court. Is this a common procedure or a unique situation that's occurred?

MR. FOSTER: Mr. Speaker, it's not uncommon at all.

Rent Regulation — Public Housing

MR. GHITTER: Mr. Speaker, my question is to the hon. Minister of Housing and Public Works. It arises out of a statement made by the hon. minister on April 1 in reply to a question from the Member for Jasper Place, when the minister stated it was his view that he must apply rough justice in not permitting public housing an exemption under rent control legislation.

Mr. Speaker, my question to the hon. minister is: considering the fact that if public housing is not exempt from rent control, considerable provincial government subsidies would be required to sustain these programs, I'm wondering if the hon. minister has estimated the amount of additional government subsidies that would be required.

MR. YURKO: Mr. Speaker, first of all, the subsidy is split among the federal government, the provincial government, and municipal government, on the basis of 50 per cent, 40 per cent, and 10 per cent.

In discussing with the Calgary authority, for example, the matter of additional accounting that may be required, it was indicated to me that possibly one additional accounting person would be required. I felt this wasn't unreasonable, in light of the fact it was intended to put more low-income people into public housing, which was the intent of public housing.

I may also indicate to the House that, as I interpret the rent regulation legislation, there is nothing in it that prevents the rent of a unit being reduced if a tenant comes in at a lower income than the tenant who has vacated that suite.

I've indicated this to the authorities in a meaningful way, and am writing to them shortly in this regard. Furthermore, I would like to indicate that the intent of public housing is to provide housing for the lowest income people in society because it involves about

the greatest degree of subsidy. Every attempt should be made to get low-income people into that type of housing. The records indicate that some people in public housing are not necessarily low-income people.

MR. GHITTER: A supplementary, Mr. Speaker. I appreciate the views of the hon. minister, but I would like an answer to the question of whether an estimate has been made of the additional amount of provincial government subsidies that will be required.

MR. YURKO: Mr. Speaker, not on an overall basis. I anticipate the authorities will approach the Alberta Housing Corporation to indicate what their additional costs may be. If they wish to do that, we would very much like to see what additional costs would be involved. However, as I indicated, whatever the additional costs may be, they will be split 50 per cent to the federal government, 40 per cent to the Alberta Housing Corporation, and 10 per cent to the municipal governments.

MR. GHITTER: A supplementary. Does the hon. minister then have the assurance of the federal government and municipalities that they will share in the additional costs of these subsidies? If that is the case, does this also mean that future development of housing for lower-income and senior citizens in Alberta would not be affected if the provincial government has to bring in further subsidies?

MR. YURKO: Mr. Speaker, I would like to indicate that it is the federal government that has imposed this period of rough justice. If additional funds are required from the federal government and they wish to complain, the matter will be taken under advisement.

Right now, we're functioning under an agreement with the federal government in regard to splitting the operation expenses. That agreement is in full force, requiring that the federal government provide 50 per cent of the deficits with respect to the operation of public housing.

I'm not sure I remember the second part of the question. Maybe the hon. member might repeat it.

MR. GHITTER: Mr. Speaker, I'm wondering if any of our other future housing development programs for lower-income and senior citizens will be affected if the provincial government is required to bring in additional subsidies to assist our public housing programs, in view of the fact that they will not be exempted from the rent control program.

MR. YURKO: Mr. Speaker, the rent regulation program is anticipated to last for only a very short period of time, I think it's 15 months. So this is an interval, if you wish, in terms of passing on additional costs to residents of this type of accommodation.

I should indicate, and the budget so indicates, that as a government we haven't withdrawn from public housing. We have, in fact, accelerated rather dramatically our thrust in the area of public housing. We have approved, through the budgetary process, an additional 1,000 units in this year's budget.

MR. GHITTER: A supplementary, if I may, Mr. Speaker to the hon. minister. In light of the fact that the Edmonton and Calgary public housing authorities, the mayor of the city of Edmonton, and the rent regulation board have all suggested that public housing should be exempt from rent control, would the hon. minister advise whether he has brought this matter to the Executive Council to determine if they would consider allowing this to occur?

MR. YURKO: Mr. Speaker, public housing is not the only type of housing that is related to income. To a large degree, senior citizens' self-contained accommodation and to some degree lodges are. So if we made an exception for one type of assisted housing, we would have to give serious consideration to making exceptions for other types of housing.

MR. SPEAKER: With great respect to the hon. minister, the answer doesn't seem to be related to the question. As I recall the question, it was whether the matter had been taken up in the Executive Council.

MR. NOTLEY: Stick around, Bill.

MR. YURKO: Mr. Speaker, the matter came up very briefly in the Executive Council but wasn't discussed in depth because the Minister of Housing and Public Works had a fairly strong stand in terms of not excluding public housing from the rent regulation act.

MR. NOTLEY: A supplementary question to the hon. minister. The hon. minister mentioned three or four questions back that not all the people in public housing were low-income people.

My question, Mr. Speaker, to the minister is: have there been any discussions with the housing authorities in Edmonton and Calgary concerning the mix of people in public housing?

MR. YURKO: Yes, Mr. Speaker, I have had some personal discussions, particularly with the Edmonton housing authority, and have requested the Alberta Housing Corporation to examine seriously the mix of people in public housing, also to determine the need to establish new guidelines with respect to maximum salaries for people permitted to reside in public housing.

MR. TAYLOR: Mr. Speaker, a supplementary to the hon. minister. When the income of a family in public housing exceeds the maximum required to get into public housing, how long is that family given to move out, or must they move out?

MR. YURKO: Mr. Speaker, as indicated, I asked the Alberta Housing Corporation to review the guidelines under which tenants are permitted to live in public housing. In some instances, the housing authority in Calgary has placed a maximum income limit, which I believe is \$800. The Edmonton housing authority does not have a maximum limit, to my recollection, neither do some of the other housing authorities throughout the province. This is one of the reasons I have asked the Alberta Housing Corporation to look seriously at the guidelines in terms of today's market.

With respect to the notice given to vacate, I did discuss this matter last weekend with a member of

the housing authority in Calgary who indicated some period was given with respect to time to vacate, but it wasn't very long.

Alcoholic Beverages Advertising

DR. BUCK: Mr. Speaker, I'd like to address my question to the hon. Solicitor General. In light of the fact that the federal Minister of Health has suggested there may be some restriction on the advertising of alcoholic beverages on radio and television, I would like to ask if the minister or members of his department have had a look at the possibility of restricting advertising of alcoholic beverages on radio and television in this province.

MR. FARRAN: Mr. Speaker, I read with some interest the speech by the Hon. Marc Lalonde, and agree with him that alcoholism is a serious problem throughout the nation. The question of restricting advertising on television largely falls under federal jurisdiction of the CRTC. So that, plus the content of the actual shows themselves, will be something for the federal authorities to address themselves to.

So far as the limited beer and wine advertising is concerned, which is allowed in Alberta like other provinces, this matter is constantly under review, and was debated in public by a very important gathering in Calgary last weekend.

DR. BUCK: Mr. Speaker, a supplementary question. Has the minister asked for any studies to see if there's a correlation between the increased consumption of alcohol and the fact that we have advertising on radio and television?

MR. FARRAN: That is only a value judgment. I presume it would seem to be logical that advertising has some success in promoting products. Otherwise, people wouldn't advertise.

DR. BUCK: Mr. Speaker, a further supplementary. Can the hon. minister indicate if, along the line of the federal minister, the department or other branches of government have looked at a counteradvertising program to indicate the problems associated with abuse of alcohol and drugs?

MR. FARRAN: Yes, Mr. Speaker. That's a more direct question which I can answer. Moderation advertising is, of course, part of the Alberta Check Stop program. Most of the \$250,000 in this year's budget will be spent in that regard. I have had some discussions with AADAC and the hon. Minister of Social Services and Community Health on the possibility of extending moderation advertising even further.

Oil Exploration

MR. PURDY: Mr. Speaker, I'd like to direct a question to the Minister Without Portfolio, the hon. Mr. McCrae. It's in regard to remarks at the annual meeting of the Canadian Association of Oilwell Drilling Contractors, which he spoke to in Calgary.

Will the provincial government introduce legislation and regulatory change to further improve exploration

and development for the Alberta oil industry during this session?

MR. McCRAE: Mr. Speaker, the hon. Member for Stony Plain is referring to a speech I made in Calgary some weeks back to the Canadian Association of Oilwell Drilling Contractors, which is the official organization of the drillers.

Mr. Speaker, the speech related to what I think will be an upsurge of drilling activity here in the province as a result of initiatives the government proposes taking. My message to them was that I hoped they would meet the challenge of additional drilling. I would think, Mr. Speaker, they would have to do that through better organization with the explorers to assure that drilling occurs throughout the entire year rather than at peak periods. There is a high utilization during certain times and a very low utilization at other times.

Mr. Speaker, the stimulus that I expect will be coming from the government probably should be more specifically answered by the Minister of Energy and Natural Resources. Suffice it to say that I referred to a new proposed land tenure system, where there would be a single basic type of exploration agreement, and to an initiative to spring loose the deeper zones under existing fields for exploration after a certain period of time.

Mr. Speaker, I think any further elaboration in that area should come from the hon. Minister Mr. Getty.

MR. PURDY: I'll place a supplementary question to the Minister of Energy and Natural Resources. Will the existing agreements expire or be retroactive? Or will the agreements be phased in as old systems expire?

MR. GETTY: Mr. Speaker, it would be a combination. There will be a phasing-in of some portions of the new plan, should the bill and the legislation pass the House. That will be phased in over a period of time. Other portions of the new plan will take effect upon proclamation of the legislation.

MR. PURDY: Supplementary, Mr. Speaker, to the minister. Has the five-year notice on existing leases been implemented per legislation of 1972, or are we still on the 10-year notice?

MR. GETTY: Mr. Speaker, I have not been issuing drilling notices.

MR. SPEAKER: Might this be the last supplementary on this point.

MR. PURDY: Will any changes be introduced in the new land tenure system? I'm seeking information on the number of years a company may hold a lease before building must start. Will leases be obtained by competitive bids at public auction, as they now are?

MR. GETTY: Two questions there, Mr. Speaker. I suppose the best way to handle them would be to wait and see how the legislation comes before the House. It's our intent to change the manner of lease but to continue public auction on some leases.

Matrimonial Property

MR. NOTLEY: Mr. Speaker, I'd like to direct this question to the hon. Attorney General. It concerns the issue of matrimonial property.

Can the Attorney General advise the Assembly whether he proposes to include either the majority deferred sharing proposals or the minority judicial discretion proposal of the law reform commission on the matrimonial property question?

MR. FOSTER: Mr. Speaker, just so I'm clear. I understand the two proposals, but I'm not sure what you're asking of me. Are you asking whether there is legislation, or whether I prefer one view or the other?

MR. NOTLEY: Mr. Speaker, I'm asking the hon. Attorney General to advise the Assembly whether the government plans to proceed with either one or the other, or a combination of both.

MR. FOSTER: Mr. Speaker, the government has not yet settled upon a firm view as to its position on the subject, generally, of matrimonial property. I would suggest, however, that there are alternatives to one view or the other, or a combination of both.

I have expressed some personal views on this subject, and I just want to make it clear that there are alternatives other than those that have been published by the law reform commission, in either the majority report or the minority report, that are not necessarily a combination that go beyond it in some areas.

It's an extremely complex subject and one I'd be delighted to discuss in detail at some future time in the House once the government's response is clear.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Is he in a position to advise the Assembly as to the government's timetable for the introduction of legislation, bearing in mind the very considerable interest in this question in the province?

MR. FOSTER: Mr. Speaker, we are watching with great interest the initiatives being taken on this subject by some jurisdictions in Canada. There are some matters currently proposed before the Legislature in Ontario. We're also assessing public reaction to the report of the institute, to some of the remarks I've had to make. I'll be very, very interested personally in the response of the public of Alberta to Bill 229, I think it is, introduced by the Leader of the Opposition. I find it quite amazing.

Once that assessment has been completed by my colleagues and myself, we will be in a position to respond either in part or in whole. It's an extremely complex area. Mr. Speaker, it's entirely possible that we will in fact respond in part and move with considerable care, legislatively at least, into this area, recognizing it's extremely complex. We want to ensure we have a proper reading on the views and concerns of Albertans.

MR. NOTLEY: Mr. Speaker, a supplementary question to the hon. minister. Can the minister advise the Assembly whether the fall of this year is still being

considered as the target for introduction of legislation?

MR. FOSTER: Mr. Speaker, certainly our options are before us. I would say that the fall session of the House would be the next occasion when we might present part or all of our legislative proposal in this area. However, that isn't to say that's a commitment for doing so, but that's really the next occasion when it could be possible.

MR. SPEAKER: Might this be the final supplementary on this point.

MR. NOTLEY: Could the hon. Attorney General give an undertaking to the House that if introduced, the legislation would in fact be introduced in one session, then held over so that interested people could have an opportunity to respond to the government, as they are doing now with the heritage trust fund?

MR. FOSTER: Mr. Speaker, whenever legislation is presented to this House which is complex and fundamental in perhaps changing a whole body of law and the whole practice our society has become accustomed to, certainly our practice has been that we like to provide as much time as possible for review by the public. The matter of matrimonial property, I think, would fall into that category.

Land Banking

DR. PAPROSKI: Mr. Speaker, this is a question to the Minister of Housing and Public Works. It's further to a question asked earlier in the session, Mr. Speaker, and which I raised approximately three months ago at Edmonton City Council.

What progress has been made regarding changes in provincial policy regarding land banking, specifically in Edmonton Mill Woods, to ensure that the very, very economical land banked by the province and passed on to the city of Edmonton will indeed get to the consumer at a very, very economical price?

MR. YURKO: Mr. Speaker, as I indicated yesterday in the House, I had an opportunity this week to have an extensive conversation with the mayor of Edmonton and some of his officials. I indicated to him that we were structuring guidelines with respect to all land banked or serviced by the provincial government.

Our guidelines have not yet been approved by the Alberta Housing Corporation's board of directors. Tentatively, they would require that a minimum of 50 per cent of all single family lots would be sold to low- and middle-income families qualifying under the Alberta government housing programs. This would automatically set the price of the lot and the house, if you wish, because there are maximum limits on the price of the house.

In addition, 50 per cent of the multiple family dwelling units would have to be related to meeting the guideline qualifications of the Alberta government housing programs.

The city officials did indicate that the percentage with respect to Mill Woods was far higher than the minimum 50 per cent the government was considering as a guideline for the entire province. So I feel quite assured that the majority of the lots and the

land is going at cost to low- and middle-income people in the Mill Woods area.

DR. PAPROSKI: Mr. Speaker, a supplementary. I'd like to congratulate the minister on that action.

Mr. Speaker, the supplementary question is: what rationale is being used regarding the other 50 per cent of the land, which I understand will be sold to builders? The home and land then will be going at a variable market price which will be higher than the other 50 per cent.

MR. YURKO: Mr. Speaker, this matter was indeed discussed. The city did indicate that this year all single family lots were going basically at cost to individuals, rather than to builders, and the builders would then build for individuals.

We also reviewed the number of lots coming on stream in the Mill Woods area, and recognized that it was hardly sufficient in terms of the demand for housing in the Edmonton area. Through the Alberta Housing Corporation, we are now seriously discussing with the city of Edmonton the possibility of bringing additional lots on the market this year.

DR. PAPROSKI: A final supplementary, Mr. Speaker. Will the minister assure the House that in fact the land-bank policy will be applicable to all land banked for homes across the province?

MR. YURKO: Mr. Speaker, I thought I already indicated that tentatively these were our guidelines, but that they would have to be reviewed by the board of directors of the Alberta Housing Corporation, which is meeting next Wednesday to review this particular matter. So I think I can assure the hon. member that the board of directors will be giving very favorable consideration to such a guideline, but may change the actual numbers.

Schedule of Legislation

MR. MANDEVILLE: Thank you, Mr. Speaker. My question is to the hon. Minister of Municipal Affairs. Will the minister be introducing the provincial planning act prior to the Easter recess?

MR. JOHNSTON: No, Mr. Speaker.

MR. MANDEVILLE: Supplementary question to the hon. house leader. What legislation can we expect to be introduced before we recess for Easter?

MR. HYNDMAN: I think possibly four or five bills will be introduced before Easter, and I would think there is a good possibility that the very important Alberta heritage savings trust fund bill will be introduced prior to or on next Wednesday.

MR. NOTLEY: Supplementary question to the hon. Minister of Municipal Affairs. Is the minister in a position to advise whether the government plans to proceed with the planning act during the spring session, or will it be held over until the fall?

MR. JOHNSTON: We intend to proceed, Mr. Speaker, in the sense that we'll introduce it, and certainly we would lay it over until the fall session.

BNA Act

MR. TAYLOR: Mr. Speaker, my question is to the hon. Deputy Premier. It's with reference to the repatriation of our constitution.

Is it the position of the Alberta government that we should have the consent of all provinces, or a majority of the provinces?

DR. HORNER: In regard to the question of repatriation, it's the view that we should have the consent of all the founding partners.

Livestock Watering Facilities

MR. MILLER: Mr. Speaker, I direct my question to the Minister of Agriculture. Would your department consider giving assistance in the construction of livestock watering facilities in the Suffield Block, so that greater utilization of the grass could be obtained for grazing?

MR. MOORE: Mr. Speaker, we do have a program of assistance in the Department of Agriculture. It's a federal-provincial program for livestock watering facilities. Whether it would apply in the Suffield Block and how arrangements might be made to assist there, I really don't know, but I'd be happy to follow it up.

Rent Control Legislation

MR. LITTLE: Mr. Speaker, might I address my question to the hon. minister of Consumer and Corporate Affairs? Is the minister able to inform the Legislature whether any charges have been laid in the Calgary area under The Temporary Rent Regulation Measures Act?

MR. HARLE: Mr. Speaker, I do not know the answer to that question as of today. As far as I'm aware, there have been no charges laid as yet.

MR. LITTLE: Supplementary, Mr. Speaker. I would like it recorded, and I'll get the answer later from the minister.

The second question is: have any convictions been obtained under the act? The final supplementary would be: have there been situations where the rent control officers, rather than the complainants, have sworn to informations on behalf of the complainants under the terms of the act?

MR. HARLE: Mr. Speaker, there have been no convictions as yet. The matters are proceeding through the court at this time.

With regard to the second part of the question, I would refer the hon. member to the legislation itself, and point out that we are considering a possible amendment to the act to clear a point which has

developed as a result of the investigations that have taken place so far.

MR. GOGO: Supplementary, Mr. Speaker, to the Attorney General on the same question. Does the Attorney General have sufficient staff to proceed with charges under The Temporary Rent Regulation Measures Act?

MR. NOTLEY: He needs more staff. He's got to pay them more.

MR. FOSTER: Mr. Speaker, I'm delighted with questions like that, and I'd be happy to go into this in considerable detail in my estimates later this morning, if you'd like.

MR. NOTLEY: Agreed.

SCHIP Grants

DR. WEBBER: Mr. Speaker, my question is also to the Minister of Consumer and Corporate Affairs. Since the introduction of the senior citizen home improvement program, has the minister's department received any complaints from the public about individuals or companies using questionable ethical methods, or possibly illegal methods, in getting senior citizens to sign contracts for home improvement projects?

MR. HARLE: Yes, Mr. Speaker, there have been a number. I think it is important for senior citizens to realize that when they do obtain the grant, it is their responsibility to make sure it is well spent. I would urge senior citizens to take the usual precautions. If they have any difficulties, the consumer relations officers in the Department of Consumer and Corporate Affairs would be only too happy to assist them.

DR. WEBBER: A supplementary, Mr. Speaker. I wonder if the minister could indicate whether any charges have been laid against individuals or companies, or whether any of these companies have had licences revoked.

MR. HARLE: Mr. Speaker, I would like a little more information from the hon. member. We issue a great number of licences. The licence which perhaps has the greatest significance to the senior citizen in this type of program is the one under the direct sales provisions. There are, of course, a number of suspensions and prosecutions continually under that act.

MR. LITTLE: A supplementary, Mr. Speaker. I believe this question should be directed to the hon. Attorney General.

Does the Attorney General contemplate monitoring the activities of persons and groups who are well known in the field of home improvements or home repairs, and who habitually prey on senior citizens?

MR. FOSTER: Mr. Speaker, if we have reason to believe that individuals in our society have been offending the provisions of the law, of course we will bring them before the courts. If we detect a course of

conduct on the part of some of these citizens, it is usually the practice of the police force of the province, as I understand it, to keep an eye on such individuals in anticipation of predicting their future activities and exposing other illegal conduct on their behalf.

I don't have any specific directives out, nor am I aware of any specific interest in this section by the police. From the number of questions raised in the House on the matter of rent regulation, prosecutions, and the like, I'm concluding that MLAs are obtaining some reaction from their constituents on this. It may be that I need to inform myself somewhat better in future from my agents than I have in the past as to the kinds of concerns coming to their attention and the kinds of comments relative to possible prosecutions that may be coming from the police forces of the province. I'll endeavor to do so.

MR. YURKO: Mr. Speaker, if I might supplement an answer to a number of the questions, to indicate that when a subcontractor is retained by a senior citizen, he bills the senior citizen. The senior citizen has to send the billing to the director of the program. The director then stamps the bills. Nothing is paid until the senior citizen receives the billing stamped by the director. This is true of all subcontracting. The senior citizen can then take that stamped billing, go to his local bank, and receive the money. But he doesn't have to pay that subcontractor until he's happy with the work. So the emphasis is on the subcontractor to collect. The senior citizen does indeed have a considerable amount of leverage in terms of being satisfied with the work done.

Plastic Pipe

DR. WARRACK: Mr. Speaker, before the question period concludes, I wonder if I might respond to a question I took under advisement that was posed yesterday by the Member for Pincher Creek-Crowsnest. It's a very important question, having to do with the use of plastic pipe for potable water distribution both for people's requirements and for livestock.

I wish to advise that last September the Department of Utilities and Telephones did circulate to all gas co-ops, all utilities officers, all municipalities, and all consultants on the subject of the use of plastic pipe. To excerpt the information: the pipe must not — underline must not — be used for potable water distribution, as it contains toxic materials when used that way, referring to the arsenic and lead problem.

Shortly thereafter, the plumbing inspection branch of the Department of Labour sent a follow-up indicating those same problems to all provincial plumbing inspectors.

So that has been done in line with the suggestion of the hon. Member for Pincher Creek-Crowsnest. I think it would be useful if this was done again. I shall undertake to see that advice goes forward.

Foothills Hospital — Kidney Transplant

MR. KUSHNER: Mr. Speaker, I wish to direct this question to the Minister of Hospitals and Medical Care. Can the minister inform this House if the

provincial government is monitoring people who have been waiting for kidney transplants and have died?

MR. MINIELY: Mr. Speaker, I'm not sure what the hon. member is referring to by monitoring kidney transplants. Is the hon. member suggesting that the two are necessarily related?

MR. KUSHNER: I'll rephrase the question. If the provincial government has been monitoring since kidney transplants have been discontinued at the Foothills Hospital — since last summer, I guess — how many patients have died while waiting for a transplant?

MR. MINIELY: Mr. Speaker, I think the only way I can answer that question is based on research and information I have examined. I think the hon. member is also aware of the fact that a difference of opinion certainly exists on alternative methods of care for kidney patients.

Information I've examined would indicate there are basically two programs at the Foothills Hospital. One is the now suspended kidney transplant program, the other is renal dialysis which is a machine utilised for kidney patients.

That's why, Mr. Speaker, I was saying I think the hon. member is making an incorrect judgment by necessarily assuming that the fact that someone does not receive a transplant has in any way a direct association with whether a kidney patient dies. Renal dialysis — and I'm only passing on the research that I've examined — has at least as good a mortality rate as the kidney transplant program, if not better. So I can't answer the hon. member's question associating the two, because they aren't necessarily associated.

MR. KUSHNER: A supplementary question. I wonder if the minister would confirm that, since last summer, four patients died waiting for a kidney transplant.

MR. MINIELY: Mr. Speaker, I can't in that case, because that's something between the individual doctor and the patient. Certainly, there are alternatives that are worked out between the doctor and the patient. That's something that is their decision.

MR. KUSHNER: A supplementary question. Would the minister inform this House if there has been any discussion with the Foothills Hospital and the city of Calgary, of the responsibility being under the jurisdiction of the city of Calgary rather than the province?

MR. MINIELY: Mr. Speaker, the maintenance and operation of all programs in hospitals, whether kidney transplantation, renal dialysis, or cardiovascular surgery, are under the jurisdiction of individual hospital boards. I've said that many times. My judgment is that to alter that situation . . .

MR. SPEAKER: With great respect to the hon. minister, as the Chair understood the question, it was whether there had been discussions between the minister and the city of Calgary.

MR. MINIELY: Mr. Speaker, I assumed the hon. member was referring to the fact that autonomous

local hospital boards are in the same category as the city of Calgary. I emphasize again that these are decisions which must be made by the individual hospital boards which have that public responsibility.

MR. KUSHNER: A question, Mr. Speaker.

MR. SPEAKER: Might this be the final supplementary on this point.

MR. KUSHNER: Am I led to believe that the Foothills Hospital board appointed by the provincial government is responsible to the provincial government?

MR. SPEAKER: The member is either making a representation or asking for a legal opinion which perhaps he might seek otherwise.

Olympic Athletes

DR. PAPROSKI: Mr. Speaker, a question to the Minister of Recreation, Parks and Wildlife. Does the minister now have a list of Alberta athletes who will be participating in the Olympics?

MR. ADAIR: Mr. Speaker, I just happen to have with me . . . In response to the question you asked earlier, I checked if we did in fact have some of the names of those athletes already selected for the Olympics. Eight have been selected to date, plus one official. If you choose, I can give you the names now.

MR. SPEAKER: Would the hon. minister kindly use the ordinary parliamentary form in addressing the Assembly.

DR. PAPROSKI: Mr. Speaker, a supplementary. Will the minister be able to make the members of the Assembly aware of those by tabling them?

MR. ADAIR: Mr. Speaker, I can give the names of the eight right now: in shooting, John Primrose, Susan Natrass; team handball, Rich Lambert, Wolfe Blankenau and Stan Thorset; archery, Ron Genge; basketball, Phil Tollestrup; volleyball, Al Taylor and Betty Baxter.

AN HON. MEMBER: Could you repeat that?

DR. PAPROSKI: A supplementary, Mr. Speaker. In addition to the support of Game Plan 76 will the minister and his department be supporting these athletes by way of public relations, to make sure that Albertans know their participants?

MR. SPEAKER: No doubt the hon. member's representation has been noted by the minister.

I apologize to those hon. members who wish to ask second questions. Perhaps if this is going to continue, we're going to have to shorten the number of supplementaries.

DR. PAPROSKI: A final supplementary, then, if I may.

MR. SPEAKER: We're actually out of time. I think perhaps the hon. member's supplementary might be put in the form of a question on Monday.

DR. PAPROSKI: Mr. Speaker, may I have leave of the House to ask a final supplementary?

HON. MEMBERS: No.

DR. PAPROSKI: Thank you. [laughter]

MR. HYNDMAN: Mr. Speaker, I'm taking a chance. May I have leave of the House to answer very briefly two questions posed within the last week by the member for Clover Bar?

HON. MEMBERS: Agreed.

Elk Island National Park

MR. HYNDMAN: The first question was with regard to a federal park survey being done in Elk Island Park. Yesterday I received from the western region of Parks Canada a form letter to which was attached a questionnaire. It appears that that branch is conducting a survey on facilities and uses of Elk Island Park. It is developing a master plan and trying to gather public opinion. Our department and others in the government are studying this questionnaire and we'll be making appropriate submissions in the best interests of Alberta. If the hon. member any submissions to make to me with regard to his constituents' interests, I will look at them.

Trade Mission

MR. HYNDMAN: The second question was one posed to the Premier with regard to the status of a "proposed mission to the Middle East". That was asked, I believe, on March 31 when I was in Ottawa.

Of course, Mr. Speaker, we will be considering a number of follow-up situations to reinforce aspects of the very successful European mission, but nothing definite with regard to anything in that area has been decided respecting the Middle East. Certainly, nothing on the scale of the European mission is in our thinking at this time. I think future moves with regard to any travels in the Middle East would depend on emerging trends and developments in the areas of energy, petrochemicals, trade, and possibly federal government initiatives.

ORDERS OF THE DAY

MR. SPEAKER: I believe some hon. members would like to revert to Introduction of Visitors, if the Assembly would agree.

HON. MEMBERS: Agreed.

head: INTRODUCTION OF VISITORS (reversion)

MR. SCHMIDT: Mr. Speaker, it's indeed a pleasure for me this morning to introduce to you, and through you to the members of this Assembly, 45 young

Albertans from the Calmar School in my constituency. They are accompanied by their teachers. They are seated in the members gallery. I would ask them to rise and be recognized by the House.

[Mr. Speaker left the Chair]

head: **GOVERNMENT MOTIONS**
(Committee of Supply)

[Dr. McCrimmon in the Chair]

MR. CHAIRMAN: The Committee of Supply will now come to order.

MR. HYNDMAN: Mr. Chairman, for the information of the committee, the proposed order for consideration of departments this morning would be — and these are the ones that have been through subcommittee — the Departments of the Attorney General, Labour, Consumer and Corporate Affairs, and Municipal Affairs.

MR. CHAIRMAN: With respect to the reporting by the chairman of the Committee of Supply, it has been suggested by the Government House Leader and agreed to by the Leader of the Opposition and the hon. Members for Drumheller and Spirit River-Fairview that when the report is made, the final totals of each department be given and all other votes be accepted as read.

Does the committee agree to this change in procedure?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: This will be carried on from now on.

Department of the Attorney General

MR. CHAIRMAN: Would the hon. minister have any opening remarks? This has been through subcommittee.

MR. TAYLOR: Mr. Chairman, I didn't happen to be in the subcommittee, but there are one or two points I would like to make. The first item I'd like to have the hon. minister comment on is this matter of the age of juveniles. I understand that at the present time, based on the decision of a court, girls up to the age of 18 are tried in juvenile court, and boys are tried in the adult court if they're over 16.

In checking out some of this work, it appears that these ages, 18 and 16, were established a number of years ago, I believe in 1930, by the federal government. To my knowledge, they haven't changed since. Since that time, we have established a majority age in this province and in most provinces. When girls under 18 were tried in adult court, I can fully appreciate the concern of the groups in Calgary and of the judges and the judges' decisions, because it did place a criminal record on those girls if they were tried for a criminal offence. They are under the age of majority. Consequently, there is some concern. Now that that age has been raised to the age of majority for girls, I can see no further difficulty in that regard. If a girl is able to assume all other legal obligations at

the age of 18, she certainly should be required to appear in adult court at the age of 18, too.

But it's a different proposition in regard to boys. For the life of me, I can't understand why a boy, because he's between 16 and 18, would be tried in adult court on his first offence. He's still a juvenile as far as everything else is concerned. I think it is very, very unfair to place a criminal record on a boy of that age. I can understand there may be some boys who are very hard to handle and have a number of offences. Perhaps some provision should be made for those who have two or more criminal offences to be tried in adult court. But certainly, even that is questionable.

I have a very strong conviction that a boy between 16 and 18 should not be tried in adult court for a first offence. He is not an adult. He is not an adult in regard to marriage. He's not an adult in regard to legal contracts. He's not an adult, in any sense of the word, for anything except misdemeanors. This, in my view, is not right. A lad of 16, particularly one who commits his first offence when he's between the ages of 16 and 18, should not be shoved into adult court — certainly not on the first offence. If we want to make a law that second, third, fourth, or fifth, whatever the majority of the Legislature thinks . . . But I would certainly very strongly oppose having a boy between 16 and 18 tried in adult court.

I think we have to check to see what this does to the life of a boy. A boy may make one mistake, and immediately he's tried in adult court. The whole purpose of juvenile court is to try to correct, prevent, and help, and not particularly to punish. When a boy of 16 has a criminal record because he makes one mistake, even though he's under 18 — I think this is very, very questionable indeed. I would like to see a procedure established in this province that unless ordered by a court for some very, very definite reasons, boys of 16 and 18 be tried in juvenile court. I emphasize that particularly for first offenders.

I realize that the age of juveniles is different across Canada. Apparently, in all the provinces except Manitoba and Quebec, boys are tried at 16; British Columbia, 17; and Newfoundland, 17. Otherwise, it's 16 in all the provinces. That doesn't mean too much to me, because it all comes out of the federal direction way back in the 1930s. These provinces are still following that. Maybe some of them haven't even got an age of majority. Some of them have. But I thought that when we established an age of majority in the province, we established it for all purposes, and not just for legal contracts, marriage, et cetera. If it's going to apply to all these business contracts, I can't see why it shouldn't apply to misdemeanors as well — and certainly on the first offence.

I would like to have the comments of the hon. minister on this problem.

DR. BUCK: At the same time, it may save the minister some time if he can explain to one unlearned in the law how it is that boys who are 14 — like the case that was asked [about] in question period this morning — come up before the senior court.

MR. FOSTER: Mr. Chairman, the hon. Member for Drumheller is quite accurate in his reference to ages now in the law as to how Alberta treats young offenders in adult court — 16 for boys and 18 for

girls. As I understand it, the flexibility for naming the age is in the juvenile delinquents act. I think this province established the distinction between male and female — 16 and 18 — in 1952 by order in council. It was done then. That flexibility is there because many provinces have different ages, as you pointed out.

It has remained unchanged since '52. I have talked briefly in the House about the recent interpretation of the law by district court judges and now supreme court judges. At the moment, as I think we all appreciate, we're back to what we think is the existing law and the existing distinction. However, what we're talking about now is what the law should be, not what it is.

First of all, I don't see any reasonable distinction, or any rationale for drawing a distinction between male and female on this subject. I think we should be consistent. That's looking down the road. Today the law is 16 and 18, and I trust that will remain the law until we make decisions with respect, primarily, to federal proposals on young offenders in conflict with the law. I'll come back to that in a second. I don't see any reasons for a distinction. Personally, I think it should be the same. If I were to select an age, I'd say 16.

While I say that, let's be very clear that I think what we're really after is flexibility. There's nothing magical about an age. There are some boys and girls who probably should be treated in adult court at 14. There are some male and female people who probably should be treated outside the adult court at 18. Their chronological age is not any particular guarantee of their maturity, their capacity to accept responsibility, et cetera. What I would like to see is a consistent age — perhaps 16 — for both parties, with the capacity to take a young person, even if he's under 16, and direct him into the criminal court as has been suggested here this morning; and in some cases the capacity, even if he's over 16, not to put him through the criminal court but to put him back through the child welfare branch. I think that kind of flexibility is important. That assumes a value judgment by police, by agents, and by other social people as to how this individual should be treated.

Frankly, I'd be quite content to do away with the juvenile court completely, as long as you build into adult court some of the guarantees you want to have for persons of tender age coming before the law; for example, certain kinds of proceedings in privacy, notices to parents, access to proper advice as to the real capacity of the individual before the court. Again, this is whether you need another level of court in our society. I think we can so accommodate or design adult court with the kinds of protections and guarantees for young persons that they can be handled there, with the other kind of flexibility I've talked about.

The hon. Member for Drumheller was concerned about the records of young persons; for example, a male who, looking back ten years later, says he was found guilty of a criminal offence at 16. He's been an upstanding citizen for years and years. I'm not much on criminal law, but I understand there is, or will be shortly, capacity to expunge one's criminal record. Other lawyers here, better informed than I, may be able to help me. I'm not sure where that is, whether it's currently the law of Canada or whether it's before

Parliament right now. So you will not saddle a person with a criminal conviction for his lifetime and some of the incapacity that renders to that individual. I'm sorry, I'm not that well prepared on that subject.

On the question of the age of majority, I don't think there's anything magical about that as the age at which one gains legal capacity for contract, et cetera. [I don't think] there's anything magical about that age relative to whether or not that individual should be treated in adult court.

When you consider that many of the hardened criminals in our society in Alberta today are between about 14 and 19 or 15 and 20, it makes you wonder whether in some circumstances you should be arguing that anyone short of 18 should be treated almost as if they were a neglected child, and that is often the case. It may be that we need to treat some of these younger people as offenders of the criminal law in adult court and provide them with some of the punishments that adult court has the capacity to award such a young person.

The Member for Clover Bar asked how it is that persons under 16 can be dealt with in adult court. As I referred to earlier in my remarks, my understanding of the situation is there is capacity for a decision to be taken upon review of the individual person to assess whether he should be treated as an adult, notwithstanding that he is younger than the chronological age of, say, 16 or 18.

I think that capacity should exist, because I believe there are some people below the so-called legal limit who have embarked on a very deliberate course of criminal conduct, who don't respond to being treated as neglected children by, say, child welfare people, and who blinking well should be treated as adults in adult court, subject to the penalties there.

What I'm opting for is maximum flexibility in treating people either through the adult court and perhaps then the correction system, or streaming them off through the child welfare services.

MR. TAYLOR: Mr. Chairman, I don't want to unduly pursue this, but I would like to make one or two comments. In connection with juvenile court, I'm not particularly happy either, although I certainly wouldn't give a wholesale or blanket condemnation of juvenile court. I think where juvenile court falls down badly is that it doesn't have any follow-up. In many, many cases, it doesn't follow up the things it directs and orders.

If juvenile court is going to have a real influence on the lives of boys or girls who make their first mistake, I think that's where tremendous good can be done, before they are hardened criminals. Perhaps some of these who are 14, 15, and 16 are now in that capacity because they've been treated like criminals from the time they made their first mistake. I think this is an error.

I know there's nothing magical about the age of majority. I remember when the order in council was passed setting the present limits for girls at 18 and boys at 16. At that time, the age of majority was 21. There was even argument at that time why girls should be different from boys. In connection with first offences, I just don't see why there should be any difference.

As a matter of fact, the set-up I would like to see, that I think would be fair and would work, would be to

respect the age of majority up to the first offence, then have the facility the hon. minister mentions for trying elsewhere persons who persist in offences. I think that would then have the effect of preventing many, many of our young people from making a second mistake in the same way.

When we talk about expunging the criminal offence from the record, that's okay. But I know boys today who have had that expunged, yet the community still remembers they had a criminal offence. It's always thrown against them, and unless they move thousands of miles away, they just can't get away from that. I hate to see a young boy have a criminal record because he makes one mistake between the ages of 16 and 18. Many of us might have had a criminal record had we been in that position years ago. I just don't think that is right.

So I would strongly recommend to the hon. minister that first offenders particularly, both boys and girls, be treated irrespective of the age of majority, and they be treated in juvenile court. I don't say that has to be a court that's just for those who are unable to look after themselves, and so on. In my view, juvenile court should be a facility to deal with boys or girls who make their first mistake, and to try to get them back onto the right path, talking, counselling, following them up, and so on. If that were done, I am satisfied that the vast majority of these boys would never appear in court again.

When we talk about the age of majority being magical, it's not magical for drinking either. Many boys I know of are 18 in one way, but their chronological age is only 16. We'll never get away from that. There's always that change. We recognize that age for driving purposes. We recognize it for drinking. For the life of me, I can't see why we shouldn't recognize it for being tried for offences, particularly first offences. After that, let's have a facility that says, this boy is not responding, so we'll have to treat him as an adult. If he's going to act as a criminal, we'll treat him as a criminal. But let's not put all boys 16 to 18 in that category, because in my view, very few are in that category now, but many will be if we continue to treat them as criminals.

DR. PAPROSKI: Mr. Chairman, I just want to make some brief comments, because this is a very high concern that has been expressed to me by various constituents.

I am pleased to hear the minister say he is looking at, and certainly agrees with, equality as to age for males and females, also recognizing the necessity for flexibility, depending on the offence and so on.

I wonder if the minister would respond to the committee as to whether he's heard from the judiciary the often-heard complaint from citizens, as the hon. Member for Drumheller has indicated in part, that there is no or very little follow-up of young offenders after an offence has been committed; that there are not enough facilities in which to place young offenders — this is true not only in Alberta, but across Canada.

There are not enough alternatives with respect to vocation, training, or education when they in fact have participated in an offence, and as a result need a different training program. There is not enough evaluation to place these individuals in the appropriate direction, to in fact get them back into the

mainstream of society.

Mr. Chairman, I think probably the central problem, in addition to the preventive aspect, is that once the offence has been created, there is ample opportunity to do something about this, yet we as a society — not reflecting on Alberta only, but across Canada — seem to be failing in this very central area.

MR. SHABEN: Mr. Chairman, as a member of Subcommittee A, I wasn't able to attend the estimates of Subcommittee B, but I'd like to ask the minister a couple of questions.

The first question is: is an increase provided in this year's budget for salaries of provincial judges? The second question is: how do the salaries of the provincial Alberta judges compare with their counterparts in other provinces? The third question is: is the minister having difficulty obtaining judges to fill those positions that are now vacant or have been made available? Also, would the minister indicate how his department is proceeding with the hiring of Crown counsel.

MR. FOSTER: With respect to the concerns expressed by the Member for Edmonton Kingsway, I think we can all agree that not enough is being done. If, in fact, enough were being done, we wouldn't have many of the problems we're dealing with. But that isn't only true in juvenile court. It's true in other courts as well. The Solicitor General and I, and others, relative to the Kirby [report], have talked in this House of the broad range of options the courts need to treat adequately offenders of all ages who come in conflict with the law. Sentences of imprisonment or fine are traditional. It's not that the court doesn't have the jurisdiction to sentence persons to other kinds of punishment. But in not too many places in this country or North America, as far as I know, has the Crown come up with many options other than fines and imprisonment. Certainly, we probably need a broad range of options with respect to young persons, as well as for older persons who offend the law.

The Solicitor General's Department, and in many respects the department I represent and the Department of Social Services and Community Health, end up dealing with the casualties in our social and legal system. Perhaps all of us should be giving some thought and attention to what we might do, as the hon. Member for Drumheller has remarked before, to strengthen the family unit and prevent and discourage the course of conduct that leads young persons and other people into conflict with the law.

With respect to the questions raised by the Member for Lesser Slave Lake, salaries for judges in Alberta at the moment are: the chief judge is paid a salary equivalent to a district court judge; the assistant chief judges, who have not yet been appointed, will be paid salaries about \$2,500 less than that; the salary of ordinary provincial court judges at the moment is \$35,000 and will shortly be moving, I think, to something shy of \$37,400.

How do they compare with other provinces? I don't have the details with me. I think we are above many other provinces of Canada. But that is not to say the other provinces of Canada aren't experiencing the same problems in the administration of justice that we are. For example, simply because our Crown

salaries or of judges or salaries of other people who work in the justice system are roughly compatible with what other governments are offering is not to say they are therefore reasonable and adequate.

Other justice departments in this country have the problems we have. Some of them are more severe than ours. Our suggestion is that we can cure some of these problems by attracting better and, in some cases, more people to the administration of justice. In some circumstances, that involves providing a higher level of remuneration and reward to those who either become members of the bench or serve in the employ of the Crown.

With respect to the difficulty in obtaining judges, that's a little difficult to assess. Certainly, in this last round of appointments we've made — and there are two or three yet to come — we had a number of applications from across the province. I think we are being quite selective in our appointments to this position. However, as Mr. Justice Kirby points out, we must continue to attract a very high level of legal expertise. The simple fact is that a great many members of the bar in this province at the moment — and in other provinces, but principally here — will not be attracted to the bench in Alberta because the remuneration and rewards are substantially below what they might expect.

Now, I have been saying we are endeavoring to upgrade the salary of provincial court judges. Several people have applied for these positions in the expectation that we will make good on our commitment. I suggest that many people who have applied would not have done so if they thought we had to live with the existing level. However, we are limited in our judicial appointments, I believe, to the maximum provided under the federal legislation of \$2,400, less something because of benefits.

With respect to lawyers, I think it's obvious to all who are involved in this community that we are seriously short of criminal counsel, principally in Edmonton and Calgary. Witness the backlog of cases. We have added some members to the judiciary. Of course, that will somewhat increase our backlog, if we don't correspondingly increase the number of Crown counsel as well. It's no secret that we're having very, very considerable difficulty in attracting members from Alberta to either the criminal or the civil section of the department. Again, part of the reason for that is opportunities in the private bar are so very good in this province at the moment that it's difficult to get people out of their offices and into the Crown's employ.

I'm happy to report we are having some success in engaging counsel elsewhere in Canada, principally central Canada. But we are having to offer these people something higher than we would pay for a comparable level of experience in this province. On that subject, our average salary levels for counsel who have somewhere around eight or less years of experience at the bar is probably quite competitive with their circumstance in the private bar. The problem is not so much there. The problem is really with more experienced counsel, of whom we have very few. Those we have, I feel, are excellent.

My hope is that we can attract to the department not many, but certainly several, experienced senior counsel, particularly in the commercial fraud section. You know, we are really scratching the surface of

commercial fraud in our society. I would not want to go into that in detail, but I think that's a fair comment. We simply have to have an expanded capacity in the police force of the province to work in the commercial fraud area. To do so there and not to provide an expanded and quality capacity in Crown counsel would be, I think, false economy.

MR. NOTLEY: Mr. Chairman, I want to touch on three general areas. The first deals with the question of matrimonial property, which I raised in the question period today. The second deals with the question of government salaries, lawyers' salaries, judges' salaries, and what have you, which has already been touched on in part. But I want to pursue that a little more, if I may. The third deals with the question of legal aid. I presume it's probably better, Mr. Chairman, if we discuss most of these things under the first heading rather than picking them up piecemeal through the estimates.

Mr. Chairman, turning first of all to the matrimonial property question, the minister indicated this morning that the government is looking at this matter and may or may not be in a position to move this fall. In the more flexible latitude we have in the estimates, I wonder if the minister would like to pursue that a little bit, in terms of what we're really looking at at this stage of the game as a timetable for some kind of legislation.

The other thing I'd be interested in is: on February 2, the minister talked to the Bar Association in Calgary and indicated what I gather would be something of a partial compromise between the minority and the majority position. That is that the matrimonial home would be split 50-50, and the remaining assets would be subject to judicial discretion. The reason I raise that is I've had a number of people from various women's groups come to me and say they think that kind of solution would be the worst of all. They say that would be a worse situation than they have at the present time, because normally the woman ends up getting the matrimonial property, as things stand.

MR. FOSTER: You mean the home.

MR. NOTLEY: The home, that's right. Their indication to me is that if one were just to read the reports, and that's all we have to go on, that in fact might make the situation somewhat more difficult for women than the present situation. These women, by the way, were not even advocating the majority report. They were suggesting the minority report of the law association, or the committee looking into it, would be adequate as far as they were concerned. But they felt that the sort of middle ground you took would be the worst of all worlds.

Now, I must confess at the outset that I'm certainly no expert on the question of matrimonial property. But I'd be interested in the minister bringing the committee up to date on his thinking at the present time and, more specifically, what we're looking at in terms of a timetable and what have you.

The second question deals with government lawyers and salaries. Admittedly, there's no doubt that one has to pay in order to attract people. But at the same time, we're in a time when we are supposedly fighting inflation, and you have what

appears to be a double standard. Whether the minister thinks there are or not, there appear to be double standards when we say, yes, we're going to have restraint, but we don't want to apply that to lawyers or judges because we have to attract people into the judicial system. That's quite a reasonable answer in many ways.

The same answer could be given, however, with the same degree of force by the Minister of Advanced Education, who now finds we aren't retaining technical instructors at NAIT and SAIT because of the competition of the private sector. People are being drawn back into the trades. They can make more money working in the trades at Fort McMurray than they can teaching at NAIT or SAIT, so that's where they're going to go. It's very difficult to retain instructors at that level.

The question really is, I suppose — I'm not here just to get into a debate on it. I know we have to try to improve the judicial system. We've talked in this House about the recommendations of the Kirby report. By and large, I agree with those recommendations. But it seems to me those recommendations have to be viewed in light of the present restraint policy, at least as it applies to salaries.

Now, the minister has already said that judges are going to stay within the federal guidelines. We're looking at an increase, I understand, from \$35,000 to \$37,400. So that's within the guidelines. However, what I am interested in nailing down is, are these same guidelines going to be applied specifically to lawyers? What are we going to do about increments? Are we going to have one or two or three increments? In other words, are we going to have expanded increments in order to retain lawyers, senior lawyers especially, in the public service?

I would also be interested in knowing specifically what kinds of discussions — not formal commitments — have taken place as we attempt to recruit lawyers in central Canada or other parts of the country. Are we saying, look, here's the salary grid. You're at such and such a level. The most you can possibly get is \$2,400, because that's the ceiling. Or are we saying, well, maybe we can play a little bit here and a little bit there. We can have added increments and we can push you along sooner, and what have you.

In other words, are any implied commitments being made to people in order to get them to come to Alberta? I say that because while, again, we all support the recommendations of the Kirby report, it seems to me if you accept the argument that we're only in this plan now for another 15 months — that was the time set out in the act that concluded Alberta's participation in the control scheme — I really question whether we do not create among the public that kind of needless suspicion when we appear to be setting double standards for lawyers as opposed to other groups in society. I think that is a problem. I wonder if it is not better — I say this quite frankly — to defer the salary question or live explicitly within the guidelines on salaries until the expiration of Alberta's participation in the agreement.

I think there are many other aspects of the Kirby report we can move on to improve the judicial system. Certainly, more money for clerical staff, more money for general administration: they're necessary in our court system. I acknowledge the minister's point that, you know, we do have to acquire skilled people.

He mentioned the example of commercial fraud. That's a very good area. On the other hand, we are now in a time when I think even the appearance of double standards, particularly as it applies to the legal profession — and the Attorney General well knows that the legal profession does not really enjoy the greatest reputation for self-sacrifice in our society.

DR. PAPROSKI: It does in this House.

MR. NOTLEY: Well, whether it does in this House or not, we'll wait and see. The Member for Edmonton Kingsway is now making representation on behalf of doctors. I don't know whether doctors, lawyers, accountants, or whoever are making the sacrifice.

In any event, Mr. Minister, the fact of the matter is that you've got to be able to explain this plausibly, so it does not appear to be one law for the skilful and the adroit, and another for other people.

Another question I want to deal with, Mr. Chairman, concerns legal aid, which has long been a concern of mine. I wasn't able to be in the subcommittee, but one of my researchers did attend and advised me that while more money was going to be available for legal aid, the priority was really not as great as I would like to see it. For example, I would like to find out from the minister whether he considers legal aid a right. When a person finds himself in conflict with the law, or in the case of . . .

AN HON. MEMBER: Don't forget "herself".

MR. NOTLEY: Pardon?

AN HON. MEMBER: Don't forget "herself".

MR. NOTLEY: All right. Okay. Maybe I was going to say "itself". But I won't say . . .

When an individual finds himself or herself in conflict with the law, is that a right, or is it something which, in the minister's judgment, should be judged on whether it's reasonable or not reasonable? Now, I don't think it should be judged on that latter basis. I think it should be a right. If we're really going to have equality before the law, the right to counsel must be there, in my judgment.

That raises the question of how we're going to finance this thing. Again, I am a little at a disadvantage here, because I wasn't able to attend this subcommittee. I was at another subcommittee. But apparently you indicated in subcommittee that the Legal Aid Society could get aid from other sources. That may be true. But I really think the best way to finance legal aid in the province is through the provincial government. I don't like the idea of having to scout around for other sources of revenue. It seems to me we have to provide sufficient funding for legal aid to be available to people and that it's there as a right, not as something they have to chase around trying to track down. Then there is a very complicated procedure. I've advised people myself, as an MLA, to contact legal aid. It's a rather long, drawn-out procedure. I think it should be there basically as a right.

So those are the three things I'd like the Attorney General to expand on, Mr. Chairman: where we're at, at this stage of the game, on the matrimonial property question; what he sees in terms of a timet-

able to make changes. Secondly, what commitments, if any, have been made to obtain government lawyers? Thirdly, what priority does the government give to continuing to improve legal aid, making it a basic right of people in the province?

MR. CHAIRMAN: Excuse me. Could we have permission of the committee to revert to Introduction of Visitors?

HON. MEMBERS: Agreed.

head: **INTRODUCTION OF VISITORS**
(*reversion*)

MR. McCRAE: Thank you, Mr. Chairman. It's my pleasure this morning to introduce a group of students from my constituency of Calgary Foothills. They're from Doctor Coffin School, Grades 5 and 6, and are 82 strong. They're in the members gallery and in the public gallery. They are with their teachers, Mrs. Beryl Woodward, Mrs. Marty Gordon, Mrs. Betty Simala, Mr. Bruce Mullen, and Mr. George Seeger.

Mr. Chairman, I spent an hour with them recently, and I can assure you they're very keen students of government. I'm sure they'll find the discussion this morning on the Attorney General's budget estimates of very great interest to them. During our discussions at their school, one of their prime interests and concerns was law enforcement, law and order, and the administration of justice. So I'm sure your deliberations this morning would be of great interest to them.

I would ask that they stand and that the Assembly join me in recognizing them.

head: **GOVERNMENT MOTIONS**
(**Committee of Supply**)

Department of the Attorney General
(*continued*)

MR. GOGO: I wonder if I could be permitted to make a comment or two before the minister responds. Although I am a member of Subcommittee B and had the opportunity of attending, I'd still like to make a comment for the benefit of the minister, and indeed the Assembly.

Of the two areas I would like to touch on, one would be government lawyers. As I've mentioned before, I'm not a lawyer, although I can assure the House I have other vices. I don't think we have any in the House who are currently practising.

AN HON. MEMBER: Vices, or law?

AN HON. MEMBER: Both.

MR. GOGO: Mr. Chairman, I think there is a very real concern in the Alberta community, certainly among certain professions — doctors included, if we're to believe the figures as to incomes released recently by the Health Care Insurance Commission — about a precedent that government's perhaps establishing

with reference to the salaries paid these people. If we accept the general rule that 30 per cent of payroll is fringe benefits, one would have to add that on.

I'm also not naive, and if I were in a position where I had to obtain services of lawyers or solicitors, and I advertised and they didn't respond, I suppose the only other way would be to advertise again with an increase in salaries. So I think I can understand that. I'd simply like to indicate to the minister that there is a very real concern among certain professional groups in Alberta [about] the proposed salary levels; not so much for the judges, because if we accept the criteria spelled out for provincial court judges — and that's been changed recently from those who have lost elections to one of ability — I can go along with those salaries.

There's a real fear that there seems to be a rash of 35 year olds being appointed QCs, and there may be 35 year olds ending up as lawyers at \$40,000 a year. If you look at the costs of rents today in private practice, let's face it, they're just not going to make it. I think that's a real concern. I'll drop it there.

Legal aid, however, is another matter. I'm a little disturbed that I see in the estimates that we're proposing \$3 million for legal aid with a contingency for another \$300,000. To try to obtain information on legal aid — none is available in the Legislature Library, none is available in this House. I have the annual report for '75, obtainable from the library of the city of Edmonton.

I've learned a great deal about legal aid. The thing that really concerns me, Mr. Chairman, is that when we look at the proposals for legal aid, we see that for the coming year we're looking at over \$3 million, perhaps \$3.3 million, which is about \$2 per capita in Alberta: \$2 for every man, woman, and child in this province. Although I am sure I have as much empathy as others for those who are unfortunate enough to run into the long arm of the law, or domestic problems, the concern I have is that we, as legislators, are giving about \$2 per capita to that side of the ledger, when in fact we only give 3 cents per capita to libraries. I find that somewhat disturbing. However, there's a bill before the House now regarding libraries, and perhaps that will change.

I think it's interesting to note — because I really don't think it's common knowledge — that last year, '75, of 9,000 applications made under the criminal side, 7,000 were accepted. As I understand it, if it's a criminal matter, the judge in most cases determines whether or not you have access to legal aid, whereas in civil it's quite different. It's a question of going to a solicitor, spelling out your story. If you sell him on the idea, he makes application. Of 6,000 applications, I see about 50 per cent received aid.

I think it's a matter that most Albertans are not informed of. I'd like to indicate now that I was a bit disturbed in the difficulty I had in obtaining information about legal aid, particularly as it's funded primarily from the province of Alberta, and the amount of the aid is \$2 per capita.

I don't really expect the minister to respond, but knowing the minister, I'm sure he will.

MR. DOAN: Mr. Chairman, before the minister responds to this question of legal aid that's already been put to the House, would he be a little more detailed on who determines who is qualified for legal

aid. On what grounds do they allow a person legal aid?

I had one of my constituents approach me. Her husband was in a bad state. He was in a mental institution; he had been for 15 years. He owned property, and she wanted to dispose of the property, but she needed legal aid. I wasn't sure whether she was entitled to legal aid, and I'd like to know on what grounds you grant it.

DR. PAPROSKI: Mr. Chairman, I'm sure the minister will respond regarding legal aid, and I was gratified by his response in subcommittee regarding his desire to bring to the legal profession and the bar the need for more participation in this regard. I had that assurance from him then, and I'm sure he'll indicate that now.

Mr. Chairman, the only response I want to make — I hope the minister is never offended, and I'm sure he is not, as I am not offended that he is making representation on behalf of professions, lawyers and doctors included, but also on behalf of citizens at large, whether they be home buyers, renters, ordinary workers as our parents were; in fact, all groups in this province and certainly, Mr. Chairman, in my constituency. I certainly hope the minister and all MLAs will continue in this direction of making representation on behalf of all groups.

Mr. Chairman, in response particularly to the hon. Member for Lethbridge West, I hope he realizes that the net income of general practitioners in this province is \$18,000 to \$20,000 per year, and not the gross income.

AN HON. MEMBER: Come on. You know better than that.

DR. PAPROSKI: So, Mr. Chairman, the lawyers in this case in point, where we're discussing lawyers and their fees and the services we require to administer justice, and the judiciary in general, must be represented, and represented well. I am sure the minister will conduct himself accordingly.

MR. GOGO: On a point of order, Mr. Chairman. When I mentioned doctors in my comments, I was referring to their income, not their income tax paid.

MR. ZANDER: I've just one brief question to the minister. If the minister would make it possible — I had the same difficulty, and I understand you got the information on the amount of money and the number of cases handled by legal aid. I think that should be tabled in the Legislature. At the least, it should be made available to the members of the Legislature, how public money is being spent.

MR. FOSTER: I was going to stand up and say we should probably ask the students in the galleries what's on their minds, but they've come and gone.

With respect to matrimonial property, I think I've indicated that while I have some personal views on what we should do — and I've expressed those views to the bar and others — the government has not at this time fully considered the alternatives open to us, although there has been some consideration by cabinet. Perhaps I could outline briefly what I did say.

First of all, I said I did not favor the doctrine of

separate property, if you will — that is the assumption at law that only those who actually pay cash for property are entitled to ownership — and that there are other kinds of direct and indirect contributions by spouses which should have a bearing on whether they are entitled to an ownership interest in certain kinds of matrimonial property.

Secondly, I said that I rejected the notion that marriage is an economic partnership. I say that because I don't believe every spouse is able, loving, and caring, and contributes in like measure to a marriage relationship. If you've had any experience in matrimonial law and divorce courts, I think you could safely conclude that's a reasonably accurate statement.

Therefore, not every spouse is entitled as a matter of right to one-half of all the property accumulated by either spouse in the course of a marriage, which is one of the problems I have with Bill 229. I said I thought it would be important that we take into consideration the direct and indirect contribution of spouses to a marriage. At the moment that is not being done in the way I think it should.

There are various kinds of contributions — particularly by women — to a marriage relationship that have to do with care of the home, bringing up children, providing a stable and moral climate in that home, and their actual effort, time and resources in the production of the marriage which results in property. Those factors should be taken into consideration. I favor the concept of guided judicial discretion in the determination of how much property each spouse should be entitled to upon marriage breakdown, divorce, et cetera. In that circumstance, you would take into consideration both the direct and indirect contributions to which I have referred, as well as a number of other considerations; for example, the health of the parties involved, the length of the marriage, the economic circumstances of the individuals, the age of the parties, and all of these things.

I think if marriage partners know the guidelines and rules under which courts will determine property distribution on marriage breakdown, that will go a long way to establishing equity in this relationship, in terms of expectation of the parties and certainty that my marriage will not be treated necessarily the same as every other marriage down the block, because each marriage is different. The circumstances of each individual are different. The relative contributions and level of responsibility, et cetera by each spouse is different. That's why I favor a high degree of flexibility in the courts on this subject, and do not favor an arbitrary ruling that each spouse is entitled to one-half the assets accumulated during marriage as a matter of right.

On that point for a second: if that did follow, you can imagine the kinds of consequences and the kinds of responses that might be felt by many people who fall into this category of being married for 30 days, then being divorced because it didn't work out, and automatically being entitled to one-half the assets, regardless of which party it is. We are assuming the man owns most of the assets. That may have been historically accurate, but that circumstance is changing in our society. I think it's quite arbitrary to say that everyone's entitled to one-half, as [Bill] 229 suggests.

I drew a distinction, which in my judgment needs to be drawn in the whole area of matrimonial property, between the matrimonial home and other matrimonial property. I think the home and its furnishings must be treated differently from other property. I am personally of the view that the home should be declared joint property of both husband and wife, regardless of the indirect and direct contributions to which I have referred. I think that's an essential core of the marriage, and that property should be shared. Many people will have difficulty with that, and will want more discretion to apply there than in the other area.

The other aspect of matrimonial property, whether it's a farm, business, or profession; whether you're a butcher, baker, or candlestick maker; the assets of the marriage are largely the assets that go into earning revenue, an income support for the marriage. If you're going to take a farmstead or a going concern of some kind and automatically chop it in half on dissolution of a marriage, I suggest that you may indeed destroy not only the economic viability of that business, but the economic security of both parties to it.

One of the problems that give rise to this area in the Murdoch case is that the Murdoch case dealt, as I understand it, primarily with the property resolution. It did not deal with the whole question of maintenance and support. Nor did Mrs. Murdoch approach the court for that kind of consideration. So there's been a well of concern over the apparent discrimination in property law. While the court in that situation was not directing itself in the way I would suggest with guided judicial discretion, and found that Mr. Murdoch retain the property because of his direct contribution to its acquisition, the court did not address whether Mrs. Murdoch would be entitled to a substantial monthly payment, a lump-sum payment, or payment for life from the revenue that property would create.

I would not want to see us put into place a system of law that would automatically force the division of farms, business practices, and the like simply because we want to ensure we're being fair to both spouses. Even if we should be fair to both spouses and the equities are balanced and the same, sometimes it makes more sense to maintain the business operation or the farmstead in the hands of one individual, so that it might be operated as a productive and economic unit and the rewards of that operation provided to the maintenance, support, and benefit of the other spouse. In my judgment, it's just economic nonsense to require by law the division of such businesses. So I say we have to have very careful regard to the social and economic consequences of the law we put in place.

Timing: the views I'm expressing are sort of off-the-cuff comments of my own, having considered some of the reports and recent law, although not having considered some of the recent changes in some other provinces. I'm hopeful that my colleagues and I can come to some conclusion in this area in the months ahead. I suggest, however, that it may be more appropriate that we move in part to settle certain areas of the law rather than to lay out a blanket solution to the whole area. I simply can't answer when legislation may be brought before this House. I've said to the Member for Spirit River-

Fairview that next fall would be the earliest. There's no bill prepared to go this spring. Next fall would be the earliest that we could begin to deal with this.

I appreciate his comment that when you're talking about a fundamental change in some areas, it's extremely important that all Alberta understand the consequences and implications of the change. We may be facing a circumstance, as [Bill] 229 contemplates, of marriage contracts. That circumstance is completely foreign to most people in this province, a whole new approach to managing affairs. Somehow we've got to encourage men and women to sit down in their living rooms and discuss the whole matter of property relationships. If parties can agree on it, that surely is the most desirable way to go. The law should not be interfering with the real and legitimate intentions of individuals. If the parties can agree on a reasonable and fair arrangement, they should be entitled to do so. That again is part of my concern for flexibility.

Lawyer's salaries: one editorial writer couldn't figure out whether I was simply insensitive or whether I was courageous. It may be that I'm a little of both.

AN HON. MEMBER: You'd never admit it though.

MR. FOSTER: I'd never admit it though, as my colleague to my right points out.

First of all, the guidelines anticipate that market circumstances may cause an employer to pay something more than an 8, 10, or 12 per cent salary increase. I suggest to you that the course of action I have been talking about for the last several months is a course that is fully contemplated by the law now in place in this country.

However, the hon. Member for Spirit River-Fairview raises the appearance of a double standard. I know whereof he speaks. I don't suggest for one minute that the average citizen on the street has the least sympathy or concern for the salaries and benefits of professional people in our society. The average person on the street is realizing an income substantially less than that. I don't count on a great deal of sympathy in that area.

But I think we should understand that the entire law enforcement and criminal justice system comes to a grinding halt unless you've got that one link in the system, and that's called the agent of the Attorney General in that courtroom. You can hire all the police you want and provide for all the kinds of security and protection you want, but if you haven't got that agent in a courtroom, I suggest to you that law and order in this province comes to a grinding halt.

AN HON. MEMBER: Hear, hear, hear.

MR. FOSTER: Frankly, Mr. Chairman, you can't have it both ways. On the one hand, you can talk about your concern for law and order, punishment for crime, toughening up in some areas, grants to police forces, more and more prosecutions, more concern about law enforcement, protection of our society, safety in our community, peace and security in our country. On the other hand, you can cry that we're discriminating against all these people. Why are you trying to put more lawyers in a courtroom?

I'm not trying to put more lawyers in the employ of the Crown alone. I'm trying to put more criminal justice people in the courts of this country to somehow ensure that the concerns we've all expressed will be minimized. I suggest to you that the tap on that system is essentially the agent of the Attorney General in that courtroom.

Now, double standard: I don't think you can avoid the impression of double standard, because citizens are not very sympathetic about professional salaries. Personally, notwithstanding I'm the former Minister of Advanced Education, I don't really equate our educational problems with certain staff people in some institutions with the whole law and order community and the fabric of our society that's dependent on proper and responsible law enforcement.

At the same time, don't misunderstand me. I'm not arguing that because peace and security is in jeopardy in our society, I should therefore be entitled to somehow provide unwarranted economic benefit to those people who are critical in this system. I don't think my agents are suggesting that. I know they're not. The simple fact is that we are probably 20 counsel short of our existing criminal justice legal manpower for the existing level of court activity in this province. In Edmonton and Calgary that's probably three, four, or five agents short today, to say nothing of where we should be with [the] Kirby [report] and what the system should be doing the way he has suggested, with which I think we all basically agree. So I'm saying to you that I am now desperately short of criminal justice people.

The question is: do we ignore it? Or do we try to do something about it within the law of the country? And I suggest to you that we're living with the law of the country.

I'm not going around trying to artificially jack up the salaries of Crown lawyers simply because I'm interested in seeing Crown lawyers make more money. The simple fact is, I'm short of Crown counsel. Where do I get them? I get them from the private bar, and I get them from other Crowns in Canada. I'm having difficulty drawing them from the private bar, for obvious reasons. I'm trying to persuade some of these people to accept their public responsibility and come with the Crown, notwithstanding the fact that it's perhaps at a lower level. We're having some success in Ontario.

I don't want to suggest for a minute that anything received to date by criminal counsel has been inconsistent with the law of this country or the policy of this government. To my knowledge, no lawyer in the employ of the Crown of Alberta has obtained any additional financial benefit that he was not entitled to receive under the agreement that was effective last April. Last April was this contract period. My staff today are receiving the benefits to which they were entitled under the agreement effective that date. To this red-hot moment, not one of them is receiving anything that goes beyond that.

Now what I'm suggesting is that, with our difficulty in hiring some people and retaining others — because in the last year we've lost about a dozen lawyers from the Crown to other sectors — we may indeed need to provide some increment on market considerations to some people. I am not talking about a wholesale, across-the-board increase. As I said,

with average Crown counsel with zero to eight or nine or ten years at the bar, we're fairly competitive. In the other area, we are not.

The Member for Spirit River-Fairview talks about the kind of implied negotiations and discussions going on to other people. We are saying to the people we hire, as best I am informed, this is the salary circumstance we can offer you today. It may be possible that will increase beyond what it is today, but there are no commitments to that effect.

That is not really the problem. The problem is that to attract, say, a half a dozen or a dozen counsel from central Canada, we may have to pay those people at a higher level than their colleagues currently in our employ. Let me use an example. If we were to hire 10 counsel from Ontario with 10 years at the bar, our salary level might be \$35,000 or \$30,000. To get them in our employ, we may have to offer those 10 more money than we are currently paying our 10-year counsel. That's our short-term problem, because we will then have 10-year counsel in our employ who are probably earning less than our new people. They're going to be very upset.

Maybe we have to live with that, as the Member for Spirit River-Fairview points out, except that some of those people may end up leaving us and saying, well, if that's the way the Attorney General feels about it, I'm gone. I would hope that's not their attitude. I'm sure that's generally not the case. But we have lost some for personal, economic, and other reasons.

All I'm saying is that we as a society had better be prepared to make some adjustment for market conditions if we're going to have adequate legal manpower in our courts. I'm not so concerned about the civil section. I am really concerned about the criminal justice section. I suggest to you there is an appearance of double standard that is difficult to avoid, but I'm just hoping the public will understand that the whole question of law enforcement and justice is contingent upon capable men and women in the courtrooms of this province.

Legal aid: I think there is a difference between whether a citizen is entitled to legal aid as a matter of right and whether a citizen is entitled to counsel in the courts as a matter of right. I would say "yes" to the latter, and "not necessarily" to the former. But I think the distinction is important. As a citizen, I have the right to have someone speak on my behalf if I am called before the courts and if I do not feel I could adequately represent myself.

But does that mean that citizen has the right to call upon the resources of the state to provide him with that spokesman? The Member for Lethbridge West — I don't know where he went — has pointed out the rough numbers of applicants in criminal and civil [cases] who have applied for legal aid and who have been approved. He points out that in the civil area — which I know is not our concern principally here now — about 50 per cent of those who apply for civil legal aid are turned down. The percentage is much, much smaller in criminal [cases], as well it should be.

The simple fact is that many people come along and attempt to take advantage of legal aid, when either they don't really need it or they don't qualify in the sense that they are impecunious or without resources. So the Legal Aid Society and their agents and the lawyers who sit on committees to review applications are fairly tough when it comes to civil

matters — not so [tough] when it comes to civil matters, and that I think is fair and reasonable.

I personally — and this is again a personal view — do not accept the fact that a citizen has a right to legal aid in criminal matters. I think some authority, independent from the law enforcement agencies of the Crown, must review each application and determine whether, in its judgment, this individual needs someone provided by the Crown to represent him in the courts. If that individual wants to go out and get another spokesman to represent him, not provided by the Crown, fair enough. Many lawyers will act for people without fee, notwithstanding what you hear on the streets about some members of the bar.

Generally speaking, I think the Legal Aid Society and community have done a rather good job of providing choice of counsel to people, and choice of experienced counsel, in criminal matters. You will always find exceptions to that statement. You may indeed always find the occasional person who was denied legal aid, when on review it could have been discovered that he or she needed legal aid. But as I say, I do not accept that it is every citizen's right to have counsel provided by the state in every situation.

How are they appointed? I'm on thin ice here. In some areas there are committees of the bar who serve voluntarily to review the applications of civil and criminal legal aid and make a determination. In other areas of the province there are staff of the Legal Aid Society, in concert with some of our own staff — clerk of the court, et cetera — who will sit down and review the situation of the individual and make a determination whether they're entitled to it. I think I'm right in saying there is an appeal from that determination.

Two kinds of concerns have been expressed on legal aid. The Member for Lethbridge West says perhaps we're providing them with too much money, relative to libraries. Others, like the Legal Aid Society itself, are arguing that we're not providing legal aid with nearly enough resources to do the job even adequately in the province. So where are the priorities, and where is our direction?

First of all, I think it's for this House to decide whether its priorities are legal aid or libraries. At this point, I'm simply saying I'm proposing \$3 million for legal aid. If you want to argue that libraries are too low, I'm not quarrelling with that conclusion. But I'm not arguing that point here today.

Legal aid is probably one of hundreds of programs in government in Alberta that has received a 50 per cent increase in the level of funding — from \$2 to \$3 million — and I know there are very strong voices who argue that is not nearly enough. They may indeed be accurate. At this time, I think that is reasonable in the circumstances; in fact, more than reasonable in the circumstances.

Given my priorities and the priorities of this department, I personally do not see any real benefit in spending massive additional amounts of money on legal aid, unless and until we have the provincial court system in much better shape than at the moment — *cum* Kirby. With an additional few million dollars in this department this year, my priority is essentially to see the bulk of those funds — \$3.4 million — directed to reform in the provincial court system, in the criminal justice system generally, and \$1 million as additional legal aid.

Now we are coming to a time when we're at a crossroads about legal aid and where we go — and I'm probably talking too long. The Legal Aid Society has proposed several new programs: a significant expansion of duty counsel; neighborhood law clinics; legal aid virtually on demand in many areas of the province, particularly rural areas, in civil matters. Before we embark on that explosion of legal services to an ever-broadening range of people in our society, I want to be very clear that its effect on our society, on the legal profession, and on the financial capacity of government vis-a-vis the other projects can be accommodated without harm.

I am not quarrelling that over time there needs to be some extension and expansion of legal aid services. But I am concerned that we know clearly where we're going and the effect and consequences of that action. It's a very simple thing to simply assign an additional million dollars to legal aid and let some group go off and decide how to spend it.

To that end, I'm meeting in about two or three weeks with the benchers of the Law Society to spend some time discussing other matters, as well as discussing legal aid, the consequences and implications of the existing budget, and where we're going in the years ahead. I'll be happy to come back later and report to the House on where I think that is.

I was under the impression, Mr. Chairman, that copies of the annual report of legal aid were in fact either tabled or distributed to the members of the House. But if they have not been, I will see that they are, for the last year and for next year as well.

Agreed to:

Vote 1 Total Program	\$4,232,248
Vote 2 Total Program	\$11,995,100
Vote 3 Total Program	\$4,924,717
Vote 4 Total Program	\$4,283,060

Vote 5

MR. TAYLOR: Mr. Chairman, I wonder if I could just make a short statement in regard to the Crimes Compensation Board. It seems to me we're getting a long way from what was originally intended when the crimes compensation act was first brought in; that is, to compensate someone who is defending his own property and is injured in the attempt. I think it started when a man in Edmonton arrived home and was shot by somebody who was trying to rob his house.

I understand that at the international conference of criminal injuries compensation people, it was pointed out that some provinces in Canada entirely exclude police officers. While I don't favor excluding police officers entirely, I think that's an item that should be checked if we're concerned about the amount of money being spent in this vote. That is, police officers injured in the course of their duties, who receive full compensation, or police officers or security officers who are retained on 100 per cent of their wages, may then still apply to the Crimes Compensation Board, and the board will pay up to \$10,000 for disfigurement, pain, and suffering.

I think there's a case of a police officer in this province who received full wages during the course of his injury, but then he applied because a prisoner

had bitten off one of his fingers. I believe he was given \$2,500 for pain and suffering for that disfigurement. I think we're going overboard in regard to this. While I don't want to exclude police officers entirely, I think that's going a little bit too far.

Also, when people are on 100 per cent wages during the term of their layoff, it's very questionable to me whether they should then be coming to the Crimes Compensation Board for extra money. Because if we do that, what we're really doing is simply saying the province is providing an insurance policy for all these people, over and above what the act originally was intended for.

I mention these because I think the hon. minister should be aware of them, and he should have a chance to look at them during the year.

MR. FOSTER: Mr. Chairman, I'd be happy to look at that problem. My understanding is somewhat different, however, from the outline you've made. That is, police officers are certainly not precluded from applying to the board. But from any claim to which they may be entitled, they will have deducted any benefits they receive from their employer, or under a contract of insurance, et cetera. So while they're not excluded, as I understand it at the moment, they would not benefit any more than any other citizen. Certainly the board would take into consideration the rewards, remuneration, or indemnity received by insurance or from their employer. If you're suggesting that somehow that is not being taken into consideration, that's something we'd want to check.

MR. TAYLOR: No, I was simply mentioning, Mr. Chairman, that awards have been made to people who have received 100 per cent of their wages, and the police officer was in that category who received \$2,500, I believe it was, for the loss of his finger. When a person is receiving 100 per cent of the wages, it is very questionable whether he should then be able to come to the board and collect over and above that. That's the only point I'm making.

Agreed to:	
Vote 5 Total Program	\$3,612,360
Vote 6 Total Program	\$1,657,130
Vote 7 Total Program	\$4,994,412

Vote 8

MR. TAYLOR: Mr. Chairman, I'd like to make one point in connection with the Public Utilities Board. That arises out of a story I read the other day where Northwestern Utilities was applying for losses in years gone by. I'm hoping the board will not accede to that type of request. Last year the commissioners of the Public Utilities Board did provide Northwestern Utilities with almost a 100 per cent increase. This is being reflected in the bills now, and now they're applying for another 30 per cent increase. While costs are going up with everybody, I do think the commissioners of the Public Utilities Board should take a pretty careful look and certainly provide for the proper increases that must be assumed now, but certainly not take into consideration losses of past years. I think that's going too far in a year of restraint.

Agreed to:	
Vote 8 Total Program	\$1,269,620

Vote 9

MR. R. SPEAKER: Mr. Chairman, to the Attorney General. Under Vote 9, does this vote involve the land request of the native people in the foothills? I believe it is Chief Smallboy. Does that vote involve that? I notice it's land requisition or land compensation.

MR. FOSTER: This is for the Land Compensation Board. No funds are in here in anticipation of settlements of existing legal proceedings involving the Crown.

Agreed to:	
Vote 9 Total Program	\$360,230
Department Total	\$37,328,877

Department of Labour

MR. CRAWFORD: Mr. Chairman, in conclusion, I would only add that the remarks I offered in answer to questions in the subcommittee were so extensive that I would rely on hon. members to raise at this time the other matters that interest them particularly. I'd be very glad to deal with them.

Agreed to:	
Vote 1 Total Program	\$757,239
Vote 2 Total Program	\$2,845,417

Vote 3

MR. R. SPEAKER: To the minister. There has been a change in policy with regard to recreation centres, and you touched on it a bit the other evening. I believe there's a grandfather clause in fire regulations and regulations that are standards, such as building standards, for buildings made of wood construction. I wonder if the minister could just comment on the present regulations.

MR. CRAWFORD: To be blunt about it, Mr. Speaker, I don't think I can. I have not gone into that particular matter. All I could suggest is that if the hon. member is interested in having, say, the present regulations as they exist in regard to the different classes of buildings, all of which are subject to one standard or another, I'd be very pleased to assist in obtaining those. But at the present time I very honestly don't have in my mind what specific regulations might relate to older frame buildings.

MR. R. SPEAKER: Mr. Chairman, all I want is an indication from the minister whether the directive from his office at this point in time is to stiffen up on the regulations.

MR. CRAWFORD: Mr. Chairman, that helps quite a bit. The overall policy is that the older buildings, of course, are inclined to be the problem. Although it was necessary at a certain time in the bringing

forward of uniform standards to allow some latitude, an overall catch-up has to be done in regard to both inspection and protection in all such older buildings. I think as far as a precise time line is concerned, I would like to go back to the officials administering that particular policy and see what progress has been to date, and how long they anticipate that any further catch-up will require.

Agreed to:

Vote 3 Total Program \$6,951,130

Vote 4

MR. TAYLOR: Mr. Chairman, I wonder if the hon. minister could give us some enlightenment on this item. I understand that all safety work is now going to be transferred from the Workers' Compensation Board to this department. From glancing at this, it appears that the cost is going to increase greatly over what it was in the Workers' Compensation Board. Is that correct? If so, why?

MR. CRAWFORD: Mr. Chairman, I'm now going to demonstrate the great understanding I have of financial matters. I would say to the hon. Member for Drumheller, the real reason this shows up in the estimates exactly the way it does is: so long as the accident prevention work was being done by the Workers' Compensation Board, they did assessments which involved both the bringing in and the paying out of the money through the board. Therefore, it was not reflected in the general revenue fund income or outgo. So that's the key to it.

What happens now is that when we take that over from the board, the new legislation will provide that they will still raise the money, because they have the mechanism and the ability to do it, but they will pay it to the general revenue fund. They can't pay it to the Department of Labour, because that's not provided for in financial administration. That means we have to pluck the entire sum from the general revenue fund. Therefore it's really the same money, but it's just the way of bookkeeping that makes a difference.

In fairness to the full import of the hon. member's question, though, I'll try to give some round figures. Last year the Workers' Compensation Board was spending in the neighborhood of \$1.7 million. We are transferring that amount, with the ramifications I've just described, into the departmental spending program, so that expenditure will grow in the same way that another expenditure in any department would this year; it will grow at a rate that will cover inflation and program expansion. So somewhere over \$1.7 million, which was last year's figure, is figured into this year's spending for that purpose.

We've also taken a figure which, in very rough allowances, was in the \$400,000 to \$500,000 range, which was spent not by the board, but two years ago by the Department of Health and Social Development, last year by the Department of Manpower and Labour, and related to the old industrial health services division. That money, too, is being brought into the budget of the Department of Labour on the basis of what was committed last year, plus normal growth.

Anything in addition to that is the actual growth for

this year. That's new programs, the bringing in of people who are more expert in some of the areas of occupational health that we didn't have before. In fact we're waiting for the Gale commission report, and we're holding the line on staff for two or three years in order to see what might be required there. These will be technical people primarily, who will help in collecting and assessing data. The additional cost of all the growth would be in the neighborhood of \$400,000 or \$500,000.

MR. TAYLOR: Just one further question to the hon. minister. It's understandable why the employers or industry of the province should pay this cost of safety this year, the transfer, but is it going to be the policy that the employers will be required to continue to pay for safety in the new setup, after this year?

MR. CRAWFORD: Mr. Chairman, I think the best answer to that is that the policy will have to be flexible over this coming year. My own feeling is that it would be almost impossible, and it would get more difficult as the years went by, to calculate what portion the employers were paying under the system when it was singled out and handled by the Workers' Compensation Board. So I think what we would be doing is recommending to the Treasury Board at the time of annual budget appropriations that we maintain the principle of employer contribution, recognizing that we'll try to achieve a balance that would, I would say, maintain at least the amount, in the sense of overall responsibility for accident prevention and so on, that they have always had. It would be a matter of policy that would be discussed and then determined and made a consideration in any future budget, if in fact my recommendation became that we should change the ratio and for some reason increase the proportion employers would be responsible for.

Agreed to:

Vote 4 Total Program \$2,775,000

Vote 5

DR. BUCK: Mr. Chairman, in the area "to reduce discriminatory activity in the areas of public accommodation and services", et cetera, just how many complaints do we get every year, and how extensive are the complaints against this section, where people are discriminated against in accommodation, lodging, et cetera?

MR. CRAWFORD: Mr. Chairman, I can't be precise, and I'll say to the hon. member that I don't remember whether that was one of the items dealt with in the annual report. I know it was referred to in the annual report, but whether or not the figures appeared there I can't recall offhand. In general terms, the number of complaints of this type in Alberta is still quite small, in actual occurrences per year. If I were to hazard a guess, which isn't advisable — but having prefaced it by saying that, I would try anyway — just going from memory, I think perhaps it would have been less than 100 within the year in the area of accommodation and services. Once again, I'd be glad to get that figure from the commission, and right or wrong as to my estimate, I still wouldn't be embar-

passed to provide the right figure to the hon. member.

DR. BUCK: My next concern, Mr. Chairman, is the people who do not want to join trade unions because of religious beliefs. How prevalent is this, and is it a problem in the department?

MR. CRAWFORD: Mr. Chairman, maybe I would benefit from having further discussion on that point with the commission to ascertain their attitudes, because it's a valid point to raise.

I thought I would just take a moment, because it's interesting, and say to the hon. member that I first encountered this issue when I was in private practice. I was asked by one person to make an approach on his behalf in regard to his position in the teachers' association, where the position is very similar. That was one of the few cases I ever directly encountered. I encountered them again at the rate of one, two, or three a year since I became a member of the Assembly, and they are not numerous.

The point is valid. It's sometimes drawn to my attention that other provinces have dealt with the matter in a way much more satisfactory to people who find themselves in that position, and that may be so. But at present they are distinctly not numerous, and as I say, I think maybe the commission could advise the government in respect to an issue like that.

DR. BUCK: Mr. Chairman, I wonder if the minister could indicate, is it possible for a person to opt out of, say, some of the professional or labor groups as mentioned by the minister? Do the people have to belong? If I am a plumber, do I have to belong to the union and pay my dues to have my ticket if I feel I am restricted by religious beliefs? Am I still forced to join?

MR. CRAWFORD: At the present time, as far as the status of the law is concerned, the option doesn't exist and that's what the debate . . .

DR. BUCK: Does not?

MR. CRAWFORD: Does not, no. That's what the debate and the concern is about. If that option existed, I think it would satisfy all such complaints. That isn't to say that it might not have been put in some collective agreements where the bargaining agent himself may have agreed to that arrangement, but it's not a matter of law at present.

Agreed to:

Vote 5 Total Program	\$623,299
Vote 6 Total Program	\$6,838,000

MR. R. SPEAKER: Mr. Chairman, while you're turning the page, could I just ask the minister a general question? This morning on Channel 2 television, they were making a presentation with regard to a new approach to labor in England. The idea was that there would be a closer working relationship between the corporate management group and the labor group, or the employee. The new thrust in this legislation is to make it possible that the employee group would work with the employer or the corporate

management group in running the operation. This was the objective, of course, to settle labor disputes at a more rapid and commendable rate and have a better understanding between the employee and the employer. I was wondering, in your own department and in your own examination of our present attitude with our legislation, is the minister looking at these kinds of possibilities? That's one.

Number two, is there any demand from labor groups or the corporate management groups for us to examine this a little more closely in Alberta?

MR. CRAWFORD: Mr. Chairman, this is a very, very large issue, one that deserves the attention of legislators and of people in management and organized labor. At some time — I would say within the next year — I hope to speak more fully on the subject. When I say within the next year, it's a real challenge to have one's mind encompass this entire issue and come up with coherent suggestions that might be useful to workers and managers in the province of Alberta.

A brief sketch of what has been going on so far is that some of these plans go back to different parts of the world. People often think of Europe as the place they come from, and to a large measure they do. There is much talk of West Germany and the Scandinavian countries, and some reference to the Yugoslavian type of system. France has recently shown a great deal of interest in it as well.

It's one of the things the president of the Alberta Federation of Labour, who went on the European mission with the Alberta government group last fall, was able to discuss and look into. It has been made the subject of part of the report on the European mission, tabled in the House during this session. There are several references to the type of further research they felt was necessary, bearing in mind what was learned primarily in West Germany and France.

I think I want to say only two other things about it. One, I think there has been a sort of overlooking of the fact that North America has a number of excellent examples of the same type of thing. Probably the point to add is that organized labor as such really is not sold on the European approach. They're not at all sold on the European approach. Let's put it that way.

It's not at all clear that they are, to a large measure, sold on some fairly enlightened systems that have been tried primarily in the United States. In the cases in the United States where it has come up, most people who have direct experience with those, on both labor and management sides, find that it's an improvement, and in some cases a vast improvement.

My own feeling is that both management and labor have much to learn, but potentially a great deal to gain, by what would be considered a more open system. I don't believe we should have a stereotyped view at this time that the openness of a labor-management system should be tied to the sort of West German co-determination system, where they have their linkage at the board of directors level.

The important and interesting thing that some of my reading on the subject has brought me to is that in some of the successful American systems the real linkage is at what is commonly referred to as the plant-floor level, rather than at the board of directors

level. That seems to me to be where maybe the real hope for development in this area is in our country.

MR. TAYLOR: Mr. Chairman, I'd like to just say a word or two on the topic raised by the hon. Member for Clover Bar; that is, a person's right to work. I think we're getting more and more feeling that a person's right to work shouldn't depend on joining a union. While I've always been a member of any union of trades or professions to which I've belonged, there are those who do have religious convictions. I don't think they should be denied the right to work simply because they refuse to belong to the ATA or some workers' union.

Hon. members will recall that when The Alberta Labour Act was before the Legislature last time, I proposed an amendment based on the Ontario act that would help in a case like that; namely, where the person would contribute the same amount of union fees to a charity of his choice, then would be able to continue his employment. I mention it now simply because I don't know when The Alberta Labour Act is coming up again. But I certainly would suggest that the hon. minister give the matter some study. I really don't think a person's right to work should depend on whether he belongs to a union or an association like ATA.

Agreed to:

Department Total	\$20,790,085
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MR. CHAIRMAN: Consumer and Corporate Affairs.

MR. HYNDMAN: Mr. Chairman, I think we'll proceed with that on Monday afternoon. The concept would be to move to Consumer and Corporate Affairs, then Department of the Environment, and then the Department of Municipal Affairs.

I gather that Subcommittee A still has to complete Recreation, Parks and Wildlife Monday night, which we would then bring back to the House Tuesday night, plus other departments if necessary.

I move the committee rise, report progress, and beg leave to sit again.

[Motion carried]

[Dr. McCrimmon left the Chair]

[Mr. Speaker in the Chair]

DR. MCCRIMMON: Mr. Speaker, the Committee of Supply has had under consideration the following resolutions, begs to report same, and asks leave to sit again.

The Department of the Attorney General:

Total Program: resolved that a sum not exceeding \$37,328,777 be granted to Her Majesty for the fiscal year ending March 31, 1977, for the Department of the Attorney General.

The Department of Labour:

Total Program: resolved that a sum not exceeding \$20,790,085 be granted to Her Majesty for the fiscal year ending March 31, 1977, for the Department of Labour.

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 and that the Assembly do now adjourn until Monday at 2:30.

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

HON. MEMBERS: Agreed.

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

[The House rose at 12:53 p.m.]

