

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Friday, April 21, 1978 10:00 a.m.**

[The House met at 10 a.m.]

PRAYERS

[Mr. Speaker in the Chair]

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. WOLSTENHOLME: Mr. Speaker, it's my pleasure this morning to introduce 44 students from the Senator Riley junior high school in High River, in the heart of the best part of Alberta. They are accompanied by their teachers Heather Reiffenstein and Doug Anderson. They're in the members gallery. I would ask that they stand and be recognized by this Assembly.

MR. SHABEN: Mr. Speaker, may I introduce to you, and to members of the Assembly, 23 grades 5 and 6 students from the Carole Bannister school in Faust in my constituency. They are visiting the Legislature and enjoying their visit very much. They are accompanied this morning by their teachers Mr. Mah and Mrs. Gallant, and their bus driver Mr. Thornburn. I would ask them to rise in the public gallery and receive the welcome of the Assembly.

head: **MINISTERIAL STATEMENTS**

Office of the Premier

MR. HYNDMAN: Mr. Speaker, on behalf of Premier Lougheed, I am pleased to advise that Her Majesty the Queen, accompanied by His Royal Highness the Duke of Edinburgh, will visit Alberta prior to the opening of the Commonwealth Games in Edmonton on August 3, 1978.

As the hon. Premier stated on April 17, a preliminary itinerary had been discussed with the federal government co-ordinator. The detailed itinerary has not yet been approved by the federal government and the Palace. However, because of the great interest shown by Albertans in this proposed royal visit, I wish to announce now the general areas proposed for the visit.

Mr. Speaker, following the announcement by the Prime Minister on February 6 that Her Majesty would visit Alberta prior to attending the Commonwealth Games in Edmonton, we commenced planning for this visit. Various factors were considered in deciding which areas in the province would be proposed. Priority would be given to northern Alberta, which has not had a royal visit for many years. The areas selected would be centres for surrounding communities to ensure maximum participation by citizens.

Another factor was the time available. We are advised that the royal party will be accommodated in Edmonton and that all visits must originate in Edmonton and return there each day. A further factor was the availability of appropriate airports and transporta-

tion facilities.

After consideration of these factors, the following areas were proposed: Grande Prairie Lac Cardinal Provincial Park in the north Peace River district, St. Paul, and Vegreville, which would include a railroad tour via a special train through Mundare, Chipman, Lamont, Bruderheim, and Fort Saskatchewan. Local committees have been set up in each of these areas to plan and co-ordinate activities, and invitations are being extended to other communities in these proposed areas requesting their involvement.

We anticipate, Mr. Speaker, that this proposed itinerary will be approved in May and that details will be made public by Ottawa and the Palace shortly thereafter.

head: **ORAL QUESTION PERIOD**

Heavy Oil Development

MR. CLARK: Mr. Speaker, I'd like to direct the first question to the Minister of Energy and Natural Resources. It deals with the assistance to Cold Lake area groups regarding the proposed heavy oil plant. Is the government giving consideration to separate hearings which would deal primarily with the social impact on the area, as opposed to the ERCB hearings which are of a much more technical nature?

MR. GETTY: Mr. Speaker, no, we are not giving consideration to that matter right now.

I disagree with the point by the hon. Leader of the Opposition that the ERCB hearings are in fact technical in nature. As a matter of fact, many citizens and groups appear before the ERCB and raise many issues other than technical issues.

MR. CLARK: Mr. Speaker, then to the minister. Has the government asked the Energy Resources Conservation Board, in the course of its upcoming hearings in the Cold Lake area, to make it well known to the people there that the board is prepared to hear briefs and representations and, in turn, to make recommendations to the government on the social impact of the plant going ahead in that area?

MR. GETTY: Yes, Mr. Speaker. It's the intent of the ERCB to do that. In my earlier answer I didn't want to close off any representations the hon. Leader of the Opposition may want to make that there be some other types of hearings. But right now, when the ERCB will hold extensive hearings in the area, it doesn't make sense to have additional hearings under any circumstances that I've been able to observe.

MR. CLARK: Mr. Speaker, then in light of the government's unwillingness to hold a series of social impact hearings in the area . . .

SOME HON. MEMBERS: Order, order.

MR. CLARK: Mr. Speaker, to the hon. minister. Is the government prepared to ask the local community advisory committee to appoint a member to sit on the interdepartmental task force which has been set up to look at the proposition?

MR. GETTY: First of all, Mr. Speaker, I don't recall any statement by the government about unwillingness to hold hearings. I just explained to the hon. Leader of the Opposition that they would be held in the area, and that anybody can make a presentation before them. They're open, public hearings. So I wonder why he's trying to leave the opposite opinion in the House — certainly not to help the people of Cold Lake, it doesn't sound like.

With regard to his other request, I don't know what particular advantage he would see in placing somebody from the community advisory committee on an interdepartmental committee. I think there is an excellent rapport among the community advisory committee, the MLA for the area, government departments, and the companies involved.

MR. CLARK: Mr. Speaker, to the minister. In light of the fact that Imperial Oil has representation and sits on the interdepartmental committee, isn't the government prepared at least to ask the community advisory group to appoint someone to sit on the group, even if they want to appoint the MLA from that area, so the communities have the same kind of input to the interdepartmental committee that Imperial Oil has?

MR. GETTY: Well again, Mr. Speaker, the Leader of the Opposition is leaving a completely false impression. Imperial Oil is not sitting on an interdepartmental committee. Imperial Oil asked that a committee be set up between the company and members of government departments. There are interdepartmental committees that have nothing to do with that liaison group. Therefore there is no need to balance Imperial's representation on an interdepartmental committee by the community advisory group, because Imperial isn't there.

MR. CLARK: Mr. Speaker, is the minister telling the House that Imperial Oil isn't on some of the government's interdepartmental committees or some of the committees that have been set up by the government to look at the feasibility of the plant going ahead? You're not trying to tell us that Imperial Oil isn't involved at that level? Now come on. [interjections]

MR. GETTY: Mr. Speaker, I'm trying to be as frank and clear with the Leader of the Opposition as I possibly can, and sometimes it's difficult to get through to his understanding, [interjections] Imperial is not on any interdepartmental government committees.

MR. CLARK: Mr. Speaker, then to put it to the minister this way, to get around the minister's concern: the committees that have been set up — not interdepartmental, but committees which have Imperial Oil and representatives of the government sitting on them — is the government prepared to ask the community advisory group that they have representation on those committees so that the community points of view can be put forward at the same time Imperial Oil is putting its points of view forward to the government?

MR. GETTY: Mr. Speaker, the liaison committee presently in existence between Imperial and the government regarding the possible plant — which still has not even been heard by the ERCB as a result of an

Imperial Oil request — if the community advisory committee would like to become part of that organization, I can't see a thing wrong with that. If they want to ask to do that, it sounds like we'd be happy to consider it.

As a matter of fact, though, there are some reasons I think they should be their own person and represent the area as a committee through and with their MLA. But we certainly would have no problems if they wanted to join that liaison group.

MR. CLARK: Mr. Speaker, we're making some progress then. Perhaps the question should go to the Minister of Municipal Affairs. Does the government have any plan to establish some sort of regional planning organization for the area? I ask the question in light of the fact that regional planning for that area is now done out of Edmonton. I wouldn't want the minister to confuse in any way that I'm suggesting we have a Cold Lake czar, somewhat comparable to the Northeast Alberta Commissioner.

MR. JOHNSTON: Mr. Speaker, the Department of Municipal Affairs is well advanced in the development of a regional plan for that area. We have completed what we describe as a phase one report. That report has gone to the community advisory committee and to all the municipalities. It gives a detailed listing of the resources of the area. It could probably describe the number of ungulates that are available in the area, certain resources of that nature.

It's important to know, Mr. Speaker, that the general plan and review are designed, through the public participation process, to provide ample opportunity for the communities to become involved. I think it's improper to leave the impression that this government would ignore the interests of the communities. In fact we have taken definite steps to ensure that their voice is clearly reflected in the regional plan discussions.

MR. GHITTER: A supplementary, Mr. Speaker, to the hon. Minister of Energy and Natural Resources. I'm wondering if his department is considering utilizing the 300,000 to 500,000 gallons of water that would come out of the Cold Lake development and would have to be disposed of, from the point of view of creating salt caverns for the storage of surplus hydrocarbons.

MR. GETTY: Mr. Speaker, that's an interesting idea that I'm sure would be considered when the ERCB is hearing various factors having to do with the Cold Lake application.

I might also advise the hon. member that it appears Imperial will or is proposing to use coal as the source of heat for the steam in the reservoir. Coal presumably will come from a Judy Creek coal deposit, and under present thinking will be transported by a coal slurry pipeline, which will require water. It may well be that the mix of all these factors will be able to be co-ordinated.

MR. GHITTER: A supplementary, Mr. Speaker. Can the minister advise us whether or not the government is considering the creation of salt caverns for the storage of surplus hydrocarbons in the province?

MR. GETTY: There are some parts of the province where that is done by the private sector. However, we haven't presently under consideration the creation of new salt caverns for storage.

MR. GHITTER: A final supplementary, Mr. Speaker, to the hon. minister. I wonder if the minister would advise whether or not the government is considering utilizing the Alberta Petroleum Marketing authority from the point of view of the government buying surplus hydrocarbons, particularly gas, and storing them; the result being that needed cash flow would then go back into the industry, and over a period of time the citizens of the province of Alberta could share in the profits that would arise from the sale of these hydrocarbons in later years.

MR. GETTY: Mr. Speaker, that was raised by industry some time ago when expressing its concern about surplus, certainly natural gas surplus. Our assessment of it, including the ERCB's, is that it's not necessary now. While we haven't said no to the idea, finally closing off consideration, it doesn't appear to be necessary to buy our own resource, in a way, and then store it. Right now, it is not under active consideration.

DR. BUCK: Mr. Speaker, a supplementary question to the hon. Minister of Energy and Natural Resources. Is the minister in a position to indicate how many companies now have pilot projects operating in the Cold Lake area?

MR. GETTY: Mr. Speaker, I think it would be wise for me to check and give the Member for Clover Bar an accurate report.

DR. BUCK: Mr. Speaker, a further supplementary to the minister. Has the minister had discussions with any other major company about putting a second *in situ* plant in the Cold Lake area?

MR. GETTY: No, Mr. Speaker.

Calgary Civic Workers' Strike

MR. CLARK: Mr. Speaker, I'd like to direct the second question to the Minister of Labour. It's really a follow-up to the question my colleague the Member for Little Bow asked the hon. minister, I believe it was on April 11, concerning the civic workers' strike in Calgary. At that time the hon. member asked the minister if he would intercede to see if some special arrangements could be made for burials in Calgary.

Is the minister in a position to indicate to the Assembly any progress with regard to, first of all, the strike in Calgary, and secondly and more specifically, that particular concern with regard to burials?

MR. CRAWFORD: No, not at the present time, Mr. Speaker.

MR. CLARK: Mr. Speaker, to the minister. Since the matter was raised in the House, have the minister or officials of his department had discussions with the union in Calgary concerning the possibility of the union permitting its members, on compassionate

grounds, to take on responsibilities in the cemeteries in Calgary?

MR. CRAWFORD: Mr. Speaker, I think the hon. member knows and well understands that the remarks I made in regard to the possibility of some special discussions taking place in regard to the burial of the dead were based on an extraordinary situation and unusual grounds of compassion, and were therefore outside the normal range of things I would be prepared to comment upon in the sense of the parties' negotiations, the substance of which and the details of which are always confidential between the parties.

However, to review the matter for the hon. member's consideration, at the present time I see no reason not to add that although I said the government's position was and is that no direct intervention would be made by us — and that if we considered that special arrangements should be made in the future in regard to the burial of the dead, regarding it in the light of an essential service, that would not apply as far as government action was concerned in this dispute — because of the way it's come to the attention of people, for the first time in my memory that this has been a special problem, that would be a consideration for further review.

But I would have to report only this to the hon. leader and to the House: we did leave the question of how far compassionate grounds might carry the parties entirely to them. Unfortunately for the survivors of the people who have been unable to be buried as a result of this dispute, no progress has been made in that respect. But I don't want to comment on the fact that no progress has been made, because I don't want to imply any criticism of either of the two parties in the course of their bargaining.

Coal Industry — Coleman

MR. BRADLEY: Mr. Speaker, I'd like to direct my question to the hon. Minister of Energy and Natural Resources. It relates to the current losses Coleman Collieries are experiencing in their coal mining operations and the efforts they are taking to continue operations beyond 1980. Would the minister be able to advise the Assembly whether the government has had any recent discussions with Coleman Collieries with regard to their current difficulties, and whether the government has reached a decision as to Coleman Collieries' request for relief from royalties assessed on their coal production?

MR. GETTY: Mr. Speaker, I have had several meetings with Coleman Collieries, and have had the Department of Energy and Natural Resources and the Energy Resources Conservation Board considering their request for relief from the coal royalties. Under the provision of the coal policy, there is a coal royalty formula. However, there is a minimum royalty of 5 per cent.

If it appears that the 5 per cent minimum is creating a hardship, the minister may, upon recommendation from the Energy Resources Conservation Board, waive the 5 per cent minimum and allow the formula to work so that it might create a percentage below 5 per cent. Whether we might waive the 5 per cent royalty is presently being assessed. If the facts justify

it, I would certainly recommend it to my colleagues in Executive Council.

PWA Labor Dispute

MR. TAYLOR: Thank you, Mr. Speaker. My question is to the hon. Deputy Premier and Minister of Transportation. Has the amount of the loss of revenue, if any, by PWA due to the recent strike been calculated?

DR. HORNER: Mr. Speaker, I'm not able to answer that question, because I don't think it has been calculated yet. My information from the chairman was that operations were maintained practically 100 per cent, with some minor delays and the occasional cancelled flight.

Hospital Budgets

MR. LITTLE: Thank you, Mr. Speaker. I would address my question to the hon. Minister of Hospitals and Medical Care. A number of my constituents have expressed deep concern about the threatened cutback of services at the Foothills Hospital in Calgary. Would the minister be prepared to advise the House of the status of budget negotiations with that hospital?

MR. MINIELY: Mr. Speaker, I answered that question at some length earlier in the week, except the last part. The Department of Hospitals and Medical Care heard the budgetary appeal of the Foothills Hospital yesterday.

MR. LITTLE: A supplementary. When could the House expect to have the results of that meeting?

MR. MINIELY: Mr. Speaker, I'm sure it will be fairly soon, but for a specific date I would have to check with departmental officials and advise the House next week.

MR. LITTLE: A further supplementary question to the minister. I understand there is some claim that the Foothills Hospital in Calgary is a specialty hospital and could be given some special considerations from a budget standpoint. Would the minister comment on this?

MR. SPEAKER: I'm not sure I understand the situation exactly, but it would seem to me that if an appeal is pending, perhaps this kind of question might be deferred until after the appeal is over.

MR. KUSHNER: A supplementary question to the minister. Can the minister inform the Assembly at this time, if he has the figures, whether he is in fact monitoring the process of the waiting list in the Foothills Hospital, as well as all hospitals in Calgary?

MR. MINIELY: Mr. Speaker, the answer to that question is yes. Since restraints were first applied in 1975 and again in 1976 and 1977, we have been monitoring waiting lists, not just in Calgary but province-wide throughout those three years. I want to say again, because otherwise it leaves a very inaccurate impression and it's important to the citizens of Alberta, that waiting lists have only been talked about publicly during that period of restraint,

but in fact compared to years prior to restraint our waiting lists are relatively not significantly higher at all.

MR. CLARK: Supplementary. Did the minister sit in on the appeal hearing by the Calgary Foothills Hospital?

MR. MINIELY: Mr. Speaker, it has never been my practice to sit in on the specific appeal hearings, because some of those are of a technical nature. Certainly departmental officials will be making a recommendation to me, probably not just on the Foothills Hospital. We expect appeals from other hospitals as well. That's not unusual. Every year there's been a round of appeals from hospitals about their budgetary financing.

MR. CLARK: Mr. Speaker, a supplementary to the minister. Will it be the minister's practice that once the appeal has been heard and the minister has received his recommendations from his officials, if a hospital board is still not satisfied it can then have a direct appeal to the minister himself?

MR. MINIELY: Mr. Speaker, naturally I'm going to rely very heavily on the experts, particularly about technical health care program details. But certainly in the final decision, as will be the case when estimates are examined next week in the House, the responsibility for hospital funding in total and to every institution ultimately rests with the government, in my case with the Ministry of Hospitals of Medical Care.

MR. CLARK: Mr. Speaker, a supplementary question to the minister, so there's no misunderstanding. Hospital boards then can be guaranteed that if they are dissatisfied with the results of the internal departmental reassessment, the minister will make himself available to those hospital boards for a final personal appeal?

MR. MINIELY: Mr. Speaker, it seems to be a day for the education of the Leader of the Opposition. I answered that question earlier.

MR. CLARK: If the minister has answered earlier, just so the minister understands and doesn't forget, and for my edification too, I take it the answer is yes, he will meet with hospital boards on budgetary problems once they've gone through the departmental appeal process.

MR. MINIELY: Mr. Speaker, certainly I've said in this House that this government believes in taking responsibility, and that's the reason we're not perpetuating the 'bufferism' philosophy of the former government.

MR. BATIUK: Mr. Speaker, a supplementary to the minister. Hearing on numerous occasions about the cutbacks in the Foothills Hospital, and as the minister stated a few days ago that the global increase for the hospital was \$2 million, I wonder if the minister could advise whether there is any reason to have any cutbacks with such an increase.

MR. SPEAKER: Is the hon. member asking specifically with regard to the Foothills Hospital, or generally with regard to all hospitals?

MR. BATIUK: Mr. Speaker, no, it was the Foothills Hospital, because \$2 million was mentioned.

MR. SPEAKER: Then, with respect, since the appeal process is still under way in regard to that hospital, we have a standing order that deals with that kind of thing. My suggestion would be to the hon. member that he might ask that question, if it still needs to be asked, after the appeal procedure has been completed.

MR. TAYLOR: A supplementary, Mr. Speaker, to the hon. Minister of Hospitals and Medical Care. Does the waiting list to which you referred include a waiting list for open heart surgery in Calgary?

MR. MINIELY: Mr. Speaker, as I've been saying for three years, waiting lists have to be put in context. In some cases waiting lists are very deceiving, because in fact we found when we examined cardiovascular surgery, and we've been watching that situation over the three years as well, that in many cases the so-called waiting list was just a list maintained in the doctor's own personal office. Again I have to say it's very important, particularly when we're applying restraint, that these kinds of issues are communicated accurately so that we don't irresponsibly generate emotion, when in fact waiting lists are no higher than they have been historically prior to applying restraints. It's true as well of cardiovascular surgery.

MR. TAYLOR: One further supplementary to the hon. minister. With reference to the hospital waiting lists, is there a separate waiting list for people living within the limits of Calgary and those outside the city limits?

MR. MINIELY: Mr. Speaker, I think I'd have to answer that question in the context of the number of people who utilize Calgary hospitals: approximately 20 per cent is the estimate for outside of Calgary.

DR. WEBBER: A supplementary, Mr. Speaker, to the minister. Have the Holy Cross Hospital and the General Hospital in Calgary appealed their operating budgets? Have other hospitals in the province also appealed at this stage?

MR. MINIELY: Mr. Speaker, I'd have to check the exact list of hospitals that have appealed this year. As I say, we'd anticipate more, because that's been the case in other years as well.

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

MR. KUSHNER: A supplementary question to the minister; it may be unfair. Can the minister inform this Assembly, if you can, sir: do you know the number now on waiting lists in Calgary? Secondly, in Foothills especially, has the waiting list in fact declined here in the last year?

MR. CLARK: No, it's longer: 6,000.

MR. MINIELY: Mr. Speaker, I have figures, but in the question period it's difficult to deal with them. I could certainly deal with that in the estimates, which will probably come up next week.

Organ Donations

DR. BUCK: Mr. Speaker, my question is addressed to the Solicitor General and has to do with vital organ donations. Mr. Minister, my question relates to the new organ donation cards to be issued shortly for attachment to drivers' licences. Can the minister indicate at what stage that proposed program is?

MR. FARRAN: The program came into effect on April 1, Mr. Speaker. Perhaps my hon. colleague the Minister of Social Services and Community Health can help you, because the problem has been designed through liaison between our two departments.

The new two-part drivers' licence has about four advantages to the public. First, it's more difficult to forge, because the second part is on bank note paper. Second, it obviates the double trip to complete the transaction of getting the photograph for the plasticized portion; it can all be done in one visit. Third, the paper on the second half, unlike the plasticized licence, can carry more details about the vehicles. Finally, for the program you're asking about, it can also carry a human organ donation agreement.

In proceeding this way we're following the example of Ontario and British Columbia. We were delayed a little because of our special plasticized licence, which didn't admit of an attached form or an endorsement on the back. But we have now solved it with the two-part licence carried in a single plastic envelope. All new licences are in this form, and licences that come up for renewal will also be in this form. Old licences, however, are still valid until the time comes for renewal.

DR. BUCK: Mr. Speaker, a supplementary question to the minister. Can the minister indicate the government's policy when there has been an accident and the person is a donor, then the family of the deceased refuses to permit the organs to be donated?

MR. FARRAN: My jurisdiction ends at having provided the facility for the donation agreement. I think that question would have to be answered by the hon. Minister of Social Services and Community Health, or perhaps by the Attorney General, who's involved under The Fatality Inquiries Act.

DR. BUCK: Mr. Speaker, a question to the Attorney General. Mr. Minister, in a situation where the donor, who is deceased, has signed but the family does not wish to release the organs, can the minister indicate the government's policy?

MR. FOSTER: Mr. Speaker, I don't know the answer to that, but I'll check. I'd be surprised if the family has any right to prevent such disposition, however, if the person made such a donation validly and properly. But I'll have a look at it.

Propane Car Derailment

MR. ZANDER: Thank you, Mr. Speaker. My question

is to the Minister of Transportation. Could the minister give the House some details regarding the derailment of some three propane cars on the CPR line just east of Breton in the constituency, as to whether or not any more danger exists in that spill?

DR. HORNER: Mr. Speaker, there was a derailment yesterday of the propane cars. There was no fire or explosion. My information this morning is that the one particular car which might have been dangerous has now been degassed and the danger is not imminent. People from the railway as well as from Disaster Services and the ERCB are on the scene.

Heavy Oil Development (continued)

MR. CLARK: Mr. Speaker, I'd like to go back to the Minister of Energy and Natural Resources. It flows from the question I asked with regard to the ERCB hearings in the Cold Lake area. Is the government assigning any people from the government departments to assist the ERCB in the course of its hearings which will deal with the social impact in the Cold Lake area?

MR. GETTY: Mr. Speaker, under the coal policy and under the ERCB legislation, the ERCB is often assisted by a member of the Department of the Environment. They may want that assistance in the Cold Lake application.

But I should make it clear to the hon. Leader of the Opposition that I'm completely opposed to any Berger type of inquiry, which I hear being rumored about and requested in the area. I'd find that to be an obstructive, divisive type of operation that would certainly not help the people in the area.

MR. CLARK: Mr. Speaker, a supplementary question to the minister so that he has no illusions about a Berger type of inquiry. Perhaps I should ask this of the Deputy Premier or the Minister of Energy and Natural Resources. Is the government prepared to consider seriously the proposition of the ministers of Social Services and Community Health, Education, Hospitals and Medical Care, and Municipal Affairs holding a series of meetings in the area where groups and individuals can make direct representation to those ministers following the ERCB's hearings in the area? That's no Berger type of hearing, but it's an opportunity, on a collective basis, to get the social problems before the ministers responsible.

MR. GETTY: Mr. Speaker, an MLA represents the area, and the various departments are always in contact with people in the area. I find it hard to understand where the Leader of the Opposition is trying to develop some special type of organization there.

Federal/Provincial Budget Talks

MR. LEITCH: Mr. Speaker, I would like to respond to some questions asked of me in earlier question periods. On April 11 the Member for Spirit River-Fairview asked whether there had been any general discussion by federal and provincial finance ministers of the short-term, six-month proposal. The question

referred to the sales tax dealt with in the recent federal budget. I answered that question, but said I was answering it on the basis of my memory and wanted to check the answer.

I have now been able to check, and the answer I gave at that time is accurate; that is, there was no discussion at the most recent finance ministers' meeting, but the matter was raised in a general way at earlier finance ministers' meetings.

On the same day, Mr. Speaker, the hon. Member for Little Bow asked whether we had any studies on which Alberta had based its presentation with respect to research and development taxation provisions. I've checked into that, and we do not have any studies done by Treasury. However, we do have a number of studies done by others, which reached the conclusions we supported in various representations to the federal government.

Public Accounts

MR. LEITCH: In addition, Mr. Speaker, some days earlier the hon. Leader of the Opposition asked when the third and fourth volumes of public accounts would be available, and I said I would check into that.

In response to that question, I would refer the hon. Leader of the Opposition to the comments made by the Acting Auditor General during the meeting of the Public Accounts Committee on April 6. In that meeting the Acting Auditor General indicated that because of certain difficulties flowing from a new coding system required as a result of program budgeting, it would be several weeks before the third volume of public accounts would be available, but the fourth volume is now available. Because it would cost about \$120 per volume to prepare the fourth volume in the manner it's been prepared and distributed in the past, and by custom the distribution has been limited to members of the Assembly, the Auditor General then suggested that any member who wished such a copy simply request it, and he would be able to deliver it in a form that costs only a few dollars to prepare.

Inflation Figures

MR. LEITCH: Finally, Mr. Speaker — it may not be appropriate to do this during the question period, and if not, I'd request unanimous leave of the House to revert to Tabling Returns and Reports — I want to table a document I referred to during debate on Government Motion No. 5. I said I would get the document and later make it available to the House. Perhaps, Mr. Speaker, it would be more appropriate to do that under Tabling Returns and Reports.

SOME HON. MEMBERS: Go ahead.

MR. LEITCH: Mr. Speaker, I said during the debate that I was referring to an inflation index of 10.1 per cent averaged over the preceding four years, and that that was a more appropriate index for university inflation rates than the consumer price index, which I think had averaged 8.8 per cent over the same period. The index I was referring to was the implicit price index of gross national expenditure. I don't want to leave the impression that that index was an education inflation index; rather it's an inflation index that,

in our view, is more appropriate to use for education matters than the consumer price index.

Public Accounts
(continued)

MR. TAYLOR: Mr. Speaker, on a point of information, I wonder if I could add that the Acting Auditor General brought volume four to Public Accounts on Wednesday last. Copies were distributed to both opposition parties, the hon. Mr. McCrae, and Mr. Young. I have three or four copies in my office in case any other member wishes to have one.

Insect Forecasts

MR. MOORE: Mr. Speaker, earlier this week the hon. Member for Drumheller asked me a question with regard to the anticipated degree of infestations of grasshoppers and tent caterpillars.

I can advise the Assembly that we do not anticipate any major insect pest problems in 1978. Grasshopper populations are at or near the bottom of their cycle. Flea beetles, while widespread, are of major concern only in central Alberta. Cutworms, bertha armyworms, aphids, black diamond moths, and armyworms are all projected to be low in number. In every case we have sufficient chemicals on hand in the private sector or in government storage to cover the problems that might occur. If there are infestations of a greater magnitude than we anticipate, we are aware of the location of chemicals elsewhere in Canada and North America.

Finally, Mr. Speaker, with regard to the forest tent caterpillar, the expectation is that the levels will be about the same in 1978 as they were in 1977. I am advised that during the course of this year the Canadian forestry service is applying a control measure in the Wabamun area, where there is a particularly heavy level of infestation, with the anticipation that in 1979 those numbers will be reduced.

ORDERS OF THE DAY

MR. SPEAKER: May the hon. Member for Clover Bar revert to Introduction of Special Guests?

HON. MEMBERS: Agreed.

head: **INTRODUCTION OF SPECIAL GUESTS**
(reversion)

DR. BUCK: Thank you, Mr. Speaker. Thank you, members of the Assembly.

On behalf of the absent Member for Spirit River-Fairview, I would like to introduce . . . [interjections] Show a little class, guys.

Mr. Speaker, I would like to introduce, on behalf of the absent member, 22 grade 8 students from the Worsley school in the Peace River block. They are accompanied by their teachers Mr. Harder and Mr. Roy, their bus driver Mr. Hagen, and their supervisors Merle Loos and Rose Campbell. I'd like these visitors from the Peace River country to stand and be recognized by the Legislature.

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

[Dr. McCrimmon in the Chair]

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

Department of the Attorney General

MR. CHAIRMAN: Mr. Minister, you started to answer some questions last time. Do you wish to continue?

MR. FOSTER: Thanks, Mr. Chairman. The Member for Clover Bar was asking about the matter of matrimonial property and what may be happening in that regard. I expect that bill will be re-introduced hopefully within the next two weeks, depending on work. I can say there has been a substantial amount of effort into redrafting the bill from its original form of 102 and 103. I don't want to get into debate now over legislation which will be coming into the House shortly.

I will confirm, however, that it is the government's intention to stay with the concept of guided judicial discretion as opposed to deferred sharing, and I'll go into that in the House. However, I think you will find there are some significant changes from the earlier bills introduced last fall, the results of which bring the line between deferred sharing and guided judicial discretion very, very close together. For example, there is a presumption of equal sharing of after-acquired assets with guidelines to apply, and we've stripped from the bill those guidelines or factors that relate more to maintenance than to property ownership. I think you'll be pleased with the bill when it returns.

The Member for Spirit River-Fairview got into the question of administration of legal aid in the province and wanted to know whether the resignations of several people in the legal aid office were related at all to the eligibility guidelines or to financial difficulties. I think he also asked about Mr. Sommervill in particular in that regard. I can say that on the basis of my information the resignations of these people related not to those other factors but solely to management, administration, and conduct in and out of the office. With respect to Mr. Sommervill, I think I can say that his departure was not related to the legal aid budget, to eligibility criteria or those matters. Again, they had more to do with management, administration, and conduct than anything else.

The hon. Member for Spirit River-Fairview wanted to carry on in the Assembly his discussion that we had some time ago in Public Accounts concerning the ratio between debt and equity in financing of public utilities. I don't intend to continue that debate. We've spent a lot of time on it, and I'm sure my colleague the Minister of Utilities and Telephones would want to participate in any discussion we have. So I'm not going into that in detail at this point.

I might remind the Member for Spirit River-Fairview that recently the PUB ordered a \$1.9 million rebate out of the recent NUL hearings. The system does work, Mr. Chairman. Members of the Public Utilities Board are as conscious as we are, if not more conscious, of the concerns raised here. The Member for Spirit River-Fairview has had ample opportunity to

make his point and to discuss the same with the chairman of the board on earlier occasions, so I won't continue with it.

I appreciate the comments of the Member for Grande Prairie.

With respect to the comments of the hon. Member for Edmonton Norwood, I would say, as I've said earlier, that much of the legal aid budget now is expended on criminal legal aid, therefore not that much is being spent on civil legal aid or family law. I'm hopeful we might strengthen those two areas in the next year.

I'm not sure I fully appreciate the concern about giving assistance, in this case to women, and providing them with an opportunity to pay back later. If you're eligible to obtain legal aid, you're eligible, and if subsequently you come into resources, your income base changes, or you have an opportunity to repay, you are expected to do so. That applies to all people, not simply women and not simply women with family law kinds of problems.

With respect to adjournments in the courts generally, my information is that while there are always individual and special case problems, we do not experience delays in the courts that we were experiencing two years ago, and the delays that a number of other jurisdictions in Canada are experiencing. We have almost a full complement of provincial court judges. I think we are short of at least one prosecutor in Calgary. It seems to me that one courtroom in Calgary is not fully staffed. But I'm not under any impression that adjournments are a serious problem in our courts. There are individual cases; you can always find something that may have been dragging on for eight months or so. But in my experience, when you look at the file carefully, there are good reasons for it — not necessarily acceptable reasons — but it often relates more to the conduct of the parties than to an effort by the Crown to delay the matter for whatever reason, which of course shouldn't occur. Frequently these delays are a result of both Crown and defence counsel having the matter set over for some reason.

With respect to witness fees and the co-question of witness management, we're working on several projects at the moment which may be of interest to the House. We've talked about this before. Witnesses are probably almost the final consideration in the administration of justice, which of course should not be the case, but it seems to have been the case in the past. I believe we're working diligently to try to cure that and to provide witnesses with better, more accurate, and faster information in order that they may respond; and also trying to inform them of their responsibilities as witnesses — the kinds of questions or problems they may experience — therefore hopefully encouraging them to participate as witnesses and not abandon the administration of justice by failing to co-operate.

I think such things as parking projects, a documentation project which I think is quite interesting . . . This is a new form of subpoena which is designed to give highlights to witnesses as to whom to contact with questions regarding their conduct as witnesses, the location of courts, where parking is available, and where they may call for certain information. We're putting out a basic information pamphlet for witnesses; we're working on what is called a witness

central project which will be a focal point for civilian witnesses, principally in Edmonton and Calgary, to contact and gain information about their responsibilities.

The whole question of witness management generally is being dealt with in a couple of the general projects. I think the patience of witnesses may indeed be tried by the length of time it's taking us to get these projects off the ground and operational. I say in response to that: so many difficulties in the administration of justice have not been tackled seriously for a number of years. We are now seriously tackling them, and I think we're making significant headway. But it does take somewhat longer than all of us, including those of us responsible for it, would like to see.

In this regard, I should say we have a rather sexy little project called Project Omega — Bruce Pickering will appreciate that — charged with the primary responsibility for systems improvement, analysis, and innovation in court systems. There is a substantial amount of money in this budget for Omega, and we're pinning our hopes on that operation to come through with flying colors. I'm sure it will.

The comments from the hon. Member for Lesser Slave Lake concerning access to the courts: Queen's Bench is before the Assembly right now, and I'll discuss that in the course of second reading and committee study. But I can make this observation: I'm hoping that we can shift some civil jurisdiction from — I'll call it Queen's Bench for the sake of discussion — Section 96, jurisdiction of Queen's Bench, to the provincial court system. In the family law area, in particular, a number of jurisdictional shifts could be made to allow provincial family juvenile courts to exercise responsibilities that today are exercised by the district court. That would put family court in touch with many more communities than district courts currently sit in, which would be helpful.

My principal comment is that we hope, I think, to expand civil jurisdiction of the provincial court. At the moment it's \$1,000. A year ago and for some time prior to that it was \$500. We are now seeing a very significant increase in the number of cases that ordinary citizens are bringing into small claims provincial court. This is a court where individual citizens can come — they don't have to have counsel although sometimes they do — and use that court as a basis of remedying their civil problems. The jurisdiction, as I said, is currently \$1,000. My preferences would be to raise that to \$2,000, \$3,000, or \$4,000, and we'll discuss this with the bar, the bench, and of course others.

I would remind all members that the provincial courts' small claims jurisdiction and family court would then sit and be heard in jurisdictions other than where the district court or Supreme Court sit. So there is some possibility for centres outside judicial centres, like Peace River and Grande Prairie, to have greater access for people to the court system.

I don't think one need fear that Queen's Bench will result in a decrease in service as it were to those centres outside Edmonton and Calgary, or indeed outside the other major cities. I think we can do some things to shift a little jurisdiction quite properly in the provincial court, and ensure that as much as possible citizens in rural Alberta have relatively easy

and speedy access to the court systems to solve their problems. I'll go into that in a little more detail perhaps on second reading of those bills.

I was asked whether or not I would be involved in Motion 210. I will certainly be in the House and be interested in the response of members, and will probably find an opportunity to say a few things, knowing me.

The hon. Member for Clover Bar again. I want to talk about backlogs in the courts. As I say, I don't think we really have them. I think in most cases you can get into a trial within about six weeks, maybe eight. It's very good. We just don't have that difficulty we've had in years past and some of the jurisdictions still have. We can be better and we will be, but at the moment the problem is not really significant.

Mr. Chairman, I'm bothered by my friend from Clover Bar and his remarks about a law for the rich and a law for the poor. That's the kind of thing that of course no member of the Assembly wants to tolerate in principle or in fact. However, I think we all recognize that while access to the courts and the legal system generally is available to all members of the public, those persons with resources sometimes have a greater capacity to move in the system — not to move through the system but to get into the system.

The criticism is sometimes made, and it was made in the House that, well, the legal aid people really aren't experienced counsel. They're junior counsel, and senior members of the bar don't handle legal aid; they end up being handled by junior members of the profession, and that is assumed to be bad. Let's recognize that it is not bad in all cases. There are many, many senior members of the bar who really aren't as capable as a lot of junior members to handle a good deal of this kind of activity, particularly criminal. I think the legal profession could do more to encourage senior counsel, in fact all firms, to participate in legal aid, and I think that statement could always be made.

I've heard some rather disturbing rumors that some of the rather large firms in the province are considering getting out of legal aid, and I think there are examples of large firms in the province that don't do any legal aid whatsoever. I find that distressing. I suspect that they know of my comments, or will shortly. That's a concern. I would invite the heads of major firms, and all those people with major firms, to consider seriously their public responsibility, to have members of their office participate in legal aid.

But I don't think it's fair to say that we have a law for the rich and a law for the poor. Certainly persons without resources have much more difficulty in getting around various kinds of problems, not just legal problems, difficulty paying dentist bills and a wide variety of other problems in our society. We all do what we can to redress those grievances.

Interestingly enough, in the B budget of legal aid for next year, one of the proposals is that we provide for a duty counsel system to assist ordinary citizens in their appeals to the court of appeal of this province. Using March as an example, statistics disclose that there were 97 criminal appeals in the court of appeal, and 40 of them were handled by citizens, without counsel. Now the court of appeal is a court in which you do need counsel, in my judgment, and you need experienced counsel. I'll be meeting with the ben-

chers and the legal aid people later this month, and we'll discuss the whole question of duty counsel in the court of appeal.

I'm somewhat surprised by that. I would have thought the concept of duty counsel should be expanded in family court areas and in the family law area generally before we gave priority to the court of appeal, but it's perceived by the Legal Aid Society as being a problem, and that's one of their priorities for next year. So we'll be pursuing that with them.

Mr. Chairman, I think that pretty well concludes my remarks to this moment. There was a contribution by the Member for Stony Plain on the matter of the Public Utilities Board, which I appreciated.

MR. TAYLOR: Mr. Chairman, I would like to raise about five points. First of all, I'd like to pay a tribute to the hon. minister, his deputy Mr. Paisley, his assistant deputy Mr. Henkel, and the senior solicitors of the department for the very courteous way in which they endeavor to help MLAs in legal problems that come up in a constituency. It's very nice indeed to find that when you take a problem to them they deal with it as quickly as possible. I think I can say not only I, but my constituents, appreciate this attitude very much indeed.

The other thing I'd like to say is that I'm very heartened in regard to the attitude to native people. Recently I arranged a meeting with the Legal Aid people and the chief and others of the Blackfoot band council. Due to the fact that we were in session, I was unable to attend the meeting personally, but I understand it was an excellent one. I can say that the band council and the leaders of the Blackfoot Indians are very anxious to live within the law and help their people resolve their problems, and I appreciate the attitude of the department in trying to foster that idea and to encourage the native people to do that very thing. I think the work of Mr. Cunningham, as adviser to the native people in our courts, and of his helpers has been a tremendous move in this regard.

I find the view that Indians are persecuted by the courts and the police is gradually disappearing, and I hope it will disappear completely. I want to thank the minister for the leadership he's giving his department and the departmental people for their attitude of treating our native people as Canadians, without any qualifications. I think this is good for the country and good for all of us.

The other point I'd like to make in regard to appreciation is that the courthouse built in Gleichen is certainly excellent compared to the little room that was formerly used. I think our native people and all the people of Gleichen, from Mayor Ferguson and his council right throughout the area, appreciate the fact that the department built an excellent new courthouse in Gleichen, and it's serving an excellent purpose.

While we're on new courthouses, I'd also like to say that I'm very pleased with the fact that money has been allotted for studies and preparation for new courthouses in Drumheller and Strathmore. Certainly the one in Drumheller needs attention, but the one in Strathmore even more so. Presently we are renting a place in the county office. While it's serving the purpose, it's certainly far from what we desire in a courthouse. So I appreciate that very much indeed. I think these new buildings from which justice is

administered have a very definite effect on encouraging respect for the law in our various communities.

I like the way our courts open. I hope we never get away from that. Sometimes I hear remarks in the U.S.A. that are a little discouraging, when they say, they open the court with a tribute to the Queen and so on. I've always endeavored to uphold that. I think this is an excellent way. When the judge enters the chamber in his robes, and the mounted policeman or the clerk announces he's coming in — a tribute to the Queen, everybody rises. I hope we never lose that touch. I think it's a touch of respect that we need in our courtrooms, and as far as I know it's certainly being carried out very excellently.

I'd like to mention two other items. One is the juvenile age. I think I already referred to the fact that in my pre-session public meetings a very large percentage of the people wanted a common age established, 16 for boys and girls. I would like to see this done at the earliest possible time. I think the present uncertainty and the difference in ages are causing some problems and concern among people. I would hope that eventually we might have a common age in this regard right across Canada. But whether that's possible or not, I certainly recommend the age of 16 for both boys and girls.

The only other item I want to mention is this matter of restitution by juveniles who come in conflict with the law. I don't think we do any boy or girl any good at all by letting them destroy somebody's property and walk away scot-free. I think this is bad training in citizenship. Having their parents pay a fine doesn't bring the message home in many of our homes. In some homes, certainly the one I was raised in, if I did something like that and my parents had to pay a fine, I would have been punished very severely for several weeks and maybe several months. But today some homes take it as a matter of course and simply pay the fine and say, oh well, a kid's a kid. But I think this is bad training. If a boy or girl goes out and defaces a wall with paint, chalk, or anything else, I think the very best possible training for that juvenile is to go and clean that wall off. They had the fun of putting it there; let them have the fun of taking it off.

I followed this policy when I was endeavoring to teach school. If youngsters did something that was destroying other people's property, I didn't take them down to the cellar and give them the strap — well, maybe on occasion, but not very often. But I did ask them to undo to the greatest possible degree what they had done. I found that was very, very effective.

For instance it was common practice throughout the years for young people — and I did it myself — to dump outhouses on Halloween night. This was accepted by the community; it is a lot of fun. But in our school the night before Halloween it was pointed out that there was a little old lady who was a widow, who was awfully kind to the youngsters. She'd bring cake over for the whole school periodically, and it was resolved in their students' union meeting that her outhouse would not be dumped over. To my amazement the morning after Halloween, looking over at her house, here was the outhouse dumped.

It wasn't very long, the youngsters started to arrive and many of them were just as concerned as I was. Everybody seemed to know the three boys who had broken the trust we had entered into. So I said to the three boys, I'm very, very disappointed in you; I think

it was a terrible thing to do; now what are you going to do about it? One of the boys said, well, we're kind of ashamed too; she was awfully good to us, but we did it because we were with some other kids and they persuaded us. The boy said, I think what we should do is go over and apologize and put her outhouse back up. And that's exactly what they did. I think I could trust those boys with anything, anywhere, because I don't think they'd ever break trust again. They learned their lesson.

I'm not going to go into a long story about this. I think the hon. Attorney General knows more about it than I do. But I wish we could foster restitution among our juveniles as a first, second, third, or fourth try before we use other methods. If they can undo the wrong they have done, certainly it would be the best possible citizenship training. I know it's hard to unscramble an egg, but some things that have been destroyed can be put back pretty close to their original shape. I think that's excellent citizenship training, and I hope we can foster a program like that in our administration of justice in Alberta.

DR. BUCK: Mr. Chairman, to the hon. Attorney General. First of all I'd like to have the Attorney General indicate where we're at now as far as the traffic courts go, because I guess they tie up a lot of man-hours and a lot of people who probably could be unscrambling other things rather than 'fender-benders'. So I'd like to know just how we're doing with the traffic courts, if we're solving some of the problem and if we're keeping people out of the courts.

Secondly, along that same line to the hon. minister, if he can explain the mechanism of when "I run into you" type of thing and there's no bodily injury involved: what happens in that process, how much damage has to be done before it has to be reported or not reported, and how it compares with the British Columbia plan where I believe their upper limits are higher, so that a lot of these things can be settled between "you and me" type of thing. Also the criticism that I believe the city police levelled: these forms they had to fill out for the 'fender-benders' were so complicated that they spent a lot of time filling them out. Now that may not be in the minister's department, it may be in the Solicitor General's, but I'm sure the minister has probably been aware of the problem.

Secondly, can the minister delineate the policy on the lucky sevens and the nevasdas? I know it's another vote, but I'd like to know what the policy is. I'd like to know if the applying clubs have to detail how the revenue is going to be spent. Is it so much to charitable donations, so much to capital expansion? How are the licences refused or if you have a licence and it is cancelled? Also I would like to know if the minister can indicate to us the size of the gaming department. How many people are in the department? I presume it's growing, and quite rapidly if my information is correct.

Finally, a local matter. Can the minister indicate the status of the proposed courthouse in Fort Saskatchewan?

MR. GOGO: Thank you, Mr. Chairman. I'd like to make some comments to the Attorney General and ask some questions. First of all, I was quite taken with the Attorney General's comments the other

evening in the discussion of professionals. He says:

Good professionals . . . sit down with their clients and explain the facts of life to them in advance, particularly when it comes to fees.

Well, as most hon. members know, when a week ago the Member for Vegreville spoke about the world's oldest profession on Jasper Avenue — that's exactly the system they follow. I'm pleased to see that members of the legal profession have taken a lesson from the world's oldest profession. I don't know about the outcomes.

Although it's my first term in the Assembly, perhaps my only term, I want to compliment the Attorney General. I think he's probably done more for the administration of justice in following through on the recommendations of the Kirby Board of Review than has ever been done in the history of this province. I think from sitting in caucus with the Attorney General, certainly his enthusiasm for these changes has not gone unnoticed.

I'd like to mention legal aid. It seemed to me we didn't really spend that much time on it. I'm sure the Attorney General recognizes, as do members of the learned profession as well as other members, that about 25, 30 years ago when charity was a virtue — today it's become an industry — legal aid was a virtue of the legal profession. It was a responsibility they assumed. I think that was part of the idea of getting on the statute books, of being self-regulating and self-disciplining: they would step forward and defend without fees those people who needed it. I think they've got a pretty proud record.

But when I look at the annual report of legal aid I begin to wonder. I look at last year's annual report and I see the budget was over \$3.5 million, and the estimates this year are over \$4 million. Certainly we have the equivalent of a means test in there, because we recovered about 6 per cent of those fees — \$218,000 last year.

I see in their annual report that interest provided by the Alberta Law Foundation to legal aid was about \$4,000, about a third of their postage bill. A question I'd like to ask the Attorney General is: I understand we changed things in this province some time ago where interest on lawyers' trust accounts would find their way to the Alberta Law Foundation. There's nowhere I'm able to obtain that figure; I'd be a little bit interested. I would hope that that interest on those trust accounts is only on those accounts where a solicitor would have difficulty allocating that interest to a client. In other words, if a client makes an offer to purchase and deposits \$100,000 or \$1 million, there's a fair sum sitting in that account that solicitors generally would recognize, and separate that and see that the purchaser or the vendor would have received that money.

The Member for Drumheller mentioned the native counselling. Until I read the annual report I was really unaware of it. I was very encouraged to see that the Legal Aid Society meets in committees with the native people of Alberta. I think it's so important for us to realize that it's a government which funds legal aid, and is cognizant of the uniqueness of the native people within our province, particularly when it's before the courts. I think that's very encouraging.

I also would like to comment on the student legal services, or the storefront lawyer I guess, as the laymen know them. I'm very interested in seeing that

113 divorces last year — assuming that legal divorce certificates are in fact divorces — were carried out by these student legal services, at a maximum cost of \$100. I'd like to know more about that. I would hope perhaps I will never need it, but I would be encouraged that if I did, I'd know where to shop.

MR. GHITTER: John, I'll do yours for free.

MR. GOGO: I've been advised by the Member for Calgary Buffalo I need not worry about it.

AN HON. MEMBER: If you want him to do it.

MR. GOGO: Mr. Attorney General, I look at the number of legal aid applications last year and the previous year, and it appears to have levelled off at about 20,000. However, in the constituencies I and the hon. Minister of Municipal Affairs represent in Lethbridge, in 1976 there were 1,500 applications for legal aid, but in '77 it declined to 900. I would be interested in knowing why, although the divorce applications went up 100 per cent. Is that because of recommendations from Kirby, or recommendations and changes with the Solicitor General's department, such as the very innovative program of the drunk tank business where you take in a fellow at night and release him in the morning without charges? I find that very, very encouraging.

I see we have a reciprocal arrangement with other jurisdictions. I would like to ask the Attorney General if all provinces of Canada have legal aid societies, because last year in Alberta 200 applications were granted for legal aid from other jurisdictions of Canada. I think it's just great to have the reciprocal arrangement with other jurisdictions, but when I look at the in-migration to Alberta, I wonder if we're not getting the short end of the stick. I'd be interested in an explanation there.

Finally, Mr. Attorney General, two other points. One is the status of the new courthouse in Lethbridge. As the Attorney General is aware, for some years there have been difficulties with the police force of Lethbridge, perhaps the finest municipal police force in the province. They have been having difficulties because of the encroachment of your department in court facilities. So the news was certainly well received that you were going to proceed with a new courthouse in Lethbridge. I would like you to comment as to how that's going. I recognize there've been extensive renovations to another building, and they may be occupying that now, but I'd like to know, if you could, Attorney General, about the courthouse in Lethbridge.

Finally, and this touches on the matrimonial property issue. I recall the Attorney General saying a year or two ago that ideally we in Alberta would be or could be responsible for all family court matters that would involve a divorce, maintenance, support, handling all marital disputes. The matrimonial property issue is, of course, our jurisdiction specifically. But I recall the Attorney General mentioning that it would save so much trouble and grief if we could merge these facilities and jurisdictions. Mr. Attorney General, I'd like you to comment on that, if you are prepared to. I assume we'll get to the other issue, the amalgamation of courts, as a separate bill in Bill 32,

and I'd just as soon not discuss it now.

Thank you very much, Mr. Chairman.

MR. FOSTER: Mr. Chairman, I appreciate the comments of the hon. Member for Drumheller, who had to leave. I think he's aware the government supports a consistent age of male and female juveniles at 16. We're having a little difficulty sorting out what the federal government intends to do with the successor to the Young Persons in Conflict with the Law Act, but we will be responding shortly to the third report of the Kirby Board of Review in this province. It will be at a committee of cabinet shortly, and I hope we can move on that age question before too long.

I particularly appreciate his comments with respect to restitution. It's a far more complex problem at law than I think most people appreciate. I don't intend to deal with it in detail here, except to say the whole question of restitution and the provinces' or the federal government's capacity to legislate in the area of restitution is currently before the Supreme Court of Canada under an appeal taken from the province of Manitoba. The argument is that the federal government has no jurisdiction under the Criminal Code or any other federal statute to deal with restitution, because that falls squarely under property and civil rights of the provinces, with which I fully agree.

When we have the view of the Supreme Court of Canada on that matter, we will be in a position to know whether the provinces can legislate in this area, which I rather suspect is the case, or indeed whether restitution is a concept to be expanded under the federal Criminal Code. At the moment it's really only employed as a condition of a probation order, and that's only partially successful.

The Member for Clover Bar was asking about traffic courts. I think we will be moving next week to add a number of specified penalties under a wide variety of provincial legislation that citizens can now have an option of voluntary payment of fine for those penalties, which is not the case in such a wide field, at least at the moment. We are moving ahead on diversion. I hope to have the summary conviction act in the House this spring, and I'll talk more about that at that time.

I'm a little confused about his comments concerning automobile damage and reports. As I understand it, under the provincial legislation you're only required to notify the police and therefore obtain an accident report when the damage is estimated to be in excess of \$350. I suspect his questions had more to do with access to the motor vehicle accident claims fund, and maybe he can clarify that later.

I don't understand the point about forms from police and how difficult or confusing they may be. No doubt the police are obliged to complete many forms that they find difficult, as do the rest of us, but I'm not aware of the specific concern, and I can't help him on it.

With respect to policy on pull tickets and how funds are expended, perhaps I can begin by saying, and I'll be brief: the only eligible organizations are religious and charitable, and the proceeds must be expended for religious and charitable purposes. That's a federal Criminal Code matter over which we have no control. We do, however, interpret the breadth of "religious" and "charitable" and, of course, how the funds may be spent. I think we have been fairly tight in our

interpretation of how these funds may be spent, and we're currently assessing that. My view is we'll be moving to broaden the areas in which funds may be expended. One of the very interesting suggestions we've been kicking around in caucus is the possibility of having these various groups publicize how their funds are spent, and requiring that as a condition of licensing.

On the question of licence refusal and cancellation, a licence is only refused if the organization is not eligible. Of course with respect to casinos, licences can be refused, but that really isn't a refusal because that's a question where applicants for casinos have to be successful in the draw, and I wouldn't put that in the category of refusal.

With respect to cancellations, as I understand it licences are only cancelled or withdrawn in circumstances where there has been conduct of a rather unbecoming nature and we feel the licence should not continue. Again if there are specific problems, I'd be happy to discuss them with individuals.

On the size of the gaming control unit: 26 people? Thank you. My advice is from the gallery. Twenty-six people in total in gaming control.

The status of the Fort Saskatchewan court: in this budget, Mr. Chairman, there is exactly \$981,000 to proceed with the development of the Fort Saskatchewan court facility, [interjections] I can't tell you. It's in the budget so it will be within the year.

The hon. Member for Lethbridge West was inquiring about trust funds and lawyers' trust accounts. He's quite right that only those funds that cannot be easily allocated to an individual client go into this fund. But in saying that, let me go further and say: a lawyer and a client, of course, can make an arrangement about their trust funds; the funds go into a separate trust account, an interest-bearing account, and the proceeds are available to the client. That's available to any client with any solicitor. Where that arrangement is not made, interest at the rate of 3.5 per cent is paid by the banks to the Alberta Law Foundation, and I would estimate this past year that revenue has been of the order of \$2.5 million. I think I recently tabled the annual report of the Law Foundation which discloses how those funds are expended.

Student legal services were asked about, and I'm not familiar with the detail of that. If you would like me to go into it in more detail I will of course be happy to. I'll have to get that information. I know that student legal services are funded in part by The Legal Aid Society. I have a feeling the student legal services also get some funds from the Alberta Law Foundation, so they have other funds they use, and they provide legal services on a neighborhood law storefront office concept, as the member described.

I don't know the reason for the reduction in legal aid certificates in Lethbridge, if that in fact is the case. I'd have to raise that with the legal aid committee and find that out, and I will.

On the matter of reciprocal arrangement with other legal aid communities or societies in Canada, my information is that all provinces have a legal aid operation. Whether or not they're separately incorporated societies is not clear in my mind. I don't think they all are. But all provinces have a legal aid program of some kind or other. That's my information.

With respect to the courthouse in Lethbridge, there

is \$1.6 million in these estimates; to be precise, \$1,622,000 for the new unified courthouse in Lethbridge which will house all the courts. The hon. Member for Lethbridge West is familiar with what we've done on an interim basis with the provincial courts in that city.

I am a little unsure as to his remarks concerning the province's jurisdiction or capacity to handle divorce and other family matters. We don't have capacity to handle divorce; obviously, it's federal. It may have been I was talking about the concept of a unified family court, and we got into that kind of discussion. We haven't yet received the report from the Institute of Law Research and Reform on the unified family court.

If you want my personal views, they are: it's a beautiful concept, it sounds very nice, it has a logical ring and an immediate appeal, but I doubt very much that it's going to work in fact. I think the best we're going to be able to do is to have family law matters handled in a family law court, in the provincial court, and a family law division or some such arrangement within Queen's Bench. I just don't see Section 96 judges being willing to carry out the routine family law problems experienced every day by family and juvenile court judges in the provincial court system.

There are a few experiments in Canada — one in Ontario — which people are heralding as successful. My only reservation about that is that in Ontario — I think it's in Hamilton — they took three judges who are already in the family court system and made them Section 96 judges, gave them a total jurisdiction, and they're operating as a unified family court. To me, that is not the test. The test is: can you get Section 96 judges willing to do all that work? To be quite candid about it, I don't think they will, nor indeed do I think they want to.

The other option of taking as many judges as we would need — that may be as many as 25 or 30 — to handle this, to find them at the provincial court level and then put them in the Section 96 category, I think would be almost impossible to put together. First of all, you'd have quite a number of judges in Queen's Bench who wouldn't have much to do, because all family law would be stripped out to the unified family court.

I just don't think it's going to work; not because it couldn't work, but because personalities and attitudes of Section 96 judges are not going to have it work that way. I don't mean to suggest that if you lose the concept of a unified family court you have suffered. I think the system can be designed to work quite efficiently, even using two courts. It will certainly be a vast improvement over the three we have today.

DR. BUCK: Mr. Chairman, just another point here. This has to do with gaming again. I'm really at a loss to understand what the department's trying to do with some of the small 25-cent ticket things, and draws at 25 cents. The schools use them, the Lions Club uses them. I can't understand what the philosophy is behind trying to control these types of things. It really encourages even schools to circumvent the law, because now they're doing it through their agricultural societies or somebody who is registered. I think the minister should sit down with his department, look at some of the piddling ones, and forget and ignore them, because the Mafia's not going to

move into that area. Somebody is not going to make a million dollars on the thing. All it's doing is causing a lot of bad will for you know who, the government. You know that's right.

Also, I had occasion the other night to address a Knights of Columbus anniversary night. I said the Socreds have a new secret weapon. They're going to win the next election because the government is going to ban all bingos, and all the Catholics are going to vote Socred. You know, it almost gets . . .

AN HON. MEMBER: I know one who won't.

MR. FOSTER: That's the devious way.

DR. BUCK: The thing is, this has caused a lot of problems for the minister's department. In fairness to the minister, I know there could certainly be a problem and there probably have been some problems in the past. I think we just have to look at what I'd like to call the Mickey Mouse ones and forget about them, because the moneys and funds raised are for local purposes and don't amount to more than \$100 or \$125 maximum profit.

Just yesterday, when I was at one of the schools in my constituency, the teacher and the principal said — and he's speaking to me as a member of the Legislature — come on fellows, surely you people don't really mean you want to control the 15, 20, and 25 cent tickets; that surely can't be your intention with this gaming act. But that's exactly what has happened. So the schools are going to their agricultural society, and are doing it under the guise of it being one of the projects of the agricultural society. Well, that's just going to complicate the bookkeeping system of the agricultural society with a raffle that may raise \$125 so the kids can go to some type of music camp or something. I know the minister is a pretty sharp cookie and I'm sure this has caused him some sleepless nights, so my suggestion to him is to say with a stroke of the pen, look fellows, forget about that kind of nonsense.

We still haven't had any clear-cut definition of what we're really going to do about the curling calcuttas. First of all, I'll go on record saying I think we should be concerned with the large calcuttas, because in many instances — and I can give the minister an example where a friend of mine who happens to be a good curler owned the rink he was playing against, and winning that game cost him \$250. Now that's just a small example. When we get into the large calcuttas where \$20,000, \$30,000, and \$40,000 could be involved, if I am playing the man I own, and the difference between winning and losing could be \$5,000, then I think we can have some problems. If the minister has ever been a curler, all you have to do is sandpaper a guard and you've lost the game. That could happen. So I think there is a concern for the really large ones. But the small club calcuttas are another area we shouldn't be involved in. There certainly has to be an arbitrary figure about which ones we govern and which we don't. But for the small club calcuttas, golf or curling, whatever they be, we have to make an upper limit and say, below that we don't hassle you, above that it comes under the gaming control.

MR. FOSTER: Mr. Chairman, I appreciate the member's comments about the small — I'm not talking calcuttas now — gaming activity, the 25 cent ticket where a group wants to raise \$100. Maybe we can do something there, and we'll look at it.

Calcuttas are a different kettle of fish completely. They are not a gaming event that we license and control. They are illegal under the Criminal Code, and the fish's tail on this one is a little difficult to find, whether it's big, medium, or small, and who said it's big, medium, or small. I'm not in a position where I can say of The Lord's Day Act, the Criminal Code, or other matters, you can get away with a little bit, but when you get to be big we're going to get you. I can't say that in public. I can surmise what may be our objectives and those of the police with respect to enforcement problems. We're not spending all our time looking for people who are jaywalking. We're spending an awful lot of time working on more serious matters than that. And we're not spending a lot of our time looking for the little wee gaming events or calcuttas so we can bust them.

At the same time, I'm not in a position to say, go ahead and do it, fellows or gals, and we'll ignore you. That's something my office cannot and will not do or say, nor is that being asked for. But don't ask me publicly or even privately to set a policy with respect to just fudging the edges of the criminal law. I can't do that. If organizations choose to operate and they're small but they still choose to operate and it's technically illegal, I can't give them any aid and comfort in that situation. There's no capacity in the Code to draw a line for small and big calcuttas. But I say to you, we're not out to crack down on jaywalkers.

MR. CLARK: Mr. Chairman, I'm sure the minister would be delighted explaining some of the . . . Just looking at the estimates across the department, I notice that the department is going to travel a great deal more this year. In Vote 1 it's up 25 per cent; Vote 2, 52 per cent; Vote 3, 17 per cent; Vote 6, almost 70 per cent; Vote 7, 27 per cent. Perhaps we might start there.

In an area I just happened to be skimming across, I also notice the area of hospitality, on Vote 1, 457 per cent increase; Vote 2, 142 per cent; [Vote 3] 830 per cent. I recognize there aren't large amounts of money involved in the hospitality side — for example, in Vote 1, \$39,000; in Vote 2, \$22,000; in Vote 3, \$49,000. But what does intrigue me is why we'd have an 830 per cent increase in hospitality as far as Vote 3 is concerned. Knowing this government I'm sure a little entertaining was done last year, and I would be interested in knowing why the sizable increases, Mr. Minister, right through your estimates in the areas of travel and hospitality.

While those two are not huge amounts in themselves, Mr. Minister, it's one of the areas that one can't help but look through all the government departments and really see what's happening here, because when we look at the overall increase of the department estimates over last year, there's about a 21.1 per cent increase in manpower as far as your department is concerned. Those are the estimates of last year to estimates of this year. I do know your department has been exempt from the spending guidelines for I believe the past three years. Is that

right? I think it would be a fair question to ask, when do you as minister expect the department would be sufficiently staffed and the courts would be in shape so that we could expect the AG's department to fall more in line with some of the other departments?

MR. FOSTER: On that last point first, Mr. Chairman, we will have an additional increase in staff next year as the final year for Kirby for the provincial court, and that should bring us to the same level of comparison with other departments. But we will have another year of Kirby. I don't recall the figure but I think it's around 30-odd people, something like that. Anyway we need to bring a group of people on staff for Kirby. That's the provincial court system.

We've got the third report from the Kirby Board of Review. That has to do with juvenile and family court. We haven't completed our assessment of that, and I don't know what the staffing arrangement may be. So Kirby 3 will introduce a requirement for additional staff in the family and juvenile court area, but I don't know to what extent. Next year we come out of it.

With respect to hospitality and travel, I probably need to do a little bit more work on this. I can see you're interested in the subject, so we will. But I can say to you in such things . . . Let's deal with travel. Provincial judges, and therefore prosecutors, are having to travel much more frequently than before because they're going on circuit and are moving around. For example, a while ago judges in Edmonton and Calgary didn't do much circuit work, if any, and they're now required to travel in the rural parts of the province on rotation. In addition, as we staff up on Kirby, just to have a court sit outside a base point, we've got about four or five people who have to get there — court staff, the judge, the prosecutor — and that has been a significant increase in our travel operation, primarily by reason of the provincial court system having to move around in the way in which Kirby has described. So that's the large measure of travel. If you want to go into it in some detail, I'm happy to try to do that.

I haven't got an answer for you on the hospitality question. I don't know the answer to that. I assume that our hospitality figures would simply increase on a roughly equivalent basis with our staff increase. If that is the case, fine. If our hospitality is increasing on some other level significantly greater than our staff increase, then I think you're entitled to an explanation, which I haven't got at the moment but will get. If you're content to leave it on that basis, I'll be back in the House on at least three or four pieces of legislation. I can deal with it then or try to deal with it later this morning when I can get some messages to me.

MR. CLARK: Mr. Minister, on the questions of both travel and hospitality, if you'd break them down by votes and the reasons for, and just get a memo to us, that's quite agreeable, if that's possible.

Mr. Minister, you alluded to the second area I wanted to discuss for a moment or two. If you've already discussed this in the estimates, just tell me and I'll go back and check *Hansard*. Unfortunately I haven't been able to be in. It deals with Kirby 3, the report which deals with the court system, juveniles, and so on. To date, I don't recall your giving an

overview of that report as to where you see the priorities — some kind of reaction to the report. In light of the fact that you've already rather served advance notice that for next year we may well be looking at some increases there, either this morning or sometime in your legislation, but preferably this morning if possible, can you give us some sort of overview or handle as to your assessment of what areas you think we have to give priority to? From speaking to two members of the Board of Review, I think I'd be accurately assessing what they indicated to me when they said this was a very difficult area to get a handle on, that we've really done a very poor job of even determining who the people are out there, let alone the problems we have in the courts.

Secondly, Mr. Minister, a concern that comes to my office very often is the relationship between the court system and the Department of Social Services and Community Health — the problems law enforcement officers have with juveniles they feel should be placed in institutions like Ponoka, for example; and if a charge is pending, there just are breakdowns in the case. I'm not being critical of the minister's department. I think I can somewhat appreciate the difficulty involved. But that's an area I'm sure the minister gets quite often and, I'm sure, that his colleague the minister also receives. My office gets the same kind of complaint. They're not the kinds of things one wants to get involved in publicly. But an overall view of the problem: what direction are we moving in this area, and what are your overall priorities as far as Kirby 3 is concerned?

MR. FOSTER: Mr. Chairman, I think that is an excellent question. I wish I could answer him in detail today, but I can't. Kirby 3 has come to us. My colleagues the Solicitor General, the Minister of Social Services Community and Health, and I have an interdepartmental committee of officials who have taken Kirby 3 and are shaking it down, as it were, and sorting out, as you say, the very difficult relationships between three departments, and making a recommendation to the three of us on the various points covered in Kirby 3. So to this moment, we three departments and ministers have not addressed our minds carefully to Kirby 3. It's come in; it's being evaluated and commented on by the three departments. As a matter of fact, I expect the three of us will be in a position before the end of this month to have done that first assessment of our officials' response and of our discussion. We are then going to the social planning committee of cabinet to start formulating a policy response to Kirby 3. So it's a little premature to say, here's what I think should and should not be done, and where the problem areas are.

The odd example I don't agree with in Kirby 3: there's a recommendation that the juvenile and family court in the provincial court system should be an entirely separate court, separate and apart from the provincial court system. I strongly disagree with that. I think the rationale behind that proposal was an argument in favor of specialization in the courts, an argument that family and juvenile judges, and perhaps to some extent the staff in support of that court system, are very specialized people, work in a very special area, and should be set separate and apart. My response is that I fully recognize the need for

specialization in the court, which is a specialization within the judiciary, but I don't think that has to dictate the structure of the courts.

On Wednesday I had a meeting on this point with the chief judge of the provincial court and the assistant chief judge in charge of the juvenile and family court. They don't have any particular difficulty with it. I think we're moving toward having one provincial court with a family and juvenile division. Most of the judges in that court will remain there and work in that area, but they may occasionally work outside the area in civil or in criminal, or indeed some of the civil and criminal judges may work in family. So there's one recommendation with which I don't agree.

But I'm really not in a position today to comment on the balance of the recommendations, because Kirby 3 is very, very much a policy and operational area that ties up three departments. I couldn't give you any more than a personal comment or view, and I wouldn't want it to be taken as government policy at this point. We probably should have analyzed Kirby 3 a little before this date. At the same time, we probably should have had Kirby 3 a little before the time we received it. That's not meant to be a criticism of Mr. Justice Kirby or his committee. It's just that that process has been in the mill a lot longer than all of us had expected or would have liked.

MR. CLARK: Mr. Minister, then is it possible that by the end of this month either you or one of your colleagues would be in a position to give at least a preliminary overview of the government's assessment of Kirby 3? The reason I ask that is: at the rate we're going, Miss Hunley's department estimates will be coming up after the first of the month, and I for one would welcome the opportunity to get some reaction from the Solicitor General, or take that occasion for both the Solicitor General and the Attorney General, all three ministers, to become involved not in a precise prescription as to what's going to be done, but in some sort of overview, some kind of indication of the government's priorities, the government's reaction to this. If the government's going to be doing budgetary preparations starting September, August, or whenever it starts now, in fairness to all members of the Legislature and to the public at large I think we should have some sort of indication as to where we're going with Kirby 3.

MR. FOSTER: Mr. Chairman, that sort of request is not unreasonable. But I cannot stand in this Assembly and say, this is the government's view with respect to Kirby 3. I can tell you there's no way I am prepared to see a completely separate court for that, because that's primarily my responsibility, and I think my colleagues would back me up on that. At least that's my personal view. I can't say to you, well, I think the juveniles should be handled in this way or that way. For the government to have come to a conclusion as a matter of policy will require the three ministers to have shaken out their differences, and for a cabinet committee and the cabinet to have concurred, and discussion to have taken place at caucus. Then you will get a government position. That takes time.

Frankly, what we were hoping we could do this spring is have a motion on the Order Paper in which the House could discuss Kirby 3, and perhaps the

three of us could participate in that discussion from our own perspective, laying out the various factors and asking the House to consider them. I don't think you'd find any of the three of us sort of pounding the table, saying, well that's going to be the government's position on this or that area; because, as I say, Kirby 3 is very closely tied with three departments. Kirby 2 and Kirby 1 are almost exclusively the Attorney General's responsibility. I can, will, and certainly don't mind giving you my very frank assessment and discussion of that area. But in Kirby 3, the three of us are caught because we really can't do that. It's not our individual responsibility.

MR. CLARK: Mr. Chairman, to the minister: would you take under advisement the possibility of the government placing that on the Order Paper? We could do that. But one hour goes very quickly, and by the time the three ministers spoke . . . I think an afternoon or one evening could be helpful to all members concerned with Kirby 3.

MR. FOSTER: Mr. Chairman, in conclusion, we put it in the Speech from the Throne, and the reference there was to a discussion. Our intention was to have a motion on the Order Paper and have it discussed here. I think it's important for government caucus and members of the opposition to have a discussion here, before government lays out what it thinks. After all, we want to know what people here think. And because of a discussion in this Chamber, you're going to get a reaction around the province. That's the important assessment for the political people.

Agreed to:

1.0.1 — Minister's Office	\$112,800
1.0.2 — Deputy Minister's Office	\$198,500
1.0.3 — Information Centre	\$549,680
1.0.4 — Administrative Services	\$233,620
1.0.5 — Personnel	\$619,930
1.0.6 — Finance	\$4,256,530
Total Vote 1 — Departmental Support Services	\$5,971,060
Total Vote 1 — Capital	\$149,460

Vote 2 — Court Services:

2.1 — Court Support Services	\$3,109,850
2.2 — Provincial Courts	\$8,275,150
2.3 — Juvenile and Family Courts	\$1,809,980
2.4 — Small Claims Courts	\$235,820

DR. BUCK: Mr. Chairman, I'd like to ask a short question on small claims courts. Can the Attorney General indicate, is the opportunity and the system in the small claims courts uncomplicated enough that a person can appear there without counsel? And how is it working out?

MR. FOSTER: The answer is yes, and it's very, very busy. Perhaps you were out of the House a moment ago when I talked about expanding the small claims court. The limit in jurisdiction is now \$1,000. There has been a tremendous increase in activity, not so much by counsel but by citizens bringing their claims before the courts. I'm very encouraged by that. Maybe there are a great many people who had these claims and weren't bringing them before, because

they didn't feel they had the opportunity or felt they had to hire a lawyer and didn't want to.

DR. BUCK: A supplementary question on that, Mr. Chairman. Can the minister indicate how decentralized the small claims courts are throughout the province? The reason I ask the question is that at one time we had a small claims court in Fort Saskatchewan. It's now been centralized to the city of Edmonton. As the courthouses spring up throughout the province, will the small claims courts be going to these small courts?

MR. FOSTER: I can't be precise in that answer. Small claims would or will sit in base points, but they may not sit on every circuit point. To my knowledge, they don't at the moment. I would like to see us have some capacity in the longer term to have a small claims capacity in every centre where the provincial court sits. That was back to a comment by the Member for Lesser Slave Lake. While you've got Queen's Bench sitting in perhaps 15 centres, you'd have the provincial court with this civil capacity sitting in — well, we have a total of 102 now; it may not be that high down the road.

Agreed to:

2.5 — Supreme and District Courts	\$6,696,700
Total Vote 2 — Court Services	\$20,127,500
Total Vote 2 — Capital	\$519,070

MR. CHAIRMAN: Could we have permission to revert to introduction of visitors?

HON. MEMBERS: Agreed.

head: **INTRODUCTION OF SPECIAL GUESTS** (*reversion*)

DR. WALKER: Mr. Chairman, it's a very great pleasure for me to introduce to you, and through you to the House, members of the central board of the Sugar Beet Growers' Association of southern Alberta, under the very able leadership of Mr. Burns Wood. They're attempting to keep alive the sugar beet industry in southern Alberta. I would like to ask them to stand and receive the welcome of the House.

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

Department of the Attorney General (*continued*)

Agreed to:

Total Vote 3 — Legal Services	\$8,144,290
Total Vote 3 — Capital	\$36,480

Total Vote 4 — Support for Legal Aid \$4,100,000

DR. BUCK: Mr. Chairman, in light of the fact that the minister is concerned about legal aid moving in the right direction, can he indicate if he has the ability to do any crystal ball gazing, and use his fine debating skills to convince the Executive Council that there can

be an appreciable increase in this vote in the budgeting process for next year? Is that the feeling there?

MR. FOSTER: Mr. Chairman, this past year I think we passed a special warrant of something like \$230,000 or \$240,000 for legal aid. I'm not suggesting we're prepared to do that this year. But what I'm saying is that if we can be satisfied the case increase merits it, we will find the additional funding. I'm talking about making a conscious decision to perhaps expand civil legal aid, primarily in the family law area. I said earlier in the House that my first priority has been Kirby and the entire administration of justice, which we've been on for a couple of years. I think we should now consider some shift in allocation of resources to provide somewhat more funding, over our normal budgetary increase, to legal aid and that area.

I'm interested in seeing legal aid's B budget for next year. I've already indicated they want to consider expanding their staff in a couple of areas: a research project in this area, called neighborhood law offices; and duty counsel in the court of appeal. Those are B budget items. I think my concern would be that we need to expand the existing level of programs in areas which are currently not receiving that much in terms of resources, and that's civil and family law.

So I'll do my best to convince my colleagues that that should be, and I'm sure they'll get lots of encouragement from the Legal Aid Society. I suspect the benchers of the Law Society, who are partners in this legal aid program, would be willing to go along with that kind of initiative as well. I'm meeting with them in about a week's time to discuss it.

MR. CLARK: A question to the Attorney General. Earlier this morning the Attorney General made a rather fascinating comment, when he talked about legal aid and the fact that not all legal firms in the province are participating in the program. I hope that's the exception rather than the rule. Does he discuss that kind of thing with the benchers? What reaction does he get from them? It seems to me it's part of the legal profession's social responsibility.

MR. FOSTER: Mr. Chairman, I quite agree, and I'm sure the benchers of the Law Society quite agree and would want to encourage their members, as they have, to continue to accept legal aid responsibilities. A while ago I got a computer print-out of the various firms doing legal aid work and how much they're receiving. I'm impressed by the breadth of service being offered by the firms and the relative smallness of the fees. That is to say, we don't have a mass concentration of legal aid in a handful of firms, although clearly a relatively small group in Edmonton and Calgary do most of the criminal work.

What I am saying is that it's come to my attention that one or more rather large firms have made, or are about to make, a conscious decision not to do any legal aid. I'm saying that would be unfortunate, and I'm sure all members of the House agree. I'm sure the Law Society of this province agrees. I'm simply putting that statement out, because I want them to think about it.

MR. CHAIRMAN: May the hon. Member for Calgary McCall revert to introduction of guests?

HON. MEMBERS: Agreed.

head: **INTRODUCTION OF SPECIAL GUESTS** (*reversion*)

MR. LITTLE: Thank you, Mr. Chairman. It's a real pleasure for me to have the opportunity again to introduce a group from my constituency. This morning I would like to introduce to you, and through you to the House, 71 Girl Guides and their leaders Mrs. Shirley Martin and Mrs. Martha Kotlarchuk. They are from the East Bow Division Girl Guides, which is situated in the constituency of Calgary McCall. I would request at this time that they rise and that the members of the House give them the usual welcome.

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

Department of the Attorney General (*continued*)

DR. WALKER: Mr. Chairman, I would like to bring up the subject of abuse of legal aid, and ask the minister what controls there are on this. I understand that ordinarily a great many people would go to a court, and if they lost their case that was the end of it. Now, with legal aid, they're going to appeals and the Supreme Court and everything else, because they have nothing to lose. Is there any way there can be something for them to lose if they keep using the system to this extent? There's an increase of about 20 per cent in this year's estimates on legal aid, from \$3.5 million to \$4.5 million, and over the past seven years there's been an increase of some 400 per cent. I would like to ask: is the minister prepared to put some brakes on legal aid?

MR. FOSTER: Mr. Chairman, I think the hon. member is entirely inaccurate when he says there has been an increase of some 300 to 400 per cent in the last few years, and indeed that the budget has gone from \$3.5 million to \$4.5 million this year. The budget this year is \$4.1 million, up from \$3.87 million. That doesn't strike me as that significant an increase. I think the total budgetary increase for legal aid this year is 5.9 per cent, which is not overwhelming.

However, the question of abuse of legal aid is a very real one, and I don't know that there is one answer I can give, except to say the joint committee and those responsible for reviewing decisions are cognizant of this. The courts are, although that's a very difficult thing for the judiciary to deal with. The legal profession is. There's no doubt that there is some abuse of legal aid. Some people probably get it who ought not to; on the other hand there are people who don't get it when they should.

I know that the men and women working in the legal aid system are diligent in their pursuit of making this equitable and fair. I'm not sure I can provide the House with one simple solution to cut out this kind of abuse. It's simply there. If you have any suggestions, I'd be very happy to have them. I know people are

conscious of this. When courts suspect this kind of abuse, they try to deal with it. But it's extremely difficult. Remember that each application has to be approved, and there is a review process. It isn't just granted automatically in all cases.

DR. WALKER: I might just add a supplementary. Would the minister consider putting an MLA on the legal aid board? It's one of the few boards that doesn't have any direct government representation.

MR. FOSTER: Mr. Chairman, I think that would be inappropriate, because we've tried very hard to have the Legal Aid Society at relative arm's length. Legal aid is now a partnership really between the Crown and the Law Society. Between the two of us, in this case myself representing the Crown, we appoint the joint committee. Now if the joint committee responsible for legal aid is to include members of the House — and I'd like to think about this; I'm not ruling it out completely — I have a feeling that it brings this Assembly rather close to sort of defence counsel. I think there should be an obvious separation between legal aid and the government. In some areas they are encouraged to have staff lawyers, actually being paid by government, handling legal aid systems like duty counsel work, the public defender concept.

It's difficult to have the Crown with its agents in the court on one side, and agents of the Crown in there on another, being paid from a different pot, as it were, but clearly agents of the Crown and responsible to the Crown. In this case we've got the Law Society as a partner in a joint committee, which we both appoint. In that way we've tried to keep the Crown somewhat separate from the day to day operations of this.

Now at the same time I recognize that I'm responsible for appointing some people on legal aid, and there are representatives of our department on it. I think that's a shade different than having members of the Assembly on legal aid, but I'll think about it.

Agreed to:

5.1 — Public Trustee	\$2,172,330
5.2 — Central Registry	\$1,349,420
5.3 — Land Titles	\$4,698,040
5.4 — Land Compensation	\$231,760
Total Vote 5 — Protection and Administration of Property Rights	\$8,451,550
Total Vote 5 — Capital	\$45,690

Vote 6 — Fatality Inquiries

MR. CLARK: I know the Attorney General would like to continue this discussion of the resignation of the assistant medical examiner.

I'm not so interested in the particular individual concerned, Mr. Minister, but my concern is simply this: the point has been expressed to me by people both in the legal profession and in law enforcement — not senior people but, say, middlemen — that they feel there is a need for us to have the abilities or the expertise of a forensic pathologist at one of our universities in the province or somehow attached and available to defence counsel.

True, there are only four or five in the country. And you make the case that Alberta having one, we're

doing better than the national average. But as I say, people in both fields have expressed the view to me that from the standpoint of justice being done, there really is no outside area that a defence counsel can go to, given the present situation in the province. Mr. Chairman, that's why I pursued the question in the House. Really I was getting to the point: has any thought been given to the possibility of a chair at the university or something along that line?

Secondly — and I stress: these are kind of middlemen in the law enforcement agencies in the province — the point has been made that with our population moving along and a large number of new people coming into the province, there's going to be an increasing need for more investigative work by the fatal inquiries people, and the qualifications of a forensic pathologist simply enable the kind of work that must be done in crime detection and so on, as far as post-mortems are concerned, to be done far more capably and far more quickly than if we lose that kind of expertise. Now it's an area I don't profess to be an authority on, Mr. Attorney General, but I raise the matter here because of the concern raised to me prior to the articles appearing in the paper some months ago.

MR. FOSTER: Mr. Chairman, I doubt very much that the defence counsel, and indeed midrange police people, have been urging the availability of a forensic pathologist. I have no doubt that they would be urging the availability of a pathologist, and I draw that distinction. There are some 50 or so pathologists in the province, and defence counsel are fully able, as they know, to call on those kinds of services from anyone they choose. For example, over the years Dr. Cantor has done a lot of this work. My understanding is that he's doing less of it at the moment, but I believe other pathologists in the province do this work for defence counsel. Some of them do work clearly for us on a part-time basis.

So if the distinction is between a pathologist available to do this and a forensic pathologist, I say that a forensic pathologist is usually far, far too sophisticated a customer for the needs of defence counsel. So if we're talking generally on the subject of having the opportunity for defence counsel to utilize pathologists, there's no argument. There are 50 in the province, and I'm not aware — at least defence counsel or the criminal bar have never raised with me any difficulties in getting advice from pathologists in the province. Now if that's a problem, I'll raise it with them. But it's never come to my attention.

With respect to the question of the need for a forensic pathologist as the province increases, frankly we don't need any full-time forensic pathologists in the Department of the Attorney General. We happen to be very fortunate in having Dr. John Butt, who is a forensic pathologist. We happen to be even more fortunate, in numbers at least, in having a second person who is a forensic pathologist. But even Dr. John Butt is prepared to agree — and I had dinner with him last night, so I think I'm accurate — that you don't need a forensic pathologist as chief medical examiner or deputy chief medical examiner. I think you need a pathologist, but not one with those special skills.

So again I'm unable to appreciate this debate over the forensic pathologist and pathologist. We just

happen to have John Butt, and that's great. If the hon. Leader of the Opposition happens to know of a forensic pathologist who wants a job and is available, let me know. But at the moment we're not discussing the position of deputy chief medical examiner with a forensic pathologist. I don't think we are. My information is we have a couple of prospects down east who are pathologists, and we'll be considering them.

Agreed to:

Total Vote 6 — Fatality Inquiries	\$1,471,960
Total Vote 6 — Capital	\$33,970

Total Vote 7 — Crimes Compensation	\$608,360
------------------------------------	-----------

Vote 8 — Public Utilities Regulation

MR. APPLEBY: Mr. Chairman, under this particular vote I note we have the Public Utilities Board. Perhaps this is where I might raise a concern that has come to me from a large number of my constituents. It deals with the Public Utilities Board and their procedures with regard to permitting increases in utility rates.

During the past month there have been what we might almost call massive increases in the Calgary Power company billing in my area. Naturally I've had a number of people contact me regarding why this came about. Checking some of these, billings I see they state: interim increase that has been granted by the Public Utilities Board. The question I'm asked and am unable to answer is: when an application to increase the rates comes in, why is an interim rate increase granted immediately, before the necessary hearings have been held, before the representations have been made, and before the hearings have been concluded? Of course people come along and say to me such things as: Calgary Power made a profit of \$57 million last year; how come they need a rate increase? Whether or not this is so, I don't know.

However, I would suggest the effect, as far as public relations are concerned — their timing is very, very poor. When they wait till the middle of winter to get a rate increase and put it into effect in the coldest months of the year, naturally it has a greater impact on people than if they were trying to bring it in, for instance, in July.

But at any rate, Mr. Chairman, my immediate question is: why does the PUB allow interim rate increases before hearings have been held?

MR. FOSTER: Mr. Chairman, I think the Public Utilities Board in Alberta has pioneered some improvements in rate regulation. One of them is having the companies report the status of their activities from time to time, having the applicants provide all their material in advance — some describe this as "canned evidence" — making it all available to all parties. Of course the Public Utilities Board has a pretty good staff who stay on top of the information that comes before them.

They've moved to the concept of interim increases — I think rightly so, and there may be other reasons that I don't articulate — because it allows for increases that are perhaps not as large, recognizing that these hearings sometimes go on for months and months. In the absence of an interim increase, by the

time the hearing is ended you have a fairly significant increase which may be even larger than the interim increase, and you start the process again.

So the interim increase is not an absolute right. It's not granted in all cases, nor indeed is it necessarily approved. If on the face of it the applicant can justify an interim increase, the board may award it. The increase is put in effect on the basis that the company still has to justify what it's doing and why it requires those funds.

I mentioned earlier this morning that NUL had been granted an increase some time ago by the Public Utilities Board, and on review of their financial activity and performance the Public Utilities Board came to the conclusion they were granted too much. The board ordered a rebate of \$1.9 million to the users of NUL's services. That rebate will go to consumers.

Now I think that's an unusual circumstance for the Public Utilities Board. But if we were to revert to the old practice of granting an increase only after the hearings had been concluded, you would find the applications for increases are much higher than at the moment. In short, I think it softens the blow in the short term. In the absence of an interim increase, you'd have much higher rates and a much higher impact on the consumer in the longer term.

DR. BUCK: Mr. Chairman, I would also like to voice my support for the representation the Member for Athabasca was making, because the minister hasn't convinced me it is softening the blow. What it is doing in essence is saying: you may have the increase, and we will grant a higher increase if we find that's what your proposal indicates. In the many years I have sat in this Legislature, I've never been able to support that type of procedure.

The resolution I brought into the Legislature last year, that members of both sides had the opportunity to debate . . . I am not convinced the Public Utilities Board is serving the function it was set out to do originally. I really think the government in its wisdom should sit down and review if the Public Utilities Board is serving the function it was originally set out to serve. They would be doing themselves and the people of this province a favor if they did that.

The minister indicated that Northwestern Utilities had to give a rebate. But the number of times that happens compared to the number of times it doesn't happen — well, the minister will have the evidence; 100:1 or whatever it is. But when we attempt to regulate monopoly situations and keep them in the ballpark, because they are monopoly situations — I really question if the Public Utilities Board is really serving that purpose.

I'm sure all members of this Legislature have had the same representation that I've had brought to my attention: our wages have been frozen at 6 per cent, or whatever it is, everything else has been, but the utility increases keep going on and on, many times two and three times the level of the AIB guidelines. This does concern people. I'm sure all members of the House have had that representation. They say: okay, you members of the Legislature, you've gone along with the guidelines with your salaries; but what is happening to Alberta Government Telephones, the power companies, and the gas companies? I think we have to listen to what our people are telling us.

So I would like the minister's expression of opinion,

if the government is seriously considering reviewing the entire Public Utilities Board set-up. I hope they are.

MR. FOSTER: Mr. Chairman, even dentists in this province are business people. Even dentists occasionally have to borrow money to carry on their businesses. Now I say "dentists" for obvious reasons. So I think the hon. Member for Clover Bar, if he hasn't, should look at his own office expenses.

If he has to borrow money to finance his operation, he's going to find it's going to cost him 10 per cent plus. If he has to build a new dental operation, and he can't afford it from his own resources, he will have to borrow the funds. He may then have to increase his fees a little more than 6 per cent, because he has to pay the capital cost. In this case, Mr. Chairman, I'm making the dentist the utility. He's going to have to increase his fees or other forms of income sufficiently to cover at least the capital cost of his expansion program. If he happens to operate in a rather run-down, dilapidated environment and can no longer serve his clients, he may have to go through a complete reconstruction and redevelopment program.

This is what's happening with many utilities in the province. If you have to borrow literally millions — and let's not get into a discussion about equity and debt ratios — you're not borrowing from the international money market at government guidelines. You're not borrowing at 6 per cent; you're perhaps borrowing at something well in excess of 10 per cent. Mr. Chairman, those funds have to be paid back, and they're not going to be paid back with a 6 per cent rate increase.

DR. BUCK: Mr. Chairman, I appreciate the case and the parallel the hon. minister is trying to make. But it just doesn't hold water, because the big difference is that my rate of return is not guaranteed. As a member of a profession, the hon. member knows the margin has been shrinking and shrinking. I do not, and I don't think the hon. minister himself passes that on, because the minister and I are not guaranteed a rate of return. I would love the system that guarantees me the same rate of return regardless of how much money I spend retooling my office, how many people I hire. I would love to be guaranteed that same rate of return regardless if I used . . .

AN HON. MEMBER: On equity, not debt.

DR. BUCK: On equity, on debt, right. But we are also arguing about a monopoly as opposed to a free enterprise situation. If my clientele do not like the fees I'm trying to pass on, they have the freedom to go down the street to have that work done. But the utility users do not have that opportunity.

MR. FOSTER: Mr. Chairman, that's why the Public Utilities Board of citizens are there: to ensure the rate of return is fair and the financing of the company is reasonable. They could insist on little or no rate of return, and those utility companies would be out of business tomorrow. Unless they can get investors who are prepared to put money in that company and keep it going, that company will not be able to continue to operate.

DR. BUCK: Mr. Chairman, I would just like to say to the minister: if the government hasn't lost confidence in the mechanism of the Public Utilities Board, the people of this province have lost confidence in the Public Utilities Board.

MR. FOSTER: Mr. Speaker, I doubt very much if that's the case. The government certainly hasn't lost confidence in the Public Utilities Board. I think they do an excellent job, and I'm impressed with the dedication of the people on that board.

I understand the frustration that's popping up around this Assembly by citizens who are experiencing larger than guideline increases in their utility costs. All I ask them to consider is that those utility cost increases are primarily designed to pay higher debt burdens than ordinary citizens realize. Secondly, they're designed to build and rebuild a basic utility infrastructure that in some cases needs massive expansion. If we want to have electricity and other kinds of utilities in this province in the years ahead just by the flip of a switch, we have to be prepared to invest millions and perhaps hundreds of millions of dollars in that kind of development. My colleague the Minister of Utilities and Telephones should be better on this subject than I.

Frankly, if we were to respond to citizen concerns today by trying to cut back these increases artificially, a few years from now this or any other government would not be in office, because we would simply have brownouts; we would not be able to have water, power, and other energy sources available for our citizens on demand, which they have become accustomed to.

DR. BUCK: Mr. Chairman, to the hon. minister. Another area of concern to the citizen is the interventions. I feel that the people who intervene are becoming more frustrated and fewer in number all the time. As far as they are concerned, and I'm speaking on their behalf, they feel frustrated in that they don't have the funds and the expertise of the utility companies that have an ongoing process. Finally they're just giving up in frustration.

I would like to know if the minister can indicate to us how many of the interventions are coming before the Public Utilities Board? Are they increasing or decreasing in number? What type of financial backing do they have, and what type of expertise are they able to afford to buy?

MR. FOSTER: Mr. Chairman, I don't know offhand whether the numbers of interventions are increasing or decreasing, but I know there are interventions. I know the board would be happier if there were more interventions. In this province, it turns out that certain costs of interveners can be paid by the applicant company. That is not the case in many other jurisdictions in Canada, indeed in North America. So we are rather unique in the sense that interveners' costs may be paid, subject to the ruling of the board, by the applicant company. That may not strike you as a big deal. But I assure you it is, in the North American context. I think we can always do more to assist interveners before the Public Utilities Board. We can always encourage more municipalities to get involved.

Unfortunately I find that municipalities are reluc-

tant to use their own resources, frankly, to intervene before the Public Utilities Board. They use their rate basis as a tax base and for revenue purposes. I find municipalities are very reluctant to put into intervening and rate regulation costs a portion of the revenues they get from utilities. I think they should. They want to be able to tax local utility consumers, get the revenue from that, and then somehow, magically, have somebody else pay their costs of intervention. I'm not sure that's fair in all cases. I'd like to encourage municipalities to perhaps consider spending more of their own resources in interventions.

Now there are other groups, the Consumers' Association and the like, who purport to represent the public interest. They go out and get lawyers, economists, and other people to assist them. Again, these people are eligible as interveners to have some costs available to them, providing they're reasonable. I understand they also get funds elsewhere from the government to assist them in their normal activities. So I don't want the hon. member to suggest, and I don't think he is suggesting, that nothing is being done in this field for interveners, because it is.

DR. BUCK: The only point I'm trying to make is that I think all of us in this Assembly know we have to have energy, and we also know that the costs to the consumer in this province are, if not the best, one of the best in Canada. There's no argument about that. I think all of us in this Assembly are proud of that. So I'm not saying that utility companies are ripping us off, because . . .

AN HON. MEMBER: Yes you are.

DR. BUCK: No, I'm not saying that. I'm not saying that.

MR. FOSTER: You're coming close.

DR. BUCK: No, no. I'm not even coming close. The Attorney General thinks that's what I'm trying to say. That's not what I'm trying to say. I am just trying to say I would like to have a review of the mechanism of the Public Utilities Board to find out if it is really serving the function it's set out to do. Basically that's all I'm asking for.

MR. FOSTER: On that subject, a little outfit called M and M Research, acting on behalf of private sector people, has in fact done a review of rate regulation in Canada, and it rates the Alberta Public Utilities Board very, very high on the scale. If the hon. member has some other suggestions he'd like to see incorporated in legislative direction to the board or in terms of how they function, we're happy to consider it.

I'm not saying we're happy and sitting back in our comfortable chairs, fully satisfied that everything's perfect. It's not. But we do rank very high on the scale, in Canada and North America, in rate regulation.

MR. APPLEBY: Mr. Chairman, what the hon. Attorney General is saying regarding the Public Utilities Board is probably correct. They may be doing an efficient job in comparison to other jurisdictions. I wouldn't question that. But I have to wonder if maybe they could not do a better job. Maybe something should

be looked at in this respect. Even though the Attorney General may look at the procedures they are using and, from his position, be quite satisfied that these are ideal and quite realistic, what rural members have to face, at least I have to, is the fact that somebody comes along and says to me, how come they're raising our power rates when they've got 10 men out there trying to put in one power pole and two could do the job, and this sort of thing. When the Public Utilities Board makes its investigations and finally makes its considerations and judgments, I wonder how far back into these kind of things they look. Do they just take what's handed to them on paper and say: these are the facts; we've just got to read this and this and this, and make our judgment? Do they get out and see what is actually going on as to some of these larger power companies? Are these power companies concerned with the efficiency of their operation to the degree they should be? Maybe the Public Utilities Board could take an inward look at themselves. I support the Member for Clover Bar and his representation.

Agreed to:

Total Vote 8 — Public Utilities Regulation	\$1,535,150
Total Vote 8 — Capital	\$7,000

Capital Estimates:

1.0 — Departmental Support Services	\$149,460
2.0 — Court Services	\$519,070
3.0 — Legal Services	\$36,480
4.0 — Support for Legal Aid	—
5.0 — Protection and Administration of Property Rights	\$45,690
6.0 — Fatality Inquiries	\$33,970
7.0 — Crimes Compensation	—
8.0 — Public Utilities Regulation	\$7,000
Total Capital Estimates	\$791,670

Department Total	\$50,409,870
------------------	--------------

MR. FOSTER: Mr. Chairman, I move that the estimates of the Department of the Attorney General be reported.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

DR. McCRIMMON: Mr. Speaker, the Committee of Supply has had under consideration the following resolution, reports the same, and asks leave to sit again:

Resolved that for the fiscal year ending March 31, 1979, amounts not exceeding the following sums be granted to Her Majesty for the Department of the Attorney General: \$5,971,060 for departmental support services; \$20,127,500 for court services program under the Department of the Attorney General, including \$932,000 to be transferred pursuant to Treasury Board directive to other votes under the Attorney General's administration for the administra-

tion of justice; \$8,144,290 for legal services; \$4,100,000 for support for legal aid; \$8,451,550 for protection and administration of property rights; \$1,471,960 for fatality inquiries; \$608,360 for crimes compensation; \$1,535,150 for public utilities regulation program.

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, next week the Assembly will continue consideration of the estimates in Supply, beginning with Business Development and Tourism on Monday and continuing in roughly alphabetical order thereafter.

DR. BUCK: Mr. Speaker, can the hon. House leader indicate which nights we'll be sitting next week, or does he know?

MR. HYNDMAN: Mr. Speaker, we will be sitting on Monday and Thursday nights for certain. It's unknown yet whether the Assembly will be sitting on Tuesday night, but a decision will be made on Monday afternoon.

I move we call it 1 o'clock.

HON. MEMBERS: Agreed.

[At 12:45 p.m., pursuant to Standing Order 5, the House adjourned to Monday at 2:30 p.m.]