

LEGISLATIVE ASSEMBLY OF ALBERTA

head: ORAL QUESTION PERIOD

Title: Tuesday, May 15, 1984 2:30 p.m.

[The House met at 2:30 p.m.]

PRAYERS

[Mr. Deputy Speaker in the Chair]

head: TABLING RETURNS AND REPORTS

MR. RUSSELL: Mr. Speaker, I beg leave to table the 1982 annual report of Alberta Hospital, Edmonton.

MR. BOGLE: Mr. Speaker, I wish to table with the Legislative Assembly the annual report of Alberta Government Telephones for the year 1983. Copies will be made available to all members.

As well, Mr. Speaker, I would like to table a response to amended Motion for a Return No. 151 and to Motion for a Return No. 163.

head: INTRODUCTION OF SPECIAL GUESTS

MR. ALEXANDER: Mr. Speaker, today it's my pleasure to introduce to you, and through you to members of the Assembly, a large delegation of grade 7 students from St. Boniface school in the constituency of Edmonton Whitemud. There are 87 students, accompanied by teachers Mr. Morris Sniher and Mrs. Jane Fillion. My information is that they may be seated in both galleries. Wherever they are, I ask them to rise and receive the warm welcome of the Assembly.

MR. HYNDMAN: Mr. Speaker, it's my privilege to introduce at this time a slightly smaller but as high quality class from Laurier Heights elementary. They are 30 in number, and they are accompanied in the public gallery by their teacher Mrs. Woodrow. All of them are from the constituency of Edmonton Glenora. One young lady in the group is no stranger to politics. Her name is Anndrea Paproski, and she's the daughter of the MLA for Edmonton Kingsway. I ask now that the entire class stand and receive the welcome of the Assembly.

DR. REID: Mr. Speaker, this is Police Week in Canada. In Alberta I think we all believe in the rule of law, and we support the police forces in enforcing those laws. I'm using the opportunity of introducing two guests to remind Albertans of the fact that it is Police Week. Seated in your gallery are the commanding officer of K Division of the RCMP, Assistant Commissioner Dave Whyte, and Superintendent Sheldon Kelly. I would like them both to rise and receive the welcome of the Assembly.

MR. COOK: On behalf of Norm Weiss, the MLA for Lac La Biche-McMurray, it's a pleasure for me to introduce a group of grade 9 students from Peter Pond school in Fort McMurray. They're accompanied by teachers Mr. Mark Leverton and Mr. Amgad Rushdy, and by parent Mrs. Ruelling. They're in the public gallery, and I ask them now to rise and receive the warm welcome of the Assembly.

Fort McKay Health Study

MR. NOTLEY: Mr. Speaker, I'd like to direct the first question to the hon. Minister of the Environment. My office has contacted Chief McDonald at Fort McKay. I ask whether the government, through the minister's department, has conducted any review as to whether the very high lead levels found in hair samples taken from six of the people tested in Fort McKay during October 1983 are in any way connected to hydrocarbon pollution in the Athabasca River.

MR. BRADLEY: Mr. Speaker, my department has only recently been informed, via media reports, of the report the hon. leader referred to. My colleague the Minister responsible for Native Affairs recently had a conversation with Chief McDonald, and he may wish to amplify.

With regard to the specific, the hon. leader referred to hydrocarbons in the river system. I'm not aware that any study which relates to the specific issue the member raised has been conducted by the department.

MR. NOTLEY: Mr. Speaker, a supplementary question. Last May 12 the minister assured the Assembly that
there is not any problem with regard to health in the [Fort McKay-Fort McMurray] area resulting from the [Suncor] emissions.

Given his answer a moment ago, could the minister indicate on what basis ... Was there any objective health study made to justify that statement of May 12?

MR. BRADLEY: Mr. Speaker, one would have to examine the water quality records of the department with regard to that specific river system, and one would also have to examine the source of supply for the natives in the area. To suggest any links at this point in time would, I think, be very tenuous.

MR. NOTLEY: A supplementary question to the minister. Apart from the reports the minister alluded to, however, was any study dealing with this matter commissioned?

MR. PAHL: Mr. Speaker, I might be able to supplement the answer provided by my colleague the Minister of the Environment. In the winter and spring of 1982, there was a study done by the medical services branch of National Health and Welfare, inasmuch as it is an Indian band and they're responsible for delivering health services. The results of that study reported that all the values for various samples that were taken were within normal levels, with the exception of low serum vitamin C levels and one boy with elevated levels. So that was the basis of the conclusion that I think all those responsible came to at that time.

Mr. Speaker, I might also add that I had a brief telephone conversation with Chief Dorothy McDonald today. She indicated that the source of her concerns with respect to high lead indications in the blood of six people within the community was based on a verbal report from a doctor in B.C., who apparently was taking another look at the data. She indicated to me that she expected a verbal report, which she committed to provide to me and which I in turn will pass on to my colleagues with responsibilities in the area. We'll go from there.

MR. NOTLEY: Mr. Speaker, as we go from there, will the government then request the Acid Deposition Research Program, currently looking at the situation in Pincher Creek, to

do any review of the health of Albertans in the Fort McKay area?

MR. BRADLEY: Mr. Speaker, the hon. leader is arriving at conclusions which, at this point in time, I can only say are tenuous. Upon examination of any reports which may be delivered to us — because the study that has been indicated is at a very preliminary stage — we will be in a position to respond. But to make the types of conclusions or suggestions the hon. leader is arriving at is very tenuous at this point in time.

MR. NOTLEY: Mr. Speaker, a supplementary question to the Minister of Social Services and Community Health. Given the facts that the only study the government has been able to document at the moment is the federal study and that Chief McDonald has had to commit funds from the band to pay for the study by UBC scientists, what position is the government going to take with respect to reimbursing the band for a health study which should in fact be undertaken in the interests of Albertans who live in Alberta?

DR. WEBBER: Mr. Speaker, at this particular stage it's a matter of gathering together the information. It's my understanding that the research was commissioned by the Fort McKay Indian Band and involved four outside scientists, who did a survey using hair analysis. One of those scientists says that lead levels are such that we would like to see some blood tests done as a follow-up.

In terms of the report itself and in terms of any proposals that might come from the band, at the moment we have to gather together all this information. If they want to make a proposal to us with respect to costs, we'd be happy to evaluate it.

MR. NOTLEY: Mr. Speaker, just so there's no misunderstanding as Chief McDonald or other people read the transcript, in view of the initiative undertaken by the band, would the minister look favourably on recommending to his colleagues picking up the costs of this survey that I've alluded to in the question?

DR. WEBBER: Mr. Speaker, I find it a little difficult to understand how I could evaluate the proposal favourably until we see the proposal. We will look at the proposal and look at the merits of the proposal, and then make a judgment.

MR. NOTLEY: Mr. Speaker, we know the survey has been done. We know that according to the samples, six of the people tested apparently had higher lead levels than should be the case. To the minister: given that information, which is in the public domain, could the minister detail for the Assembly what specific public health follow-up he proposes?

DR. WEBBER: Mr. Speaker, going back to what I said initially, at this point it's a matter of gathering together information. We haven't seen any data. We haven't seen the report or the research that was commissioned. So until we see the data, I find it difficult to say how we will respond.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. Given the fact that Alberta has public health responsibilities, yet the band has taken the initiative to acquire data, my question is: what directives have been issued to public health officials in the area to evaluate this data?

DR. WEBBER: Mr. Speaker, I'm not in the habit of issuing to local health units directives with respect to their responsi-

bilities. If the local band has approached the local health unit, I don't know about it. If the local band is going to approach the Provincial Board of Health or our department with proposals, we will evaluate them accordingly.

MR. NOTLEY: Mr. Speaker, no doubt I'll come back to that.

MR. DEPUTY SPEAKER: I wonder if the hon. Leader of the Opposition and other hon. members would agree that we might hold the next question for a moment and allow the hon. Member for Wainwright to make an introduction of somebody who was missed earlier. Is it agreed?

HON. MEMBERS: Agreed.

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

MR. FISCHER: Thank you, Mr. Speaker. I'd like to introduce to you, and through you to members of the Assembly, 20 grade 10 students from Provost high school. They are accompanied by teacher Clara Blue, parent Darlene Harden, and bus driver Herman McMann. They have made a 300-mile round-trip to see our Legislature in action. I would like them to rise and receive the warm welcome of this Assembly.

head: **ORAL QUESTION PERIOD** (*continued*)

Mount Allan Olympic Ski Site

MR. NOTLEY: Mr. Speaker, I'd like to direct the second question to the hon. Minister of Tourism and Small Business. It's with respect to that remarkable mountain, Mount Allan.

DR. BUCK: The snowless one?

MR. NOTLEY: That's right, the snowless one.

The survey, a questionnaire, conducted by Ski-Action Alberta shows that among the skiers in this province, there is very little support for Mount Allan. [interjections] Since members are getting a little nervous there, Mr. Speaker, I will table copies of this survey.

I ask the hon. minister whether or not he has discussed this particular survey, which was sent to the hon. Premier?

MR. ADAIR: Mr. Speaker, if I follow the question — have I discussed this particular survey? No.

MR. NOTLEY: That doesn't surprise me at all.

Could we pursue the questions, Mr. Speaker, and ask the hon. minister what consideration the government is giving to the concerns expressed by the skiers in this survey — but through Ski-Action Alberta and other ways — of lack of public input in the process of planning the Mount Allan decision?

MR. ADAIR: First of all, Mr. Speaker, I haven't had an opportunity to see the survey, the list of names, the questions that were raised, or any other items that may be on that one.

If I may spend a moment, I can go back over the process that has been involved, particularly for the last number of months. We have had an environmental committee set up and headed by a gentleman from Energy and Natural Resources, fish and wildlife division, Mr. Tom Mill. He has handled all

the concerns raised to that committee and has responded to them. Over the months, we have had opportunities to work with the Canadian Ski Association, Alberta division and national division, and the various other parties involved in the Olympic site because of the fact that Mount Allan will not be just a recreational ski site but the site for the hosting of the six events for the 1988 Winter Olympics, and any other individual that may have had concerns. I've had a great deal of correspondence with Ski-Action Alberta over that period. I have not had some for some period of time, but I'll certainly take a look at this.

MR. NOTLEY: No question he will have more correspondence, Mr. Speaker.

Could I ask the hon. minister what evaluation the government has made of the concerns expressed by Ski-Action Alberta with respect to the cost of snowmaking at Panorama, given the fact that we appear to be launching a major move into the snowmaking business ourselves? What assessment has been made of the overruns in the operational costs of artificial snowmaking at Panorama?

MR. ADAIR: Mr. Speaker, I'm not aware of any overruns in the private-sector development of Panorama. But certainly the involvement of machine snowmaking equipment in the Eastern Slopes — and that goes into the United States as well as Canada. A number of them are actually in operation both in the United States as well as in the province of Alberta on the Eastern Slopes. We have looked at all aspects of that in the interdepartmental committee. The master-planning process has taken that into consideration.

MR. NOTLEY: Mr. Speaker, a supplementary question to the minister. Given the fact that according to this survey, the skiers seem to prefer natural snow to artificial snow, what studies has the government undertaken to indicate whether ...

MR. JOHNSTON: That's wrong, Grant.

MR. NOTLEY: It's wrong, is it? Well, one skier prefers artificial snow. It's not surprising.

MR. JOHNSTON: Mr. Speaker, I would simply like to interject that I'd like to offer the Leader of the Opposition a small challenge: in 1988 I'll race him down Mount Allan. He will have to eat snow, and he will have to eat crow. [interjections]

MR. DEPUTY SPEAKER: Order please.

MR. NOTLEY: [Inaudible] can roller-skate down the mountain. We could have an international championship.

Mr. Speaker, notwithstanding that challenge from the minister, concerning his interest in this artificial snow, my question to the minister relates to whether there has been any market study of the potential market for Mount Allan as a viable operation, given the apparent interest in skiers having natural snow as opposed to artificial snow.

MR. ADAIR: Mr. Speaker, there isn't any question that skiers have an interest in natural snow. I might say that in the period of probably late October to early November, they have a great deal of interest in machine-made or artificial snow. One of the features we have talked about and I will go over again — possibly the hon. member wasn't here when I was talking about it before, or maybe he wasn't listening — was the fact that the artificial snow, or the machine-made snow factor, is a provision

of ensuring consistency of starting as well as the provision of the need for stability for the Olympics.

So when you run into a series of years like we have recently had in the Eastern Slopes, not just on the site of Mount Allan — because there was snow last year but I had difficulty getting anybody to go down and look at it, again because it was hidden in the trees. I want to say that just so you understand that it was there.

When you get into snowmaking, the feature there is really to provide, number one, consistency of starting and to complement — to complement — the natural snowfall.

MR. NOTLEY: Mr. Speaker, we'll have an opportunity in the minister's estimates to determine how much complementary artificial snow we need — a fair amount, I suspect.

Could the minister indicate whether either he or his friend, his sidekick, the Minister of Advanced Education ...

MR. MARTIN: The skier.

MR. NOTLEY: ... the skier, has undertaken any assessment of the concern Ski-Action seems to have about the wind velocity? On New Year's Day, average wind speeds of 81 kilometres and peak winds of 202 kilometres were reported. Two hundred kilometres an hour is even more wind than at a Conservative convention.

Mr. Speaker, I'd like to ask whether or not there has been any assessment of the impact on the safety of people in chair lifts, should we have those kinds of situations occur rapidly due to Chinooks.

MR. ADAIR: Mr. Speaker, I'm trying to keep from saying something about wind, because there's an awful lot of it coming and I'm not sure at what velocity or from where.

Keeping in mind the safety feature from the standpoint of Mount Allan, which I think is a serious point that was raised by the hon. member — possibly the only one — wind was certainly a factor and was taken into consideration and was part of the master-planning process. I think one of the things we have to clearly identify is that it doesn't matter which mountain you're on, there is wind blowing to some degree. You can stand at some point up there, and there may be very high winds. It may be for today, and it may for another day in July. But keeping the average wind level in consideration and the fact that there is very little, if any, weather vaning at the tree line, where most of the skiing will occur on Mount Allan, it is covered in the master plan. When the master plan is filed and presented, I'd be more than happy to discuss it.

MR. NOTLEY: Mr. Speaker, when is that master plan going to be unveiled?

MR. ADAIR: I'm surprised that you should ask. It will be tomorrow, Mr. Speaker, and I am looking forward to it.

Municipal Taxation

MR. R. SPEAKER: Mr. Speaker, my question to the Minister of Municipal Affairs is with regard to a change in policy, or the possibility of the implementation of a reduction in property taxes on machinery and equipment in plants such as oil refineries and gas and petrochemical plants. Could the minister indicate at what stage of discussion that policy may be at the present time?

MR. KOZIAK: Mr. Speaker, right now we're in the process of consulting with particularly the municipalities that have the

highest levels of machinery and equipment taxation within their boundaries and, in addition, with the associations representing municipalities in this province. I expect that I will have their responses by the end of this month and that decisions will be made over the weeks following the end of this month, with implementation in terms of legislation, where legislation is required, in the fall session, and regulations during about the same period of time, to come into effect for the 1985 property taxation year.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. Will the policies include fertilizer plants as well as the other plants that I mentioned earlier?

MR. KOZIAK: Mr. Speaker, the review of the level of assessment of machinery and equipment in this province is not restricted to a particular industry but applies to all machinery and equipment. In terms of the comparison with other provinces, we have to keep in mind the ability of our industry in this province to compete on national and international market levels. To be able to be competitive, input costs have to be considered. The level of property tax is one of the input costs that must be considered.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. Outside of the factor mentioned — that is, being competitive — are some of the plants in Alberta faced with possible bankruptcy or closure at the present time because of the high level of taxation, or is the major and primary reason the competitive factor?

MR. KOZIAK: Mr. Speaker, representations made to my office were based primarily on the competitive nature of particularly the refining and petrochemical capacity that we have in this province, the sort of mutual desire we have to make sure that our industry is strong and the mutual desire we all share that would see us encourage additional growth and development of further petrochemical industry in this province.

MR. R. SPEAKER: Mr. Speaker, a supplementary question with regard to the proposed policy changes. The change, by reducing the taxation in terms of machinery and equipment in oil refineries and gas plants, will have a significant effect on the property taxes of rural municipalities and counties. What steps will the minister take to counteract those significant effects on those jurisdictions?

MR. KOZIAK: Mr. Speaker, the hon. member is more than likely aware of the fact that until recently, machinery and equipment was in fact assessed at one-half the level of real estate and buildings. I think the figure was 22.5 percent of assessed value, at the same time as land and buildings were assessed at 45 percent. The change in terms of making it consistent was made in 1981, I think effective 1982. That doesn't mean that machinery and equipment all across the province is assessed at 65 percent. In many cases machinery and equipment is still assessed at 22.5 percent, because they haven't gone into these new assessment levels. So it's not consistent across the province. In many cases 1984 is the first tax year within which machinery and equipment has been assessed at the higher levels. So it's not as if there is a substantial disruption in any change. The whole process is one which takes into account the fact that, as I indicated in my earlier comments, machinery and equipment is assessed at different levels in different parts of the province.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Whether the taxes will be reduced, there is a change in terms of the income to the various municipalities in the coming fiscal years.

I am wondering what rationale the minister or the government has used to determine that the oil and gas industry needs greater government assistance through tax breaks. Farmers in the same area and throughout the province are experiencing severe financial problems, yet the government fails to really consider any tax reduction in those areas at the same time.

MR. KOZIAK: Mr. Speaker, I think we have to keep in mind that what we're talking about here is machinery and equipment. For example, you don't find that the tractor or the combine on the farm is assessed for purposes of property tax, but we do in fact assess the moving equipment at Syncrude. The big draglines, the big trucks, and everything else are assessed. We have to keep that in mind.

That's not a system that's common across the nation. In fact we're one of the few provinces in Canada that assesses machinery and equipment for property taxation purposes. For example, we find that a plant in Sarnia may be paying one-third of the property tax of a similar plant in the province of Alberta. That's a direct reflection of the fact that in Sarnia, and in Ontario, machinery and equipment are not assessed, whereas in Alberta machinery and equipment are assessed. Those things have to be kept in mind as we consider the economic strength of the province and the ability of the province to keep, maintain, and attract new industry.

I think all of us in this Assembly want to see further development of our potential in upgrading our resources here in this province, and we want to make sure there are no impediments in that process. As my colleague the Minister of Economic Development always says, we're three mountain ranges and 750 miles from tidewater. When we're dealing with an international market, we have to keep that in mind and not add to the impediments that already exist in terms of our ability to compete nationally and internationally.

It's a very important area and one that I know municipalities in the province share. The county of Strathcona, for example, which is home to a considerable part of our petrochemical refinery capacity, realizes and has taken steps on its own to ameliorate the adverse effect of increasing property taxes in this area. So we've had good support, and we're working together in putting forward a solution which will improve the situation for industry at the same time as not being too disruptive to municipalities in this province.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. What concerns me is that we're taking potential income away from the municipalities, and the federal and provincial governments continue to take high royalty takes and tax rates. I am wondering if the minister could indicate whether that option was considered. Or is the government boxed in at the present time, and can't reduce any royalty or tax rate that relates to the provincial level rather than to the municipal or county level of government?

MR. KOZIAK: Mr. Speaker, the municipalities across the province appreciate the additional level of support they get from industry because of the siting of industry within their boundaries. The level of taxation is extremely significant, not only from machinery and equipment but from the land occupied by a plant and the physical plant built there that houses the machinery and equipment. The more of this type of development that

we can attract to the province, the stronger the municipalities are in terms of their tax base.

MR. R. SPEAKER: Mr. Speaker, a supplementary question.

MR. DEPUTY SPEAKER: Might this be the final supplementary. We have a number of people waiting to ask questions.

MR. R. SPEAKER: Some of the municipalities indicate — for example, the municipal district of Kneehill could face increased taxes of 18 to 20 percent. I've had one or two others give me information that they could have increases of up to 17 to 20 percent. Has the minister done any study with regard to the potential effect of the increase in taxation relative to property in the respective municipalities across this province?

MR. KOZIAK: The question was with respect to the incidence, did you say?

MR. R. SPEAKER: The increase in taxation at the local municipal level.

MR. KOZIAK: Mr. Speaker, a study of that nature would be something one would have to consider after a review of the actual decisions that would be made. In terms of the process, I believe in my letter we suggested three different ways in which we could ameliorate the level of taxation on machinery and equipment in this province. My letter also was an invitation to municipalities to provide other recommendations. Once May 31 comes around and we receive all the responses, we'll be able to take a look at the responses in light of the suggestions I put forward and the suggestions that come in response to the invitation I put forward to the municipalities. Then decisions will be made with respect to what steps can be taken. I don't know if those steps will include one or all of the suggestions set out in my letter, or one or all of the suggestions that come back in reply to that letter. So it's difficult to be able to respond to that question until the actual decisions have been made, and those won't be made until we've completed our consultation with the municipalities.

MR. CLARK: A supplementary, Mr. Speaker. Could the minister inform the Assembly whether or not this new assessment policy on machinery will be equally applied to all municipalities, urban as well as rural?

MR. KOZIAK: The ultimate decision would apply equally across the province, although there are in fact municipalities that do not impose a machinery and equipment tax. For example, the city of Edmonton does not impose a machinery and equipment tax. Because of that fact, there is a great imbalance in terms of the level of taxation on some of these types of plants within the city and outside the city.

Services for Disabled Persons

MR. PAPROSKI: Mr. Speaker, I'd like to address my question to the Minister of Social Services and Community Health. Could the minister report progress on departmental initiatives following the March 1983 release of the Klufas Report on Services For Disabled Persons?

DR. WEBBER: Mr. Speaker, the Klufas report, which was a very comprehensive, important document, made a number of recommendations covering a large number of departments. We had an interdepartmental committee consisting of approxi-

mately nine departments, I believe, review those recommendations and prepare some kind of strategy. In the past year, they have done a lot of work in reviewing those recommendations. There were some 111 of them. That particular report has been presented to me as minister responsible for Social Services and Community Health, and I have sent copies of the strategy plan to other ministers that are responsible. Once I hear from them, we would then proceed with our plan.

MR. PAPROSKI: A supplementary, Mr. Speaker. I am pleased to see progress being made, but could the minister inform the House when the government might be in a position to announce its formal action plan with respect to that report?

DR. WEBBER: As I indicated, Mr. Speaker, once other ministers have had an opportunity to review the proposed strategy, which was prepared by officials in each of these departments, we would then be in a position to determine when we would proceed.

I might add that for over 50 percent of the recommendations, either we have already taken action or our officials feel we have adequately dealt with them.

MR. PAPROSKI: A supplementary to the minister. With respect to the Klufas report, a major fundamental recommendation dealt with public awareness. Through that recommendation, a booklet dealing with services for the disabled in this province was produced. I wonder if the minister could comment as to how the disabled community is reacting to that particular document?

DR. WEBBER: If I recall correctly, Mr. Speaker, the particular document the hon. member referred to is one I filed with the Legislature approximately a year ago. About 15,000 copies of the document were prepared. I believe there are less than 5,000 copies left. The take-up in terms of the number of people who have requested copies of it has been excellent. We've also sent copies to approximately 2,000 individuals in the province who we thought might be interested in it.

MR. PAPROSKI: A final supplementary, Mr. Speaker. Last month the minister announced the major expansion of the home care program in Alberta and, specifically, there was funding for residential services for handicapped Albertans. The Klufas report had a couple of recommendations pertaining to home care. Could I surmise that this particular expansion occurred because of the Klufas report?

DR. WEBBER: Mr. Speaker, in terms of a review of the home care program, there was ongoing review prior to the reception of the Klufas report. Certainly there was an examination of the home care program, as to how it might relate to the handicapped people who live in residential situations. However, in view of the fact that a couple of recommendations in the Klufas report relate to home care services, I guess all I can say is that we were thinking along the same lines.

Regional Water Boards

DR. BUCK: Mr. Speaker, my question to the hon. Minister of Municipal Affairs has to do with the regional water commissions. The announcement was made in '83, and the target to establish the new commissions was supposed to be January 1, '84. Can the minister indicate what has been done about setting up the five regional water commissions?

MR. KOZIAK: Mr. Speaker, at the time we met with representative municipalities involved in all the water boards that

surround the city of Edmonton, we had expectations for a fairly early resolution of the matters facing those municipalities. We set up a system of working consultation with representatives from three departments involved in the process and representatives of the water boards and the municipalities that form those water boards.

During the course of discussions and study of all aspects of those water boards, a number of facets came forward, each unique to individual water boards and not one that you could generalize across the board. This process of trying to reach a solution that would be most satisfactory and would take into account the individual characteristics of each water board has resulted in the process being much more time-consuming than we had originally expected.

DR. BUCK: Mr. Speaker, in setting up this task force with these officials, they're supposed to have met with the different municipalities. At this time, has that task force met with each different municipality? Have they met with each, once?

MR. KOZIAK: Yes, Mr. Speaker. It's my understanding that the task force has met with all the municipalities involved and each of the water boards, obtaining information. I'm not sure of the actual form of the meeting, whether it took place with the water board and the members of the municipalities or whether in some cases there were individual meetings with each individual municipality. The idea was that the meeting dealt with the concerns of that municipality relative to that water board, not other matters that may affect the municipality.

DR. BUCK: A supplementary, Mr. Speaker. In some of the discussions that the minister's department has had with these regional water boards, has the question come up about what is going to be done with the debt that is in place and that's going to have to be taken over by the different commissions? Has that debt situation been discussed?

MR. KOZIAK: Mr. Speaker, the debt situation has been discussed. The whole process — the one that was put forward — is that rather than the debt being paid by the taxpayers of each municipality, it would be paid by the water users of the municipalities in proportion to the water used by the municipalities.

DR. BUCK: Mr. Speaker, then in some of the discussions that have been going on, is the minister aware that, to use the example of the Vegreville water commission, if that debt was going to be paid by the users, there could be a rate as high as \$10 per 1,000 gallons? Has that been brought to the minister's attention?

MR. KOZIAK: Mr. Speaker, the Vegreville water corridor board rates are of course a reflection of the capital cost and the debt servicing of that particular line, plus local distribution charges. A decision hasn't been reached with respect to the degree to which local municipalities would assume full responsibility for the oversizing, or to what extent another approach might be taken. Once it's made, that decision will first be announced to the member municipalities of that water corridor board.

DR. BUCK: Mr. Speaker, a final supplementary to the minister, in light of the fact that most of the communities did have some type of water source available to them before the line went through, and a certain debt servicing was obligated to be paid at that time. Now there's a duplication on top of that. Can the minister indicate what discussions have been taking place with

these different municipalities, to see if there is some way this debt load can be lightened?

MR. KOZIAK: Mr. Speaker, we have had discussions and, as I said, once our task force and the three ministers involved have reached their conclusions, those conclusions will first be transmitted to the members of the water corridor board involved.

Unapproved Private Schools

MR. MARTIN: Mr. Speaker, I'd like to direct my question to the Minister of Education. For what period of time has the minister known of specific illegal, unapproved private schools, and what measures has he taken to rectify that problem?

MR. KING: We have been aware for some time of the existence of unapproved private schools in the province, Mr. Speaker. I can't be precise, but it would be in the order of four years.

MR. MARTIN: The supplementary question I ask is simply this: with his answer that they've known about it for four years, has the minister had any consultations with the Attorney General or the Attorney General's department regarding a policy for prosecution of illegal schools under the Department of Education Act?

MR. KING: I have not had those discussions, Mr. Speaker, but certainly senior officials in the Department of Education have had those discussions from time to time.

MR. MARTIN: A supplementary question. Seeing that there have been no prosecutions, at least that I'm aware of, is it the policy of the minister and his department not to prosecute operators of illegal private schools even though they are clearly breaking the law?

MR. KING: Mr. Speaker, our principal concern is with the students and the education of the students. During this time, we have been attempting to act in a way that will ensure the position of the children.

MR. MARTIN: I'm sure all lawbreakers would. There are some other concerns I'd like to talk about with those children.

MR. DEPUTY SPEAKER: Order please. The hon. member is neglecting to address the Chair in all his supplementary questions. I wish he would proceed in the proper manner.

MR. MARTIN: A supplementary question, Mr. Speaker. Yesterday the minister said his department was contacting unapproved private schools in the province. I believe he said that some 26 schools were being contacted. However, the chairman of the [Committee] on Tolerance and Understanding has estimated that approximately 60 such schools are operating without approval in the province. Has the minister had any discussions with Mr. Ghitter about this matter, and could the minister give us an assessment of whether the committee's estimate is correct?

MR. KING: Mr. Speaker, I have not yet had an opportunity to discuss that particular matter with the chairman of the Committee on Tolerance and Understanding. I have spoken to the chairman and have arranged to meet with the committee, at which time this will be one of the matters I will discuss. In the meantime, no one has provided us with any information in

addition to that which is currently in the possession of the department. We have written to every unapproved institution that we consider to be operating as a school within the province. The number is 26.

MR. MARTIN: A supplementary question, Mr. Speaker. What steps are being taken by the department to discover the locations and operators of all other unapproved schools in the province? My specific question: is there an ongoing search for these unapproved, illegal schools?

MR. KING: Mr. Speaker, we have not sent police scurrying to every corner of the province, and we are not looking under haystacks in any part of the province. The question is principally one of how the Department of Education might best use its staff resources for the good of the children in the province. We have decided that we will direct them to constructive purposes.

When the hon. member has advice to the contrary to offer me, I'd be pleased to receive it.

MR. MARTIN: Well, I have all sorts of advice to offer the minister. He probably wouldn't like it, Mr. Speaker.

Rather than talk about police scurrying around and haystacks, in talking about the good of the children, we're suggesting: is it good for the children to be in illegal schools that aren't certified by the department? If we're talking about the good of the children, my question is simply: what steps has the minister taken to notify the fire prevention branch of the Department of Labour of the existence of the 26 unapproved schools identified, so the branch may inspect the school premises for any violations of Fire Prevention Act regulations? This would be for the good of the children.

MR. KING: Mr. Speaker, I want to make it clear that while the hon. gentleman is entitled to characterize these institutions as illegal schools, neither he nor I are lawyers, and that has not been established as a fact as of this moment. I'm very carefully referring to them as institutions which we believe are operating as private schools. We are attempting to contact them. First of all, we are going to try to persuade them that they should operate with the knowledge and approval of the Department of Education. We are prepared to consider alternatives in the event that they do not relate to the department on that basis. At the moment, it has not been established that they are in fact illegal schools.

As to the question of inspection by employees of the Department of Labour, the schools are in any case operating in public facilities that are subject to the control of the health and safety laws of the province. The Department of Labour does not need the assistance of the Department of Education to carry out its mandate.

MR. YOUNG: Mr. Speaker, perhaps I could supplement my colleague's answer and also assist the hon. Member for Edmonton Norwood, who has been struggling under a severe strain on this issue for a couple of days.

All schools, all buildings which are converted to a different use must obtain a building permit from the local authority in the ordinary course of events. When they obtain a building permit, that indicates the nature of the renovations, in which case they are then identified and would normally be inspected. If they don't have to obtain a building permit, if they don't have to be renovated, then obviously they should be in buildings conforming to the regulations in the first instance.

MR. MARTIN: Mr. Speaker, that's . . .

MR. DEPUTY SPEAKER: Order please. We have already gone past the time for completion of question period. I realize the hon. Member for Edmonton Norwood probably has further supplementaries he wishes to place. Perhaps he could return to that topic in another question period.

I've also recognized the hon. Member for Drayton Valley. If the Assembly agrees, perhaps we could allow her to place her question. Would you agree?

SOME HON. MEMBERS: Agreed.

DR. BUCK: On a point of order, Mr. Speaker. Surely the gentleman who has the floor could complete his questions. Would that not be reasonable?

MR. DEPUTY SPEAKER: I was already going to point out — I should have; I meant to do that — that there have been an excessive number of supplementary questions today.

DR. BUCK: You should have cut them off sooner then.

MR. DEPUTY SPEAKER: Had I known that question period was going to end this way, I would have terminated some of those supplementaries sooner. However, the hon. Member for Edmonton Norwood has already asked about seven of them, I think. If he wishes to continue his questioning on the same topic tomorrow, or on any other topic, he will have the opportunity to do so.

I recognize the Member for Drayton Valley.

DR. BUCK: You haven't received unanimous consent, sir.

SOME HON. MEMBERS: Order.

DR. BUCK: He has not.

MR. R. SPEAKER: I said no.

MR. DEPUTY SPEAKER: The hon. Member for Drayton Valley.

DR. BUCK: Mr. Speaker, on a point of order. You well know that you have to have unanimous consent . . .

MR. DEPUTY SPEAKER: Order please.

DR. BUCK: You know that.

MR. DEPUTY SPEAKER: Order please. I asked the question, if the Assembly agreed. I heard the agreement.

DR. BUCK: You didn't hear that.

MR. DEPUTY SPEAKER: I did.

MR. R. SPEAKER: I said no.

DR. BUCK: I said no here. [interjections]

MR. DEPUTY SPEAKER: Order please. The question period has expired. If the feeling is that there was not unanimous consent, we'll proceed to the next order of business.

ORDERS OF THE DAY**head: WRITTEN QUESTIONS**

171. Mr. Notley asked the government the following question:
With regard to the "team" of people reviewing information compiled for the Alberta Securities Commission in the matter of the receivership and bankruptcy of Abacus Cities Ltd., identified in the Assembly by the hon. Minister of Consumer and Corporate Affairs on Monday April 16, 1984, (*Hansard*, page 482), and for each person on that team:
- (1) what is the person's name;
 - (2) on the basis of what expertise, official duties, or other factor(s) is that person a member of the team;
 - (3) in what capacity and by what person or institution is that person normally employed?

MRS. OSTERMAN: Agreed.

172. Mr. Notley asked the government the following question:
With regard to the "team" of people reviewing information compiled for the Alberta Securities Commission in the matter of the receivership and bankruptcy of Abacus Cities Ltd., identified in the Assembly by the hon. Minister of Consumer and Corporate Affairs on Monday, April 16, 1984, (*Hansard*, page 482):
- (1) as of what date did the team officially commence its review;
 - (2) who assembled the team and under what authority;
 - (3) what are the team's terms of reference;
 - (4) what is the total amount of public funds budgeted for expenditure to cover the work of the team, and what are the major expenditure categories within that overall budget;
 - (5) out of what voted appropriation will the team's budget be funded;
 - (6) to whom is the team directed to report;
 - (7) will the team's report, and any recommendations arising therefrom, be tabled in the Assembly?

MRS. OSTERMAN: Agreed.

head: MOTIONS FOR RETURNS

174. Mr. Martin moved that an order of the Assembly do issue for a return showing copies of the report Interprovincial Comparison of Government Policy, Formal and Informal — Toward the Voluntary Sector, prepared by Mr. Jean Bernard Robichaud and submitted to the planning secretariat of the Department of Social Services and Community Health around November 1983.

DR. WEBBER: Mr. Speaker, in this particular motion the hon. member is asking for a copy of a report which was commissioned by the Department of Social Services and Community Health and prepared by the said Mr. Jean Bernard Robichaud of the Canadian Council on Social Development. The report contains information supplied by other provinces. Since we don't have permission from these other provinces and it is a report that was commissioned by our department. I recommend that hon. members reject this particular motion.

SOME HON. MEMBERS: Agreed.

MR. NOTLEY: Mr. Speaker, just a moment. [interjections] Oh, our Minister of Advanced Education is still in his place. Isn't it nice that he's not out attempting to skateboard down Mount Allan.

Mr. Speaker, what we are asking for is a report that is embarrassing to the government. If the government wanted to add the clause "subject to concurrence of the other parties", as they frequently do, they could have moved an amendment and we would have accepted that. That's the normal practice. But that was not the position taken by the government. I suspect the reason the government doesn't want to release this report is that it shows that despite all the ballyhoo we hear from this bunch across the way about their commitment to the private sector, our track record in terms of assisting the voluntary sector is very poor.

Certainly that's a concern we've had brought to our attention by volunteers, whether it be volunteers in the church community or in private social service agencies. We are told that despite the government's so-called commitment to voluntarism, in fact this government is so overlaid with two things: bureaucratic indifference, especially by many of the politically appointed top civil servants — not the people in the firing lines, I might add. We have first-class people working for this government, but too many of the people at the top are political appointments. The other problem is the tendency of this government to make political decisions on almost everything, to bring partisan politics into almost every conceivable, possible choice for public decision-making. The fact of the matter is that despite the hon. Minister of Advanced Education — he's grinning like a Cheshire cat at the moment; nice to see that — we don't have a very good record as far as encouraging voluntarism. Other provinces are doing a much better job; no question about that. It has nothing to do with embarrassing the other provinces. The minister is shaking his head. The only embarrassment is this government. That's what we're dealing with.

Mr. Speaker, let us be clear on what's at stake here. Once again, without presenting any reasonable option, without proposing the normal amendment, which would be the practice we've followed with respect to a communication with another level of government, we are slamming the door for one hundred percent partisan political reasons. That may fool a few of the people, but I have a sneaking suspicion that, as sometimes occurs, reports of this nature find their way into the public domain. How unfortunate it is that a report of this nature will find its way into the public domain by the back door, when we put forward a perfectly reasonable request to get it through the front door. This government, with its penchant for secrecy, hides behind the minister's closed door, huddling over this report because it's embarrassing, because it shows we aren't doing anything to help the volunteer in our society. Instead of fessing up and improving our track record, what we have is: no, the public can't have access to this information — a very shameful position taken by the minister today. [interjections]

MR. R. SPEAKER: You guys are going to give them government? What's the matter?

Mr. Speaker, I'd like to speak to this motion as well and make two points. First of all, in terms of the minister — and this relates to other ministers as well — whether the report is negative or positive toward government, the government could be a winner. If it's negative, the minister could come into this Legislature and say: look, here's a report that indicates we haven't done our job in terms of voluntarism; I'm going to do three things to put the policy in order, take hold of it, and show leadership in the whole business. I look back at some of the things Dr. Homer used to do in this Legislature as Deputy

Premier and Minister of Agriculture. That was how he took those situations; when there was a negative, he made it a positive. I think this government should try to remember some of those good lessons that the earlier leaders of this Conservative Party, the Lougheed party, initiated after 1971. I was impressed with some of those things. But after 12 or 13 years, those early lessons, those early initiatives, and that enthusiasm have been lost, and we're moving back into a position of wanting to hide behind our authority and our massive majority.

That document is most likely harmless and will gather more dust on some shelf in some department. Nobody will ever look at it again. In my 21 years, I've seen thousands of those sitting on many shelves and, regretfully, I initiated some of them. They have beautiful covers and nice bindings, but I would doubt if two people looked at most of those \$150,000 or \$200,000 reports. Most of the recommendations are still ignored, and it goes on and on in government.

What is the best use of a report? Expose it to the public. Place it before the legislators. If the opposition takes issue with it and presses the government and something happens, who benefits? The people. In terms of the argument I've just made, the government [should] reassess what kinds of documents they present to the Legislature. I take an attitude of tabling it. If it's negative, we'll fix it up and make it work for the people. If it's positive, we'll take the benefits and stand up for half an hour — the minister had the opportunity here. He could have stood up for half an hour and told about the great things we're doing for voluntarism in Alberta, supported by the evidence of the report. But we've missed that opportunity, and it happens many, many times in other situations across the floor. That's a bit of advice.

What do we also do with the Department of Social Services and Community Health? The former minister hired a set of propagandists across this province. One sits up here in the gallery, hired from the press gallery, to tell the story as the government wants it told. We have another one sitting in Lethbridge that writes newsletters to try to tell southern Albertans how good work for welfare is, how well the department is doing, and the great things the minister is doing. He writes these things and I see them in the paper, but I know they're written with a political undertone, not the facts as they are. We use this kind of technique. If this report were reported to the public through the two propagandists, the one sitting here and the one in Lethbridge, we'd have distortions. Let's put the evidence out on the table. The hon. members of the NDP have asked for a document to be presented. Why don't we do it, so we have the information up front in this Legislature? We don't do it that way; we've got to do it their way.

DR. WEBBER: A point of order, Mr. Speaker.

MR. DEPUTY SPEAKER: Order please. The hon. minister has a point of order.

DR. WEBBER: Mr. Speaker, if I recall correctly, the hon. Member for Little Bow indicated that there were distortions in terms of some of the information that he was receiving. If he recognizes some distortions, I would like to have evidence of that.

MR. R. SPEAKER: Mr. Speaker, I will certainly pass them on and underline them for the minister. The only reason the minister doesn't understand, when he approves the newsletters, is that the distortions support the Lougheed party, make the Lougheed party look good. That's why it's not recognized as

distortion. I can underline them and send them to the minister, but most likely he won't understand them.

DR. WEBBER: You can't find any.

MR. R. SPEAKER: I can't find any? Read any one of the articles; they're not telling all the facts in terms of the situation. If that isn't distortion, I don't know what it is. If you examine the work of these fellows you have on public payroll and compare it to some of the writings of the press gallery, where they look down objectively at some of the things that are happening here — maybe a little critical, maybe investigating what's going on, but that's the way they see it. They don't have to write it to try to tell the public a story that is not as it is.

Mr. Speaker, I can't understand why the minister in this circumstance can't take advantage of a situation that could be very positive. Whether it's against the government or for the government, presentation here could be positive to the government's progress, positive to their image. But if they want to go that direction, fine, let them go. Hopefully in a year or two the people will deal with that accordingly, the way it should be. [interjection] Now we hear the hon. Member for Drayton Valley making comments about phoniness. What she should do once in a while is check around in her own constituency and see what they're doing out there, what their attitude is toward their member at the present time. They'd like to look at some of these documents we're asking for here. They'd like to see what this government is doing in comparison to other governments. They'd love to see an interprovincial comparison of government policy in terms of Alberta versus British Columbia versus Saskatchewan.

MR. COOK: Mr. Speaker, on a point of order. The hon. Member for Little Bow has used two words that are specifically cited in *Beauchesne* as unparliamentary language. One is "distortion". It's on page 106 of the most recent edition of *Beauchesne*, Citation 320. The other one he's used for us this afternoon is "phony", and that is specifically dealt with in the same citation. I wonder if the hon. Member for Little Bow might want to withdraw those remarks.

MR. R. SPEAKER: Mr. Speaker, on the point of order that was raised. I haven't *Beauchesne* in front of me, but the hon. member reads *Beauchesne*. When I direct to some specific person in the Legislature that (a) they're phony, or (b) they are distorting something, that certainly is unparliamentary. I would withdraw it under those circumstances. The way the words were used was in a general sense, in terms of the information that was being disseminated by some of the workers. I think that's a little different and acceptable in this Legislature.

MR. DEPUTY SPEAKER: I think the hon. Member for Little Bow has really made a point that is clear, as far as if it's not specific regarding an individual, it's not considered uncomplimentary. Perhaps the member would complete his remarks.

MR. R. SPEAKER: I have, thank you.

SOME HON. MEMBERS: Question.

MR. DEPUTY SPEAKER: Are you ready for the question?

MR. MARTIN: No, no. This is more fun than I've had for a while, so I want to participate in the debate. The members opposite seem to be getting a little exercised.

I go back to that glorious term I recall from the past. It was "open government", Mr. Speaker. One of the Attorney General's comments that I recall from sitting over here was that there is no need for conflict of information, that information is free flowing from this government any time. We were told that this is open government at best. To be quite honest, Mr. Speaker, we did not know this particular document — it seemed innocuous enough. It certainly seemed like a worthwhile report to take a look at, for both government and opposition members in a democracy in the Legislature, to look at government policy.

I remind the minister that one of the things the government has been talking about most recently is the whole need for voluntarism. We've heard a lot about that and what the private sector can do, and we've been bragging about it. I recall hearing about how excited we are with the food banks. The people running the food banks aren't, but the government seems to be. The minister was bragging about how well we're treating the volunteers and how important they are. I've heard that so many times. We just want to take a look at what is really going on. Whether it's favourable or unfavourable, as the Member for Little Bow said, is irrelevant. Surely when this is a cornerstone of government policy and they're talking about it this much, this document could be laid out in the Legislature so members on both sides could take a look at what is going on with the actual facts.

If the minister is so worried now that he would embarrass other provincial governments, he could have checked this out. I doubt most of them have the same penchant for hiding behind closed doors as we do. I can't see why they wouldn't want this debated in their legislatures. He could have checked that out, and I don't think the minister did. He just made the excuse that he has to check with them. Or as my colleague said, we could have had an amendment and said that we're quite prepared to do this on checking with our own people.

Frankly, Mr. Speaker, regardless of whether or not it is complimentary toward the Alberta government, it's still the type of information we as legislators in this province should know to do our jobs properly on both sides of the House. Especially if, as I said, the government is talking about voluntarism and privatization, let's look at the actual record of the study. That's all we're asking for. I don't think that is a great deal to ask from this government.

Frankly, I am surprised. I didn't think Motion for a Return No. 174 would create any problems at all. I thought the minister would be overjoyed to table this. I am surprised, but I expect none of the government backbenchers will have the political courage to ask for it. They should want to take a look at it too, but I suppose they probably don't care. Maybe that's the nature of this government at this particular time.

AN HON. MEMBER: Speak for yourself.

MR. MARTIN: Then vote. The hon. member says "speak for yourself". If you want to take a look at this document, you have an absolutely good chance to stand up and vote for it so it comes into this Assembly where it should be.

I call on the government members. If they want to start doing their jobs, let's start taking a look at some of these documents we as legislators should be looking at instead of hiding behind closed doors. It's not going to be the end of the provincial Conservative government in those safe seats if you put out a document at this particular time so we can all do our jobs.

In conclusion, Mr. Speaker, I just say I am absolutely amazed that we're even into this debate over such an innocuous document. I hope the minister would reconsider, or the mem-

bers here would tell the minister to reconsider, and table it in this House.

[Motion lost]

175. Mr. Martin moved that an order of the Assembly do issue for a return showing, subject to the concurrence of the author in the case of correspondence sent to the minister or his department or its agencies, copies of all correspondence, reports, and other documents received by, sent by, or prepared for the Minister of Hospitals and Medical Care or his department and its agencies, with regard to:

- (1) the principle and policy concerns underlying the blue card system of health care coverage introduced in the fall of 1983, and
- (2) the administrative aspects of the blue card system of health care coverage.

MR. RUSSELL: Mr. Speaker, after the debate on the last motion for a return, I almost hate to say I'm going to recommend that members vote against this motion for a return for two reasons. Number one, frankly I think it's very badly written. Goodness knows what the hon. member is asking for. Secondly, even if we were able to determine — and I'm going to give a couple of examples in a moment — what the hon. member wishes to know, I'm afraid we would have such an expensive and voluminous motion for a return that it would be useless to the member and certainly a waste of public funds. I'm going to suggest that if there are specific items of information the hon. member wishes to know about the health card insurance plan, I'd be pleased to provide them.

If I could give an example, it's very all-encompassing and asks for copies of just about every kind of piece of paper that the department or our agencies or agents put out or receive. Looking at subclause (1), dealing with the principles and policies, for example, the policy is that everybody in Alberta has to have a blue card. Does this mean we're obliged under the motion for a return to provide for the member a copy of every Albertan's blue card? Obviously not, but that in fact is what the motion says we're ordered to do. If you don't do it, of course you're in contempt of the House for not providing that information.

I'm simply saying it's extremely badly written. Whoever wrote it for you is grossly overpaid, and I hope you'll reprimand them. Secondly, if we were able to decipher what it is you want, certainly the expense involved in going through every Albertan's file for his blue health care card and getting permission from every Albertan to table a copy of the correspondence that deals with it is obviously not what the member had in mind. For those reasons, I think the motion should be defeated and reconsidered.

MR. DEPUTY SPEAKER: Does the hon. member have permission to close debate? Are you agreed?

HON. MEMBERS: Agreed.

MR. MARTIN: As usual, the minister tries to be flippant. The only person that's grossly overpaid in this Legislature is the minister sitting over there, and his salary should be reduced to \$1 for what he's doing to medicare. The minister says it's badly written. Maybe it's because the minister can't read. Maybe that's why we're in all the problems of medicare.

Obviously we didn't know specifically. The government came to a policy over blue cards. It seems fairly clear that what we're asking very simply is, what determined that policy? There

must have been some reasons or some studies. It has nothing to do with every Albertan, and the minister well knows that. He's just trying to be smart-alecky in the House again. That's what he's attempting to do. Mr. Speaker, we want to know why the government came to this policy. Obviously we do not know every document nor are we asking for every document, and the minister well knows that. Knowing what we want to do — it's clear that we want to know why we came to this policy — the minister could have determined. I know the minister is getting a little red in the face and exercised again, but if he would listen, he could have picked the relevant documents, why we came to that specific policy.

Those are the types of things we want to know in this Legislature. Those are precisely the things we want to know. The minister can make all sorts of flippant remarks. But the people of Alberta know what this minister is doing to medicare, and they want to know why it's happening. That's our job in the opposition — to try to find out what's happening behind a government that is closed in its nature and afraid of coming clean with the public. Then they can be flippant and talk about things that are fairly straightforward. I checked this out with a kid in grade 1. He seemed to understand it, so the minister had better take his assumptions from there. Maybe he should go into early childhood education so he can learn to write.

If the minister wants to come back, we'll ask for some specific things, and we'll keep asking them. That's our job. Next time I hope the minister, rather than trying to rationalize and be smart-alecky about it, will attempt to come to some real matters, so we can do our job in the Legislature.

[Motion lost]

head: MOTIONS OTHER THAN GOVERNMENT MOTIONS

203. Moved by Mr. Jonson:

Be it resolved that the Assembly urge the government to continue its research efforts with a view to developing a workable program to deal with hail suppression, rain increases, and snow-pack augmentation.

[Debate adjourned March 29: Mr. Clark speaking]

MR. CLARK: Mr. Speaker, it's been some time since I started my remarks on this motion. I would like to say at the outset that I really fully support it. But I think I should go into some of the history of why we have the hail suppression and rain increase program in Alberta and who started it in the beginning. The reason we started to have a hail suppression program in Alberta was simply that there was an area in south-central Alberta where the hail was so devastating, in the late '40s and early '50s, that hail coverage could only be had through Alberta hail insurance. They required a premium of 20 percent before they would cover the farms there. That was in the maximum area, and it ranged anywhere from 10 to 18 percent in the rest of the areas. The fact that it was so expensive — if you wanted to put on \$100 an acreage coverage, it was going to cost you \$20 an acre. In those days it was almost out of sight for the average farmer.

The farmers got together in four different municipalities to see what they could do to prevent hail. They were the first ones to start it. They invited a gentleman by the name of Dr. Irving P. Krick to look at the area and see if he could come up with some program to prevent hail. The reason Dr. Krick was really interested in that area was that it is, I believe, the highest hail

belt anywhere in North America. At the same time, they had started a hail studies program in Alberta. We thought at the time that the projects could work in conjunction and co-operation, so we could have hail suppression programs funded by farmers and the government could examine the results and let us know whether or not we were wasting our money. Co-operation between the two groups never really seemed to come about, as far as I understand. They always had a little bit of: this area is mine and that area is yours, and you're not doing it right. There was a debate over it, and it still goes on today.

The fact remains that in the area now covered by the hail suppression research program, those 20 percent hail insurance coverages of the 1950s have dropped to 12, and those in the 18 percent bracket have dropped to 10. So as far as hail insurance is concerned, I guess the benefits are there for anybody to see. The hail insurance people are not easy to convince. They thought it might be a trend, but after the 28 years it's been in effect, the premiums have lowered.

To start with, there were two ways of funding this. You could go and get donations from your neighbours, or you could try to put it on the taxes through the four different MDs and counties involved. Of course in the beginning, all the farmers went that route, because it was much cheaper if everybody was paying than just a few. But the plebiscites that were required, required a two-thirds majority, which is very hard to get even in an issue that wasn't quite as hot as this, and they were mostly turned down. I think there was only one plebiscite that passed.

At that time, those who believed in the project continued and tried to raise the money in another form. My first door-to-door experience was trying to raise money for hail insurance. At times it was very much like going out in an election campaign and getting into opposition territory. But it was an experience that people were either very much for it or very much against it. We kept it running in that manner for several years, collecting on a door-to-door basis from the farmers. But as time went on, it became more difficult to get people to go to their neighbour and ask for money. Some dropped out, and it made the expenses a little higher. The higher it got, the harder it was to collect, and we finally dropped it. So for one year, there was no program running in that area. It just happened to be the highest hail year on record for quite a few years.

The next year they started the experimental hail research program. It has run very well in the last few years, but we still have an uncertainty of funds in the program. We are still in the experimental stage, which means that if you're experimenting with something, you look at a storm and say: well, let's let that one go and see what happens, see if it hails. The guys that happen to be underneath that hailstorm are rather unfortunate.

Even after 28 years of this program, it's still very difficult to prove positively whether or not hail suppression and rain increase really have much effect. From experience in the field under conditions, we've also found that in many years when you seed fertilizer, it doesn't have much effect. Sometimes when you go out and spray your crop, it doesn't have effect. But if you look at it over a term of 28 years in crop production, you'll see a difference. I believe that's the way you have to view hail suppression and the rain increase program.

Mr. Speaker, I've gotten way behind, and I'm ahead of my notes. I don't know how long I spoke before. I can't remember a time in the last few years when it's been as dry as it has in the last four or five years in our area. We have had no snow whatever. There's been no moisture in the winter and not much in the fall. But in the growing season, during the time when the hail suppression was on, we seemed to get adequate rain through the summer to grow better-than-average crops.

In closing my remarks, I would like to say thank you to the hon. Member for Ponoka for putting this motion forward. I believe rain increase is just as important as hail suppression and goes hand in hand with it, although the hail suppression is much more spectacular than the rain increase. I was listening with interest to the debate on Mount Allan here today, and I wonder if we could use a little snow increase on Mount Allan sometime when we need it. It might be a good place to experiment. I would again like to thank the Member for Ponoka for putting this forward, and I urge everybody in the Assembly to support it.

Thank you.

MR. STROMBERG: Good afternoon, Mr. Speaker. I believe it was back in May 1972 that the following report was commissioned, and I would like to quote from it. The Executive Council's order of that day was addressed, approved, and ordered by Grant MacEwan, the Lieutenant Governor.

The Executive Council has had under consideration the report of the Honourable the Minister of Agriculture, dated August 9, 1972, stating that:

WHEREAS by a Resolution of the Legislative Assembly of May 19, 1972, it was resolved that the Government appoint a Crop Insurance and Weather Modification Committee consisting of certain persons:

THEREFORE, upon the recommendation of the Honourable the Minister of Agriculture, the Executive Council advises that the Lieutenant Governor in Council hereby appoints a CROP INSURANCE AND WEATHER MODIFICATION COMMITTEE, consisting of the persons and for the purposes specified [below].

Mr. Speaker, that committee, which I was chairing, held approximately 33 meetings throughout Alberta, from the deep south to the Peace River district. Besides, two members of that committee attended a worldwide weather modification conference in Rapid City, South Dakota, and also in the state of Texas. In this report were not only our recommendations but the recommendations of the farming community of Alberta. I would like to quote the recommendations as they pertain to weather modification.

The committee suggests the following procedures, etc., to carry out recommendations number 22 and 23.

(a) The Legislative Assembly pass a "Weather Modification Act" which would establish a Weather Modification Corporation or Commission to be operated and administered by a Board of Directors consisting of 9 members, made up of [the following]: 2 Full Time Members, 6 Farmer Members, 1 Councillor for M.D. or County Member. All board members to be appointed by the Government with the Association of rural M.D.'s and Counties to nominate the council member.

(b) The said [Committee] to be responsible for action programs to effectively control hail and also for hail research programs. The Corporation be instructed to call all people who have been involved with hail research or hail suppression and clearly establish what research is to be done, eg. by whom and how the research and action [committee] will be evaluated.

(c) The Weather Modification Act should give the Corporation the following authority and/or responsibilities:

1. Responsible to administer a weather modification experimental program in Alberta.
2. Responsible to administer a hail research program in Alberta.
3. Responsible for a continuing evaluation with an annual report.

4. Authority to hire and/or contract with private individuals or public agencies to do
 - (a) research on hail suppression
 - (b) an active hail suppression program
 - (c) an evaluation of both the research and action [committee] and
 - (d) other programs deemed necessary to effectively control hail.
5. Authority to establish, with the consent of the Lieutenant Governor in Council a hail research and hail suppression area to be operated as a unit by the Corporation. Said area to be established by the Corporation.
6. Authority to hold a plebiscite [and I think this was very important] in the area established at least one year before the end of the 5 year experimental or trial period to determine whether the Corporation should continue with the hail research, hail suppression and evaluation programs on the basis that the costs of the Corporation programs be shared by the farmers, in the area on a mill rate basis, the Counties, M.D.'s, or I.D.'s in the area, and the Government of Alberta. The portions to be funded by each of the three (farmers, Counties and Government) be established with the Corporation prior to this plebiscite. The Corporation should establish the portions each should pay by discussions with the Alberta Government, Department of Agriculture, the Association of Rural Municipalities and Counties and discussions with farmers at public meetings.
7. Authority to have the Counties, M.D.'s or I.D.'s collect a mill rate to cover the farmer's share of the programs.
8. Authority to hold a plebiscite at least every five years after the first plebiscite.
9. Authority to do other things usually given to Corporations and/or other Commissions.

Mr. Speaker, the history of hail suppression in Alberta has been given here by several members. I would like to mention that the Weather Modification Board was set up by the Minister of Agriculture, and it was doing a very good job. However, at the end of the five-year program, it was decided to bring the Alberta Research Council into this weather modification committee. And what do we have now? We have a Weather Modification Board that I believe has had its teeth pulled. It's taking its orders and funding from the Alberta Research Council. What has happened at the end of the five years? What recommendation have we got? More research.

We are now into the next five-year program. It will be finished next year, and I'll bet you dimes to dollars that no one will have an answer and the recommendation will be more research. I am sorry to say, Mr. Speaker, that perhaps we've developed a program that is keyed around research for the sake of research. That's not the message the rural MLAs, especially in east-central Alberta, are receiving from the farming community. They are saying: to heck with the research; get those planes up in those clouds and start seeding them.

We had a good program five years ago. We were seeding in a area in about a 90-mile radius from Calgary. We were taking in the storms that were coming from Red Deer south, Red Deer north, basically to the Battle River. However, due to budgetary cuts, there is basically no cloud seeding done north of Red Deer. How do you explain to someone who has taken a loss of one year's income due to a hailstorm — and he knew there were planes sitting on the runway at Penhold — that we didn't have the dollars to seed that storm?

I find it rather interesting. Mr. Speaker, this is documentation of the Third Conference on Weather Modification held in Rapid City, South Dakota. This came out in 1972. As I go through it, I can't help but see many, many areas we are now researching in Alberta that have been researched throughout the whole world. There are better programs today in the United States, Nairobi, Africa, Russia, Switzerland — they're years ahead of us. But what are we doing? We're taking experimentation that was tried several years ago throughout the world just to see if it works up here. Hail is still hail; I don't care if it's in Africa or here. My point is that there's a tremendous amount of duplication.

An example is what we're trying to do in Alberta with hail suppression, rain increase, and snowpack. In other parts of the world, they're also working on fog and ice crystals — ice crystals at airports in Alaska. The situation today in Alberta is that we have a serious problem, and the Member for Chinook is quite aware of it. In southern Alberta there is no snowpack in those mountains. The Lethbridge Northern Irrigation District is going to be very short of water and will probably run out in June. I understand the Eastern Irrigation [District] is facing the same situation. For two years now, the Weather Modification Board has been asking for cloud seeding/ground generation in the foothills and in the mountains back of the Highwood Range to try to increase snowpack. Any spring moisture coming from the Eastern Slopes into the irrigation districts is the melt that takes place in June and July. For certain people to say that if we set up a snow increase in the mountains, it's going to be hard on the ranchers in the Lundbreck area — I suggest that that snowpack will be falling several thousand feet high, and if it came that far down, it would probably be in the form of rain.

Speaking of duplication, in 1972 at this conference in South Dakota, there were papers presented by San Jose State College on Sierra snowstorms and cloud seeding and on the target area of cloud seeding for snowpack. There was another one from Bozeman, Montana, on randomized winter seeding. All of these showed that it works. From the ground generator in the mountains, they get a snowpack increase that vees out. Of course in the United States that means dollars, being that they're short of irrigation money. But here the Weather Modification Board has had to go to the irrigation district boards and ask for funding so that the Alberta Research [Council] can go and study whether it's feasible to seed clouds. Gosh, they flew a plane up and down the mountains on the clearest days we've had. All you have to do is live in that country and just look to the west at those — if there are no clouds over the mountains, you know darn well you're not going to get snow. Why couldn't we spend a few dollars, put up the ground generators, and do the research after. Let's get some snowpack into that country.

I was a little surprised to hear the hon. Member for Wainwright — and he's not here — mention that perhaps we're chasing the hailstorms from western and central Alberta into eastern Alberta. I would like to point out that 92 percent of the storms that originate in the foothills never cross Highway No. 2. The area he lives in has been dry for a thousand years. He mentions the grasshoppers — some people call the area fringing on a desert.

I would like to point out to the Member for Wainwright that I recall about three years ago that he had a severe drought. One morning he was walking across his yard, and a little cloud went over Irma. He was standing in the middle of his yard, Mr. Speaker, looking straight up at this cloud with his mouth wide open, wondering if it was ever going to rain. And lo and behold, one drop of rain came down and hit him right between the eyes. It was such a shock to the Member for Wainwright

that he fainted. His good wife saw this from the kitchen window, and it scared her, gave her quite a shock. She ran out there as fast as she could, and she had to throw three bucketfuls of dust on him to bring him back again.

Mr. Speaker, I think what is needed in Alberta is that we continue cloud seeding and that it be expanded not only north of Red Deer but into northern Alberta, because in the last 50 years, the history of hail has been that it has been progressively moving north. There was a time, 10 or 15 years ago, when the Barrhead district of Alberta never knew what hail was. They've had three or four storms one right after the other.

I think we have to have more co-operation with the United States and the different states. The Alberta Research Council has a plane that's flying into the clouds. Good heavens, they've been doing this for years in Colorado. Why can't we use one plane? Start it in Texas when it starts to hail in June and, as the hail season moves north and ends approximately in September in the Peace River, use the plane the whole way through, with a combination of American research scientists and our people, and get away from some of this duplication.

And quit hiding behind the argument that we don't want to expand hail suppression because we might end up in court. Surely the Legislature has the authority here to change Acts that can protect us from someone suing. I heard the Member for Drayton Valley mention that she cannot get any hay up these last few years because of all the rain out there. I might point out that there's more rainfall in that area of the province than there is through the central or eastern area. It's always rained out there. That's not hay country.

[Mr. Purdy in the Chair]

Mr. Speaker, my experience with hail at the farm we live on — and my son will be the fourth generation — is that we'd never had a hailstorm until the year the Premier appointed me a director on the Alberta hail and crop insurance commission.

AN HON. MEMBER: So things went all to hail.

MR. STROMBERG: They sure did.

I was attending, on behalf of the board, a meeting out of province. I phoned home, and at that time my seven-year-old son answered the phone. I said, what's happening. And he said: Dad, it's been raining ice cubes. That was quite a shock. I came home, and that was quite a hailstorm. Mr. Speaker, the severity of that storm was such that it drove the fence posts six inches further into the ground and took every barb off the fence.

Thank you.

MR. MUSGREAVE: Mr. Speaker, that's a pretty hard act to follow, but I feel I have to get in and say a few words. First of all, I'd like to point out that at the Alberta Research Council, we don't do research for the sake of doing research. We are doing it for a purpose, a mission. If after a five-year period we find we are not achieving that mission, we shut the program down. If the hon. member wants us to do more work on that, all he has to do is convince the members of the agriculture caucus committee, the government caucus, the Provincial Treasurer, and a few other people, and we'll do all the research he wants.

I would like to point out though that on March 29, the hon. Member for Ponoka mentioned in his motion that farming communities support such programs — not, as the hon. member has pointed out, that there's some objection. I'd like to make a few observations with regard to his remarks.

We are conducting a weather modification program and doing scientific research, and much of it is being done inside clouds. We have to do it this way because weather varies so much, and the high variability of weather has prevented us from showing with confidence that hail is reduced by cloud seeding. This applies not only to our research in this province but to the hail projects being carried out in other parts of the world. Although indications have given scientists as well as farmers good reason to be optimistic, I'd like to refer to the statistics. Independent of cloud seeding, variations of hail loss/risk ratios can be as great as a factor of three to one on a year-to-year basis. Variations in summer rainfall are often as high as 20 to 30 percent and can be as high as a factor of two in regions of the province on a year-to-year basis.

Because of such variability, our current measures are unable to give results which would convince a skeptic or a scientist. This is a clear message from the cloud seeding program during the 1970s and studies of Alberta weather patterns over the past 40 years. I don't know where the hon. member got his statistic about the rain in the last thousand years. I don't think the printing press was invented that long ago. Therefore weather modification research is still attempting to verify the theory that cloud seeding has enough effect on the internal physics of a cloud to modify its precipitation-forming processes and lead to less hail and more precipitation.

Research in weather modification is proceeding at this time on three fronts: first, the potential to increase the supply of water to rivers by increasing the winter snowfalls in the Rocky mountains; second, the potential to increase summer rainfall by encouraging clouds which normally produce little or no rain to in fact rain; and third of course, the long-standing hail suppression research programs. The meteorological conditions required to realize the goals of these projects are not sufficiently understood for Alberta, which I point out to the hon. member has its own unique weather characteristics. Research into these unknown aspects is therefore part of each project.

The first project, concerned with creating more spring runoff through the extra accumulation of snow on mountain peaks, is considered to have the most solid basis. Work in the United States and other countries has continued to produce for many years convincing evidence that this type of weather modification does work under certain conditions. But regrettably, we have a problem in Alberta. Alberta has a colder climate than most other areas where this type of research is conducted. We must also deal with the fact that we are on the downwind side of the mountain range, whereas other areas where this type of research is successful and is being conducted are generally on the upwind side of mountain ranges.

The basis for the second project, an increased rainfall, is not well founded. Although a few projects such as the one in Israel have shown success in increasing rain, the successes have not occurred under conditions similar to Alberta in the summertime. They also have not occurred generally in clouds over the plains area of North America. Nevertheless, we are still doing research in Alberta, since rain seeding experiments have been combined with a hail research program.

The suppression of hail is the most complex of the three projects. In spite of nearly three decades of research here and in many other countries around the world, it remains scientifically the furthest from our goal. In the words of many people, it's witchcraft at best. There is yet to be a test anywhere in the world to demonstrate with confidence that hail can be suppressed. However, the new research thrusts in Alberta are more encouraging. For the first time, they are producing evidence to support some steps in the scientific theory for suppressing hail.

I will give you some specific research results from cloud seeding experiments in the past two summers in Alberta to

make my point. Through our controlled seeding experiments in single storms, we have established that cloud seeding produces dramatic effects inside clouds where the seeding material has been applied with aircraft. The principle is that the silver iodide or dry ice particles introduced to a storm cloud results in hundreds of ice crystals in cloud regions where none occur naturally and in thousands of ice crystals where they do occur naturally. These ice crystals grow from time to potential hail embryos. The theory is that seeding with an artificial ice nucleate will produce many additional hailstorms to compete with the natural hailstorm, which will be limited to a small size and therefore less destructive.

With the research aircraft, scientists have actually been able to document for the first time that seeding produces many more potential hailstorms. Hailstone samples collected on the ground have shown that more hailstones fall from seeded storms. It remains to be determined how much competition there is between natural and artificial hailstorms. Therefore researchers have demonstrated that seeding produces real effects in a hail-bearing cloud and that the effects documented so far seem to be consistent with the seeding theory.

These real advances have only been made in the past years, thanks in large part to the use of our new research aircraft, not the one that comes from Texas and flies to the Peace River country as mentioned by the hon. member. This is a very sophisticated airplane, loaded with computers and all sorts of highly technical equipment costing hundreds of thousands of dollars and very sensitive to operate. The results from using this airplane are encouraging. We now have a few documented cases of summer cumulus clouds which would not normally have been expected to rain naturally. They have produced substantial amounts of rain after cloud seeding. What remains to be determined is the range of cloud conditions which allow this seeding to succeed, how often these conditions occur, and the best seeding method to achieve this effect. Again, the research aircraft has been our primary measuring tool.

Moving now to the mountain snowpack project, it was only initiated two winters ago and does not yet involve cloud seeding. To date the project has concentrated on documenting the characteristics of snow clouds over the Rocky mountains and southern Alberta. With our aircraft, the researchers have observed occasional regions of liquid water with no ice crystals, suggesting that the clouds are somewhat inefficient in producing snow. This in turn suggests that some potential exists for increasing snowpack.

I noticed that the hon. Member for Ponoka was unable to find any statistics regarding adverse effects from cloud seeding. The reason he wasn't able to find them is that there are none available. The possibility that cloud seeding in one area alters precipitation in another area has not yet been demonstrated. The possibility of some long-range effects, however minor, of course cannot be totally discounted. However, these effects are considered unlikely for a number of reasons, including the greatly varying paths of weather systems and the continuous supply of moisture to them and the atmosphere from the ocean surfaces. The oceans completely resupply the atmosphere with moisture about every 12 days. It must be remembered also that in dry areas, water which falls is not really lost from the atmosphere. Almost all the water reaching the surface is re-evaporated, much of it having done its work by passing through plants. Thus you can appreciate increases in rainfall in one area without significantly decreasing it in others.

I would like to make some specific comments, Mr. Speaker, with regard to some erroneous statements in *Hansard* of March 29. First of all, with reference to the Member for Ponoka, he mentioned a devastating hailstorm north of Red Deer on July

21, '82, that was not seeded because of some radar coverage problem. This is not true. The storm was not seeded, as the area north of Red Deer was not included in the cloud seeding operational area during the summers of '82 and '83. The only seeding done in this area during those summers was isolated seeding of storms on a few occasions as part of the single storm seeding experiment. Regarding the situation in British Columbia, legislation was enacted in '73 requiring modification operators to obtain a permit before seeding could commence. So far no permits have been issued.

I'd like to make one last reference to the Member for Ponoka, who mentioned Mr. Peterson's reports, saying that very sound statistical evidence of 65 percent effective is an actual portrayal of his initial conclusions. But that is not the complete story. Peterson's initial report was very positive, but his analysis included an incorrect assumption that the relationship between the target area and control areas studied remained constant during the entire study period, when in fact he later discovered that this relationship did not exist.

There is one last point I'd like make. The hon. Member for Innisfail, near the end of his speech, said that loss in hail damage was \$1 million in a year. This should probably have read \$100 million a year.

MR. ZIP: Mr. Speaker, I wish to briefly enter the debate on Motion 203. I will not go into the argument centred on hail suppression as it affects rural Alberta. Previous speakers have presented its importance very well. I wish to commend the hon. Member for Ponoka for introducing this motion. Since I grew up on the farm, I've had many firsthand experiences with the trauma of hail damage to crops and rural property. I would like to point out its importance to urban Alberta and the exposure to huge losses that major urban centres like Calgary are subjected to by hail every summer.

Over the three decades that I've lived in Calgary, I've witnessed several disastrous hail storms in the city. The worst was the storm that hit the city on July 28, 1981. The losses sustained by city residents from that storm, in terms of damaged homes, dented motor vehicles, and other property damage — not to mention the flattened gardens and flower beds that broke the hearts of tens of thousands of garden lovers in the city — exceeded \$100 million by far. According to the Insurance Bureau of Canada, the resulting insurance claim settlements from this storm reached \$98 million. This is one of the largest insurance claim settlements Canada ever experienced from a single disaster.

Viewed from the context of the \$5 million this province spends annually on hail suppression research, the sum is small compared to the potential benefits it could bring to all residents of Alberta, both rural and urban. Calgary's experience with hail alone focusses on the need for research to take remedial action in order to avoid repetition of such events in the future and to prevent the horrendous hail losses major urban centres are subjected to from time to time. In view of the vital interest of both urban and rural Alberta in weather modification, I urge this Assembly to pass this excellent motion.

Thank you, Mr. Speaker.

[Motion carried]

215. Moved by Dr. Carter:

Be it resolved that the government examine ways and means to attract the headquarters for the long-baseline array radio telescope network to Alberta.

DR. CARTER: Mr. Speaker, this is a very interesting issue and one which is worthy of a lot of debate. A considerable

amount of debate has already taken place, especially within university and development circles in the major cities in the province, with particular emphasis in the Lethbridge and Calgary areas.

I bring the motion to the Assembly because of an interest which I'm sure many members of the Assembly share with me. There is a very natural curiosity, a sense of awe and mystery, a sense of lack of knowledge with respect to the whole universe. Of course the best example of that is to stand out on the prairie on a cloudless night and be just overwhelmed by the sense of infinity which the universe presses upon one.

Many of us have our interest with respect to astronomy because of matters related to the sun or the moon. On the 30th of this month there's going to be a partial eclipse visible in southern Alberta. It should be 30 to 40 percent of a partial eclipse and should take place between 9:30 and 11 o'clock mountain daylight time. The full eclipse will take place over a route which passes over Mexico and the southeast United States. If anyone cares to look up at the partial eclipse, make sure it's a very quick glance because of damage to the eye.

I confess to being an amateur astronomer — very, very amateur in spite of the fact that I've a Celestron optical telescope, which I take with me to the Cypress Hills regularly where the conditions are tremendous for viewing, and have also worked up a considerable home library with regard to astronomy and picked up the first item of computer software. But I must admit that most of the time dealing with that is spent about 1 or 2 o'clock in the morning when one doesn't have to deal with preparation of motions such as this.

I must express thanks not only to my research assistant Rod Scarlett but also to persons involved in the Calgary and Lethbridge development authorities and for the significant amount of time which officials of the University of Calgary were prepared to give to help give me some education in this project. I must also thank them and in particular Dr. Allan Clark for the tour of the Rothney Astrophysical Observatory southeast of Calgary in the Highwood constituency.

With respect to the motion before the Assembly, it's inevitable that certain explanations and definitions must be given for an understanding of what the Canadian long-baseline array project is all about. There are a number of documents which are readily available with respect to the Canadian long-baseline array. Studies prepared by the Canadian Astronomical Society form the official proposal as of this date, and it was developed in conjunction with the Canadian Association of Physicists and presented to the National Research Council. Our understanding is that it's presently in the office of the Hon. Don Johnston in Ottawa and is being reviewed, and hopefully there will be some source of funding identified. On the other hand, certain modifications have taken place with respect to the original proposal, and I'll be dealing with those in the course of my comments.

With astronomy as a science, we are basically involved with the observation and interpretation of radiation in the vicinity of earth as received from throughout the universe. Throughout most of man's history, our view of the universe has obviously been limited by the capability of the human eye to observe. What we are really observing is the visual portion of the electromagnetic spectrum. Of course the development of the optical telescope greatly enhanced the power of visual observation, increasing the light-gathering power. That development took place in the 17th century.

In terms of astrophysics — that is, the physical study of the components of the universe — a great leap forward took place with the invention of the photographic plate. Coupled with the development of optical telescopes, that allowed astronomers to record what they were indeed seeing. In addition to that, it

increased the spectrum they were able to observe, so they were then able to pick up the infrared and the ultraviolet portions of the electromagnetic spectrum.

Astronomy then took another leap forward, a dramatic advance, when it moved to another development known as radio astronomy. That of course takes us to the main focus of Motion 215 today. Radio telescopes are really large directional radio antennae. They're used in company with very sensitive amplifiers and recording devices. They pick up revealed thermal radiation as well as nonthermal radiation. They're picking up this radiation from such nonthermal sources as radio galaxies, quasars, supernova remnants, which are really known as accelerated, relativistic electrons.

Use of radio telescopes has revealed the presence in outer space of over 30 complex molecules which they have not been able to discern here on earth. Again, these observations are taken not only from the earth's surface but from above the earth's atmosphere. The observations have taken place via high-altitude balloons. At the University of Calgary, Dr. Allan Clark has been working in this area for a considerable length of time. Other means of observation above the earth's atmosphere have of course involved rockets and also spacecraft and other satellites which have been put in orbit above the earth's atmosphere. In addition, we have the matter of space probes to the moon and to the nearer planets, such as Venus and Mars; nearer is of course a very relative term. Astronomical equipment has either been put in place on planets such as the moon or circling other planets such as Mars.

Radar astronomy is also involved in terms of observation from the astronomical point of view. This in effect is short bursts of energy from radio telescopes directed at a planet. This is how the planet Venus was indeed mapped. Other means of trying to collect information in terms of astronomy is focussed with respect to X rays and gamma rays.

With respect to radio telescopes which would be put in place with regard to the Canadian long-baseline array, the radio telescope is indeed basically an instrument used to detect and then to measure the radio frequency power from beyond Earth. There are three components: the large reflecting surface which collects and focusses the radiation; secondly, the electronic receiver that amplifies and detects cosmic radio signals; and thirdly, the data display device which then does all the crunching, if you will, the assembly and analysis of the data which has been received. Of course this in turn calls for the real need for supercomputer capability to be able to deal with the fantastic amount of information which flows through.

Most of the radio antenna dishes are paraboloidal in shape and fully steerable. At the moment, the largest in the world is 100 metres in diameter; that is a very large one indeed. It is situated in Effelsberg in West Germany. The next largest at the moment is 76 metres in diameter, and that is the more familiar Jodrell Bank telescope in England. Canada presently does not have a large radio telescope which rates within the top 10 in the world.

The matter of an array: the array really is a number of radio telescope dishes working in tandem. In fact 1965 saw Canada being in the forefront, because they invented the idea of a long-base array, and in effect used the telescopes working in Penticton, British Columbia, and Algonquin Park, Ontario. The work that was done there, together with the sophisticated timing required of the recording of the information and getting that in synchronization and then working back with the information received, led to the project being recognized in the Count Rumford premium medal in the United States. That meant that Canada for the first time received this world-class award, and

it was actually the first time the medal had been given outside the United States of America.

On the cover of the 1984 spring issue. I believe it is, of the magazine known as *Dialogue*, there is a very striking photograph of 27 antennae which have been arranged at Socorro, New Mexico. A number of astronomers from the province of Alberta have been privileged to visit that site and also to work with the equipment, and the interchange of information has taken place. That location in New Mexico is called a very long array, and it does indeed provide sophisticated resolution with respect to image processing.

The ultimate in angular resolution comes from a very long baseline array. The longer mileage over the earth's surface allows better information flow to take place. In order to do this, astronomers then have to deal with time clocks and the sophistication which has developed. This is part of high technology development which could flow and has flowed from this type of science. At the moment, they deal with hydrogen maser clocks, which are so accurate that they can neither gain nor lose more than one second in a million years.

Out of all this, we're dealing with a total avalanche, if you will, of information which comes through and which has to be fed to computers. It's mind-boggling to think of trying to deal with some of this information flow if we did not have the assistance of computers. It really boils down to the number crunching information flow being absolutely essential. So any headquarters of a long-baseline array must indeed have some of the best computing facilities in the country, if not in the world, if the project is really going to be able to fly.

The original proposal from the Canadian Astronomical Society was to build and locate eight or nine large, fully steerable radio antennae across the length of Canada and to use them as a giant interferometer for the reception of the waves. The signals received were to be combined electronically at a central site to generate pictures with resolutions that would match the capability of the largest optical telescopes in the world. The proposal was well-received by the National Research Council and given top priority for new facilities but, as mentioned earlier, it has not as yet received funding. That original price tag was in the neighbourhood of \$80 million to \$90 million.

There is now a modified proposal under discussion whereby there will be four 32-metre diameter antennae to be located perhaps at Penticton, British Columbia, or in southern Alberta, the second one at Yellowknife, a third at Algonquin Park, and the fourth in Newfoundland. The modified proposal would see these antennae linked with 10 smaller diameter antennae which the United States government is probably going to go ahead and build. It is interesting to note that the American government has already committed \$3 million to the feasibility study, with the intention that there will be \$32 million in 1985 to construct their network of 10 antennae across the United States and into Puerto Rico. I believe.

So the United States network and the Canadian network of four would be linked together, which would be very valuable. In addition, they would then be part of an intercontinental long-baseline array which would join in with the European network, where they have seven antennae as well.

With regard to the motion, we're going after a project which becomes part of a very valuable intercontinental network, which also has ramifications with respect to the sharing of research information as well as the matter of travel of personnel between the various sites. In all of this, you need to have a very, very sophisticated computer. I know there are certain discussions going forward in the Calgary area which hopefully will result in even more greatly enhanced computer capability. That in

turn would not only be almost world class but would indeed be world class. There would be some kind of an arrangement that if this facility is so well designed and of such magnitude, indeed it will be able to have spin-off effects. One of the major spin-off effects may well be that that could become the central computing centre for the intercontinental long-baseline array. There is the provision that further down the years, this whole intercontinental array would then be linked around the world with an orbiting antenna, which would be part of a European and United States proposal. So we're talking about a very, very significant endeavour.

Just to list a number of topic areas, some of the areas of scientific study which the long-baseline array would be involved in are: in terms of astronomy, astrophysics, and cosmology, there would be the study of quasars and galactic nuclei, radio jets, interstellar masers, radio stars, parallax and proper motion, and relativity. In the areas of geophysics, geodynamics, and geodesy, they would greatly enhance the ability to study the rotation of the earth, also keeping an eye with regard to improved data processing for the separating effects of the polar ice cap melting, the study of earthquakes, continental drift, and mass motion within the atmosphere, the oceans, and the interior of the earth. Also the study of polar motion and precise geodesy — this is the matter of extragalactic radio sources and would provide the ultimate reference frame for geodetic surveying, independent of distortions on earth's gravitational field. This then allows one not to be reliant on a satellite revolving around in space to help in precise measurement, but in fact it would be on the satellite to do your measurements from distant quasars, and that would give greater precision here on earth.

I mentioned the matter of being able to measure continental drift and the matter of earthquake observation. In all of this, we're dealing with not only the movement of the continents but the matter of tectonic activity, the crust's movement one plate above the other. This is very interesting, because it's only in the last year that southern Alberta has been declared to be within the earthquake zone.

Finally, Mr. Speaker, in this area of spin-offs of scientific study which in themselves also generate other high-tech developments in instrumentation and analysis, in actual fact the project would result in increased capability with respect to data communications, image processing and, as mentioned, the whole matter of computing as well.

With respect to the Canadian long-baseline array, I believe there are six building block essentials which should be examined, and they are these. There should indeed be massive computer capability within an area. I believe Alberta today does indeed have great computing capability. I know that we are known as having — we're only second in North America to Houston, and one could hope that we might even do better and pass them. At any rate, massive computer capability is one of the building blocks, together with the service of the computer, and obviously that is something that should not necessarily be taken for granted. If you're going to have the computer, you'd better have not only the instrument in place but the ability to service it.

There is also the matter of having radio antenna dishes for reception. While these could take place in other locations, one would hope that there would be one dish of the modified proposal located somewhere in southern Alberta. So the first two building block essentials are computer capability and the antenna.

Third, one really needs to have the personnel, world-class individuals who have that kind of worldwide reputation, the capability, the knowledge in their particular fields. Within Canada we need to have people of national repute, and of course

within the province we have to put together at a university — we should probably have the graduate school, the library facilities, and we should certainly have enhanced faculty membership in place, who would then relate in terms of the operation of the whole project.

A fourth building block would be proximity to high technology industries, so they could also take advantage of the computer time and the other types of spin-offs or would have to develop certain other measurement devices which would help in terms of the project. A fifth building block is the matter of transportation accessibility, the ability to get to the project and to move around the world. We're dealing with a project where people have to move around the earth's surface to be able to keep abreast of the developments, as well as being on site to pick up whatever the information flow is from around the world.

[Mr. Deputy Speaker in the Chair]

Mr. Speaker, the sixth building block is really this: the willingness to become part of an international long-base array, the interest to be involved in terms of this type of exciting project, which has so many industrial spin-off benefits. I'm sure other members will mention a number of them, but I know from some of the information supplied that some of the analysis and image processing has been mentioned as spin-offs. Also, some of the techniques which have been developed for extracting weak radio signals from noisy data have resulted in major advancements in a variety of other disciplines such as tomography in medical diagnosis, cryptology in criminology, biosynthesis in agricultural research, remote sensing in agribusiness, seismic processing in resource exploration, and data transfer in communication.

As I conclude my remarks in this debate, Mr. Speaker, I would like to suggest that hopefully the motion will pass today. I hope the government will take into consideration that if the original proposal still has any life, strongly worded support go forward to the federal ministry involved that we in Alberta might strongly consider paying the cost of locating two of the radio telescope dishes within this province, as well as being involved in development of the computer technology and having that put in place. If we are to deal with only the modified version, I hope the provincial government will put forward a proposal where indeed we as a government would pay for the construction of a radio antenna dish and, again, that we would be very much involved with respect to the development of the world-class computer capability which is absolutely necessary if the long-baseline array is indeed going to become a reality.

Thank you, Mr. Speaker.

MR. HYLAND: Mr. Speaker, it's a pleasure to take part in debate on Motion 215, put on the Order Paper by the Member for Calgary Egmont. We've heard a description of the proposal, and I don't dare try to describe it in any better detail because there were so many big words there that I'm not even sure I could pronounce them as well as the hon. member did.

Mr. Speaker, there's been quite a bit of interest in this program in Alberta. I'll deal mostly with the interest expressed by the University of Lethbridge and the city of Lethbridge, because I'm more familiar with the time limits they've been involved in, even though I know that other groups have expressed interest in developing this Canadian long-base array program for areas in Calgary and Edmonton at the universities.

Mr. Speaker, the University of Lethbridge board of governors and the city council met with some of the southern MLAs at least two years ago, asking us for support in any way we could assist them in obtaining such a program. Needless to

say, they were suggesting that it be based in Lethbridge at the university site. In September 1981 the university board of governors approved in principle the location of the headquarters on campus and invited the Canadian Astronomical Society to visit and inspect this site. Several things happened from then until April 1983, when the mayor of Lethbridge announced the city's commitment to the offer that they would construct a headquarters building on land donated by the university and rent it to the facility at a rate from which they could recover their costs.

Shortly after this announcement. Mr. Speaker, the three universities in Alberta got together and wrote a letter to the Minister of Advanced Education. I quote the letter in part.

The Universities of Alberta. Calgary and Lethbridge are strongly in support of the creation of a CLBA and of an Albertan component, including the headquarters, control centre and antennae.

The letter goes on to outline the commitment the three universities would partake to develop a group to operate such a facility, and it outlines their desire to have that facility somewhere in Alberta. It is not site-specific, but it outlines their desire to have that facility in Alberta and the significance of having that facility here and how it might benefit the province. The letter also urges the government to endorse the concept and enter into negotiations with the federal government, with a view to establishing that facility in Alberta.

Mr. Speaker, this is about where we are on the motion at the present time, urging the government to endorse the facility and to explore whatever negotiations we can to see if we can interest the federal government and the National Research Council in establishing that facility in the province of Alberta.

From approximately September 1981 to May 1984, groups of people have covered a lot of ground. They've spent a lot of time developing their positions. We have received information from many groups, including some of the ones I mentioned, outlining why they feel the facility would be useful to have in Alberta.

Mr. Speaker, the project description has been well outlined by the mover of the motion, in that initially they were looking at eight antennae. Now we could possibly be looking at four antennae, which would reduce the price from the estimated \$70 million, over whatever time limit would be needed or thought appropriate to construct these facilities. A suggested time in some proposals has been six years. So we don't know now exactly the amount of dollars we're dealing with, but obviously it would be somewhat less than the initially estimated \$70 million.

The benefits of the project are something we can only guess at. The direct benefits that we could see are obviously the jobs created during the construction of the project and the jobs created in the operation of that facility. But, Mr. Speaker, I think the real benefit of this project is that it would make Alberta the centre of a very new, very interesting industry. We will be in a position to develop expertise in that industry. We'll be in a position to educate and train people in the operation of that facility and the knowledge and information that it acquires.

I don't know how many motions we have had on the Order Paper during this spring session relating to the need to develop areas of Alberta in a technical nature, where we can move that technical knowledge to other areas of the world and have a renewable resource that we can develop and export to various areas. We might well develop a whole new industry around this facility, an industry that would possibly develop equipment for it and continue to supply equipment for it. As I said previously, we would obviously develop programs in the various universities that would train people to operate that facility.

people who would be around to go to other areas and explain the facility.

Mr. Speaker, I think one of our possible benefits that is mentioned in some of the proposals but not in all of them is the tourist potential of such a site. As one travels across Canada or across the province and sees an antenna as large as those described by the mover of the motion, 32 metres in diameter — I guess that's almost 100 feet in the old language, the real language. So it would be something very large; it would be very visible. It would be something that people would like to view to find out how it works, to find out its capabilities — and wherever the site of the headquarters might be in the province, if it is possible, to build a sort of hands-on scientific museum where many children from the schools could observe, see how it works, find out what the project does, find out a little more about the world we live in, and where adults also would be able to tour and really see how this facility works and see our atmosphere and how all parts of it correspond. The information this facility would put out, I think, is something

— even though it's addressed in some of the proposals, with such a facility as this I often wonder if we can really know the dollars generated and the dollars created until it is in existence.

Mr. Speaker, we've heard suggestions on what we as a provincial government and as the Legislature should do to encourage a decision to be made. I'm still not totally sure at this time if the National Research Council has indeed made a firm recommendation toward the direction they wish to go. The mover has informed the Assembly that to his understanding the decision from the federal minister responsible is being awaited. So far, Mr. Speaker, many of the people who have been working toward this motion have been working toward something and they don't really know what it is. It's a concept, an idea, that some people have. They don't know the total priority the National Research Council, the federal government, et cetera, have placed on this proposal. They don't really know the time limits and things like this.

I think it's something we as government can get involved in as a catalyst, to explore ways that we can help entice such a facility or facilities to Alberta. Such things that can be explored are financing, if it's necessary; showing an interest in providing an area for it, the land, the building, and these kinds of things. I think these are things that we can explore, Mr. Speaker. Maybe with another level of government involved and showing that they are interested, we can get the federal government to make a decision on their feeling if this project will go ahead, what conditions it might go ahead under, and indeed what they envision the project to be, whether it's the initial recommendation of the nine antennae plus the headquarters or the present suggestion of, I believe, four antennae plus the headquarters. Mr. Speaker, if we could sit down and have some discussions, I think it would greatly help and assist those who have attempted to be involved in the discussions previously.

Mr. Speaker, the previous member said it, and we will see what other members say during the debate. I think it's vitally important that we attempt to get this facility in Alberta. The site-specific decision can be made afterward. But let's see what we can do to attempt to get this project to Alberta so we can have not only industry but a vast pool of knowledge and a large tourist attraction here in Alberta. The other decisions we can make later. Obviously most members know where my bias lies. But I think it's important that we do whatever we can to draw that facility to Alberta, so that we can indeed have something that is unique, new, and ultramodern and will attract people.

Thank you, Mr. Speaker.

MR. GOGO: Mr. Speaker, I too would like to join the debate on Motion 215, sponsored by the Member for Calgary Egmont.

First of all, I would like to say what an excellent job the proposer has done with regard to this motion and the amount of research he has put into it. That's evidenced by the enthusiasm and the knowledge with which he speaks.

Mr. Speaker, I think that most everything has been said from the technical point of view by the mover of the motion. I would like to make some comments relative not to the technical aspects but indeed some of the reasons why a CLBA should be considered generally — specifically for Alberta and, if members don't mind my bias showing, hopefully for a specific area within the province of Alberta.

Mr. Speaker, I suppose one could ask the question, why the Canadian long-baseline array at all? I suppose the best answer, the obvious answer, is first of all to consider the nature of man himself. I think it's man's very nature and his inquisitiveness to go after the unknown, as the Member for Calgary Egmont has pointed out, dealing with technical language, terms that I find kind of exciting and which have generally been unknown to me. But surely without the sort of research and development we have carried out over many, many years as a result of man being inquisitive, we wouldn't have many of the conveniences we have today.

More importantly though, I think it tends to deal with the philosophy of man, the history of human development, where an increase in knowledge has always led to a better understanding in man and, who knows, in this case, because we're looking into space and dealing with space, perhaps the very continuation of the human race. It seems to me that since the beginning of time, humans have pushed past their immediate boundaries in search of the unknown and, because of their hunger to know, have always looked at things that many people would consider somewhat esoteric.

When we deal with CLBA, we tend to fall into the area of pure research. I think that is substantially different from the type of research and development we've known. As a rule, corporations obviously go into research and development with the bottom line in mind. Yet I think they allocate resources sometimes touching on pure research. In this case, I think the economic benefits that have already been mentioned and that I hope to allude to again are different.

I think, though, that search into space is uniquely different from what most of us understand. As the Member for Calgary Egmont pointed out, it's extremely unique. He made reference to what radio telescopes were as opposed to optical telescopes. I think of an example I recently read which pointed out to me the great potential of radio telescopes. For example, if the most powerful optical telescope available today were located in Halifax, Nova Scotia, it could show an area the size of a city block in Vancouver, some 4,500 kilometres away. On the other hand, a radio telescope located in Halifax, simply by comparison, would show the details of a newspaper being read in Vancouver. That's obviously uniquely different. The power effected by radio telescopes alone is dramatic.

I think the Member for Calgary Egmont also pointed out part of the technical aspect where optical telescopes operate by electromagnetic waves, as opposed to radio telescopes which operate on the concept of radiation. He has also said — and I think it should be pointed out — that when we look into space with optical telescopes, we are sometimes hampered by the things we find in space, such as dust and gas, whereas a radio telescope wouldn't have that difficulty.

On the benefit side, Mr. Speaker, I think the Member for Cypress pointed out many of the factors that would be beneficial to Albertans if it were located here. I would like to reiterate some of them. I think it's well known that wherever the headquarters is situated — and the mover proposes it be situated

here in Alberta — it may or may not be at the centre of the array, but I understand that's not critical. This would obviously interest the Minister of Economic Development. Studies have seemed to show that electronics and communication industries tend to be cluster oriented; that is, they would tend to locate in the very area where the array headquarters were situated. There is some evidence of that with regard to the Ottawa valley and, I guess, the silicon industry in California.

In terms of quantifiable benefits, which are important to me as an MLA, indications are that CLBA will allow the industry to become very competitive in the international sphere, not only in technology but for the value of domestic shipments abroad. Indications appear to be — information to me, anyway — that the overall benefit to the domestic industry will be about \$64 million over a five-year period. There will be approximately — I think this was indicated by the Member for Cypress — 1,100,000 man-hours of work created during the first five years of the project. That converts to an average of 110 jobs in the communications industry.

Mr. Speaker, another direct effect will be the direct spin-off from the construction and the actual operation of the project. The headquarters construction costs, which again I think have been mentioned by both the mover and the Member for Cypress, will be about \$5 million including the relevant laboratory equipment. The total Alberta construction cost appears to be in the neighbourhood of \$10 million to \$20 million, and this could create up to 200 man-years of work in the province of Alberta. The headquarters requires staff of about 75 people with a payroll of \$3 million. Members can appreciate — perhaps not in Calgary or Edmonton, but in a community like Lethbridge — what an increase in payroll of \$3 million will do for a community. It's got to be dramatic. I think the total operating costs per year of just under \$8 million have also been mentioned by the Member for Cypress.

One of the real keys, though, is the new products, and that's really what R and D is all about. As a result of some of the pure research afforded by CLBA, we see that new technology, and the opportunities it presents, have got to be exciting. The benefits obviously are difficult, because when you get into pure research, it's a given that there are no results guaranteed. That's a given; that's the nature of pure research. However, with the headquarters site, the high tech and electronic industries that may cluster around could be identified in many categories. I'd like to quote a few of them, such as low noise receivers, remote sensing, tape recording technology, computer software such as telescope control, fibre optics which is an exciting industry all by itself, precise geodetic surveying, electronic hardware, metal fabricating, and attendant structures.

Mr. Speaker, the effects, both economic and academic, are exciting. I think they warrant not only serious consideration but perhaps some investment. I look at the proposal submitted by the joint committee of the city of Lethbridge and the University of Lethbridge. In their proposal entitled Canada's Window on Space, which members have received, we look at the opportunity for this province, and parts of this province, to arrive at a first in the world. The Member for Calgary Egmont pointed out the amount of work that's gone into this. The Member for Cypress also said that it involved many citizens, many volunteers. I think that when one considers our third largest revenue producer, tourism, and the people it attracts — I think of the nuclear power plants in America; I don't know why people want to go to see them, but they go in droves. Just think how many people would come to see something like this. It obviously has major advantages for the tourist industry.

In summary, Mr. Speaker, I think that here's a once in a lifetime opportunity for this province. I recognize the politics,

the difficulties people perceive with Ottawa, the timing problem when we have a federal government saying: what do we have to gain by putting it here, and what do we have to gain by putting it there. I think it's time to sort of put politics aside — which makes one wonder why we're standing in this Assembly. If it wasn't for politics, we wouldn't be here; I recognize that. I think Alberta should be innovative and not only want to be number one in many other areas but by all means we should be number one in this. I strongly urge members of this Assembly to support the resolution of the Member for Calgary Egmont.

Thank you.

MR. MUSGREAVE: Mr. Speaker, I just want to say a few words. First of all, I want to congratulate the Member for Calgary Egmont for bringing in this motion. Secondly, I would like to congratulate the city of Lethbridge and the University of Lethbridge for the very fine work they've done in making their proposal.

I think everything else I wanted to say has been said, Mr. Speaker, except that I hope this motion does pass and that our government is successful in getting Ottawa to take some decisive action on this particular endeavour.

[Motion carried]

MR. KING: Given the hour, Mr. Speaker, in just a moment I propose to call it 5:30. With the unanimous consent of the members of the House, I move that when the House adjourns, it stand adjourned until such time as the Committee of Supply rises, reports progress, and begs leave to sit again. It is the intention of the House to sit in Committee of Supply this evening at 8 o'clock to consider the estimates of the Department of the Attorney General and, if those estimates are completed, to consider the estimates of the Department of Hospitals and Medical Care.

MR. DEPUTY SPEAKER: You've heard the motion by the hon. minister. Are you all agreed?

HON. MEMBERS: Agreed.

[The House recessed at 5:24 p.m.]

[The Committee of Supply met at 8 p.m.]

head: COMMITTEE OF SUPPLY

[Mr. Purdy in the Chair]

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

Department of the Attorney General

MR. DEPUTY CHAIRMAN: Has the Attorney General any opening comments?

MR. CRAWFORD: Mr. Chairman, I know that hon. members would not want me to do anything this evening to interfere with the jovial mood that seems to pervade the Chamber. Perhaps you can let us know the progress in that respect from time to time after the second period starts.

Mr. Chairman, I do want to make a few opening comments. I'd like to deal with perhaps seven or eight aspects of the work of the Department of the Attorney General by way of overview. It is a custom that the opening remarks might relate not only to the funds being voted in the estimates for the current year, that are before us for consideration, but that something of a current status report on the activities of the department is also permissible.

Mr. Chairman, some hon. members, perhaps to their regret, would know that I am an amateur musician. The word "amateur" is either an overstatement or an understatement in that respect, depending upon which direction you approach it from. But I often think of things in terms of the titles to songs, and I didn't know whether to title my remarks this evening "Stormy Weather", "A Time for Us", or "What's New?"

One of the things that might be looked upon as new is the first aspect of some of our responsibilities that I'd like to look at, and that is the young offenders' legislation that has come into effect this year and, in the department, the work of the family and juvenile branch. That branch, within the criminal division of the department, consists of a special unit which involves itself in the administration of justice with respect to family and young offenders. With respect to the new federal Young Offenders Act, we've been extensively involved in implementing planning for this legislation, and had close liaison with the Solicitor General's department and various police departments throughout the province.

The department is of course carrying out its responsibilities with respect to Crown prosecution, legal services, and young offenders' matters. As well, these involve legal services required under the child welfare area and issues such as reciprocal enforcement of maintenance, applications with respect to mental health legislation, and paternity. The concerns in this area very often involve a problem family and have both civil and criminal law aspects. That is the area in which I think the future holds a great many challenges for us, and very important work is to be done on behalf of the family and on behalf of young people.

The full impact of the young offenders' legislation will not be felt for some time, being phased in starting April 2 this year. This will be closely monitored by the department over that time. With respect to maintenance enforcement, some questions were directed to me earlier in the sittings about the federal/provincial committee with respect to the effectiveness of enforcement. That report is being intensively reviewed at the present time jointly with the Department of Social Services and Community Health.

Mr. Chairman, another area of considerable importance, of course, is legal aid. The estimates this year will have the amount of about three-quarters of a million dollars in addition to the \$10.5 million provided last year, bringing the commitment in this area to almost a million dollars a month to handle some 18,000 anticipated legal aid cases. The cost-sharing agreement with the federal government with respect to adult criminal legal aid is in force until March 31, 1985, after which it will have to be renegotiated. In the meantime, of course, we have negotiations with respect to the additional work that will have to be done with respect to young offenders by Crown counsel in the department.

I should call to hon. members' minds that this work in legal aid is, of course, done by the private Bar and is funded through the Legal Aid Society, an organization of which I think we in the province of Alberta can all be very proud in that it serves those in need to an extent that I think is unmatched in its efficiency throughout the country. I know there are always disputes and questions raised with respect to whether or not

legal aid is extensive enough and whether or not the compensation is such that it will attract the most capable lawyers in difficult cases. But when one looks at it on the whole, it is indeed an organization of which I believe hon. members should be proud.

Another area in which the Assembly will take an interest is the general work of the courts and their role in the administration of justice. The workload in the superior courts and in Provincial Court has been increasing. We don't know how long that will continue, particularly with respect to criminal law matters. But one example: with respect to all cases handled by the Court of Queen's Bench, a recent statistic shows that by the middle of last year the increase of 1983 over 1982 in numbers of cases in the Court of Queen's Bench was approximately 23 percent in one year. That means that as of last year, because of that increased workload, the tendency toward longer trials and more jury trials, cases were taking approximately six weeks longer to set down for trial than they had in the previous year.

I want to say a few things about computerization and capital matters before moving on to the large issues of the administration of justice. Computerization is an essential part of any large organization these days. It is an area in which I suggest technology can be of particular assistance in the administration of justice. Our court automation project, which I have also reported on in past budgets, is now implemented. The second phase provides for case tracking of all criminal matters from the Provincial Court through to the Court of Appeal. The first phase handled the receipt and payment of violation tickets, and that was completed in 1982. With full implementation of this project, a person can pay fines anywhere in the province. In addition, inquiries can be made at any court location on the stages of any criminal or traffic offence before the court. Organizationally, the system contributes to more accurate and timely control in the administration of justice.

I think another novel area that would be of interest is the computer-aided transcription of evidence. Over the past year in Calgary and Edmonton, there have been some installations in order that by the end of this fiscal year, approximately 60 percent of the court reporters in those two cities will be using computer-aided transcription to produce transcripts. This enables the reporters to attend more trials than previously and permits the transcripts to be produced more quickly, and facilitates the work of the courts. The installation of this technology is now essentially completed.

In another important area in respect to computerization, the central vehicle registry information system will require significant funds this year. This reflects major increases in computer operations and production control costs, with offsetting reductions in system development and maintenance. On May 1, the department began phasing in computerized searches in the central registry, and the full benefits of these will be apparent in upcoming weeks. The expected result is that searches will be done much more quickly than at present and will probably be more accurate and more legible.

Effective August 1, we will look to computerized registrations, as distinct from searches, in both the central and vehicle registries. The immediate benefit of that computerized system will be providing of information exactly as provided by the registrant in both the vehicle and central registries. Although vehicle registry searches will not be on computer for some time, we anticipate further improvements associated with effective dates and producing better turnaround on search results. Some figures: although the overall activities of searches and registrations in both branches are only up a modest 4 percent over the previous year, this still speaks of nearly 200,000 regis-

tries in the central registry and over 400,000 registrations in the vehicle registry.

I mentioned the capital program, Mr. Chairman. Very briefly overviewing four fiscal years to March 31, 1986, we're just halfway through that period. Of course major courthouses in particular take some considerable time for construction. With that four-year time frame, we can look to 11 new courthouses, a number of which have already been opened, and nine other courtrooms in provincial buildings and prebuilt facilities across the province. This includes the law courts addition in Edmonton, which by itself involves an addition of 32 new courtrooms. I might note that other locations include everywhere from Grande Prairie to Medicine Hat. I won't go into all the other localities in more central parts of the province.

Mr. Chairman, I want to note that another important area, of course, is the administration of justice itself, in the sense of the operation of the Attorney General's department, the work of Crown counsel, and the responsibilities carried out by the department through its prosecutors throughout the province. There are approximately 120 prosecutors working for the department in the various courtrooms throughout the province on any given day, handling a caseload which runs into the tens of thousands of cases per year.

From time to time this spring, some hon. members have asked me questions in this general area, and I now want to make a few remarks about the nature and role of the special prosecutions branch. This important branch of the department originated as a result of some earlier observations made by members of the judiciary. Mr. Justice Kerans of the Court of Appeal, when he was a judge of the district court in 1974, specifically recommended the establishment of a senior office in the Department of the Attorney General charged with the responsibility of the investigation and prosecution of cases involving commercial fraud and the violation of consumer protection legislation. This relates, to a large extent, to what we have come to call white-collar crime or enterprise crime. When at full strength, the branch is staffed by six legal counsel — four in Edmonton and two in the office in Calgary — plus support staff.

It probably would be of interest to know the volume of cases. The total caseload at the present time for the special prosecutions branch is 128 cases. Sixty-four of those are under investigation, and 64 are at one stage or another before the courts. Of the 64 that are before the courts at the present time, 60 are commercial crime cases, two relate to organized crime, one relates to involvement of a government agency, and one relates to government employees.

The agents' manual dealing with the duties of the special prosecutions branch received some attention earlier this year. The areas in which the special prosecutions branch is involved — in addition to commercial or corporate criminal conduct of a complex nature and additional to potential for organized crime — are cases where there would be a major involvement of a government agency or cases involving persons who are members of Executive Council or of the Legislative Assembly, members of the judiciary, deputy ministers, senior managers employed in the administration of justice, and other public officials where the offence is alleged to have arisen in the course of their employment. From time to time, I have been asked what the justification would be for that particular list. I suppose it could be varied in one way or another. That is a list of half a dozen or so classifications of cases which would be of particular interest to the special prosecutions branch.

With respect to government employees, the rationale is of course that the branch co-ordinates activities with managers in government so that if an employee is under criminal investi-

gation the chances of him continuing to put the public at risk would not be unnecessarily continued. If there was an allegation, for example, of accepting bribes while dealing with government or private contracts, the fact that the special prosecutions branch is available to monitor and assist the investigation and prosecution also constitutes an additional safeguard to the public through the ability of government managers to know of these activities.

Because of administration of justice issues, Mr. Chairman, I want to take a little while to refer to some of the types of situations that have been discussed, not in an abstract but in a deeply philosophical sense, in regard to the duties of the Attorney General in criminal prosecutions. This is an issue that I think hon. members would like me to address. I referred earlier to the fact that in this session there have been questions in the Assembly relating to such matters.

The case I want to refer to briefly, and I do so because of its eminence in the field of the duties and obligations of the Attorney General, is one that I think is important enough to take a few minutes of the committee's time to discuss. This leading case, in effect, of the English House of Lords, decided in 1977, is known generally as the *Gouriet* case. Some hon. members may be familiar with it. The expressions in it of the duties and responsibilities of an Attorney General under the British system of justice are indeed very well stated. I will quote to some extent from what appears in the law reports, based on the argument in the House of Lords and based on the observations of the judges.

I will quote now, Mr. Chairman, and I'll indicate the points at which I'm not quoting. First quotation:

Thus the Attorney [General's] inherent powers enable him, and him alone, to put an end to a prosecution through the entry of a *nolle prosequi*.

Mr. Chairman, I am going on to quote further, after skipping a certain amount of text, which I'll do from time to time. If anyone thinks I'm skipping the wrong parts of it, I'll be glad to provide copies. Quoting again with respect to the Attorney General's duty:

It is the Attorney General's duty "in deciding whether or not to authorize the prosecution, to acquaint himself with all the relevant facts". . . . The Attorney's inherent powers to consent, or withhold consent, to the use of his name *ex relatione*, and indeed to bring or not to bring proceedings in civil courts *ex officio* for the protection of the public interest, for instance for the prevention or punishment of contempts for the restraint of unlawful acts, are closely paralleled by his various statutory powers to prosecute.

I want to refer specifically to this area, Mr. Chairman, and to say that the reference to the case being one in the nature of *ex relatione* simply draws to our attention that the particular case being decided was one where the issue was whether or not the Attorney General should carry on what was in fact a private prosecution. But the observations made relate to the duties generally, whether they be in a case involving a private prosecution or whether they be in a case involving more directly the commencement of the proceedings by the Attorney General.

The reference I want to quote, Mr. Chairman, is as follows — I've read down to "The Attorney's inherent powers to consent . . . are closely paralleled by his various statutory powers to prosecute . . .". Then it goes on:

. . . or to grant or withhold consent to prosecutions, in particular in respect of matters which are, or at any rate were originally thought to be, of a sensitive character involving the careful weighing up of contradictory factors involving the public interest. Many of these are well

known. Instances are the Official Secrets Act, the Public Order Act, and legislation concerned with corrupt practices, obscene theatrical performances and incitement to racial hatred. The Attorney's powers in relation to this type of legislation are not confined to a judgment on whether the available evidence is sufficient to found a *prima facie* case, or evidence adequate to make it more likely than not that a conviction will be recorded. . . . The primary function of the Attorney is to weigh up the facts known to him, or of which he can obtain information, sometimes secret, sometimes confidential, sometimes open and known to all, and using his judgment and experience as best he can, to decide where the balance of public interest lies.

That being from argument of legal counsel in the case, I want to refer to what some of the judges also covered in their judgment. The judgment of Lord Wilberforce, page 481 of the case, points out:

That it is the exclusive right of the Attorney-General to represent the public interest — even where individuals might be interested in a larger view of the matter — is not technical, not procedural, not fictional. It is constitutional. I agree with Lord Westbury . . . that it is also wise.

Further, Mr. Chairman, just a couple of other similar references from the other judges. For ease of reference, I refer to page 487.

The Attorney-General has many powers and duties. He may stop any prosecution on indictment by entering a *nolle prosequi*. He merely has to sign a piece of paper saying that he does not wish the prosecution to continue. He need not give any reasons. He can direct the institution of a prosecution and direct the Director of Public Prosecutions to take over the conduct of any criminal proceedings and he may tell him to offer no evidence. In the exercise of these powers he is not subject to direction by his ministerial colleagues or to control and supervision by the courts.

Mr. Chairman, I bring these quotations forward because of the way they go to the essence of the duties of the office of Attorney General. There are only two more from this case, both of them brief, that I would like to place on the record. This is from the judgment of Viscount Dilhorne at page 488.

The initiation of the litigation, and the determination of the question whether it is a proper case for the Attorney-General to proceed in, is a matter entirely beyond the jurisdiction of this or any other court. It is a question which the law of this country has made to reside exclusively in the Attorney-General. I make this observation upon it, though the thing has not been urged here at all, because it seems to me to be very undesirable to throw any doubt upon the jurisdiction, or the independent exercise of it by the first law officer of the Crown.

Finally, at page 512 of the report, Mr. Chairman, from Lord Edmund-Davies:

But it is not the law that every criminal act must lead to a prosecution and, even if it were, the Attorney-General is unquestionably entitled to halt prosecutions in the manner already indicated. In other words, it is ultimately a matter for his unfettered discretion.

That ends the quotations with respect to that case, Mr. Chairman. It has been widely quoted. Lawyers who pay attention to the role and responsibility of the Attorney General are entirely familiar with that case. I mention it in all its specifics for the reason I have given, as well as to note that in the course of a number of questions that have been asked about several

cases earlier in our own sittings here in this session, there were questions about one criminal case which was pending, one in which no charges were laid, and one in which proceedings were stayed.

I make the point about the Canadian law, Mr. Chairman, that in the sense of the duties of the office, it follows the English tradition. There's no question of that. There are always slight variations with regard to the way in which the Attorney General may or may not have legal counsel act on his behalf in their various duties throughout the province, but the essence is that they do act independently. It is not practical for them to act in any other way. There wouldn't be a way in which the cases being handled by 120 prosecutors could be reviewed by even the most ambitious Attorney or deputy, except after the event.

I want to refer to the fact of some questions having come up with respect to a case in which no charges were laid and one in which proceedings were stayed, because I want to spend just a moment on what the Canadian courts require with respect to prosecutions where the issue is fraud or related to fraud. In our country at the present time, our courts require that where the Crown alleges a dishonest intent, something more than the conduct in question is required than that conduct being deliberate and unlawful. The court requires an actual quality of moral turpitude, something in the nature of deception, trickery, cheating, guile, or the like. That is the approximation of the views of the court in an Ontario Court of Appeal case decided in 1978. The Alberta Court of Appeal has observed that it's incumbent upon the prosecution, where an assessment of dishonest intent is required, to consider facts that are consistent with an innocent intent in determining if charges are warranted.

Mr. Chairman, that is one of the most important principles of our criminal law in both the English and Canadian traditions, that a prosecutor doesn't just have a case to present and present it in the belief he has facts that will prove guilt. What he must do is also take the facts known to him, which may be consistent with the innocence of the accused. If he finds that those weigh in favour of the accused at the same time as other facts weigh against the accused, he must weigh them before proceeding. And if his belief is that that person, that citizen would probably be acquitted, then he should not proceed.

In the Alberta Court of Appeal case that I referred to, dating from 1975, a conviction for fraud was quashed and an acquittal entered where the trial judge failed to consider other evidence of acts of the accused which were compatible with innocence. Those facts compatible with innocence in that particular case included efforts by the accused to fulfill his obligations to the person who had suffered a loss. When legal counsel in the department are assessing the facts of a particular case and deciding whether or not charges should be laid or whether or not a stay should be entered at a certain point, they will find that type of consideration as being of the greatest importance to them, and will act accordingly.

Mr. Chairman, there are a number of other things that could be said with respect to the entire question of the type of issue that arose in the minds of some hon. members earlier this year, with respect to the way in which certain types of cases have been conducted by counsel on behalf of the department and by myself. At this point I intend to do no more than state the philosophical base. Insofar as I can properly do so, I have no objection, when the time comes for questions, to responding in as much more detail as I'm able to with respect to some specific cases, not including, of course, ones where decisions with respect to charges might still be pending.

The sort of criticism that did arise earlier, if I can conclude this subject on that note, and with respect to which I have had to take some steps within the department, were difficulties that

were related to the perhaps excessive centralization of administration in the department and, along with that, types of codes of procedures which probably should have been referred to at all times as guidelines rather than directives, but were proposed courses that counsel, acting on behalf of the Attorney General in various cases, had for their guidance and were expected, by management in the department, to follow. My intention is to make adjustments, where appropriate, in those procedures in the upcoming months. In the course of doing so, I will consider the work and the recommendations of the committee formed by the Canadian Bar Association to be of high importance.

Mr. Chairman, I want to thank hon. members for their patience on account of the length of my opening remarks, and to conclude by referring once again to criminal injuries compensation. This is always an important matter. Attorneys General across Canada and the Minister of Justice have recently addressed themselves to a report of considerable size that included a number of recommendations with respect to victim assistance and the like, and that had to do with sentencing and involving the victims in sentencing. Some of that is now beginning to occur in some parts of the country.

The portions of the task force report that relate to the rights of victims also touch upon the question of compensation. I thought members would be interested in the fact that in the fiscal year just concluded, just under \$1 million was paid out in awards by our Crimes Compensation Board in 552 decisions. There were no awards made in 29 cases, where applications were made and refused. The most common types of awards are in assault causing bodily harm, robbery with violence, attempted murder or murder, and wounding with intent. Two years ago the Act was amended to assist victims who suffered damages either while assisting a peace officer or while a peace officer was trying to stop an offence. I think those amendments were important when made, and as the years go by we may see that more justice will be done for victims of crime in those areas because of those amendments.

I think there's another interest, Mr. Chairman, that I'll conclude my opening remarks on; it's very important. It's the work the department has to do with respect to fatality inquiries. I don't intend to deal with the statistics of fatality inquiry cases in any detail. Suffice it to say that the number of actual judicial inquiries has declined. Those are basically mandatory in deaths which occur in an institution. Others are decided upon by the Fatality Review Board, and it is their discretion in effect which declares that an inquiry should be called. There were 53 such inquiries in 1983 compared with 82 in 1982. The largest category in 1983 happened to be a miscellaneous category, but the next largest was deaths in hospitals, industrial deaths, deaths involving motor vehicles, and deaths of persons who were in custody.

One of the issues present in some of the hearings was the whole question of whether or not enough of the proceedings are being held in public, or whether too much of the proceedings are being held in private even though presided over by a judge, because of provisions of the Hospitals Act and the Mental Health Act. They provide for confidentiality of medical records and information. Therefore I've drawn up a task force, headed by the former Mr. Justice Peter Greschuk of our Court of Queen's Bench, made up of representatives of the Alberta Hospital Association and the Alberta College of Physicians and Surgeons as well as from the departments of Attorney General, Social Services and Community Health, and Hospitals and Medical Care.

The task force is receiving written submissions at the present time and is advertising in daily newspapers in the province, asking for these submissions. Their job will be to identify all

the public policy concerns surrounding those confidentiality sections and to recommend legislative alternatives which might better balance the competing public policy needs between confidentiality on the one hand and the openness of the inquiry on the other. I look forward to the report of that task force, Mr. Chairman, and hope that it too can lead to recommendations which may see some useful change in the area of fatality inquiries, because I surely acknowledge the importance of the confidence the public should have in those inquiries.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: For the information of members of the committee, the score is 2 to 2.

MR. NOTLEY: Mr. Chairman, that is at least some small consolation. When we left a dinner event a little earlier this evening, it was 1 to 0 the wrong way. So that's a step in the right direction.

I wasn't sure whether the theme song "Stormy Weather" the minister was referring to wouldn't have been better renamed "Smoke Gets in Your Eyes", as I look at some of the problems the Attorney General's department has faced over the last few months. I'm sure we will have ample opportunity during the course of the next few hours or days to deal in a more detailed way with some of the questions. I certainly have a number of specific questions relating to some of the more publicized cases. However, I want to use my opening remarks before the committee tonight to make a few general observations about matters of principle, and then we'll come to the specific cases later on.

Mr. Chairman, so that members don't get agitated — because as usual most of the members aren't here tonight, and we wouldn't want to embarrass them with another 36 to 4 vote showing that half the government caucus don't bother to show up. I want to say to members of the committee that because the amendment we moved for a judicial inquiry during the Speech from the Throne debate was defeated, it would not be procedurally correct to do the same tonight. So it will not be our intention to move that a judicial inquiry be held. But I want to say to members of the committee that notwithstanding the fact that for procedural reasons we do not consider it correct to formally move in committee that we hold a judicial inquiry, I would leave with the minister and the members of the government caucus the concern we expressed during the Speech from the Throne debate and I think a feeling held by many people — not just people in our own party but people in all parties, including the governing party — that we should have an inquiry to clear the air as far as the administration of justice is concerned.

Why, Mr. Chairman? I think there are really a couple of pretty fundamental principles, notwithstanding the quotes by the Attorney General from the British House of Lords — interesting quotes, but not what I would call overwhelmingly relevant to the issue at hand. Regardless of where we sit from an ideological point of view, there are a couple of principles that I think men and women of goodwill can agree on. In a democratic society, laws should be made in the open by the people's elected representatives — the old political science idiom of the supremacy of parliament — and once the laws are made, we all have equality before the law. Rich or poor, influential or insignificant, in terms of the scheme of society, the fact of the matter is that we should all be equal before the law.

I guess it's against those rather simple tenets, but I think more fundamental than some of the nuances we can get into in terms of legal niceties, that perhaps we should address the estimates of the Department of the Attorney General, at least from the standpoint. Mr. Minister, of the issue of principle.

We will get into the discussion of Dial later on, and what the minister knew or didn't know and what he advised or didn't advise the Premier about George de Rappard. We will explore Luscar Sterco, Bond Street, and Abacus. But in terms of discussing the principle, I guess there are just a couple of things I want to leave with the members of the committee, and I say this at least with some expression of concern, apart from the partisan controversy that has raged throughout this province.

I think the memo of August 25, 1983, by Mr. Paisley, the Deputy Attorney General, has to be assessed by this committee. Mr. Chairman, because I do not want to mislead the committee — the minister read extensively from British judicial cases — I want to read two relevant paragraphs. Paragraph (a) of the memo of August 25, 1983, to all law enforcement agencies:

- (a) In cases where an offence is alleged to have been committed by an employee of the Government of Alberta who was not on duty at the time and the alleged offence is not in respect to his employment, notification is not required prior to the commencement of the investigation. Notification shall be given immediately following the laying of any charges that are warranted. Such notification shall not be required in relation to minor, routine Provincial statute offences unless having regard to the circumstances overall, the matter is perceived to be sensitive in nature and/or one which may attract media attention or generate public controversy.

Let me just read that last sentence, Mr. Chairman.

Such notification shall not be required in relation to minor, routine Provincial statute offences unless having regard to the circumstances overall, the matter is perceived to be sensitive in nature and/or one which may attract media attention or generate public controversy.

This is with respect to an employee who is not on duty; an employee of the government of Alberta who is not on duty but has done something which might create media attention or generate controversy.

Mr. Chairman, I wonder what kind of view we have of democratic society if we have to censor those issues which may generate public controversy; public debate which is controversy, depending on where one sits, Mr. Minister. Having been on the receiving end of a good deal of unfavourable publicity in my years in public life, the fact of the matter is that whether it's debate or controversy depends on which side you happen to be on at a given stage. But public debate or public controversy is basic to a free society. The difference between our kind of democratic society and a controlled society, be it of the extreme right or the extreme left, is the fact that public controversy is not something we have to control or modify or keep in check. It is something we expect as part of the fundamental rules of the game, if you like.

The second paragraph in this, I think, exceedingly dangerous memo says:

- (b) In cases where an offence is alleged to have been committed by an employee of the Government of Alberta while on duty or in respect to his employment, notification is required prior to the commencement of any investigation.

Now, Mr. Chairman, I'm not suggesting that if a local police authority has reason to believe that an offence has occurred and they begin investigation, and it's not reasonable to advise the government, fair enough. But it doesn't say that, Mr. Chairman. It says, "prior to the commencement of any investigation". It goes on:

Such notification shall not be required in relation to minor, routine Provincial statute offences unless having regard to

the circumstances overall, the matter is perceived to be sensitive in nature and/or one which may attract media attention or generate public controversy.

Mr. Chairman, suppose an employee of the government of Alberta has done something that leads a law enforcement agency to look into his or her conduct. What this memo says is that if it is likely to have a media impact, even if it's a small offence, they must check with the government of Alberta before commencement of the investigation. I don't know what we mean by "media attention". I know that in the small, rural community I represent, if an employee of the government does something which is quite minor in nature while on duty, the fact of the matter is that if it goes to court, it will be printed in the *Fairview Post* if that person is found guilty — you know, the local court docket; so much for speeding.

I suppose the local RCMP, reading this Paisley memo literally — I think good sense would say, don't be silly — would have to check with the government of Alberta, assuming that some minor offence had been committed by an employee of the government, before they check out the facts. It's one thing once they have investigated and they say, we have reason to believe that someone working in a liquor store in Edmonton is pilfering money. I don't object to the fact that the government of Alberta is advised of that kind of concern, but I say it is a very dangerous principle that we must in fact receive the okay from the government before the investigation is launched.

I put to the minister, Mr. Chairman: what do we do in the case of elected members? We are always on duty. Is there a time that an elected member in this House can say he is not on duty? Is the minister able to stand and say that he will not receive a phone call on a Sunday, that he simply slams down the receiver and says, sorry, this is Sunday, I don't do business on Sunday. Mr. Chairman, if somebody calls you on New Year's Eve or Good Friday or any of the other days we get contacted as members of the Legislature, do you say, sorry, this is a government holiday, I'm not on duty. Of course not. How do you interpret this Paisley memo as it applies to elected members of the Assembly?

How do you interpret it, Mr. Minister, as it applies to senior civil servants? I'm not talking about somebody who works in the local liquor store. You know, you order a bottle of scotch and you get your bottle of scotch and you give it to the teller and he rings it up on the cash register. What about deputy ministers or assistant deputy ministers or chairmen of boards? How does this Paisley memo apply to them?

Mr. Chairman, that's the first concern I have, because it seems to me that the memo of August 25, 1983, quite apart from all the other debate, quite apart from all the other individual issues, must cause us concern. It must be properly addressed.

Mr. Chairman, not only do we have the Paisley memo on August 25, 1983, but we have the July 22, 1983, memo from the assistant deputy minister of fish and wildlife to the executive director of operations. What does that say? It says:

It appears that the Division will encounter significant investigations resulting in prosecution of major oil companies or other industrial firms. These cases can have major media and policy implications.

As in interim measure, I want to ensure that the Minister, Deputy Minister and myself are properly informed on the charges and their substance.

Mr. Chairman, if it had been a request to the minister that where allegations of a serious nature had been raised with respect to any company, as a matter of policy, I could understand that. But we have "these cases can have major media

and policy implications". There are a lot of people out there who wonder about equality before the law.

One of the reasons we brought up Luscar Sterco was, in the mind of not only my colleague and myself but many others as well, what we thought was an inconsistency in the way the Fisheries Act was being applied. When it came to a large company — this particular mine 25 percent owned by the government of Alberta, a mine that had violated federal fisheries legislation for more than a year, for about 14 or 15 months, as I go over the details of this information that was supplied to the associate Minister of Energy and Natural Resources — the government, through their agencies, attempted to work with the offender, tried the Jack Cookson approach or the John Howard Society approach of dealing with the offender. Nothing was done. They warned the offender; they upbraided the offender. Finally the people in the Attorney General's department, two Crown counsel, recommended prosecution.

The government chose not to prosecute. Instead we have a situation where a deal was worked out that in return for surrendering royalties, taking less than we would otherwise have taken in the form of royalties, part of that surrender would be used by the company to clean up their act. Mr. Chairman, the same government that saw the Fisheries Act as educational, as a set of standards to achieve for a company that was 25 percent owned by the government, was quite prepared to go after poachers in northeastern Alberta, mainly native, and, in the view of some, almost used entrapment procedures in order to lay charges under the same Fisheries Act.

Mr. Chairman, it's a question of equality before the law. I realize that the minister is correct in arguing, as any Attorney General must, that every case is different. No one is suggesting that it's other than that. Every case has to be looked at in its own light. But what I say to the minister and to the government caucus is that we have evidence which has built up and built up in a myriad of areas which, at least I say to you, Mr. Chairman, and to the minister, suggests to not just a couple of members in this Assembly but to many Albertans that something is wrong in the system.

I don't believe the Attorney General sits up nights saying, how can I manipulate the justice system? I don't believe that he, in conspiratorial tones, gets together with people to say, how can I rig the system? But what I'm saying is that over the last year the system has shown serious signs of not working in such a way that justice is done and justice is seen to be done. Those are opinions that if caucus members have listened to anybody in the last few weeks, they will hear that refrain over and over again. Mr. Chairman, I think we as a committee, when we consider the estimates of the Department of the Attorney General, have to evaluate some of those concerns in a very real way.

I suppose there are many other aspects I could raise as I consider general observations on the hon. Attorney General's estimates. I could, as we will a little later on, get into specific cases. But I want to raise just one other issue as a matter of principle, and I gather that it separates my colleague and me from the government members. But it was with some astonishment, when I raised the question early in the session whether or not in reviewing the applications of people for senior positions in the government, we undertook credit checks and criminal records checks, that the Premier, with some sense of aggrievance, reacted very strongly by saying, no, we are not prepared to do that. Having served on a committee where we were selecting, I think, what turned out to be an excellent choice for Ombudsman, where every finalist was asked whether we could have permission to check credit and criminal records, I found this rather astonishing.

Mr. Chairman, one of the newspapers, without naming the publication, immediately wrote an editorial which would have warned the hearts of the government caucus, saying it was one of the Premier's finest hours. If we were talking about the civil rights of a little person, if we were talking about somebody who wanted to join the government of Alberta in a way in which they couldn't influence others, then I wonder how far we want to go poking into people's personal lives. But all of us in this committee tonight, whether we were elected recently or have been here a long time, are not naive about the political process. There is not a single member in this committee who would other than recognize that senior public servants play an immense role not only in the administration of policy but in the narrowing down of policy options which in fact form the basis of government policy.

I think we should have a code of ethics for elected members that goes much beyond what we have in the present Legislative Assembly Act. But at least with elected members we have one stamp of approval that no public employee could ever claim; that is, rightly or wrongly, we have been chosen, with all our warts, pluses and minuses, by the people in our ridings to represent them in this Assembly. Surely it is not unreasonable to expect that those people who are going to be key administrators are not in a conflict-of-interest position or in a position which would in any way compromise their ability to serve without question the public interest.

Some may say that it's fine for the opposition to talk, because two members over here have never been in government. It's true. But having talked closely on this matter with three premiers who have been or, in the case of the one in Manitoba, are in government, I think I can say that perhaps I have a little insight into both the responsibilities of people in government with respect to senior public servants and the responsibilities of those servants when their political friends are not in government.

I say to the members of the committee tonight, Mr. Chairman, that it is a very dangerous precedent not to demand the highest standard of accountability from those who would seek to influence public policy in a major way. Nobody says to any of these deputy ministers that they need to be deputy ministers. One of my closest personal friends is a man who was deputy minister of federal and intergovernmental affairs in our neighbouring province. I do not think it was unreasonable when the government of Saskatchewan asked of him certain things which they had a right to know, just as our legislative committee asked of the finalists certain things that we had a right to know before we proposed a name for the position of Ombudsman of Alberta.

I'm sorry the Member for Little Bow isn't here, because one of the speeches I remember most vividly in my years in this House was made by Harry Strom. I guess some would say he was not a great political success in many respects, but he was really one of the people I admire as much as I admire any Albertan. I remember Harry Strom saying in the House that not only are there rights, but there are responsibilities. And that's true. That's not only true for people who are asking for equal pay for work of equal value or people who want greater civil liberties in a traditional sense. Surely that is true most of all for men and women who would seek a position of overwhelming public trust. The rights? Sure. But the responsibilities must go with being a deputy minister, a chairman of a board, or a senior public servant in a position to influence ministers, with far more influence in this government than any of the backbenchers could ever hope to have. That's true of any administration.

We can set aside all the nonsense we'll get about, no, that's not true in our administration. The fact of the matter is that

whether one looks at a government of whatever stripe, the role of the senior public servants is enormously significant. If anyone has any doubts, let's look at some of the recommendations made by Mr. Paisley when he was Deputy Attorney General, which have been cited over and over again in this House.

As we begin the discussion of the estimates of the Department of the Attorney General, I just say to you, Mr. Chairman, and through you to the minister, that we believe there are some clear-cut obligations, not only on the part of people applying for these positions but on the part of the government which is engaging people to undertake senior administrative positions, to ensure that every reasonable check is made to avoid possible conflict of interest which might injure their ability to serve the public.

Last summer, Mr. Chairman, when the current Deputy Minister of Executive Council was chosen, we had an example in Ottawa. It wasn't a terribly edifying one, but I think it showed at least a proper approach by the Prime Minister. In his cabinet reshuffle he had chosen a man from the province of Newfoundland to sit in the federal cabinet. When it became known to the Prime Minister that that particular individual was under investigation for evasion of income tax, the Prime Minister, to his credit, asked that person to step down. In this particular instance in Alberta, the evidence was the other way around, and the final decision was not to prosecute. When the Prime Minister asked Mr. Simmons to step down, Mr. Simmons was simply being investigated. But he asked him to step down, and that was the proper thing to do. It's not the same to compare a position of vital importance in a democratic society, with all the obligations of public trust that go with it, to the position of somebody who is carrying out a receptionist's job in an outpost of the government of Alberta in some lonely little community in this province.

Mr. Chairman, I raise those observations because I hope that tonight we can first discuss some of the philosophical issues as to the administration of justice and then perhaps can get into the details a little later on.

MR. SZWENDER: Mr. Chairman, I'd like to open my comments by commending the minister for presiding over a very difficult portfolio, often under very difficult circumstances. I know he's performed very admirably under pressure from various sources, and I'm quite satisfied that the conduct of his department has been more than satisfactory, and in fact exemplary, in the way it has handled many difficult circumstances over the past year.

I would like to make my comments brief, because I know we would all like to call the question and move on to the Department of Hospitals and Medical Care. There are just a couple of issues I would like to raise to the attention of the minister, the first being the minister's extremely wise and astute judgment in resisting the desperate calls for a public inquiry over certain issues within his department. I've raised this issue in the Assembly before, when certain members of the opposition as well as the pressure tactics of the media and some members of the public, were demanding that a public inquiry be called into the administration of justice within this province. I believed at that time, and believe at this time, those were needless calls that were really going to degenerate into a public spectacle rather than determine whether justice was properly served within this province.

I think the best example that all members of the committee can use is in following the proceedings in the case of the deaths of the children in the Toronto children's hospital, those mysterious or unexplained deaths. In that situation charges were in fact laid, so there was a certain amount of evidence by which

a case could be proceeded with. Since that time those charges have been dropped, but a public inquiry has been followed through with in order to determine if any causes of those deaths could be arrived at. In fact, any members that have followed the proceedings would see that it has become almost a sad spectacle in many instances, where people, individuals, are put in the limelight and made a public spectacle of, and have very little opportunity to absolve themselves of innuendo or assumed guilt. I have even found myself second-guessing some of the comments and some of the pressing questions that have been issued, particularly at some of those defendants, if that is the proper term in an inquiry.

My observation, and I think that held by many people, is that these public inquiries can be extremely damaging unless they're proceeded with, with extreme caution and care and with the utmost foundation for their occurrence. Certainly in Toronto there were sufficient reasons to have one but, regarding the circumstances of need here in Alberta for the administration of justice, I think it was a far cry from a comparable situation. I'm certainly glad the Attorney General, in his capacity, resisted some of the pressures that were put on him to bend to those pressures and call such a public inquiry.

Mr. Chairman, I'd like to raise one concern with the Attorney General. After looking at his estimates, I'm quite pleased that the votes will be taken without any difficulty, but I have one concern that I have had personal involvement with, and that's the issue of restraining orders and their application within the province of Alberta. The way the system presently operates, it is quite often the innocent, the person most in need of protection, who has to first go to the extent of obtaining a restraining order, which means issuing statements and finding sufficient evidence of need for a restraining order and, secondly, has to go through the proceedings at cost. I'm familiar with one individual who had to obtain a restraining order through a lawyer at a cost of \$400, which was simply an appearance before a judge. Another individual I'm aware of, with a somewhat more complicated case, had to pay \$700 for legal counsel to obtain a restraining order.

In my value system, somehow it doesn't seem right that the person seeking protection should be penalized. In this case they are, both by having to produce evidence and, secondly, by financial cost. Often the cases I'm referring to occur between spouses. I've done some research on this issue, because I think that somehow we can correct the situation that exists right now. The ability to obtain a restraining order should be simplified. I think one model we may want to examine, Mr. Chairman, to the minister, is the Massachusetts model, in the United States. There a woman — I say woman, but in many instances that could just as easily be a man, although I guess the predominant victims in marital disputes would be women — can walk into any court and receive an immediate emergency restraining order against an abusive husband or spouse. I would ask the minister to look at the possibilities of easing the ability of an individual to obtain a restraining order. I think that would certainly ease the burden in many situations in which a marriage is collapsing or there is persistent abuse or intimidation of a spouse.

That is the main issue I want to bring to the attention of the minister, Mr. Chairman, and, with that, I will relinquish the floor to further speakers.

MR. GOGO: As the MLA for Lethbridge West, Mr. Chairman, I have several questions I want to put to the Attorney General.

When one looks at 2,450 people in a department with a budget of \$128 million, it obviously is a major part of the government. Looking at last year's estimates, that were

exceeded by over 10 percent, one recognizes the uniqueness of the administration of justice. It has to meet the demand. It's a bit like the health care system. We don't have a quota for court, although sometimes those who have experienced delays would wonder at that. Since 1975 or '76, in that area, I have been asking the predecessor to the Attorney General and the Attorney General what I guess is a proverbial question, and that touches on land titles. If this is my last term, I suppose I could say that after 12 years in this Assembly I have been unable to alter a system which I think is totally unfair to Albertans outside the two metropolitan areas, in that our sister provinces have at least eight land titles branch offices around the province to serve their people. For the last four years, this province has been computerizing to make it quicker. I'd like the Attorney General to respond and say it's complete and that as of tomorrow morning it's working. I really feel that the citizens of this province should have access to checking and searching their own titles and, if not that, some security that when they complete a transaction, should they wish to do that without legal counsel, they could do it.

A couple of years ago we passed a provincial judges' Act, and I want to commend the Attorney General, as the man in government responsible for the appointment of provincial judges. I think today we have judges across this province who are reflective of the people of the province: younger people, people who have been generally family people, people with young families, who I think reflect the views of the majority of Albertans. I think they are a credit to the government, and I commend the Attorney General for their appointment. I can speak with some authority of those in the area I represent, and I think they're a credit to our system. That may well flow out of the Kirby Board of Review; I don't know. I would ask the Attorney General if he would comment. It's now some eight or nine years since the Kirby Board of Review made recommendations to this House, to his department, to upgrade the administration of justice. I would appreciate an update on where we are. I think we're at an optimum level now.

The Attorney General made some reference to reciprocal agreements, I think, tied into the computerization, the data system. It seems to me we passed a Bill here some time ago dealing with a reciprocal arrangement of enforcing maintenance orders of the Alberta courts in our sister provinces. I'd like the Attorney General to tell us how that's working. Where a maintenance order is given by an Alberta court and a spouse skips out to Fernie or Regina, does the reciprocal enforcement really work? In the case of maintenance payments, are we getting those courts to enforce orders issued here?

Mr. Chairman, when the Attorney General closes his estimates he might make reference to the number of cases as a result of the Charter of Rights and Freedoms. I've heard the Minister of Federal and Intergovernmental Affairs suggest there are some 600 or 700 cases before the courts. I wonder what the implications are for Alberta, with the number that may be before the courts that the minister's aware of.

Another one, Mr. Chairman. The Lethbridge city police, as all municipal police, are funded by the Solicitor General's department. I vividly recall that when tickets were issued for minor offences and people didn't appear, summonses were issued. When people didn't appear for those, there were any number of outstanding warrants — I think over 20,000 in Calgary and Edmonton. I recall making the suggestion that good business would dictate that we could pay somebody a thousand a month to sit in our provincial court buildings and phone those people who had been summoned to court and say: you're due here tomorrow, and if you don't show a warrant will be issued. When we look at the Solicitor General with

2,500 people, I think we're employing a lot of policemen in this province attempting to enforce warrants. I think many of them could be avoided, certainly for minor offences. I've raised this before: I'd like to know if anything's been done.

Two further points, Mr. Chairman. I recognize that the Young Offenders Act is the responsibility of the Solicitor General, but justice will be meted out by judges appointed by the Attorney General. I'm a little bit concerned about two things. One is the legal aid services or legal services that must be provided according to statute. Could the minister give an indication financially? I think it's going to be a terrible burden on the people of Alberta; I sense that. I'd like to know whether or not the Attorney General has the same type of feeling for all those under the age of 18 who must by statute have access to legal counsel.

Following that, I believe that as of last April 1, a judge will have the authority to designate where these people can go. For example, if they're sent to Social Services for counselling, or to AADAC in the case of drugs, where do we make provision for funds in these departments? I'm kind of curious how that might work. With the number of young people in conflict with the law. I can just see a great lineup in need of services. I'm concerned that, if we're going to see this be effective, we should have some lead time to employ the necessary people for that. I'd be interested in the Attorney General's observations about the implications of that.

Finally, Mr. Chairman, the Member for Edmonton Belmont made an excellent point with regard to restraining orders. Last Friday evening at about 6 o'clock I had a young mother phone me in desperation, and I want to recite that case now, because it impacts the same way as the Member for Edmonton Belmont. Here's a young lady who, through choice, was not married, had a youngster — I don't know whether that was through choice — lived together for two and a half years and decided the couple should part. She said good-bye to this chap. He came back to virtually haunt her: broke into her home, stole furniture, broke into her home again, abducted her child, was apprehended, was put on probation. She was in fear for her life. She got a restraining order at a cost of some \$400, as mentioned by the Member for Edmonton Belmont. It must be a standard fee schedule somewhere, with lawyers who don't practise the same fee schedule, but oddly enough it was the same. He continued to harass her at work. She complained, went into court. He got a year's suspended sentence, attacked her before they left the court, beat her up severely. He appeared just weeks ago, let out again. She's in fear for her life. She has given notice for her job. She's rented her house and is moving to Calgary in the interest of her life. I had her put all this down in some nine pages of detail this past Friday. Saturday he came after her again with his automobile. She managed to avoid him and got to a police station. There's now a warrant out for his arrest. She's still in fear for her life.

I don't know how often it happens — here's a case. Surely the victim must have some rights in our society. It seems to me that here is clear-cut evidence — and I don't wish to criticize judges — where the intent is to harm. Here is a young mother with a youngster, in fear for her life, having to change her life and move and assume a different name, or something, for the safety of her youngster. Mr. Chairman, I don't think this is an isolated case, as the Member for Edmonton Belmont mentioned. I do think that Albertans perceive that they're protected under Alberta's laws. As the Attorney General's department is responsible for the administration of justice and the enforcement of laws in the province. I think there's a special responsibility with our court system.

Mr. Chairman, in the past year I have found my dealings with the minister's department to be helpful and fruitful, and

I want to commend the minister for every way he's helped me this past year. Thank you.

MR. DEPUTY CHAIRMAN: The hockey game is now in the third period, with Edmonton leading 6 to 2.

MR. MARTIN: Mr. Chairman, I will take just a few minutes to go through some general comments. Contrary to what the hon. Member for Edmonton Belmont said, I think public inquiries are often a very important part of democracy. Sometimes there's a need for them and sometimes there isn't. I would like to make the case briefly here because we have had the debate, but I think it's important to raise the issue again under the Attorney General's estimates and why, at the time, we called for a public inquiry and believe quite honestly that it would be best for the Attorney General's department.

It was said by my colleague and by many people — I think the Attorney General would probably agree with the statement — that justice must be seen to be done as well as being done. In other words people have to believe strongly in our judicial system in a democratic society. I've said it before and I say it again, Mr. Chairman, through you to the Attorney General, that we can often forget about and be mad at our politicians and the political leaders on all sides of the House, but in a democratic society if we do not believe in our judicial system then I believe we are in deep trouble.

I do not know — we have some examples that caused us to be concerned. We talked about it initially, of course, with the whole episode of Dial. Mr. Chairman, I say to the Attorney General that this is what the people were seeing. They were seeing problems there, and I'll go through them quickly because we've been through this position before. I think what was being seen by the public out there and what their perceptions were like were important. For example, the Dial situation broke many months before, but when it was first announced, when the initial flurry hit — I think the Attorney General would agree; mind you, I understand he was enjoying a holiday at the time — had to do with firing Mr. Faulkner and the amount of publicity that came out at that particular time.

There are a couple of points there. In other cases we are told by the Attorney General in this House that to be served well, justice takes time; it takes time to go through all the cases. We have enough examples of that; the Attorney General said we will take more and more time. It was found that Mr. Faulkner was given a weekend to try to deal with this very complicated case. Obviously, Mr. Chairman, that's going to lead some people to say: was a weekend enough, especially when we find some other cases that have gone on for years and years. So that creates some anxiety in the public's mind.

Then when we find that one of the people being investigated at the time is Mr. de Rappard, a well-known name, people twig up their interest. Nobody is to say at this point in the investigation, we're not guilty. We're not guilty until proven that way. But when that name is there, immediately there's going to be more interest in that case, as the minister is well aware. What seems to have happened at that particular time is that a question was asked by a reporter. A reporter asked who was being investigated in Dial. As often happens, and I know it's happened in many cases, the question was asked: is Mr. de Rappard being investigated? The Crown prosecutor says, yes. I know the Attorney General says that this is improper. He said that before, but it's happened in many other cases.

I don't want to deal with whether it's improper or not, but I know it has happened in other cases. Because of the nature of who it was — at least this is what other people believe — Mr. Faulkner seems to have been pushed out and fired. The

Labour minister can shake his head, but I'm telling you what the average person believes. I think the Attorney General knows this. What we are saying is that maybe this was the case. But if you ask the question of anybody else out there, if any other people had been mentioned — if John Smith had been asked if he was being investigated and Mr. Faulkner had said yes, John Smith is being investigated, the question remains in the public mind, would Mr. Faulkner have been fired for that? That's the question people are asking. In his wisdom at this time, the Attorney General may say yes, he would have been fired. I do not think, though, that people believe that. Maybe that's the case; I don't know. But I know that other people have been mentioned as having been investigated, and they haven't been fired for that.

That creates a doubt in the mind, that there are two laws, if you like, and that the Crown prosecutor should not dig into certain people. Whether that's true or not, again that's the perception. I know the minister's gone around; perhaps he's had people question that. We certainly have. Maybe people bring it up to us more than they bring it up to the minister. I'm not sure, but we certainly did.

To go through that whole scenario again, the memo was leaked to the press soon after that. I'm not going to go through it, because my colleague did. It all flows at that time. That's when there was a lot of publicity, Mr. Chairman. Then of course we have Crown prosecutors demanding Mr. Paisley's resignation. We have the trial lawyers calling for a public inquiry. Finally, at the end of that kerfuffle at that particular time, we find that Mr. Paisley has left, supposedly of his own free will. But again, because of all of the circumstances, people are wondering. That's why the trial lawyers called for a public inquiry. What they were saying at the time was not just because of Dial. They were saying that this was just the tip of the iceberg, that there were many other cases that were wrong in the administration of justice.

It seems to me that one of the reasons we called for a public inquiry, Mr. Chairman, is very simple. If Crown prosecutors are dissatisfied and if the trial lawyers are publicly demanding a public inquiry — these are the people who are most involved in our system of justice. If they are saying there are rotten apples in Denmark, how do you expect the rest of the public to have respect for the judicial system? Maybe, and the Attorney General will probably tell us this, it was not as bad as they were making out and that this was just circumstantial, that Mr. Faulkner and these people would have been fired anyhow. The point remains that when the people who have the most vested interest in the judicial system, mainly Crown prosecutors and trial lawyers, are calling for a public inquiry, we in the opposition thought that was serious.

I say to the Attorney General, what would have been wrong in having a public inquiry? If things were in relatively good shape, as the Attorney General has intimated, then a public inquiry would have shown that. Frankly, the government would have looked good by listening to people who were criticizing it, and it would have come out that things weren't so bad. A public inquiry would have been good for everybody: it would have been good for the government, and it certainly would have been good for the people, who would again have some faith in the judicial system. The point I am making is that even if a public inquiry said there were some problems, and the Attorney General took that public inquiry and did some things about it, looked at the problems, then the government would have looked good.

I guess what I'm saying, Mr. Chairman, is that I do not understand why we refused a public inquiry. I think it would have been a useful procedure. I stress again to the minister that

when people do not have that respect for our judicial system, they do not have respect for our democratic process as we know it. The whole concept of equality before the law is important. My colleague will ask questions about the other matters we've raised. But all these things led us to believe that maybe there were some problems — not to say that the whole system is wrong or that there aren't good parts to it; there are good people working in the department, and I think the hon. minister cares about the administration of justice. I have no doubt of that. But because of all the controversy and all the suggestions, what we were asking for was simply to clear the air.

We thought a public inquiry would do that. Then there would be no excuses if it came out in a public inquiry and, as I said, things were relatively good. There isn't any system where there won't be some mistakes made. Nobody is saying that. You couldn't find a judicial system anywhere in the world where there wouldn't be some problems. But a judicial inquiry would show if there were serious problems or not. Either way — if there were serious problems, then the Attorney General would have an inquiry and a basis to deal with them. Nobody would blame the Attorney General. In fact, I sincerely believe the Attorney General would look good in the estimation of the people.

By not having a public inquiry, I sincerely say to the minister, then people will say, why will they not have a public inquiry? Maybe they shouldn't do this, but it's human nature. When I talk to a number of lawyers, they're asking these questions. Why not? What have they got to hide? That seems to be the perception out there. I know the government is not going to backtrack on the whole need for a public inquiry, but I really say to the minister that if you go around and are still talking to a number of people — lawyers, Crown prosecutors, and people who are questioning the system — then how could we in the opposition possibly not question that system and call for the same thing, if the people who are most involved in it say that things are wrong? How can we really expect the public to have respect for the system when lawyers and the people who are most involved in it are saying things are wrong? For that reason alone, to protect our judicial system, I believe a public inquiry would have been well worth-while.

Mr. Chairman, there are other specific areas I want to go into in some detail, but again I would ask for the Attorney General's comments with regard to his feelings now about the perception of lawyers, Crown prosecutors, and the general public, in terms of the judicial system of this province. From there, we will get into some general questions and then some specific questions dealing with different cases.

Thank you.

MR. CRAWFORD: Mr. Chairman, there are undoubtedly other members ...

MR. DEPUTY CHAIRMAN: I have other members.

MR. CRAWFORD: I don't want to respond to the hon. Member for Edmonton Norwood now. I only want to pose one question to him so that my notes on his remarks are accurate.

I believe I heard him say that both the Edmonton Trial Lawyers' Association and the Crown Attorneys' Association had called for a public inquiry.

MR. MARTIN: No. What I said was that the Crown prosecutors — at least some, in my understanding — had called for the firing of Mr. Paisley, but the trial lawyers had called for a public inquiry.

MR. DEPUTY CHAIRMAN: The floor recognizes the hon. Member for Edmonton Sherwood Park. The score is now 7 to 2 for Edmonton.

MR. WOO: Oh, thank you. I won two bucks.

Mr. Chairman, I have only a few brief remarks to make with respect to the estimates of the Attorney General. First of all, I want to thank the hon. Attorney General on behalf of both myself and constituents who have had occasion to make representations to him. In every instance, we have received exceptional response. I think he will agree with me that a lot of this credit translates back into the working officials in his department. I say that, recognizing that in many of the very important issues that have arisen over the course of the past few years, particularly in terms of the Constitution, the constitutional conference on aboriginal rights, and so on, members of his department have always been present. I'm sure their expertise in these particular areas is much appreciated.

I have three areas I would like to raise very briefly for the Attorney General's comment, Mr. Chairman. The first one reflects a number of concerns expressed to me from various sectors in my constituency, and they relate to the role of the Crown prosecutor. I was going to initially suggest that perhaps there's a need for more Crown prosecutors in the department, but if I recall correctly, the Attorney General mentioned that he has 120 on staff already. Maybe it is a question of an administrative decision. But the concerns reflect, in my view, that perhaps there is a need for more Crown prosecutors.

For example, in the court systems in my constituency in Sherwood Park, on occasion we have had Crown prosecutors being pulled off other duties and appearing more or less cold turkey at a court on a certain morning when court is in session. They are handed case files a mile thick and are expected to understand and appreciate them half an hour before the court comes into session. Much to the credit of many of the Crown prosecutors, they have absolutely refused to proceed, simply because they felt that justice would not be fairly served on either side of the fence. I wonder if the Attorney General would look at that sort of situation; perhaps it may have been corrected already.

I'm pleased to see an increase in support for legal aid. In that respect, Mr. Chairman, I would simply make the statement that in my view, legal aid in the justice system and its application in terms of our treaty Indian population in this province still leave a lot to be desired. I'm not sure what the answer is, but I feel there is a greater need to make available to our treaty Indian sector information as to the mechanics of the legal aid system and how they might access that. I understand we do have a fairly excellent native counselling service; whether in fact that service is working in close co-operation with that particular department in order to assure that our Indian people have access to the legal aid system and at least have an appreciation and understanding of how to approach it.

Mr. Chairman, my last comment relates to the question of hate literature. Some of the stuff I've been receiving has reached the heights — perhaps I should say sunk to the lowest form of garbage-can mentality I've ever encountered. The one that really ticked me off and which I didn't know to respond to, whether to laugh or cry, was the one suggesting that as a legislator I should be working diligently to keep our province and Canada white.

I'm wondering if the Attorney General might respond, recognizing that there are interprovincial and governmental jurisdictions in lines of how this sort of thing might be approached. In my view, Mr. Chairman, that is a very serious concern and I think it has to be dealt with. I'm not sure whether

provincially we have the authority to deal with that in a singular way, but I would like to have the Attorney General comment. Thank you.

MR. THOMPSON: Mr. Chairman, I have a couple of concerns. The first one would be in vote 6, on the Fatality Inquiries Act and the fatality inquiries review board. Mr. Minister, my concern would be that there seems — the board is independent, and it should be. But I think there should be some justification to the department on some of these inquiries that take place, or else the terms of reference of the Act set so it's a little stricter. In some cases I think some of these inquiries that take place are actually not in the public interest, and possibly we could have a little more justification in some of these in this area.

My second concern would be in vote 5, and it has to do with central registry of chattel mortgages. There seems to be an inability of the car dealers to get information on outstanding debts against vehicles. They have no particular problem with the Solicitor General's department on motor registry; they're computerized. But they sometimes spend up to half a day trying to get information on vehicles. That may not seem very vital to the people in the department, but I assure you that for people trying to make a deal on a car, four or five hours can be vital.

Maybe the minister could comment on whether there could be a little more integration between the central registry office and the motor vehicles registry office on putting some of that information into the motor vehicles registry office, so that these people can make one call and find out all the facts they're really interested in. Maybe the minister could comment on that.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Would the Attorney General like to respond?

MR. CRAWFORD: Yes, Mr. Chairman. I'd like to make a number of observations on what has been said so far. I want to thank hon. members, of course, for their observations.

First I will address a few remarks to the observations made by the hon. Leader of the Opposition. He began by referring to Mr. Paisley's memorandum of August 1983, in which directions were given that where matters might be matters of controversy, a certain type of notification must take place to the local agent or the senior agent of the Attorney General. He asked how it applies to elected members and senior public servants. Mr. Chairman, in my opening remarks I think I dealt with the fact that members of the Assembly and senior public servants were among the group of seven or eight or nine different classifications of cases that were considered, along with the judiciary and complex commercial cases, to be of sufficient complexity or sensitivity for the notification to be called for. So the way the memorandum would apply would be that, as it now stands, the notification would take place.

I should say that I have my own doubts about the suitability of the memorandum making specific reference to the media. I agree with the hon. Leader of the Opposition and with anyone making the observation that that should surely not be the test. I can understand the attitude of someone with large administrative or political responsibilities wanting not to be taken by surprise with respect to a particularly celebrated case. In all jurisdictions in Canada, I think attorneys general expect to be informed if something is occurring that is likely to be of considerable sensitivity. That is the word that is normally used. Where it is referred to, it relates to the sensitivity of the matter rather than the prospect of its attracting some public attention. I think it is a matter of judgment just how far one wants to go

into the question of what are potentially sensitive matters and how appropriate it is for an agent of the Attorney General, at some level, depending on the seriousness of the matter, to be informed when an investigation is undertaken.

In order to make a passing comment on how centralized my control over the system has been, my information with respect to Mr. de Rappard being investigated came to me in fact via *The Calgary Herald*, and was not one of those files I was dabbling in, if members fancy that I dabble in files. I should say that there are well-established procedures, which I believe are quite suitable but are subject to review, that do say at what level in the department something like that should be a subject for reporting when there is an investigation. Of course, the declared purpose of reporting the matter to, in some cases, the head of the special prosecutions branch and, in other cases, to the local or senior agents of the Attorney General throughout the province, is that they may be informed because of their responsibilities in connection with a matter that's unfolding, and as well that they can, in a complex or sensitive case, give guidance with respect to the investigation and have enough contact to be able to give ongoing opinions on the legal requirements that might relate to that investigation.

I want to make a comment too on the question of the Luscar case. Mr. Chairman, I think it's well established that where what is being considered is the possible prosecution of what is in fact a regulatory matter, be it under a federal or a provincial statute, the considerations that are likely to be present are quite different from ones that might proceed under the Criminal Code. I've made that observation before, and I believe there is ample support for that statement.

The Leader of the Opposition referred to the trade-off between the adjustment in the royalty being paid by Luscar and the fact that Luscar was then going to perform its plain duties in cleaning up the discharge of some material which was polluting one of the rivers. The fact is that that was not a trade-off in any sense. The decision with respect to the adjustment of the royalty was made through the Minister of Energy and Natural Resources staff and was based on the type of consideration, primarily the financial condition of the company, including its markets and its ability to carry on at that particular point. Actual financial considerations, without reference to anything with regard to the environmental aspects, are the sole considerations. As I recall it, that policy, for coal mining in particular, which has had a fragile enough history in recent years considering the number of large operators that have come on the scene and the sometimes difficult market situation, has been in place at least since the middle 1970s, and has been used in a number of cases.

But what about the idea of regulations and the question of enforcement where it relates to the potential of a prosecution? I've expressed the view that the important thing is to get the result — in other words, to get the regulation complied with — rather than to proceed with the prosecution at all events. Once again quoting the way in which the law in the United Kingdom addresses the issue, one of the quotations I have before me this evening — and will spare hon. members the direct reading of that particular one — suggests that if anyone says that an attorney general or his officers must at all events proceed in a case simply because they believe they have sufficient for a case, that observation would be absolute nonsense and that no person who ever held the office of attorney general would ever believe that the mere accumulation of what lawyers call "a case" calls upon the attorney general to proceed in all situations. Those are the observations made by people whose eminence in the administration of British justice is beyond question.

It applies particularly in cases of regulation. We take the example: what do we think of the enforcement officer who is looking at a regulation which has to do with carrying tarpaulins on trucks? He has a busy farmer in the middle of his harvest, with a violation. Does he pull him over and ticket him? We hope not. We hope the good sense of that policeman or highway patrol officer will be not to interfere at all in those circumstances. But on the face of it, there's a case. There's something that could be proceeded with. It's enforcing the law in the spirit of it rather than to the letter of it which is most likely to bring the balance that justice requires for the average citizen.

So in the Luscar case, the cleaning up of the river and the pond from which the pollutants were coming was the prime consideration. I should close the reference to that particular case by saying that although the opinion had been given in a preliminary way, based on the visit of a couple of officers of the fish and wildlife branch to the Attorney General's agent in, I believe, Edson or Hinton — because of conversation there, a statement was made and, no doubt, a memorandum or so written, saying that it appeared that charges would follow. But that matter was further reviewed, as that particular type of prosecution would be, by senior members of the department. By the time the assistant deputy minister in the fish and wildlife branch had concluded that the prosecution should not proceed in that case, the determination at the higher level had not yet been made as to whether or not the prosecution would succeed. So you have the situation where, when the statement is made that the prosecution was recommended and then not proceeded with, that is not accurate. What was done was that it was still under consideration at the time. As I recall it, last October, further evidence by senior Crown counsel was being sought. At that time the preference of the other department was communicated, that they had decided not to proceed because of the action taken by the company to clean up the difficulties.

On checking into people with respect to their credit or their criminal records in situations where they are about to be hired by the government, I think the criminal record checks — the Solicitor General answered with respect to that, and perhaps the Minister responsible for Personnel Administration, in one of the question periods had indicated that yes, there are situations, particularly having to do with corrections officers and the like, and persons who may be dealing with child welfare cases are going to be checked with respect to criminal records. That makes a lot of sense.

But the way the hon. leader has allowed this to come from him, I think — and he can correct me if I'm wrong — is that that very fact of criminal record checks in certain cases would have something to do with the question of whether or not Mr. de Rappard should have been looked at in that way before he was hired as a deputy minister.

MR. NOTLEY: Or any deputy.

MR. CRAWFORD: Okay, or any deputy. I am making the point for the purpose of saying most emphatically to the hon. leader that he should not confuse the fact of whether a person may be under investigation with whether the person has a criminal record.

MR. NOTLEY: Agreed; no question.

MR. CRAWFORD: So in the result, in the investigation with respect to Dial, where it was not known publicly whether or not Mr. de Rappard was under investigation at all by the time of his appointment — whether or not he was under investigation was not known — a criminal record check, in any event, would

have produced nothing. Only what I think would be a rather odious approach with respect to considering candidates for the public service would involve checking with the police to see whether a person was the subject of any investigation. Surely if anything is important, it's the record and not the fact of the investigation.

The hon. members in the Official Opposition may have other points to make on that if I've misunderstood them in any way. But I wanted to emphasize the importance of differentiating between the fact of a record existing and the fact or suggestion that an investigation may occur.

The Member for Edmonton Belmont raised important matters with respect to restraining orders. Briefly, I think all that can be said from that is, to the best of my knowledge, the only area in which that can be treated is by way of an application under section 745 of the Criminal Code. That being federal legislation, the system he described in the state of Massachusetts is not something we could deal with.

The other side of it, too, is that *ex parte* orders are something that I think have to be approached rather cautiously, because you have a person, in effect, having an order made against him or her without being present. If there is an area in which it's probably justified, I would agree with the hon. member that it's likely this very area. Usually a judge could be satisfied by way of affidavit that there was at least a substantial risk of some injury. In those cases, the *ex parte* type of application could well be appropriate. I just wanted to mention that there is the other side to it, that a person in fact is having an order made against him without being represented.

The hon. Member for Lethbridge West, on about the anniversary of the last time he raised the question of land title services for the city of Lethbridge, has raised it again. My answer is the same. We always hope that what will happen is that better services will be provided as the technology increases. To go to the system that some of the other provinces have, though, with a registry office in each small community, has not been the history of Alberta. In Saskatchewan that's the case. That's something that dates from many long years ago. I'm not sure that it is in fact an advance to implement something like that.

I'm going to have to take the question of the reciprocal enforcement of maintenance orders as notice, primarily because the nature of it is almost statistical. I think the only way I can answer the hon. member's question as to what sort of results are being obtained between the jurisdictions at the present time would be to see the extent of the claims that are being registered in other provinces by Albertans, if that information is available, and try to assess that in connection with the success in making collections.

The hon. Member for Lethbridge West did raise the further question of the cases before the courts with respect to the Charter of Rights and Freedoms. I think this is one of the really very interesting situations in Canada at the present time. There are indeed hundreds of cases before the courts. Little by little they are working their way towards the Supreme Court of Canada. As they are decided, I think we can be assured that it would be unnecessary to proceed with many of the literally hundreds of cases that are in the lower courts all across the country, once some of the key decisions are made. I think anyone observing what is happening there would also want to observe that a lot of Charter arguments being made are perhaps, if not frivolous at least made by legal counsel who are really stretching a point and hoping that the Charter will really change things with respect to traditional criminal law matters in Canada. It remains to be seen how far the courts want to go in making major changes.

Without predicting, of course, what is likely to happen overall, one can certainly see the scenario where certain basic concerns, such as self-incrimination and reverse onus provisions in legislation and so on, will be looked at by the courts not as a black and white matter but as an area where it will still be the case that there will be some situations where that would have to be appropriate. In fact some of the lower courts have so found already, and some of those cases are among the ones that are being appealed to the Supreme Court.

The other type of area is decisions that have been made with respect to, for example, accessibility of the public to courts, because people are entitled to primarily a public trial, entitled to counsel, and entitled to be advised of their right to counsel. So we have the argument: at which point is a person entitled to be advised of his right to counsel? You had the argument over the breathalyzer cases and the determination by the courts that the Charter says that you are entitled to be informed of your rights at the point that you are detained, but when you're taking a breathalyzer test you're not detained. You get these arguments which, in the result and in the history of our judicial system, have tended to bring practical and workable results in the decisions made by the courts.

I close the point on the Charter simply by saying that I hope there aren't too many situations where very miniscule points of law are used to make significant changes in what is really an eminently fair system and does assure fair trials.

The other point raised by the hon. Member for Lethbridge West was the idea of outstanding warrants. I am not sure that much can be changed in the present system. Naturally, warrants in the most serious cases are the ones given priority. Hopefully for the minor offences, when we have fully implemented the default judgment system for motor vehicle offences, the number of warrants will on that account decrease, and enforcement procedures will probably then be applied only to matters that are somewhat more important.

I want to deal with the remarks made by the Member for Edmonton Norwood. As is sometimes the case, he spoke with much feeling on the question of how people's attitudes probably are, whether justified or not, with respect to justice being done and being seen to be done. Because of his reference specifically to the situation involving Mr. Faulkner and the allegations made in some quarters that were supposedly to support the idea of a public inquiry, I think I should refer to what the Canadian Bar Association publicly said after they had considered the matter with respect to the termination of Mr. Faulkner's contract in January. Their official statement published, as I recall, in early February, reads as follows:

Our Branch, over the past several weeks, has carefully reviewed the allegations made in support of the call for a public inquiry into the independence of the administration of justice in this Province, as well as the responses of the Attorney-General and responses by various members of the legal profession and in particular the Crown Attorneys' Association. We have concluded that the allegations of political interference in the termination of John Faulkner's contract are only inferential. The Attorney-General has stated that the reason for Mr. Faulkner's termination was due to a breach by Mr. Faulkner of a fundamental rule that the identity of persons under criminal investigation should not be disclosed unless or until charges are laid, a rule which our Association endorses. The issues have been drawn and the Attorney-General's responses have been noted. We concur in the position taken by the Crown Attorney's Association last weekend that the interests of the administration of justice would not be served by the calling of a public inquiry and we are of the view that a public inquiry into the Faulkner matter is not warranted.

That's the end of the quotation. I would acknowledge that that particular expression of their views did not receive particularly wide publicity. Nevertheless those are the views, and I put them on the record.

Without detaining hon. members too long this evening, I want to comment on the question of how much time Mr. Faulkner and some others had to deal with the Dial case. The best way I can state it perhaps is this. Not long ago in the Assembly, some reference was made to the fact that that matter had to be dealt with in a weekend and another matter took five years. The accurate figures of course are that the Dial matter, which is relatively small in comparison with the Abacus matter, took two years and the Abacus matter five. That should surprise no one, given the complexity of those two cases.

I've said before, but perhaps should say again, that with respect to the timing of the decision on whether or not charges should be laid in the Dial case, the time frame is from approximately December 21 to about January 9. On about December 21, I asked officials in the department if a decision could be made by early January. That wouldn't have been necessary had there been no publication of the name of a person under investigation. Since there was publication — inadvertent or otherwise, it was done — I felt obliged to ask how long it would take before we would know their recommendation with respect to charges. At the time I said the time frame had to be one in which all normal procedures would be followed. I was told within a few days after that, after some checking was done, that it was possible to have it completed by January 6 and that the matter could be reviewed over the weekend in order that I would know by the following Monday, the 9th.

So the time frame was something like three weeks, but you have the situation where for — I'm not sure of the number of months — a goodly portion of the two-year period, the legal counsel who were doing the opinion had been working on the file. To say they were given it for a weekend is, once again, simply not accurate.

Mr. Paisley didn't leave because what was said about the Dial case, or any one similar to it at the time, was the tip of the iceberg, to use the hon. member's term. He left because of the criticism of him in the department, which made it really quite impossible for him to continue. It's important to know what the criticism related to. It related primarily to the feeling within the criminal law side of department, not throughout the department, that administrative practices were too highly centralized and too much controlled by Mr. Paisley and perhaps one or two people who were close to him, that prosecutors did not have sufficient discretion to carry on their work in the way they should normally expect to, and that the confidence was simply no longer there. I never heard any suggestion from anybody among the Crown attorneys that he acted in any way improperly in any ethical sense. It was a complete and entire matter of the confidence in his ability to lead the department in an administrative way was simply finished.

I think that's a very important distinction to make. To be able to say the ethical considerations were not attacked at all, surely addresses the question of whether or not members of the criminal law side of the department had views with respect to the need for a public inquiry. Had they thought there were issues such as political interference, they would surely have said that and would surely have said they believed there was a need for a public inquiry. So you have the very people who know the most about the circumstances within the department and who, in effect, called for and succeeded in getting the resignation of the deputy, also holding the view that there was no ethical or professional conduct basis that they could bring to me. Surely that's the issue as to whether or not any type of inquiry should be undertaken.

The hon. Member for Edmonton Sherwood Park mentioned that prosecutors are sometimes overworked and don't have time to prepare. That is a concern. One of the things I would want a new deputy to look at — and I think this would be really important — is our system of allocating cases, and some other ways, with our technology we now have available and coming on stream, some greater ability, at least over the next year or so, to be more efficient in that respect. There is also the possibility that the numbers of cases will not continue to increase, as they have over the last several years, by very significant percentages each year.

With respect to hate literature, the distribution of it is a particular problem, of course, because of the willingness of people who want to distribute it to act in a clandestine way and because of the difficulty the federal agencies have in full and complete enforcement of their regulations which prohibit the bringing into Canada of that type of material. One of the things that was discussed recently among attorneys general was the possibility of amending the section of the Criminal Code that has to do with incitement to hatred. So you might have the situation that in cases where hate literature could be traced to someone, the possibility of a conviction might be just a little bit better.

I don't know what to say to the hon. Member for Cardston about his references to the fatality inquiry matters. I know there was a recent case that concerned him a very great deal. We look to the statute for the area in which the Fatality Review Board is obliged to operate. I don't know what provision in the statute should be any different than it is. It is the board's principal duty to review investigations in order to determine the need for holding a public inquiry. Their other incidental duties have to do with recommending appointments of medical examiners and reviewing complaints of misbehaviour. If their principal role is to determine the need for holding a public inquiry, I suppose there will be cases where those of us who watch what they do might say in a particular case, we disagree and they shouldn't have ordered one. But on the whole there has been little concern expressed about that, and I would be concerned about a situation where there was less independence in the board. I guess that's the observation I want to make. But I would surely always be willing to review, indeed to review with the board, the extent of the statutory provision, the suitability of it, and the way in which it's applied.

I think I'm going to have to have further discussion with my colleague the Solicitor General in regard to the other matter raised by the Member for Cardston. What he describes is undoubtedly very desirable in the sense of having the ability on the part of a person to search both the registration and ownership as well as the encumbrances that may be registered with respect to a vehicle, all on a one-access basis. We'll be looking at that further and hope that that can be done.

Mr. Chairman, I don't know the wishes of hon. members. I have concluded my preliminary response and, unless there is an outcry, my inclination would be to suggest that the committee rise and report.

MR. DEPUTY CHAIRMAN: Was that a motion from the Attorney General?

MR. CRAWFORD: I was about to say before I relinquish the floor, Mr. Chairman, I move that the committee rise, report progress, and ask leave to sit again.

[Motion carried]

[Mr. Deputy Speaker in the Chair]

MR. PURDY: Mr. Speaker, the Committee of Supply has had under consideration certain resolutions, reports progress thereon, and requests leave to sit again.

MR. DEPUTY SPEAKER: Having heard the report and the request for leave to sit again, are you all agreed?

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, tomorrow the Assembly will be in Committee of Supply and will deal with the estimates of the Department of Tourism and Small Business. It is the intention to sit on Thursday evening, and the next department to be called in Supply will be the Department of Utilities and Telecommunications.

[At 10:32 p.m., on motion, the House adjourned to Wednesday at 2:30 p.m.]