

**LEGISLATIVE ASSEMBLY OF ALBERTA**

Title: **Tuesday, April 30, 1985 2:30 p.m.**

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

**PRAYERS**

[Mr. Speaker in the Chair]

**head: INTRODUCTION OF VISITORS**

MR. SPEAKER: May I draw the attention of all hon. members to the presence in the Speaker's gallery of a large delegation from the Vietnamese associations of Alberta who are holding a conference here in Edmonton to mark today as a special day, the 10th anniversary of the fall of Saigon: something with very poignant memories for all our guests here this afternoon.

May I welcome their leaders and the members of the delegation: Mr. Hai Nguyen, Mr. Quang Vu Huu, Mr. Phu Le, Mr. Thuy Vo, Mme Vinh Pham, Mr. Thu Phan, Father Dominic Nghiem, and Mr. Quan Bui. Would they and all the other members of the delegation please stand and be welcomed by the Assembly on this historic occasion.

**head: INTRODUCTION OF BILLS****Bill 264****Quality Child Day Care Standards Act**

MR. MARTIN: Mr. Speaker, I beg leave to introduce Bill 264, the Quality Child Day Care Standards Act.

Mr. Speaker, the current day care standards in Alberta set out in regulations are grossly inadequate, so this Bill sets out a series of standards governing such items as child care, staff ratios, space allotments, qualifications for staff, and equipment which must be maintained by a day care centre.

[Leave granted; Bill 264 read a first time]

**Bill 266****Fair Insurance Rate Act**

MR. R. SPEAKER: Mr. Speaker, I beg leave to introduce Bill 266, the Fair Insurance Rate Act.

The purpose of this Bill is to establish a legislative framework which will prohibit discrimination in auto insurance rates on the basis of the age or sex of any individual. The Bill contains a principle of equality which says that auto insurance rates should be based on a person's driving record rather than on statistically predicted group behaviour.

[Leave granted; Bill 266 read a first time]

**Bill 10****Election Amendment Act, 1985**

MR. PAYNE: Mr. Speaker, I would like to introduce two Bills today, the first of which is Bill 10, the Election Amendment Act, 1985.

The purpose of this legislation, Mr. Speaker, is to provide that the enumeration which will take place later

this year is based on the revised electoral division boundaries as contained in the boundaries commission report which, of course, was passed by unanimous motion yesterday.

[Leave granted; Bill 10 read a first time]

**Bill 55****Electoral Divisions Amendment Act, 1985**

MR. PAYNE: Mr. Speaker, a related Bill, Bill 55, the Electoral Divisions Amendment Act, 1985.

Mr. Speaker, this Bill would implement the electoral boundary revisions proposed in the boundaries commission report.

[Leave granted; Bill 55 read a first time]

**head: TABLING RETURNS AND REPORTS**

MR. CRAWFORD: Mr. Speaker, I would like to file with the library the 1983 annual review by the office of the Chief Medical Examiner. There are copies available to be distributed for all hon. members.

DR. WEBBER: Mr. Speaker, I would like to table the annual report of the Provincial Senior Citizens' Advisory Council for the year ended December 1984.

**head: INTRODUCTION OF SPECIAL GUESTS**

MR. PAPROSKI: Mr. Speaker, visiting the Legislature today are 13 members of the Royal Canadian Sea Cadet Corps, Warrior, which parades in the riding of Edmonton Kingsway. The main areas of their sea cadet oriented training program are citizenship, physical fitness, and an interest in the Canadian armed forces. In effect, they are pursuing navy activities as a hobby. Also, to celebrate the 75th anniversary of the formation of the Navy in Canada, these cadets will participate in the ceremony of the flags. It will be performed at 2:30 p. m. Sunday, May 5, on the Legislature grounds.

Mr. Speaker, I've had the pleasure of attending a number of parades and functions at HMCS Nonsuch in the Kingsway constituency. I truly appreciate their enthusiasm and interest in the sea cadet philosophy. They are seated in the members' gallery. I would ask them to now rise and receive the warm welcome of the Assembly.

MR. WEISS: Mr. Speaker, on behalf of my colleague the Member for Edmonton Whitemud, it is my pleasure to introduce to you, and through you to members of the Assembly, 31 students from Harry Ainlay school. They are accompanied by their teachers, Mr. Gino Salvalaggio and Mr. Jacquelin Genois, along with their staff Mr. Benoit Marineau and Ms Louise Morency. They are seated in both the members' and public galleries, and I'd ask that they rise and receive the cordial welcome of the Assembly.

MR. SZWENDER: Mr. Speaker, it is indeed my pleasure to once again introduce through you to all members of the Assembly a group of grades 5 and 6 students from the Delwood school, located in the heart of sunshine country, the constituency of Edmonton Belmont. These students are accompanied by their teachers Mr. Chebuk and Mrs. Lakusta. As they are seated in the members' gallery, I cannot

see them, but I'd ask them to now rise and receive the warm welcome of the Assembly.

MR. ALGER: Mr. Speaker, may I take this opportunity to introduce to you, and through you to the Legislative Assembly, a predecessor of mine and a former colleague of yours, Mr. George Wolstenholme. May I ask him to rise in the members' gallery and receive from the House the plaudits he so richly deserves.

MR. R. MOORE: Mr. Speaker, it's my pleasure to introduce to you 60 grade 11 students from the Parkview Adventist Academy situated in the constituency of Lacombe. I might point out to you, Mr. Speaker, that that is in the community of College Heights, the home of the highly respected Canadian Union College. They are accompanied today by Mr. George Goodburn and John Janes. They are seated in the public gallery, and I would ask them now to rise and receive the traditional welcome of this Assembly.

#### head: ORAL QUESTION PERIOD

##### Day Care Standards

MR. MARTIN: Mr. Speaker, I'd like to direct the first question to the Minister of Social Services and Community Health. It's about his recent trip. Apparently when the minister was in Ottawa, he sought and obtained agreement in principle that private day care should be eligible for Canada Assistance Plan funds. My question to the minister: in putting this proposal to the federal government, did the minister offer any assurance that in exchange for this agreement we would improve day care standards in this province?

DR. WEBBER: Mr. Speaker, it looks like day care day for the hon. Leader of the Opposition. I'll restrain any comments about telephone conversations between his office and an office in a province to the east of us. However, I was very pleased with the conference we attended and the openness and co-operation of the federal minister in terms of dealing with federal/provincial issues. The main issue discussed was the Canada Assistance Plan, and particularly any philosophical changes we might want to see in that program. I think it was generally recognized as a good program for Canadians.

However, one of the concerns we from the government of Alberta had was the fact that there was a cost-sharing component where certain funds going to nonprofit day care centres were cost shared on a fifty-fifty basis under the CAP. It was our position that moneys going to private day care centres should also be given consideration for cost sharing. I know that philosophically that was not acceptable to one province that was there. However, it was philosophically acceptable to, I would say, everyone else, including the federal minister, Mr. Jake Epp. So in terms of philosophical agreement, we got that from the federal minister, on looking at the possibility of cost sharing funding with respect to moneys going into the private day care area as well as the current cost-sharing arrangement with regard to nonprofit centres.

The hon. member may be trying to turn a good news story into a negative, in terms of what we are going to do with the moneys that would be saved. As I indicated at the meeting, in terms of day care we'd be happy to compare

our standards in this province with any province in the country, whether in our nonprofit centres or our private day care centres. We have a good mix and a good day care system. If in the budgetary process in the future we will be looking at ...

MR. SPEAKER: I'm having a little difficulty with the hon. minister's answer. Perhaps I should have intervened a moment ago. It seems to me the question was rather direct as to whether a certain promise was given in return for a certain assurance. I think we've gotten a long way from that. The question, I would suggest, did not contain any unduly provocative barbs.

DR. WEBBER: Mr. Speaker, I know that the hon. Leader of the Opposition wouldn't want to do that sort of thing, and I didn't interpret it that way. However, I thought it was important that we have a little background before providing the answer, and that was that we did not get agreement to cost sharing, just agreement in principle that private-sector centres should be cost shared in the same way that nonprofit ones should be. The federal minister will be following up with me in the upcoming months to see if we can get some agreement on that.

MR. MARTIN: Mr. Speaker, a supplementary question. I never like to give barbs to the hon. minister. I'm glad he's interested in my telephone calls, though.

My question to the minister has to do with regulations in one specific area. I look through the regulations dealing with staff and qualifications and find that there are two things. No person shall be solely responsible for the care or well-being of children in a day care centre if they are under 18. That's rather a strict standard, I would suggest. And then: at least one staff member shall hold a valid certificate in first aid treatment. Those seem to be our great standards the minister was alluding to.

Let me just ask this: is the government assessing whether these regulations are adequate, and are they contemplating any changes at all in this area?

DR. WEBBER: Mr. Speaker, the hon. Leader of the Opposition is very selective in his choice of standards. We certainly do have standards in place with regard to staff/child ratios. For youngsters from zero to 19 months in day care centres the ratios are three children to one staff member. As the children get older, the ratio changes. We have made a recent change in one of the qualifications or requirements the hon. member just read out with regard to first aid treatment. As a result of a recommendation, we have decided that we should have on duty in day care centres someone who has some background in first aid. That is a new policy in that particular area.

I think our staff/child ratios are very acceptable and, as I said to the hon. member's colleague, we'd be happy to compare our overall standards with the standards anywhere in this country.

MR. MARTIN: Well, I hope you do take a look at that, Mr. Minister, because it seems to me that just being 18 and holding a valid health certificate hardly makes you a day care teacher. That would be my assessment. But it's not only mine. During a recent review of day care and out-of-school care the city of Edmonton held numerous very well attended public hearings, at which many concerns were expressed about poor provincial standards.

My question to the minister is simply this: has the minister had any meetings with city officials regarding this matter, and did he have any representative of his department monitor these hearings to hear what people were saying about their standards?

DR. WEBBER: Mr. Speaker, there seem to be a number of questions there. With regard to qualifications for day care workers, I think that would be a good motion the hon. member might want to put on the Order Paper, because of course not everyone is in agreement with whether day care workers should have college diplomas or university degrees or whether it's not necessary for them to have any training at all. We have many, many mothers in this province who are currently working in day care centres and providing excellent service to the children in their care.

I've had no discussions with the city of Edmonton relative to standards. However, we are very interested in the results of the hearings that were held and, yes, we did have people monitoring the hearings to hear what people had to say.

MR. MARTIN: Mr. Speaker, I'm sure child care workers would be very interested in the minister's analysis of what it takes to do their job. I guess it doesn't take anything, according to the minister. The minister is well aware that there is a surplus of private day care spaces available in the province, while nonprofit centres have lengthy waiting lists. My supplementary question is: has the minister had any meetings with parents who are on these lists, or parent organizations, to determine if they are dissatisfied with the standard of care in private centres?

DR. WEBBER: Mr. Speaker, I mentioned earlier in my remarks that in this province we have a good mix of nonprofit and private day care centres. There are very many excellent nonprofit centres and many excellent privately operated day care centres in this province. We have standards in place, and those standards are monitored. If a particular day care centre, whether it's nonprofit or private sector, falls below those standards, then we do have departmental people discuss the situation with them and give them time to improve their standards.

We also have the very important Social Care Facilities Review Committee, which does an excellent job of travelling this province, visiting day care centres, and indicating to me those centres they have concerns about, and we follow up on those concerns. Relative to the overall situation for day cares in this province, I think we have an excellent system in place, and I'm hearing very few complaints.

MR. MARTIN: A supplementary question. Just because the minister says it's excellent does not make it that way. He talks about the monitoring process. If there are no standards, what do you do? Make sure they have a birth certificate to say they're 18? Is that the monitoring?

But more important than that, Mr. Speaker, the minister is probably aware that in 1980 the Applied Research centre of Grant MacEwan Community College undertook a survey of day care parents to determine what form of child care they preferred. I might point out that nonprofit care rated first on the list and private day care rated 11th, well after home baby-sitting. The minister is aware of this. My question is, in few of this fact ...

MR. SPEAKER: Is the hon. leader now starting a series of questions on a 1980 report? Is that what we're about to indulge in?

MR. MARTIN: No. If you'd wait, Mr. Speaker, you'd see what I'm about to indulge in.

My question to the minister: in view of the fact that the dissatisfaction is that high, why did the minister seek the federal government's approval of funding for private day care centres?

DR. WEBBER: Mr. Speaker, it's obvious. Why should we have a system in place in this country that recognizes a socialist approach to provision of day care, when we in this province see the combination of nonprofit and private-sector day care centres working alongside each other and providing the best day care service in the country. We only thought it was fair that we would have cost sharing for both operations. [interjections]

MR. MARTIN: Look at them pound. I guess, Mr. Speaker, that being trained and having trained people ... "Socialist" — my goodness, that's interesting.

My question to the minister is simply this: if it can be proven to the minister that there is dissatisfaction with private day care centres and they're not living up to the standards, would the minister move to upgrade the standards at that point, or is it a philosophical viewpoint that we will always have to have private day care centres?

MR. SPEAKER: That seems to go beyond the philosophical into the hypothetical. The hon. leader clearly said that if something was proven, would the minister do something else. Perhaps he might have one further supplementary that is not hypothetical, and then we'll go to the next question.

MR. MARTIN: You're perfectly right, Mr. Speaker. Now that it's been proven that private day care standards are not up to the level of, certainly, the city of Edmonton ones, will the minister take his responsibility seriously in protecting the children and move to abolish private day care centres?

DR. WEBBER: Mr. Speaker, he can't be serious.

MR. COOK: Mr. Speaker, I'd like to ask a couple of supplementary questions of this issue. I wonder if the minister could report to the Assembly on the availability of day care spaces in this province in contrast with other provinces.

DR. WEBBER: Mr. Speaker, I don't have the ... I think there are approximately 22,000 day care spaces in this province, substantially more than in any other province in this country. On a per capita funding basis, we fund day care centres far more than any province in this country.

MR. COOK: Mr. Speaker, can the minister assure the House that he will continue funding the in-service education program for day care staff in the private sector, dealing with questions like nutrition, child development, discipline, education, social development, and recreation?

DR. WEBBER: Mr. Speaker, the hon. member brings up an excellent point with respect to the initiatives that have taken place in the private sector itself in upgrading staff, with the programs they have in place in this province for having day care workers attend these courses and then subsequently working in the private-sector day care centres.

MR. COOK: Mr. Speaker, my final supplementary will deal with the report that the hon. Leader of the Opposition

referred to earlier. Would the minister assure the House that the report the hon. leader referred to ...

MR. SPEAKER: Order please. It would seem to me that if we're not going to deal with the 1980 report on questions by the hon. Leader of the Opposition, perhaps we ought not to deal with it through questions by any other member.

MR. COOK: Mr. Speaker, I'll rephrase the question. Would the minister consider preparing a new report dealing with the new system of day care standards developed subsequent to the report that the hon. Leader of the Opposition cited?

DR. WEBBER: Mr. Speaker, if I remember the 1980 report that the hon. members referred to, it's my understanding that significant changes occurred following that report. There are lots of reports around. There's a current report by the federal government almost at the completion stage. The hon. member asked a little while ago about considering results of studies, reports, surveys. We're open-minded. We'll look at all the information we can get to better guide us in the future determination of standards of day cares in this province.

MR. HYLAND: Supplementary question, Mr. Speaker.

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

MR. HYLAND: When the minister is reviewing the possibility of a new report, could he also look at day cares in other areas of the province, besides just the city of Edmonton?

DR. WEBBER: Mr. Speaker, it certainly is important to recognize that there are day care centres other than in the two major cities in this province, although the two major cities have the largest number simply because of population. Certainly, there are many good day care centres in areas outside the two main metropolitan centres.

#### **Seat Belt Legislation**

MR. MARTIN: I'm sure we can continue with day care standards another day, Mr. Speaker.

I'd like to direct the second question to the Minister of Transportation. It has to do with his announcement from yesterday and a follow-up to what I said on the ministerial statement. Would the minister indicate if he has seen the most recent statistics gathered on seat belt usage in the country, distributed last month by the Alberta Safety Council, and whether the key thing that they say, the urging by the council for mandatory seat belt legislation for all car passengers in Alberta, is now under active consideration?

MR. M. MOORE: Mr. Speaker, I've seen a great deal of material with respect to the use of seat belts. As a matter of fact, I tabled in the Legislature yesterday some details with respect to traffic collisions and use of seat belts in that regard. I'm well aware, as I said in this House yesterday in response to similar questions, that the use of seat belts by people driving automobiles is something that should be done by everyone to avoid injury in the event of collision. I've also indicated that Alberta Transportation and this government will continue to promote the voluntary use of seat belts by everyone involved.

MR. MARTIN: Following up on the answer, Mr. Speaker, in view of the fact that the minister seems to acknowledge that seat belts save lives, would the minister indicate to this Assembly why we are not moving on mandatory seat belt legislation at this time?

MR. M. MOORE: Mr. Speaker, it's very simple. If the majority of the government caucus and the majority of the people of Alberta were of the same opinion as the hon. leader, we would probably have mandatory seat belt legislation. But in this province we like to see if there is some consensus on issues like this, and thus far there has not been with respect to seat belts. We have no intention of moving in that direction until the public in Alberta believes that it's necessary for governments to pass laws requiring them to buckle up. There certainly is no magic about whether or not the law is in place, relative to whether or not people use seat belts. All cars manufactured for sale in Canada have for some time been required by law to be equipped with seat belts. They're there for the use of the drivers, and it's a decision that each individual has to make.

Last fall, Mr. Speaker, we passed the Child Transportation Safety Act in this Legislature, which is designed to protect with different kinds of devices that are not standard equipment in cars those youngsters who are not able to protect themselves. I think that was a very forward step in terms of protecting children and infants who are riding in automobiles. The matter of what adults and others do who are old enough to buckle themselves in is one of individual choice, and we will continue to encourage that choice to be "buckle up".

MR. MARTIN: A supplementary question. We can argue about individual choice, but when it starts to cut into our pocketbooks, your choice affects mine. The minister says they will assess it and maybe sometime the government caucus will have the courage to do it, but he says he's going by the people of Alberta. What recent surveys is the minister quoting to us that would indicate people do not want safety belt legislation?

MR. M. MOORE: Mr. Speaker, I believe the most recent surveys were done by the Consumers' Association of Canada, and they reflected opinions of people relative to seat belt legislation for adults as well as a separate study with respect to child restraint systems. I'm not sure when that was done, but within the last year or so. The Alberta Safety Council and others — indeed there have been media polls and so on taken with respect to the attitudes of Albertans towards governments telling them what to do. The fact of the matter is that the majority of people in this province do not support mandatory seat belt legislation.

The hon. member shakes his head. If the facts are different and there are some studies to indicate that the vast majority of people do support this, I would certainly be one member who would be willing to take another look at it. I'm certain other members of the House would, but in the meantime, we have said time and again that it's up to the individual to use a seat belt, after knowing all the facts.

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

MR. MARTIN: That's an interesting way to bring about laws: we'll do it by public opinion polls. My question to the minister is simply this: when will it be safe enough for

this government to bring in mandatory seat belt legislation? The minister says he believes in it. When they run a poll, is it 55 percent of the people, 60 percent, 65 percent? What will bring this government around to bring in this legislation?

MR. M. MOORE: First of all, I'm a little surprised at the hon. member's suggestion that laws and what a government or caucus does ought not to be based on public opinion. If the hon. member would listen to what public opinion is, maybe his numbers might increase from two to three. The facts of the matter are that we've looked at public opinion with respect to not only seat belts but a great many other things. We're not ready yet to ram a law down the throats of individuals that they haven't asked for. When the time comes that the vast majority of Albertans want mandatory seat belt legislation, I'm sure we'll hear from them.

MR. MARTIN: One final supplementary, Mr. Speaker. There are many Albertans asking for it: the Safety Council, the Consumers' Association, and many different groups. Accepting that, let's look at it a different way. In the statistics compiled by Transport Canada, I think the minister would agree that where they have seat belt legislation, the compliance rate is roughly 61.4 percent, compared to a rate of about 19 percent where mandatory laws are not in place. Seeing that, as I understand it, he said that he believes in seat belt legislation, my question is simply this: would the minister outline by what actions this government plans to bring up the level of seat belt usage in Alberta so that it would match the usage in provinces where legislation is in place and enforced?

MR. M. MOORE: Mr. Speaker, we will continue to encourage the voluntary use of seat belts, as we have in the past. We believe very strongly that when they're driving, people are much better off buckled into their seats than not, in spite of some of the concerns that have been expressed about being trapped in automobiles and so on. We will continue that, but it's a recognized fact that the passage of seat belt legislation does indeed result in more people being strapped in. We will do our best, by our advertising programs and so on, to increase the number who are voluntarily strapped in. But I don't profess to have any magic in that regard.

The hon. member shakes his head. Surely there are other problems with respect to society's attitudes towards certain things that are equally as harmful as not wearing your seat belt. We're not about to legislate against the consumption of alcohol or the smoking of cigarettes. Either one of those would save a great deal more lives than seat belts. Perhaps the member would want to propose one of those.

MR. MARTIN: That's beside the point. A supplementary question.

MR. SPEAKER: Order please. We're running out of time to the point where I'm concerned about reaching even a short list. If there's time, we can come back to this topic.

#### **Hazardous Waste Disposal Plant**

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of the Environment, and it's with regard to the D & D site, which is the responsibility of the department. The minister was going to confirm the contents of the barrels

that are outside the D & D facility but on-site. Could the minister confirm the contents, and are those barrels which were used in the storage of PCBs?

MR. BRADLEY: Mr. Speaker, there are a number of barrels at the D & D site. A number of them contain capacitors, which are packed in sand. Others contain solid material. There are some empty transformers stored outside on that site. I believe there are three transformers that contain PCB liquids and three other barrels containing liquids.

MR. R. SPEAKER: Mr. Speaker, a supplementary. The minister was also going to confirm whether water in the form of rain, snow, or whatever could be contained on-site and not run off the site. I wonder if the minister could indicate to the Assembly at this time whether or not the water is contained on-site.

MR. BRADLEY: Mr. Speaker, my officials have investigated the site, and I'm advised that the barrels stored outside are secure barrels. There is no leakage from those barrels. Inside the storage facility itself, there are spill berms constructed to contain any material within the facility.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Could the minister confirm what tests have been taken in the water that is in the road ditch just outside the site and whether that water has a relatively high number of PCBs?

MR. BRADLEY: Yesterday, Mr. Speaker, my officials took samples at that site. I do not have the results yet.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. Could the minister indicate why there is an on-site ditch at the south end of the site that drains the water from on-site to off-site, into the road ditch? Is that drainage system there for a purpose, or is it an oversight by the department?

MR. BRADLEY: Mr. Speaker, the company which was in operation there was under a chemical control order to do certain things, basically to ensure that the material stored outside was put under secure storage. The department has an action plan through its agent, the Special Waste Management Corporation, who has hired Chem-Security, to secure those particular barrels. That would resolve any concerns the department had with regard to the ongoing storage at that site plus concerns about the material which is stored inside the facility.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. I want to table a photograph of the site, and I'll send these over to the minister so he's able to look at them. At the southeast corner of the site there is a piece of plywood that is acting as a Three Rivers dam to keep any runoff from the site. Could the minister indicate the purpose of that piece of plywood, and why is it so precariously placed on a facility that supposedly is secure from the general public?

MR. SPEAKER: I have a little difficulty when questions get down to the particularity of pieces of plywood. I wonder if perhaps the hon. member might deal with that directly with the minister, or if it is an important question of specifics, it might go on the Order Paper.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. Has the minister visited the site and personally inspected it to be sure that all precautions are taken so that either egress or any kind of entry into that property cannot take place?

MR. BRADLEY: Mr. Speaker, through their agent the department is on the site. I'm advised that in terms of security there will be someone on that site 24 hours a day. Chem-Security has been given direction at this time with regard to the specific concern of outside storage, which I'm advised is secure in terms of the barrels which are there. There is no leakage from them. They are to ensure that those barrels are stored inside and proper action is taken.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. I want to say to the minister that we appreciate the fact that signs have been put up around the D & D site in the last week and that the tarps have been more carefully secured over the barrels since the matter was raised in question period. Could the minister indicate whether there will be consideration of a berm around the site that would contain the water on-site so that it doesn't run off-site and onto the public roadway?

MR. BRADLEY: Mr. Speaker, what the department is considering doing as soon as they are able is ensuring that the barrels which are stored outside are securely stored inside. They are working on that solution. As the hon. member may be aware, there are not too many facilities in which one can store these types of materials, but the department is working on that. With regard to the material which is inside the building, there are spill berms there.

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

MR. R. SPEAKER: A supplementary to the minister. Is it the intention of the minister to personally visit this site so he can report back to the Legislature as to his own personal observations and in this way show there is concern with regard to what can happen? At the moment, we would have to feel that the handling of the matter by the department is done in a very carefree manner. Is the minister intending to visit the site so he can report on his findings personally?

MR. BRADLEY: Mr. Speaker, there are some very competent officials within the Department of the Environment who are in charge with regard to this specific situation. I entrust to them that they would use their judgment with regard to securing that facility. They have received instructions to do so at this time.

MR. R. SPEAKER: Mr. Speaker, to the minister. Will the minister table the results of the findings in the water around and on the D & D site?

MR. BRADLEY: Certainly, Mr. Speaker. I've previously indicated to the Assembly that the results of such monitoring by the department would be made available to the public and to the Assembly.

#### Free Trade Initiatives

MR. ANDERSON: Mr. Speaker, my question is to the hon. Premier. It's further to reports that the free trade concept discussed at the February First Ministers' Conference has been gaining some momentum. Can the Premier indicate

if the government or he personally is now planning any specific initiatives to further this very important concept?

MR. LOUGHEED: Mr. Speaker, I believe I could report to the House that when we met with the Prime Minister and the first ministers in Ottawa on April 4, the Prime Minister, in his report on the March 17 summit meeting with the President of the United States, reported to us that there would be discussions between the Canadian trade minister, Mr. Kelleher, and the United States' then special trade representative, Mr. Brock, to establish a mechanism whereby this process of a comprehensive trade arrangement would go forward in that period of six months. We have urged the Prime Minister and his government on every occasion possible to develop that mechanism.

MR. ANDERSON: Mr. Speaker, a supplementary question to the Premier. In light of the excellent relations that this government has with our trading partner to the south, do we plan any specific discussions with the government of the United States or officials thereof?

MR. LOUGHEED: My understanding, Mr. Speaker, at least the view that we're hearing from United States authorities, is to the effect that they're awaiting a more definitive response from the Canadian federal government. As the hon. member would know, the Canadian federal government in late January issued a discussion paper on some options with regard to trade with the United States. The minister, Mr. Kelleher, has been travelling through the country and has been listening to submissions and apparently is to recommend to the Canadian federal government and, hopefully, the caucus the approach with regard to those options.

For our part, it would be my intention to discuss with American administration and congressional leaders next week in Washington their perception of this issue, but it is probable that to a fair degree the response will be that they're waiting for the Canadian position. But I will attempt to urge upon them, at least, action in this regard.

MR. ANDERSON: Mr. Speaker, a final supplementary question to the Premier. Are there plans to have further discussions in this country following the Premier's visit to the United States and the analysis or review which he indicated is taking place?

MR. LOUGHEED: Yes, Mr. Speaker. Certainly, one area of discussion with regard to the matter will occur at the Western Premiers' Conference May 13, 14, and 15 in Grande Prairie, and next at the Premiers' Conference in August in Saint John's, Newfoundland. Unfortunately, there's not a first ministers' meeting on the economy scheduled until November 1985 in Halifax, but we're attempting to review the matter once the federal budget has been presented to see if there is an opportunity to further press it forward, either at the first ministers' level or with ministers.

#### Vehicle Registration Program

DR. BUCK: Mr. Speaker, I'd like to ask if the hon. Solicitor General can indicate how the new program of staggered expiration dates for licence plates is working out, because I've received some complaints that some people seem to feel they're not being given sufficient notice that their licences have expired.

DR. REID: Mr. Speaker, when the staggered system was introduced, it was done with the intent of reducing the peak of activity which used to occur every spring. There is now adequate notice given to people, but they seem to have acquired the habit over the years of expecting a month's leeway beyond the termination date of their vehicle licence. With a staggered system that's no longer necessary, because there are no longer the queues that used to be required. Therefore, we feel that the time given is adequate. It seems to be working in the vast majority of cases, but some people seem to anticipate having an extra month's leeway, and of course that no longer exists.

DR. BUCK: Mr. Speaker, to the minister. For the people who seem to be waiting for their notice to come in the mail at this time, when the date of April 30 passes by, I then presume that they will be waiting for the notice to arrive in the mail some time later in the summer. Is that true?

DR. REID: If there's any member of the population who has any doubt about when the licence for his vehicle expires, the tab on the licence plate gives the month of expiry. In the event that the mail doesn't deliver the renewal notice, then all they have to do is to go to any of the private-sector licence issuers. They can pull up the information on the display screen and get their permit for the following year right there and then.

DR. BUCK: Mr. Speaker, a supplementary question to the minister. This has to do with the personalized licence plates. I've received some information from some irate people who applied for the personalized licence plate, but some of the issuers didn't seem to have any idea that this was happening. Can the minister indicate if all the outlets have been notified that these are available?

DR. REID: Mr. Speaker, we wanted to be absolutely sure that everybody had equal access to the system for the personalized licence plates. We wanted to be sure all the initial start-up difficulties that were anticipated with the very complex computer system would be out of the way. Those difficulties are now cleared up, and we're anticipating that as of May 15 it will be possible for anyone to get equal access to the system so that the first come, first served basis will be fairly applied. The requisite forms and information will be in the hands of all the issuers by the time the personalized licence plates are put on sale on May 15. Indeed, over the next few days there will be a publicity campaign in the newspapers and on radio to make the prerequisites for personalized plates very well known to all Albertans.

#### **Agriculture Inspection Fees**

MR. GURNETT: Mr. Speaker, I'd like to direct a question to the Minister of Agriculture that follows from the announcement yesterday by the federal minister about the new fee structure that will be imposed on farmers who need inspection services. Those fees would include the 20 cents a carcass for beef and 35 cents an acre for certified seed. My question to the minister is: what representations has the minister made to his federal counterpart in an effort to convince him to reverse the imposition of those fees?

MR. FJORDBOTTEN: Mr. Speaker, when we first became aware that cost recovery was looked at with respect to fees

and a significant increase in fees was likely to occur, we of course heard from industry representatives within the province concerned about that significant increase, recognizing the economy of today. At that time I had discussions with the federal minister about those concerns. Following that, I was pleased to hear the decision that he was delaying the implementation date and reviewing the scale of the increase. Even though I haven't had an opportunity at this time to review the total fee schedule, it's my understanding that that fee schedule was arrived at in consultation with the industry. So I think that's a pleasing development.

MR. GURNETT: A supplementary question, Mr. Speaker, to the minister. In view of the already excessive input costs that farm producers are bearing in the province, my question to the minister is: what consideration has been given to the implementation of a provincial rebate program that would return those fees, as they're paid, to producers in this province?

MR. FJORDBOTTEN: Mr. Speaker, we have given no consideration at all to refunding fees with respect to an increase in federal fees. I just don't think that would be reasonable. However, I have to say with respect to fees within the Department of Agriculture for inspections, et cetera, that there will be no increases.

MR. GURNETT: A supplementary question to the minister. Has the minister had his department undertake any estimation of how much the new schedule of fees will cost Alberta producers?

MR. FJORDBOTTEN: Mr. Speaker, not in total, because there are different fee increases in different commodities, and that made it difficult to look at the overall impact. However, certain areas, particularly meats and pedigreed seed, were of major concern. But I don't have an overall number.

MR. GURNETT: A supplementary question, Mr. Speaker, to the minister. In view of the fact that the federal minister has also indicated that there will be further fees coming in and some of the fees announced yesterday will be increased again in a year's time, my question is: what steps would the minister be taking now to see that the further fees don't come in and that the further increases are eliminated?

MR. FJORDBOTTEN: Mr. Speaker, as I indicated earlier, everyone in this House, as well as every producer in the province, is concerned about any increase in input cost, recognizing that we are price takers, not price setters, and we can't pass on those increased costs. I think the developments to this point have been realistic by the federal minister, and I certainly intend to watch that closely because the whole area of input cost is like something my grandfather used to say: "If you take care of the pennies, the dollars look after themselves."

MR. SPEAKER: The hon. Member for Edmonton Belmont and then the hon. Minister of the Environment wishes to deal with some information in regard to which he accepted notice.

#### **Telephone Toll Revenue Sharing**

MR. SZWENDER: Mr. Speaker, my question is to the Minister of Utilities and Telecommunications. Yesterday the minister filed with the Legislature a copy of the memorandum of understanding and terms of reference document agreed

to by MLA Al Hiebert and Alderman Ed Leger, regarding the dispute between Edmonton Telephones and Alberta Government Telephones. Could the minister indicate whether cabinet approved the proposal at this morning's cabinet meeting?

MR. SPEAKER: If the approval is given in a public way, that certainly would be a valid matter for questioning, but cabinet proceedings are not ordinarily a subject for the question period.

MR. SZWENDER: Then a supplementary, Mr. Speaker. Could the minister indicate when an answer on the proposal could be forthcoming from the government?

MR. BOGLE: Mr. Speaker, the chairman of the Edmonton government caucus communicated early this afternoon to Mr. Ed Leger, the negotiator for the city, that Executive Council did indeed deal with the matter this morning and did give approval to both the memorandum of understanding and the terms of reference document.

#### **Hazardous Materials**

MR. BRADLEY: Mr. Speaker, yesterday I was asked a number of questions with regard to capacitors. I'd like to advise that Environment Canada has the authority under the environmental contaminant Acts to require the registration of all PCB equipment. I understand also that the federal government is preparing a comprehensive, Canadawide PCB phase-out program to be implemented once PCB disposal options are available. PCBs have already been phased out in certain specified industries, such as the animal feed and food processing industry.

Large industrial capacitors which have been used in the electrical distribution systems can contain from one to 20 or more litres of PCBs. These units must be registered with the federal government, and permanent records are kept on their location and conditions. Small electrical capacitors, such as the one the hon. member presented in the Legislature yesterday, are generally in older electrical equipment, and they may contain from one millilitre to 50 millilitres of PCBs. These capacitors are sealed and usually contain very little free liquid, the majority of which has been absorbed by the insulating media. I also understand the federal government does not consider these items to be a significant environmental contaminant, due to the small number, low volume, and nature of them.

I was asked whether or not the department had undertaken an inventory of this material. We have not, Mr. Speaker. We feel that the responsibility for the sale of this equipment lies with the federal government, through the federal departments of Environment and Consumer and Corporate Affairs. However, I will be requesting the federal authorities to require manufacturers of this equipment to provide labels to their retailers advising of the PCB contents of such equipment.

I was also asked with regard to awareness programs. The federal government has published a booklet entitled Handbook on PCBs and Electrical Equipment, which is distributed to individuals and companies who request information on the maintenance, care, and handling of PCB equipment. In addition, Mr. Speaker, the department will be preparing for wide distribution a brochure on the storage and handling of PCB containing equipment.

#### **ORDERS OF THE DAY**

MR. SPEAKER: Might we revert briefly to introduction of special guests?

HON. MEMBERS: Agreed.

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

MR. PAYNE: I'd like, Mr. Speaker, to introduce to you today and to the members of the Assembly no fewer than 130 grade 8 students from Wilma Hansen junior high school in the Calgary Fish Creek constituency. They are accompanied, understandably, by one dedicated and hardworking parent, Mrs. Branston, and by seven teachers: Mr. Dyer, Miss Ehlert, Mrs. Farmer, Mrs. Driscoll, Mr. Longmore, Mr. Klein, and Mrs. Brunner. I believe they're in both galleries. I would ask them all now to rise, Mr. Speaker, and I would encourage the members today to bid them a warm welcome.

MR. STROMBERG: Mr. Speaker, it's quite a privilege for me to introduce to you and to the members of this Assembly 27 students from the Countryside Christian school located in Edberg in my constituency. Along with the students, we have their teachers: Alphae Friesen, Ken Isaac, Fern Toews, and Alana Fast, who is a teacher's aide; and parents Mr. and Mrs. Gerald Goossen, Mr. and Mrs. Don Isaac, and Darlene Isaac. I believe they're in both galleries. I would ask that they stand now and be recognized by the Assembly.

MR. PAPROSKI: Mr. Speaker, in my enthusiasm in introducing the Royal Canadian Sea Cadet Corps, Warrior, I neglected to mention two citizens that accompanied the sea cadets, two citizens I might add that have volunteered hundreds of hours to the sea cadets in Edmonton. They are Lieut. James Humphries and Sub-Lieut. Andrew Twigg.

#### **head: MOTIONS FOR RETURNS**

CLERK: Motion 137, Mr. Martin.

MR. CRAWFORD: Mr. Speaker, I wonder if I might ask that that stand until Thursday.

MR. SPEAKER: Having heard the motion by the hon. Government House Leader, is it agreed?

HON. MEMBERS: Agreed.

MR. SPEAKER: Anyone contra? It is so ordered.

#### **head: MOTIONS OTHER THAN GOVERNMENT MOTIONS**

210. Moved by Mr. Purdy:

Be it resolved that the Assembly urge the government to

- (a) consider increasing the extended flat rate calling limit to 40 miles, and
- (b) consider adopting a policy whereby the cost of increas-

ing the limit would be shared by the consumer, Alberta Government Telephones, and the government of Alberta.

MR. PURDY: Mr. Speaker, it's my pleasure this afternoon to move Motion 210 on the Order Paper.

This particular resolution has been before this Assembly for some time. In the research I've done, on most occasions the government and AGT have reacted to the request of citizens throughout the province. I'd like to go into a bit of history of the extended area service, which it was called in the 1950s. At that time it did away with a number of the mutuals. The first area to have extended area service was south and west of Calgary: Blairmore, Bellevue, Coleman. At that time the radius for extended area service was extended to 12 miles. There were two particular reasons for doing that: it gave better telephone service and, secondly, saved a lot of money for the telephone companies. There were two reasons for that: it reduced the demand for operators and also reduced the manual processing of bills. I'm sure some of the older hon. members who lived in rural Alberta and some of the urban areas can recall that each time you made a telephone call, there was a 10- or 15-cent charge on that mutual exchange.

The history within AGT was kind of stagnant for a number of years, and then in 1967 it was changed to a 15-mile area. Seven points were identified in that particular advancement to 15 miles. At the time ACT along with the government indicated that the policy was formalized to look at, number one, adjacent communities; number two, strong community interests; number three, sufficient toll traffic. Number four was the 15-mile range; number five, economically reasonable; number six, public approval from resulting rate increases; and seven, the approval of the Public Utilities Board. The Public Utilities Board has always been involved with AGT in rate increases.

In 1969 the program was halted by the previous administration because it was too costly. The government changed in 1971, and in 1972 the policy was changed to 30 miles. The 30-mile criteria had a number of points in it, and I'd like to read those into the record, Mr. Speaker. There would be no bypassing of a viable market centre in favour of a larger town or city; the third point was that the rate would be determined by function of distance and number of phones accessed; the fourth was the acceptance of extended flat rate calling; the associated rates would be determined by mail-in plebiscite; and the metropolitan fringe areas for Calgary and Edmonton were defined.

What is causing some real problems in rural Alberta is the mail-in plebiscite that was held in 1972. On a number of occasions I have attempted to have AGT do another plebiscite in those rural areas. They have refused, saying that there was one vote and one vote is all that's necessary. But we've got to consider that a lot of things have happened from 1972 to 1985, which is about 15 years. A lot of people have moved to rural areas. When the initial plebiscite was taken, the interest wasn't there to phone the next-door community, because in some instances the trading population pattern hadn't changed. It certainly has now. Many of these should be taken into consideration, and that's why I have asked a number of times to have other plebiscites taken in various rural areas. I'll be outlining some of those rural areas later in my presentation, Mr. Speaker.

When extended flat rate calling was increased to 34 miles, AGT and the government dropped the extended area service and renamed it extended flat rate calling. A lot of questions are being asked. What is the present policy? This

reflects back to the policy position paper presented to this Legislature in 1973. For the information of the hon. members of the Assembly, number one is the rate of function of phones accessed in distance; every customer in an exchange service is charged the same monthly flat rate regardless of usage. The second point is that for rate increases over 50 cents a mail plebiscite is conducted, with the service being approved by more than one-half of the ballots favouring it. In other words, if there is going to be an increase of over 50 cents per month, it has to be done by plebiscite. A viable market centre may not be bypassed in favour of a larger town or city. The other point is that in the province right now there are 256 extended flat rate calling routes in service. The other point that's very important — and we have to be cognizant of it as members representing various areas — is that once a decision is made, it takes roughly two and one-half years from the time of approval to the actual fruition of EFRC route. The other point that's important for a number of citizens is that there are 53 Alberta exchanges that do not have extended flat rate calling.

Another plan that took place in 1980, and that I had a fair involvement in, was the optional calling plan. I personally don't think the optional calling plan has worked that well for the citizens of rural Alberta. I say that because you're charged a set fee and are allowed either 15 or 30 minutes at that set fee. The problem is that the subscriber cannot find out where those calls were made. The other thing that doesn't work very well is that it's only one way. So people can phone from one exchange for a half hour at so many dollars, but people from, say, the city of Edmonton can't phone back into that exchange.

A number of exchanges in my constituency have particular problems, and I would like to enumerate some of those, Mr. Speaker. As I said earlier, we have 53 exchanges in the province that don't have flat rate calling. One of them is within my constituency, and that's the summer village of Alberta Beach. I see that there are a number of citizens from Alberta Beach in the gallery, including the mayor, Russ Taylor, and a number of other interested citizens. I welcome them to the Assembly this afternoon.

The Alberta Beach exchange is very old. It was taken over from a mutual many, many years ago. I indicated earlier that they are one that doesn't have access into any other exchange. It goes back to the 1972 vote. I have attempted to say to the ministers responsible for AGT over a number of years that we should have another vote in Alberta Beach. As far as I'm concerned, it's ludicrous that a neighbour who lives on the other side of the summer village of Sunset Point has extended flat rate calling into the city of Edmonton but the businessman or the resident of Alberta Beach doesn't have that privilege. The majority of children who attend school in Alberta Beach either attend Onoway, Darwell, or Rich Valley, which means long-distance calls every time they want to make a call. If they want to call the RCMP in Stony Plain, it's another long-distance call. So all the functions carried out by the residents of the summer village of Alberta Beach are long distance unless they were fortunate enough to buy a line into the city system. There are about 12 or 14 lines into the summer village of Alberta Beach from the city of Edmonton.

We held a meeting with a number of citizens and the minister back in January, and this is one of the reasons this resolution is before the Assembly today. My suggestion for Alberta Beach — and I feel very strongly about this — is that that particular telephone exchange could be done away with and included wholly in the Onoway exchange,

which would then give the residents and the subscribers to the phone system extended flat rate calling into the city of Edmonton. I think that would eliminate many of their problems. Extending it to 40 miles, as the resolution suggests, would also look after the concerns of the summer village of Alberta Beach.

Another exchange I represent is the Devon exchange. This is the area north of the North Saskatchewan River. We've tried for some time to have that particular exchange put into Spruce Grove, Stony Plain, or Edmonton, and we haven't been very successful. They are into the same problem as Alberta Beach: if they want the police or the fire department or if there are problems at school, it's a long-distance call. This is the problem they're facing.

Another exchange in the constituency is Keephills. It's a small rural exchange which has extended flat rate calling into the town of Stony Plain, but that's all they have. The majority of the people who made representation to me indicated that it should be into the Edmonton exchange. There are a number of companies in the Keephills area that bought single-line service from the city of Edmonton.

Another exchange is the summer village of Seba Beach. It doesn't have extended flat rate calling into any other community and could very well be incorporated into the Wabamun exchange. Their problems are identical, Mr. Speaker.

The last exchange is in the village where I reside, the village of Wabamun. We're right at the fringe line of 34 miles — the same as Alberta Beach. On a number of occasions we've made representation that we would like to see that particular exchange given access to the city exchange. We do have access to Stony Plain, which is a help, but the majority of businesses require phone service into the city exchange.

Some time ago I questioned the policy of AGT, and I haven't really been able to get an answer out of them. From reading the '73 policy, it is my understanding that it is from boundary to boundary and not from toll station to toll station. After the large annexations took place around the cities of Edmonton and Calgary, it looked like a change was made. We've asked the minister about that a number of times, and they've indicated that, no, it was always the policy. But from information I have otherwise, I still firmly believe it is from boundary to boundary and not from exchange to exchange.

Another concern has to do with the whole rural area across Alberta: four-party-line service. There are many farmers and businessmen in rural Alberta right now that need single-line service, but single-line service is very, very expensive. It works out to about \$500 to \$750 for between a quarter and half a mile. It's unfair to these individuals, and I think we as a government, along with AGT, have to look very seriously at supplying single-line service to our rural areas and getting away from this four-party system. We're in a different world right now, and we've made some real advancements in telephone service in this province. We are advancing every day and the technology is there. I don't think it would cost that much to do a complete program in the province of Alberta to get away from the party-line system and go to single-line service.

Going back to the second part of the resolution, the question is: who's going to pay for it? It's a user-pay world and we pay whatever the cost is going to be through fees and rates. I understand that moving with this resolution to extend it from 34 to 40 miles would cost the Alberta government, AGT, and subscribers a total of about \$25

million; in other words, about \$8.5 million divided amongst three parties. And it may work. If the people in the summer village of Alberta Beach had the opportunity, they would probably participate by paying a larger monthly rent on a phone when they know they are going to have an added service.

It's interesting, Mr. Speaker, that this particular resolution was also passed at the Conservative convention in Edmonton this year. It was a very lively debate, and the people who moved it and spoke on both sides of it have to be congratulated, because the debate brought out both sides of the motion.

Mr. Speaker, when I look at the cost of telephones and look at my telephone bill, and it's higher than my power bill, I wonder what's going on. The great cost to a utility company is the fuel — the coal, the gas, or whatever it takes — to fire that plant. AGT doesn't have that. They don't have any overhead costs like that, and I don't think their debt load is as great as a utility's debt load. Why telephone bills in the province are so high is beyond my comprehension.

When I look at the highway as I leave Wabamun to go to Edmonton at 7 o'clock in the morning, I meet a fleet of yellow vehicles heading west, and I think that's one of the causes. I firmly believe every employee in AGT must have their own truck. I'm not sure. There might be one or two in the office that don't have one, but if you look at the Spruce Grove yard there must be 75 to 100.

MR. R. MOORE: They slip up once in a while.

MR. PURDY: They may have done that, but I'm saying that there are a lot of vehicles out there. I went downtown one day from my office at Wabamun, and sitting around the cafeteria were seven or eight AGT trucks. They were probably having a coffee break, but I don't see why they have to have seven or eight trucks for one exchange that has maybe 500 subscribers. This has been my concern for some time. At one time it was stated that AGT had the largest fleet of vehicles in the province of Alberta. That might be good for the economy, but it's sure not good for telephone users such as you and me, Mr. Speaker.

I'm going to conclude on those remarks because I'm sure other hon. members want to get into this debate. I'm looking forward to the results, and I'm sure my friends from Alberta Beach are also looking forward to the continuation of this debate. Thank you, Mr. Speaker.

MRS. CRIPPS: Mr. Speaker, I'm almost sad to rise to speak on this motion. I think I've spoken on it twice before. The first private member's motion I introduced in June 1979 asked that the policy of the 34-mile limit on extended flat rate calling be reviewed and that the mileage for that telephone service be extended. If I remember the debate correctly, there were 12 speakers in a one-hour debate, and all favoured the extension of that mileage. So I really am sad to be back here in April 1985, talking about the same problem and getting nowhere fast.

In fact, it was well documented that in the interests of serving Alberta, the need for flexibility was paramount. The Member for Stony Plain outlined the original mutuals, which consisted of small areas that could be served by overhead lines and, for the most part, were built by the communities themselves. We still have the exchange areas in these little, isolated mutuals, and there's never been any consideration that I can see given to making these mutuals that were

established 20, 30, or 40 years ago — I think ours was 28 years ago — into larger units so they can better serve the people in the community and in surrounding communities.

Mr. Speaker, in northern Alberta the major trading area may be a distance of 75 miles, and in that case it's far more important to take the communication and trading area into consideration than to restrict the long-distance service to 34 miles. If you're driving 75 miles to pick up a part and they don't happen to have one, it's twice the expense of driving 34 miles to pick up that part. If you happen to be within 34 miles of the city of Edmonton and can't find the part at one business, you can surely find it at another. So again, it's far more important to be able to call your trading area if you are farther from it than if you are close in.

Mr. Speaker, the number of phones in the Winfield exchange is 540. I counted them a little while ago during question period. Actually, I didn't count each one; I only counted one line. It's one page of the phone book, and we pay \$6.75 to have the privilege of phoning that one page in the phone book. I also have a phone in Edmonton, and I pay \$9.15. I'm not a fan of Edmonton Telephones, but I can call probably half a million phones in the city of Edmonton and also call Leduc, Beaumont, Fort Saskatchewan, Stony Plain, and St. Albert without paying any additional long-distance fees. That's only a few of them. I think there's a basic inequity when I can phone 540 phones in Winfield. My average phone bill, by the way, is well over \$40, and I think you'll find that's true of most of the people.

The residents of Winfield, for instance, must pay long distance for any business whatsoever, as the Member for Stony Plain outlined for the various areas in his constituency which do not have extended flat rate calling. They have no access to doctors, police, machinery dealers, garages, or even local government. Of necessity, you must make a long-distance call for the same service that people in a major urban centre take for granted. At the present time the phones merely constitute a community convenience, and the community should have telephone access to a viable market town. Quite frankly, I don't think the 40 miles the member has indicated will serve the best interests of the other communities in Alberta which are not presently served by extended flat rate dialing. It will meet the needs of some of the communities but it certainly will not meet the needs of all, and I'm thinking especially in terms of northern Alberta.

Consideration should be given to the shopping pattern of the community and to the accessibility of local government, police, businesses, hospitals, doctors, and the necessities of the livelihood of each community. The farther the trading centre, Mr. Speaker — and I want to emphasize that — the more important it is to have extended flat rate dialing.

In our area we, too, have been served by optional area calling, which is a flat rate for adjacent areas or for the 50-mile limit, and the Member for Stony Plain outlined the problem with that. Firstly, you don't receive any information on where the calls are made, just a total time. That's inconvenient. Also, it makes the benefits very questionable. If you knew you made 10 calls to one of the adjacent areas, the information on the benefits would be much more readily available. It's useful, but the adjacent areas are at one price and the 50-mile limit is at another. I agree with that, except that you can't take both; that is, you can't take the adjacent areas and the 50 miles. You take either/or. That means you pay twice as much to call the 50-mile area

as you do to call the adjacent areas. In my area I've also found that new phones hooking up to the Winfield system are not given the information. I imagine that's true of Seba Beach or Alberta Beach or wherever. New phones hooking into the system or new people applying for telephone service are not given the information. I recently talked to some people who've been hooked up for a little over a year, and they didn't know they could have access to the optional rate calling. Surely to heavens, if that service is available, new subscribers should be given the information.

Mr. Speaker, I spoke again on this motion on March 18, 1982, so I'm making another plea. As chairman of the utilities caucus committee, my constituents expect some change. Quite frankly, my own home exchange is the most poorly served, and I hear about it constantly. I believe I also share with the Member for Stony Plain some of the members of the Seba Beach exchange, because I get calls about the lack of long-distance service out there.

I only want to say that in my March 18, 1982, debate I gave some history — and I won't repeat it — dating back to 1907 and the provision of telephone service to rural Albertans. I emphasize the word "service". Surely it's time to stop procrastinating and provide service to all rural Albertans. Mr. Speaker, I hope this is the last time I speak on this motion.

MR. GURNETT: Mr. Speaker, as a newcomer to the Assembly, I'd just like to add a few comments to the debate on this motion. It's good to hear the tradition I'm following, of rural members speaking in favour of some action in connection with telephone service in rural areas, so I'm happy to indicate that the situation hasn't changed. Speaking as someone who has had a lot of recent contact with people in rural areas who live with some of the difficulties being addressed by this motion, I can assure members and you, Mr. Speaker, that the situation continues to be difficult and continues to be one of those things that adds a little irritation when people look at some of the other inconveniences they have to accept and some of the major difficulties they have to deal with in connection with living on the farm these days. This situation with regard to long distance adds just one more problem. The Member for Stony Plain has summarized very well the situation many of us put up with, so I don't think it's necessary to spend time dealing with that. But I can say that there's no question that in some of the exchanges in my area people are not satisfied with the current situation and feel it creates a great deal of inconvenience in their lives.

My feeling, though, is that what's really needed is not to continue to extend the flat rate calling system and simply have one more limit that's a little farther out, but to look very specifically at the kinds of needs that exist in each area of the province and attempt to meet those. The effort to deal with a viable marketplace situation is an attempt to do that, but I don't think that's going to be solved by simply drawing limits and saying "This is the area for extended flat rate calling," whether it's 40 miles or whatever.

What needs to be accepted and recognized in this province is that people living in rural areas have a right and a necessity to have access to telephone service. Society is now such that we can no longer say that this is a privilege or an option. We have to recognize that there are a lot of reasons why that should be as accessible to us as it is to people in more heavily populated areas. For example, if we're going to guarantee that every person in rural Alberta has access to all the commercial, emergency, educational,

and medical services they need and to the social organizations they have contact with, in some cases 20 miles may do, in some cases 40 miles may do, and there are places in my constituency where it would have to be a longer distance to do it properly. When we talk about a viable marketplace, we have to be sure that we don't identify a community that offers a very limited number of services and that is basically not going to meet the real needs of people but seems to on paper. We have to look at what's actually needed by the people.

Mr. Speaker, I think there are already enough extra costs borne by people in rural areas that it's unfair to look at this kind of telephone service as a source of revenue. In fact, the second part of the motion, which indicates that some of the costs should be shared by the consumer, should not be on an equal-thirds basis but should in fact recognize that we shouldn't be paying significantly more for telephone service than people in areas where they have access to a very large number of possibilities in their exchange. If calling over a longer distance were available, I don't think many people in rural areas would be opposed to a small increase in the monthly charge they're paying, but I don't think the difference in forgone long-distance revenue should be made up with their having to accept anything like the proposed equal third of the difference.

I know that there are areas in my constituency where people cannot call even the school their children attend. They can't find out from any grain elevator whether they can deliver grain. They can't do any of the things that I'm discovering you can take for granted in the city, that you can just pick up a telephone and do anytime you want. As I said at the beginning, I think the life-style in rural Alberta is now such that that's not an option any more in any sense, and we have to take firm action soon to recognize that and act as if that's true.

I also want to comment just briefly on the problem with party lines in rural Alberta. I know that's not directly addressed in the motion, but it's part of the difficulty faced by people using telephones in rural areas. The Member for Stony Plain made some reference to this. A week ago I was very surprised when I arrived home on Friday evening and discovered the private line that I'm being given as a member to use for confidential discussion had been installed in my home. I went in and there was the new line. It was a surprise to me, because I had assumed that the reason this extremely high fee is charged for single-line service in rural Alberta related to their having to install another line and that the mileage distance meant there was a big cost. Even at that, I think the Member for Stony Plain makes a good case when he indicates that rural residents also need the privacy of single-line service. But I discovered to my amazement that providing me with single-line service at my home didn't in fact require putting in any additional line. It apparently required flicking a switch at the exchange in Spirit River and adding a little something to the service that went into our house — and we had single-line service. If that hadn't been part of my being a member here, I would have ended up paying several thousand dollars for the same provision of that switch being flicked. As we address this motion and decide to not only take the action proposed by this motion but move ahead quickly with even firmer action that provides the service as it's really needed and without any significant additional cost for members, I hope we'll also continue to look at the need to recognize that all Albertans have a right to single-line service as well.

Mr. Speaker, I support this motion as an interim measure and look forward to a motion that would very quickly move

us to a situation that would give true, fair telephone service to rural Alberta as well as what exists for people in settled areas. Thank you.

MR. DROBOT: Mr. Speaker, in rising to speak on Motion 210, to consider increasing the flat rate calling to a limit of 40 miles and a three-way cost sharing, I would like to stress the importance of this motion to rural Alberta. Representing an area where this principle would be very applicable, hopefully we can act on this worthy proposal. The flat rate program has been a great blessing in providing a service to various communities, where they do business, their children attend school, and the parents have access to a service that is vital to rural telephone customers. The extension of the calling limit to 40 miles is a very reasonable request.

Mr. Speaker, extending the 40-mile limit will more adequately serve our rural residents and fire departments and ambulance services. Senior citizens in lodges and homes will have an extended service to call their families in nearby rural areas. As many of these seniors move into larger centres to be closer to hospital services, et cetera, they can still keep contact with their families on the farm. Also, the 40-mile calling area will take in a wider section of rural residents and give them access to their trading area and services that are needed, as today's farmers are very dependent upon service centres and agricultural services.

I must commend the Member for Stony Plain for bringing this motion forward. We all remember 1969, when the then government said that the rate was too high. In 1969 the local member for our constituency was the Minister of Telephones. He told our delegation: "It can't be done. The cost is too high. To give you people the services out, you are asking for the impossible." I was part of that delegation. We couldn't phone our market centre 16 miles away without going long distance. However, in 1972 the service was extended, and in 1973 the limit was set at 30 miles. The present limit of 34 miles needs to be extended and this motion covers it.

In society today the telephone has become a must. In agriculture we phone our DAs for weed chemical information, repairs, all of our service centre needs, et cetera. Perhaps a bit tongue in cheek, Mr. Speaker, mother needs it for her gossip club, daughter needs it to compare homework and keep in touch with her dates, and I need it for my neighbourly bull sessions. So by extending the flat rate calling limit, our horizons will be broadened without getting a nuisance bill because we need to call a larger, broader sector. If given a choice, I know our rural residents would certainly call for it.

Mr. Speaker, I could go on at length about the necessity for extending this service. We all know the business reasons for the extended service, and the reasons for extending mileage are many. Today rural agricultural areas have many aches and pains. Let's salve some of them by providing this extended service.

Thank you.

MR. STROMBERG: Good afternoon, Mr. Speaker. This reminds me of my first involvement in this building, perhaps 15 years ago. I was with the Camrose Chamber of Commerce as their first vice-president and was with a delegation from the village of Bawlf, east of Camrose. Bawlf was somewhere within a dozen miles of Camrose but happened to be about 200 yards beyond the AGT extended boundary at that time. This delegation met with St. Paul's former M.L.A., the hon.

Ray Reiersen, whom the member made reference to. We explained to him why we should have this service, and Mr. Reiersen said, "No, if it's 200 feet out, too bad." I even offered to move the town of Bawlf 200 feet closer to Camrose, which didn't go over too well.

Mr. Speaker, reference has been made to the private phone. In today's rural community, farming business is big business; there's no question about it. They need the private phone, but getting a private phone will cost an arm and a leg. I've heard quotes of \$1,200, \$3,000 — horrendous prices. There are a dozen lines going by that residence and only two are being used. It's very simple for AGT to do some tinkering and connect those lines, and I can't see how that should be at a price of several thousand dollars.

In the past, AGT experimented with a little black box that they came up with, for about 120 bucks. It went under the eavestroughs and gave you some sort of privacy on your line. I guess the box was too successful — that's my opinion of it — because maybe AGT wouldn't be making all their revenue. They claimed the box didn't work, and they were going to work on it. They've been working on it for four years. Believe you me, Mr. Speaker, I can't understand it, with all the technology in AGT, all the research they're doing, what's available throughout the world. My suggestion is that they get busy with that little black box so we can get some private phones.

Mr. Speaker, a problem that comes up that is just a little off the point of extended flat service is the yellow pages. Every once in a while some business in my constituency contacts me that they are not listed in the yellow pages. If your business is not in the yellow pages, that is a one-way street to going broke. One five-year-old Camrose company in the business of eavestroughing, fixing furnaces, and cleaning chimneys has had to go to radio, fliers, stickers, and the local press to do their advertising at a cost of approximately \$3,400. Guess what? AGT offered them something like \$450. That company had five employees; this afternoon they're down to one.

What I can't understand is if you're going to do business with a company or anyone — why can't AGT give you a contract? I want a phone put in here and I want some service put on at another farm. I can't even phone Camrose; I've got to go through this kind of cute-sounding voice in Edmonton. She tells me that in about three months somebody will be out to install my phone for approximately X number of dollars. I have no contract. Why can't AGT operate as a business and say, "Look, if you're going to advertise for so much a month in the yellow pages, for gosh sakes, I want that in writing"? I was getting desperate enough that I was going to ask Mr. Leger if he would extend his services to Camrose.

That reminds me, Mr. Speaker, of another little episode we had with AGT a few years ago. Application was made by a church congregation to install a phone in their parish, because the minister who was coming in wouldn't come unless he had a phone. Application was made on June 22. AGT said, "Sorry; June 21 is the deadline. We can't plow in your line when the equipment comes this fall." I could never understand that. The equipment came into this area east of Wetaskiwin — a big Cat, and you know how for every worker they've got to have about five of those yellow trucks — and they plowed in the drops here and there, but they wouldn't put one into the parish.

MR. HYLAND: They should have seen their MLA.

MR. STROMBERG: They did, and the MLA suggested to them that they string up a barbed wire telephone that winter and start correspondence with Bell Canada to sell out the line to them next year, form a company. Gee, that got action. They brought that Cat and equipment from somewhere west, by Drayton Valley, just to plow in that one-eighth of a mile.

However, Mr. Speaker . . .

MR. SPEAKER: If I were not so fascinated by the interesting remarks being made by the hon. Member for Camrose, I would have more reluctance to draw to his attention that what we're discussing is another topic.

MR. STROMBERG: I agree with you, Mr. Speaker, but you've never been without a phone.

In closing, Mr. Speaker, if AGT makes a mistake on the yellow pages, let them pay — they made the mistake. Before I lose all support in my constituency, my suggestion is: please, let's sell AGT to someone; let's get out of the business.

MR. COOK: Mr. Speaker, I'd like to speak for a few minutes and offer some balance to the question that's been discussed so far. I'd like to speak from the perspective of a city person who is going to be forced to foot the bill for this social service program for the rural areas. The proposal is that the cost of this new policy would be shared by the customer, the AGT commission — basically, the cost would be spread over the system; reading Edmonton, Calgary, Red Deer, and a few others — and the government of Alberta, also reading the taxpayers, most of whom live in the cities.

This almost goes back to the discussion we had yesterday on redistribution and the balance in the Legislature vis-à-vis urban and rural and that perspective. I think this is a good example of the need for some more urban representation to guard the taxpayers and ratepayers and the people who pay the phone bills in the cities of Edmonton and Calgary and other areas. I'm a little concerned when I see this suggestion. I appreciate that there is a need for rural service and that rural people have to be able to contact the business area closest to their residences, but a 40-mile radius seems a little generous to me. I'd like to hear some more reasons from rural members why we ought to vote in favour of this subsidy.

MR. CLARK: Mr. Speaker, I guess I'd better get up and defend our rural people.

I'd like to take this opportunity to congratulate the Member for Stony Plain for bringing this forward again. The telephones in rural areas have a long and expensive history. Just for the benefit of our city cousins, I think maybe we'd better explain some of that history. A couple of years ago, when I was just a kid, our phones were on barbed wire. Our phones consisted of the top wire of a fence from one neighbour to another. We used the top wire to keep it out of the snow and so the cows couldn't go through it quite as easily. It worked pretty well, surprisingly enough, but it had a lot of hazards, with the cows and the snow. We ended up forming mutual telephone companies at our own cost. The mutual telephone company had an advantage because we had a central exchange in the nearest small town. In my area it happened to be 26 miles away. These exchanges ran lines out. The central exchange had

several advantages. We could call central and we could finally talk long distance at a price.

There were a lot of disadvantages, because the AGT system developed along the lines and it became apparent that these lines were not maintained well enough. We couldn't use them in the sense that we use our lines today because of the static on the lines. We maintained them ourselves and we had to improve them. AGT came out and said: "Either that or we're going to cut you off. We're going to cut your whole exchange off unless you improve your lines." So we spent some more money; we put in double lines and tall poles. Farmers still tried climbing these poles and maintaining these lines; I was one who did. It wasn't until the system went underground that we ever developed a phone line in rural areas that was successful. Strange as it may seem, I've got to congratulate the Alberta government on that because in the rural areas in Alberta we have one of the best phone systems anywhere in Canada. There's no doubt in my mind about that.

Still, there are some problems. One of the problems, as the minister well knows and as has been explained by the rest of the members is that we have gone from 10 miles to 12 miles to 15 miles and then 30 and then 34; now we're looking for 40. But there's one area in this whole place that has been neglected and forgotten and that is exchanges that have never had flat rate calling and are back where the rest of them were in 1971 or before. In 1971 there was no flat rate calling to speak of in the rural areas. There isn't today in many rural areas; 53 of them to be exact, according to the Member for Stony Plain. These are the areas we should be looking at. I have one in my area. It's a small exchange that it started in the '20s. It's a mutual and still has the same service. It can call one service station and one little corner grocery store without going long-distance. It covers about a 60-square-mile area, and every farmer pays from \$150 to \$200 a month for a telephone. This is where I think you should start, Mr. Minister.

The reason this exchange has no flat rate calling is quite simple. They said they couldn't agree. It was a widespread exchange going east, west, north, and south of Hussar. They said they couldn't agree on where they wanted to go: 48 percent wanted to go one way and 51 percent the other. We had two plebiscites, and they were still the same. The same people wanted to go north and the same people wanted to go west. But the people out there had decided that if they got a second vote so they could get everybody in to vote, they would go by the majority. They did that, and the results were the same. Then the Public Utilities Board stepped in and said: "No, you can't go anywhere, because we can't allow people who don't want to pay that extra charge to pay so much money that they don't wish to pay for telephones." But they certainly neglected the 51 percent who wanted to get some flat rate calling. Now everybody is paying a tremendous amount, and I guess we no longer have the right to a plebiscite because of a ruling laid down by the PUB in an area that I don't believe they had any business in.

In concluding this small speech, Mr. Minister, I would like to see you extend it to 40 miles if that's possible, but I think your first priority is to see that all the rest of the people in rural Alberta are at least able to call their school or their business or some market centre on flat rate calling.

MR. GOGO: Mr. Speaker, I've listened with a great deal of interest to Motion 210 by the Member for Stony Plain.

It's a very interesting motion. I've been equally enlightened by the new agricultural expert from Edmonton Glengarry. It seems to me, and maybe I'm wrong, that two-thirds of Albertans that we hear about between Edmonton and Calgary not only built the province but appear to own the province and quite frankly fail to recognize that it was agriculture and oil — and I don't see many oil wells in Edmonton — that put Edmonton where it is in terms of its services. I think the Member for Edmonton Glengarry is dramatically shortchanging the rural members of this province, but I really don't want to say that to the member because it upsets him.

Mr. Speaker, as I understand it, we in Alberta now have the lowest telephone rates in Canada. I think we're very fortunate with the system we've had. The Member for Stony Plain makes an excellent point. When closing debate, assuming that we end up closing debate, I wonder if he would make reference to my raising the following questions. I don't have any quarrel with the 40 miles; maybe he lives 40 miles from here. In part (b) of his motion I wonder if he would agree that the term "should be shared by the consumer" perhaps should read: shared equally by the consumer, Alberta Government Telephones — which is the user of telephones in most of Alberta; the implication is that it's free — and the government of Alberta. I respect the Member for Edmonton Glengarry with his comment about the taxpayer of Alberta, because I don't know that government has any money. We behave as though we've got all the money, but I understand that we're trustees of the people's money. I would like to see that in as well.

Mr. Speaker, the other comment is that my understanding of extended flat rate is that if you wish to participate in a flat rate you pay for it. If the cost is \$2 or \$3 a month on your phone bill, then I hope people are aware that those who don't make those calls are going to pay for people who do. I guess that's the theory of insurance, where the mass pay a sum so the few can use it.

With those comments, Mr. Chairman, I have no difficulty at all with the motion.

MRS. FYFE: Just several words in support of the motion, Mr. Speaker. This issue of regional telephone rates and extended rates within a major metropolitan area has been raised with me on a number of occasions. There is a great lack of understanding as to why some areas may have extended rates and those that fall beyond that border are restricted. Those that are particularly affected are residents that can call the city of Edmonton and any of the businesses within the city of Edmonton, but that provides an unfair advantage to the urban business as opposed to the one that is closest to their community or one that may be very close to them in a community which may also be the centre for school board offices, regional recreation, health services, and so on. So it provides an undue advantage to the large metropolitan area and a disadvantage to businesses that try to compete with the major centres.

I know that AGT has been sensitive to this concern in some areas, and the choice of having one community dial directly without a charge provides some advantages. But it doesn't go far enough, and it provides unfair competition, which I think we should try to alleviate. When you get beyond the major urban areas, you're dealing with trading centres that don't have to deal with that competition to the same degree as those communities where the small businesses are really struggling to compete with the large urban centres.

As I said, I know AGT has been sensitive and has tried to deal with this in a variety of ways, in fact, it got as far as restricting the distribution of yellow pages, which is appreciated. But I think it would be an important step to expand the flat rate area to the 40 miles. The communities beyond that 40-mile range would be trading centres that would be in a different economic circumstance than those within it.

With those brief words, I support the member's initiatives and his motion.

MR. BOGLE: Mr. Speaker, I would like to make a few brief comments on Motion 210 for the hon. Member for Stony Plain and compliment him for bringing this resolution forward. I think it's very timely in light of the development that has occurred over the past 10 years or so in the extension of the extended flat area program to communities across the province and the more recent experiment by AGT with the optional calling program.

I believe it's very important that full consideration be given not only to extending the range from the present 34 miles to 40 miles but also to sharing the cost. While the hon. Member for Spirit River-Fairview has put forward a suggestion that each rural Albertan should have, in addition to this program, an individual line service provided at no cost, I would only like to say that someone has to pay the bill, whether it's the consumer, the government, or the telephone company.

One of the things the Alberta Government Telephones Commission has been working very, very hard at is to ensure that Alberta Government Telephones can work its way through the difficulties of the past two years. All hon. members are aware of the substantial losses incurred in 1982, losses which were very dramatically cut in 1983. I hope to be in a position in the very near future to table the annual report for 1984, which will see a very remarkable turnaround. Members are aware of the cuts in staff through the attrition program and early retirement, which has seen our total manpower in the corporation reduced by between 1,950 and 2,000 people, as well as in the capital budget.

This resolution addresses the key issue of increasing a service, and it also addresses the question of who should pay for that increased service. I would like to briefly remind hon. members that this government, in its determination through one of its foundation policies and principles to see balanced growth across the province, has provided literally hundreds of millions of dollars to help those individuals living in the rural parts of the province to obtain electrical power and natural gas services. We have not provided assistance to Alberta Government Telephones to provide another very basic service; namely, our telephone service.

In my view, Mr. Speaker, the resolution opens the door for the first time for this House to be able to debate — and with the direction of the government, the commission will be able to fully consider the implications — a sharing of the cost, a shared responsibility between the customer, the telephone company itself, and the government of Alberta.

I would like to conclude my remarks by urging our colleagues and members of this Assembly to support the resolution put forward by the Member for Stony Plain.

MR. NELSON: Mr. Speaker, in taking a couple of moments to speak to the particular motion put forward by the hon. Member for Stony Plain, I guess we need to put an urban perspective on some of these activities periodically. We've heard from the rural members some good debate and argu-

ments that are certainly valid in the discussion. However, I look back on a couple of difficulties that cost the city of Calgary taxpayers considerably over the last couple of years, and eventually will cost them over the next number of years, and that's for electric power through the Electric Energy Marketing Agency.

It's all well and good to discuss balanced growth in infrastructures into our rural communities and what have you. But we do so at what cost? Does Altel Data continue to support this additional cost that we continue to bleed from the private sector by competing with them in many other ways? Mr. Speaker, I ask the question: at what cost to whom? Unlike the socialists, who don't worry about who pays because they think it's a free lunch for everybody, I think that from time to time we have to examine these types of statements and continue on to develop who's going to pay the costs.

In speaking for those citizens of Calgary, I sure hope we're not going to burden them with additional costs to provide other services for our friends in the rural communities or other cities. If such is the case and we continue in this manner, it should not be at the expense of the citizens of Calgary or other urban centres, as hasn't been discussed too well here today.

MR. SPEAKER: May the hon. member conclude the debate?

HON. MEMBERS: Agreed.

MR. PURDY: Mr. Speaker, in rising to conclude the debate on Motion 210, I'd like to thank the hon. members who participated in the debate today. I think a lot of good points were brought out and a lot of points made.

I again have to take exception with the Member for Edmonton Glengarry. I usually do this in this House about every second year, because the young kid from the city of Edmonton doesn't understand what rural Alberta is all about. He doesn't understand that rural Albertans were the first ones here and that the city of Edmonton was built up from that. It was the farmers who came here and started it all in the Edmonton area. If he wants the minister to concur with me, and I think the minister might concur with me, maybe we should just pick up the AGT Tower on 99th Avenue and move it out to rural Alberta. I think the people from Alberta Beach would welcome the AGT Tower in their particular community. We'd take the whole thing.

We talk about efficiencies of the Edmonton telephone system compared to what the member was saying. I just remind the member that when Edmonton Power was generating their own electricity, they didn't make any money. But when they started buying it from TransAlta, they made \$14 million last year over and above what they budgeted for. So there's free enterprise working for you. A city should not be involved in such enterprises.

The other concern I have about the Member for Edmonton Glengarry — and he's talking against his businessmen in downtown Edmonton. He's talking against the businessmen he represents in Edmonton Glengarry. I don't think the other members from the city of Edmonton agree with him, because every time a rural person from Alberta Beach or Wabamun picks up a phone and phones a businessman in Edmonton, he's doing business with him. I think rural Albertans should have that particular power to pick up a phone and phone the businessman to keep him ...

MRS. CRIPPS: In business.

MR. PURDY: In business. That's right.

The hon. Member for Lethbridge West asked a couple of questions. He inferred that I had a personal axe to grind because I may live 40 miles from the city of Edmonton. Mr. Speaker, I don't have a personal axe to grind, because I work for my constituents and for Albertans, not for myself. He also asked a question about why I didn't include the word "equal" in the second part of the resolution. We considered that when I drafted this resolution. I didn't think we should commit this Legislature, if this particular resolution is passed, to any consideration of who should bear the costs and in what proportion. The third question he asked was about who pays for the flat rate calling. It's the subscriber within that particular area.

Mr. Speaker, I ask hon. members to support this particular resolution.

[Motion carried]

211. Moved by Mr. R. Moore:

Be it resolved that the government require that the course of studies of physical therapy include training in remedial gymnastics and recreational therapy.

MR. R. MOORE: Mr. Speaker, I can assure you that this motion will benefit both urban and rural equally.

Mr. Speaker, I would appreciate the unanimous consent of the House to make one minor amendment to this motion. That minor amendment would replace the word "require" with the word "suggest". It would then read:

Be it resolved that the government suggest that the course of studies of physical therapy include training in remedial gymnastics and recreational therapy.

The reason for that is that the government is not the sole person engaging the curriculum or the training requirements in any profession, so we would suggest it to the bodies responsible for that rather than require them to.

MR. SPEAKER: May I put that to the House? Has the hon. member finished dealing with the proposed change?

MR. R. MOORE: Yes.

MR. SPEAKER: Just so everyone is clear, of course, it's understood that a member may not amend his own motion. But what the hon. member is proposing is quite in order: that with the unanimous consent of the House, the motion as put on notice be changed by taking out the word "require" and replacing it with the word "suggest". Is there unanimous consent for that change proposed by the hon. Member for Lacombe?

HON. MEMBERS: Agreed.

MR. SPEAKER: Is anyone contra? It is so ordered.

MR. R. MOORE: Mr. Speaker, I'm free to introduce the amended Motion 211, which will give recognition to a rehabilitation process that has been developed over the years and definitely proven its contribution to getting the injured back to full health. The average citizen doesn't know much about this process. Perhaps I could explain it in layman's terms so they understand more about it.

Remedial gymnastics is a treatment of an injury or disease by movement with or without apparatus. It includes all forms of exercise, games, and recreational activities. It treats

people individually, in classes, or in groups, and it also works in any given area — hospital wards, pools, or specialized units. In place of electrotherapy and massage, the gymnast concentrates on all forms of active treatment, which involve progressive and resistive exercises involving springs, pulleys, and other such apparatus approved for the treatment of given injuries.

I should point out, Mr. Speaker, that this motion does not take anything away from the high standard of training and the fine quality of service provided by physical therapists. I'd like that understood. It advances another process that could possibly broaden the scope of an already excellent service. The motion is intended to note the important services provided by remedial gymnasts and recreational therapists and to ensure that the philosophy and the skills of their profession are taught in courses of study of physical therapy, thereby broadening the area of treatment and giving more opportunity for rehabilitation of injuries.

MRS. EMBURY: In rising to participate in this debate on Motion 211 today, Mr. Speaker, I wish, first of all, to acknowledge the Member for Lacombe in bringing this topic before the Assembly. I'm very pleased that there was unanimous consent for the amendment to the motion. I'll try to temper some of my remarks slightly, in view of what I was going to say in addressing the original wording of the motion. I appreciate participating in the debate today, mainly because it gave me the opportunity to study and learn about remedial gymnasts — the history of that organization, the members, and their education. I have certainly gained an appreciation for the specific skills and the probable concerns they have when they realize they as an organization may become an extinct group. Hopefully, that's the process of evolution, and a lot of good things will come out of debating this motion in the Assembly.

In addressing this motion, my remarks are based on my experience as a health professional, an educator, and also an MLA. In all of the above roles, I have some reservations with this motion, based on three concerns which I will outline. Secondly, I will expand slightly upon this motion to mention a couple of more pressing issues that I feel are facing the broader field of physiotherapy in the province.

I think this motion has the potential for setting a very dangerous precedent. It is, after all, asking the government to suggest course content to a university program. This seems to me to be highly inappropriate. The impetus for change, if required, should come from within the university community in concert with the relevant professional association. In this case the association is, of course, the Alberta Association of Chartered Physiotherapists. As a member of the government, I do not want it to appear that we are threatening the autonomy of either the university or an individual professional association. That is my first concern with this motion.

My second concern is with the negotiations surrounding the creation of a new Physical Therapy Profession Act, which the Assembly passed in November of last year. I understand this Act will be proclaimed sometime this summer. This also brings the concern regarding the specific knowledge and skills which remedial gymnasts possess and which they would like to see integrated into the course content for physical therapists. In contacting the University of Alberta physiotherapy department, I found out that the four-year program is an extremely extensive and comprehensive program. To add more knowledge to this program could possibly extend it from a four-year to a five-year

program, which I don't believe is at all appropriate for an undergraduate degree in today's society.

There could also be a great deal of financial implications when you change course content or particularly introduce a skill component which might require extra equipment. The University of Alberta physiotherapy program has been subject to an extensive review in the past year. In fact, program changes have recently been made and are scheduled to be implemented in the fall of 1985. So I think upgrading the standards and program content is an ongoing process within a university program.

Without boring or possibly educating the members of the Legislature too much in learning theories, I would like to mention a point about a course taught at the university. One thing for certain today is that it is not possible to teach in any undergraduate program all the knowledge that everybody deems should be a requirement of that course. Those that have been in a university setting either as a student or as a teacher will realize that the university style of teaching is one of process as much as dealing with straight factual material. Generally, this is done today by the teaching of concepts. Students learn to analyze a vast amount of information and, hopefully, develop their own thinking process.

The reason I mention that point is that I do not think it is necessarily a problem that all the base content that remedial gymnasts feel should be in the program necessarily should be there. I really can't imagine that it's a problem to integrate some of their major concerns to help them develop the skills and knowledge which is necessary when they graduate from the physiotherapy program.

I can well appreciate that the remedial gymnasts in this province are concerned, particularly when they are going to be submerged under another association. I can sympathize with them. However, I do feel that there are more pressing issues that should be faced in the field of physiotherapy today in Alberta.

In speaking with the physiotherapists in my constituency, the foremost problem facing their field is the shortage of physiotherapists that exists today. At one time we were extremely fortunate in this province and probably elsewhere in Canada to have physiotherapists immigrate, primarily, I believe, from the British Isles. They certainly provided a much needed service in this province. If anybody is aware of the program that exists at the University of Alberta, you will know they have a maximum enrollment of 44 students. And do you realize that last year over 700 students applied for that program? You can certainly see how popular a program it is. I think it is extremely tragic that the program cannot be expanded to meet the needs throughout this province.

Another major problem is the number of physiotherapists that practise in rural Alberta. This is a problem that must be addressed so that people in the rural communities will be able to receive the same type of treatment as they do in the cities. I understand some jurisdictions have attempted to solve this problem through the use of incentives. One such program in Thunder Bay, Ontario, has offered a \$5,000 bonus for physiotherapists, similar to the physician incentive allowance implemented in December by the Department of Hospitals and Medical Care.

To summarize very briefly, I have raised three problematic areas with this motion. Number one, the appropriateness of the government's suggesting to the association and the university that they change their curriculum. This is not to say that the university doesn't work with the Department

of Advanced Education. They do work hand in hand, and I'm sure the government has input to that system. But I really believe the impetus for change should come, first of all, from either the professional association or the university community. Secondly, the importance of not appearing to bypass the extensive negotiations between the respective parties when the physiotherapy Act was created. Thirdly, the implications such a motion might have on our current physiotherapy program at the University of Alberta.

As I said, I have raised two other more important issues that I think must be addressed immediately in this province. They are, number one, the shortage of physiotherapists and, number two, the recruitment of physiotherapists to rural and remote areas in Alberta.

In conclusion, I wish to listen to the comments and the debate by other members of the Legislature before indicating my support for or against this motion.

MR. DIACHUK: Mr. Speaker, I was instrumental in some of the early discussions with the hon. Member for Lacombe. I want to thank him for doing the amount of work he has carried out and also recognize him as a member of the Occupational Health and Safety Council. He is serving not only his constituents but this province very well. I want to say that by being a member of the Select Committee on the Workers' Compensation Act and the Occupational Health and Safety Act, he is well qualified to introduce this resolution.

I want to say to my good friend the MLA for Calgary North West: let's not hold that university so high and mighty that it can't even be given some advice. I hope that we from the lowly levels of the Alberta Legislature can give some advice to the university people. That's what I gathered was her first concern — that we're going to set a dangerous precedent. Well, I trust we're not going to set any dangerous precedent.

We're actually going to assist in what really has been a concern to not only the remedial gymnasts but some members of the medical profession. I want to take the liberty of referring to just a few statements and messages I received in my role as a minister from several doctors that are well involved in the work of rehabilitation. I know they will welcome this. Dr. Campbell Fowler has spent years working in Alberta as a staff member of the Workers' Compensation Board. He met with me some time ago, and so did his superior, Dr. Dufresne. Here is what they indicated. For the benefit of the members of the Legislature, Dr. Fowler says this:

I have had the privilege of observing the evolution of the art of orthopaedics as a separate speciality from its infancy, developed from the work and teachings of Hugh Owen Thomas ...

This was in England.

A gradual change in this approach took place in the early years of World War II. During the Battle of Britain, the Royal Air Force suffered crippling casualties and became acutely short of trained pilots. It became critical that those who had survived with injuries be rehabilitated as soon as possible and returned to front line service. It was at that time that Watson-Jones and his colleagues were applying the philosophy of active physical rehabilitation ... and by their example and teaching leading their contemporaries to do likewise. To assist them in their work, physical education instructors were seconded from the Forces to the hospitals and convalescent units and they played a major role

in the process. Their success in no small measure contributed to the winning of the Battle of Britain.

He goes on further to state:

After the War, with demobilization, the source of physical training personnel began to dry up, so training programs were set up and the training syllabus was expanded to be pertinent to civilian recruits. Out of these schools came the Remedial Gymnasts and Recreational Therapists as we have known them.

Rather than just allude that it's only the medical people on staff at the Workers' Compensation Board, I also refer to a communiqué I received from a Dr. Robert Henderson in private practice. He very much supports the teaching of remedial gymnastics being incorporated in the program of the physical therapists here. In all their communiqués, Mr. Speaker, they support the fine work and excellent training that goes into the physical therapist program at the University of Alberta. Dr. Henderson says:

I am, therefore, heartily of the opinion that the art of remedial gymnastics and recreational therapy should be approved and registered under the Health and Occupational Act, as an independent profession, allied to physiotherapy. Furthermore, I feel that it is essential that facilities should be provided in Alberta for the training of individuals, to a greater extent than we have at present.

Mr. Speaker, I just want to echo some of my colleagues who shared in the visits during the select committee hearings. We saw some fine examples, particularly in some of the rehabilitation centres. The one that comes to mind is the St. John, New Brunswick, facility, where most of their staff were graduates of the remedial gymnast and recreational therapist program from the United Kingdom. They were doing group work and accomplishing things that I strongly believe — and I echo the medical doctors that have communicated to me — should be incorporated into the program of the physical therapists. May I only add, Mr. Speaker, that this in no way takes away the excellent work.

I would like to make one more reference, to a conference I attended just last August in Seattle. The conference was of the American Association of State Compensation Insurance Funds. Dr. Glen Gordon, who is well known in the western United States, is involved very much in the program of athletes in the workplace, the recovery of athletes, and athletes in industry. He says the program they have developed in the United States with respect to rehabilitation of athletes can now be well accepted in industry to aid the rehabilitation of the injured worker, the disabled citizen.

I want to say that this was just further evidence to me of the work and training that has been carried out in the two institutions in the United Kingdom. We should even, as the original motion said — but I will welcome the amendment. We should suggest that the responsible parties incorporate it and that the physical therapists accept it, because even in our late discussions of Bill 22, the Physical Therapy Profession Act, last year, we had some real concern about the future of the remedial gymnasts and other graduates to continue to be able to practise their profession in this province.

I want to say I welcome this, Mr. Speaker. I think it will enrich the program of the physical therapists, and I look forward to the support of the rest of the members of the Legislature.

MRS. FYFE: Mr. Speaker, I'm not sure I can provide any length in my remarks this afternoon, and that will be a

great relief. But I want to make a few comments in support of the motion put forward by the hon. Member for Lacombe. I will support this motion because it provides the basis of therapy for the injured or patients who have certain disabilities. It provides a certain kind of incentive that is not necessarily there with conventional physiotherapy.

With due respect to the hon. Member for Calgary North West, I think we all respect the fact that universities have academic freedom. That is a long-cherished tradition in our democratic world and something that should be preserved and respected. However, I'm not sure that the motion would necessarily have to restrict the course content to the physical therapy program.

Some of the questions I have in my mind that I have not been able to ascertain are why the program in Britain is being discontinued and why there will not be facilities to train in the gymnast type of therapy in future years. So if the member has any answer on what the case might be in the United Kingdom, I would be most appreciative of learning it when he closes the debate.

However, I would like to reflect on several of the rehabilitation centres I saw as a member of the workers' compensation select committee. We saw a number of them. One of the problems with an injured worker, for example, is that if there is chronic or long-term pain, there tends to be a loss of incentive to do exercise that would rehabilitate that person, particularly if it's a situation in which it is very difficult to relieve the pain. I think that many of us — not all of us, because there are some jocks in the Legislature — don't have much time to exercise. Many of us don't take enough time to exercise. It never seems as much fun to go running, jogging, or maybe even walking as it does to walk perhaps with a golf club in your hand, or some way in which there's a form of competition, a form of togetherness that provides a different kind of incentive. So you get the fraternity of being with friends or associates, plus you get the benefit of exercise.

MR. GOGO: Empathetic understanding.

MRS. FYFE: Yes, empathetic understanding.

In my understanding of this form of therapy, remedial gymnastics, it often brings people together in groups and provides a particular incentive that not only encourages that individual to exercise and receive the benefits while the therapist or the gymnast is working with them but also allows them to continue on their own. From that perspective I see that the philosophy behind remedial gymnastics is extremely important.

Recognizing that the concern raised by the Member for Calgary North West related to academic freedom and the Legislature's not directing the kinds of programs, it seems to me there are maybe two ways around this particular consideration. One is that the Minister responsible for Workers' Health, Safety and Compensation may wish to consider some form of funding that would be transferred to that academic institution. It's amazing how additional dollars transferred provide an incentive for new programming or the inclusion of new courses. I could not suggest what those dollars might be, but it's something that may be of very direct benefit to the rehabilitation centre that is under the minister's responsibility. Perhaps there could be some co-ordination between the programs. If that is not possible or feasible, then it may be worthy of consideration as a new program established under, for example, one of our technical institutes such as Westerra, which is looking for its program

scope. It may be an area where some of the programming could be provided in a different institution, without having a four-year undergraduate training program.

I certainly see benefits, and I would like to have this possibility explored. It's worth while having the Minister of Advanced Education in attendance this afternoon to hear these important comments on an area that would provide relief to people in our society who would be the beneficiaries of this kind of special therapy.

With those comments, I urge members to support at least a further study of the potential of expanding remedial gymnastics within the province of Alberta.

DR. CARTER: Mr. Speaker, it's indeed a pleasure to stand and speak to this motion this afternoon. It's an issue I could say is near and dear to my heart, but that's not true. It's near and dear to my kneecap. What that really means is that a couple of years ago I had to give up curling, which was a very difficult transition for me. The hon. Member for Calgary North Hill realizes that, because he and I used to curl against each other. I don't want to impute that he managed to mess up my knee. But at any rate, one of the difficulties of being involved in active sport is that it does catch up to you eventually. I was never certain whether or not the knee surgery I had to undergo was simply from curling. I think it really had to do with another occupational hazard of having to be on one's knees quite a bit.

That gets me back to the matter of the motion. Indeed, any member of the Assembly who has had to undergo physiotherapy in any form, whether in active treatment or as a passive recipient, realizes that we owe a great debt of gratitude to the people involved in the health care profession, especially those who are able to get the various bits and pieces of our anatomy working again. In particular, any injury that involves skeletal damage or impairment is very difficult because you have the interrelationship of the muscles and nerves as well as the matter of the skeleton.

In the cartilage operation I underwent, the surgeon assured me that he had only one cut to make. But when I came out of the surgery, I discovered I had two incisions, because when he got inside, he discovered multiple injuries rather than what had shown up originally. Carrying on from that, I found that one of the most difficult things for me after surgery was having to come to grips with the physiological pain, yes, but also the psychological hurdle: when was it safe, or when would it not give one pain, to put weight on the foot and try to make the whole leg move as it ought to?

As I was reading through the notes in the amount of preparation that was given to Motion 211, I found that in physiotherapy much of the treatment is of what could be styled as a passive nature. You lie there and have someone do it to you, whether it be with the use of electronic-assisted equipment, for example, or massage. While that is very essential and useful to recovery after illness or injury, there's also the point where you have to get yourself physically involved in making sure that the limb, for example, works.

I was quite surprised to discover that they kept measuring the calf and thigh and that shrinkage was taking place around the limb as compared to the other leg. Then it came to the stage where you had to get into the business of doing the muscle exercise in terms of the triceps or whatever, then after that the seemingly simply action of putting weight on your leg again, and then getting that more than a little

bit of pain by doing it. Of course, when you get pain you choose not to do that particular activity if you can possibly avoid it.

But there's the psychological aspect as well in that type of injury, because you've been immobilized. As is the case with all of us — or practically all of us in this Assembly, as outside — we take for granted our mobility. We also take for granted the fact that we can cure almost any situation that comes along in our lives. It's only at the last minute that we resort to the fact of going to a surgeon to have such a thing as a cartilage operation, and then we realize that it's not only slow motion; it's stop action.

One of the things I discovered in my relationship with therapy was that you had to get accustomed to the new concept that you couldn't do things as quickly as you could before: to work through the various stages of therapy; then once you're able to walk on crutches, the frustration of walking on crutches, especially when it comes to stairs; the matter of how long a stride you can take without having the crutches slide out from under you and then reinjuring the limb that had already hopefully started healing; then the transition to using a cane. In all of that kind of thing, there is a psychological hurdle that has to be overcome, not only from the point of view of pain or reinjury but also in how you deal with a hopefully temporary change in your life-style with respect to mobility.

As members of this profession realize, in actual fact there are many injuries which occur from industrial or automobile accidents, for example, where you will never regain full mobility and some cases, of course, where you're never going to regain your full mental capacity either. Anyone who is engaged in this whole area of physiotherapy or physical training in the line of remedial gymnastics and recreational therapy realizes there are these other aspects involved. It's not just simply — "simply" is the wrong word to use. It's an inappropriate word, but it's the common usage of the word. It isn't simply a matter of trying to make your bones work again. It isn't simply a matter of the muscles and the nerves being regenerated and brought back into condition. I've come to learn that, because now, five years later, I still have some numbness below the kneecap because of damage to the knee.

There's that whole matter of the psychological component. While you can have massage, electrotherapy, and the rest of that kind of follow-up, as mentioned earlier, you do indeed need to get back into the whole matter of action in terms of your life. The psychological aspect can be given support and strength by participation in individual or team sport activity. When it comes to the matter of remedial gymnastics and recreational therapy, oftentimes when you engage in some sports activity of a team nature with people who are going at the same speed as you, I'm sure it also gives more encouragement to you on the emotional side.

Mr. Speaker, I would like to pay tribute to those who are involved in these areas and to make mention of the fact that some of these individuals do work within facilities in our province. I'd like to mention that under the ambit of the Social Care Facilities Review Committee, we have a number of vocational rehabilitation centres throughout the province. It really should be noted for the record that these facilities are located throughout the whole province. We have such places as Bonnyville, five facilities within Calgary, Camrose, Drayton Valley, at least two in Edmonton that were visited by the committee last year, Grande Prairie, Lethbridge, Lloydminster, Red Deer, Rocky Mountain House, St. Paul, Vegreville, Wainwright, and Wetaskiwin. That still doesn't include the complete list for the province.

One should note that these facilities are not simply workshops. They are places where the individual can come to perhaps learn a new trade or be retrained in basic motor skills and also in being able to function again not only physically but emotionally and socially.

Mr. Speaker, in terms of the motion, I'm a little confused as to the differences between recreational therapy, remedial gymnastics, and physiotherapy. I was very interested to read about the historical background that brought the remedial gymnastics component, recreational therapy, into such prominence in World War II.

I speak in favour of the motion and look forward to hearing the comments of those who follow.

MR. MUSGROVE: Mr. Speaker, I would like to make a few comments about Motion 211. I certainly congratulate the Member for Lacombe for bringing in this motion and hope everybody will support it. I certainly see some benefits in physical therapy, particularly in remedial gymnastics and recreational therapy. That's not to say that I don't think our physiotherapists are necessary. As a matter of fact, I would not like anyone to think we were bypassing their profession. Physiotherapy is certainly very important to people recuperating from certain illnesses.

However, therapy is generally quite repetitive and is sometimes carried on for a long period of time. People seem to think that it becomes dull. I think therapy would be a lot more interesting to convalescing people if they had some gymnastics or recreational therapy. Certainly, the people offering this program should have some training — not to the point of a physiotherapist, but they should know human anatomy enough to know that they wouldn't recommend that people do things that really wouldn't be an advantage to their illness.

In places in the United States I see that they put people who are complete paraplegics in swimming pools with a minimum amount of support and leave them in there for quite an extended time. It allows them to move with the water, and it certainly is refreshing and recreational for those people.

To show the importance of physical therapy, I'm reminded of a friend of mine who was injured in an accident involving a junior league baseball team. This person immediately became a paraplegic and was in a wheelchair for two years. But he was determined that he wouldn't spend the rest of his life in a wheelchair. The biggest concern he had was that his leg and thigh muscles were shrinking to nothing. So he said, "I'm going to walk, regardless of what people say." With the assistance of a physiotherapist he got some leg braces and a couple of canes, and the next time I saw that fellow, he was lecturing at a meeting I was at. He walked into the room, locked his leg braces, and stood for three-quarters of an hour while he lectured us.

The last time I talked to him, he was very delighted. He said that although he still had no feeling in the lower half of his body, his leg muscles had grown back to their original size. He said there was some feeling in his toes. That was two years ago. I haven't talked to him since, but he was quite hopeful at that time that he would regain at least some of the feeling in the bottom part of his body. So it just goes to show that determination has a lot to do with therapy, and physical activities go along with that determination.

Mr. Speaker, I think these programs are very important. As was pointed out before, they were started in England during World War II because some of the armed forces

were needed back on the front lines. By introducing physical therapy to these people, they were re-established and brought back into action. It was carried on after the war, and the instructors were generally physical education instructors. It was generally carried on in military hospitals. They decided that similar work should be carried on to the civilians after the war was over. So the British minister of health decided that they should have organized training courses in remedial gymnastics and recreational therapy. This was carried on on a temporary basis until the autumn of 1945. That was the beginning of it.

In Canada in 1946 the federal Department of Veterans Affairs decided to have a program of physical therapy, gymnastics, and recreational therapy, so they set up a training program in Manitoba. But this program lasted only a few months, just long enough to train the necessary number of exercise therapists to staff the veterans' hospitals and rehabilitation centres. Now some of the courses are offered at the workers' compensation boards.

The situation in Alberta is more recent. There were some courses offered in the 1950s. In April 1983 the remedial gymnasts wanted a self-regulated profession under the Health Occupations Act. Of course, this was denied due to the small number of people involved and the phasing out of the British program. In June 1984 the Alberta association of certified physiotherapists agreed to absorb all the remedial gymnasts under the new Physical Therapy Profession Act. In October 1984 the courses were made available to remedial gymnasts. These courses will retain remedial gymnastics to full physiotherapist status.

In closing, Mr. Speaker, I feel this is very important to the convalescing people in Alberta. I think we should have a program for training people to carry on this program. I urge everybody to support the motion.

MR. PAPROSKI: Mr. Speaker, this is such an important debate that I would like to make a number of comments. Unfortunately, in view of the time, I beg leave to adjourn debate.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Does the rest of the Assembly also agree with the motion by the hon. Member for Edmonton Kingsway?

HON. MEMBERS: Agreed.

MR. SPEAKER: It is so ordered.

MR. CRAWFORD: Mr. Speaker, when the members reassemble at 8 o'clock, it will be in Committee of Supply. I move that the Assembly now adjourn until the Committee of Supply rises and reports.

MR. SPEAKER: Is it agreed that when the members meet at 8 o'clock, they'll be in Committee of Supply, and that the Assembly be adjourned as moved by the hon. Government House Leader?

HON. MEMBERS: Agreed.

[The House recessed at 5:27 p.m.]

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

head: **COMMITTEE OF SUPPLY**

[Mr. Purdy in the Chair]

MR. DEPUTY CHAIRMAN: Would the Committee of Supply please come to order.

**Department of the Attorney General**

MR. DEPUTY CHAIRMAN: Has the minister any opening comments?

MR. CRAWFORD: Mr. Chairman, it so happens that I have.

The first thing I want to do tonight, Mr. Chairman, is to thank the Edmonton Oilers for winning four straight in the last go-round in order that we could have members available tonight for the sitting of the committee.

Mr. Chairman, I always welcome the opportunity to give an overview of the sorts of things happening not only in respect to the Attorney General's department but in numbers of other ways, because of the number of ways in which the legal system touches upon the lives of all citizens. Not only is there the legislated base for our law, which is an expression, as close as legislators can make it, of the wishes of the people in a democracy as to what the law should say, but we also have the important efforts that are always made to improve the performance of the justice system and, indeed, to improve the service that can be provided not only by the content of the substantive law itself but by the way in which it is administered and carried out.

There have been a number of interesting developments in the last number of months. This very month we have not only one of perhaps the high points of the evolution of human rights in Canada over recent years in the coming into force of the equality section of the Canadian Charter of Rights and Freedoms, but we have a number of issues that are of particular interest to the law societies and Bar associations as well as to government and attorneys general. The Charter, of course, is of considerable interest in both the private sector and the whole area of the administration of justice. Indeed, it calls upon us to make certain changes in respect to legislation, both federally and provincially, so it also impacts upon the legislators.

I think the law societies and Bar associations have before them a package of their own concerns, issues such as: advertising for lawyers in practice; the question of whether or not media coverage, in the sense of electronic media, should be more in the courtroom; issues in respect to legal aid — that is of concern to the Bar and to the law societies because legal aid services are delivered by the private Bar, although funded substantially by government. Then we have the sort of tendency there is now to a more generalized type of client services, almost a public service approach to the practice of law. We have things like the dial-a-law programs in some jurisdictions. We have the efforts now made each year in respect to law day, to increase public awareness about the legal processes and system. We have an important and increasing concern for resolving client issues, outside the courts if possible, and in speeding up

the court processes, if that can be done, in both civil and criminal law in cases resolved through the courts.

For attorneys general we have a number of issues of interest, developments in the law that stretch not only to Parliament and to the legislatures of the provinces but to international treaties. We have new initiatives in maintenance enforcement, new opportunities and programs in the areas of alternative measures, in particular relative to young offenders legislation, and the contribution that can be made by programs, some of them only experimental, in relation to the very important and sensitive field of family law. I would like to cover a few of these issues with the description of some of the initiatives that are now being taken and then, of course, look forward to the remarks of other hon. members and to the opportunity I will have to respond to more specific matters.

Perhaps the first one I would like to say a few words about — and it may be that I referred on some other occasion in the Assembly to the young persons alternative measures pilot project that has been going on for the last couple of years in Grande Prairie. The purpose of the program is to divert first-time young offenders away from the court process and have them do community or victim service projects and personal development courses. One of the essential cornerstones of this program would be that it relates to the time before a charge is laid and, obviously, before there would be any appearance in court. The police refer the young person into the program, and the Crown either accepts or rejects the referral. The Solicitor General's department administers the program by an agreement with the young person and ensures that the terms of the agreement are carried out. The program is aimed at young persons who allegedly have committed offences, usually minor property offences under the Criminal Code. It requires that the young person voluntarily participate in the program and that the victim be invited to voluntarily participate as well. Through this process the young person avoids the court process and the potential consequence of a criminal record. The young person has to be a first-time offender with no prior adult or youth court criminal record and no prior involvement with the alternative measures program.

Some of the measures available that a young person in the program might perform, as distinct from heading into court and having the determination of his case made there: he might perform up to 30 hours of personal service for the victim, perform community service work, make monetary compensation to the victim, or attend a correctional centre visitation program or specific counselling or intervention programs, and may participate in a victim reconciliation program and comply with the terms of the agreement relative to his particular transgression. The terms of the agreement cover the responsibilities of that young person in respect to the victim.

I think those are important developments, Mr. Chairman, in the law as it is administered relative to young people. It points to broad opportunities, I think, to benefit the young first-time offender. The early indications from the pilot program show that the vast majority, some 80 percent, are first-time offenders and in the period the program has been in force have not re-entered the system in any sense of difficulties with the law.

Some of these issues are so important and so interesting, Mr. Chairman. I do not want to fail to cover some of them and will try not to be overly long on each. I think another very interesting initiative is the Edmonton custody mediation project, which began this January and in which the Attorney

General's department along with the Social Services and Community Health department in Alberta are involved. One need only hear of its objectives to see the potential it might have for solving difficult situations in family law. The program applies to divorce proceedings and guardianship actions involving custody or access disputes. There are two steps possible within the program. One is closed mediation, where the trained mediators, at no cost to the parties, attempt to help them to agree on a solution to their custody or access dispute. If that is unsuccessful, the second step, open assessment, is available. Primarily at their own expense, but that may be partially supported if there is need, the parties would select an assessor — an outside psychologist, psychiatrist, or social worker — to prepare a custody assessment report, which would contain a recommendation concerning the type of disposition that should be made in respect to custody or access in the best interests of the child.

The participation of parties in either aspect of this program is voluntary. The statistics were beginning to emerge last week: with 37 cases having been referred through the project, 10 were settled after closed mediation, 14 recommended for open assessment, and 13 still ongoing at the closed mediation stage. That's only 37 cases, but the program has only been in existence for four months. The success of the program depends upon lawyers in private practice utilizing the services available. They have all been advised by way of solicitor and client brochures. I suppose it's possible that adjustments would be made to the program as it evolves, but the concept is excellent, and in my view it undoubtedly holds considerable promise.

In closed mediation all of the communications and admissions made by the parties or the mediator during the sessions are confidential and are made on a without-prejudice basis for the purpose of effecting an out-of-court settlement. It's provided by staff of the family conciliation service. The open assessment is different, as I mentioned, in that the closed mediation session had by that point failed. In the open assessment communications and admissions are non-confidential and might be used by the assessor in preparing a custody assessment report and could be admissible as evidence at the trial of the action. This program in Edmonton has already received some public notice and some encouragement, I think, from practitioners and other observers.

The whole idea of trying to move through mediation and conciliation is something that has attracted the attention of the legal profession in a much broader sense. I have referred to the area of family law, but not long ago one of Canada's distinguished jurists, Mr. Justice Allen Linden, decided to apply his thoughts to the whole question of what lawyers can do both on the criminal law side and on the civil law side in order to serve the interests of clients in perhaps a less confrontational way than would usually be contemplated by parties setting about to sue one another. Mr. Justice Linden quoted with approval another writer in a recent article, and I can paraphrase. Much of this simply pointed out that clients do want settlements, not trials.

He then goes on to discuss the rather new vehicle of the pretrial conference and points out that that welcome addition to the system is one by which the court can achieve settlements instead of trials in many cases. He suggests that family law is a typical area to bring clients closer together, and of course it's not limited to that. He further makes the point that criminal lawyers should try to settle cases wherever possible. A lawyer indeed owes a duty to his client to raise every issue, advance every argument, and ask every question

if he thinks it will help his client's case, and to obtain for the client the benefit of every remedy and defence authorized by law. However, Mr. Justice Linden points out that this doesn't mean that a defence counsel should advance every possible defence no matter how frivolous, nor does it require defence counsel to take every case to trial or to take every trial to the highest court.

I think some of the most cogent observations are made in respect to Crown attorneys. He points out that they must ... try to promote settlement of criminal cases. They should encourage pleas of guilty by providing full and early disclosure to defence counsel, and by ensuring that the appropriate charge has been laid by the police. They must discourage defence counsel from taking trials on relatively unimportant matters ... by encouraging pleas of guilty in lower courts. They must withdraw charges when convicting the accused would serve no useful purpose. In general, their conduct should be consistent with the traditional view of the Crown's function, which excludes any notion of winning or losing.

Another relevant point made is that perhaps this is all important to the law schools, that courses in mediation and negotiation must be offered and classes on alternate ways of resolving disputes and avoiding litigation should be taught in courses such as civil procedure, criminal procedure, and administrative law. Many other distinguished members of the Bench and Bar have spoken on that same issue in the last couple of years. One hopes that the profession is indeed undergoing a change in direction and that the negotiation and conciliation processes will bring the benefits that are hoped for.

Recent amendments to the Criminal Code which would formalize the idea of pretrial conferences in criminal matters have been introduced into Parliament. Probably one other area that should be looked at in the same context, because it has to do also with pretrial meetings, is the efforts that are being made in a number of jurisdictions to improve the efficiency of the courts and to bring cases on with as little wasted time on the part of not only the accused but all parties who could be involved, in all cases where that's possible.

A recent report in the Canadian Bar Association's own publication refers to one such initiative in Winnipeg, where a trial co-ordination program has been established to assist the court and counsel in setting trial dates to improve the utilization of court time and minimize the overtime costs for the police. Defence counsel attend at docket court, and if a not guilty plea is indicated, the case will be adjourned to the office of the trial co-ordinator for a two-week period. It's then possible, without having to formally appear in court, to make an appearance before the trial co-ordinator any time during that two-week period to schedule the trial date. Each Crown attorney involved in the experimental trial co-ordination program takes one office day per week, and the co-ordinator actually gets the Crown counsel's schedule so that he can arrange defence counsel meetings. That's another effort in the right direction.

Mr. Chairman, those are some of the areas in which efforts are being made to vastly improve a system for carrying out civil litigation, and similar principles apply to the expeditious carrying out of the criminal law side, the conduct and scheduling of trials.

Mr. Chairman, because I think the department's estimates are of interest in that respect, I would also like to note very quickly that we have a number of initiatives which

are either being continued or initiated this year to improve efficiency within the department. The court automation project has been operational since 1983. All of these areas really cover areas in which we are able to make use of electronic data processing systems. My purpose is to show how usefully that's being done. Under the court automation project the public now can pay fines at any court location throughout the province. The system does provide provincewide monitoring of criminal and traffic cases.

Another exciting initiative is the computer-aided transcription system. That has proved extremely successful and has increased efficiency in both the speed and accuracy of court transcripts. Another one which has very recently been undertaken and is expected to be operational perhaps this year but fully implemented by 1986-87 is the civil and sheriff entry system. It's an automated system proposed to replace the existing manual system for recording and controlling matters related to civil litigation in the Court of Queen's Bench. We then have the young offenders records system. I needn't say anything about that, except that electronically basing it makes it much more efficient to keep track with one of the considerable requirements of young offenders legislation, and that is the important operation of the destruction of records.

The Public Trustee is also better served with the development of an information system which would provide an automated and computerized accounting system for the more efficient administration of estates. Land Titles and the medical examiner's office are also involved in electronic data initiatives. The Land Titles one in particular, which will be a major one over the years, probably will not be completed for another couple of years but will then provide a massive improvement in what is already a very efficient record-keeping system. Then we have the computerization of central registry which began last year and the developing search capability there as part of the evolution of that system.

Legislatively speaking the new developments of the last year or so don't relate only to Parliament: they go so far as treaties between countries. This one is very topical because it is so recent. Just about six weeks ago a treaty between Canada and the United States was signed, a mutual assistance treaty for expediting matters of investigation and prosecution between the two countries. The treaty provides for examination of objects and sites, exchanging information, locating or identifying persons, taking evidence, providing documents and records, transferring persons in custody, and executing requests for searches and seizures, all of those being subject matters under which the two countries have now decided to make it much easier to co-operate across the border. That will be extremely helpful in both the federal and provincial areas because, of course, the administration of justice being a provincial responsibility by and large, it will help police forces and prosecutors here every bit as much as it would benefit the federal authorities in both jurisdictions.

Just in passing, I would note that less than a year ago the legislation relative to the Canadian Security Intelligence Service was proclaimed, and the current status of that is that the provinces and the federal government are negotiating arrangements to ensure effective co-operation in the area of national security. That is now in the hands of the civilian agency. Although the legislation was controversial when it was introduced some two and a half to three years ago, I believe the work of the provincial governments in making submissions to Parliament and the original work of one of the Senate committees has contributed a great deal to the amendment of what that law was proposed to be, and it brought about a much better system as a result.

Mr. Chairman, two other things perhaps. I did mention the ability the legal profession is trying to develop in various jurisdictions relative to the dial-a-law type of service, another thing that is very well suited to modern technology and to the ability people now have, utilizing technology to serve the public and for numbers of subject matters that can be, I guess, briefly explained to a member of the public who wishes to make a call at such a modest or nil expense. I think the dial-a-law system is going to prove a growing area as well.

The last item I want to refer to by way of overview enables me to keep a commitment to the hon. Member for Spirit River-Fairview, because I've chosen this evening to note that the opinion I asked for in respect to the Societies Act, together with section 40 of the Judicature Act, is now at hand. I promised to put on record something that people could refer to, even though in specific cases they would perhaps want to consult their own legal counsel. A brief overview of the situation would be that section 40 of the Judicature Act, providing as it does that, among other reasons, a person should not be disqualified by sex or marriage from admission to an incorporated society, it's the view of the law officers that that stipulation does apply to societies incorporated under the Societies Act and, of course, is equally applicable to both males and females.

It was pointed out to me that section 40 has a very interesting history. One writer indicated that when this legislation was passed in 1930, it was made retroactive to September 1, 1905, and was really an outgrowth of the famous Persons case, the Legislature of the day deciding that they should resolve that problem by way of that particular provision in the Judicature Act.

I think the only other observation I would make is that there may be some possible jurisdiction for the Attorney General to act in such matters, but it would not be my policy to undertake investigations. Therefore, it leaves him in the situation where, perhaps, all that could be promised at this point would be that specific complaints that were brought forward would be undertaken in the sense of an examination and at least a response to the person making the complaint. It's important to note there isn't any provision in the Judicature Act relative to penalties. It's for that reason I want to say that, although a response would be given to any person making a complaint, there wouldn't be a charge that could be laid. So that probably does underline the alternative procedure I touched upon briefly when I answered the hon. member's question; that is, a person might proceed by way of application to the court for declaration of their rights under those two pieces of legislation. That would reduce the matter to an order of the court in such terms as the court thought appropriate, based on the facts of that particular case. To the hon. member that may not sound like much progress since I answered him the other day, but I think it is. At least it's a clarification of the view of the law officers as to the law.

Mr. Chairman, if I speak any longer, I shall be over my 30 minutes by more than two minutes. Thank you all.

MR. GOGO: Mr. Chairman, the Attorney General referred to the Young Offenders Act, which is the primary responsibility of the Solicitor General. I wonder if, in preparing the committee for next year's budget, he would share with the committee his anticipation in terms of demands on the legal aid fund. I see it's \$10 million or so this year; I think that's only the provincial share. I think Criminal Code matters are made by the federal jurisdiction, so I don't

know what the legal aid fund would be, but I suspect it's probably \$15 million. I wonder if the minister would share with the committee what he anticipates those demands might be now that the Young Offenders Act is just beginning as of April 1 this year. I suspect they're going to be horrendous, because I understand every person under that Act, ages 12 to 18, has access to legal aid.

Mr. Chairman, another question to the Attorney General. I see that ...

MR. DEPUTY CHAIRMAN: Can we have some order in the Assembly, please. There are too many meetings going on. I'd like to have some order.

MR. GOGO: Under the medical examiner's Act, some 4,500 deaths were reported; that's one in every three deaths in Alberta last year. I think this is now the seventh or eighth year for the Act. Maybe the minister could comment as to how this is functioning and if it has any particular problems.

Mr. Chairman, I note there is a dramatic increase of some 43 percent this year in the Crimes Compensation Board, which is an unusual increase. Is the minister telling us that we'd better be ready for either a dramatic increase in crime in the province of Alberta in the '85-86 budget year or recommendations by the chairman of that board for increased compensation? Is that the reason for that increase?

Three other comments, Mr. Chairman. With regard to court services I've noticed, and I'm sure other members have, that last year we had some 25,000 or 26,000 convictions for impaired driving in this province. Indications from the Solicitor General's department are that 5,000 or 6,000 are second or subsequent offenders. The law very clearly states that if a person is charged with a second conviction, there is a minimum of 14 days in jail. My understanding is that very seldom are second charges laid, and I'm kind of curious as to why. Does the Attorney General's department recognize the limited capacity of our jail system? Is that the reason, or is it a technical reason such as notice to the accused?

Mr. Chairman, I note there has been a new thrust by law enforcement officers, to initiate charges on complaints of spouse beating without the evidence or the charge being laid by one of the aggrieved parties. Obviously that cannot go forward without the approval of the Attorney General, because it involves the administration of justice. The police may in fact recommend, but in the final analysis I'm sure it's the minister's department that decides whether a prosecution will indeed take place on a wife-beating charge without that person laying the charge. I understand that's a new initiative, certainly in Edmonton.

The final comment, Mr. Chairman, is really a compliment. For many years we as members of the Assembly have been virtually plagued as a result of gaming activities in the province. Bingos have now hit 100 million, pull tickets 200 million, and lotteries are 94 million, I think. My recollection is very clear that service groups who wanted gaming or had problems with gaming came to the MLA. As a result of that, with the Member for Stony Plain, you established the Gaming Commission. I'd like to compliment that Gaming Commission. Mr. Gardner and the members of that Gaming Commission have saved me, and I'm sure other members of this Assembly, a lot of grief by promptly handling all complaints and appeals of those citizen groups around the province that take issue with the decisions of gaming control.

With those questions, Mr. Chairman, I'd like the Attorney General to respond when he has a minute.

MR. COOK: Mr. Chairman, I propose to be as short as the Attorney General was in ... No, I'm kidding.

Mr. Chairman, I'd like to make a couple of brief comments. I had a chance to watch the Attorney General in action with a group of people interested in women's issues and the Charter of Rights, and I'd like to compliment him for his patience and for a very thorough job in reviewing the impact of the Charter on provincial legislation. I think that's commendable. He takes some leadership in a lot of areas.

I have a concern, though, I'd like to raise with the Attorney General, and that is on impaired driving policies. I think the province ought to be taking a little tougher stand. I realize there's some overlap with your colleague the Solicitor General, but I think we ought to be looking at steps to get the message through to Albertans that drunk driving isn't funny and there are a lot of very serious problems involved. Suspension of licences is an area where we ought to be working a little harder. I realize that's not directly the Attorney General's responsibility, but I think that on a collegial basis we ought to be trying to do that. Also education of judges: I think we ought to be trying to encourage consistency in sentencing. I know from the reports of the PAID group that some judges are very lenient and others are taking a serious look at the charges. There is inconsistency in the sentencing. I don't know how you communicate that concern to the judiciary, but I think we have to ask for using the full limits of the law.

Mr. Chairman, the final comment I've got is with regard to legal aid support. I note that in the estimates there is a 1.5 percent reduction in the vote for legal aid. I wonder if the Attorney General could touch on the reasoning behind that. I've spoken to a number of lawyers in the city of Edmonton who suggest to me that the support for legal aid now is not very generous and that legal aid work is almost becoming a charity effort on the part of some members of the Bar. In criminal law, where a significant amount of the work is legal aid to begin with, that could be very serious in the livelihood of a member of the Bar. A friend of mine was relating to me that his partners are now telling him that he'd better be cutting back on the legal aid work because there's a certain amount of office overhead and he has to bring in a certain number of billings each month to pay for his share. Legal aid can consume a lot of time and not generate many dollars.

With those comments, Mr. Chairman, I'd simply like to say I think the Attorney General's doing a superb job, and carry on.

MR. MARTIN: Mr. Chairman, I have a few areas I'd like to go into briefly and coming out of those areas ask a few questions to the Attorney General if I may. I'm sure the Attorney General would be disappointed if I didn't talk at least briefly about the administration of justice. We've had this debate many, many times in the Legislature, but I would say with some sincerity to the Attorney General that not all people are convinced that things went along well in dealing with the Dial affair. Now that it's basically over, unless something else appears, the Attorney General has made it clear that criminal charges will not be laid. We found later, of course, that the Securities Act, that we're off on a technicality. I'm sure the Attorney General has to wonder — at least I would hope that he has — how this

case could have gone so badly. We did tell the Attorney General and the Minister of Consumer and Corporate Affairs that there was a limitations Act. We all agreed. We knew about it in the Legislature, but it seems either the securities people didn't know that or the Crown prosecutors botched the thing badly.

The problem that occurs through something like this, Mr. Chairman, is that people become cynical about the justice system. I've said this before. I'm sure the Attorney General would agree that if enough people are cynical — and certainly enough of his colleagues in the legal profession are saying it, not necessarily myself. But rather than dwell on the past about how that happened, I wonder if we've learned something from that, if there's a way that this sort of thing would never happen again. We will never know the evidence, but the Attorney General in his wisdom decided not to lay criminal charges. We were told that if it wasn't criminal charges, this could be done through the Securities Commission. It's ruled that the limitations requirements were not met. I, for one, find it difficult to find out how something like that could happen in a case as well publicized as this one. Perhaps the Attorney General can tell us why that happened and why it will not happen again. I think that's what Albertans want to know.

The other area, though, that I believe the Attorney General has agreed to, has been talking about, is the computerized enforcement of maintenance orders. We haven't raised it in the House. I was led to believe, admittedly not by the Attorney General, that there would be some action in this session. I hope that's in fact the case, that we are looking at this. I don't need to tell the Attorney General the problems we now have with enforcement of maintenance orders. I don't need to tell the Attorney General that the poorest people in this society are divorced women. I don't need to tell the Attorney General that we pick it up in welfare at the other end and that the experience so far in Manitoba, I think you would agree, has been generally a positive one. I look at where they've doubled their maintenance orders from May 1979 to '80. All the orders are being enforced. It's done automatically, through the computers. At least from the information I have, it seems to be a system that's working. I was led to believe, admittedly not by the Attorney General but by people that had some access to the Attorney General, that we are looking at this system. Perhaps he could update us precisely where that stands.

The other questions I have deal with the Charter Omnibus Act. I'm a little curious why we have this delay or at least what I perceive to be a delay. The Charter of Rights and Freedoms came into force on April 17, I think. We, of course, expected that we might have our provincial charter fitting into that at the same time. We had tabled it for discussion last fall. At this session are we going to have our Charter Omnibus Act brought in? If not, why not? I would be curious what the problems are.

Another area: I understand that the Attorney General said that if some of our laws, especially labour laws, were ruled unconstitutional, we would opt out of the Charter. Again, I'm hearing this secondhand. Maybe it's incorrect; I hope I heard it wrong. But I wonder if the Attorney General would update us on the opting out, if we in fact would opt out on unconstitutional laws.

The other area, while not a major one in terms of money, has to do with an interest-free loan from the Law Society. I read in the paper that this is just good business. The executive director received an interest-free loan. Mr.

Chairman, I'm not saying that this is a great deal of money. I don't care what private companies do, but it seems to me that when the vast majority of this is coming out of the public purse, it's probably a bad position to get into, because where do we stop with interest-free loans? It adds to the cynicism that people have. Some people have access and can make deals, interest-free loans. We'd all like to have an interest-free loan. Again, it's nothing against the particular gentleman. He may be very good at his job; I'm sure he is. But I really question that sort of approach. We all work for salaries, and we all make our own arrangements, but when you're under the public, we are making deals, if you like, with public taxpayers. If this one executive director can get it, I suppose the question could be made that all government employees should have the same access. I just say to the Attorney General that I don't think it's prevalent in many areas. I know that this is the case in this one I have in front of me. I strongly suggest that that's not a good policy to get into in the future.

I appreciate the Attorney General's answers in question period, but he did leave the door slightly open when it came to casinos that, as I recall — it's not word for word — anybody can come and make representation to the government. The Attorney General said he personally is opposed to the growth of private megacasinos, as I am, and he also said he recognizes the problem with organized crime in that area; it's well documented. I felt in question period that was good that the Attorney General is against it, but he did leave the door open ever so slightly. I wonder if today the Attorney General could categorically assure us that this government will not bring on permanent, private casinos. I won't go into all the reasons again. The Attorney General is well aware of them.

The other area, and I suppose there's not much point belabouring it, is to ask the government if the door is entirely closed on Sunday shopping, if it is going to be left at the municipal Act, or if the Attorney General would reconsider if there is enough public pressure of people wanting the Bill done at the provincial level, similar to — I've used the example before — the retail business Act in Ontario. Have we shut the door completely? I expect it's not the last we've heard of it. Certainly I suspect he's been lobbied since, and I have. The municipalities are not happy; a lot of people are not happy about this law. I'm asking if this is a temporary thing or would the government reconsider and bring in an Act that at least has gone through the Ontario Supreme Court and been ruled valid? Would we look at a Bill like that or like the private member's Bill? I know it's not going to happen this session. I've learned that I can't outvote the government, but I wonder how adamant we are. If there is public opinion on this issue, if it becomes clear that people want a provincial Act and the government listens to these people, is there a possibility that we could come back to a provincial Act? I think a lot of Albertans want to know the answer to that specific question because I think there is going to be a lot of controversy about it in the future.

In conclusion, Mr. Chairman, those are a few areas that I have some questions about. I would like to await the answers to those questions and maybe will have some more questions as a result.

Thank you.

MR. GURNETT: Mr. Chairman, I want to begin by commending the Attorney General in connection with the first-offenders compensation program that was described early

in his comments. This is a program I've been personally involved with in my area, and I know others who are now arbitrators within that program. I'm certainly pleased to affirm that the results of the program are good. Certainly, some of the young people who have been involved in the program rather than being punished, I think, have ended up learning and being able to make better decisions in the future as a result of being part of that whole process, both the discussion that goes on in negotiating what service they'll perform and in fact working out the decision that's made about what they owe to the injured party. I am glad to have a chance to commend the Attorney General and not just be complaining about things that I'm not satisfied with.

I also want to thank the Attorney General for the information about the Judicature Act and the research that obviously went into that. I guess I still have an ongoing concern about the apparent situation where, as we thought at first, it seems as if the law is in fact clear about the status of a society that should choose to discriminate and not permit equal membership regardless of sex. I wonder when the Attorney General is responding in a little while whether he could indicate whether he thinks that it would be part of the Attorney General's department's responsibility to communicate to societies in this province the opinion that he's just shared with us so that they are clearly informed about what they should be doing, even though there may not be a penalty for not doing it; whether there isn't a responsibility to encourage them to comply with the law so that we don't have a situation where it's been clearly said in the Legislature that certain situations should exist and then societies don't receive any particular encouragement to make sure that they do. Otherwise, I fear that if we just let them decide whether or not they want to bother complying and it's up to someone else to choose to bring a complaint, we're saying, "Well, since we can't punish you for not complying, it doesn't particularly matter to us." I'm sure it does matter. We want to have a consistent demonstration that the statutes in this province are important, whether or not they have penalties attached to them.

I had a question that I guess the Attorney General will already have down to respond to regarding the increase in the Crimes Compensation Board budget, what kind of future we can anticipate for that board and what directions it may be taking in the future. I would also be interested in the Attorney General's response, Mr. Chairman, with regard to the information in the report from the medical examiner today. There's a series of recommendations that come out of public inquiries made under the Fatality Inquiries Act that is appended in that report. I'm wondering whether or not that list of recommendations in the report is the full list of all recommendations that have been made at any of the public inquiries or whether that simply indicates the recommendations where some action has already been taken. If it's not the complete list, I'd be interested in how much more extensive the full list of recommendations is that have been made at those public inquiries. So with those few questions, I'll . . .

DR. ELLIOTT: Mr. Chairman, I just want to ask the Attorney General a question this evening. He made reference to the young offenders program in Grande Prairie, where the experiment is involving so many community members and activities. A large number of volunteers come out to work with the court people, the lawyers, the judges, the RCMP, and it is truly working very well. These people are working off their fines as opposed to paying fines and

serving confinement. My question to the Attorney General is with respect to the continued funding of proposed plans for this type of activity in Alberta. Is there a plan for expanding it or continuing it on into the future, Mr. Chairman?

Thank you.

MR. HYLAND: Mr. Chairman, the majority of the comments I'd like to make tonight to the Attorney General are related to the one vote that deals with the Public Utilities Board; that is, the concern about information I forwarded to him from a group of farmers in my area concerned with a rate increase with a gas company, which we'll at this stage leave unnamed. The minister is aware of the information, and I think I'll just deal with the principles of the situation related to the Public Utilities Board, because I don't think it would be fair to deal with the merits of the rate increase. It's related to the Public Utilities Board rate of return on investment to utility companies, and I believe it's somewhere in the neighbourhood of 12 to 14 percent.

Needless to say, farmers who are paying ever increasing costs for their natural gas are very much concerned about the rate of return to the utility company. I would suggest that perhaps we should look at that legislation in respect of other legislation dealing with labour, where we give guidelines of what should be taken into consideration. Maybe we should consider some of those same guidelines to be given to the Public Utilities Board. A 12 to 14 percent return on investment is a very good return right now. When you're sitting in small business and farming hoping to recover your costs and just stay afloat and you see somebody coming in as part of your input costs, especially your high input costs related to irrigation, pumping — and the cost of natural gas for your sprinkler is very high — you begin to think that somebody else should have to live within those guidelines of increased costs.

Also, Mr. Chairman, in the Public Utilities Board, and I may be wrong, but it is my understanding that an increase in front of that board is related to the figures you put in front of it in your cost estimate proposal, and it doesn't have an effect on anybody around you. In my particular case, there are two utility companies and one co-op, three suppliers within very few miles of each other, and there are three distinct, different costs and they vary. Two of them are within a few cents of each other, and one's a dollar higher. I think the point of it is that you can't use as comparison the cost in one area against the other, so you can't use the argument of efficiency but the argument of what each outfit considers the true cost. You can't use the argument that if this guy produces and sells the service for X number of cents or dollars per mcf, how come you can't? That can't be used as part of your negotiations for or against an increase, whichever side of the fence you're on. I think if the information I've got is true, if that can't be done that's something else that should be looked at, because it would get back to our old system of private enterprise, that the most efficient survives: if you're inefficient, you either trim your operation, or somebody else takes over. I think that's something we should look at in that case.

The other comment related to the PUB is that I understand the new chairman has certain feelings to make the hearings in front of the board much more relaxed and in a better form, so that the average person can go to those hearings and express his views and why he thinks the costs should be whatever. He doesn't have to be an expert to go through

a document that may be 200 pages, which may explain why this cost is \$2.50 per mcf, if we use that figure for sake of argument. We look at that, and we have to break it down into minute quantities, and the average person doesn't have that ability. You have to have an expert to do that, and that expertise is very limited. Some companies, I understand, bring people in from as far away as Washington, D.C., to put their arguments together, so you end up with a document that's an inch to an inch and a half thick. I wonder who can really understand them when they're done.

If we can change the hearings so the average person or the average group can go to them and put their view forward—I think of the people in Bow Island; there would be 60 to 65 users in what was a co-op, and they could express their views. As it is now, with the cost of filing with a group, you have to hire an expert, you have to hire a lawyer, and your cost per person is so high that people just let it go, because there's no way you can even keep the cost down enough to recover what it's going to cost you to fight the increase. I think anything we as government can do to assist or encourage the average citizen to intervene in these cases and to make it easier so he can appear in front of the committees, would be a great asset. Whatever we do in that area would help the perception of what the PUB is really there to do. My understanding is that it is to protect the customer and the public in the best way possible, in that they have the expertise to look at the numbers, to say if the numbers submitted in front of them are right. I think any thing we can do to encourage them to do that properly and to work with the public would be a great asset.

Thank you.

MR. WEISS: Mr. Chairman, if I may, I just have a few remarks I'd like to address to the minister at this time. I've raised this concern before. It's with regard to charges laid by the RCMP in small rural communities, and then it involves the minister's department. I believe there could be some co-operation to this effect.

Let me give you a typical example. A small community such as Chipewyan Lake—and I will use the name. Perhaps the RCMP would come in and there would be a liquor infraction charge. They would bring the accused into the nearest community—in this case the city of Fort McMurray—bring the accused before the courts, and the judge would then say this case will be heard on 10 days or 30 days following. Normally, that wouldn't present a problem, Mr. Chairman, if it were in an urban community. But in an isolated community such as Chipewyan Lake, it creates undue hardship, financial strain, and family strain on the individuals. For example, this individual would then have to charter an aircraft to return back to that rural community at some \$250 to \$300 expense. In most cases those individuals do not have that kind of funds, so they're forced to stay in the city of Fort McMurray for up to seven, eight, nine, or 10 days. Generally, this would also see them losing the job, if they had one, in that small rural community, because they would not be able to be back on the jobsite the day after the charge was laid.

I bring this to the minister's attention, asking that perhaps they could use co-ordination through to the Solicitor General's department and perhaps instruct the judges to use some discretion. In cases where there are individuals from rural communities charged, perhaps they could show some compassion and empathy and see that those charges are

dealt with on an immediate basis. When they have been dealt with, in particular in the cases where the accused would then be found not guilty, I suggest there should be some compensation to assist that individual in returning to his home community. Each of us takes for granted that we could appear on a traffic or minor infraction by getting on a bus, going to the city courthouse, paying our ticket or whatever it might be, and going home. If we're not guilty, we still just pay a dollar to go home. Keep in mind that I'm talking \$200 or \$300, and most of the individuals in those communities just do not have that type of money.

Thank you for allowing me to bring that to the minister's attention, Mr. Chairman.

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

MR. CRAWFORD: Thank you, Mr. Chairman. Hon. members have given me a number of items to respond to. I think I can perhaps reflect with some accuracy in answering some of them and less so with some others.

First, the hon. Member for Lethbridge West raised the question of the costs of legal aid, with particular reference to the increase expected to occur there because of the young offenders program. That is something we are still assessing, Mr. Chairman. It's one of those situations where we haven't been in it long enough to know exactly what to expect from it. Some of the considerations would be, though, that some charges in respect to young people would be looked after by diversion programs, and that might mean there wouldn't be a court appearance and therefore there wouldn't be the cost of legal counsel. Some will pay for their own costs. The primary test for qualifying for legal aid is not being able to pay for the legal service, and therefore the individual then applies for legal aid. In cases where that wouldn't apply, those individuals would not be looked after by the plan.

The only other thing I can say about it is that we have had a lot of discussions with the Legal Aid Society on this very point and with some officers of the Law Society, who of course are very interested in the work of the Legal Aid Society. In the result, we've basically agreed that we would work along with it through the first year. They would keep very careful track of the specific impact of this on the program. I think there are arrangements for accounting and administering separately in respect to this part of the program, even though it's being administered by the Legal Aid Society. If we had to, we would look at the question of additional funding during the year and would hope that by next year we would have a much better idea how to budget for that particular item.

Maybe that's a good time to touch upon a point raised by a couple of other hon. members; that is, how the amount provided for legal aid this year could be less than last year, even though only slightly less. The answer is that that's our best estimate. We have on occasion seen the legal aid plan yield a small surplus. We've been looking at the workload and the tariff of fees which together make up the overall cost of the program. There is some extent of recovery of costs from clients. Alberta recovers, as I recall, about 7 percent of the cost of the plan from people who first get the aid and then are able to pay it back. So all of those things taken together have led us to the best estimate that officials could come up with, and that is why the figure is what it is in this year's estimates.

The hon. Member for Lethbridge West asked about the increase in crime compensation, and the answer is so similar to that in legal aid. As difficult as it is to estimate what the Crimes Compensation Board might do, our best estimate this year has been increased because we found that in the last year or so there was at least one year where we did underestimate. We don't want the amount of the estimate that goes into the estimates book to even be thought about by them when they're looking at cases and making their awards. I'm speaking from memory, but I believe I'm right that at least in one of the past two years we did have to come up with a special warrant in the last quarter of the fiscal year. It's based on that type of experience and the number of cases pending that we would have increased it as much as we did. I don't think it in any way reflects the idea that the board is necessarily deliberately making higher awards than they had in the past, although there could be circumstances where that would be entirely appropriate. Over the years the courts have tended to increase damage awards for certain types of cases, and we depend upon the judgment of the Crimes Compensation Board in a similar way.

[Mr. Hiebert in the Chair]

The hon. member also mentioned the second offenders under the heading of impaired drivers and noted that it seemed to him that charges as second offenders were not often laid. What we have there is really a guideline to Crown prosecutors which has been in existence for some years. It is always appropriate to review a guideline in consultation with the Crown attorneys who have the responsibility of conducting the prosecutorial work and with the senior officials in the department. Pretty well every jurisdiction would have a guideline in respect to that. I think the argument that arises really is: why do some other provinces have guidelines that are tougher than the one that we have? Our guideline is one that basically refers to the time frame of one year, and other provinces may go for three. How far back do you look for the previous offence when you are considering laying a charge against a person as a second offender? We can go back beyond a year if the Crown attorney judges in that particular case that that's the proper thing to do. But the more explicit guideline is meant to give some direction as to what should be done when the other infraction, in those cases where there has been another infraction, is relatively recent.

It's partly a matter of proof, of course. That is something I hear every time I raise the matter with the officials in the department: the degree of certainty necessary to prove beyond a reasonable doubt to the satisfaction of the judge who's hearing the case that particular day that this is indeed the same individual. That's the sort of thing where the Crown attorney looks at the chain of evidence that's available to him and has to make a decision. It's my hope that the attorneys who are making those decisions each and every day in the various courtrooms of the province are laying this second offence charge in all appropriate cases. Given the discretion they're entitled to exercise, it may be that it's not as assiduously done as many observers would like. Nevertheless, it's done in the context of making a decision in respect to a specific case rather than a general situation, and I think we have to understand that.

The other area the hon. member raised, and I'm always glad when someone raises this, is relative to the laying of charges in what are commonly known as wife-beating cases.

If that sounds sexist, they're family violence cases. We have had a policy for about two and a half years where, because of the concerns that if the complainant is the battered spouse, that person is too easily subject to intimidation, not necessarily by a potential accused but indeed by members of that person's family or by friends. Our policy has been — and it has been communicated to all of the police forces in the province — that the police officer should lay charges in those cases. I didn't mean to leave the impression that the police officer should be laying the charge only in the case where there may be a beating. But in the family violence type of case, the police officer, indeed, should be laying the charge.

What he has to do, of course, is depend upon the evidence that's available. Sometimes he would have firsthand evidence, because he might have been called there. Otherwise, he would have to investigate and take statements from witnesses. It could be that a chain of evidence could be built up, the medical examination if some injury was extremely vital to what it was that had to be proven, and the evidence might be only the victim, or it might be another person who was present. I mentioned that in some cases the police officer may learn something of the offence when he responds to the call resulting from the particular violence that occurred. Those assessments of the evidence then have to be undertaken by a Crown attorney and see if that is a case, like any other, really, where he has enough to go on to commit the matter to court.

I think it's important at that time that the other side of the equation not show up. That is, once the police have provided the evidence and the Crown attorney has assessed it and laid the charge, it does not well serve the interests of justice if the person who is the victim then comes and make a plea to have the charges dropped at some time on the eve of the trial. Those things happen. Part of our policy, therefore, is not to respond to those situations positively or favourably at all but to carry on with charges in those situations.

That doesn't answer every concern in respect to that area, but I hope it's of interest to hon. members that the policy is in place. It is the one that is considered by most observers, including the parliamentary committee whose report gave rise to some of these thoughts three or four years ago. Those observers along with others generally believe that this is the best type of policy to have. To sum it up in a few words, it's really putting the matter for the actual laying of charges in the hands of police constables rather than victims. That summarizes what the thrust of it is.

[Mr. Purdy in the Chair]

Then the hon. Member for Edmonton Glengarry spoke in respect to impaired driving and sentencing. I think I have partly covered that in answering the earlier question in regard to charges where there are second offences alleged. However, he made a general observation of concern about the level of sentencing and about how judges might vary in their treatment of similar cases. I think only Parliament can deal with that. If there are to be minimum sentences prescribed in certain situations, Parliament must be explicit. The most recent amendments submitted to Parliament in respect to impaired driving increased a number of the minimum sentences and created new offences. I believe, if I'm not mistaken, that that proposed legislation is still before Parliament. It was much discussed last year.

I've also touched upon the question of legal aid funding that the hon. Member for Edmonton Glengarry raised, as to the overall amount, but I believe I also heard him say that the tariff wasn't high enough. That is a difficult matter, because the government as one of the superintendents, one might say, of the joint venture, which is the Legal Aid Society, jointly superintended by the Law Society and the government through an independent board of directors — our view is that the society itself should deal with the legal counsel who are going to take these cases and establish schedules of fees and tariffs. We try not to intrude into that area, and I believe we have succeeded in restraining our intrusion into the area of what actually should happen as far as remuneration in individual cases is concerned.

To be entirely frank, of course, I would say that occasionally I mention to them that the budget can't go up too much year over year, because there is a philosophy that there's sort of an ideal percentage that a legal aid fee for a specific appearance in court should bear, an ideal relationship it should bear to what would be a normal fee in the private sector. This is more complicated than it sounds. But when the lawyer's fee reaches one-third of what he would normally claim if he were in private practice, people usually say that it's sunk too low, and that something in the neighbourhood of 45 percent is adequate and 60 percent is ideal. Then you start saying, "Well, yes, but remember all the cases you handled before legal aid that you never got paid for?" Also note that when you establish a tariff through legal aid, it applies the same to everyone. Am I going to say that because the fee that would normally be charged per hour by an experienced senior counsel is a very substantial one, a junior counsel handling a minor case should have 60 percent of that or 33 percent of that? It is something where I think further discussion would be of benefit. Indeed, along with one or two of the principal officers of the Legal Aid Society, I've had some discussions within the last number of months with representatives of the defence Bar on that very issue. One suggestion was to take a little bit more account of what they like to call the market; that they might be able to have a system where — there are two things, really. One is the market, and there's a second point. The reference to the market is that maybe there should be a way that the Legal Aid Society can really do the sort of thing that a client does; that is, if you're going to get the number one lead-off defence counsel in the province, it is worth more than it is for someone else. Maybe tariffs that are rigid — this, of course, depends on the seriousness of the case too, because you perhaps wouldn't want that in your ordinary situation. But that's just one area of discussion.

The other one is that there are certain types of attendances that aren't necessarily covered by the tariff, particularly with preparing cases. A solicitor in a civil case and the counsel in that firm normally, of course, would charge for preparation time plus court time. Under the legal aid system the complaint is that that is very inadequately handled. If any amount at all is allowed for preparation, the suggestion is that it's very little.

There are other ways that defence lawyers can operate the system to their benefit. I don't think we need to go into that, because nothing is the matter with it. But there are ways in which by scheduling a number of guilty pleas on the same day, for example, with another 30 minutes in the room counsel can triple the fee they might otherwise have had for attending. They do that, and they admit to it, of course. So you have the two sides to this dispute

about whether or not the legal aid system is adequately funded. My belief is that it is fair ground for further discussion. I said that a moment ago, but I want to emphasize it, because the greater the understanding there can be of a system and how it works may, indeed, yield a greater satisfaction by not only the defence Bar but those who are served through the legal aid plan.

The hon. Leader of the Opposition raised a matter with respect to the Dial case, which was so controversial, and I really think it's always important to respond to the hon. leader. I want to do that again. The case is perhaps as good an illustration as I can find of the need for a prosecutorial system to operate absolutely independently of interference. So long as that can be assured, whatever the views in a particular case may be, those who follow the system at all and base their judgments on the facts in relation to it will have the greatest level of confidence in it that they could possibly have.

I would be very, very concerned if there was some possibility for anyone who held a political office to interfere in a prosecutorial decision. I jotted down his words. The hon. leader referred to the case as having been "well publicized." I know what he means by that. He says people are concerned. That's perhaps one of the effects of the astonishing amount of publicity that particular case received. So when he speaks of it being publicized, he really speaks of it being something that people would look at with some measure of concern and which would cause them to wonder about the fairness and impartiality of the prosecution system.

I respond to him this way, as I believe I have before. It would be a very grave thing indeed if a system were ever so compromised that mere publicity would cause a charge to be laid. That would be a grave wound to a very superb system of administration of justice, and that is something that attorneys general must always guard against. That is why they cannot take account of the extraordinary publicity of a particular case.

There are so many examples. I was proud of my colleague in Manitoba in recent months when he was able to say that the demonstrators knew his personal views in respect to abortion on demand but that as the Attorney General he had no alternative to apply the law as he found it. He chose slightly different words, but that's basically what he said. In respect to a similar case — similar because it also involves the abortion laws — the Attorney General of Ontario had in recent months to very carefully state the nature of how the justice system works, what guarantees there have to be of its absolute independence, and how quite impossible it would be for either of them or for me to ever make a decision based on grounds which could be called political in any way — to stand back from the system and see it function in the way it does and which its traditions command it to do.

I want to reiterate something to the hon. leader so that maybe he will more fully understand the way in which I looked at that particular case. It's unusual for me ever to speak of a particular case, yet I think I'm accountable in the Legislature of this province, which is our Parliament, in the same way that the attorneys general in the parliamentary system have always declared that they are indeed accountable. They would not ever discuss a case when it's under investigation, but when a case has been concluded, either by a decision not to prosecute or by a decision to prosecute and the matter has been dealt with in the courts, then it's proper enough for an attorney general to speak, at least in Parliament and here in our Legislature, in respect to such a case.

I remember the Dial case in these terms, and I place this caveat on it once more at the beginning: I have never said what the names were of the people who were involved in the RCMP recommendation to lay charges. Others have spoken of them. So be it. But I will use the name of Mr. de Rappard in this sense. I had briefings probably starting about three years ago by the RCMP on regular, sort of semi-annual sit-downs where I go over to K division's headquarters with a number of senior officials and sit down with a number of their senior officials, and they would run through a list of cases which were current. I know I mentioned this in the House before, but it's part of my summary now. Those cases tend to be very high-profile cases. There were unsolved murders, cases involving motorcycle gangs and the like, and a significant number of commercial fraud cases. We do indeed pay special attention to commercial fraud cases. It was one of the recommendations of Mr. Justice Laycraft, now the Chief Justice of Alberta, when he sat on an inquiry in respect to the Royal American Shows, one of the upshots of how he saw the manner of the presentation of that particular prosecution, led him to say that the Attorney General's department should consider a special unit for prosecutions for difficult and complex cases. And we've got that. We've had that for the last several years. We call it our special prosecutions branch.

I mentioned that with these briefings that I've had from the Royal Canadian Mounted Police — and they cover cases across the province — I was aware that the Dial case was being investigated. At no time did the name of Mr. de Rappard come up in their briefings of me. I described the atmosphere of this briefings one other time. There would be maybe 25 cases referred to, some with presentations by different officers, some with a short memorandum to be read from, others with a small slide presentation, or the like. I think the hon. leader can picture the sort of atmosphere in which something like that would be presented by someone who merely wants to give me factual and confidential information that they think it's important for me to have. At no time in all of that did Mr. de Rappard's name come up. Ultimately, it received certain publicity as a result of other factors. That was when the case took on a special ingredient that didn't apply to other, similar cases. It involved a high-profile citizen of the province. All of the other similar cases that do not involve high-profile citizens tend to be paid very little attention. I think that's established and clear. There are numbers of such cases each year.

The really crucial point is, having given the House that background, what about the involvement of the Attorney General? What about the decision-making process and the independence of the decision-making process? I've previously described that three senior counsel each did his own assessment of that case and of the evidence. It happens that recommendations are made by police, but the Crown attorney's job is not that of a policeman. The Crown attorney's job is that of a quasi-judicial officer who has often been referred to in writings, traditionally in England over the years, as a local minister of justice. Your 100 and more Crown prosecutors in the province of Alberta are, indeed, wherever they may serve in the province, fulfilling that role of the local minister of justice. They act in a quasi-judicial capacity, and their independence is one of the most essential ingredients of the entire system of the administration of justice.

In the special prosecutions branch and in the senior areas of the department that work closely with the special prosecutions branch, in the Dial case four senior counsel con-

cluded and reported to me they had concluded that no charges should be laid in that case. Now, it would be an awesome violation not only of their independence but of the so-important traditions of the administration of justice if I should say, at that point, that I would override that advice in some way. I should say to the hon. leader that I don't know how an Attorney General would override that. I don't think there's any known method by which an Attorney General would override the unanimous counsel of four senior Crown attorneys who give him advice in respect to a specific case.

An Attorney General's role deals with overall policies and guidelines, and there are some cases that by law require the personal intervention of the Attorney General. Over the years the traditions have changed. I'm sure there was a time when treason was such an offence, if not still. There is a requirement under section 281, for example, relative to hate propaganda; the Attorney General must consent before it can go ahead. There are certain other statutes which have similar provisions. For statutory offences, we develop a system which is basically administered simply by Crown attorneys, and although the statute says that the Attorney General must give his consent, it's not normally given personally. So you have the situation where those are the rare statutory cases where an Attorney General must perhaps personally involve himself or at least do so by making a proper designation of the deputy to do that. But in the normal administration of justice, the operation of the Criminal Code of Canada, and the conduct of all those charges, the Attorney General does not play a personal role.

In those circumstances, of course, it came to me to explain what had happened after a decision had been taken. It was proper to do so at that time, because the decision was not to proceed. That's one of the two tests I gave a moment ago. It's proper to talk about a matter wherein the decision has finally been made not to proceed. It's also proper if the matter has already been disposed of by the court, because people may want to have some further explanation than is apparent to them.

Mr. Chairman, I wanted to deal with it that fully in order to express what the administration of justice demands of the attorneys who work within the system and what the long tradition demands of me. I declare again to the hon. leader, just in concluding that point, that it would be quite wrong for me to have made any suggestion to change the recommendation in that case. It would surely be quite wrong for me to do it in any other case as well. I think it would be quite out of keeping with even the oath of office of Attorney General, let alone his personal feelings of his own integrity, to set upon a course which would create the type of interference that would only occur because a matter was highly publicized or, indeed, to set upon a course which would lead him to interference at all. It isn't done.

There were a number of other matters the hon. leader raised. The timing of the Maintenance Enforcement Bill and the Charter Omnibus Bill: I'm so happy to be able to look at Votes and Proceedings. I just pulled them out when he asked that. I know he's seen them too. Both Bill 42, the Charter Omnibus Act, and Bill 63, the Maintenance Enforcement Act, are in Votes and Proceedings today. I can maybe even give a better estimate than that. I think probably the maintenance enforcement one can be introduced this week and the Charter one perhaps next week. The reason they haven't come forward before is that neither of them has proven entirely simple in the way in which the statute should reflect the process. We wanted to give it the necessary

time. Of course, in the Charter Omnibus case we had a Bill that was made the subject of some representations over the winter.

The hon. leader asked about opting out, under section 33 of the Charter of Rights. I could talk quite a while about that too.

MR. MARTIN: Sorry I asked.

MR. CRAWFORD: I'll try to sum it up more briefly. I've wanted the opportunity to say to the hon. leader that one of the documents I tried to find and bring with me that I used in my speech last Saturday in Calgary was the reference to Mr. Romanow when he was no longer Attorney General but was explaining the position of his government when they were in office relative to the Charter. I couldn't find it, but I can paraphrase it. In effect, he said, Saskatchewan had been originally opposed to the Charter. And I remember hearing Premier Blakeney say that. One of the things he said is: "I've been to Phoenix where I can buy something on Christmas day. I don't want to go shopping on Christmas day. I want to have a society where Parliament, in effect, can declare these things, if they wish, to be wrong." That's in accordance with the spirit of parliamentary supremacy.

By the interjection of the Charter of Rights, Mr. Romanow was observing that many things were changed. I think constitutional lawyers in particular and many, many others knew that things would be changed by the Charter. Therefore, the only thing that could be said at the time of those negotiations, which had so many counterbalances to them — after all, the whole amending formula and the revised form in which that was ultimately introduced in the atmosphere of the former Prime Minister's determination to go to London single-handed and bring home the Constitution with everything in the form that he wanted. There were so many developments: the Supreme Court of Canada decision which discouraged him from doing that; the whole idea of whether or not Parliament could act alone; the bringing in of necessary changes to the amending formula that had been originally proposed; and the opting out clause, section 33, without which the Charter would never have been agreed to. I truly believe that the provinces would never have agreed to chuck the parliamentary tradition of supremacy entirely, so they had to have an opting out clause, and that was agreed to. It is every bit as much a part of the Constitution as any other provision in it. I like calling as my witness my respected former colleague the former Attorney General of Saskatchewan, because those were his views.

The interest-free loan that the hon. leader raised: nothing can be said about that except that the board of the Legal Aid Society chose to enter into that. It would be extraordinary if anybody in that position of the board making an arrangement like that checked at all with my department or the Law Society. That was not done. It may be subject to some criticism, but I heard both the president of the Law Society and the president of the Legal Aid Society defending it publicly not long ago. I think it need not engage much of our attention this evening.

Quickly, on the question of casinos — and the hon. leader and I seem to tend to agree on what should happen there. I guess the only thing I would say is that if there were to be a change in policy so that the Gaming Commission would be enabled to consider the application for the major, commercial-type casino, which I believe they cannot now do under existing law and policy; if either the policy or both the applicable law and the policy were changed, then

the people who are the proponents of that scheme would be entitled to a fair hearing. That's the sort of impression I wanted to have of what may develop there. My own prediction is that changes won't come that soon in the policy or in the criminal law and to that extent to make it a topical issue, but should that happen, then it's only fair to hear them out.

I have nothing to add in respect to the prospects of the provincial Act relative to Sunday shopping. We've indicated there would be amendments to the Municipal Government Act. It is, of course, provincial legislation. The policy issue is a determination that is made against a background that there had not been provincial legislation regulating this area before, other than the Municipal Government Act. We had relied to some extent on the very inadequate provisions of the federal Lord's Day Act. Once it's gone, I don't think it is perhaps as obvious as some observers might think that the province should replace federal legislation which has been struck down with provincial legislation of provincewide application, when that's never existed before. What has existed before has been the local option through the Municipal Government Act. That is preserved. When my colleague is able to present a Bill to the House, it will meet the declaration he and I made last week that it would be strengthened in such a way as to enable municipalities to deal effectively with that issue.

The question the hon. Member for Spirit River-Fairview asked about communicating with societies — Mr. Chairman, maybe I'll try to answer some of these remaining questions quite briefly. We don't, really, as an Attorney General's department, advertise in a formal way to people what the law is. Some agencies may want to do that. One does see advertisements about what the law is, through agencies such as the Human Rights Commission or some committees or societies that are interested in similar objectives. Organizations like that do so. But I don't suppose you could say that we really advertise what the law is, other than to publish the statutes of the province in sufficient copies so anyone who wants one can have one.

I cannot answer specifically as to whether or not every one of the recommendations made in the responses listed in the medical examiner's report are exhaustively there. There are some 27 separate cases. More cases than that are examined by a judge in a year, and that's why I can't respond to the hon. member right off. I would be glad to get that information for him. I think what may have happened is that the medical examiner exercised some discretion in selecting, perhaps, not just typical cases but cases of all types that came before a fatality inquiry before a provincial court judge but did not choose to repeat ones that were similar in their facts. I think it's the first time that these recommendations have been published in this way, and I commend the Chief Medical Examiner for his decision to make sure that those recommendations are compiled and are public in a summary like this, even though when the reports come out, they're also available individually. But to compile it and note it like this I think has been most helpful. If the hon. member wants additional information, I will inquire of the medical examiner if more, similar information could be made available.

The member for Grande Prairie mentioned the excellent contribution made by community volunteers in respect to the alternative measures program. That is one of the features of programs of that type, and one of the reasons for their acceptance in the community. I'm glad to see his enthusiasm for the volunteer work that's being done there. As to funding

expansions, I think we will get the pilot program behind us, and I have sufficient confidence in what's being done there that I believe there will be more programs of that type. They could become provincewide. Perhaps they should be, and in that instance they would surely be funded. The funding, I believe, is an appropriation of the Solicitor General, but because we have an involvement in it from the point of view of looking after the Crown attorneys' end, we have surely been interested in the entire program.

The hon. Member for Cypress mentioned the Public Utilities Board, as I knew he would. I don't know how it happens. I can guess that three providers of natural gas within a very small area are providing it at different prices. I think that has to do with the amount of the investment, the length of time it's been there, the size of the overall plant which the operator of the utility has on stream, and what they're utilizing. I can see, for example, that a new system might cost more than an old one, particularly an older, smaller one, because the new system might cover a very large area and might have required all manner of recent capital investment and expansion. The board is going to look at the capital and the equity that's in there, at the cost of borrowing by the utility, and all those other things. That's why they say you mustn't compare one township to the next between different utilities, because they must look at the utility itself as to the rate of return they're entitled to have.

I think we're all sympathetic to the hon. member's view that there are certain times when investors in utilities shouldn't have their assured rate of return as high as it is, and I don't have a real explanation for it. Although I think the Public Utilities Board may be prepared to hear argument on the point as to why the return shouldn't be as assuredly high as it is, I guess the only thing I could speculate upon about their reasoning would be that the companies have to go into the capital market to raise funds for their expansions, and rates of return are going to be competitively set by the marketplace. I don't know what would happen, given the fact that utility companies raise their money in whatever jurisdiction they can, if we had a statutory guideline which limited the return in some way. It might mean a drouth of capital for the utility companies. But that's just some observation and reflection. I apologize to the hon. member for not being able to answer him more specifically on that point.

The other member who spoke — and I think everyone is impressed at the difficulty of the situation some people are put in, as he described it, because of the remote communities and very often a person of modest means having to travel to and from the city to have a case heard, charges having been laid by the police. There might be serious cases, but at least some of them could be relatively minor. I don't know how to approach it. I would assume, and it may not always appear to be this way, that judges do take that into account. But I think the hon. member raises it in a different context. He is saying that if it is being taken into account, it's not sufficiently being taken into account and doesn't show enough consideration for the citizen in those circumstances. In that respect I don't think much could be done without a real survey of a number of remote areas of the province where this is a particular problem. I will ask officials in the department to undertake to assess the extent of that problem and see if such a survey could be done in some way.

Thank you, Mr. Chairman.

MR. MARTIN: I rise with great trepidation to ask a few short questions. I will follow up quickly, and I'm sure the Attorney General will be quick.

Just a few comments flowing from what the Attorney General said. One deals with family violence. I'm just trying to recollect. It was my understanding that there were quite a number of different approaches across Canada in dealing with this and the laying of charges. I wonder if we've had a change of policy. I thought that at one time we were basically leaving it up to the individual. Some provinces, I think Ontario and Manitoba, were experimenting where it was automatically a charge laid through the Attorney General's department. I got the impression from the Attorney General's remarks that we were doing that more in this province. I didn't realize there was a change there. Maybe I misunderstood him, but could he succinctly update me on what he meant?

Let me come back. We will have to accept that explanation given by the Attorney General. I have no other reason not to, Mr. Chairman, but one of the questions I asked later on was about the Securities Commission, how that was so badly botched. We'll just forget about the names, but the fact is that it was publicized. We went from there. The haste that was involved in that case is what I think bothered more people and [inaudible] with Mr. Faulkner and the rest of it over the weekend. I will accept what the Attorney General says. We won't go through that, but the specific thing I want is: how could we botch it up, at least at the Securities Commission?

The Attorney General will admit that we raised this a number of times in the Legislature when we were told that criminal charges would not be laid. We were told that the Securities Commission would be proceeding with prosecution. I recall my late colleague saying, "But there is a limitation." Then we find that somehow — and I guess this is the other part of it, why that cynicism among people — now it's even botched at that end to the point where nothing happened. Is the Securities Commission to blame, or who is to blame there? It is a serious thing when we lose something on a limitation. We may argue by the letter of the law. It's true; by the letter of the law, I suppose justice has been served. But it seems to me, Mr. Chairman, that's not the best way to have justice served. That was the question I was getting at more than the other.

I'm glad about the computerized enforcement. I'll look with interest to deal with that. We won't bother with the Charter Omnibus Bill. The opting out is recognized. I myself was one who talked to Mr. Blakeney and Mr. Romanow many times. People thought that the Charter of Rights automatically meant more human rights. That's not always the case, as we're well aware by our neighbour to the south. It does give some powers to appointed people, the judicial system, and away from elected people. I recall that's one of the things Mr. Blakeney talked about. But the fact remains that there's no point going back to say whether it's good or bad. The Charter of Rights now is a fact of life. I recognize that the opting out clause is there, but I would say to the Attorney General that we'd better be very, very careful in using that because, to me, it cannot be just at the whim of a government, if we're bringing in things that seem to contradict the Charter of Rights in other parts of the country. We have the right, but morally are we right in doing it? I would hope we'd be very, very careful with ever using that opting out clause. It's there. It was a necessity, as I understand it, to get agreement at the time. But I don't think it should be that every time something

comes along that we, as a provincial government here or Newfoundland or wherever, don't agree with something. "Oh well, we'll just opt out." I think that could lead to a very checkerboard sort of country, and will perhaps put pressure on some future Parliament to try to take the opting out away. That could be another battle we'd have.

I suggest that if some of our antilabour legislation is ruled unconstitutional, then I think we should look at that rather than just saying at this stage that we'll just opt out. I suggest, it will just lead to feelings in the province that don't need to run that high. At least we shouldn't be saying that ahead of time, because then it's just adding to the cynicism of the people involved going through the courts: "It doesn't matter what we do, the government is going to opt out anyhow." It's not exactly the best way to negotiate and have good labour relations in the province.

I'm not going to make a major issue out of the Law Society. I don't think life is going to die with this specific issue. Frankly, I don't care what they think. The point I was making is that it's not their money, it's the taxpayers' money. I would probably agree that they didn't come to the Attorney General. It's not something that he could have said before, but I think it should be clear from the Attorney General or other departments that to be using taxpayers' money in this way is unacceptable. It's after the fact. There's nothing that can be done in this case. That's the only point I make, not to blame the Attorney General because I don't think he would have known about it. As I say, the other two gentlemen say it's all right in their opinion. They're not the custodians of the tax dollar; we are here in this Legislature. That's the point that has to be made to them.

As I understand it, just to clarify: if the casinos went through, there's nothing we could do at this point at the provincial level; there would have to be a change in the federal Act; and the Attorney General is saying that if that federal Act was changed, then certainly people would have the right to make their case. Of course they would, but I would hope that the Attorney General would stand tough on this one and that he and I will both agree on this one. I guess it's a matter of anybody can make their case, but if it's morally wrong, it's morally wrong.

Sunday shopping: no doubt about it, it is a federal Act. We'll have this debate from time to time, but the Lord's Day Act was the law of the land for many years. I say to the Attorney General that other provinces did decide to go to it in a different way. If I recall, in 1980 Ontario recognized that the Lord's Day Act would be in some constitutional difficulty, so they changed it. It seems to me the better way to go would still be having it at the provincial level, because there is the possibility of checkerboard laws within the province, let me put it that way, with one municipality handling it this way and another that way and the competition and the chaos that could occur. It doesn't make much sense to me. The only point I'm making is that the government's made a decision. I know that here and now I'm not going to change their mind. But I expect there's going to be a lot of opposition building over the next couple of months. The point I make is that the government keep an open mind on it, and if the case can be made that enough people want a provincial law, we would at least say, well, we're going to listen to you. If there's enough public opinion on that side, there is some avenue to look at. I think the issue is going to heat up. I think many different groups are coming together that are going to oppose it. Rather than just say no, I hope that

we would have an open mind in the future, perhaps coming at it from a different direction.

I'm not going on any longer. I'll take my seat and wait for a few comments from the Attorney General.

MR. HYLAND: Mr. Chairman, a short comment related to the minister's answers to my initial questions. Mr. Minister, I realize that each utility situation in the illustration I used has different prices and different costs of the gas. The problem comes in the markups of all three and what they allow all three. Incidentally, the one that's got the highest cost is the oldest co-op. The question I'm hit with locally is the fact that — and I don't question that it's free enterprise. But in a transfer, when a company buys out another company, there seems to be an inflation of the original cost up to today's price and then inflated to the next price that they buy it at. Then they can go before the Public Utilities Board and claim a higher cost return on an investment that really wasn't there initially. It's been built up because of trades.

I think the big question I personally face in my area is that this happens. Internally, companies can be bought and sold — and I agree that that's private enterprise, that's business — but the building up of that equity on a basis that has no relation to the cost that it was put in place is what's questioned locally, and that's the really tough one to answer.

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

MR. CRAWFORD: Yes, Mr. Chairman, just a word on what the hon. Member for Cypress has further expressed. I would like to take his remarks under advisement and do some further study in that area. I don't believe that I can usefully add to the generalized response I made a moment ago.

In respect to the matters raised by the hon. Leader of the Opposition, I won't reflect further upon ones that I had specifically dealt with, but there are three areas, two of which, at least, can be dealt with very quickly.

The family violence one and the question of how charges should be undertaken to be laid: there was a change in policy here about three years ago, because there was no consistent policy among all of the police forces in the province. There was a concern about some of the matters that I raised when I spoke earlier this evening on that very point, about the inability from a practical point of view, based on fear and the like, of the police to get a charge laid in some cases if they were depending upon the victim. There are many variables in those situations. There was a study by a committee of Parliament. It made a number of recommendations and was published about three years ago. It was in response to that that the Attorney General's department in Alberta published some guidelines for police forces in respect to the laying of charges. I believe I did give a fair amount of detail on what those guidelines were.

I agree with the hon. leader that as far as section 33 is concerned, every government has to be very careful about using it. It's something that Parliament is entitled to use as well as the provincial legislatures. We have declared one area in which we would use it, if needed, on the basis that we believe our laws in respect to the public service are in the public interest. That's a belief which we hold to and which has basically been the history of the law in the province of Alberta relative to the public service. I realize

that sometimes traditions evolve and change, but this is not an area in which we believe that the public interest would be served by creating for the first time a legal capacity for public servants to strike. When the federal government did that about 15 years ago, we think they made an awful mistake and probably they wished ever since that they had never done so. We didn't want to make the same mistake.

I don't want to debate the merits of that particular type of legislation as much as I simply want to make the point that, believing in it as we do and believing that it serves the public interest, we have made the statement that that would be one of the areas where section 33 would be used, if that were necessary. But we don't have a list of things that we're waiting to use section 33 on. Right off, I can't think of another area where we would contemplate using it. I think it's important to know that, because it's not something that in the hands of this government would begin to run rampant through the legal statutory system.

The only other matter the hon. leader raised I left to the last, partly because of the difficulty in responding to it, but maybe I can make some remarks. The question of what the Securities Commission should perhaps have done differently in the post criminal charge discussion, you might say; once it had been decided that there would be no criminal charges in the Dial matter: what should or could the Securities Commission have done differently? I find that difficult too, Mr. Chairman, for a couple of reasons. One is that a lot of what they did is really quite well known, having been the subject of some number of days of hearings in court. If there were errors in their process disclosed by the evidence given there, then each person is entitled to make their own conclusions on that, but I find it difficult to try to use that evidence to begin to attribute blame to a very important public, government agency. I think that as far as what happened there, it really should be discussed in the context of the commission itself. As far as the charges that were ultimately laid are concerned, that of course was done as the result of a legal opinion and the steps taken by a counsel in private practice that had been retained by the commission.

Mr. Chairman, I don't want to use my estimates to philosophize in a generalized way on the subject of the Securities Commission, which functions under a statute which is not under my administration.

Agreed to:

1.01 — Minister's Office	\$242,920
1.02 — Deputy Minister's Office	\$322,110
1.03 — Administrative Services	\$2,316,105
1.04 — Planning, Research, and Development	\$913,280
1.05 — Executive Management	\$702,520
1.06 — Personnel	\$1,118,380
1.07 — Finance	\$2,290,230
Total Vote 1 — Departmental Support Services	\$7,905,545
2.1 — Court Support Services	\$10,387,810
2.2 — Court Operations	\$48,852,130

Total Vote 2 — Court Services	\$59,239,940
Total Vote 3 — Legal Services	\$25,795,757
Total Vote 4 — Support for Legal Aid	\$10,998,000
5.1 — Public Trustee	\$5,902,210
5.2 — Central Registry	\$4,247,148
5.3 — Land Titles	\$10,653,320
5.4 — Land Compensation	\$467,500
Total Vote 5 — Protection and Administration of Property Rights	\$21,270,178
Total Vote 6 — Fatality Inquiries	\$3,895,340
Total Vote 7 — Crimes Compensation	\$1,466,736
Total Vote 8 — Public Utilities Regulation	\$3,336,430
Total Vote 9 — Gaming Control and Licensing	\$433,900
Department Total	\$134,341,826

MR. CRAWFORD: Mr. Chairman, I move that the vote be reported.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. PURDY: Mr. Speaker, the Committee of Supply has had under consideration the following resolution, reports as follows, and requests leave to sit again:

Resolved that there be granted to Her Majesty for the fiscal year ending March 31, 1986, sums not exceeding the following for the Department of the Attorney General: \$7,905,545 for departmental support services, \$59,239,940 for court services, \$25,795,757 for legal services, \$10,998,000 for support of legal aid, \$21,270,178 for the protection and administration of property rights, \$3,895,340 for fatality inquiries, \$1,466,736 for crime compensation, \$3,336,430 for public utilities regulation, and \$433,900 for gaming control and licensing.

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

HON. MEMBERS: Agreed.

MR. CRAWFORD: Mr. Speaker, tomorrow afternoon the Assembly will be in Committee of Supply to deal with estimates of the Department of Hospitals and Medical Care.

[At 10:25 p.m., on motion, the House adjourned to Wednesday at 2:30 p.m.]