

**LEGISLATIVE ASSEMBLY OF ALBERTA**Title: **Tuesday, March 31, 1987 2:30 p.m.**

Date: 87/03/31

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

[Mr. Speaker in the Chair]

**PRAYERS**

MR. SPEAKER: Let us pray.

Our Father, keep us mindful of the special and unique opportunity we have to work for our constituents and for our province, and in that work give us both strength and wisdom.

Amen.

head: **INTRODUCTION OF BILLS****Bill 207****Environmental Impact Assessment Act**

MR. FOX: Mr. Speaker, I request leave to introduce a Bill, being the Environmental Impact Assessment Act.

Basically, this Bill would make the preparation of an environmental impact assessment mandatory for any development having a potentially negative impact on the environment. As well, it provides for full public hearings and financial support to intervenors as a matter of course.

[Leave granted; Bill 207 read a first time]

head: **TABLING RETURNS AND REPORTS**

MR. KOWALSKI: Mr. Speaker, I'd like to table two annual reports today. The first is the annual report of the Alberta Special Waste Management Corporation to March 31, 1986, and the second is the annual report of Alberta Public Safety Services to March 31, 1986.

MRS. OSTERMAN: Mr. Speaker, I'd like to table the annual report for 1986 of the Alberta Social Care Facilities Review Committee and take this opportunity to thank the chairman, the M.L.A. for Calgary Foothills, and another member of the House, the M.L.A. for Red Deer North, for their participation and all the work done by the committee.

REV. ROBERTS: Mr. Speaker, I'd like to file with this Legislature three copies of a letter received from a constituent who takes issue with the Minister of Community and Occupational Health's statement on March 20 that all Alberta health units have family planning clinics.

MR. SPEAKER: Hon. Member, it's a filing. It's not a discussion. Filing please. Thank you.

head: **INTRODUCTION OF SPECIAL GUESTS**

MR. ALGER: Mr. Speaker, for the benefit of our new colleagues in all parties and for reminiscing purposes for the rest of

you, I would like to introduce my predecessor from the beautiful Highwood constituency, Mr. George Wolstenholme. He's sitting in the members' gallery, and I would ask him to rise and receive the warm welcome which he richly deserves.

MR. EWASIUK: Mr. Speaker, I take pleasure this afternoon to introduce to you and to members of the Assembly, six young ladies who are members of the Girl Guide Company 133 which is located in Clareview in my constituency of Edmonton Beverly. They are accompanied by their leaders Mrs. Carol Moeller and Mrs. Linda McLachlan, also one parent Mrs. Phyllis Murrell. They are seated in the public gallery, and I would ask them to rise and receive the welcome of this Assembly.

REV. ROBERTS: Mr. Speaker, I'd like to introduce to you and through you to members of the Assembly, 55 adult students from the Alberta Vocational Centre in my constituency -- social studies students with their teachers Mrs. Carol Fay and Mr. Cesar Mejia. Would they please stand and receive the warm welcome of the Legislature.

MR. HERON: Mr. Speaker, it is a privilege to introduce to you and through you to members of this Assembly, the Second Boy Scout troop from Spruce Grove, 11 boys and their leaders Malcolm Davidson, Mrs. Irene Millward, and Bishop Dale Martin. This scouting group is here to fulfill a requirement for their citizenship badge. They are seated in the members gallery, and I ask that they rise and receive the traditional warm welcome of this Assembly.

MR. WEISS: Mr. Speaker, it is indeed a pleasure today to introduce to you and through you to all members of the Assembly, 39 young women from all parts of Alberta. The young women represent the Alberta Girls' Parliament as members of Girl Guides of Canada. They will be conducting the 16th session of the Alberta Girls' Parliament. I have no doubt some will be back in this Assembly as future leaders at a later date. They've had the pleasure of meeting the real Lieutenant Governor earlier -- and I say "real Lieutenant Governor" because I understand the Lieutenant Governor for the 16th session will be Mrs. Getty, the Premier's wife. I look forward to attending a dinner later this evening with all of them. They are accompanied by their four leaders, Mrs. Marilyn Hutchinson, Mrs. Betty Buckner, Mrs. June Martin, and Mrs. Luci Wilcox. They're seated in the members' gallery, and I would ask that they rise and receive the cordial welcome of the Assembly.

head: **ORAL QUESTION PERIOD****Tax Increases**

MR. MARTIN: Mr. Speaker, I'd like to direct the first question to the Provincial Treasurer. I would suggest that this Provincial Treasurer will go down in history as the Treasurer who imposed the most tax hikes on a unsuspecting population and contributed most to the defeat of a provincial government. But my question is: will the Treasurer advise the Assembly what studies he undertook on the economic impact of the billion dollar tax hike, and will he table those studies in the Legislative Assembly?

MR. JOHNSTON: Mr. Speaker, the impact of taxation on any individual, any group of individuals, or on an economy in its

macro sense is not something that can be defined perfectly. From time to time we have had a variety of inputs which suggest to us certain multiplier impacts on certain groups or on the economy, depending on whether it's a tax impact or an expenditure impact. Over the past four or five years, in fact, we have taken recognition of those, but obviously we are not a government driven by studies; we're a government driven by decision-making, by clear objectives, and clear policy formation.

MR. MARTIN: No doubt they're not driven by studies; they don't seem to know what they're doing. My question, though, is a specific tax that was brought up, the 5 percent tax on hotel and motel accommodation in Alberta effective June 1. Is the Treasurer aware of the unfairness of this tax to the hotel and travel industry, in which room rates are quoted and contracts are signed up to a year in advance?

MR. JOHNSTON: Mr. Speaker, several MLAs, including the MLA for Banff-Cochrane in particular, have drawn to my attention the impact that this tax will have on the convention industry, on particular regions of our economy. But frankly the impact is not that significant, in our view, in terms of dissuading individuals from outside the province to visit this province. It is clear that the advantages of not having a sales tax in this province far outweigh any of the threats or the challenges left by the member across the way to the impact of the tourism industry. This is the only province without a sales tax, and that in itself is a significant impact, a significant strength that this province has with respect to attracting tourist industry, and that tourist industry is responding as a result.

MR. MARTIN: Mr. Speaker, they are responding. We're getting lots of letters; there's no doubt about that. But the tax, according to them, came as a total surprise or almost a sneak attack. I am told the Treasurer says this is not significant, but some operators face losses in the range of \$100,000 or more this season. Is the minister saying that this is not going to have a detrimental impact on the tourist industry? Is that what he is saying to these people?

MR. JOHNSTON: Mr. Speaker, the question of taxation is: who is it that bears the burden of taxation? In most cases this tax can be borne by people from outside the province, and similar to other provinces, this province now is coming in line with other provinces and will have a tax on hotel rooms. On a \$60 or \$70 hotel room, that amounts to about \$3 or \$3.50 and likely is not a deterrent in terms of the decision to come to this province because there are a lot of other advantages, as I just noted, to becoming a tourist in this province. We know that that industry will boom and expand because of a variety of other attractions which this province has made possible.

MR. MARTIN: The same sort of gobbledygook that we got in other things, Mr. Speaker. The point is that it is significant. But I'll direct this question to the Premier. The Treasurer says that they're just gouging out-of-province people, but Albertans will be affected too. The Premier, and rightfully so, has talked about tourism as an important economic consideration for diversification of this province. Would the Premier advise why the government would invite the world to Alberta to celebrate the Olympic Games only to gouge visitors and hotel operators with a brand-new room tax? What kind of message is that about tourism to the rest of the country and other countries?

MR. GETTY: Mr. Speaker, obviously the Provincial Treasurer made no such statement about gouging people from outside the province. As a matter of fact, he pointed out that there are tremendous reasons why people will want to come to Alberta, and one of the finest is this beautiful province itself; secondly, some other economic matters such as no sales tax. But as the Provincial Treasurer said, this could work out to be a \$3 tax on a \$60 hotel room. The people in the hotel industry I've talked to said that is not a deterrent to people coming to Alberta. As a matter of fact, all other provinces with the exception of one have hotel taxes. We believe that Alberta's hotel tax, like many other taxes, is allowing a variety of people to help us with reducing our deficit. Now, that is something this government is committed to. I understand the members opposite do not believe in that, but rather they have a history of huge deficits and virtually bankrupting Canada when their parties were in control in eastern Canada.

MR. TAYLOR: Mr. Speaker, to the Treasurer, while thanking the Premier for his repeated history lesson. The Treasurer has left the tour operators and hotels in a bit of a conundrum for those that have already prepaid. They either have to dig in their money and make up or they have to renege on the agreement. Would the Treasurer not consider -- just from a point of view of good relationship and saving the friction that would occur in the tourism industry that we're trying to create -- making the tax effective only on new bookings?

MR. JOHNSTON: Mr. Speaker, I have had some discussions with members of the industry, and I've asked them to certainly detail for me the immediate impact of the tax upon them. But I've also made it very clear that we're reluctant to change the fiscal regime that we have now presented to the Legislative Assembly.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the Provincial Treasurer. In light of the fact that our gasoline prices are substantially higher in Canada than they are in the United States, and now we've further increased them, has the Provincial Treasurer looked at what impact those high gasoline prices will have on the tourists coming into Alberta from outside the country?

MR. JOHNSTON: Again, Mr. Speaker, that is a particularly important point. I know my friends in Lethbridge, when they travel to Montana, come back with stories of price differentials that you cannot explain in terms of currency or volume sizes. And in fact there has been, I think, a significant variation between the price of gas in the United States and in Alberta. However, there is a significant variable here that must be measured, and that is that the current United States dollar relative to the Canadian dollar does provide a major opportunity for Americans to purchase items in Canada. Moreover, with the combination of impacts in this province, in particular being a sales-tax-free province, we find that there is still a considerable advantage to coming to Alberta. In the case of the gas tax itself or the fuel tax specifically, there is even a larger advantage in terms of travel here in this province because the tax relative to other provinces is below that, with the exception of Saskatchewan, and therefore there's an inducement to visit this province.

MR. GOGO: Mr. Speaker, to the hon. Provincial Treasurer.

Has the hon. Provincial Treasurer been advised of any convention of significance being canceled in the province since the announcement of the room tax?

MR. JOHNSTON: No, Mr. Speaker.

MR. MARTIN: Mr. Speaker, I'd like to designate my second question to the Member for Edmonton Glengarry.

MR. SPEAKER: The Member for Edmonton Glengarry.

### **Hazardous Waste Disposal**

MR. YOUNIE: Thank you, Mr. Speaker. The Minister of the Environment has advised in writing that Chem-Security Ltd. will not be given a monopoly on trucking; they will manage and co-ordinate the system by contracting out to private owner-operators. Yet Mr. Mick of the Crown corporation has stated that the only competition for business will be for hauling waste from Alberta generator sites to treatment facilities outside the province, not inside, which would mean an in-province trucking monopoly for Chem-Security Ltd. Will the minister explain this contradiction between his stated policy and the apparent actual operating policy under which Chem-Security operates?

MR. KOWALSKI: Mr. Speaker, the situation is a very, very clear one, Chem-Security Ltd. will operate the Swan Hills Special Waste Management Corporation site near Swan Hills and will manage the transportation, collection, and marketing operations. What Chem-Security Ltd. will be doing is inviting owner-operators -- and by owner-operators I mean a single person, single vehicle arrangement rather than one individual owning a fleet of trucks or vehicles -- and they will then contract to transport from various collection sites within the province of Alberta to Swan Hills.

MR. YOUNIE: I would like to table for the Legislature the two documents I referred to that contain that contradiction as I saw it, and I would like to ask the minister to answer unequivocally: does Chem-Security Ltd. have exclusive control of transportation rights, including pricing, on hazardous waste within the province?

MR. KOWALSKI: Mr. Speaker, I don't know what contradiction the hon. member is talking about. The direction from the minister of the Crown is a very, very clear one. Chem-Security Ltd. will manage the transportation, the collection, and the marketing operations of the Alberta Special Waste Management Corporation. They will hire on a contract basis owner-operators, who will then convey hazardous goods and waste from the various spots in the province of Alberta to Swan Hills. It should be very, very clear that that will be the system,

MR. YOUNIE: Sounds like a monopoly to me, Mr. Speaker, I would then like to ask a question of the minister of public works, and that is if he could explain the reason for the cancellation of a contract that was duly given to a Red Deer trucker in favour of an American company chosen by Chem-Security Ltd.

MR. ISLEY: Mr. Speaker, I would take that question on notice.

MR. YOUNIE: I would like to table as well the contracts involved, or photocopies thereof, and a letter from the manage-

ment firm that explained the problem they were involved in.

I would then like to go back to the minister and ask if in view of the potential harmful effect, including possible price gouging of consumers and taxpayers, this apparent monopoly could cause, can the minister commit himself to establishing a mechanism to determine what is a fair price in the Alberta market rather than continuing to use, or allow Chem-Security to use, rates brought in by American companies?

MR. KOWALSKI: Mr. Speaker, the documentation that has just been tabled by the Member for Edmonton Glengarry includes a letter dated November 24, 1986, from Mr. Lome Mick, chairman of the Alberta Special Waste Management Corporation. It also includes a letter dated January 26, 1987, from myself to Mr. Younie. The question the Member for Edmonton Glengarry has asked is: on what basis is the arrangement being established? I would like to quote from my letter dated January 26, 1987, where I make the comment that our response is threefold:

The most important aspect, however, is public concerns over possible spills and accidents involving hazardous materials during transportation.

As such, this government has moved to ensure:

1. Tighter and more comprehensive regulations under the Transportation of Dangerous Goods Control Act,
2. Requirement for "cradle to grave" manifesting of hazardous wastes during transportation,
3. Controlled and proper management of movement of waste to the treatment centre near Swan Hills,

Our objective, Mr. Speaker, is to ensure that there is absolute and total public safety for all of the citizens of Alberta. Now to ensure that, we have included in the mechanism, and I quote from my letter that the Member for Edmonton Glengarry has tabled in the House today:

Chem-Security Ltd. [is] to manage all aspects of the transportation to the plant. This includes traffic and route scheduling, driver training, insurance confirmation, equipment certification and emergency response provision.

What the Member for Edmonton Glengarry did not table in the Assembly today, Mr. Speaker, is another very important letter that he received from Mr. Mick, the chairman of the Alberta Special Waste Management Corporation, dated January 23, 1987, which surely answers the original question that the member posed this afternoon.

MR. TAYLOR: Mr. Speaker, a supplementary to the Minister of the Environment. In view of the fact that he has designated certain roads around the major metropolises of Calgary and Edmonton as hazardous goods routes, is it his intention to designate certain highways out through the rural areas of this province as hazardous goods routes distinct from those that would not be allowed to carry hazardous goods on them?

MR. KOWALSKI: Mr. Speaker, just a point of clarification to the Member for Westlock-Sturgeon. As the minister of Alberta Public Safety Services, not as the Minister of the Environment, I received from all elected municipalities in the province of Alberta copies of bylaws that these individual municipalities determine on an annual or semiannual basis, bylaws that determine which streets or roads within their particular environment should be classified as dangerous goods routes. I accept all of them.

All of them are filed in the offices of the Alberta Special Waste Management Corporation, which has the legislative responsibility to ensure that the Transportation of Dangerous Goods Control Act is upheld. The minister of Alberta Public Safety Services does not designate dangerous goods routes throughout the province of Alberta, and I would repeat what I've said before, that we have no intent of designating any route or road between any spot in Alberta and Swan Hills as a specified route or road for the transportation of so-called dangerous or hazardous goods. [interjections]

MR. SPEAKER: Main question. Member for Westlock-Sturgeon. Note this is not a debate, hon. member or minister.

### Welfare Benefits

MR. TAYLOR: Thank you, Mr. Speaker. This question is to the Minister of Social Services. The Minister of Social Services has cut the shelter allowance for single employables on the basis that they are most capable of absorbing this decrease and they're the most easily employable of all the welfare groups. An internal report prepared by the minister's own department in November 1986 shows without a doubt that the minister's justification for reducing welfare benefits for single employables has no basis in fact.

To the minister. How can the minister claim that single employables are the most capable of finding jobs when this report from her own department shows that after six months on welfare a majority of employables have not received any referrals from her department for job training and counseling?

MRS. OSTERMAN: Mr. Speaker, we have discussed that particular report which I had asked for from my department last summer. The report spoke to a time frame that was early in 1986 for the most part, and I think I have already responded to the members of the Assembly who are quite rightly concerned about the type of information we gleaned in terms of how the department was responding to those who came forward seeking assistance. And that was that significant changes have been made.

MR. TAYLOR: Supplementary to the minister. How can the minister then justify decreasing these shelter allowances when her own report indicates that around 31 percent of those on welfare could not find accommodation at the rate at which welfare was paying for them before?

MRS. OSTERMAN: Mr. Speaker, in responding to the concerns that have been raised as a result of the decrease in shelter allowance, I have made it very clear that I realize that single employables will have to seek for the most part different accommodation in terms of for the most part having been able to avail themselves of their own accommodation and now in most likelihood having to seek shared accommodation.

MR. TAYLOR: Mr. Speaker, a supplemental to the minister. In light of the conclusion of her own department's report -- and I quote -- that of all groups on social allowance, single employable clients receive lower levels of benefits than other groups, will she now agree to reverse her decision and reinstate those welfare payments that have been unfairly decreased?

MRS. OSTERMAN: Mr. Speaker, I think it is recognized that

the single employables in the province also have the least responsibility in terms of families and so on. I have made a judgment that in fact they have the greatest capacity and resilience in order to respond to the circumstances that the province and all citizens -- taxpayers in the province -- find themselves in. I think if the hon. member will check the figures that have been supplied and other comments that I have made, he will also find that over the course of the last year the average cost per case has increased. And while we speak to some basic costs in terms of food, clothing, and shelter that are allowed for, there are a number of other areas in which we can respond that are done on a case-by-case basis depending on the situation of that single employable.

MR. TAYLOR: Final supplementary, Mr. Speaker. To the minister. She mentioned other costs. Would the minister then agree to implement immediately one of the recommendations of that report that said, quote: employable clients should automatically be given telephone, transportation, and day care or babysitters to assist them in seeking work?

MRS. OSTERMAN: Well, Mr. Speaker, the hon. member has raised day care also, the single employables that are ... I believe the hon. member will realize that those in that particular classification would not be categorized as single employable, and this is the classification presently under discussion. If we're speaking to day care, obviously we're talking about families or single-parent families. And again, where the situation warrants, those particular benefits are available in terms of the allowance that is necessary for them to seek employment.

MR. SPEAKER: Supplementary question, Member for Edmonton Calder.

MS MJOLSNES: Thank you, Mr. Speaker. To the minister: what specific steps has the minister taken to ensure that those benefits are made available to those single employables?

MRS. OSTERMAN: Mr. Speaker, as a result of the information that was gleaned in that study looking at over 2,000 cases across the province, in each region someone has been designated -- and it is a very senior person -- to make sure that the proper instructions are given to and followed by the social workers.

MR. SPEAKER: Main question. Member for Little Bow followed by the Member for Edmonton Highlands.

### Universal Day Care

MR. R. SPEAKER: Mr. Speaker, my question is to the Minister of Social Services as well. Yesterday the parliamentary report on day care was released, and it flatly rejected universal day care programs for Canadians. I understand the minister as well has invited the federal minister and other Canadian ministers responsible for day care programs to a meeting on April 22. Given Alberta's current funding position, could the minister indicate what position the Alberta government will take at that meeting relative to universal day care?

MRS. OSTERMAN: Mr. Speaker, obviously a very important matter that's under public discussion and has been over the course of not only the past year but the past several years since the federal government began, under a previous administration,

and now this one, a number of traveling shows to ascertain the views of the Canadian public. Obviously, we have been most interested in the views of Albertans, not only those with families who are most immediately impacted but also those who would be paying the bill. And it is the view, I think, of most Albertans who have been writing to me that, number one, they would like a definition of "universal" in a federal sense. That has not been provided, so I find it very difficult to respond to a definition that has not been ultimately outlined by the federal government. Secondly, what I will be bringing to that meeting and expecting from other ministers as well is what their respective judgments are for their own jurisdiction, because after all, day care -- child care -- is the jurisdiction of the provinces and we believe a system should not be superimposed by the federal government on individual provinces.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. One of the concerns that's been expressed to me is that the national program such as the one advocated by the opposition, the socialists or the Liberals in Canada, would in effect penalize parents who elect to stay home and look after their children. Could the minister indicate what the government's intentions are in terms of this and assure that only those who utilize day care because of need would receive any type of government assistance?

MRS. OSTERMAN: Mr. Speaker, insofar as the Alberta program at this time, I have publicly on a number of occasions, as have other members, said that we will have to get our costs under control so that we can serve in the future those who will be in most need. At present we have an operating allowance in the province that is not attached to any level of income, and I would be proposing to the House when I find out specifically what the federal government will be doing. Because after all, the task force report is just that, a report, and it has not yet been adopted by the federal government. So for the information of the House, I will be looking at the levels of income of those people who are presently utilizing day care and speaking to a decrease in the amount of allowance available to high-income families.

MR. R. SPEAKER: Mr. Speaker, a supplementary question. One of the recommendations is that an automatic \$200 tax credit be made for parents with children regardless of whether or not they use the day care system. Could the minister indicate the government's position with regards to a recommendation such as that?

MRS. OSTERMAN: Well, Mr. Speaker, in speaking to the recommendations -- and I have only seen a summary of the recommendations and am concerned about referencing them without the body of the report being available to me because I realize there are probably a number of arguments and discussions developed in the body of the report. But I would say that certainly I have been communicating with the federal minister that whatever program they wish to institute, if they believe that on a federal basis the taxpayers can afford such a program, it should treat all Canadian families equally and not penalize those who would choose an alternate form of care that is different from the traditional institutional care that's been under discussion.

MR. R. SPEAKER: Mr. Speaker, a supplementary question to the minister. It's with regards to the jurisdictional question between the provinces and the federal government. Could the

minister indicate whether the federal government has given any indication as to whether there will be federal legislation implemented in terms of universal day care or any form thereof of day care for Canadians, or will the implementation of legislation or programming be left with the provinces?

MRS. OSTERMAN: Mr. Speaker, certainly our representations are that there should not be a federal wandering into provincial jurisdiction and starting off another round of events such as we've had in other programs. The federal minister himself, although I understand it's been spoken about in the task force report in one of the recommendations, has not referenced legislation.

MR. SPEAKER: Member for Edmonton Calder followed by the Member for Edmonton Gold Bar.

MS MJOLSNES: Thank you, Mr. Speaker. A supplementary. I'm wondering if the minister will be addressing the issue of standards at the meeting, in view of the fact that Alberta has the poorest standards in Canada.

MRS. OSTERMAN: Mr. Speaker, I submit that the hon. member's statement that was incorporated into her question is not so, and if the hon. member would check the regulations across the country ... She may certainly be looking at her own personal belief or her party's belief that a certain kind of training should be mandatory with respect to child care workers, and that is a consideration that is under discussion not only by government but many other people who are providing advice to me. But certainly I wouldn't accept the hon. member's preface at all, and I certainly would not accept the federal government coming into provincial jurisdiction with a statement about standards.

MRS. HEWES: Mr. Speaker, to the minister. A supplementary. If I understood the minister's last comment correctly, will the minister then assure this House that she will undertake to upgrade the Alberta standards immediately so that families may know for sure what a licence means regarding an appropriate level of staff training?

MRS. OSTERMAN: Mr. Speaker, for those who would take the opportunity to read the social care facilities review Act and read the requirements there in terms of standards and also regulations, I think it's very clear in speaking to a number of areas that we do have very distinct and very strict standards. I realize that in the one area that is a matter of public discussion, many people are requesting some thought be given to change, and I have said that that matter is under discussion and advisement.

MR. SPEAKER: The Chair would draw to the attention of all members the continuing development of a lackadaisical practice of referring to each other in the third person, whereas parliamentary practice does invite us to refer to "the member" "the minister." Please and thank you.

Member for Edmonton Highlands followed by the Member for Edmonton Meadowlark.

### Nursing Home Care

MS BARRETT: Thank you, the Mr. Speaker.

My question today is for the Minister of Hospitals and Medi-

cal Care, and it's actually not a funny issue. Mr. Speaker, after the last session of this Legislature the minister raised the fees paid by nursing home residents to the nursing homes by \$4 a day, \$1,460 a year, and subsequently dropped the amount of government support for those institutions by the same amount, \$1,460 a year. What the minister didn't do, however, is assure Albertans or provide mechanisms to ensure that the home care operators, especially the private home care operators, would provide improved service. My question to the minister is: is he now prepared to recommend improved standards of care for residents within nursing homes and especially within the private nursing homes, considering that they get more funding on a per diem basis from the government than do the nonprofit homes?

MR. M. MOORE: Two things, Mr. Speaker. First of all, I think it is important that we continue to make some progress with respect to the nursing home report that recommended a good deal of improvement in nursing home care and the hours of nursing and dietary services and other medical services -- physiotherapy and that sort of thing, occupational therapy for seniors in nursing homes and auxiliary homes. And we're certainly moving in that direction.

One of the problems has been that during the course of the current fiscal year just ending today, we weren't able to provide the funding for a lot of programs to some nursing homes for two reasons. One, there was a shortage of physical therapists, and I hope that will be corrected over the course of time. There are additional spaces that have been provided in the universities, in fact, this year and other changes that allow some physiotherapists who weren't fully licensed to practise under the direction of another physiotherapist. So I hope we're moving in the direction of more nursing homes being able to take advantage of the dollars we have offered after having reviewed the Hyde report and agreed to many of its recommendations. So that's one area. I think you'll see in the coming fiscal year more nursing homes, including private nursing homes, taking advantage of that.

The second is the one of physical facilities. We provided little or no encouragement or incentive for private-sector nursing home operators to improve their physical facilities to bring them up in line with today's standards until the budget speech that the hon. Provincial Treasurer brought in a week ago last Friday. That contained a provision in it that was mentioned -- I have not had an opportunity yet to elaborate on that; I'll be doing that during the course of my estimates -- a provision to provide some capital assistance to private-sector operators to upgrade and improve their homes. And that's on the basis of our paying 75 percent of the debenture costs and their paying 25 percent. So again, that will give them an opportunity to have the space to carry out the programs that we do have funding for.

MS BARRETT: We'll look forward to it, Mr. Speaker.

A supplementary question to the minister though. I take it he's resisting a thoroughgoing review to compare the relative merits and the service and operation of private, for-profit nursing homes compared to nonprofit nursing homes. If he is, will he agree that the reason he's so doing is because he doesn't want to see how the corners are being cut and how the staff ratios are so badly reduced?

MR. M. MOORE: No, I'm not resisting a review at all, Mr. Speaker. As a matter of fact, my belief is that the Hyde report and the people who worked on that report did in fact do a very

good review and an analysis of the entire system, including comparisons between private-sector and public-operated homes. Some of the recommendations they made we are just now putting into place, and it takes some time to get there. One of them is giving the private-sector operators some ability to upgrade and improve their facilities so they can have these new programs.

You know, the hon. member may well be correct in her assumption that some private-sector homes haven't been providing as good facilities as the publicly operated ones, but bear in mind that for the last 15 years at least our government has provided not 5 cents for capital costs of private-sector nursing homes, and we've paid the entire costs of the capital costs of the publicly operated nursing homes. Now, the only thing that has occurred: going back to 1962, there was a slight differential in the per diem amount we paid the private-sector operators, but it in no way, shape, or form came even close to allowing them to build new homes. At the very most it might have allowed them to do some upgrading to keep up with the current electrical codes and that sort of thing. It was never designed nor does it meet the requirement for new buildings.

MS BARRETT: Well, one might suggest that they were pocketing the money then, Mr. Speaker.

Supplementary question to the minister. I'm sure the minister is aware that his watchdog body, the Health Facilities Review Committee, lets nursing homes know weeks in advance when they're going to come and do accreditation checks. Will the minister commit himself to fixing this joke and ensuring that the health care facilities review committee does spot-checks without prior notification to the nursing homes?

MR. M. MOORE: The hon. member's comments are indeed a great disservice to some very fine and outstanding people who've served on that committee, including the hon. member in this Assembly for Cypress-Redcliff, who currently chairs it, and I for one resent them.

The whole problem with the NDP philosophy, Mr. Speaker, is that they don't believe in the private sector doing anything, and God help us if they ever get to be the government.

MS BARRETT: Final supplementary, Mr. Speaker. The minister might want to know that a lot of nursing home residents resent the lack of standards and the lack of improved standards. I would like to know what it's going to take for the minister to conduct a review of standards -- not capital, not facilities -- standards. Is it going to take having to see what they're getting for lunch? Is that what it's going to take?

MR. M. MOORE: What it will take, Mr. Speaker, is some support by all members of the Legislature for the budget that's been brought in, that contains within it some new, additional funds in the nursing home budget that are going to be dedicated to assisting private-sector operators in upgrading their current facilities. And I repeat again, the private-sector operators have never had any funding to upgrade their existing nursing homes, and for the hon. member to suggest that they have is completely wrong. I am hopeful that there will be support for that project, because I sincerely believe that the private sector has a role to play in providing nursing home care and auxiliary hospital care for our senior citizens.

MRS. HEWES: Mr. Speaker, a supplementary to the minister.

Perhaps the minister will tell the House what specific steps and programs -- I don't want just general ideas but specific steps -- the government has taken to exempt cases of hardship, seniors with spouses or dependants still at home, those who are not yet in the senior category but require nursing or auxiliary hospital care, from the increases that have been leveled at them?

MR. M. MOORE: Mr. Speaker, I'd be pleased to be specific about that. Just prior to Christmas I wrote a very lengthy letter to every nursing home resident and auxiliary hospital resident in the province, together with some attachments to it. First of all, I outlined the reasoning for the government's move to increase the daily charge in nursing homes to \$14 a day, which is still the lowest in Canada, outlined as well the various benefits that are available to seniors, in particular with regard to pension benefits. I also outlined in that letter benefits that are available to persons who are not seniors under the Alberta assured income program and the modified assured income program. And then finally I invited people, after they had reviewed all of those options to increase their pension benefits, to write directly to me. Over the course of the two months after that, after having sent out 4,000 letters, I received 17 replies.

But I would say that the federal offices of Health and Welfare Canada told me that they received a good number of requests for pension benefits. For example, and this is very specific, Mr. Speaker, a lot of seniors were not aware that they could apply for federal pension benefits on the basis of a single person if they were separated beyond control. And by that the federal government means if one spouse is in a nursing home and the other is at home, they are separated beyond control, and they get single benefits, which helps them a great deal. There were a lot of people that didn't know that. The results of the letter are that a great number of people -- I don't know how many -- were able to get additional pension benefits because of that program. There were others who wrote who didn't have the assured income program . . .

MR. SPEAKER: Hon. minister, perhaps someone else could ask another supplementary to pick up on the rest of it.

Member for Calgary Glenmore.

MRS. MIROSH: Mr. Speaker, I would like to know if the hon. minister is aware that the Health Facilities Review Committee does travel around the province and goes into nursing homes totally unannounced and that the facilities provided by private, public, and voluntary are excellent and the standards of this province are excellent.

MR. M. MOORE: Mr. Speaker, it's obvious that the only member who didn't know that was the hon. member of the opposition who asked the question. That's why I responded. Perhaps the member could apologize to the chairman and one of the members of the committee at least -- either now or later, whatever she prefers.

Mr. Speaker, the reason I was answering the question from the hon. member in some detail is that's what I was asked to do: be specific. And I'm only about halfway through, but I'll be [inaudible] if I do.

MR. SPEAKER: Part of the problem, of course, hon. minister, is that some of the questions end up being about serial versions of one, two, three, four, and five questions.

The Chair recognizes the Member for Edmonton

Meadowlark, followed by the Member for Edmonton Calder if there is time.

### Office Space Tendering Process

MR. MITCHELL: Thank you, Mr. Speaker. My question is to the minister of public works. Private contractors in this province have reason to doubt the tendering procedures used by this government. Much of this is because the minister has stonewalled questions about how specific contracts have been or are being awarded. Can the minister tell the House if the government is currently involved in negotiations or in any way, shape, or form contemplating a deal with Olympia & York for office space in downtown Edmonton? Once and for all: yes or no?

MR. SPEAKER: The Chair has two difficulties with the question. Number one, the "stonewalling," for example. Perhaps the question could be rephrased. In addition to all that, the supply estimates for Public Works, Supply and Services were indeed passed last night, and the Chair, listening from the Speaker's office, heard the same line of questioning. Perhaps the member could rephrase.

MR. MITCHELL: Mr. Speaker, we've been very careful to reword these questions. We have not got an answer. [interjections] Because we did not get an answer last night. And if you want to see *Hansard*, they're here. These are specifically different. There is a broader problem here, and that is that we can't get information,

MR. SPEAKER: Order please. Order. Would the hon. member please phrase the question or run the risk of having the complete line of questioning withdrawn.

MR. MITCHELL: Another question. Why does the minister refuse -- and now I'm asking for the reasoning for his non-answer -- why does the minister refuse to give a simple yes or no answer to this very straightforward question? And that question has never been asked before in this Legislature.

MR. SPEAKER: Hon. minister. I am sorry. The inappropriateness of making reference to ministers not making reply to questions has been cited more than enough according to *Beauchesne*. So next question please, hon. member.

MR. MITCHELL: Will the minister assure the House that open tendering will be used for any government leasing of new office space which might otherwise go directly to Olympia & York?

MR. ISLEY: MR. Speaker, I believe all those questions were dealt with Wednesday of last week, and I would refer the hon. member to page 339 of *Hansard*.

MR. MITCHELL: I have it right here, and it was never asked before. [interjection] Page 339. Finally, to the Premier: can the Premier tell the House why the people of Alberta do not have a right, a specific right, to know whether this government is doing a deal with Olympia & York or with any other member of the private sector?

MR. GETTY: Well, MR. Speaker, I think you've just answered the question for the hon. member: that it's been raised before in

the House and dealt with.

MR. McEACHERN: Supplementary, Mr. Speaker, to the minister of public works. Will you guarantee that this will be an open bidding system for that contract?

MR. ISLEY: Mr. Speaker, again I would refer the hon. member to last Wednesday where I outlined the three types of bidding that are used in the acquisition of space in the province, but I'm not sure what he's referring to by this space.

MR. SPEAKER: Thank you. The Chair recognizes the Member for Edmonton Calder.

### Hilltop House

MS MJOLSNESS: Thank you, Mr. Speaker. My questions are to the Minister of Social Services. In the recent budget funding going to support services within the Social Services department was cut by almost \$7 million. Consequently, the government has chosen to close treatment centres such as Hilltop House, which has been giving counseling and referral services to many women for more than 20 years, including those on parole or probation, battered women without children, and women with mental health and drug abuse problems. Can the minister explain to this Assembly the rationale behind her decision to eliminate services to these women?

MRS. OSTERMAN: Mr. Speaker, certainly I would be pleased to get into discussions in more detail. I think it would be appropriate this evening when my estimates are dealt with. But I would say to the hon. member that services are not being changed in the way that we are . . . I should say, the services are being altered in that there is a community delivery of services now as opposed to an institutional delivery of services.

MR. SPEAKER: The time for question has expired . . . Experienced, yes. [laughter] We certainly have an experienced question period.

The time has expired. Might the House give unanimous consent for the continuation of this line of questioning? Those in favour, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

MS MJOLSNESS: Supplementary to the minister, Mr. Speaker. Could the minister then explain to this Assembly which specific community agencies will be able to provide these services?

MRS. OSTERMAN: Mr. Speaker, I'd be pleased to address those questions tonight in detail.

MS MJOLSNESS: Well, Mr. Speaker, the fact is that there are no alternatives for these women. And will the minister reconsider her decision to close Hilltop House in view of the fact that there are no facilities available for these women that offer the same treatment and counseling programs as Hilltop House?

MRS. OSTERMAN: Mr. Speaker, there is sometimes an assumption that services that have been delivered in a particular manner are the only way in which something can be done. I

think that I could use a farm analogy, but I will not and only to say to the hon. member: there are many ways of delivering services and many opinions that speak to alternate ways of delivering the services, and I'd like to assure the hon. member that in fact services will be available.

MS MJOLSNESS: Well, we're unaware of any. I'll be waiting tonight to hear it. Does the minister realize that this is the International Year of Shelter for the Homeless, rather than the year of creating homelessness?

MRS. OSTERMAN: Mr. Speaker, I'm very well aware of that and would say to the hon. member that as a result of the emphasis in this particular year we have tried very hard to beef up the front lines in Social Services to deliver those services faster to make sure that emergency accommodation, food, clothing, and shelter are available literally on the spot. And I believe that our front line workers are doing an exceptional job.

MRS. HEWES: Mr. Speaker, to the minister. By suggesting that this type of service can be moved to another producer, is the minister telling us that this service is to be put up for a commercial, tax-supported operation?

MRS. OSTERMAN: No, Mr. Speaker.

MR. SPEAKER: Time for question period has expired. The Chair recognizes the Minister of Advanced Education.

MR. RUSSELL: Thank you, Mr. Speaker. Yesterday during the question period I arose with a purported point of order and a question of privilege and was given advice by you in your ruling to examine *Hansard* overnight. I have done that, and there are some comments I would like to offer to the House with respect to those issues which were raised.

First of all, Mr. Speaker, I appreciate very much the way in which you dealt with the question of the point of order which I raised referring to the line of questioning regarding blind trusts.

My purported point of question of privilege directed at the Premier came about as a result of language used by the Leader of the Opposition during his questioning. Mr. Speaker, I recognize that in the heat of debate and question period members often stray beyond the limits suggested by *Beauchesne* and other parliamentary traditions. Bearing that in mind, I did look at *Hansard*, and I'm referring now to page 424, when the hon. Premier answered the most recent question put to him by the hon. Leader, saying, "Mr. Speaker, I do not know that." More text followed, and he ended the answer by saying, "but I don't know it." The response from the hon. Leader was:

My question: instead of playing dumb about this, would the Premier come honest and say why it is that this company he now knows . . .

I think the inference and the tone of the language there was unfortunate and I think I was correct in rising as I did.

Later on in the exchange that followed, on page 431 in *Hansard*, the hon. Leader went on to say by way of explanation: "Nobody has questioned the Premier's honesty." With that remark in *Hansard*, I'm willing to accept the apology and the withdrawal inferred. Thank you.

MR. SPEAKER: The Chair thanks the graciousness and the



tempered manner in which this was handled by all members involved.

### 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. PIQUETTE: Mr. Speaker, I'm not sure if the group is still here. I'm pleased to introduce to you and to members of the Assembly some 35 students, grades 7 to 9, from the Smith school. They are accompanied by three teachers, Mr. Dan Hula, Mr. Dave Shopland, Mr. John Richel, and two parents, Mrs. Midge Beauchamp and Mr. Garry Brown, bus driver. They are seated in the members' gallery.

Smith is a beautiful little community nestled among the pine trees at the northwestern tip of the Athabasca-Lac La Biche constituency. I would ask the group, if they're still here, to please rise and receive the warm applause from this Assembly.

MR. CRAWFORD: Mr. Speaker, I move that the questions and motions for returns on the Order Paper stand.

[Motion carried]

#### head: MOTIONS OTHER THAN GOVERNMENT MOTIONS

208. Moved by Mr. Chumir:

Be it resolved that:

- (1) there be established a special committee of the Legislative Assembly, consisting of nine members to be named by a separate resolution;
- (2) the committee review the provincial legal system, with a view to determining means by which the costs of dispute resolution could be reduced and access to legal and other assistance, where needed, could be enhanced;
- (3) the committee report to the Legislative Assembly no later than the 15th sitting day of the 1988 session.

MR. CHUMIR: Thank you, Mr. Speaker. I'm pleased to rise to propose Motion 208.

In 1983 the then president of Harvard University perceptively stated that "there is too much law for those who can afford and far too little for those who cannot." This comment is all too unhappily true in Alberta today. The legal system, Mr. Speaker, is badly in need of a major review. It's 10 or 15 years out of date. Judge Learned Hand, a well-known American judge, stated the importance of an effective legal system as follows: "If we are to keep our democracy, there must be one commandment -- thou shalt not ration justice."

Our society has become extremely complex. Almost all aspects of our daily life are governed in some way by a network of laws, rules and regulations. The capacity to deal effectively with this system is beyond the competence of even highly educated individuals, indeed often of lawyers, those poor fellows

who are expected to know everything.

At the same time, we have entered an era of enhanced respect for individual rights. Amongst the rights which the Charter of Rights guarantees is the right of equality before and under the law and to the equal protection and equal benefit of the law without discrimination. The reality is that we don't have anything approaching equal access to the law. Low-income groups in general, but particularly those who have some misfortunes such as mental health problems, unemployment, or the need for social assistance, are all too often left to fend for themselves. To some extent, but inadequately so, the legal aid system helps some of the needy. But much more is necessary.

However, the problem does not start and end with our lowest income citizens. An October 1984 issue of the Law Society of Alberta newsletter stated:

Though legal services are made available to the needy and are affordable to those with substantial means many people with moderate incomes are shut out of the legal market.

In my view this comment takes far too rosy a view of the legal help available to the needy, but it does strike home in its observation that the cost and complexity of dispute resolution through the legal system is so great that the average person just can't afford to become involved in litigation. And every lawyer is aware of this reality.

I wrote to the benchers of the Law Society of Alberta on this issue last October as follows:

It is obvious to anyone involved in litigation that costs have become at best punitive and at worst prohibitive for a very large portion of our community. In general, only the rich and those who qualify for legal aid (and this certainly has its failings) can afford involvement in a legal dispute. Our system of dispute resolution is not working well.

I have found, Mr. Speaker, that the benchers and many lawyers I have spoken to generally are very sympathetic to the concerns that I expressed in that letter and supportive of a major review of the nature being proposed in this motion.

In this regard, a small step has been set in motion. The benchers have contacted the Institute of Law Research and Reform, and the institute has instigated a number of initiatives on the matter. They are, however, limited primarily by resources and certainly not by enthusiasm, as I am aware from discussions with them. They have established a committee with the Law Society of Alberta to identify areas needing review in our court system, and they have taken several other small but worthy initiatives.

This is happily a start, but we need to approach the matter on a much more concerted and global basis. We need a cohesive and not a scattergun approach. We need continuing and not once-and-for-all attention. There is no perfect solution, but we can do much, much better than we have to date.

I would like to note that I believe, and my experience has led me to conclude, that our society focuses far too much on the legal profession, of which I am a member, in terms of blame for the shortcomings of the system. In my experience, most lawyers are sensitive to and concerned about the needs of the system. Many contribute long hours to groups such as Calgary Legal Guidance and civil liberties associations, and take cases without fee or for a nominal fee. As I noted earlier, the benchers of the Law Society have responded positively to the concerns I have expressed and taken some steps towards implementing them. No, the legal profession ranks well in relation

to other professions and groups in our community. To paraphrase Shakespeare, the fault is not in the legal profession, although like all of us it could do more, but the fault lies in ourselves collectively, for we have not as a community adequately focused on the need for and the means to improve access to the legal system and to resolve our disputes in a less complex and less expensive way.

[Mr. Deputy Speaker in the Chair]

This is particularly true of we the elected representatives of the people of this province. Accordingly, I am proposing -- and I believe that it is long overdue -- that this House make a major commitment to the issue of reform and accessibility to the legal system. I'd make it clear that I would consider the steps proposed in this motion, that of establishing a committee of the Legislature to report not later than the 15th day of the 1988 session, only to be a start. We have to consider ways of involving the legal profession, our courts, our law schools, and all concerned segments of our society in the search for an approved system. The process set in motion should be an ongoing one.

With this framework I would like to comment on some of the specific problems and some of the possible improvements in the system of dispute resolution. These are by no means exhaustive. The underlying premise of these proposals is that the system must be structured to serve the public interest and not the interest of any particular groups. And I would note that some of the primary directions that we need to consider are developing alternatives to litigation, streamlining our processes in order to reduce complexity in cost, providing more assistance to disadvantaged groups, and simplifying our laws where possible. My comments are directed to many, although not all, of these potential initiatives.

First we have to consider the potential of alternatives to dispute resolution. I'm not exactly suggesting that we return to the good old days of trial by battle or the ducking stool, although in some instances these proposals would be appealing, so to speak. But to the extent possible we should try to reduce the need to involve competing lawyers or gladiators and an expensive and complex judicial system in resolving our disputes. The Attorney General of Ontario very appropriately stated that the problem with the adversarial system is that it produces justice at retail when the demands are for its production at wholesale. Other options aren't always possible, nor are they always desirable, but they have to be available if we're going to make justice more affordable.

The primary initiative that I'm talking about is making greater use of such alternatives as mediation and arbitration, referral of disputes to alternative agencies and getting them out of the expensive and complex court system. In fact, a great deal of this already takes place. Arbitration, for example, is becoming increasingly popular, particularly in labour and construction disputes, where it's almost taken over the whole field. Another recent example is the implementation of the new home warranty program of Alberta, which just this week announced the introduction of outside arbitration for warranty disputes over new homes. The process is both cheaper and it's faster than adversarial litigation. It's being done in conjunction with the Alberta Arbitration & Mediation Society, whose membership has ballooned to about 150 arbitrators in the last few years. Similarly, the Better Business Bureau offers free arbitration between member businesses and its customers, and a number of large companies such as General Motors have an arbitration

program. Indeed, in Ontario there is a legal requirement for arbitration in some condominium disputes and under their new "lemon" law with respect to automobile purchase problems.

The most notable success for alternate dispute resolution in recent years is in the realm of family disputes. Divorce mediation is fast becoming recognized in Canada and the United States as an alternative to the adversarial system. It's particularly useful in child custody cases, and I must say I'm disappointed to note that the Social Services department has just terminated a mediation program in Calgary for family court disputes. I think this is a regressive move in the wrong direction which will require more expensive court interventions.

Community mediation clinics are an excellent innovation which is mushrooming in the United States. By way of example, New York state has enacted the community dispute resolution centres program for a limited number of criminal disputes and civil and domestic problems. Under this program, in many instances, private, nonprofit clinics settle a myriad of disputes, including neighbourhood problems such as excessive noise, uncontrolled pets, landlord and tenant problems, employer/employee disputes, and many others.

So it's clear, Mr. Speaker, that we can and should be doing more as a community to develop alternatives to the current legal system. The key is to find mechanisms which command the confidence of our system, mechanisms which are viewed as efficient, fair, and not prohibitively expensive. They need not be perfect; they just need be of a nature which commands confidence. Mediation and arbitration are welcome alternatives which should be used more extensively.

I now move on to say a word about legal aid. The legal aid program is the primary response of our community to the needs of low-income individuals for legal assistance. Unfortunately, far too many individuals fall between the cracks of this system. The overall level of funding is a primary problem. While the provincial government brags about the high level of its funding in many areas, it has fallen behind national standards where justice is concerned. Statistics for 1983-84 -- and we have not improved significantly since -- show that Alberta's spending per capita was \$4.69 on legal aid, while the national average was \$7.11. We are funding and have been funding only at 66 percent of the national standard where justice is concerned. As a result, many worthy cases are not covered and particularly, I might note, in the parochial sense, in Calgary, where the number of legal cases handled is consistently far below those in Edmonton.

There are in particular a number of individual groups which badly need assistance and which I would single out. The primary example is that of mental patients who have been subjected to involuntary commitment. These individuals are usually poor, they're often sedated, and they are almost invariably disoriented. They're faced with the might of a legal/medical system which may lawfully take away their freedom. They face a form of imprisonment in fact, yet they're usually without rudimentary legal assistance with respect to their rights. Indeed, they receive little objective assistance of any kind whatsoever. The underfunded legal aid system provides only a wretched minimum of help to these needy individuals. We badly need a system to provide these unfortunate individuals with timely legal assistance, not only with respect to the legality of their commitment but for subsequent problems within the mental health system and indeed in other problems relating to their private lives which arise while they are committed.

Ontario has recently passed an amendment to its mental

health Act requiring hospitals to immediately notify Legal Aid of all involuntary commitments. The Drewry commission on the mental health system suggested a system of advocates to help and advise mental patients. We have neither. There's no sign of movement in any direction. This advocacy program, for example, is not part of the new Mental Health Act. In fact, almost nothing is new in the new Mental Health Act. The absence of advocacy is a major omission, and something can and should be done on this matter.

Similarly, in terms of the legal aid system, workers facing the bureaucracy of the workers' compensation system are badly in need of advice. I get many calls in my constituency office from people having problems with the workers' compensation system. The system is complex; advice is expensive. The same problems arise under the social assistance and unemployment insurance programs. These are problem areas which require knowledge and experience to resolve. They don't require a law degree; they don't require legal training. Laypeople can do the job.

Calgary Legal Guidance has recognized some of the problems, and it has done a great deal to provide volunteer legal advice on these and many other problems. Other provinces have developed community legal aid clinics, and in the realm of lay assistance to which I was just referring, groups such as the Calgary Unemployment Action Centre have developed competent lay advice for these needy groups. We should be encouraging Mr. Speaker, more services of this nature.

I would like to raise one inherent element of unfairness when we deal with the legal aid system, and the difficulty occurs when one person in a dispute is funded by legal aid and the other party, perhaps only marginally better off financially, is required to fund the legal battle personally. I don't know what the answer is, but this is an issue which must be addressed by our community. Perhaps in some cases litigants in this situation could be given the option of an alternative dispute mechanism such as arbitration, and then legal aid would be made available only if the individual who did not qualify for legal aid did not agree to the arbitration option. It sounds to me like that would be a much fairer system.

I would like to move on to speak briefly about the small claims system, Mr. Speaker. The small claims court system is an excellent innovation to provide a simplified system for cases dealing with relatively small amounts, presently \$2,000. The typical small claims judge is somewhat of an inquisitor and frequently a bit of a mediator. But most important, the forum is inexpensive, it's informal, and a disputant does not feel lost without a lawyer. Indeed, under Quebec's small court system, which handles cases up to \$10,000, lawyers are prohibited. The potential of this forum, I believe, must be thoroughly explored, including the question of whether its financial jurisdiction should be increased.

I would like to point out one area needing urgent review. It is that of debt collection. Once judgment has been rendered, successful litigants are left with one of the most frustrating experiences of legal life; that is, collecting on the judgment. We badly need an improved system to provide effective assistance for successful litigants to collect court awarded judgments.

I would like to also comment on the realm of human rights. A particularly difficult question arises when fundamental human rights issues under the Charter of Rights arise. These raise not only questions of basic individual rights, but they have broad implications for the structure of our social institutions. Both the federal government and the government of Ontario have set up

programs for funding equality rights issues under the Charter. These deal with special problems, for example, of women, the handicapped, and other groups who face complex equality questions. To date the government of Alberta has not responded to this need. We obviously can't fund all of the cases which merit attention, but for a relatively small sum we can make a start in the direction of recognizing the importance of having these matters resolved. The Alberta Liberal Party passed a resolution at its recent provincial convention proposing the establishment of a fund to provide \$250,000 per annum to fund issues of this nature, and I would submit that this would be a step in the right direction.

I would like to move on to deal with some of the problems that I see. Mr. Speaker, in dealings between individuals and government institutions. Confronting the complexity of government bureaucracy can be one of the most frustrating experiences in life. The Ombudsman's office is an excellent response to dealing with such problems. We need very badly to expand the mandate and role of our Ombudsman. The Ombudsman's jurisdiction must be expanded to cover a far broader range of institutions which are publicly funded. I would submit that consideration must be given to the potential role of the Ombudsman in dealing with, for example, municipalities, hospitals -- particularly mental institutions -- and perhaps even universities and colleges.

When dealing with our institutions of higher learning, I would like to make the House aware of a recent problem in Calgary which points out the difficulty individuals can encounter in confrontations with institutions of higher learning. And I refer to the case of Dr. Aleksandra Vinogradov. Now, Dr. Vinogradov was a temporary member of the Faculty of Engineering at the University of Calgary who was recommended in 1984 for a permanent appointment to the faculty by not just one but two selection committees set up for this purpose. As a result of internal departmental politics at the university, she was denied the appointment. She appealed this denial to the Court of Queen's Bench, where she was successful, and the learned judge of the Court of Queen's Bench stated that Dr. Vinogradov had been denied a fair hearing. The university proceeded to appeal the matter to the Alberta Court of Appeal and was recently successful on a peripheral issue unrelated to the substance of the matter.

In the interval Mrs. Vinogradov has incurred legal expenses of over \$40,000 -- yes; \$40,000 of legal expenses being borne by a single individual. She has, at various stages of the dispute, sought an alternative way of resolving the dispute, one of which alternatives has been arbitration. Unfortunately, the university has consistently declined to consider alternatives of this nature. For various reasons it prefers to litigate. However, the reality is that its litigation is publicly funded, and I have pointed out in correspondence with the Minister of Advanced Education and copies to the university that it has the staying power to outlast Dr. Vinogradov. It can win the case simply on its ability to carry on longer than Dr. Vinogradov, until her resources are exhausted. And I personally find the case to be very, very disturbing.

I don't want to underplay the difficulty of handling issues of this nature. But surely we can develop a system of resolving these disputes which is fairer to the individual involved. I've written to the Minister of Advanced Education suggesting that in this instance some form of intervention is justified. I am aware, and it is obvious, that a minister is properly reluctant to interfere in the internal operations and decisions of a university,

but this issue goes beyond that of the individual dispute and raises a matter of fair process that our policymakers should consistently be concerned with. The process is not fair, and I believe that the government should intervene to see that a fair and inexpensive process is available, not just for Dr. Vinogradov but in all future cases as well.

Mr. Speaker, there are many other areas in which improvements can be made in our system of dispute resolution, particularly by way of improvements and simplification of our court procedures and indeed our laws in general. Time, unfortunately, does not permit me to deal with them. My comments are intended primarily to put the issues and problems in context and to point out directions of possible improvement. The issues are difficult. They merit a thorough review. This motion proposes a healthy start to this review process by a special committee of this House, and I hope the House will support this worthy initiative.

Thank you.

MR. STEWART: Mr. Speaker, I welcome the opportunity to speak to this motion. Before commenting on the merits of the motion, I would first like to make some remarks with respect to the format of the review that is recommended in the motion.

The first section of the motion resolves that

- (1) there be established a special committee of the Legislative Assembly, consisting of nine members to be named by a separate resolution.

Mr. Speaker, I have some problems with that -- and perhaps with some tongue in cheek -- but I would suggest, nevertheless, the matter is absolutely critical to the motion. We have to take into account the fact that the hon. Member for Edmonton Centre has already cast judgment from on high, as it were, as to the intellectual capacity of the members of this Assembly and has found it wanting. He has categorized all of the members, starting with the highest of highs, the postgrad degree at Harvard, which, by coincidence, he holds, and he's relegated all of the remainder of us to the other categories. So I'm sure that the hon. Member for Edmonton Centre may have some lack of confidence, as it were, in any special committee of this Assembly that could handle anything as potentially complicated and intellectually challenging as such a task may be.

However, perhaps more important and a second problem that I have with the idea of a special committee at this point in time is that in January of this year, just two months ago, a very comprehensive and thorough examination of this very matter was launched by the Institute of Law Research and Reform. I would suggest that to conduct a parallel investigation and review would, at this point in time, be redundant and certainly costly and in view of the current fiscal reality would not be appropriate. Mr. Speaker, the Institute of Law Research and Reform has a tremendous track record of achievement in this area. It has in the past made significant contributions that have found their way into the statutes of this province and have formed the very basis of some very enlightened laws. John Côté, QC, has made numerous contributions to legal education in this province, and I understand that he will be examining the concept of a referee system to deal with the complex questions of law in a more informal way, particularly with various matters which now consume time and prove costly in the court system. Bill Hurlbert, QC, will examine ways and means of reducing costs of litigation as part of that study, and indeed a third study will see whether or not arbitration can play a large role in our legal system for resolving disputes.

Finally, Mr. Speaker, I have a problem with the proposed special committee concept, because in addition to the institute to which I have referred, there is a wide base of expertise existing through the Alberta Law Foundation and the research and analysis branch of the Attorney General's department. There are ample resources available and indeed ongoing, and they do have the capability and are suitable to this type of review that has been suggested by the hon. Member for Calgary Buffalo.

The task that the hon. Member for Calgary Buffalo suggests for this special committee is immense and it's very complex, as he has indicated. To undertake such a task as individual members of this Assembly and report within a year is, in my estimation, not realistic. I believe that the institute is the proper forum for that very important review. That is now under way, as I have suggested, and I certainly look forward to its recommendations.

Mr. Speaker, I would now like to turn to some of the merits of the motion, and I do congratulate the hon. Member for Calgary Buffalo for bringing it forward. He has raised a number of very important points for our consideration. And there is no doubt about it, that as members of this Assembly we must do whatever we can to ensure access to our legal system to all, regardless of financial circumstances. In this connection, Mr. Speaker, I think it's important to note the comments of our Attorney General on this very subject. On July 14, 1986, he said, and I quote from *Hansard* of that date, on page 535, this one sentence:

To make sure we have the courts of this province, the legal system, available to the citizens of this province so they are not denied justice or an approach to justice because of lack of funds is something I think we should be committed to as legislators . . .

The hon. member has raised some very important points that bear upon that objective. There is no doubt that our laws and procedures are becoming more and more complex as time goes by, and there's also no doubt that the expense and time involved in that particular process is a problem to many Albertans.

I do not intend to review the various points raised by the member, but I think it is important, Mr. Speaker, to look at some of the factors that are giving rise to this situation, and there are many. I also think it is important to acknowledge what is being done to meet the problem, to reduce overall costs, to expedite the legal process, and to make the legal system accessible to the average citizen.

Mr. Speaker, I would have thought that statistics would show that people are looking more and more to the courts to resolve their disputes. However, I note that the caseload statistics in the annual report of the Attorney General as of March 31, 1986, do not bear that out. It in fact shows that less cases are coming to trial. We have always been fearful that certain trends in the United States might, in fact, become trendy in Canada. I cite, for example, the suits alleging malpractice and accidents claiming enormous damages. Fortunately, we have not experienced a proliferation of such cases as yet. Despite the statistics at the present time, however, I really feel that we will see more and more recourse to the courts to resolve disputes unless we can promote pretrial settlement or other ways of resolving them.

Another new factor that will undoubtedly increase litigation, Mr. Speaker, is the federal Charter of Rights itself. Unfortunately, in my view, we now have a statute which will lead to our courts' being the lawmakers instead of the Legislatures and Parliament. This will lead to more suits and much greater cost to individuals as they have to resort to the courts to determine

those laws. I'm certainly all for protection of individual rights, but I'm not sure that we did it the right way with the Charter, which by necessity must be in such general language with so many terms that are ambiguous, leaving it open to different interpretations.

Also, Mr. Speaker, our laws are more complex these days because our world is more complex. For example, the law relating to copyright as it applies to software for computers is totally up in the air at the present time, as this information age seems to be overlapping the industrial age.

Another factor, Mr. Speaker, is that in this fast pace of our modern society many people and indeed many businesses have increasingly resorted to credit and debt actions in our courts because of the increasing use of credit itself. Over the past few years matrimonial disputes and resulting litigation have likely also increased dramatically. So there are many trends which have increased the potential demands upon our legal system, putting strains on that system and indeed increasing the costs of the individuals in pursuing their remedies and impacting upon the accessibility, as pointed out by the hon. member.

However, I think we should also take into account, Mr. Speaker, that much has been done with respect to keeping the costs of the complainant from becoming out of control. One must remember that cost is almost totally determined by the professional time that is required to be spent in pursuing an action or indeed performing any legal service. In litigation matters the biggest single factor to reduce costs is to promote ways and means of settlement before any court action is commenced. Much has been accomplished in this area, and I believe that that accounts for the reduced caseload that I referred to earlier from the standpoint of litigation before our courts. Procedures such as pretrial conferences between the counsel for plaintiff and defendant, meeting with the trial judge in trying to determine ways and means in which such litigation can be settled, I think were appropriate steps to have been taken. That has been the case for the last several years, and I think it's working well.

The hon. member has mentioned private arbitration proceedings, and certainly that is increasing in its use and serves a very valuable purpose. Just the old-fashioned examinations for discovery certainly also contribute in a way to the overall matter of potential early settlement.

The best settlement, Mr. Speaker, is of course one that is made by agreement between the parties themselves, and therefore these procedures are valuable and essential in order to allow that to happen. The use of referees or other third-party mechanisms must be explored to assist in this objective of early settlement by the parties themselves.

I believe that matrimonial disputes relating to property settlements will be determined more and more, as has been suggested by the hon. member, by out-of-court counseling, and many private professionals are indeed developing an expertise in this area.

Mr. Speaker, another factor in reducing cost and at the same time increasing accessibility is the more diverse tribunals to which disputes can be referred. For example, the hon. member has cited the small claims court, and it does perform a very valuable function in an informal atmosphere so that individuals can make their case on their own without the required legal counsel. The hon. Member for Calgary Buffalo regrets the fact that many judgments are hollow and no money is there at the time the judgment is in fact granted. I hope he is not at the same time suggesting there should be government support in that regard.

There are also many individual boards. The Land Compens-

sation Board, the Crimes Compensation Board, the Fatality Review Board, the Labour Relations Board: these are all avenues where specialized disputes or other matters requiring adjudication can be resolved and attended to, I think they form a special type of role in providing access to a legal system on those specialized matters.

As I mentioned before, the hon. member has mentioned recourse to arbitration, and I agree with him that that serves a very valuable function, particularly where there is a great deal of detailed evidence to be given by experts and all of that has to be sorted out. I certainly agree with the conclusions of the benefits of such a system as set forth by the hon. member.

Mr. Speaker, much has also been done to make the general public much more knowledgeable about the law, on the theory that recourse to our courts and to lawyers can be reduced by such previous knowledge. I think of the student legal aid, the Calgary Legal Guidance, Dial-A-Law, public forums all as programs and initiatives that make a tremendous contribution in this general area of public awareness. The Alberta Law Foundation and the Canadian Bar Association have also made a great contribution in helping the general public to be much more knowledgeable in the law.

In addition, much has been accomplished generally in reducing costs of various government agency procedures through automation and streamlining of regulations. Examples are the computerization of the Maintenance Enforcement Act, the automation of the personal property register, and the new Land Titles Office computerization of records of title. Automation has also taken place in the Public Trustee's office. The new court automation pilot registry is but another example. Mr. Speaker, I would suggest that all of these reduce the time and hence the expense to the users of these agencies, which would otherwise be passed on to the client by the lawyer who is performing that service on behalf of the client at a greater cost. So there is an indirect saving and perhaps even a direct saving to the public in that regard.

I would also suggest, Mr. Speaker, that much has been done in the offices of practising lawyers over the years to make them much more efficient and effective so that legal services can be rendered more economically on behalf of the public. And there's no doubt about it that the computer has certainly revolutionized the law practice. Legal research banks are now accessible by computer. Sophisticated word processing systems are in place in order to help keep down the overhead. And all of this hopefully is passed on to the consuming public for legal services. Any procedure which can reduce the professional time that is required to carry out the instructions of clients reflects itself in that final bill for the services rendered.

Another important point, Mr. Speaker, is that the profession has been exposed much more to the world of competition. More and more shopping is being done by clients requiring legal services, and this is indeed healthy. Advertising now permits more information to be communicated to the consuming public, and as I indicated, that can only be a plus. More information with respect to the firms, their areas of practice, and the professional background of the lawyers of that firm are now available to the public. Also, like the hon. Member for Calgary Buffalo, I want to acknowledge the progressive improvements that have been made in the procedures and rules of the Law Society which that society has recently adopted or is in the process of adopting.

So, Mr. Speaker, many things are indeed happening out there, factors which increase the necessity of the public for professional legal services, but at the same time much is being done

in order to address the problems of cost and accessibility. Again, I do not want to review a number of the points that have been raised by the hon. Member for Calgary Buffalo. I think that he has set them forth and that they are points that should definitely be considered by the study that I indicated would be undertaken by the institute. I wish to congratulate him for bringing them forward, and I'm looking forward to the results of the institute's examination of our legal system. I also look forward to hearing the thoughts of other hon. members on this subject in this debate.

Thank you.

MR. DEPUTY SPEAKER: Hon. Member for Edmonton Strathcona.

MR. WRIGHT: Thank you, Mr. Speaker. I really can't dispute or not accept anything that has fallen from the hon. Member for Calgary Buffalo on this matter. But with the hon. Member for Calgary North Hill, I do have some concerns about the fact that there are to be nine members of the Legislature who will sit on a special select committee to deal with it. Nonetheless, it doesn't follow that there will be a decision made in detail and research done in detail by all these members, and in fact I was going to refer to the efforts of the Institute of Law Research and Reform in the matter of cheapening litigation to put it more within the reach of ordinary people. There's no reason why the two approaches are mutually exclusive. It seems to me that a select committee of the Legislature could look into the matter and accept the recommendations of the law institute and, if those recommendations were not as rapidly forthcoming as they ought to be, give them a prod here and there, but, in general, speed up the process, which in the academic world is sometimes slow in arriving at conclusions; not only the academic world, Mr. Speaker, of course, but especially in the academic world.

There is an urgency for this. The articles that appeared in the *Calgary Herald* on Friday, Saturday, Sunday, and Monday past attest to this. My impression, incidentally, of those articles was not that they did illustrate an enormous problem out there, because they were assembled after eight months' work, I gather, from the author of them writing in the articles. But nonetheless, they do point out problems specifically with the Law Society's handling of certain issues raised. They themselves are problems of the legal system, in part at least.

There are so many things that need to be looked at. I won't repeat what's been said already, but I may perhaps mention one or two other points.

The option of summary arbitration has been referred to with a view to heading off problems before they turn into problems that reach court. The legal aid system should be expanded to contain an advice bureau too, something like the community clinics referred to by the hon. Member for Calgary Buffalo. Of course, that's what they really are, but they're staffed by lawyers on a volunteer basis, and they do work well in some other jurisdictions in resolving some disputes before they even get to the litigious stage.

One of the biggest problems in litigation, Mr. Speaker, is the cost and length of time consumed by what are called interlocutory proceedings, the proceedings between the beginning of the civil case and the trial. The discovery system was introduced in Alberta really when the system was being set up prior to the First World War. There has always been discovery, but oral discovery was allowed. It's expanded into a process which often takes two years, even longer sometimes in a complicated

case, and that really stretches the resources of the individual litigant. As the hon. member who moved the motion said, it often turns into a very one-sided contest because of the length and expense, not just to the whole process but of this one process. So that's one thing that clearly can be speeded up.

I share his concern about the court mediation service being axed that was run in the family courts by the department, Mr. Speaker.

I will not more than notice my refrain about the defects in the selection of judges that exist in Canada. That contributes in no small measure to the problem, but another place and time perhaps would be needed to develop that.

There are alternative tribunals that could resolve disputes. For example, in the state of New England, motor vehicle litigation, which consumes a substantial proportion of our litigation time, is resolved by a board somewhat like the Workers' Compensation Board in this province. We have a Farm Implement Board existing in this province, with very attenuated powers though. It's very hard to get into their system because of certain time limits. That is an example of something that could be implemented.

In general, the huge funds at the command of the bigger corporations compared to those at the command of individuals pose a perennial problem that needs to be addressed. And all these things need to be looked at urgently. I agree that there are some problems in setting up a select committee of the House, in view of the size of the problem, but since the research on the problem is being already handled by a body competent to do it, it seems to me that the two can work together quite harmoniously, Mr. Speaker. Therefore, I am in favour of the motion.

MR. DEPUTY SPEAKER: Hon. Member for Ponoka-Rimbey.

MR. JONSON: Yes, Mr. Speaker, I'd like to take a few minutes to speak, generally at least, in support of Motion 208. Our legal system is part of our heritage as a country. The British common law and the statute law which we've added to our body of law is something that is very special and unique and very valuable to all of us, very important to our democratic way of life. I'm sure that there are dozens of countries in the world and probably billions of people who are very envious of the system that we enjoy in terms of its protection for individual freedom and the right to pursue our lives in the most flexible way possible and appropriate.

However, Mr. Speaker, our legal system is not without some serious problem areas. I acknowledge that there are some ongoing studies of our laws and legal system. The Institute of Law Research and Reform, I believe, has been mentioned. There is a study going on at the University of Alberta, as I understand, handled by the Faculty of Law, and various activities of the Law Society of Alberta have already been referred to. But in all of these cases, the legal system is examining itself, and I think that the motion presents a model for a more open process of reviewing issues on this topic. I think the broad public response that should come to such a legislative committee is very, very important. As a government we have had a number of reviews that have been going forward. They have covered such areas as education, agriculture, health care, and others could be added to that list.

Mr. Speaker, a long time ago as an educator I took note of the fact that although I and my colleagues had certain expert knowledge that was very, very important in terms of implementing and diagnosing certain things in the area of education, it was

just as important when we were looking at problems and issues to have the response of the public that we served. And it's often a good idea to have people who are not lawyers -- or in the case that I was referring to, not educators -- part of such a review process. I think that there would be a reasonable chance of this occurring under the proposal from the hon. Member for Calgary Buffalo, although I would note that I'm the fourth speaker on this topic this afternoon and, I believe, the first one who is not a lawyer, but nevertheless I shall go on.

Anyway, I'd like to comment on four or five areas that as an M.L.A. I've run across as being problem areas for our legal system with respect to legal aid and cost and the other things that are referred to in the motion. I think by mentioning these areas of concern it gives support to the need for an initiative such as is outlined in the motion.

First of all, Mr. Speaker, there is the problem of our current legal aid provisions. I would start out by saying that it is fortunate for us that we have as good a system as we do, but it certainly has some weaknesses in it. First of all, there is the problem that's been referred to, and that is the affordability of our legal system. It seems that under the legal aid provisions that are there, what I might call a basic legal case can be fairly well provided for under the monetary support and the services that are available through that program. But when it comes to a complex case, a case which may be breaking some new legal ground or is particularly contentious, then one of two things seems to occur. One is that in order to get the necessary service, you have to pay additional money, which is not able to be afforded in most cases or -- and I perhaps am being presumptuous to say this -- you just don't get the service because the quality of legal advice isn't there through the system.

What I've observed is that there's no differentiation among rich and poor as to the difficulty of the cases that people find themselves involved in, and I do think that as far as the legal aid system is concerned, yes, the basic level of monetary support has to be reviewed, but also I think the legal profession has to have a look at how you assure that you have the most expert advice possible available to people who need that legal aid service. Because as I've said already, Mr. Speaker, they too have the problems and the issues before them that need that kind of expert help.

The second concern that I hear very generally about the way the legal system operates is also, Mr. Speaker, related to cost, but it has a number of other aspects to it. This is the whole business of the very, very extensive time lines that seem to be involved in the legal process. This creates stress on people involved in cases. It brings into question the quality of the eventual judgment, because it seems to me that the accuracy of the memories of witnesses and so on can't help but decline a bit as the years go by, and ultimately I think that in some of these very long legal wrangles, the quality of some of the eventual judgment has to be brought into question. But one thing is for sure: the longer the process goes on, the greater the cost will be.

I'd like to just mention a couple of examples, Mr. Speaker, that come to mind when we're dealing with this particular topic, because they've come to my attention recently in my work as a member of this Assembly. One constituent has a case where there is what really amounts to the simple matter of probating a will. The estate, as I understand it, amounts to about \$16,000, and this has been three years in the process of being concluded. There must be a way an adjustment can be made in the system to bring such a case to conclusion somewhat more quickly. My observation of the situation is that by the time this will is even-

tually probated and the settlement is reached, on the one side at least there will be nothing left of the inheritance to gather in when it's all done.

A second example concerns that growing area of liability cases involving insurance companies. I was involved in an associated way, being a school principal at the time, with a traffic accident involving a school bus in our area. To date, Mr. Speaker -- and that event happened in 1982 -- nothing has been settled, and I cannot really appreciate the legal twists and turns that have taken place by the two sides to this particular dispute. It certainly has not in any way been of benefit to the people that were injured in that accident and has cost a great deal of money, I'm sure, on both sides of the issue and certainly a great deal of stress and anxiety for the individuals who were involved through no fault of their own. And I think I could come up with some other examples, Mr. Speaker, at a time where there was more time to look at this.

I don't know, Mr. Speaker, what the problem is with this great amount of delay that we seem to experience in the legal system. I have some ideas. Perhaps it is a lack of resources. Perhaps there are that many problems in the law and the technicalities of it. Perhaps it's just a matter of legal tactics not very professionally applied. But I would say one thing about these types of situations; that is, they do nothing for the prestige and the credit of the overall legal system.

Mr. Speaker, in our discussion this afternoon the whole matter of fees and how they result in costs has been referred to. And I would just like to observe that in the process of charging for legal services, there seem to be a number of alternatives. You can be charged for a percentage of the value of a legal transaction, as seems to be common with real estate. You might be charged for a percentage of an award, which is the case in certain legal cases, lawsuits, involving civil matters. You might be charged an hourly rate, or in a few rare cases you're charged a flat rate. And I just have to raise the question if all of these schedules or methods of charging for legal services are set in the best interests of the public. I hope that they are matched with the type of legal service that is being provided so that the smallest possible cost will be assigned to the client and in the most reasonable way. But that bears some review, particularly with respect to our people who need the services of Legal Aid or are just perhaps above the level of qualifying for Legal Aid in terms of their resources.

One other point, Mr. Speaker, that has been raised this afternoon which I would like to support -- and not repeat the examples and the details that have been given -- is the point whereby we should be looking at methods of arbitration and mediation to settle some of the disputes in our society which are currently going before the courts. I think it is quite likely that judgments which are just as fair can be brought forward from the mediation or arbitration process if it is well set up rather than the courtroom model having to be used in such a multitude of cases. And there is certainly the promise in arbitration and mediation for speeding up the process as well.

I have one further type of problem, Mr. Speaker, that has come to my attention in my work as a member of the Assembly. I don't have a good name for it, but I think it's a type of problem which results where in the court system it seems that you have to repeat a certain type of judgment or decide a certain type of question time and time and time again to get any general application out of it. It seems that in the operation of our current legal system the matter of legal precedent having broad application to other cases seems to be continually being brought

into question.

And the best example of this that I could think of is a case which involves the agricultural community and, I suppose, also the small business community, and that has to do with what is referred to as the Welford case, in the province of Ontario. This involved a case where a farmer took to court his bank over the way in which one aspect of the Bank Act was being applied. And the court judgment came down and found in favour of the plaintiff and resulted in a judgment of, I believe, somewhere between \$200,000 and \$300,000 of back interest being judged to be owing to the farmer. However, that particular case is being appealed, but that is not the problem as I see it.

The problem is that all over, the western part of the country at least, other cases are having to be prepared because the word is very much out there, and that is that the Ontario case, even if it's won on appeal, is going to be taken up in some new form all across this country, and it's going to have to be fought over and over and over again. Surely there must be some way of having broader application applied to a decision for the benefit of people than is currently the case.

Finally, Mr. Speaker, I would like to say that I support this motion because I think it will bring some discussion and dialogue in an open forum on the strengths and the difficulties inherent in our legal system. We cannot help but benefit from more information and more communication with the general public on the ins and outs of the legal system, and perhaps that dialogue in itself will lead to some improvement and simplification in the way that it functions, to the benefit of all involved.

So, Mr. Speaker, I support this motion and I commend the member for bringing it forward.

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

SOME HON. MEMBERS: Question.

MR. DEPUTY SPEAKER: Hon. Member for Calgary Foothills.

MRS. KOPER: Mr. Speaker, I wasn't going to speak in this debate, but I feel that I must. I join the hon. Member for Ponoka-Rimbey in the fact that I am not a lawyer, and I must admit that the practice of law mystifies me. But I find more and more in the everyday life of the people in my constituency and myself that lawyers are necessary in order to conduct the business we do in the life that we live.

So, Mr. Speaker, I felt that in reviewing the motion of the hon. Member for Calgary Buffalo, I do agree with the principle of the motion that the provincial legal system does need to be examined with an eye to reducing the cost of dispute resolution and to simplify the system. I heartily endorse that part of the motion. But the fault, dear Brutus, I feel still lies within the profession, and I feel a strong move is being made by the profession in establishing the special committees to review the legislation that it has. Apparently, of the three studies being undertaken, two will address alternatives to litigation but the other one will investigate a wide range of cost-cutting resources. And that is what I feel the constituents that approach me are very interested in.

Because the hon. Member for Calgary Buffalo raised the subject, I would just like to relate an episode about small claims court. He described it as an inexpensive and informal way, where you don't need a lawyer. Well, Mr. Speaker, there is one constituent in Calgary Foothills that has had an incredibly diffi-

cult experience every time he wanted to go to small claims court. In fact, if I may just relate: last January there was -- he is a landlord -- a tenant that made an awful lot of noise. He was on social assistance. I guess he had bought a stereo and played it as loud as he could. They were unable to rent surrounding suites. The person was given notice but would not move out; he was given adequate notice. Fourteen days of the written notice expired, and the police were asked to become involved but could not get in, for different reasons. They were unable to evict him. A court order was needed, and he called the court finding out how you originate a notice of motion. It cost him \$25 to appear there. This is the landlord.

At any rate, the thing that happened at this point was the sheriff put a lien on goods. It took a matter of almost three weeks before anything could happen after this happened. In the meantime, the landlord had called the sheriff every day for about two weeks and jumped through a great many hoops, Mr. Speaker, that made it very difficult in terms of his time and the value of his time. In the meantime, tenants were suffering, and an injustice seemed to be happening that should not have happened. The Member for Calgary Buffalo mentioned this, and I felt that it is an example of why people sometimes try to take the law into their own hands and really try to skip the system. So I would see that the problem is very, very evident in the everyday lives we live.

Mr. Speaker, debt collection was also mentioned as a very difficult matter that had to be addressed, and I see this, too, as an essential part of the process. But my submission is that a special committee of the Legislative Assembly, the Standing Committee on Law and Regulations, already exists. The opportunity is there for them to do the task that is presently committed. There are bodies that presently exist through the Attorney General's department, and an ongoing branch of the Alberta Law Foundation, the legal research analysis branch, that do look into these matters. In my contention, this committee that is presently a standing committee of this House should investigate this matter and report back to this House on what they intend to do regarding the matters brought up by the hon. member.

Because of that and because of the fact that studies are presently under way, I feel very strongly that we should perhaps adjourn debate on this motion at some point, drop this motion, and leave it to the existing bodies.

Thank you, Mr. Speaker.

MR. R. SPEAKER: Mr. Speaker, I'd like to make one or two remarks with regards to this resolution. Some hon. members prior to me have stood up and apologized because they were not of the legal profession. Sometimes we should apologize for being part of the legal profession. I wanted to make sure I worded that right so I wasn't open to due attack.

Mr. Speaker, I rise on the basis that what I see forming here is a sort of shopping list or a list of concerns that citizens have, and certainly we have as members of the Legislature, with regards to the actions of the legal profession and the acts that take place and also the situations in which we find many of our constituents, or the citizens of Alberta, where they have to face the legal process.

To that list that's being enumerated, I would like to add two, Mr. Speaker, at this time. The first one is a situation that is currently proceeding in the province of Alberta. At the most recent session in this Legislature we passed a new Child Welfare Act, and in that Act a new procedure was established by which adoptions would take place, adoptions specifically relative to native



children that may be adopted by nonnative parents, as such. At present there is a case going on in Lethbridge whereby the case has moved into the court to decide whether these two native children should remain in the homes of nonnative parents.

The department has taken the approach that the only way to settle this matter and to test the new Act is to move the matter into court, where two lawyers, one representing the parents and the other lawyer representing the department and, as well, the reserve -- now, I'm not going into the case, Mr. Speaker, as such, but the case in question will be as follows. The cost to the potentially adoptive parents, the nonnative adoptive parents, will be borne by them in fighting the case in court. On the other hand, the department or the band council or the band who is involved in this particular case will as well be represented by a lawyer who is paid by public funds. The competition just is not fair under those circumstances.

I raise this in the context of part (2) of this resolution, where the mover has as well indicated a case similar to the one that I raised. But I am sure there are many others, and a review of that process at this time would certainly merit, I know, for this one and others that I am sure members could cite in this Assembly.

The other area that I would like to raise in terms of this list is the settling of estates. Over the last 20-some years that I've been a member of the Legislature, I've been involved in a number of estates, varying in various degrees, some that needed much interpretation by the legal bodies of this province, by the legal minds, to other estates that were very clear, where it was the transfer of the estate from either the husband to the wife that was still living or vice versa. I found in those cases where there was a direct transfer of assets from one spouse to the other that there were still a number of legal costs involved in the transfer that I felt were unnecessary.

What I've found over the years, by counseling these people and telling them to go to their lawyer and negotiate the cost of the transfer of the estate and make sure they know what the cost of the transfer is before they give that estate responsibility to the respective legal firm or the lawyer in question, is that on more than one occasion there have been significant savings to that spouse that was still living. Because you can do that, and certainly the profession respects that type of approach. But I find that the remaining spouse often is unaware of that opportunity, and they will, in trust, go to the legal profession and say, "Look, the transfer must take place; I don't know what to do; do it for me." And in the red book or the book under which certain charges can be assessed by the legal profession, often the charge is, I think, more than it should be. Now, they can certainly go through an appeal procedure, but they're not aware of that, and they're under stress when they have lost their mate and they are in a situation where they are trusting.

I have felt that there should be some other mechanism, even outside of the legal profession, by which the estate could be transferred where there's no challenge. In many of these situations all the bills are paid, the title is free and clear in terms of farmland, and there are no questions that all of the property will go to the remaining spouse. To me that's a very simple process that should not cost a significant amount of dollars. Let me give you an example of one in the last year so that the dollars become more understandable.

In this one case, where it was a direct transfer from the husband, passed away, to the wife and the wife was left as the executor, the lawyer in one legal firm took the case on and was going to charge \$7,000. The lawyer just started with the case. The son in this case came to me and said, "That's a lot of money

to transfer my father's estate to my mother." I said, "Go to another firm and ask them what they would charge." The amount of money went down to \$3,000, so he changed the firm in that situation. But even in saying that, I think there should be some process out there by which that transfer of the estate, where there is no challenge, can take place through a much simpler procedure. I'm sure that that could be established without a significant cost to the remaining spouse, because in this example that I'm citing at this point, the remaining spouse didn't have that much cash in the bank to really make that type of a payment. Certainly there were assets in the farm, but there wasn't that kind of cash in the bank under the circumstances. Now, Mr. Speaker, I raise that as another area that certainly should be reviewed when we're looking at some of these items in terms of dispute resolution.

In terms of the resolution itself, certainly it's got merit. Whatever the form can be to follow through with this suggestion that's in the resolution, I would support it. If the mover of the resolution in his closing debate feels that it can only be done by a Legislative Assembly committee, I'd certainly be willing to listen to that argument further. But if the committee of law research and reform is able to handle it and we are able to place in their hands the number of concerns that we've got, that would be acceptable as well, Mr. Speaker.

MR. DEPUTY SPEAKER: Hon. Member for Drumheller.

MR. SCHUMACHER: Thank you, Mr. Speaker. I would like to first of all say that I hope it's just not my presence as the seat-mate to my hon. friend on my left that has caused her to say a word or two good about the legal profession. I wouldn't want members of the Assembly to think that she's under any duress or pressure here, but I do want to thank her for her words concerning the profession of which I happen to be a member.

But the legal system, I suppose, is something like our system of government, which was described by the late Sir Winston Churchill as being absolutely the worst possible system in the world except for the alternative. Reference has already been made about our system maybe not being as bad as certain other jurisdictions in the world, but that doesn't mean that any system cannot be improved. I suppose that is the gist or the burden of the motion brought forward by the hon. Member for Calgary Buffalo, that he sees certain areas in which our system can be improved.

He made certain comments about using the system of arbitration and mediation. I suppose in the background of the complaints about our system is the cost, but I don't think the comments about arbitration and mediation should be taken to mean that they will reduce the costs substantially, because the arbitrators and the mediators have to be paid by someone. Their services are not going to be provided from thin air.

I have the case of a constituent of mine who became unhappy over the way he was treated by SAIT. He was a teacher at SAIT and for one reason or another lost his job. At the beginning the union or the staff association took up his cause, but eventually they became disinterested for some reason or another. It came down to the fact that arbitration was available to this man but he couldn't afford to pay the arbitrator. He had the right to choose an arbitrator and to get the thing going, but he said he couldn't afford to pay. So I don't think the system of arbitration and mediation necessarily means that the costs are going to be reduced substantially.

I do think that sometimes the legislation we pass in this

Chamber adds to the cost of the legal process. That legislation gives an opportunity to somebody in authority dealing with it to create complex and complicated rules in the administration, and I'm thinking of the Dependent Adults Act in particular. We used to have the Mentally Incapacitated Persons Act in the *Statutes of Alberta*, but that was replaced some time ago by the Dependent Adults Act. I really don't see as a practitioner that that bit of legislation and the way it has been administered by the courts -- and I don't think the legal profession has to take any of the blame for that, because I know my friends in the legal profession who've had the experience that I've had have been somewhat frustrated by what certain members of the bench have done with that piece of legislation and the costs involved to the people. So sometimes I think members of the Assembly don't really look too far beyond the legislation they're dealing with and the practical implications that it has on their constituents when the law leaves this Chamber.

The hon. Member for Little Bow raised some practical points about administration of estates, and I think he's quite correct. Any reputable lawyer should be prepared to give an estimate of what the cost of the job is going to be, and any prospective client certainly has the right to the most efficient and economical service. But I think some of the things he referred to as being problems cannot be solved by any changes to our legal system in this province, but they're more in the nature of education.

I'm happy to see that the Department of Agriculture has over the last number of years been rather aggressive in the organization of seminars on estate planning and tax planning for our rural economy, and I would hope that the same type of seminars are being sponsored by other government departments or organizations in our urban centres, because the problem referred to by the hon. member in relation to the transfer of property from husband to wife could have been solved at very little cost prior to death by creating joint ownership during the lifetime of the deceased. As a result of these seminars I've noticed in my own practice that a great number of people are coming in to have their property transferred from single ownership to joint ownership, which does have a remarkable effect on the cost of transferring that property to the survivor at the appropriate time. So there is a large measure of education that can be effective in solving some of the problems that have been referred to.

A reference has also been made to other forums, and I think that Alberta has been a leader in this area with boards like the Surface Rights Board and the Land Compensation Board. These boards generally have a less formal procedure, and I think they are effective in getting resolution of problems in a quicker and more expeditious way. I don't know whether they really are any cheaper than the courts. In my experience in the Land Compensation Board I don't think they are, because that board operates generally under the Expropriation Act, and the Expropriation Act of this province really treats property owners very generously by providing that anybody expropriating property has to be responsible for all of the costs of that expropriation, their own plus the costs of the landowner. And the Land Compensation Board, certainly in my experience, has been generous in awarding legal costs and appraisal costs to landowners that appear before it.

There's a debate going on now in our country relating to no-fault insurance, and I noticed that the CBC doesn't want to take ads from the Insurance Bureau of Canada on that subject because they say they consider it to be a contentious issue. But there are steps being taken in that area to assist with the resolution of problems in a faster, more efficient way, and I would

think that those things should be encouraged.

But I would also like to say that if this matter is to be considered by a committee of this Legislature, my colleague who suggested the Standing Committee on Law and Regulations should be used is a good one. I haven't noticed since I've been here that that committee has been particularly active in holding hearings or studying matters, and I would think that would be the appropriate forum in which this matter could be considered. But I don't think that should happen until the Law Foundation and those bodies that are presently looking into this situation have had an opportunity of conducting some of their background work. At that time, those matters should be referred to our standing committee for possible consideration with a view to recommending improvements to our system.

I really don't think our system is bad. In fact, I think we can be proud of our system. But like every other system, there are inefficiencies that do develop, and any system is always subject to improvement. I'd like to thank my learned friend, the Member for Calgary Buffalo, for bringing this matter before the Assembly today for our consideration.

MR. NELSON: Mr. Speaker, I would just like to make a few comments relevant to the issue at hand here today regarding the proposal by the Member for Calgary Buffalo.

MR. GIBEAULT: A point of order, Mr. Speaker. I'd like to very much hear the contribution of the Member for Calgary McCall, and I'd ask if he could take his papers away from his microphone there; his voice would carry much better.

MR. NELSON: Well, he will be able to hear me, Mr. Speaker; don't worry about that.

MR. DEPUTY SPEAKER: Order please. It's an unusual request to have a member of the Assembly request a member to take such steps that they could be heard. I think it's an admirable gesture. And if there is some difficulty, perhaps the man on the controls could tune up the speaker.

MR. NELSON: Mr. Speaker, I'm sure the members can probably hear me now. I just need a little bit of material here in front of me to make sure that what I've got to say has got some facts and basis for expressing what I wish to say. Don't move all my papers away. [interjections] You guys are getting worse than the House of Commons.

In general terms, Mr. Speaker, I support the intent of the motion. I think that all too often legislators and, for that matter, even many of our constituents forget about who makes the laws and how they're administered and what have you. We tend to occasionally get politically hammered about issues -- hospitals and education and other things of that nature -- when in fact we tend to find other issues that we push off to the courts or to the lawyers and what have you.

There are, as we all know, many occasions when we've spoken to people about how they felt, that they've had injustices within the legal system, how costly it is to go to court to defend an issue or to fight a particular issue, and many have just said, "Well, I'd rather go and pay the 25 bucks than go to court because it will cost me more than that to fight the system." And usually that is a reasonably correct statement that people are making. However, many times it's a cover-up, where people know they're guilty as heck, and they just go and pay the bill and complain about it after. However, those situations -- I know

of one or two specifically that have occurred. I note, as did the Member for Calgary North Hill, that there have been less cases going to trial and the civil litigations. That, of course, is in the Attorney General's report ended March 31, 1986.

What is the reason for that? Is the reason that because of some of our laws that we have on our books here in the Legislature, people are unable to have their day in court? I have a gentleman that has been fighting the system for three years at a cost of some \$50,000, and I guess you could say generally, in terms of what they've determined, he's just about a criminal. He has been not given a right of full answer and defence. He's never been given a right to examine and call witnesses as he was to see fit, and he's never been given the opportunity to exercise the right of it being heard in a court of law. The circumstances surrounding his particular issue, Mr. Speaker, basically have been determined by him and his lawyers that he has not been granted natural justice.

I believe that this country has been founded on natural justice, and somewhere along the way in some way we may have slipped. Now, I don't know whether it's because of the lawyers' ability to stickhandle. In many cases I think maybe some of the lawyers stickhandle as well as Wayne Gretzky. However, it's time, I think, we suggested that rather than have all these examinations of the legal system internally done by lawyers and what have you, we try to pull together a pool of people that can sensibly and articulately deal with the issues of the law.

Mr. Speaker, at this time I would beg leave to adjourn debate.

MR. DEPUTY SPEAKER: The hon. Member for Calgary McCall has moved adjournment on Motion 208. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Motion is carried.

209. Moved by Mr. Nelson:

Be it resolved that the Legislative Assembly urge the government to consider amending the Liquor Control Act to allow the following:

- (1) privatization of the retail and warehousing operations of the Alberta Liquor Control Board;
- (2) reduction of the regulatory powers of the Alberta Liquor Control Board;
- (3) expansion of permitted off-sales by hotels to include liquor and wine;
- (4) equalization of the permitted number of seats in beverage rooms, dining rooms, and night clubs;
- (5) expansion of the hours of sale of alcohol products;
- (6) Sunday opening of licensed facilities in hotels for registered guests and their visitors;
- (7) creation of a community club licence; and
- (8) a hearing to be held prior to the cancellation or suspension of a licence or permit.

MR. NELSON: Mr. Speaker, I have brought this motion to be considered by the members of the Legislature because I feel it is an important and timely matter for attention and action. This

motion aims to privatize the sale of alcoholic beverages, liberalize certain aspects of liquor control legislation, and to limit the power of the Alberta Liquor Control Board to purely matters of control and administration. The issue of liquor sales is one which is wide-ranging. It is for this reason that I have brought several aspects of the issue into Motion 209. All the areas outlined in the eight points of the motion are those which I think are ready for and demand immediate change.

[Mr. Speaker in the Chair]

The philosophy behind this motion is one to which this government is already committed: free enterprise. Please free free enterprise. Undue restriction and hampering of any area of commercial enterprise is, Mr. Speaker, something that this government has shown itself to be against. My aim is to broaden this philosophy and include the issue of liquor sales and let the private enterpriser and the consumer determine what is in their best interest. Why this one area should be exclusively under government control I simply do not know. It is certainly inconsistent. I know that there are those who will say that liquor sales cannot be opened up to private enterprise because any increase in the consumption of liquor will lead to increased social problems, which could then be blamed on the big, bad government.

First of all, I wish to point out that my proposal regarding the privatization of the Alberta Liquor Control Board would not necessarily create a situation of confectionary and grocery store liquor sales, although that would not be all bad. Secondly, my proposal does not necessarily mean that liquor consumption will rise dramatically. Thirdly, even with the best interest in the world, just how paternalistic or Big Brotherly does government want to get? I don't think we should be trying to instruct the public on what, where, when, or how to drink.

Nevertheless, I am not saying that all social control over liquor sales should be thrown to the wind. I am no more anxious to see minors finding ways to buy alcohol than anyone else. This is the reason that I am proposing the government retain the Alberta Liquor Control Board, though its power reduced to those of administration, so that there will remain some social control over the sales of alcoholic beverages.

The difference, however, would be that the economic control of alcohol outlets would fall into the hands of the private sector. In a system such as this, Albertans would not need to fear any undue or excessive increase in alcohol consumption or in the social problems that go along with increased drinking. Studies have shown that changing alcohol sales from a monopoly system to a private-enterprise system alone does not have a significant effect on alcohol consumption. The difference comes in which way a system is administered. If the system, be it private enterprise or government controlled, has an element of control in its handling of alcohol sales, then an unusual or worrisome increase in consumption will not necessarily result. The system I propose in this motion, Mr. Speaker, certainly has this element of control built into it and should therefore eliminate most worries of this kind.

The role of the Alberta Liquor Control Board in the system, as I envision it, would be a board with substantially reduced regulatory powers. No longer would the board be able to decide upon the categories, brands, and kinds of liquor that could be sold. Neither would it be able to describe the days and hours of liquor sales; this would be transferred to the enabling legislation. As well, the ALCB would no longer be able to approve or disap-

prove the type or kind of glass or container that would be used. In general, the ALCB would have its powers limited to those control issues that they could best enforce, such as the collection of government revenue and the barring of alcoholic beverages to minors.

This proposal to reduce the ALCB's regulatory powers is also consistent with the government's longstanding commitment to deregulation. Powers that are unnecessary and superfluous, such as those regarding the kinds of containers that can be used, are only wastes of administration time and effort as well as holdovers from the days of Prohibition.

The current powers of the Alberta Liquor Control Board are more than unnecessary, however. They are also serious infringements on the freedom of choice. The types, quantities, and availability of alcoholic beverages should depend on the consumer and the ability of the market to meet its demands. I also believe that the present powers of the ALCB encompass many that could be best handled by other bodies or other levels of administration. For example, municipalities would be in the best position to decide upon the number and location of retail outlets and licensed premises in their communities. Only at that level are an area's needs and concerns clearly enough understood to make these decisions.

The law as it presently stands in regard to alcohol off-sales is another matter which is in need of immediate change and which I have therefore also included in my proposals for change. The fact that off-sales are restricted to beer only is clearly another remnant of a bygone era. Opening up of off-sales to include liquor and wine would not create any particular difficulty, because beer off-sales have been available for many years, and thus the administrative framework for such sales is already in place. Allowing liquor and wine to be sold off-sale -- and I speak mainly of our hotel industry, our hospitality people -- would provide Albertans with more equal access to alcoholic beverage sales. Building and operating an ALCB store is not economically feasible in all areas. In such cases the areas are usually served by the hotel. Enabling hotel off-sales to include liquor and wine would thus benefit Albertans, especially in rural towns and the small communities of our province.

The hospitality industry in Alberta would also benefit. As it stands today, the hospitality industry is the third largest industry in Alberta. It is also the largest industry in Canada that is not subsidized. As the Canadian dollar improves, there may well be a corresponding decrease in the numbers of Americans who visit Alberta each year. The tax on hotel rooms and gas may also have a small effect on that. Now, hotels in Alberta don't mind doing their bit, so to speak, in helping out Alberta's economy with a room tax. What they do hope, however, is that this government will lift the restrictions on the present off-sale regulations and allow them the opportunity to benefit economically while providing a service to those who want it. I would hope that the members of this House take Alberta's hospitality industry as seriously as I do and consider this chance to offer hotels a greater opportunity to serve both Albertans and visitors to our province.

The number of seats currently permitted in beverage rooms, dining rooms, and nightclubs is also a contentious issue for me. I would like to see the number of seats permitted in these places equalized. Currently, beverage rooms in this province are allowed a maximum of 200 seats, while dining rooms are allowed a maximum of 250, night clubs a maximum of 275, and lounges a maximum of 125. Equalizing the number of seats allowed in these various areas would allow places such as beverage rooms

a better chance to compete with other licensed facilities and/or community-style pubs. As well, if beverage room allowances were increased to 250 or 275, they would still be well below the maximum number of seating recommended in the guidelines of the 1973 Ghitter report. This last major public review of Alberta's liquor legislation suggested a maximum seating capacity of no higher than 375.

Mr. Speaker, another of my concerns about the existing liquor sales system is the number of hours permitted for them. I would like to see an expansion of the number of hours allowed for liquor sales that is based on consumer demand. The naysayers here will likely raise their concerns over increased impaired driving and related offences. Since 1985, however, when liquor sale hours were extended to 2 a.m., no increases in these problems have been seen. I would also like to point out, Mr. Speaker, that since 1984 hours of sale at ALCB outlets have been decreased as a cost-saving measure. This has substantially restricted the consumers' ability to purchase beverages of their choice, another example of the way the present ALCB system is limiting the freedom of choice when it comes to purchasing alcoholic beverages.

Mr. Speaker, I also propose in this motion that licensed facilities in hotels be allowed to open on Sundays for registered guests and their visitors. This system has been successfully instituted in British Columbia and, I believe, would enjoy the same success in this province. As lounges are already permitted to sell liquor along with meals on Sunday, this proposed change would hardly be a radical shift in policy. Certainly, from the point of view of the tourism-hospitality industry in this province, this could be a very beneficial situation. In fact, because this proposal deals exclusively with Sunday sales of liquor in hotels, it would have virtually no effect outside the tourism industry.

Another proposal I have made in this motion, Mr. Speaker, is that a provision be made for the creation of a community club licence. I believe that permitting the development of small, community-oriented drinking establishments would be a very positive thing, rather like the old-style neighbourhood British pub. Community clubs such as these would focus on social interaction as opposed to alcohol consumption. These would be places to relax and enjoy a quiet evening in a person's own neighbourhood, certainly a proposal that might prove to be an effective way to reduce impaired driving accidents.

Mr. Speaker, considering the hour, I would beg leave to adjourn debate.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: The Chair is pleased that some members are agreeable, but perhaps the Chair could now put the question. Those in favour of the adjournment of debate, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no. Carried.

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

[The House recessed at 5:26 p.m.]