

LEGISLATIVE ASSEMBLY OF ALBERTA

Title: **Tuesday, April 28, 1987 8:00 p.m.**

Date: 87/04/28

[The House resumed at 8 p.m.]

[Mr. Speaker in the Chair]

[On motion, the Assembly resolved itself into Committee of Supply]

head: **COMMITTEE OF SUPPLY**

[Mr. Gogo in the Chair]

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

Department of the Attorney General

MR. CHAIRMAN: We're called tonight to deal with the Department of the Attorney General, page 45 of the government estimates book. Authority for the vote is to be found on page 50. The Attorney General is the Hon. Jim Horsman.

Mr. Minister, would you care to make some opening comments to the committee?

MR. HORSMAN: Yes, Mr. Chairman. I'm pleased to present the 1987-88 budget requirements for the Department of the Attorney General. It is a financial statement which meets head-on the economic reality that a responsible government and indeed all Albertans must face together. I believe it demonstrates reasonable fiscal restraint through responsible management initiatives. An appearance before the Committee of Supply affords me the opportunity to reflect on origins and the role of the Attorney General, and with your indulgence, Mr. Chairman, I shall do so.

The Alberta system for the administration of justice is rooted in The Constitution Act of 1867, formerly called the British North America Act. This gave Canadian provinces exclusive powers for the administration of justice in the broadest sense. Since then, and with the enactment in 1905 of the Attorney General's Act, the wide-ranging responsibilities outlined in the Act have remained basically unchanged. What has changed is the organizational framework, which has been adapted over the years to keep abreast of technology where necessary and appropriate.

Today's department consists of divisions that include civil and criminal law, court and property services, the Legislative Counsel, the medical examiner's office, and administration. The Attorney General directly administers 96 statutes and provides for the administration of four courts: provincial, surrogate, Queen's Bench, and Court of Appeal for Alberta. As well, registries are maintained by the Attorney General's department for the Federal Court of Canada in Alberta.

In fact, Mr. Chairman, carrying out the duties of the Attorney General grows more challenging in this increasingly complex world. And with the advent of the Charter of Rights and Freedoms in 1982 and the proclamation of section 15 in 1985, the public has shown a growing awareness and willingness to invoke the Charter in seeking legal remedy in a larger variety of matters. The Charter has since become a major consideration in

rendering legal advice, resulting in more litigation and an increasing workload for the department in this area of law.

Quality administration of the Alberta justice system remains a paramount factor in budget planning. I believe Albertans can be assured that we will continue to provide quality service to ensure that the interests of both our province and its citizens are protected.

The total funding requirement for 1987-88 for the Department of the Attorney General is \$133.8 million. This represents a reduction of \$12.5 million in expenditure from the previous fiscal year, or a decline of 8.6 percent.

As you are aware, Mr. Chairman, the Provincial Treasurer has requested that all departments carefully review their budgets and make a concerted effort not only to reduce expenditures but to increase revenues as well. I would like at this time to commend the Deputy Attorney General and the members of the department for their diligence and success in meeting that challenge.

The department provides a number of services to the general public, and a review of the fees charged for these services indicated that the public was, in many cases, getting a genuine bargain. Our objective therefore is to recover a more equitable portion of the actual costs of providing these services by increasing fees. In some instances fees have increased from 50 cents to \$2. In others, flat rate charges have been introduced, and in no instances, however, are increases prohibitive or unreasonable. Fee increases have been introduced and announced in a number of areas. The land titles branch, which is responsible for the examination and registration of land-related documents and the issuance and updating of titles, has increased a wide range of fees pertaining to individual land title searches and registrations. Central and vehicle registries have likewise increased fees for similar transactions and, as well, a variety of services provided by the clerk of the court, small claims, and the sheriff's office have been affected.

I wish to point out to you, Mr. Chairman, and to the hon. members present that these increases are in most instances the first such increases in 20 years and will bring this province in line with fees being levied in other western provinces. Indeed, many are still lower than comparable rates in other jurisdictions. I also bring to your attention the fact that the use of all registries mentioned has experienced significant increases in usage during the past year. Significantly, these increases can be expected to generate as much as \$18 million in additional revenue this fiscal year. The department's total combined potential revenues, which will offset expenditures from all departmental sources, will be in the order of \$73 million. Mr. Chairman, I believe this is an approach that Albertans will accept as fair and responsible in these difficult times.

There are other areas within the department which reflect both sound and responsible management and demonstrate our determination to provide an effective and efficient legal system. For example, the Alberta Land Titles Office continues to automate the land titles system in this province, replacing the manual file system now used for the storage of legal titles. Those who rely on land titles information -- municipalities, private-sector companies, utilities, individuals, and other government departments -- will benefit from the system's increased speed, accuracy, reliability, and security.

Mr. Chairman, we continue to receive positive feedback on the alternative measures programs from victims, members of the community, and law enforcement and probation officers, as well as from the young offenders and their parents. Last year the

program was expanded beyond federal offences to include those who were alleged to have committed offences contrary to provincial statutes. Thousands of young Albertans are being diverted away from the courts and into community and victim services programs. In addition, they receive counseling and other support to ensure that they do not become repeat offenders.

I would like as well to elaborate on the success of Alberta's maintenance enforcement program, which began operation in February 1986, just over one year ago. As most members are aware, the program was designed to collect moneys owed by spouses under court order for maintenance and/or child support. This program represents substantial savings to the taxpayers, since less money is provided through social assistance programs, and it is paid by those who are in fact and should be responsible and because responsible spouses must pay their fair share for the support of their dependants.

Mr. Chairman, to date the department has collected more than \$6 million in maintenance arrears in current payments. The money collected is paid directly to the registered creditor, and there is absolutely no charge to the creditor for the service. The maintenance enforcement program expects to collect \$1 million a month during this fiscal year as all new maintenance orders granted by Alberta courts are automatically filed with the program. Through reciprocal maintenance enforcement agreements with all other provinces and territories in Canada, 31 of the United States, and 21 other countries, the program can forward maintenance orders to those jurisdictions for enforcement. Alberta, in turn, collects for other jurisdictions as requested. The real success of the program is measured in the fact that a degree of financial stability has entered the lives of almost 6,000 children from 3,700 families.

Mr. Chairman, I cannot conclude my remarks on the estimates without making reference to the fact that it was my pleasure in September last to participate in the official opening of the Medicine Hat law courts complex. As I have said on other occasions in this Legislature, Albertans can be proud of the architectural ingenuity that so effectively combined our modern new courthouse with the dignity and beauty of the old one. The facilities will serve the residents of southeastern Alberta well for many, many years.

Mr. Chairman, I can only say with regret that the architect who used the imagination necessary to preserve the architectural integrity of the old courthouse and blend with it without damaging its architectural beauty -- in fact adding to it -- James Needham, passed away before he could really appreciate the success of his work. I want to make comment on that fact for the benefit of the record and for his family, who I'm sure are proud of his contribution to architectural activities in the province, particularly those in Medicine Hat.

In conclusion, Mr. Chairman, I wish to remind the hon. members that the Department of the Attorney General is a complex operation. It provides basic and fundamental services to Albertans. The administration of justice involves many highly talented and professional people, numerous important functions, and a great many areas of responsibility. I believe this budget meets the criteria placed before us. It reflects our fiscal responsibility and our determination to maintain and improve our level of service to all Albertans.

Mr. Chairman, those are my opening remarks, and I would be pleased now to hear questions and comments regarding these estimates.

MR. CHAIRMAN: Hon. minister, there are nine votes in your department. Would you entertain comments and questions on any of the nine votes?

Hon. Member for Edmonton Strathcona, followed by Red Deer North.

MR. WRIGHT: Thank you, Mr. Chairman. Many years ago I worked in the Attorney General's department -- 30 years ago, I guess. I always thought it was a department that was rather less smitten with being a group of civil servants than some of the more obvious civil service departments, and I think perhaps that still holds true to some extent. I don't mean by that to denigrate the work of the average public servant, but because of the very concrete nature of the administration of that department, I did have that impression then and I have it to a degree still, although much more out of touch with the internal workings of the department.

One of the things that we had then, of course, was that all the prosecution services apart from those in distant country points were handled by Crown agents. That was phased out for the best part of 20 years, but now there is again a fair amount of contract counsel being employed. The idea in the intervening time was that departmental counsel could provide the same services more cheaply.

The first question I would like to ask the hon. minister then, Mr. Chairman, is: where in the votes are the contract payments made to counsel hired by the department, what is the extent of this hiring, and in what divisions of the department are most of them to be found, if he is a position to say that? Perhaps he could make some remarks on the necessity for these counsel -- obviously on an ad hoc basis -- to meet sudden demands, unexpected demands, if they are justified? But we see in some areas almost standard contracting out, and I question whether that is an economy and in the best interests of Albertans, in fact, particularly in a time of fiscal restraint. I question whether some of the reductions in outlay, which are laudable on the whole, are real reductions when there are contracts let to do the same thing.

Another general question, and that is that the Institute of Law Research and Reform has, in the last number of years, made a number of recommendations for legislation reforming the laws. In 1984 there was a whole batch delivered by the Committee on Law and Regulations to the government for action, and one of them was in fact one of those recommendations. There have been several taken up. One was taken up yesterday: the Court of Queen's Bench Amendment Act, 1987. But there still remain a number that have not been dealt with, and if the Attorney General could tell us the extent to which those outstanding recommendations of the Institute of Law Research and Reform are being considered, and what is the mechanism and the priority of the government to deal with their recommendations?

One that is particularly appropriate in times of fiscal restraint that we have, and fiscal stringency, is the recommendation for no-fault insurance, which will get rid of a lot of litigation if taken up in the way it has been in New England, for example, because then those injured in traffic accidents will be compensated much as injured workmen are compensated under the Workers' Compensation Board legislation. That will remove maybe one-quarter of the civil litigation from the courts, handle it much more expeditiously, and also, I'm sure, annoy a lot of lawyers who will see their bread and butter disappearing, or some of it. But in the interests of service to the citizens, I think that particular measure would be a good one. Now, that's been a recommendation of the institute for some time, and we haven't

seen it come forth, Mr. Chairman.

Now, when we come more to court services in vote 2, the issue of family and juvenile court must be addressed, particularly in Calgary and Edmonton, where the main setup is. I do note, Mr. Chairman, that the Edmonton operation has been cut some 4.5 percent, while the Calgary operation has been cut 1.5 percent, despite the fact that the sittings have increased in Edmonton by approximately 10 percent, while the Calgary sittings have decreased by a similar amount. I may say that these particular figures are not evident from the numbers before us, but I have reason to believe they are correct. Perhaps the Attorney General can consider that and reply in some other way if he can't reply right now. But it does seem to be a disproportionate handling of the family and juvenile court services between the two cities.

We have in this session so far, Mr. Chairman, had a fair amount of things to say about the court reporters and what we view as the maladroitness of the employment, particularly of the pen writers. I notice that in vote 2.2,6., which is the Calgary region for the court reporters -- it's doubtless in the elements program. There is, at any rate, in the Calgary region a 29.7 percent cut, and in the Edmonton region the cut is about 22.4 percent. Doubtless this represents the random deployment, as it were, of pen writers between the two cities, they having been phased out.

Perhaps the Attorney General could confirm this and tell us what the plans are to afford the general public a comparable service to what has been relinquished by the court reporters not doing the transcripts in civil litigation. That still has to take place, Mr. Chairman. It is a substantial disbursement in any lawsuit. The courts do exist for the solution of civil disputes as well as criminal ones, and they are largely free. In fact, the biggest expense in civil litigation, apart, of course, from paying for the lawyers, is nowadays these wretched transcripts. That was under the old regime, when they were substantially subsidized by the system.

Now they will not be and will provide a considerable obstacle. You see, there are lawyers who are willing to take their chance on their fees in order to assist litigants, so unless there's a cure, there's no pay. Yet the disbursements have to be paid in the meantime, so that will put a further obstacle in the way of impoverished suitors -- ones, however, who are not so impoverished that they qualify for legal aid, which is hard to get for civil legal aid. One question is the true economy here, Mr. Chairman. It is true it's an economy to the taxpayer, but so would cutting out parts of the health service, for example, be an economy to the taxpayer. But the citizens have to pay for it anyway, and it is not all litigation that can be avoided. You might as well start charging for the judges or for the court officials. I do believe that that has not been a service to the public of Alberta.

We notice a decrease in the family and youth branch of 15.8 percent; this is in vote 3, Mr. Chairman. Yet we know there are increased numbers of youths coming before the courts due to the Young Offenders Act, both the federal and the provincial one. My question is: does this cut represent a reduction in the amount of child welfare work that comes before those courts? Or how is it otherwise explained? We know that the number of problems has not ceased. I'm not clear in what way it has been moved around so that a decrease can in fact take place.

I do note from the Auditor General's recommendations from the last report, which is 1985-86, recommendation 16: that there must be a better reconciliation of suitors' accounts. Ap-

parently, they have not tallied for a considerable period of time. This has been a recurrent complaint. In the Attorney General's allocation of the part of the vote to accounting services, Mr. Chairman, my question is: what attention has been paid to getting these suitors' accounts into balance? Can he perhaps explain how they came to be out of balance and in which direction they were out and why? How widespread was it, and what has been done to correct it? Perhaps it has been corrected by now. Obviously, it is something that cannot be allowed to continue indefinitely.

Mr. Chairman, one way in which Albertans are somewhat worse off than other provinces is in the provision of legal aid, particularly civil legal aid and to some extent in criminal legal aid too. In the case of criminal legal aid, it is satisfactorily widespread.

MR. CHAIRMAN: Excuse me, hon. member. Order in the committee please. Edmonton Strathcona.

MR. WRIGHT: Thank you, Mr. Chairman. The schedule of fees for the lawyers is admittedly much less than would be paid privately, but it is so much less that frequently people with very justified reasons for needing a lawyer find that they, in the luck of the draw, because it is assigned on a rotational basis, do end up with counsel who are considerably inexperienced. It seems to me that this is a people service that we should in this province at least keep up to the level of the other provinces in providing. I realize, I suppose, that's a sort of special pleading to increase fees for lawyers, but I wouldn't say that if they weren't particularly low compared to other provinces. It's not just for the good of lawyers but so that a reasonable level of representation can be assured to citizens who are charged with crime and cannot afford to be defended.

As for civil legal aid, that is, generally speaking, nonexistent except in a few classes of case, matrimonial cases being one of them. And I believe that if more flexibility were built into the system so that the ability to pay could be assessed more carefully and spread over a wider range of income instead of depriving would-be litigants of any assistance at a certain level but saying that the contribution of the litigant himself or herself cuts in at a higher level and so enables those who are not paupers but not rich either to derive some benefit in suitable cases from the system instead of having to go without altogether . . .

Also, Mr. Chairman, finally on the legal aid point, if it were also combined with a citizens' advice bureau, staffed by lawyers -- and they can be obtained for this purpose, I think, probably free, as a public service -- it would be a type of preventive measure that would avoid subsequent litigation and even crime.

I do note on the numbers for legal aid, Mr. Chairman, that the amount to be voted is exactly the same as last year despite the fact that young offenders have need of access to counsel and despite the fact that the government had to use a special warrant at the end of the last fiscal year for \$2.7 million to cover the extra legal aid costs. I ask the Attorney General whether he expects that there will be a decline in the demand this year, or how else is that situation of the need for special warrants to be avoided when the amount voted is the same?

On the question of the setup of legal aid, we are I think perhaps the only province left in Canada which doesn't have a legal aid Act. We still have the original setup of a society that provides legal aid. Originally it was set up on a private basis almost by the Law Society. The original principle was that people had their choice of counsel, and there was a subsidy at about

half rates provided. That has long since gone by the board, and perhaps it is time to regularize the setup by its own enactment as in other provinces, Mr. Chairman. I would appreciate the Attorney General's comments on that.

Going briefly to vote 5, which is the protection and administration of property rights, the Attorney General has mentioned increases in fees, which is fair enough. As he says, they have not been increased for 20 years, most of them, and the levels that have been achieved have been in line with what exists in other provinces. Perhaps he could nonetheless give us an idea of the increases in percentage terms and also some examples so we can understand the measure.

On vote 9, which is the Gaming Commission -- gaming control and licensing -- one curiosity as far as I can see about this whole vote is that the power to have lotteries and casinos and gaming in general derives from section 190 of the Criminal Code, because as you know, Mr. Chairman, it's all illegal unless done under certain conditions. One of the possibilities is that the Attorney General of the province in which the activity takes place can have legislation which sets out the conditions under which the lottery or the casino or the other gaming activity may take place. We don't, I believe, have such legislation in place in this province, and if the Attorney General could explain the basis on which licences are issued by the Attorney General's department for the various activities covered in section 190, there not being legislation enacted, I would appreciate it. I assume there is regularity about this, but assuming that to be so, then what is the advantage of not having legislation that sets out clearly so that the public can understand without having to go to the Attorney General's department and be handed rules, the statutory basis of which is unclear? What is the advantage of such a system?

On vote 6, if I can refer to that -- that concerns fatality inquiries -- there was a little while back some notice publicly of the recurrent employment problems in that office, Mr. Chairman. Perhaps in explaining vote 6 the Attorney General could briefly tell us what steps have been taken to try and deal with that problem, which is casting somewhat of a blight on what is one of the most progressive coroner's systems, called fatality inquiries in this jurisdiction, in the Commonwealth. I say that because it is somewhat modeled on the American system but has features which we believe are superior. Nonetheless, because of the administrative problems, the very good facilities which undoubtedly exist are not being put to the best use, facilities for research and scientific investigation, which are always very welcome in the field of forensic medicine. Unless something can be done about that problem, we stand to have on our hands a facility which is underused and falling short of the purpose for which it was put in place.

Lastly, Mr. Chairman, on the support services for provincial courts, perhaps the Attorney General could explain the policy here on one expensive item or feature that one has noted. The chief judge in the last financial year went on a lengthy trip abroad, behind the iron curtain, in fact. Actually, I shouldn't say -- I don't know how lengthy it was, but it was certainly lengthy in terms of distance, behind the iron curtain. The utility of studying their criminal justice system completely eludes me, and that was undoubtedly done at public expense. I just wonder under what vote that was done and whether there is a similar sort of provision being made under the present estimates for such journeying. It would strike me as almost incomprehensible.

Thank you.

MR. CHAIRMAN: Hon. Member for Red Deer North, followed by Calgary Buffalo.

MR. DAY: Thank you, Mr. Chairman. To the Attorney General, just a comment. First of all, when we look at the objectives of the ministry and we read that the ministry is responsible for the administration of justice and enforcement of laws, I think we all as members and certainly as citizens of Alberta can appreciate the tremendous weight of responsibility upon the minister and upon his department and staff. The brevity of that statement I think is twofold. In one breath it understates the scope and responsibility of this particular department, and yet at the same time it reflects it, because it is a tremendous responsibility to have that administration of justice and enforcement of laws within the entire province. And recognizing the tremendous weight of that, I would like to commend the minister and his department for facing the complexities of the day that we live in, new trends and things that are happening that previously had never happened before. It calls for a high degree of innovative ability to be able to grasp new situations and yet the strength to maintain the system of precedents and tradition that makes our legal system what it is today.

I would like just to ask some brief questions that the minister can respond to at which time he feels it would be convenient. In the area of vote 4 in terms of support for legal aid, just a couple of questions to the minister. In the actual payment of the moneys to the lawyers, is the province entirely responsible for that funding? Do some of the moneys come from federal transfer payments, or do we as a province shoulder the entire load of our legal aid services? And in reference to the lawyers involved in the legal aid practice, how are they actually paid? Is there a schedule that is adhered to? And are those lawyers designated as legal aid lawyers, or do they choose that designation? Is that something that lawyers indicate they wish to become involved in and stay or specialize in that area for some period of time? Some questions there.

I also had questions on vote 6 along the line of medical examiners, and so I won't repeat those. Those questions have already been brought to the minister.

Vote 9. In looking at vote 9 in terms of gaming control and licensing, I wonder if the minister is able to comment on whether there is any consideration being given to casinos in the category of becoming permanent casinos, whether it would be in the Edmonton Convention Centre or in the Banff or Jasper areas. Based on proposals received, is there being any consideration there to permanent casino setups there?

A more general observation, and then a couple of questions to follow. In the whole area of sentencing and incarceration -- and I recognize that is a very broad area and very broad topic -- could the minister give us some indication as ... I'll use a phrase and say violent crime as opposed to nonviolent crime, and I recognize that really no crime is nonviolent. Sometimes we'll put something like breaking and entering and call it nonviolent, and yet I recognize, looking back some years ago when my own home was broken into and going into that type of a situation, that though there's nobody there and no physical damage was done to anybody's person, there is that sense of violence and violation. But for the purpose of brevity and to avoid getting hung up on semantics, if we look at the area of violent and nonviolent crime, to what degree is the minister looking at, or being involved in looking at, alternate methods other than incarceration, especially with those who would be, let's say, in the older teens or early 20s, not what we would maybe

categorize as hardened criminals, who have become involved in nonviolent crime areas?

There's been a fair bit of work done in the area of working towards restitution rather than incarceration and even in terms of bringing the offender face-to-face, as it were, with the victim so there could be a mutual exchange and discussion on what may be appropriate in terms of restitution. Could the minister -- I know there has been some involvement in that and some sentences even reflect that, but is this an ongoing study? And could the minister tell us, from his own research in this area, if this is a positive reflection: taking this approach, avoiding incarceration in these situations, and working on restitution and the difficulties that come with enforcing restitution laws.

Those are just a few questions that I'd like to leave with the minister, and again thank him and his department for tremendous responsibilities which they face.

MR. CHAIRMAN: Calgary Buffalo.

MR. CHUMIR: Thank you, Mr. Chairman. It's a pleasure to get up and follow Rumpole of the Bailey and William Jennings Bryan this evening.

My first question relates to what appears to be an idiosyncrasy with respect to vote 1. There appears to be no provision for the minister's salary. I presume it is taken into account under another department, perhaps Federal and Intergovernmental Affairs. However, I would hope that the allocation in terms of budgeting between Federal and Intergovernmental Affairs and the Attorney General's department is not reflective of the allocation in time between those two departments.

Insofar as vote 2 is concerned, Mr. Chairman, I would like to ask several questions with respect to the issue of court reporters. When I think of court reporters, I can't help but think of a character who was renowned in my law school days, a court reporter known as Espinasse, from the days in which court reporting was done by private reporters. And it was said of Espinasse, who was a notoriously unreliable reporter of events in the courts that he sat in, that he was awake through only one half of the case and reported the other half. I must say that that reminds me all too frequently of the manner in which many of the government ministers respond to questions, Mr. Chairman.

The concern that I have relating to the cutback in court reporters relates to the issue of settlements. I understand that some of the court reporters had served for up to 25 years. I believe the minister has indicated that the amount of severance pay was six months -- twice the normal amount. However, I believe that in the private sector and in other areas the standards of settlement for that type of service are somewhat higher, and I am advised by those who are knowledgeable in this area that in the past there has been a . . . Order in the House, please. I'm advised that there has been a tendency for such settlements to be appealed, and that as often as not two years of severance has been allowed by the appeal tribunal. I was wondering whether the minister would be able to advise as to whether he is seeing a pattern of appeals and what information he has given as to what the ultimate cost may be in terms of settlements with respect to these severances.

I might also comment, Mr. Chairman, as I have at an earlier time in this House, with respect to my concern about the manner of severance. The fact of employees of the department of up to 25 years receiving notice of their dispatch through reading the newspaper, as is the apparent wont in terms of firing of coaches -- I would hope and seek an undertaking from the minister that

he would seek a more humane means of dealing with these issues in the future.

I would also like to echo some of the comments and concerns of the hon. Member for Edmonton Strathcona with respect to the cost of transcripts, which is somewhat related to the issue of court reporters. I have been hearing concerns for some period of time about the very prohibitive cost of transcripts and the very significant proportion of litigation costs that these constitute. I would urge the minister to seek a review of the manner in which we handle transcripts in this issue, with a view to determining whether or not the very high cost in that area can in some way be reduced, particularly for low-income litigants.

I note insofar as the court operations are concerned, Mr. Chairman, that the Calgary region took a somewhat higher overall cut than the Edmonton region, with a balancing figure being added in respect of an item described as regional support, the amount of which was increased from \$584,000 in 1986-87 to \$758,000 in 1987-88, still significantly lower than the amount in Edmonton. I wonder whether the minister might explain what the regional support is and how the Calgary/Edmonton figures interrelate.

In terms of court facilities an issue has been raised for some period of time, particularly in the Provincial Court in Calgary with respect to poor security at the downtown provincial courthouse. This is a matter which seems to be not only of concern here in the Legislature, Mr. Chairman, and I wonder whether the minister might comment as to his view with respect to the state of security in the provincial courts of this province generally and in Calgary in particular.

A final issue arising under vote 2 relates to facilities. I'm sure that the minister is aware of commentary, even reaching the point of criticism, a year or two ago with respect to expenditures in expanding the courthouse at Airdrie, which were perceived in some quarters as being somewhat unnecessary. I am advised by sources in the High River region that plans to add a second judges' chamber in that courthouse at a cost of \$100,000 were at the 12th hour of being finalized, notwithstanding the fact that the High River courthouse is used approximately 10 percent of the time. The comments that I had heard from those who seem to be very familiar with this issue were that this would have been a scandalous waste of money, but that the public works department had money in the budget and was concerned that the end of the year was fast approaching without the budget being used up and couldn't find anything more worthy than this. I would appreciate if the minister might comment on this if he is aware of it, and if he isn't aware of it, perhaps he might fruitfully inquire on that matter.

Moving on to vote 3, Mr. Chairman: The area of law reform has, I note, been cut by 10 percent, and this reflects, I believe, the provincial contribution to the institute of legal research and reform. Those who were in the House during the presentation of Motion 208 by myself will be aware of my great enthusiasm for the subject of legal reform, and particularly with respect to the manner in which we deliver legal services. Perhaps I might in précis note that in that motion I pointed out what is manifest to all members of the legal profession in this province and certainly any members of the community who have had the misfortune to be engaged in a legal dispute. I suggested at that time that the legal system had become so complex and so expensive that it was not only beyond the means of low-income individuals to get involved in a legal dispute but indeed beyond the means of many average-income Canadians.

As a result, I strongly suggested that we were badly in need

of a major review of the manner of dispute resolution in this province. In particular, I suggested that we look at the potential of alternatives such as mediation and arbitration. I recommended changes and improvements to the legal aid system, expansion of the scope of the Ombudsman's office, the use of greater advocacy services, including, indeed, lay advocates for those incurring problems with the mental health system, workers' compensation, unemployment insurance, and social services. I recommended a greater focus on enabling litigants to undertake Charter of Rights litigation by the provision of a modest fund in the amount of \$250,000 in this province, following the much more munificent precedent of the federal government, which has set up a \$9 million fund, and the Ontario government, which has provided \$1 million to the Women's Legal Education and Action Fund.

I also suggested that attention could profitably be given to means of simplifying and speeding up the manner of resolving disputes within our universities and colleges, between those institutions and faculty and staff. My suggestion arose from the experiences of a Professor Vinogradov, who has been having difficulties with the University of Calgary, that I've been made aware of.

Overall, there is a tremendous need for improvement of our system. I believe we're falling very rapidly behind in terms of our approach to resolving legal disputes, and I would ask the minister what the government is doing to focus on the needs for improvement in our system, because indeed the confidence of our society is very much dependent on the quality of justice that is meted out. As has been stated by Judge Learned Hand, there is one rule: thou shalt not ration justice. I'm aware that a study costs money, but as we're all aware, in many instances -- and I believe this is one -- expenditures can be conceived of as investments which will bear fruit and give us an excellent return on our money over the long haul, both in terms of quality of life and indeed in terms of the bottom line of expenditure at a later time.

[Mr. Musgreave in the Chair]

I can't resist noting wryly that perhaps we might be best to cut the grants for law reform altogether if we're going to continue to neglect the recommendations of the Institute of Law Research and Reform as we have to date. Indeed, we have a rather dismal record and I'm sure -- in fact, I know -- a demoralizing record of failing to respond to the very excellent and hard work that has been done by the institute to date.

In terms of vote 4, Mr. Chairman, that of legal aid, the previous speaker plus one commented very perceptively on some of the defects and needs of the system, and perhaps I might merely briefly note that statistics indicate that the volume of cases going through legal aid is increasing. The volume of requests is increasing even beyond the number of cases being heard. The Legal Aid Society can't keep up with the demand, and the demand of course is rising commensurate with the difficult economic times that we are seeing.

The record of this province in funding legal aid has not been a proud one. In 1983-84, which are the latest statistics that I have available to me, the expenditure per capita for legal aid in this province was \$4.66. The national average was \$7.11; we expended 66 percent of the national average on legal aid. And of the \$12.58 million which the provincial government is budgeting for legal aid this coming year -- an amount which has not been increased over the previous year -- over \$4 million of

that will be coming from the federal government. It's very clear that justice is a low priority in this province in relation to other expenditures. There are too many cases refused, particularly in the Calgary region where refusals are far out of proportion to refusals in any other relevant part of the province and have been for some years, and income levels are too low and too inflexible. So change is very badly needed in our legal aid system.

I note, Mr. Chairman, that I neglected, while commenting on vote 3, to refer to the matter of family violence. I know we have seen, through a number of recent cases in Calgary, that rather than receding, that problem seems to be gathering steam, particularly the problem of wife battering. I would have been happy to have heard the Attorney General note in his comments that the government is responding to that need in some way by recognizing a role that the courts and prosecutors can and should play. I wonder whether the minister might comment on his department's views with respect to what that department might do in relation to this very serious problem.

In respect of vote 7, relating to the Crimes Compensation Board, I note that the estimated expenditure is down 21 percent from the previous year. It's been my perception that the expenditures under that program relate to awards by the Crimes Compensation Board. I'm wondering how it is that the minister's department predicts a 21 percent decline in awards, which have generally been increasing in recent years. Is there some form of suggestion by the minister's office to the Crimes Compensation Board that perhaps they wind down the number of awards? On what basis could such a decrease be either organized or predicted?

I also have some queries, Mr. Chairman, with respect to the gaming control aspect of the minister's jurisdiction, and some of the questions -- in fact, the most pertinent ones -- have been asked. They are basically: what plans does the department have with respect to changes in the rules for casinos, and when might a decision be expected? I note that there is no increase in the budget -- in fact, a decrease. Obviously, this implies that there is no increase in administration and hence, inactivity. So does this mean that there will be nothing done prior to the end of this fiscal period?

I would as a semifinal area comment and question the minister with respect to that area of his responsibility relating to the Legal Professions Act. The minister has been made aware previously, and indeed as recently as earlier today, about the concerns of a group of individuals known as Victims of Law Dilemma. There are a number of other members of the community who are concerned about certain aspects of the operations of the Legal Professions Act. Indeed, I know that the benchers themselves are concerned about the manner in which the Act has been operating and the need for some changes. I have been in contact and had discussions with benchers on that subject and have indeed written to the benchers, in a letter that was well received, with respect to some of the needs of the community and the profession and some of the areas that should be reviewed.

I would like to comment on some of the areas that need attention, and I would suggest that the attention that is needed is relatively early attention and that the matter is proceeding at an altogether too leisurely pace. As a prefatory comment I might note my general belief and endorsement in the principle of self-governance by the profession. The technicalities of the profession are such that knowledgeable people are required to make sensible decisions with respect to the regulation of the profession, and I believe that generally the legal profession has acted

responsibly and in the public interest and certainly ranks well in relation to other professions and indeed to other segments of the community. However, every group needs a watchdog, and there's certainly a great need for greater public input with respect to the legal profession. That input has been all too slow in being implemented.

In correspondence to the benchers some of the areas that I have suggested need review are as follows. One of the priorities is a need to clarify the right of lawyers to borrow from clients other than financial institutions. One of the suggestions being considered by the benchers, and a suggestion that I raised not as a definitive solution but as a potential avenue of approach, was that there be a ban on such borrowing.

Another suggestion is that those who have been subjected to loss as a result of defalcation by lawyers in the course of the professional activities of lawyers be entitled legally to reimbursement from the assurance fund, as opposed to the current situation in which the reimbursement is at the discretion of the legal profession itself. I might note that to my knowledge the profession has virtually invariably reimbursed all claimants who have in fact lost as a result of a defalcation by the lawyer acting in the course of his duties as a lawyer. However, the failure to legislate that right means that complainants who are dissatisfied with the adjudication that the lawyer has not been acting in the course of his duties as a lawyer but in some other capacity, perhaps as an investor -- the effect of that conclusion and the failure to provide for a legal right to compensation means that the complainant is not entitled to appeal the decision of the Law Society to the courts. I believe that is a source of legitimate grievance. I believe it's wrong and that it should be changed.

A third area of concern relates to that of providing legal assistance to complainants who have grievances with respect to defalcations by lawyers. These complainants are faced with having to confront the legal profession en masse. They often can't afford legal assistance, and I think it's in the interests of the legal profession and the broader community that they be provided with some form of legal assistance.

There is a need for improvements in the process of hearings in respect of complaints against lawyers. I would suggest, Mr. Chairman, that laybenchers or other laypersons be involved in disciplinary decisions wherever possible and that this be made known, that complainants be allowed to be present at all aspects of hearings, that hearings should be opened to the public where the client consents. I understand that the benchers have in fact agreed to that suggestion. The complainant should be advised of any penalty imposed on the lawyer, and hearings should normally be in the locale where the complaint arises, which is not always the case. There is a need for a greater number of laybenchers than the two who are appointed at the present time, in order to provide greater public confidence in the objectivity and integrity of the system. And I believe greater effort should be made to emphasize the availability and independence of the taxing officer in the case of disputes over accounts.

I see that my time is fast fading, if not having faded. I hope that finger indicated there was one minute left. Perhaps I might as a final question request of the minister that in the event that he does not have time to reply to all of the questions this evening, which appears to be the likely event, if he provides written responses to all of those members who have spoken and asked questions this evening, he send me a copy of all of the responses.

Thank you.

MR. DEPUTY CHAIRMAN: Would the minister like to respond, or would you prefer to wait? The hon. Member for Calgary Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Chairman. I'd like to address a number of concerns and questions to the Attorney General tonight as part of this estimates debate.

I'd like to add some of my comments to those of my colleague already this evening about the way the decision has been made regarding the termination of the court reporters in this province and concerns about what the change in policy is going to mean in terms of providing court reporters for such things as examinations for discoveries, which may make the whole area of small claims, lawsuits, and so on very difficult or very expensive, much more so than they were in the past. I just have a question as to whether this kind of policy is leading to a system whereby those who can afford to seek justice and pay for it in our system are the ones who receive it, and those who are unable or for whatever financial reasons cannot even afford to launch such cases will have to go without justice in our system. So I have some concerns about that which I'd like the Attorney General to address.

I gather that the decisions taken with regard to the court reporters didn't follow the collective agreement. As I have been led to believe, it didn't follow that properly, and as a result of that there may be some fairly long or expensive arbitration matters between those reporters and the department. So the question would be: was any kind of -- well, I guess the question would be whether in the final tally anything of significance will be saved in the department by actually terminating these reporters the way they were. There is a lot of concern about the way it was handled. You know, some people read about it in the newspaper; some of them were called in to a meeting in a large group and treated very insensitively, without any particular kind of preparation or discussion with those people, simply all herded into a room, as I've been informed, and told that if you happen to be on this particular automation system, they're going to keep you and if you aren't on that, then you get some kind of a booklet. I take it that this contravenes some of the at least verbal agreements, if not written indications that were given to those reporters some time ago. I think those questions have been asked previously in this session by the hon. Member for Edmonton Strathcona.

I'd like to have the minister indicate what sort of cost analysis has been done regarding the upgrading from circuit points to base points, as I understand it, at Airdrie and High River. Now, back in the good old days in this province when there was lots of growth we saw that during the boom the volumes in those two communities, Airdrie and High River, were climbing each year, and so there was a decision taken to change these places from circuit points to base points, which means that they serve different functions and they have a different role within the court system. However, in the last three or four years since that growth in this province has stopped, volumes have decreased. It's now, as I'm told, manageable the way that the system is presently set up. So I'd like to know whether the province is intending to proceed with the upgrading of these two places, and if they are, what cost analysis has been done to indicate that there is a demand for services in those two communities that would warrant that kind of money being expended?

Mr. Chairman, I'd like to also ask some questions of the Attorney General regarding the computerization within his department. I see, for example, in the annual report for the Attorney

General of 1985-86 that something in the order of \$13 million was expended in the last fiscal year for electronic data processing. Now, \$13 million is a lot of money, Mr. Chairman. Indeed, if you look at the total department expenditures in the order of \$130 million or \$133 million, that adds up to 10 per cent. That's a considerable amount of money in one department going into computer software or hardware. I don't know what it's going into, but as you read through the report there are references made to all kinds of computerized automation programs. Now, one of those is this court automation project which provides support to the criminal and traffic components of the Provincial Court and Court of Queen's Bench. We also see that there is reference made to the criminal justice information system.

Now I would like to know -- just for an example, here are two computer programs both dealing with criminal justice information, as far as I can tell. What is the relationship between these two different programs, and was any cost/benefit analysis provided to the department in order to proceed with this? And if so, if the Attorney General would explain those to the Legislature, I think it would be very informative. Because what I have is a concern, Mr. Chairman, that this department, like other government departments, may well be getting into what could be called a gadget trap where, you know, you have computer program on top of computer program. They can get out of control and cost a considerable amount of money and never come close to meeting the demands or expectations that were originally touted for them. You get systems on top of systems; you get enhancements on top of enhancements. And I would like to know, in a department that's spending, it appears, somewhere in the order of 10 percent of its operating budget this year on electronic data processing, some assurance from the Attorney General that this is not happening in his department, that there is some co-ordination. If so, I'd like him to explain what is the relationship in particular between the criminal justice information system and the court automation project.

This also relates, Mr. Chairman, to some of the recommendations that are made by the Auditor General. We find, for example, in the Auditor General's report for the year ended March 31, 1985, that reference is made by the Auditor General to a matter of fraud being conducted by

the Deputy Registrar of Land Titles, the Manager of Administrative Services and the Accountant together defrauded the Land Titles Office. The three officers who conspired jointly to perpetrate the fraud were all authorized to sign cheques to refund overpayments of registration fees. Several refund cheques totaling [some \$781,000] issued during this period were found to be fraudulent.

Well, I would like some indication from the Attorney General what action has been taken on that. I note, at least from the most recent Auditor General's report, that this specific problem has not been specifically mentioned. What steps have been taken to correct the control systems in the land titles branch to ensure that -- well, you at least close the bam door after the horse has gone.

However, we note also in the Auditor General's report, most recently for the year 1985-86, that the department has developed a system called the court administration project which is used to record, control, and account for moneys paid into Alberta courts, held in trust, and then disbursed as required. Now, the Auditor General observes that this CAP -- court administration project -- collection and disbursement system accounts were not

in agreement with the related bank accounts, and further investigation revealed the bank accounts had not been reconciled properly to the CAP system records since March of 1983. Mr. Chairman, that's a period of three years. The Auditor General concludes that this situation constitutes a serious weakness in the control exercised over these trust moneys. Now, we have in one year a report that fraud had been committed because of weaknesses in the control system in the Attorney General's department, and we see that a similar observation is being made in reference to this court administration project.

I would like the Attorney General to tell this Legislature what steps have been taken and are being taken to correct not only these weaknesses that have been identified in these last two reports of the Auditor General but indeed whether some comprehensive review is being done by his own internal audit division within his department to ensure that these weaknesses are not found, cannot be found, and will not be found elsewhere within his department.

I'd also like, Mr. Chairman, to have the Attorney General address the matter of security problems at the Calgary provincial courthouse. Now I take it that most of the controversy that surrounds this security situation that has been at least publicly expressed in recent months lies in the inadequate number of policemen assigned to that courthouse, I would like to know from the Attorney General whether, in view of all the general cut-backs that are being made throughout the system, this area is going to be affected by that as well, or whether there are going to be any steps taken to correct what has been referred to from a number of different sources within the city as being a very serious problem,

Whether it be lawyers who have clients in that courthouse -- some of them have been publicly quoted as saying that there is no safe place in which they can talk to their clients. The facility, they indicate, is poorly designed. Six out of the 10 courtrooms have no safe and private interview areas for prisoners. There are eight security guards and a supervisor to man 10 courtrooms and two traffic courts. As well, they apparently divide their time covering family and youth courts. In addition, they have to call in the jailers to assist. Some of them have to cover three courtrooms at a time. Indeed, one of the Crown prosecutors in Calgary says that he personally has witnessed or seen four cases of security breaches, and predicts more of them are going to occur in the future.

Now, what steps are being taken to correct this problem? It's a serious problem. It's been raised on a number of occasions, and I would like to know what steps within these budget allocations for the Attorney General's department are being taken to ensure courtroom security at the provincial courthouse in Calgary. I'm told that part of the problem is that the grant which is made to, I believe, the city of Calgary doesn't fully cover the costs of the city police, and I'm just wondering if there's an expectation that this is going to rest solely on the taxpayers of the city of Calgary through the city of Calgary to ensure that adequate security and adequate policing is done. Or is the Attorney General prepared to provide the adequate funding necessary to provide that sort of security to lawyers, prosecutors, and others who have to be in that courthouse?

Another area, Mr. Chairman, that I'd like to get some indication from the Attorney General is whether his department has provided, is providing, or plans to provide support to local municipalities who are presently defending day-of-rest legislation in the courts. Now, we've heard from the government in sessions past that their answer to this situation of day-of-rest

legislation is that they will give municipalities the authority and the mandate through the Municipal Government Act to provide or pass local bylaws to deal with this problem. They're saying it's local. We're going to provide the mechanism to solve this problem to the local municipalities.

But I'd like to know whether the Attorney General is providing anything in way of support to local municipalities who, on the basis of this I guess promise from the provincial government that these changes to the Municipal Government Act are within their jurisdiction, within their mandate -- now that they've given that promise, enacted that legislation, and motivated some of these local municipalities to pass day-of-rest legislation bylaws in their local jurisdictions, is the Attorney General going to provide any way of assisting those cities in defending those bylaws now that they're under challenge? I note particularly that the city of Red Deer has been defending their bylaw now for some time in the courts, and I see that just recently the city of Medicine Hat has been taken to court as well. Are they on their own hook, or can they expect some help, some advice, some assistance from the Attorney General's department?

My comments, Mr. Chairman, I'd like to turn now to the one other area that I'm particularly interested in under the mandate of the Attorney General, and that has to do with the Alberta Gaming Commission. As my hon. colleague for Edmonton Strathcona has quite accurately pointed out, gaming in this province can only occur under certain conditions; it's regulated through the Criminal Code. However, it's very interesting to me that there is no Act of this Legislature that set up the Alberta Gaming Commission. To the best of my knowledge no resolution was ever debated or passed in this Legislature setting up an Alberta Gaming Commission. The only thing that exists is an order in council signed many years ago. There has been only the most minimal of direction given to that commission as to what is intended for the regulation of gambling in this province, and now we see in the latest annual report for the Alberta Gaming Commission that something in the order of \$300 million to \$350 million was gambled by Albertans in the most recent fiscal year for which those statistics are available.

Now, what does that mean? We have a regulatory agency set up to oversee a \$350 million-a-year industry in this province without any clear direction given from this Assembly, and it's an industry that's grown very, very rapidly in the last several years. Now, I don't want my comments to be misinterpreted, to detract in any way from the careful consideration which the Alberta Gaming Commission gives to these matters. What I'm saying, Mr. Chairman, is that I think something has been created here for which very little preparation was done and which has changed dramatically over the years.

It seems to me that now is the time this government should start coming to grips with what's going on in the province and try to get some handle on what this kind of gambling is doing within the province. For example, do we know who in Alberta gambles? If we were to add into this \$300 million figure of gambling that's overseen specifically by the Alberta Gaming Commission, we should also include what's gambled in horse races and lotteries. What about illegal gambling? If you added all of those figures together, the result might well be that there are staggering numbers of dollars being gambled in Alberta. Now, who is doing that? Who gambles in Alberta and why? And can they afford to do so? Is it having any effect on family life or on the children of people who are doing this? Maybe it does; maybe it doesn't. How many Albertans are compulsive gamblers, and how do they finance their addiction? To what

extent is illegal gambling present in Alberta, and is it stimulated by legalized gambling? What are the public and private costs to gambling? And as a result of a question and the answer to a question like that, we may begin to get some handle on what is the net social cost benefit of gambling in our province.

These are only a few, Mr. Chairman, of the important policy questions that I think this government needs to start addressing at this juncture of policy-making in Alberta, because to the best of my knowledge there has never been any serious public investigation or discussion of what effects these are having on the people of our province.

Now, the Attorney General is not really in the business nor does his department really have much of a mandate to do social impact assessments. But any other department of government that might have that mandate doesn't have the mandate for the regulation of gambling in the province. So I would ask the Attorney General if he has had any discussions with other members of the government, with Executive Council, to discuss this matter and to see whether funding could be provided for an in-depth review or study of the impact on Albertans of the amount of money that's presently being gambled in this province. I mean, there are just a few things that come up in the newspaper from time to time. A man in Calgary, a 7-Eleven store manager, was sentenced to 60 days in jail for gambling away \$6,600 of his store's money which he was using to finance his gambling debts. A recent lecture given by a gentleman with a Delaware-based national foundation for the study and treatment of pathological gambling from the United States has said that 4 percent of the population are likely to become hard-core addicts in regards to gambling, in that their need for a betting stake is so powerful it pushes an estimated 86 percent to break the law, usually by forging cheques, stealing, or embezzling.

Now, I would like to know whether these kinds of statistics or evidence from the United States concern the Attorney General, in view of his other responsibilities of overseeing the criminal justice system within the province, whether he's had a look at this and is prepared to have a look at it just to see, before we make any more changes or enhancements to our regulations governing gambling in Alberta, and whether we would at least look at some of these studies that have been done elsewhere to see to what extent they're applicable in Alberta, to ensure that on one hand we're not taking money through gambling and on the other hand facing tremendous expense, usually, as we would find it, in his department's estimates, to pay for the consequences of that gambling.

I would like the Attorney General to make some comments on that or address those questions at some point and indicate whether his department or government is moving any way in this direction.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Mr. Minister, did you want to respond?

MR. HORSMAN: Yes, I think it might be useful now, since the estimates have been under way for an hour and three-quarters, to respond to some of the questions that have been specifically asked by members during the course of this evening. I think it is important to get some facts on the record for all members of the Assembly.

Questions were asked by the hon. Member for Edmonton Strathcona relative to the issue of contract versus permanent employees and salaries. Within the overall departmental esti-

mates there is a slight decrease of .2 percent in salaries of permanent positions, from \$74.235 million to \$74.063 million. That's a very slight decrease overall. With respect to contract services, however, there is a very significant decrease of 27.4 percent, from \$13.463 million to \$9.780 million. That, of course, is a significant decline, and I think as well the figures place in perspective the amount of work which is done by in-house personnel and those who are retained outside government. The hon. member will appreciate that we are in fact by this process protecting the jobs of permanent employees of the government rather than moving in the other direction, which may have been the concern that he had indicated. To be more specific with respect to the criminal division in that respect, there is a decline of contracted services from \$2.6 million to \$1.3 million; in other words, a decrease in contracted services in this year's budget of about 50 percent.

With respect to the contracted legal services for civil matters, the decrease is from \$3.2 million to \$2.74 million, a decrease of about 15 percent; with regard to Legislative Counsel, a much smaller amount obviously, \$185,000 down to \$87,000 approximately or a decrease of 53 percent. So that I think, is a significant factor to be kept in mind by the hon. member, and I hope it does answer some of the concerns that he has expressed.

With respect to the family and youth branch, another question which was asked, the 15.8 percent decline is due to a decrease in contract services, going down by about 46 percent from the previous fiscal year to the fiscal year which just concluded, and this is also reflected in the forthcoming budget. Other decreases there relate to decreases in advertising costs, particularly with respect to the maintenance enforcement program, because it is working well and becoming well known. As I indicated in my opening remarks as well, there's an automatic registration now of maintenance and enforcement orders, so it's not necessary, as it was during the start-up year of that particular program, to encounter those additional advertising expenses. So that helps account for a decrease and I think is understandable.

There have been a number of other questions raised by hon. members relative to the subject of Auditor General's recommendations and comments relative to previous fiscal years. Mr. Chairman, I think it's important of course that these matters be answered, but with respect to the budget now before the Assembly, those matters I think are not relevant to this particular budget except to say that in each case that the Auditor General has made reference to problems, steps have been taken to deal with those matters. If they don't appear again in the subsequent Auditor's report, it's because they are not still occurring. Unfortunately, we can't, in a department which employs several hundred people, always ensure that everybody is totally honest. But it is, of course, incumbent upon us as a department to ensure that the systems are in place to as much as is reasonably possible prevent defalcations of any kind from taking place.

I was interested -- I'm just moving around somewhat in terms of responding to various questions -- in the comments with respect to legal aid. Those were raised by a number of members in their questions. The amount in the legal aid budget this year is exactly the same as the amount actually expended in the previous fiscal year. There was a remarkable rise in the previous fiscal year because of the extra load placed on legal aid as a result of the implementation of the Young Offenders Act. So sufficient funds were provided by way of special warrant to bring the figure up to the \$12.5 million approximately, of which -- in answer to the question from Red Deer North -- about one-

third is provided by way of joint cost sharing with the federal government.

In trying to estimate what might occur in the current fiscal year, it was determined that we should place in the budget the same amount without any decrease, as has occurred in other aspects of the budget and of course, the amount is driven by experience. We will during the course of this year ascertain whether or not there will be sufficient funds there. But as in previous years and in the last fiscal year, I want to assure hon. members that we regard this matter as a high priority and working with the Legal Aid Society, which is comprised of members of the Law Society of Alberta and others, that we will work with them very carefully to make sure that if towards the end of the year it appears that experience has driven the cost higher than anticipated, adequate funds will be made available to the Legal Aid Society.

I just want to say, Mr. Chairman, that it's important to recognize that in Alberta we have had some excellent service provided on a volunteer basis by many Albertans who take this volunteer participation in the provision of legal aid services very seriously. There is a tariff of legal fees available, and that of course can be obtained, for those who are not familiar with it, to advise the members as to what members of the legal profession can be compensated for. I can assure members of the Assembly, and those who are members of the Bar will recognize, that the amount received from legal aid is far below the fees that one would receive from a private individual or a person with means, in terms of what one is paid. I can speak from experience in that respect during my days of practice. The system of course is much more elaborate now, much better funded than it was in those days. But in fact there's no question that the lawyers who participate on a roster basis do so and contribute a good deal of their own time and effort. They're not overly well paid for that service, but they do at the same time provide the best possible service. I have not had any complaints addressed to me of people who [provide] legal aid not doing their jobs properly, in spite of the relatively low tariff that's made available.

On the subject of some questions asked by the hon. Member for Calgary Buffalo, the reduction in the crimes compensation budget is based upon the actual expenditure for the last fiscal year. That is to say, there was a decrease, and we are budgeting for a decrease as well. But once again, it is demand driven and not the subject of any direction on the part of myself or the Department of the Attorney General to the Crimes Compensation Board to in any way alter what their practice has been. I mean, that would not be proper, and as Attorney General I have no intention whatsoever of undertaking that type of operation. We do recognize that that is a demand-driven cost that the government will be required to meet and if anybody has any concerns about that I want to set their mind at ease.

It's always difficult of course, when dealing with such things as legal aid and crimes compensation, to make comparisons with other provinces. Other provinces employ different methods of service delivery and different types of coverage. We think, as I said earlier, that the co-operative nature on the part of the government and the Law Society on a volunteer basis is exceptionally good, and I noted with interest the comments by the Member for Calgary Buffalo that there should be more opportunities for volunteer activities and working with people and relative to the provision of services -- I think the same point was made by the hon. Member for Edmonton Strathcona as well -- in trying to provide people with some services to prevent the necessity of lengthy and costly litigation and trying to keep people

out of the courts. I do want to add the caution of course, and members of the Bar are aware, that legal advice is worth what you pay for it, and if you don't pay anything for it, perhaps it isn't worth very much. But I do recognize that that can be compensated for by the fact that serious-minded individuals and volunteers are useful in society, and I would certainly encourage the development of properly qualified people providing their time on a voluntary service.

On the subject of family violence -- and I did want to try and deal with that question -- there is an interdepartmental committee on family violence in existence. The Department of the Attorney General, Department of Social Services, and the Solicitor General's department are addressing this issue. There are recommendations that are being developed to try and deal with this matter, and some have been implemented. For example -- and I believe this matter was addressed during the last session of the Legislature in the question period -- Crown prosecutors have been advising the police to lay charges when they receive complaints and not to wait for an abused wife to take action. And that, of course, is one of the main difficulties in terms of dealing with this very serious problem. I've had discussions with members of the Legislature about the difficulties faced by the police over the years in dealing with these issues if the abused spouse -- and I'll use that term because it happens both ways -- does not take any action. And so we are definitely trying to deal with the matter that way.

There are also federal/provincial initiatives to amend the Criminal Code to make sexual abuse evidence easier to introduce, and that is now before the federal House in Bill C-15. It's also a matter that the federal Attorney General has discussed by way of correspondence with myself and other attorneys general in Canada and will be the subject of discussion at the next meeting of the federal and provincial attorneys general, which will be forthcoming fairly soon, later towards the end of May. That's something I definitely want to pursue.

There have been a number of questions asked relative to vote 9, and that relates to the subject of the Gaming Commission. Reference of course has been made to the order in council which has established the Gaming Commission. I have very real concerns, and I think they've been reflected in comments by hon. members this evening, about the impact of gaming on society. The concern I have may be partly philosophical on my part and partly as a result of my background, but there is a very real concern that gaming is, in my view, a regressive tax by and large on the poor or those least able to pay. Now, when I say tax, that is true with respect to the overall lottery system that is in place, but it is not true by and large with respect to the take, if you will, by the government of Alberta with respect to licensing of gaming activities in Alberta. As a matter of fact, more moneys are expended in this budget than are taken in to administer the Gaming Commission with respect to the subject of fees charged for gaming activities. So it is a subject that I intend to try and address in the coming months. I want to, of course, await the recommendations of the Gaming Commission with respect to the applications now before it relative to the proposed establishment of major gaming casinos in the cities of Edmonton and Calgary.

I've noted with interest -- and I don't want to say anything which would in any way prejudice the decision that this Gaming Commission would make, because I don't believe that's my responsibility until I receive their report and recommendation -- to say that I've noted the difference of opinion of community organizations and groups in Edmonton as opposed to those re-

ceived in Calgary on this subject. There seems to be quite a wide divergence of opinion between the two communities, and I think that is something that the members of the Gaming Commission are going to have to wrestle with in terms of coming forward with their recommendations.

MR. WRIGHT: In which direction?

MR. HORSMAN: Well, it would appear that in Edmonton there seems to be widespread support by smaller organizations having banded together to propose the operation of a round-the-clock, full-time casino, as opposed to the situation in Calgary, where larger organizations are asking for that opportunity and that is being opposed by the smaller community groups. That seems to be quite a marked difference of opinion between the two major metropolitan areas. So I'm not trying to prejudge the outcome of this, except to point out that it is obviously not an easy decision for the members of the Gaming Commission to wrestle with.

But aside from that, all of us as members of the Legislature no doubt have heard from groups who want more gaming. More and more and more keeps coming at us and coming at us from a multitude of directions, so it is obviously something we shall have to address with the greatest of care in the forthcoming months. I don't want to prolong the discussion on that, because I do have a great deal of respect for the Gaming Commission and the method they utilize for dealing with these issues. But I did want to put on the record tonight that I am seriously concerned about the issue and the implications it has for society and some concerns about what might happen if we were to become, let us use the term, Nevada north. That in many respects would be something of great social concern and implications for the province of Alberta. So I just wanted to make those comments.

With respect to the subject of court reporters, I've noted the criticism of members of the opposition on that subject. That has been dealt with somewhat in question period. I had hoped that I had been able to allay the concerns of members of the Assembly that this matter was approached with consideration and care. I've obviously not been able to allay that concern with some. However, if in fact, as has been alleged, there is a breach of the collective bargaining agreement, then of course grievance procedures and other methods of dealing with those alleged breaches under that collective bargaining agreement should be addressed in that way without my commenting on it now in a way which might in any way appear to comment on the procedure or what should be done in the procedure itself.

A question was raised about the fatality inquiry. It was a situation in Alberta under vote 6. I've had good reports. In fact, the system which is in place in Alberta is one of the best examples in the Commonwealth. The problem of course is that attracting people with the skills that are so necessary for those investigative forensic roles isn't easy. The people with those skills are in short supply, and they are being attracted elsewhere by salaries that are higher than we are paid here and also, of course, by opportunities to move from assistants into the main positions elsewhere. That's of course something we will have to keep trying to address in terms of our recruitment. But by and large, I have been impressed by the reports I've had as Attorney General in the less than a year I've been in this office with that particular aspect of my department.

On the subject of the Legal Profession Act, I noted the non-partisan approach taken on this matter by the hon. Member for Calgary Buffalo, and I indicated earlier today in question period

that I would be meeting on a formal and regular basis with the benchers of the Law Society to address the concerns that are evident not just to the hon. Member for Calgary Buffalo but to many members of the Legislature relative to the issue of the legal profession and its relationship to individual members of the public and society at large. I believe, as the hon. Member for Calgary Buffalo does, in the self-government process, and the concept is there. I think that has worked well in the past. As he has indicated, the legal profession has voluntarily operated responsibly to repay those victims of irresponsible people who have committed criminal acts.

I note some of his specific recommendations relative to how the members of the profession should interact with their clients on a professional basis, and the question of how one differentiates between one that's acting as a lawyer and one as an investment counsellor or a co-investor and all these blurred areas which have created the difficulties now faced by members of the profession. I can assure the hon. member that I intend to work closely with the benchers of the Law Society in order to try and ensure that lay membership is not only appropriate in terms of their numbers but that they have an appropriate role to play; they're not just sitting there being bamboozled by all these fast-talking members of the legal profession who often tend to speak in terminology the layman doesn't always understand. I can assure the hon. members of the Assembly, though, that the lay members of the Law Society that I have met aren't taken in or bamboozled by the members of the bench -- not that they are really trying to do that; I'm just saying that in a semihumorous vein. But that is an important point, and I think it is something I will continue to pursue.

Just a couple of quick comments, as my reply time is apparently coming to an end. With respect to the High River courthouse, I'm told that that expenditure was cut off and it was not proceeded with. That notion that one should go out and spend what's left in the budget is something that may have been in vogue in previous years, but with today's current economic circumstances it has passed from popularity.

In conclusion, since my reply time is up for the moment, I would like to say how pleased I was that the Member for Calgary Buffalo noted I receive no salary as minister of this department. I do, however, receive a ministerial salary as Minister of Federal and Intergovernmental Affairs. I'm pleased the hon. member knows that I get only one ministerial salary, because there are people out there in Alberta who think I get two ministerial salaries and I don't, regrettable as that may be.

MR. DEPUTY CHAIRMAN: The hon. Member for Calgary Forest Lawn.

MR. PASHAK: Thank you very much, Mr. Chairman. I'm not out to get anybody tonight. I just have three issues I'd like to raise that have to do with the operation of the Attorney General's department.

The first has to do with the Fatality Inquiries Act. This arises as a result of a letter I received from one of my constituents. This particular constituent had a son that was involved in an accident. He was taken to the police station and suffered a fatality. An inquiry was launched into the situation, and the individual has set out a number of concerns about the way the original inquiry was conducted and has written to the Attorney General to ask about the possibility of having a second inquiry into this fatality. Now, there are two concerns I have with this particular situation. The first is that if the incidents as set out in

this letter are valid -- and of course I have no way of knowing that to be the case -- then there is a situation here that requires some very serious remediation. In any event, it seems to me there should have been some action taken on this letter. The letter was written on January 21 and as of April 8 there had been no reply to it. I think this does bring into question the kind of very glowing statements the minister had to say about the nature of fatality inquiries in the province of Alberta.

The second issue I would like to raise has to do with a meeting I attended last Sunday night in association, I might add, with the hon. Member for Edmonton Meadowlark and the hon. Member for Calgary Fish Creek. It was a meeting sponsored by an organization called the Victims of Law Dilemma Society. We were actually on a panel, but speaker after speaker got up and presented us with a brief in which allegations were made about the conduct of law in the province of Alberta. Misconduct was alleged on the part of lawyers and on the part of judges both. In fact, there were a lot of strong suggestions that lawyers and judges often act in collusion to thwart the proper course of justice in the province of Alberta.

Now, I'm obviously in no position to decide whether any of those allegations were valid or not. All of us, the three MLAs there, I think were shocked by the number of such incidents that were brought to our attention. My own guess is that there are probably a lot of people who get into trouble with the law and they may dig themselves into a pit as they try to seek redress for their grievances. Some people may have causes that aren't warranted that they're pursuing, but with the total volume of complaints -- somebody suggested that there are some 830 complaints brought against lawyers and the legal system in this province annually. Where there's that much smoke, there must be just a tiny bit of fire. So it's suggested to me at least that there has to be some better and more effective way of dealing with complaints against the legal system in the province of Alberta.

Why I think this is important has to do with why we have legal systems and justice systems in the first place. I'm obviously speaking here as a layperson, but it seems to me that our fundamental notions of justice arose out of struggles between common people and the nobility going back to 1066 and later the Magna Carta, struggles on the part of English-speaking peoples to gain some control over their fate or over their destiny. So I think what we've evolved in our western societies is a view that the legal system, the justice system, exists to protect the weak against the strong. When this doesn't happen, when we have situations in which the common person feels he has no recourse through the legal system, then that creates the conditions that give rise to violent change, including revolution and other such forms of activity that are often associated with violence.

I think in Canada, at least in part of the perceptions of some people, our justice system isn't functioning in those terms; it's not protecting the weak against the strong. We have a situation in which the rich and the powerful in effect basically control political processes. It's the politicians that appoint judges; it's my view that the judges should be appointed perhaps even by their peers rather than by politicians. They should be people who are selected on the basis of their technical competence rather than on their allegiance to a political party. In fact, in order to be a judge I think a person should go through some kind of training program where he should be exposed to those concepts I've often heard lawyers laugh and sneer at. I've heard lawyers laugh and sneer at concepts like justice, equity, and fair

actually embedded in the law and in the treatment of people, our society is in some kind of mortal trouble.

The last issue I'd like to turn my attention to is vote 8 in the estimates for this department. It deals with the Public Utilities Board. Throughout this province, both in the rural areas and in the urban areas, I've heard nothing but complaints about the kinds of regulations and decisions the Public Utilities Board brings down. There's a general perception, and it's growing, that the Public Utilities Board doesn't operate in the overall interest of all citizens of the province but rather reflects the interests of the major utilities in this province. When you get situations in which utility boards provide private utility companies with rates of return that are in excess of 16 percent and they're deemed assets, particularly at a time when the rest of us have been asked -- well, except for MLAs -- to take salary cuts, there is unrest again out there in that general population because of decisions like this that are being made by the Public Utilities Board.

I know how difficult it is for the ordinary layperson to go before a public utility board or a public board of any kind and try to state a case. I went before the Energy Resources Conservation Board trying to make a case that the Energy Resources Conservation Board should not only protect the citizens of Alberta by assuring a long-term source of gas supply for the people in Alberta but should also act to make sure that Albertans receive their gas just as cheaply as other consumers in this country and outside this country get their gas. It's rather an intimidating experience to go to one of these hearings where you have nothing but lawyers sitting there who get paid to present their cases, and I know the same situation happens at the Public Utilities Board. So I would like to make the case that out of every consumer bill that's paid, a certain small percentage of that bill should go into a fund that would establish a consumer advocacy group, so that consumers could be adequately represented at every Public Utilities Board hearing or every public board hearing that's conducted in the province of Alberta.

MR. DEPUTY CHAIRMAN: The hon. Member for Vegreville.

MR. FOX: Thank you. Mr. Chairman. I just have a couple of questions I'd like to address to the hon. Attorney General concerning the courthouse project in the town of Vegreville. This project is something that has been approved by the department and was scheduled for construction sometime last year. It's my understanding that due to the deficit situation the province was faced with, it became one of many projects that is temporarily on hold. I'd like to thank the hon. Attorney General for inviting me and the mayor of the town of Vegreville to come and meet with him and staff in his department to discuss the project last fall. At that meeting he gave us a very good idea of the status of the project and some of the reasons it was temporarily on hold. The mayor of the town wrote to the people in an article in the local paper about this issue and explained that he had the assurance of the hon. minister that Vegreville would be treated fairly even though we had a member in opposition. I, too, felt it was my responsibility to write an article in the local papers describing the situation for people so that they would know that even though this project was on hold, it was one of many projects that were classed in that position. I think there were some 200 projects right across the province that needed to be on hold due to the deficit situation.

So that's the background to the issue. But what happened during the winter here: there was rather a nasty letter written to

the editor of the paper about the project in Vegreville, implying in a very direct way that this project was now water under the bridge, something that was not going to ever see the light of day, and that was due to two things: one, because the mayor of Vegreville made these comments in the paper in which he gave people the assurance that the minister is a fair-minded individual and because I represent an opposition party. I again felt it was my responsibility to write an article in the paper that tried to clarify things for people again, because I think those assertions are patently absurd. I have every confidence that the ministers of the Crown conduct themselves in a fair and equitable way, and I try in a fair-minded way myself to outline those things to the people in my constituency. So I want to provide that background for you, Mr. Minister, just so you know what's been happening there.

I also referred in my most recent letter to the editor to the \$200,000 that has been allocated in the budget for the Department of Public Works, Supply and Services towards the Vegreville courthouse project. I guess my question to you is: what is the money for, and could you reassure the people of Vegreville of the status of this project?

Thank you.

MR. HORSMAN: Mr. Speaker, I did want to respond to that most recent question plus, if I may, a couple of comments made by the previous speaker. First of all, on the Vegreville courthouse. There is in the public works budget \$200,000. That's to continue the planning. Now, as I told the hon. member -- and I don't want to be unkind to the architect -- when I first saw the design I was really quite startled, and I asked what it was. When I was told I said, "Well, maybe we should take another look at that design." I didn't even know where the facility was to be located when I made my initial, unfavourable remarks. The money is in the budget this year for a continuation of the design and maybe somewhat of a downsizing in it. From a three- to a two-courtroom facility is under consideration in the design process that is now still under way. I just wanted to make that point. It's there; the money wouldn't be in the budget if the design process wasn't still under way.

I just wanted to say with respect to the Public Utilities Board, because that's another vote that hadn't been touched upon, that I appeared once before the Public Utilities Board as a lawyer and got paid for it, although I should have refunded the fee to my clients because at the end of it all I didn't know whether I was totally confused or whether I'd totally confused the board. Because there is certainly a different type of law, if you will, practised in public utilities matters, and it is a different terminology that's utilized, and that is of concern to me. Hon. members will note that two new members have been appointed to the Public Utilities Board in recent weeks, and both of them come from backgrounds which are not as technical perhaps as other members of the board. I'm hoping that by that type of appointment we can get some of the understanding that's so necessary on the part of the individuals who deal with the board, or small organizations such as small rural gas co-ops and utilities of that nature -- that the system will work somewhat better. But I can assure members that that is a concern I want to see addressed.

With respect to the appointment of judges, I want to reiterate what I said last year. Judges, in my view, who are appointed to the provincial court level should be barristers and solicitors. They should be, in other words, professionally qualified people. We have in Alberta a judicial council which is comprised of the

chief justices of the Court of Appeal, the Court of Queen's Bench, the chief provincial judge, representatives of the Law Society and the department. As people apply for provincial judge status, those requests come to me. I automatically turn them over to the judicial council for a review. They then provide a yes or a no as to the qualifications and also the standing of the individuals within the legal community. That is to say, if there's any complaint outstanding that the Law Society and so on against individuals -- well then, until that matter is cleared, they're not cleared by the judicial council. That provides a list from which choices can be made. I think it's really a good system and has worked well.

I have not had that many opportunities in the last year to make recommendations to Executive Council about appointments of judges, but when I do I will always present a list of names -- not just one but a list of names -- from which a choice can be made based upon recommendations that have come from the judicial council -- that's chaired by a layperson and not by a professional person -- and that is what I will continue to do. At the present time there are very few vacancies. There are three, I think, in the Provincial Court, and those will be filled in that way. I think it's a fair system, and I will try to continue to exercise the utmost fairness in terms of the recommendations that go to Executive Council.

The appointment of judges is a difficult process, and the hon. member came very close, I think, to stepping over or onto at least, the line on the subject of -- I know he was reporting views of others in terms of their views as to the relationship between members of the Bar and members of the bench. It hasn't been my experience that there is collusion between the bench and the Bar. That's a very serious allegation, and it is being made, I know, in the public in Alberta, but I think hon. members should be careful in this Assembly not to raise that unless it is that they have actual evidence of that. I just want to caution the member on that. I don't want to say that the way he raised it was wrong, but I do think it's important that judges be independent of the Bar and be independent of the Department of the Attorney General and of the Attorney General.

I can say to the Assembly -- and I think it's important to note this -- that I believe that my relationship with the bench, both the provincial bench and the Court of Queen's Bench and the

Court of Appeal, should be limited. My relationship should be limited to formal occasions, formal meetings, and there should not be an intermingling, so to speak, of myself with the bench. I think it's extremely important that political decisions not ever appear in the decisions of courts, so I'm going to take very much of a hands-off, arm's-length approach to the way the courts operate in the province. Now true enough, I have to discuss, on a formal basis at formalized meetings twice or more often if necessary a year, with the benches, since there are basically three in the province. But I'm going to keep it on a very formal, arm's-length basis, and I think that's the proper and reasonable approach for an Attorney General to take.

Time has run out. I had noted the request from Calgary Buffalo to provide written responses to some of the specific questions that had been raised and will, of course, as I did last year, in trying to answer the questions by written response make them available to other members of the Assembly who are interested and have indicated that.

I just want to say that I appreciate the relative nonpartisan approach taken by members of the Assembly tonight in questioning myself in these estimates. It's been a pleasure, but I do think that time being what it is, I would move that the committee rise and report.

[Motion carried]

[Mr. Speaker in the Chair]

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

MR. SPEAKER: Do you all agree with the report and the request for leave to sit again?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? So ordered.

[At 10:31 p.m. the House adjourned to Wednesday at 2:30 p.m.]