

Legislative Assembly of Alberta

Title: **Tuesday, March 27, 1990 8:00 p.m.**

Date: 90/03/27

[The House resumed at 8 p.m.]

[Mr. Deputy Speaker in the Chair]

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

head: **Government Bills and Orders**
Committee of the Whole

[Mr. Schumacher in the Chair]

MR. CHAIRMAN: Order please.

Bill 12
Appropriation (Interim Supply) Act, 1990

MR. CHAIRMAN: The first Bill in committee this evening will be Bill 12. Are there any comments, questions, or amendments to be offered with respect to this Bill?

[Title and preamble agreed to]

[The sections of Bill 12 agreed to]

MRS. BETKOWSKI: Mr. Chairman, I move that Bill 12, the Appropriation (Interim Supply) Act, 1990, be reported.

[Motion carried]

Bill 13
Appropriation (Alberta Capital Fund)
Interim Supply Act, 1990

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this Bill?

[Title and preamble agreed to]

[The sections of Bill 13 agreed to]

MRS. BETKOWSKI: Mr. Chairman, I move that Bill 13, the Appropriation (Alberta Capital Fund) Interim Supply Act, 1990, be reported.

[Motion carried]

Bill 14
Appropriation (Alberta Heritage Savings
Trust Fund, Capital Projects Division)
Interim Supply Act, 1990-91

MR. CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this Bill?

MR. PASHAK: Well, the subject of who should get the income derived from any oil that's located on grazing reserve land came

up repeatedly in our heritage trust fund hearings. It seems to me that what was presented during those hearings was a case that it's the person that has the grazing lease that gets the royalty if there's any oil discovered underneath those leases. The big debate that took place in the Heritage Savings Trust Fund committee was whether or not . . . [interjections] Is this not the issue?

MS BARRETT: Certainly it is.

MR. PASHAK: Well, let me just keep going, because this is an expenditure based on the Alberta Heritage Savings Trust Fund. My point is just that it seems somewhat unfair to me that the person that has those grazing land leases should get the royalty. It seems to me that if that land is owned by the province of Alberta and it's public land, any money earned by way of royalty from oil that's discovered on those properties should come back to the provincial Treasury and pay for an expenditure such as this one that's being recommended by the Provincial Treasurer under Forestry, Lands and Wildlife. Perhaps the Acting Treasurer could comment on that.

MRS. BETKOWSKI: Mr. Chairman, I think the issue that's raised by the hon. member is obviously a very legitimate area for discussion. It's one that I know was raised during the committee hearings on the Heritage Savings Trust Fund. I don't have an answer for the hon. member tonight. I would be very pleased to ask that the Provincial Treasurer refer to that when he addresses third reading of the Bill later this week.

MR. CHAIRMAN: Thank you.

MR. JONSON: Just a couple of comments, Mr. Chairman, in response to the comments from the Member for Calgary-Forest Lawn. Perhaps while the Acting Provincial Treasurer is endeavouring to find an answer to the question posed, the questioner could remind himself that there are not any royalties paid to leaseholders off grazing leases. What was in question within the Heritage Savings Trust Fund committee meetings was the entitlement of the leaseholder to entry fees, rentals of property occupied by oil companies, and so forth, which is an issue that could be discussed at some time. But certainly there's no entitlement there to royalties, and those are fully accessed by the Crown.

[Title and preamble agreed to]

[The sections of Bill 14 agreed to]

MRS. BETKOWSKI: Mr. Chairman, I move that Bill 14, Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Interim Supply Act, 1990-91, be reported.

[Motion carried]

MR. STEWART: Mr. Chairman, I move that the committee now rise and report.

[Motion carried]

[Mr. Deputy Speaker in the Chair]

MR. JONSON: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills, and further the committee reports the following Bills: 12, 13, and 14.

MR. DEPUTY SPEAKER: Having heard the report, does the House agree?

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Opposed? Carried.

head: **Committee of Supply**

[Mr. Schumacher in the Chair]

head: **Main Estimates 1990-91**

Attorney General

MR. CHAIRMAN: The business of the Committee of Supply this evening is the estimates of the Department of the Attorney General, which commence at page 49 of the main estimates book.

The hon. Attorney General.

MR. ROSTAD: Thank you, Mr. Chairman. I would like to make a few opening comments.

In the Speech from the Throne recently given by the Hon. Lieutenant Governor, it referred to our "province's strong, democratic traditions" and advised that the Assembly must be "a manager, a provider, a protector, a responder, a defender."

AN HON. MEMBER: "A steward."

MR. ROSTAD: No, he's here.

The Attorney General's department has a special role in discharging these responsibilities. Some of the important areas of service which are provided by the department include the prosecution of criminal offences, access to civil remedies through our civil courts and through our sheriffs, provision of legislative counsel, legal advice and representation to all government departments in matters pertaining to the province's interests, the registration and safekeeping of documents related to personal and real property transactions, civil and criminal legal aid to those individuals who are unable to afford counsel, enforcement of family maintenance payments ordered by the courts, administration of the estates of deceased and dependent persons, protecting the assets and financial interests of children under the age of 18 years by acting as guardian of their estates, investigation of fatalities, licensing and controlling of gaming events, and compensation to the victims of crime.

Without exception these services are highly valued by Albertans in terms of either individual rights and protection or in terms of the public's well-being. Indeed, most of our programs and services are seen fitting into the essential category and forming the basis of a free and responsible society. Understandably, therefore, Albertans have come to expect continued effectiveness in the province's system of justice and legal administration. This is the most significant consideration given by the Department of the Attorney General in the process of preparing its plans and budgets. Other important considerations, of course, include the province's fiscal position and restraint objectives. I believe that our department's budget request for

'90-91 strikes a fair balance among these sometimes competing objectives.

We have demand-driven type of programs. I should add that the achievement of such a balance in this context in the case of our department is particularly challenging, recognizing that most of the demands placed on our department are not within our control. For example, the department has very little direct control over cases initiated in both criminal and civil courts. Both the crime rate and police activity determine the number of cases that are prosecuted. We cannot stop prosecuting criminal acts when the budget has been expended without leading to an unacceptable deterioration of the justice system. Similarly, the public looks to the department to provide civil courts so that disputes can be solved in a just and equitable way.

Other demands beyond the control of the department involve those arising from economic and commercial activities within the province such as the registration of land transactions and property. During the periods of buoyancy in our real estate markets, as has been the case recently, the Land Titles offices are heavily taxed in handling the large volume of search and registration requests. In these circumstances the program has made a concerted effort to minimize the delays which result in serving clients. These factors must be carefully considered in determining the programs' allocation of manpower and other resources.

Other demands have resulted from government policies and commitments which must be honoured. The enforcement of maintenance orders is a recognized social need, and a program was established in response to this. Since its inception in 1986 the program has grown significantly in terms of caseload. Consistent with this, it has been necessary that the department allocate increased budget funds to support this expansion.

Federal legislation initiatives have also resulted in new demands upon the department. For example, victims' assistance legislation could significantly impact on courts by bringing restitution applications for loss or damage in connection with criminal trial proceedings. This may delay cases and involve extensive administrative support.

As well, the Charter of Rights and Freedoms will continue to have a profound effect in the future. Examples of this are the recent Criminal Code amendments which have been proposed to ensure that rights of mentally ill persons are protected in criminal proceedings. Further, French language provisions now specify bilingual court forms and trials. Taken together, these demands are considerable in terms of departmental support required and cannot be ignored by virtue of the province's constitutional responsibility for the administration of justice.

I'd like to take a few moments to update members on three projects which we have undertaken in the Attorney General's department. The PERPIS project is nearing completion. PERPIS stands for personal property information system. The former Attorney General would be perplexed by the use of an acronym, but they're quite often used to describe a system in short form. This system is required to accommodate the Personal Property Security Act and to ensure that service levels are maintained or improved. The Act, which comes into effect October 1, 1990, will modernize the law applicable to loan transactions involving the use of personal property to guarantee payment. It will also provide greater flexibility to persons entering into such transactions and facilitate the registration process, thus eliminating unnecessary costs to the users. The major goal of the PERPIS project is to ensure that the new system is more flexible and responsive to the needs of personal

property registry clients. It is being designed with a view to providing direct on-line access to clients for searches and registrations.

We've taken a number of steps to assist the transition to the new system. We've redesigned forms and guides using a plain language approach. We've worked with the Legal Education Society of Alberta in developing and presenting comprehensive education programs regarding the new legislation and its forms and procedures. These were conducted for lawyers, paralegals, financial institutions, and private users of the registry.

A second project is the Alberta land titles automation project. This new computer system is presently being used extensively by land titles staff. Approximately 80 percent of our provincial registration volume is being processed through the system, and since registration is up over 18 percent over the previous fiscal year as a result of our strong market, this computer system, although not fully implemented, has already helped significantly in handling these increases. An example: in January in Calgary there were over 60 percent higher registrations than the corresponding month in 1989. There seem to be no major problems with the system, and most users are happy.

The title conversion effort is being conducted both by land titles staff and by agency personnel. Approximately 22 percent of all titles have been converted, with an additional 1,600 converted daily through a combination of scanning technology and manual data entry.

A third project is our new small claims provision. Recently we amended the Provincial Court Act, and on January 15 of this year the legislation came into effect which allowed the small claims procedures to be updated and increased the monetary limit from \$2,000 to \$4,000. Some of the more significant improvements resulting from this legislation include provisions for default judgments, appeal on the basis of record rather than a new trial, elimination of the requirement for a court order for Out-of-province service, and the ability to commence actions at any Provincial Court base point. Fewer court appearances are required under this legislation, and more court time can be devoted to trials rather than the administration. Court offices are reporting the new legislation appears to be popular with all users, whether they're legal firms, paralegals, or the litigants themselves.

The '90-91 budget totals \$148 million, representing a 4.8 percent increase over comparable estimates for the budget year '89-90. Following from my earlier comments, this increase should be considered in the context of the demand-driven nature of the department's programs and services.

I would now welcome questions or comments from both sides of the House and, before doing that, would like to extend a welcome to some of my administration staff from the department who have been instrumental in keeping the department well run, which in my consideration it has been. I hope they enjoy this evening.

Thank you.

MR. CHAIRMAN: The hon. Member for Edmonton-Strathcona.

AN HON. MEMBER: Five minutes.

AN HON. MEMBER: Or less.

MR. WRIGHT: Some hope.

Mr. Chairman, the minister is right in saying, of course, that the bulk of the services provided by the Attorney General's department is, in his phrase, demand driven. However, I don't quite see myself and would perhaps appreciate the minister's explanation of what demand has driven up his own office budget 45 percent this year, the deputy minister's office budget 26 percent, and the executive management budget – whatever that is – up 20 percent. These figures are much larger than the bulk of the increases in the department, which are reasonably modest. I am a little disappointed that this minister, whose approach in general, if I may respectfully say so, I admire, should be empire building in his office, unless of course I'm quite mistaken in interpreting these numbers.

AN HON. MEMBER: You are.

MR. WRIGHT: Well, I'll be glad if I am. I'd like the explanation.

I remember when I was in the department in 1956. The total budget was about 3 and a half million, which included all the functions that now are included in the Solicitor General's department, apart from the highways function.

AN HON. MEMBER: Lawyers upped their rates since then.

MR. WRIGHT: Well, if it were just lawyers, that might be understandable. But there were only six of us in the department, and the budget, when you take away the part that's been added from the department of highways and take away what's now in the Solicitor General's department, was only 2 and a half million dollars, which in today's dollars comes to \$13,350,000, which you must double because the population has doubled between 1956 and now. But you still only get something like under \$30 million compared to \$148 million now. Of course, we now expect more and so on, but if you consider even the minister's office itself, I can't help thinking that there is plenty of room to economize in the bureaucracy in this department. It was lean at one time. I doubt whether it is lean now.

Turning to other figures, I notice that the budget of the Provincial Court in Calgary is down 1 percent. That's fine, providing it can be explained how the backlog in family court and juvenile court hearings in that city can be accommodated, Mr. Chairman.

One thing that does startle me is the appropriation for legal aid. It is hardly up from what it was four years ago. That's just fine if, in fact, the legal aid is being given as it should be both in terms of those who are entitled to it or should be entitled to it and in terms of paying counsel fairly. Legal aid at present in Alberta pays to counsel amongst the least in all of Canada. Finally, as the Attorney General knows, counsel rebelled, if you can put it that way, in the fall and threatened some kind of work action. It didn't come to that because there is afoot a proposal to increase the fees payable to something that's within shouting distance of what's paid in the market. I think it's only about 60 percent of that, but it's a lot better than 25 percent. So my question there is: in the appropriation is room being made for the implementation of the new tariff?

One thing that members may be interested in is that the department itself doesn't cost the taxpayer all that much. The estimate is \$148 million, but in the last year that we have public accounts for, '88-89, the fees and charges earned by the department amounted to \$92 million, so the net cost to the taxpayer was only some \$55 million.

I have a tip for the Attorney General as to how one largish element in the cost of criminal trials can be reduced, namely the payment for juries. If he can persuade his counterpart in Ottawa to amend the Criminal Code so that appeals against conviction cannot be taken except on a legal basis, so that if there is need to get a legal clarification or a legal point addressed, then the appeal can be taken on that basis, but to leave acquittals as they are so that there cannot be double jeopardy there . . . People may not be aware that as in most of the rest of the common-law world we have an unusual system in Canada of allowing the Crown to appeal acquittals – in serious cases, not just in summary cases. Since the amendment to the Criminal Code after the Morgentaler decisions has said that an acquittal by a jury cannot be reversed, the number of jury trials taken has leapt upwards in Alberta. Now, if that principle can be extended to all acquittals and returned to the common-law situation against double jeopardy, then we will considerably reduce the costs of jury trials because we'll drift back somewhat to the pre Morgentaler amendment use of juries, which in Alberta was fairly low. People had gotten used to judge-alone trials.

While I'm talking about juries, Mr. Chairman, the case with civil juries is really quite unsatisfactory, in this sense. First, I believe they are rather too easy to obtain, leaving aside the money requirements. Because they are uncommon and were even more uncommon, the amendments of the Jury Act somewhat lag behind so that it's really quite easy to get a jury order in this province, and I think too easy. Yet, and this is the reason there isn't much concern about it, it is prohibitive to the sort of person that wants a jury. Only those that don't need juries, in general, can afford them; i.e., corporations and so on. But the man or woman in the street who wants to prosecute a case is virtually denied his or her right to have a jury because the cost of it is to be paid out of the litigant's own pocket – this despite a very ancient assurance in the Constitution of the land that assures us of the right to a jury even in civil cases, even as far back as Magna Carta when there was not such a distinction between civil and criminal cases. Yet it's substantially denied in this province.

While I'm still on that subject, I do wish the Attorney General would consider another point which is that the judge can, and very often does, increase the fees payable to jurors. They are astonishingly low, \$10 a day, so it's understandable that they should be increased – I should say that in civil juries the charge goes up to \$40 a day after the first week. But when this happens in a civil jury, at the end of the case suddenly the litigant, who has perhaps put up a jury deposit of \$6,000 – or whatever it happens to work out to according to the estimate, and the estimate's been perfectly accurate – finds himself saddled with an extra bill for, say, \$5,000 by fiat of the judge, who's thinking of the jury. Yet under the rules it seems that this can be imposed *ex post facto* against a hapless litigant. Now, if the litigant can be sure of winning and can be sure that the defendant can pay, then it's the defendant's problem, I suppose, but that really is a most unsatisfactory way of arranging juries and a further discouragement to the ordinary citizen trying to get a jury in a civil case.

Dealing with all those things that the Attorney General is responsible for in his department, Mr. Chairman, I'll go down my shopping list here. Did members know that there is such a thing as the Alberta General Insurance Company? The Alberta General Insurance Company is a government-owned insurance company that can sell, as far as I can see, all classes of insurance, certainly all classes of accident insurance and fire

insurance – everything but life insurance, but perhaps even that; I haven't delved into it that carefully. It was formed in 1942 and revamped in 1948, and now, according to the Auditor General, is a shell. It only has one policy out somewhere and is about to start having to pay income tax to the federal government, and he has made some recommendations for the assets to be distributed. I suspect the subtext there is that the company should be wound down. I have a suggestion, though, to the Attorney General, and that is to turn it over to the administration of the Solicitor General, and let us have insurance issued with licences. Just by pushing a few extra buttons, run it through this company, and we'll have an automatic insurance scheme for motor vehicles and save the citizens of this province an awful lot of money. The vehicle is right there and at the control of this minister.

Court reporters. That is a really sore point with many litigants. I think perhaps I'll start in this way: one of the principal functions of an Attorney General is to supervise the administration of justice in the province, Mr. Chairman, as we all know, and that means civil justice as well as criminal justice. The cost of litigation is, in general, quite beyond the means of the ordinary person in the street. If the cause of action is a damage action and liability is not seriously in dispute, there's no real problem, because you'll always find a lawyer who will do it on contingency, but in other actions, forget it. It's a rich man's hobby. There are several reasons for that. The cost of lawyers, obviously, is a big one, but the cost of the litigation itself, apart from lawyers, is considerable. I'm not talking about the fees that have to be paid in court; they're very reasonable, as they should be, so as not to restrict access to justice, but the court reporter's cost in reporting examinations for discovery is really beyond all reasonable bounds. Now, that's largely because lawyers have gone overboard in running down every possible avenue in their examination for discovery process, but it's also because the court reporters are out of control. They claim that they have no tariff. Well, they don't have a tariff anymore; that's up to them to compete. But they don't have any rules as to what goes into a transcript, so they're playing fast and loose with the method of charging litigants for these transcripts, which you have to have if you're conducting litigation. Right in the Rules of Court there is a format, a set of rules for the format. These private court reporters – not all of them but most of them, all the biggest ones – claim they aren't bound by that, and they cheat. That's the only way of describing it, Mr. Chairman. They charge by the page but then put fewer words on the page, you see, and big gaps where they come to exhibits and so on. So it's just something that the Attorney General has to take a grip on. I've written him quite forcefully on this, and I've heard no results of that. So that's one way that the cost of litigation can be reduced.

A second way is more radical and will take a little time to find favour with lawyers, but I'm sure it will instantly find favour with the public if they understand it. That is to abolish the *viva voce* discovery process anyway, just go back to the previous process of – interrogatories is the word, but it means written exchange of information at the discovery stage, because it just has to be admitted that our experiment, which is now 80 years old, has been a failure in *viva voce* discovery. I won't prolong that.

The third area in which litigation could be cheapened is to enlarge the scope of legal aid, and this can be done without a great increase in the cost of legal aid. By this I mean that the limits can be much more flexible for when legal aid is granted. There can be as much as a 90 percent contribution or just a 10

percent contribution to the cost. Arrangements can be made to pay back what has been advanced by the province in legal aid over a number of years, much like a student loan or something like that. Of course, if the case is won, then the costs can be taxed. The lawyers are quite agreeable, most of them, to take a cut on their fees, providing they are certain of payment. So that would be a tremendous boon to the administration of justice in this province, if legal aid were made more flexible.

The next item I have in my notes here, Mr. Chairman, is the Institute of Law Research and Reform. There's been a certain amount of constipation, if I can inelegantly so phrase it, Mr. Chairman, in the last few years in the throughput of the recommendations of the institute in the region of law reform. They do good work. The last one, the voluntary associations Act, turned out to be a clunker, but that's an exception. By and large they do good stuff, and if they were encouraged, they would do a bit more, I think. At the present time they have had little encouragement from the government – and I don't lay it all at the door of the Attorney General – in getting on with the needed business of law reform, and goodness knows, we need it.

Taking some of his statutes in alphabetical order, at the top of the list or near the top is the Administrative Procedures Act. Now, Mr. Chairman, just give me a bit of warning when I'm running out of time, and I'll shut up promptly. Thanks very much. [interjections] Sorry; I've still got nine minutes. But listen. It's interesting, some of this anyway.

The Administrative Procedures Act was passed by the previous government about 1968 and was an attempt to codify the natural justice that should be administered when the citizen was before statutory tribunals. Its defect was that it only applied to tribunals where there was a designation by order in council. The last time I looked there were only about half a dozen such tribunals to which it applied. Now, I suppose the argument could be made that it ought to apply automatically to all tribunals exercising quasi-judicial powers, but that's another argument which I won't get into. Certainly I believe that the government has been remiss in its examination of the tribunals that this ought to apply to, because it would save an awful lot of trouble if we didn't have to guess at whether the tribunal was amenable to the rules of natural justice and therefore the prerogative writs and so on, because it was right there. It may be because it was the brainchild of the previous administration that somehow the present government is not to keen on it, but I urge the Attorney General to have someone look at that. I would like to see an order in council with a whole lot more tribunals made subject to this Administrative Procedures Act.

Perhaps the Attorney General can report on the present state of the Builders' Lien Act. There has been a lot of discontent about that in the last couple of years, in particular the continued disappointments by small contractors with a loss of their bills and bankruptcy for some of them and terrible plights, truckers and material men and small suppliers who have been just cynically cast aside by contractors who have underbid, and the contracts just have no money left. It's plain, it seems to me, that some kind of stakeholder arrangement – the trust business is okay in theory, and if everyone were honest, it would work. A stakeholder concept so that the money is paid to the stakeholder and released when both parties agree, both the lienee and the lienor agree. If they don't agree, it has to be sorted out much as we sort out any dispute about liens.

The Judgment Interest Act came in in 1984. Excellent Act, of course, supplied a real need, but that too has bogged down in

the final implementation. We still only get 5 percent on judgments, so it's cheaper not to pay judgments if you can get away with not paying them. Up to judgments, it's a reasonably realistic rate. I mean, it's 9 percent on special damages and 4 percent on general damages, but it goes to judgment, it goes into the federal sphere and it's 5 percent under the Interest Act. It's decades out of date. So I urge the Attorney General to get after Ottawa to amend the Interest Act. I mean, our Judgment Interest Act is all set up for the postjudgment interest that will be proclaimed presumably at the same rate as the prejudgment interest as soon as we have the jurisdiction to do that. I ask what progress if any has been made in the last six years.

Conditional Sales Act. A court decision a couple of years ago has driven a coach and four through this Act, and that is the ruling that said that a lease with an option agreement escapes the reach of the Conditional Sales Act. So if you hire a car, for example, and there are payments over four years, let us say, whatever it is, and then it says at the end of the four years you pay a double payment and the car is yours. If you default at the third year in the 11th month – for some reason you're broke, you just can't – they can take it back, and you have no recourse, although you've obviously built up the same equity in it as if it had been a conditional sale. The period is usually three years, of course. That surely should be fixed.

The Legal Profession Act is administered by this minister, Mr. Chairman, as you know. We were looking for more lay members on the board, and also I believe the Attorney General does appoint the lay member. My suggestion was that a member of VOLD should be appointed, not permanently but just once at any rate, so that the benchers of the profession can be toe to toe with their most vocal critic. It might help both the benchers and the critic for that matter.

Again, the Limitations of Actions Act is another thing, Mr. Chairman, that is within the remit of this minister. I remind him that I believe the physicians' limitation is still one year, which is wholly out of step with what's reasonable.

The Possessory Liens Act is another one. So far as I can see, the decisions under this legislation, Mr. Chairman, do not distinguish between possession which has been lost from fraud as by voluntarily giving up. I think that's a defect in the Act.

Mr. Chairman, in conclusion, I sincerely believe that the Attorney General has the good of the public at heart, works hard, works conscientiously, and does an excellent job in general, and more power to him *to continue this approach*. Nonetheless, there are areas in which perhaps from pressure of business or oversight, more could be done. I've outlined some of them, and I look to a fruitful year in which some of these ideas can be developed.

Thank you.

MR. CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Chairman.

AN HON. MEMBER: Give it to him.

MS BARRETT: He's all alone.

MR. CHUMIR: I need the support. Thank you, Mr. Chairman. I wonder whether I might receive a reminder when I have five minutes left in my allocated time. Just before I get the hook.

The hon. member from Rumpole has already commented on what appears to be a rather an inflationary factor in the

spending in respect of the bureaucratic aspects of the minister's department: the minister's office up 45.1 percent, the deputy minister's office up 26.6 percent, executive management up 24 percent. Are we, Mr. Minister, beefing up the layers of administration? At the same time, by contrast, I would note that I've been receiving complaints from those who are involved in dealings with the court system in Calgary, in particular, but also in Edmonton.

The complaints are multifold, but one of them relates to an inadequate number of clerks to service the courts and the segment of the courthouse that deals with filing documents. What I've been hearing is that clerks are needed to run the courts in the morning, they're taken out of the filing area, and as a result waits of 30 minutes to 40 minutes in the mornings are very, very common in respect of attempting to file documents. This really reflects quite a deterioration in the quality of service which has been experienced and happily experienced in this province in the administration of justice for some period of time. It is a cause for some concern when combined with complaints that we've been hearing about lengthening waits in the Land Titles Office.

Now, I note from the budget documents that court service manpower is down by some 2.5 percent. The court operations expenditures in Calgary and Edmonton are up 1.8 and 1.5 percent respectively, clearly less than inflation. I'm wondering whether the minister is able to give us some explanation as to why we are experiencing this deterioration in service and whether there is a policy of the government in cutting back on the number of line staff, at the very same time as we see what appears to be an inflation in staff and expenditures in the — dare I say penthouses? — executive suites.

Now, I note also another item of an 81.6 percent increase in the board of review, Mr. Chairman, that calls for some explanation, which I would request of the minister. Having mentioned the Land Titles Office and concerns being expressed with respect to the waits there, I would ask for a report from the minister on what is being experienced throughout the province at the present time and where he anticipates we will move in respect of that. I realize that there has been a lot of conveyancing going on in the province, but we need to improve the performance in those particular offices.

Now, I've also been hearing concerns in Calgary with respect to the fact that there have been a number of retirements from the Provincial Court. I believe there are now three vacancies in the city of Calgary. Some juggling has taken place with judges from other jurisdictions having been moved in from time to time, but we're also finding that courtrooms are occasionally unused. This is certainly an unsatisfactory development. It's been some period of time now that these vacancies are there, and apparently there is no shortage of applicants. I'm wondering whether the minister might advise as to what his intentions are, why we have the delay, and whether or not it is his intention to appoint a woman or women to one or more of these vacancies in Calgary, in light of the fact that there's not a woman on the Provincial Court in Calgary, criminal side, out of many judges on the bench.

I've also heard complaints for some time, Mr. Chairman, from those involved in working in the Provincial Court system with respect to the fact that many of the staff being hired by the minister's department are either part-time or contract staff who have no benefits, no security of position whatsoever. It's certainly cheaper for the department, I suppose, to hire these people who don't have to get paid pensions and so on, but it

certainly raises some question with respect to the equity of these individuals when year after year after year they're there under contract doing the same thing as long-term employees, perhaps eventually to be shunted aside without pensions and to be hardship cases posing a burden on other public programs. I would appreciate if the minister might give us some idea as to the numbers of contract employees and part-time employees, the length of time that they have been hired in different parts of our court system, and what the policy of the government is with respect to that issue.

Now, in my first year in the Legislature I brought forth a motion for the need to reform the legal system in some way to improve access to the system for low- and average-income Albertans. It's just become too expensive for the average person to be able to afford to litigate. I did feel at that time and I still feel even more strongly that this is an area that is very much being neglected by the government. It's not something that can be solved off the top of the head, certainly not off the top of my head, and I don't believe off the top of the minister's head, notwithstanding the experience he has in these areas. It requires some in-depth study, because there are very many difficult issues. I've been pressing since 1986 for the government to pay some attention to this matter by initiating some studies. Unless you ask the question and start reviewing it, there will be no progress made. I'm wondering whether the minister might comment as to why there has been no movement in terms of reviewing this issue by referral to the institute of legal reform or otherwise. Is the minister unconcerned about this issue? What is the rationale for the lack of attention to what is, I believe, a serious social problem?

The Legal Profession Act is due for amendment, and I know that the legal profession is wondering what's happening. They thought that the matter would be introduced this session, but now there is a document circulating with respect to changed parameters in relation to the regulation of professions and occupations. I would appreciate if the minister might report to this House as to what the intentions of the government are and what amendments and changes he would see as necessary to the Legal Profession Act and when we might get some action in that regard. I know that the legal profession is very concerned about the potential of initiatives which might erode the independence of the legal profession, which is a very important bulwark of protection of society against government excesses. On the other hand, there is, I believe, an increasing recognition on the part of the community that there is some need for broader community input into the affairs of the legal profession in light of the importance of that profession to the community as a whole. That is a matter that needs some broader discussion. It's obviously receiving some debate within the government and the Attorney General's department. I think it would be of great service to the community if perhaps that debate were broadened somewhat and other concerned members of the public brought into the debate, and I'm wondering whether the minister would be prepared to initiate such a debate.

Legal aid is a continuing problem, Mr. Chairman, which has been of concern to myself and on which I have spoken each and every year of debate on this department's estimates since 1986. We see the continuation of what has been a very stingy policy towards those who are in need of assistance in obtaining legal advice and counsel, to say the least. No increase has been budgeted at all for the budget over last year, and indeed, as has been noted earlier, there's been virtually no increase over the past four years. At the same time, we live in a province in which

the government often boasts that we have the highest expenditure in respect of almost any area of government endeavour. Certainly that was the boast until recently, but it's never been the boast with respect to legal aid, where we have languished in the bottom half of the pack for the last dozen years at least.

The fact is that there is a relatively modest contribution from the province in respect of this important program when you take into account that 6 and a half million dollars was received from the federal government last year. Now, a task force has reported on this issue very recently. It made a number of recommendations, including the suggestion that separate legislation be enacted to govern legal aid. The Bar has itself made very, very strong representations, representations as strong as threatening to withdraw legal services in the event there is not an increase in the amount paid to lawyers, which presently stands at, I believe, \$44 an hour for criminal matters. The flat budget seems to indicate that the request for an increase in remuneration has been totally rejected. I'm wondering whether the minister would care to comment as to what the government's policy is with respect to that matter. Are they going to be playing hardball or brinkmanship with the legal profession in respect of that issue, as I understand that the legal profession and criminal lawyers are indeed extremely serious about the fact that they feel the government should come to the legal aid party in a more substantial way rather than leaving the burden so strongly upon the criminal Bar?

There's also a need, Mr. Chairman, for more money for civil legal aid. We have amongst the lowest budgeting for that area of legal aid in this country. I'm wondering whether the minister might comment on that and provide any justification for the extremely tight approach to civil legal aid in this province.

In that regard I raised in the Legislature last session the fact that the province of Alberta is one of the few provinces in this country which has failed to access the Canada Assistance Plan funding which is available to fund up to half of the civil legal aid costs. We've been eligible for some years to receive up to a million dollars a year from that plan. I was very strongly critical of the government's failure to access that during the last session. I was assured that the government would look into it. The minister of social services gave that indication. Since the overall responsibility for the programming resides within the Attorney General's department, I would assume he is on top of that matter, and would appreciate an explanation from him as to why that funding has not yet been accessed. I hasten to add again, Mr. Chairman, that almost every other province in this country is receiving significant amounts of money from the Canada Assistance Plan for civil legal aid. There are no barriers, other than self-imposed or philosophical barriers, to us getting a significant sum of money, the absence of which does not cause hardship to the members of this House; it causes hardship to low-income people who have legal problems that they cannot get assistance for because of the low funding of this legal aid budget. I find it totally inexcusable that this government would not access that money and help relieve some of the difficulties of very unfortunate individuals.

Maintenance enforcement is another area that I would appreciate hearing from the minister on, Mr. Chairman. We've been hearing a lot of complaints with respect to the system. I know that additional money and resources have been put in recently, but a common complaint we're hearing from women with regard to the program is that the reason many men don't pay is that they don't have to. Figures show that as of February of 1990 there were 23,000 active files, yet only 30 percent had

had all the moneys collected. This must be contrasted to a study done in 1982, long before the program existed, which indicated that 38 percent of orders were being paid at that time voluntarily, without the intercession of this program. On top of that we find that 62 percent of the files had only "some" – an undefined "some" – amount of money collected.

There has been an indication, Mr. Chairman, that there would be an amendment to the maintenance enforcement legislation to ensure that the policy of collecting a full 10 years of support payment arrears is maintained. At the present time the program director can refuse to enforce more than three years of arrears. Now, I would appreciate hearing a comment from the minister on that. I know there are situations when, I assume, there is total incapacity to pay, and you can't get blood out of a stone, but there are many, many questions and problems in this area that require explanation.

We're also hearing complaints about the inability of even organizations such as the Alberta advisory council on the status of women to find out how many files are up to date and how many are in arrears. Apparently, at one point \$2 million has been spent recently for a state of the art computer system and additional staff, and there is still an apparent inability to provide these figures. I wonder whether the minister could comment on that and give an explanation.

I'd like to move on, Mr. Chairman, to talk about the Land Compensation Board, which was the subject of a rather unfortunate fiasco as a result of the appointment of a totally unqualified chairman. His main qualification appeared to be his acquaintanceship and being the neighbour of the Premier. Lest there be protests as to how wonderfully qualified he was, the proof's in the pudding. He was involved in such indiscretions within six months of his appointment that he had to leave under a cloud after an internal investigation by the minister's troubleshooter. Now, I'm wondering whether the minister might make available the report of this troubleshooter, Mr. McLennan, which has been kept under wraps.

I wonder if he could also fill us in on the status of the board. What is the progress with respect to the appointment of a new chairman? Acting members have been appointed, to my understanding. I would also note the very obvious need for changes in the manner of operation of the board: particularly, members of the board shouldn't be appointed on the basis of political patronage. This is a quasi-judicial board. We need skilled people, and I would suggest that there be public advertising for candidates and that applicants should be approved for suitability by a nonpartisan body such as the Judicial Council of provincial judges before a final selection. The independence of the board, Mr. Chairman, should also be increased by providing for fixed terms of office for the permanent members. At present they can be fired at the government's discretion, which obviously puts into question their independence.

Landowners, Mr. Chairman, should be given the right to refer valuation questions to the Court of Queen's Bench when the Crown is paying for any portion of lands expropriated by a municipality. At present the provincial department of transport pays for 90 percent of lands expropriated by municipalities for highways, and, as a result, a civil servant is seen to adjudicate on a dispute in which a provincial government department is paying the freight, and I put the term "civil servant" in quote marks. So the Expropriation Act now allows a landowner to refer valuation questions to the Court of Queen's Bench when the expropriation is directly by the provincial government but not where a

municipality expropriates, and this distinction is clearly not justified.

I note, Mr. Chairman, that Crimes Compensation is down from \$1,318,000 in 1988-89 to \$1,081,000 this year. Now, last year there was a warrant for \$1,350,000, which boosted the total up to approximately a million three-fifty, and I'm wondering why there is this reduction.

How am I doing for time? Five minutes?

We've been hearing complaints, Mr. Chairman, with respect to the operations of the gaming division. First of all, the use of funds for Out-of-province trips by athletic groups has come into issue, and I'm wondering whether the minister could give us a report as to what's happening in that regard. I understand there's some investigation going on in that respect, and I'd appreciate a report.

I've been hearing complaints about permit fees: groups being required to pay substantial sums up front, which is putting pressure on them. I'm wondering if we might get a comment on that.

Could we hear about the plan to rebuild some of the Calgary court facilities in respect of what I understand is an overburdened court system and delay in cases, particularly in respect to family and youth court? I'm hearing complaints that child custody cases are experiencing delays of up to a year.

Small claims court, Mr. Chairman, calls for assistance in collecting judgments. That is what I see as the number one deficiency in the small courts system, and perhaps we might have the comments in of the minister on that.

We also need to get some clarification as to whether or not there is any intention to increase the rather miserly fees for jury duty and for witness fees.

Is there any intention to take action on the ability to carry knives and the number of knives used in crimes of violence? What is the government's policy with respect to expenditure of the surcharge on fines on certain federal offences? What's happening with respect to paralegals, Mr. Chairman? And finally, in terms of builders' liens, I'm hearing complaints from those in the area of pipeline construction and major construction that the 45 days is not enough because of other terms of payments.

With that, Mr. Chairman, I would like to take this opportunity to propose the following motion to the Committee of Supply, which I believe has been circulated to all members. It relates to procedures in this House in respect of discussion of budgetary items. It reads as follows:

Be it resolved that the Committee of Supply summon the deputy minister of each department to attend as a witness when the estimates of that department are under consideration and to bring such staff and documents as may be required to provide explanation in response to members' questions regarding the estimates, pursuant to Standing Order 66.

This, Mr. Chairman, is a *crie de coeur*, a reflection of our belief in the need for reform in the process of examining budgets. I think it's quite clear to any member of this House that there is a need to change the whole focus of this process into a more precise examination of actual expenditures. This motion reflects only a partial measure. In particular there is a desperate need for more time to deal with each department rather than the one evening, two to two and a half hours, which is totally inadequate.

There's also a need for more advanced information. There's also a need to divide the Assembly into separate sections to devote more time to each department, a measure which we proposed yesterday, which was defeated. But this motion before

the House at the present time would serve to reflect the right of this House – and it should be a right – to question the deputy ministers and other staff, as is done in other Legislatures in this country, who have precise information with respect to these matters, on the spot, if at all possible, rather than getting rather vague answers sometimes from the minister during the estimates but often long after the fact, if at all. For example, it would be of great benefit to this House if we could have the deputy minister and other staff present to give direct explanation with respect to the problems being encountered under the Maintenance Enforcement Act.

MR. STEWART: Mr. Chairman, with respect to the motion raised by the hon. Member for Calgary-Buffalo, I think it's safe to say that this government, and indeed this committee, operates on the basis of ministerial responsibility. The minister answers for the department, and the minister's estimates are, of course, his or hers to defend, advocate, and justify before this committee. I know that in the years that I have been in this House, all of the questions from the opposition members have in fact been answered, if not during the course of the discussions in this Committee of Supply, then certainly in writing thereafter. I think that is a record that we as a government and as ministers are proud of. I think it would be different if, indeed, those questions weren't answered; if there wasn't information brought forward and would not be forthcoming. But I quite frankly don't feel that is the case, and I don't see that there's any need for such a motion.

I believe that elected people should be the people who speak in this Committee of Supply, and not members of the public service. I think that it would be an unusual departure of our procedures and indeed would take a greater amount of time in order to accomplish the important work of this committee. I think it would merely detract from the opportunity for elected members to fully participate as they should on behalf of their constituents in the important work of this committee. Therefore, I would urge all members to vote against this motion.

MR. CHAIRMAN: The hon. Member for Edmonton-Highlands.

MS BARRETT: Thank you, Mr. Chairman. I feel a bit schizophrenic about this particular motion because while in principle it's very good, one has to also look at the fact that we have very strict limitations on the amount of time that we get to consider estimates in this Assembly. Now, I know that some members don't like this word, but I'm going to use it in any event. We suffer closure. We have 25 days, and a day can be defined by as little as one hour's consideration of a department: 25 crummy days out of 365 days a year to consider an \$11 billion budget. To me that is absolutely offensive. So while I'm not convinced at this moment, without a lot of other reforms applying to this Assembly, that this particular motion would be beneficial, it does occur to me that in the long run, supporting this motion and perhaps having it approved would convince the government – my hon. Conservative colleagues across the way – to wake up and understand the nature of democracy and the nature of the parliamentary forum to which we were duly elected.

Now, the House leader says, well, we wouldn't want to make the process more cumbersome. More cumbersome? Twenty-five crummy little days for estimates, and he doesn't want it any more cumbersome? I'd point out to my hon. colleague that the

process implied by this motion is that which is employed under consideration of both trust fund estimates and the public accounts. In other words, deputy ministers do appear and provide information to the committee. So I find his argument just a little bit thin.

Like I say, it's a slightly schizophrenic issue, because what's the point of doing this when you have such strict – I mean onerously strict – limitations on consideration of estimates? On the other hand, the principle is certainly worth while. Reform of some of the procedures observed in this House is long overdue, and therefore I support the motion.

MR. GESELL: On a point of order, Mr. Chairman, on this particular motion. I would cite *Beauchesne* 856, 857(1) and (2); Standing Order 66(1) and (2); and 854 in *Beauchesne*.

Mr. Chairman, although maybe the intent of the motion is worth while to solicit some additional information, I find under Standing Order 66(1):

No witness shall be summoned to attend before any committee of the Assembly except by order of the committee or the Assembly.

And I will want to get back to that, and which should receive preference. The 66(1) is fairly general in nature, Mr. Chairman, so I've turned to *Beauchesne* in order to get a little bit more detailed on this particular matter.

If I read 856 in *Beauchesne*, the sixth edition, I find:

When a committee decides that a certain person should be heard ...

And I emphasize the singular here; we're talking about the plural – a wide-open type of motion.

... it may direct the clerk of the committee to invite that person to appear, or if necessary, the committee may adopt a motion ordering that person to attend before the committee.

I think the important part, actually, comes in *Beauchesne* 857(1).

A witness shall not be summoned to attend before any committee unless a certificate has been filed by a member of the committee stating that the evidence to be obtained from such a witness is in the opinion of the member, material and important, as required by Standing Order 122(1).

Now, in this particular instance I don't believe that there has been any certificate filed indicating what information, what evidence is to be gained from that particular witness who is being called for. I know that in the process that might eventually occur, but it hasn't happened here. So I have some difficulty, Mr. Chairman, about the argument of a general nature, a general motion requiring witnesses to appear without the requirement to file a certificate to specify what evidence actually should be provided.

Mr. Chairman, in 66(1) in the Standing Orders it leaves the option for the committee or the Assembly to make the ruling about whether a witness should attend. But then if I go on to 66(2) and also to *Beauchesne* 857(2), there is some indication given of perhaps preference of who should make that decision, the committee or the Assembly. In 66(2) of the Standing Orders it quite clearly states that "the Clerk of the Assembly is authorized to pay the witnesses." Then in 857(2) in *Beauchesne* it indicates, "In practice, this procedure is also used to provide witnesses with reasonable travelling . . . expenses." So to me the indications in these citations are that perhaps the decision needs to be made with the Assembly, not with the committee.

Mr. Chairman, finally, in 854 in *Beauchesne* it indicates, "In the past, witnesses have been assisted by counsel." Now, is it the intention that the deputy minister then also be represented by counsel? I think we're getting a little bit off the target here.

But, Mr. Chairman, my final point I want to make is that the proposal really elongates the process we have in front of us here.

And if the hon. members would limit their speeches and state their concerns and ask questions succinctly, we wouldn't need to have motions to this effect.

MR. TRYNCHY: Mr. Chairman, I'd like to just offer a few words on this myself. I listened to the hon. member that presented this motion, and for 30 minutes he spoke and never asked a question. I thought he came here to ask questions, so I can't understand that.

You know, we tried this sort of a session some years ago. We had subcommittees and we brought in deputy ministers and all of their staff and supplies and material. Then we went back into the House to resolve those estimates, and the conversation went on again, over and over again. At no time in my 20 years in this House have I ever heard of a question not being answered. I'm sure if the hon. members across the way would ask their questions and, as mentioned before, if we can't answer them during the course of the estimates, they'll be answered by letter thereafter. Mr. Chairman, we've seen in the past number of years estimates done in a lot less than 25 days, because the members at that time asked their questions, got their answers, and were satisfied.

So, in closing, Mr. Chairman, let's stop talking and let's start asking questions, and you'll get the answers.

MR. CHAIRMAN: Is the committee ready for the question?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. CHUMIR: I close debate on this matter, I presume, Mr. Chairman.

It's clear, Mr. Chairman, that the present system is inadequate and cries out for change. Now, we've heard some arguments from hon. members on the other side. The hon. Member for Clover Bar presented a complex legal argument. In response to that I must say that I spent many years as a tax practitioner. I've heard some extremely complex tax arguments, but my eyes absolutely glazed over at his comments. And I defy him to find a human being alive, whether in this Assembly or in any Assembly or in any country in this world, that can follow what he said.

MR. TAYLOR: The hon. Member for Whitecourt comes from the same corner, so he might understand.

MR. CHUMIR: The hon. Member for Whitecourt, I don't know where he's been, but he should let us know when he gets back to the planet Earth. He said that I never asked a question. Well, I am prepared to let him name the stakes and prepared to challenge him to a wager that when he reads the transcript of my comments, he will find at least 30 questions, one question for every minute with a little time thrown over to put the questions into context, which I think is quite appropriate. Wager?

Then we have the House leader for this evening talking, giving us the specious arguments that this is an element, a matter of ministerial responsibility, when we have clear precedents that have been referred to earlier of having staff at committees such as the heritage fund and public accounts committees. The fact is that it's the policy of this government to provide as little information as they possibly can with respect to what they're doing behind closed doors. It's what one could expect from a

government which sees no need for freedom-of-information legislation and which is clearly the most secretive government in this country.

The reality is that this process need not take more time than the present system. But, of course, as I mentioned in my comments and as has been mentioned by others, there are other reforms that are necessary, particularly the division of this House into different panels so that we can concentrate on different departments. But, of course, the government isn't interested, and it's no surprise that they're not prepared to support this very, very sensible proposal that would make them work harder, would improve their performance. But that we won't see.

MR. CHAIRMAN: Is the committee ready for the question?

SOME HON. MEMBERS: Question.

[Motion lost]

MR. CHAIRMAN: The hon. Member for Calgary-Fish Creek.

MR. PAYNE: Mr. Chairman, I'd first of all like to express a regret, and that is that I'll not be following the oratorical pattern set tonight by the Liberal and NDP critics in their discussion of the estimates. Although my remarks will be comparatively brief, I hope the Attorney General will not attach any less value to them because of their brevity.

Mr. Chairman, my comments and questions will be limited to two votes tonight: vote 5, Protection and Administration of Property Rights, and vote 8, Gaming Policy and Licensing. Now, the members of the committee and the Attorney General will recall that on more than one occasion last year in this Assembly I attempted to articulate the frustration and, in some cases, the anger felt by a number of Calgary realtors, lawyers, and certainly those trying to sell various real estate properties. Of course, that anger, that frustration arose from what was perceived as an unnecessarily prolonged period of time taken to process the relevant documents.

Well, I'm encouraged, if not happy, to report to the Attorney General, Mr. Chairman, that I don't recall in recent months getting a single complaint either by telephone or by letter. In fact, some members of the legal fraternity and some realtors have told me that things look a whole lot better. I'm not sure what the Attorney General has done to turn that situation around, but my plea tonight is to continue: just keep on doing it, please.

Staying with vote 5, I did want to make a comment in a different area. I think most members, certainly the government members, will agree with me that the government in recent years has, by way of firm policy, attempted to decentralize some of our government operations out of Edmonton. There are numerous examples that I could give, but let me just make the point that that process of decentralizing, moving government and staff and operations out of Edmonton, generally has been very well received. Calgary is but one of a number of communities that has received or has benefited from that decentralization. Well, given that as a policy backdrop, then, it's not surprising that a great many of my constituents and a great many Calgarians were angered, if not at least puzzled, by the move of the Land Compensation Board to Edmonton. I'm still not really clear on the rationale for that decision, nor am I seeking such clarification tonight. But what I am seeking is consideration by the Attorney General, given these new circumstances where the

chairman's chair is once again vacant, and I'm not entirely clear why. While the senior staffing decisions are being made, could I ask the Attorney General to reconsider moving the Land Compensation Board back to Calgary where it rightfully belongs?

Now, a comment under vote 8. I suppose in the current environment, against a backdrop of a government committed to deficit reduction, I'm puzzled as to the 16 percent salary increase to the six individuals that work for the Gaming Commission. And there might very well be a proper explanation; I'll look forward to getting that from the Attorney General.

Moving from the individuals and their salary levels, however, which for me is a minor consideration compared to a policy question, this has to do with what appears to be either a new policy or a change in policy that has antagonized dozens of students and their parents and their schoolteachers in my constituency. I will share with the members of the committee tonight that in fairness to the Attorney General I have put this request to him in writing. I would have preferred to have had the benefit of his response before raising the matter in committee, but inasmuch as we're in an alphabetical mode, the Attorney General's estimates came up very early in the process. So I look forward to the Attorney General's reply, but if he feels it's appropriate, I would welcome his explanation tonight as to why groups such as high school bands appear no longer to be able to use the proceeds from their bingos and their casinos and their pull tickets and their raffles to subsidize or to underwrite or to assist with the costs of national or international travel. I just have to make the point. We're not talking about tax dollars, which are pulled, extracted, from kicking and screaming taxpayers. We are talking about dollars that are given most voluntarily either by way of participation in a bingo or participation in a casino or the purchase of a pull ticket or what have you.

I'm not so idealistic that I don't understand or appreciate that there's a desire to win something with that purchase. But I think it's also safe to say that the person who attends that bingo or participates in that casino or buys that pull ticket is doing so to help some charitably deserving body such as a high school band. And I'm sure if you were to ask the purchaser of one of these pull tickets, "Would you mind, sir, would you mind, madam, if your dollar was used to help subsidize the cost of travel for these groups?" we all know what the answer would be: "Of course we don't object." So we're puzzled, Mr. Chairman, as to why the Gaming Commission has either developed this new policy or is imposing an existing policy in a new way, in a new method. We would appreciate any clarification the Attorney General could make.

I indicated at the outset that I'd be brief. I'm almost violating that assurance, Mr. Chairman, so I will conclude. Thank you.

MR. CHAIRMAN: The hon. Member for Edmonton-Centre.

REV. ROBERTS: Thank you, Mr. Chairman. I have a few comments I'd like to direct to the Attorney General and, as well, one with respect to the Chief Medical Examiner's office, which falls under his department. I don't know that the Attorney General referred to it in his opening comments, but I'd just like some clarification about what's going on over there. I've thought over the past there's been some changes and some confusion. It certainly is, I think, a very important office which serves the public in a very necessary way. I seem to recall from my days as a parish priest that certainly in sudden death or cases

where the cause of death was in question, it was very important to have someone who could very sensitively and appropriately deal with these questions. I was aware, I thought, that one of the medical examiner positions was vacant for some time. I do realize that this kind of expertise is rare and that the people who fill these positions can certainly demand perhaps a high salary. I'm just wondering what the current state is and if the Attorney General has any comments with regard to recruitment and retention of medical examiners, who I think are a very important part of the process. I do see there's a 26 percent increase in the head office, and I just wonder how that relates to the Edmonton and Calgary offices there as well.

I have a question too — it's perhaps not so much to the Attorney General as maybe some other members of the Assembly. But since the funding has, as we've noted, gone to the law research and reform commission, I just wonder when we're ever going to get the Law and Regs Standing Committee up and running, Mr. Chairman. I know the Institute of Law Research and Reform has submitted a number of different proposals and work that the Law and Regs Committee of the Assembly could in fact be getting at. I don't know who the current chairman is. In fact, I regret that the member for Red Deer hasn't been able to get together with his government caucus to know who was on the standing committees of the Legislature. But I submit that Law and Regs might be one that could get to work in a number of important areas where the homework has been done on them.

Finally, I'd like to ask some questions with respect to the maintenance enforcement program. This is a contentious one, as we know, that continues to come up but I think one where I and hon. members and our constituents would appreciate further clarification of how the program is developing. I know there have been some increases and another 7 percent increase this year, and that's good. But certainly the divorce rate continues to increase and the number of children from marriage breakdowns continues to go up, so the whole area of maintenance enforcement is one that I think we need to be ever vigilant about in its operations. I do wonder if the Attorney General could comment in terms of the philosophy of the officials at the maintenance enforcement program. I mean, I know there is a degree to which we want to co-operate and to work gently together to achieve certain ends, but it seems to me that research shows that it's not quite so much the inability to pay by the debtors but the unwillingness to pay. I think given the basis of that unwillingness, whether it's in delay of payments or NSF cheques or whatever, there need to be some tighter methods of getting payments, realizing that we're often dealing not with inability but unwillingness.

We hear the Member for Calgary-Fish Creek talk about offices moved around the province. I wonder if the Attorney General is prepared to make the maintenance enforcement program officers more available and accessible at offices outside of the city of Edmonton, so that a creditor in Claresholm, perhaps, might be able to have more accessibility to make their claims known and get information. I'm aware, too, that in the provinces of Manitoba and Ontario as soon as there is a late payment, this computerized system would alert people at their programs, and action would be taken. Enforcement procedures would be activated pretty quickly, whereas here in Alberta there's still a three-month delay on arrears before action is taken. I'm just wondering whether the Attorney General is satisfied with that and, in fact, whether there might be some tightening up in that regard.

I guess all of this is well stated in an article I've read by the Alberta Advisory Council on Women's Issues. I think the points they make are very clear and very much to the point, and I would appreciate the Attorney General's response to them. They allude to some of the things I've suggested already. They recommend that an automatic debit system be implemented that could increase payments; that there be a secret identification number so any information that would be given out would be, of course, very confidential and would again tighten things up; and that there be an explanation code on all cheques distributed to creditors to help assist them in understanding the payments they receive. Heaven knows, in our own paycheques from Leg. Assembly it's nice to have that explanation of all the different codes of where the deductions and the payments are coming from so that we have a better idea. I think these creditors deserve the same.

Then they make some recommendations about some legislative changes, and I do wonder if the Attorney General has considered that with respect to payments being continued while a stay order is being examined by Court of Queen's Bench. They suggest that such amendments to the legislation would ensure that debtors would not miss payments over the stay period. I think some fairness in that would continue to beg for some changes. Again the point about MEP officers being at all provincial courthouses throughout the province and again having greater accessibility and so on to people who need that information.

So I congratulate the Advisory Council on Women's Issues for bringing this forth in such a clear and committed way. I think those of us, women and men, throughout the province want a fair maintenance enforcement program that does do its job, which is to enforce maintenance payments. I think we've come some distance on this, but there's a greater distance to go. I'd like the Attorney General's further comments on that as well as these other matters that I've raised.

Thank you.

MR. CHAIRMAN: The hon. Member for Banff-Cochrane.

MR. EVANS: Thank you, Mr. Chairman. I'd like to continue with the very healthy precedent of my colleague the hon. Member for Calgary-Fish Creek in making my comments very brief and to the point. I would, however, be remiss if I did not echo the comments made by the Member for Edmonton-Strathcona in his compliments to the minister on the way that he discharges the duties of his office, with dignity and integrity. Those compliments extend as well to his staff, many of whom who are here this evening, who are both a credit to the department and a credit to this province. They are dedicated and conscientious Albertans working for the benefit of Albertans.

I would like to make a brief comment, Mr. Chairman, on the issue of the Land Titles Act and the concerns that were raised last year about the length of time for registrations to be processed, particularly in the Calgary area. This undoubtedly was due partially to the increased volumes due to a real estate market that is booming, and that again is a credit to the economy in the province. I want to compliment the minister for a speedy response to that situation by increasing the staff complement on the teams that deal with the registrations. But I would like to caution the minister to continue to monitor that situation very carefully, particularly during the summer period. The issue can get out of hand very, very quickly, and it's

important that we make sure that these transactions are processed in as prompt a manner as is absolutely possible.

I'd next like to move on to the issue of legal aid. I do note that we have no increase for support of legal aid in expenditures in this year's budget. I think this is consistent with the government's program of doing more with the same. But I would encourage the minister to look carefully at the recommendations that will be coming from the Bar with respect to increase in tariff to the Bar, particularly given the fact that the Bar who are practising in the legal aid field are taking on clients at substantially less than fair market value for their services. They are dedicated to the concept of providing prompt and efficient legal services to Albertans regardless of their financial ability to pay, but I think we have to be cognizant of the costs of practice today. So I would encourage the Attorney General to keep this issue in mind.

I'd now like to move on to the issue that was so eloquently raised by the Member for Calgary-Fish Creek, and that's with respect to the Alberta Gaming Commission's either perceived or actual change of policy. I won't attempt to restate his eloquent comments, but I would like to put another perspective on this, and that's the perspective of those buying the tickets who support the young people who would choose to travel outside the jurisdictions of Alberta. I would make a presumption which I think would not be contradicted, Mr. Chairman: that those who buy tickets from these young people would certainly have no concern that the money was being spent to allow these students – usually students – to take advantage of competitions outside the province of Alberta. Certainly when tickets are sold, the norm is that people would be made aware of what the proceeds from the ticket sales are being used for. The benefits to young people of going outside the province, just as they have benefits of going to other places in our province, are obvious and I think should not be discounted.

The final point I would like to make, Mr. Chairman, is with respect to the general concept of a Bill I have taken sponsorship of from the hon. Member for Lethbridge-West, and that is the care Bill, the children's access rights enforcement Act. I'd like to bring it up under these estimates because the point of the Act is suggested amendments to the Domestic Relations Act primarily. The reason I bring it up in estimates is that unluckily for me in the draw the Bill is numbered 268 and the chances of its being dealt with this session are not particularly good. I would just ask that the minister carefully consider the points being addressed in that Bill. The main point is recognition of the Maintenance Enforcement Act that came into force in 1984, recognizing that we had to increase the availability to the courts and the promptness of addressing situations where a court order exists and a maintenance enforcement order is not being obeyed. As a corollary of that important legislation, I think it's important that we consider the issue of custody and access. The import of the Bill I have before this House is to ensure that in the event of an order being in place which is disobeyed by the parent having custody of a child, we would improve the methodology for getting before the courts to have that disobedience of the order addressed promptly and, in effect, to make sure the matters of custody and access are dealt with with the same kind of respect and at the same level as the important issues of maintenance.

With that, Mr. Chairman, I will sit down and allow other hon. members to have their points, knowing full well that I will hear from the Attorney General.

Thank you.

MR. CHAIRMAN: The hon. Member for Vegreville.

MR. FOX: Thank you, Mr. Chairman. I wanted to bring a couple of items to the minister's attention and hopefully get his comment on. I wonder what examination his department has done with regard to the remuneration paid to sheriffs who work out in various judicial districts. It's come to my attention that the amount per service fee that's awarded to these people hasn't been increased for quite some time, and their costs have increased.

MR. WRIGHT: It's the sheriffs' bailiffs.

MR. FOX: I believe we're talking about the sheriffs' bailiffs here. I'm wondering if the Attorney General would have the opportunity to address that during his response to the concerns raised by members here tonight, because I think it's a valid issue and I've heard the concern expressed.

It's something I would like to bring up as well if I happen to get in on the estimates debate for the Department of the Solicitor General, in reference to the fees that are charged and the money paid to people who operate licensing branches for the motor vehicles division. That hasn't gone up in a number of years as well. But in this case I'd like the Attorney General to please address the concerns of sheriffs' bailiffs, who perform a valuable service for his department out there and haven't had their incomes increased appropriately. When you consider inflation and increased costs, et cetera, their ability to earn a living and support their families has been eroded over time.

The other issue I'd like to raise with the Attorney General – and it's one he and I have had the opportunity to discuss on a number of occasions – is the need for a new courthouse in Vegreville. We had the opportunity to discuss this in a meeting with the acting mayor of Vegreville and the Attorney General and myself last year, at which time the minister informed us that the construction of the new courthouse in Vegreville was a high priority of his department but he was not able to make a commitment to us at that time. We now see when we look at the items in vote 4 under Public Works, Supply and Services, in terms of capital projects, Attorney General vote 4.4.39, Courthouse – Vegreville, that they've allocated \$200,000 to this project. Well, that's not going to build a courthouse. I assume the minister would tell us that those are planning dollars or design dollars, but we've seen planning and design dollars go toward this project over the last several years, Mr. Chairman, and I'd like the Attorney General to stand up and address the issue in public. Tell us when the courthouse in Vegreville is going to be built, because I think people in the area are legitimately frustrated with the kind of process involved here, where we had a former Minister of Public Works, Supply and Services out there in Vegreville in the fall of 1988 holding hands with the Conservative candidate, the would-be MLA for Vegreville, proudly announcing that the new courthouse was going to be built.

I'd like to know: was there a commitment to build the courthouse in the fall of 1988, that it would be built in 1989, and if there was a commitment, how come it wasn't built in 1989? If there was a commitment then, how come it's not being built in 1990? Now, I think we have to get to the bottom of this and be able to account fairly for what's going on here and tell the people of Vegreville that the courthouse is going to be built and when it's going to be built. I understand it's difficult to make commitments for budgets years in advance, but in fairness this

is a project that is needed in the community, it's needed in the judicial district out there, and it's something that's been promised to Vegreville year after year after year after year.

Delving into the history a little further, we know that it was to be built in 1986 and was one of the many projects caught in the initial freeze on capital projects when the government found there was going to be a substantial budget deficit that year. The courthouse project in Vegreville was reviewed to determine whether or not it was necessary to have a three-courtroom courthouse facility in Vegreville, and it was determined by the department that perhaps a two-courtroom facility would be adequate. So the redesign was undertaken. I believe the blueprints were completed, the design is done, and it's just waiting for someone to decide that that's going to happen. Now again, in 1990-91 we're seeing some more planning dollars apparently going to the courthouse in Vegreville.

The Conservative candidate that was out there promising people that this courthouse was going to be built in 1989 was at the time as well the reeve of the county of Minburn. I want to raise concerns on behalf of the county of Minburn in terms of this, because there's a real correlation between the need for the new courthouse in Vegreville and the need for the county to get a new office facility in the town of Vegreville. This is because a swap was arranged some years ago where the county agreed to give the department of the Attorney General the land the old high school in Vegreville was built on – this would become the location for the to be constructed courthouse – and in exchange the department of the Attorney General would give the county of Minburn the existing courthouse facility, which would become their new county office. I think it was a sensible arrangement which facilitates the best use of facilities and land on both sides. But in the meantime, while this courthouse is not being built year after year after year, the county of Minburn finds itself in a very difficult situation where the present office space is woefully inadequate, especially in terms of the county of Minburn board of education. They just don't have enough room to properly fulfill their responsibilities. They've been counting on this move across the street to the old courthouse facility, but until the new courthouse is built, that move can't take place.

I notice all the backbenchers think this is really funny stuff. I don't know what interest they take in courthouses in Vegreville, Mr. Chairman, but perhaps they'll stand up and enlighten us as well.

I raise these concerns on behalf of the people of Vegreville – who have been promised this courthouse again and again and again and again, who would like to see it built and need to see it built, people who work in the judicial district of Vegreville, who look forward to having an updated and adequate, modern facility to do their jobs in – and on behalf of the county of Minburn, who can't move into this new office space until the Attorney General's department moves out of it, and they can't move out of it until they build a new courthouse.

So all these things are rolled into one here, and I'd like the Attorney General to please address this issue on the public record so the concerns of the people in the Vegreville area can be addressed and the people can be assured that this new courthouse will be built and will be built soon.

MR. CHAIRMAN: The hon. Attorney General.

MR. ROSTAD: Thank you, Mr. Chairman.

I would like to take this opportunity to answer some of the questions. Over the past hour and a half to two hours there's

been a flurry of them. I will not be able to get them all answered tonight, but I will undertake to answer in written form each of them that I don't answer orally.

I would like to perhaps start with the last series of questions asked by the hon. Member for Vegreville because they're right in front of me. I am cognizant of the deficiency in added payment for the sheriffs' bailiffs, have examined their need for remuneration, and would advise the member that he should have good news very shortly in that area. In response to his concerns and questions about the proposed courthouse for Vegreville, I also share with the member the need for a new courthouse in Vegreville. We did have a joint meeting with the acting mayor of Vegreville and at that time told him and the citizens of the Vegreville area, the judicial district, that there was a need for a courthouse and it was, in fact, a high priority. However, as our budget speech has indicated, if we're going to wrestle this deficit down next year, which we are, there are no new government facilities in health care, advanced education, or general government buildings, including courthouses, being built this year. There is some money – the amount was correct – of \$200,000 that has been put toward the planning of this courthouse. It is still a priority, and I expect it will still be built.

We do have an ongoing lease with the county of Minburn, but we also recognize they would like to get into that building for their own purposes. We'll have to look at a variety of options for delivery of our court services that will enable us to save money for our department, the government, and the county. The bottom line to all of that is the citizens of Alberta. But it is still a priority and a need for that area.

To some of the questions that were raised by the hon. Member for Edmonton-Strathcona, whom I thank for his very nice comments. Some of the answers to the member will also answer concerns that were brought up by the Member for Calgary-Buffalo. The first question was concerning the minister's, the deputy minister's, and the executive management's budget increases. I'd like to point out that aside from the salary increases that meet the general parameters of all departments, there was a provision for employer contributions in the minister's office that had been underfunded in the past. A lot of this exercise in my office comes from when my predecessor was the Attorney General. He did not have a minister's budget; he carried it all through his intergovernmental affairs budget. Also, when my colleague the now Minister of Education was the Minister of Community and Occupational Health, that was a new ministry, and they built a budget for him which was concurrent with my predecessor's term. However, when I was appointed Attorney General and the hon. Minister of Education was moved to his present portfolio and his portfolio at that time was moulded into the ministry of Health, they transferred his budget to me. It was found to be deficient, not because I have any extra needs, but deficient even in the context of his operation. So they have adjusted for that. One of the great deficiencies was the employer contributions; there was \$11,000 underfunded that we were robbing from other parts of the budget. That was corrected this year. That is in there.

There's a purchase of computer equipment which came from the Solicitor General's department when I was Solicitor General. It had to be replaced because it was old at that time and has now become untrustworthy and needs replacing.

The portion of the budget that results in the largest increase is the support program contingencies. This is an element that used to be in the financial section of the department, and they've moved part of it to the minister's office, part to the deputy's

office, and part to the executive management, which just gives each of those offices more control in working this contingency fund, which allows the occupants of those offices a little bit more flexibility in the sense of handling a contingency that might come along. The amount of that was \$40,000. That's merely a transfer of funds and not an increase in funds, because the financial section was decreased by that same amount. So if you extract all of those out of there, the increase in the minister's office is the normal salary increases that have been accommodated across the board. I do not, as the current occupant of the office, expend when we don't have to or in a loose fashion.

The courts in Calgary. Although the family court is deficient, it does need to be added to, and there are plans. We were hoping it would go into construction, but it fits into the same category as the Vegreville courthouse: it was not approved because there are no new government facilities approved at this stage. However, added space does not solve the problem completely. As mentioned by both hon. members, there's a vacancy in some of the judicial positions, although that has been long term. In fact, of the three vacancies mentioned, some are supernumerary, which are just used on an ad hoc basis as fillers. There have been some vacancies in the supernumerary, but the judicial position was vacant and has been vacant since November, which is not an undue time in terms of finding the correct person to fill it. There have been some vacancies in clerks' positions, which are being filled right now.

However, a lot of the problem in that Calgary area has to do with the trial co-ordination that goes on, and I think there's been some favouritism within the overall youth and family area to certain areas and not others. That has to be looked at and could perhaps streamline some of the activity. We attempt in all courts, whether it's in family court or in Calgary or Edmonton or any other place, to make sure the clerks address the courtrooms first so that trials or proceedings can carry on and the administrative matters they do take care of at the counter are secondary to the administration of the courts. That is something we have to continually work on with our court administrators and the trial co-ordinators, where there are trial co-ordinators, to ensure that that happens.

In terms of legal aid, there's no doubt that in the eyes of the practising criminal Bar, the tariffs they're being paid are less than the tariffs that are being earned by lawyers handling cases that aren't under legal aid. We have had the task force report for some time. Aside from the tariff issue and the delivery mechanism – or if I may even cast at the partnership agreement between the law society and the government, and the fact that we have not enacted an Act for the Legal Aid Society – virtually all other recommendations have been implemented or are in the process of being implemented. We've had ongoing dialogue with the Law Society, and if there is a partnership, in my view it calls on both partners to contribute to whatever working agreement is in effect. If it is seen that the practising criminal Bar is carrying the Law Society as a whole for their contribution, perhaps the Law Society should look at some way of levying everyone to carry part of that load so the practising criminal Bar does not have to. Or perhaps the mechanism should be staff lawyers with the Legal Aid Society delivering the service or, between that spectrum, any other variation. What we have asked, and through continuing meetings – in fact, today my deputy and a couple of other officials met with the Criminal Trial Lawyers' Association, the Law Society, various section heads of the Canadian Bar Association, as well as the benchers that have the Task Force on Legal Aid responsibilities to try and

work out some sort of arrangement. From the government's perspective we do not think that everybody can say: "Ooh, we've all got a problem. We're not happy with it. Let the government solve it." If we're going to deliver an effective legal aid program, I think we all must work together to resolve this. And I sincerely think we can work out something so that all parties can be happy with the mechanism that is required not only because there are sections of our society that can't afford to get to court on their own, but the Charter also encumbers us to provide a service.

In terms of costs of trials and amending the Criminal Code so there aren't appeals available other than on a legal basis, I will take that under advisement. Now that we have a new Attorney General and Minister of Justice in Ottawa, the Hon. Kim Campbell, we'll take the first opportunity to discuss that with her with the idea of the cost of criminal versus civil jury trials. In criminal there isn't much flexibility; in the civil there is. But we'll continue to address those.

The Alberta General Insurance Company. Admittedly, I haven't discussed with the Solicitor General the possibility that he may be interested in taking it and developing some sort of insurance program. I will certainly give him information from the hon. member on such a thing. I might mention that there is the intention presently, without taking those comments into consideration, to amend the legislation so that we can allow the distribution of the surplus of this insurance company so that the tax payable to the federal government won't have to be paid. As it stands right now, it could be payable.

In terms of court reporters and their high cost to litigants, these are services that are provided in private legal matters. If the hon. member believes that in instances they are cheating on their page formatting or things like that, these are matters I think they should take up with the court reporter in the sense of not using that court reporter. If everybody did that, that type of court reporter would soon either change their way or be out of business. I am certainly willing to discuss this with the chief justice of the Queen's Bench to see if there is some way the legal profession can assist in this matter and will ask the officials of my department to contact the chief justice in the near future to find if there's some way we can get on with helping to correct the use of the rules or the use of court reporters.

The suggestion that examination for discovery viva voce be abolished and use written information would be a significant change in our practice and would require, in my view, extensive consultation with the Bar, the judiciary, Rules of Court committee, et cetera. I would be interested in having that put before these bodies to find what their response might be.

In terms of flexibility in granting legal aid with various payback arrangements, the cost recovery is a matter that is in the jurisdiction of the Legal Aid Society board itself, which is the body that runs legal aid for the two partners, the government and the Law Society. At present our recovery rate is very good, but I will make that proposal to them, that perhaps they can make some more flexibility in the rules of how they can access and how much legal aid could be given in one case against another in view of the means of the accused.

The law reform institute. Actually I'm a strong proponent of law reform, but not all proposals that have come forward from the law reform institute – although there's a plethora of reports that have come forward, they themselves admit that some of them were outdated because they haven't been handled. We have a proposal for four reports of theirs that we – my two critics with the two opposition parties – are working with to see

if there is a way we can bring forward this legislation that won't necessitate a great deal of legislation time so that we'll be able to bring to fruition some of their good work. There are a couple of reports that are just being finalized and coming forward that I am very interested in, and I hope we will be able to bring them to a quick handling. We've actually been in a great deal of dialogue with the president and board of the law reform institute to give them ideas of things that can be done that could help all of us in the sense of bringing forward new ideas and also helping them to have some of their reports put into place and to feel they are an important part of the legal community and process.

The Administrative Procedures Act. I am pleased by the hon. member's representations, and I will review that and provide in a written answer some possibilities that we might be able to add to that list.

The Builders' Lien Act was given to a task force, as you correctly mentioned. The task force is finished. Their report is now written. I have received one. I understand that as of today it has been printed and is ready now to formally give to me. My proposal is to table it in the Assembly and get input and feedback as to whether the task force is in the right direction or their proposals are correct. Whether we'd be able to have a Bill formulated ... I understand they have drafted an Act that they've appended to their report, but whether that would be acceptable or not only time will tell, and whether we'll be able to get an Act before the Assembly this session – again, only time will tell. I would doubt it. As such an important and weighty piece of legislation, all of the stakeholders should have their chance to look at it.

The Judgment Interest Act, or the Interest Act, federal legislation. We have been in dialogue with my federal counterparts. We're now into the third minister, but now that we have a new one, I will again approach the Hon. Kim Campbell and find if there's a quick process by which we can get on with this so that we can bring our Act current.

We hope the Legal Profession Act will be before the Assembly this sitting. We have been working with the Law Society and the professions and occupations branch in terms of the lay members, not only who might be there but also the number. We're also looking and working with the profession on the definition of a legal practice. As soon as we can get those two fairly resolved, we're pretty well ready to bring forward the legislation, which actually should be brought forward. And if those can't be resolved, I would like to bring it forward anyway, because the disciplinary process for the legal profession is brought into the open and aired, which is what a lot of people would like as well as the lawyers, I'm sure, who are sitting in the Assembly.

To turn to a number of the questions that perhaps weren't answered for the Member for Calgary-Buffalo. The minister's office I've answered. The increase in the board of review of 81.6 percent: again, there was an employer contribution problem that had to be addressed. But the main thrust is to bring the payment of board members, the psychiatrists that serve on that board and are also accessed through that board, into the same sort of pay structure that the mental health review board pays. There was a great disparity there, and they were just brought into the same pay.

In terms of land titles and our experiences, my opening comments addressed somewhat the ALTA project, where we're computerizing the entire process. While that is ongoing and even with the increased registration – I can address Calgary

specifically – we have a two- to five-day turnaround time on registration, which is significantly better than the turnaround time we were experiencing last year, as was raised by the hon. Member for Calgary-Fish Creek, when were up to 11 and extra days in turnaround. I must give credit to the personnel in the Land Titles Office. Although we were able to pump a little bit more money and resources in there, it was their yeoman service of dedication and extra time that turned that around and got it to an acceptable level where we are not penalizing the people who are involved in a real estate transaction in terms of extra interest. I commend them for their extra services in that regard.

In terms of court appointments, they will be handled very, very shortly, and the intercession for women to be appointed to the court falls on very fertile ears. I think you'll find that in Calgary and in Edmonton there'll be more female presence in our courts.

The contract hiring. I will have to wait for *Hansard* and look at the question to be able to give a better answer, so I'll respond to that one in writing.

The Legal Profession Act I've addressed in terms of where it's going and what the intentions are. The same with the legal aid. I don't think the withdrawal of service is the answer, and it's not brinksmanship. We are working with all the stakeholders in this to try and resolve this, and I think we can do it without having to necessarily just willy-nilly increase the budget or double the budget that we're spending to deliver the service and do it with all parties.

In terms of the alleged loss of funds from the federal government through the Canada assistance program, the money that perhaps is foregone – and that's debatable – is approximately \$350,000, which is certainly no money to scoff at, but the income testing that would have to go under that program to allow legal aid would jack the administrative costs up substantially. Also, we still submit that we have a very good, very effective program and don't require the federal jurisdiction to stomp on our jurisdiction. We're continuing to dialogue. We also have now, currently, the problem that CAP is capped. That also presents a problem.

There have been a number of questions on maintenance enforcement, and I will take them all under consideration, answer them all in writing, because they came from, I think, four members this evening.

Gaming was also raised by a number of members. The Gaming Commission is an arm's-length commission that works under the auspices, the authority, of the Criminal Code. There have been two areas of controversy that all of us as elected members have received calls and mail on, I'm sure. One of them is fees. There was a decision in 1987 that fees would be assessed to ensure that the commission and the gaming control are paid for but that it would not be a revenue generating exercise beyond that. I'm advised that the Gaming Commission is relooking at their fee structure and should have a report on that soon.

In terms of the international travel, I'm again advised by the chairman of the commission that there was some abuse of groups gathering themselves together and perhaps qualifying for a licence but then looking for something to do with the proceeds rather than having it the other way around. I'm advised that the Gaming Commission admits that they overreacted to this by saying there would be absolutely no Out-of-province travel. That is similar, I might say, to the present policy in British Columbia, where all gaming proceeds must be spent within the province of British Columbia. The Gaming Commission is now relooking at that international travel, and although they haven't got their

policy completely formulated, I was speaking to the chairman today in anticipation of the estimates, Committee of Supply, and he assures me that international travel will be back. There will be some very clear parameters spelled out which will allow people to know, when they're applying, what they need to do and where they're needing to go. They say their decision should be out very, very shortly.

The knives issue, which the hon. Member for Calgary-Buffalo and I have had ongoing . . .

[The hon. minister's speaking time expired]

MR. CHAIRMAN: Would the committee given unanimous consent to the minister to conclude his remarks?

HON. MEMBERS: Agreed.

MR. ROSTAD: I'll just conclude that one. There are only two other little issues, and then I'll do the rest in writing.

The knives. I've most recently had dialogue with the Minister of Justice for Quebec, who claims that he has some innovative ways that might not solve the problem but might put a dent in it. It's a continuing problem and, in fact, a growing problem. Yet understanding that people use knives for a lot of very legitimate and almost mandatory . . . Employment even involves using knives. It's impossible to ban them completely, but we certainly have to try and find some mechanism to control their use, certainly in crime.

The Crimes Compensation Board. The Member for Calgary-Buffalo asked why there was a warrant and why this year it was reduced. It's totally demand driven by the number of people who come before the board for review and is very, very hard to fix. We just try and make a best estimate and adjust it where it's going. The amount that's used for administering the board is very, very small. I would be reaching, but I think in excess of 90

percent of their budget is just paying out money that the board has found should be paid to the victims of the crime.

With that, Mr. Chairman, I will undertake to answer all other questions in writing. I thank all hon. members for their questions, their concern, and for some of the very nice, kind comments. Thank you.

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

[Motion carried]

[Mr. Deputy Speaker in the Chair]

MR. JONSON: Mr. Speaker, the Committee of Supply has had under consideration certain resolutions with respect to the estimates of the Department of the Attorney General, reports progress thereon, and requests leave to sit again.

MR. DEPUTY SPEAKER: Order please. Having heard the motion by the hon. Member for Ponoka-Rimbey, would all those in favour please say aye.

HON. MEMBERS: Aye.

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

MR. STEWART: Mr. Speaker, by way of advice to the members the business of the Assembly tomorrow afternoon will be Committee of Supply, where the estimates of the Department of Career Development and Employment will be under consideration.

[At 10:35 p.m. the House adjourned to Wednesday at 2:30 p.m.]