

Legislative Assembly of Alberta

Title: **Monday, April 8, 1991**

8:00 p.m.

Date: 91/04/08

head: **Committee of Supply**

[Mr. Schumacher in the Chair]

MR. CHAIRMAN: Would the committee come to order, please. It being the hour of 8 o'clock in the evening, the Chair wishes to welcome everybody back to the Committee of Supply.

head: **Main Estimates 1991-92**

Attorney General

MR. CHAIRMAN: The Chair would invite the Attorney General to introduce his estimates at this time, if he would care to do so.

MR. ROSTAD: Thank you, Mr. Chairman. If I had a commitment that if I didn't have any opening remarks we could adjourn quickly, I wouldn't make any. However, I'm sure that won't be the case, so I will make a few opening comments.

From time to time we establish priority departments in our government, and it's usually Health, Education, Social Services, or Agriculture. Rarely is it ever one of the justice departments, but I'd like to make the submission that germane to our whole system, our rule of law, we wouldn't require those other departments if we didn't have some sort of system to ensure that there was justice and adherence to the rule of law.

It's indeed my pleasure as the Attorney General, as one of the ministers of justice, to present the estimates for our department and to give an indication that I think that this particular year we've been able to convince our colleagues that in fact the Attorney General's department is one of the priorities. When you look at the estimates and see in excess of an 11 percent increase, I submit that that's significant.

We reflect back, too, to the Speech from the Throne. His Honour, throughout the speech, indicated that we're besieged with change and challenges to meet changes, and that's what this budget is about: to put stability in our system in amongst all of that change. Within the department that change becomes very apparent. There's change in the kinds of cases that are coming before the courts, changes in the number of cases that are proceeding to trial, and changes in the guidelines to make sure there's a reasonable time to trial.

The Charter was one of the first impetuses to the number of cases that are proceeding to trial. Fewer people are entering guilty pleas, and Charter-based arguments are becoming much more common. Also, there are more cases related to family violence, impaired driving, environmental standards enforcement: indications of the changes in demands and expectations of the people of Alberta. In response to these types of changes, we see the number of prosecutions of offenders in these categories increasing, trials that by their nature become much more complicated, take more time.

The Attorney General, of course, has a responsibility to the electorate of Alberta to ensure that there is an effective system of justice and legal administration, and although we examine ways to make our system better, more effective, more responsive, with these continuing changes every year the challenges continue.

Last year we formed a committee of people from management, from the Crown, and from the court system to try and

determine some of the causes and hopefully to make some recommendations in relationship to some of the problems and the increasing changes that were coming through our system. The review committee took almost a year to do a thorough analysis because we did not want a band-aid solution. I've said many, many times over the past year that just throwing some money at the system is not going to change the system and to redesign the system to answer the concerns that we see arising and the activities that we're growing.

We were also throughout this last year confronted with a Supreme Court decision better known as the Askov decision, which in effect reiterated the province's responsibility to ensure that trials occur within a reasonable time. They said that if there were systemic or institutional delays beyond eight months in adult and six months in youth court, these cases could be set aside. So the review committee was tasked with looking at that decision as well and trying to address that problem in their recommendations.

I'm pleased to announce tonight a number of initiatives that we have had brought through the Treasury Board process, and they relate to the judiciary, Crown prosecutors, court staff, some of the time delays, alternative measures, and address some of the concerns in our legal aid field. I might start with the judiciary. We're announcing the appointment of three new judges: two in Calgary and one in northern Alberta. There will be additional funding to enable the utilization of supernumerary judges on an as-required basis. These are judges that will serve on a per diem basis and only as needed. Throughout the study we were able to determine that in the Edmonton-Red Deer area, which aside from Calgary had the general need for more judicial services, utilization of supernumerary judges would not necessitate adding new judge positions.

We propose to introduce six justices of the peace, I'll use as their title, but it could be ad hoc counsel rather than actually being justices of the peace: three in Calgary and three in Edmonton. Their purpose will be to hear the traffic and bylaw offences, which will then allow judges to be removed from these courts to in fact be used in other areas where there's more demand. In addition, there will be 12 new clerical positions for this expanded judiciary.

In the area of the Crown prosecutors we are going to introduce 11 new Crown prosecutor positions. These will be allocated six to Edmonton, three to Calgary, one to Peace River, and one to Lethbridge. Again, the allocation and where they're going are based on the review so that we can restructure the delivery of our legal services.

Also, there will be the introduction of 10 paralegal prosecutors. These will be people who are trained but who won't be lawyers. They will be working hand in hand with the Crown prosecutors, helping them with cases, helping with administrative detail, and also prosecuting cases in the traffic courts or in areas that do not have cases that are of as serious consequence.

We will be introducing six new staff positions to the Crown offices, as well as converting 30 positions in our Crown clerical staff to permanent staff as against being wage or temporary. When they're wage and temporary, they are coming and going. There's no consistency to the administration, and all it does is clog up the operation of the particular office.

There is also a need in our courts throughout the province to have, again, a more permanent staff rather than a flexible staff that might be working on a temporary basis or through agencies where they don't know from time to time exactly what procedures are going on, and 29 positions will be converted to permanent status.

8:10

In the area of the family and youth court we have had, more particularly in Calgary but certainly in Edmonton as well, a great influx of cases, in many instances cases that should not be before the court. In 1985, when the Young Offenders Act was brought forward, the Attorney General's department and the Solicitor General's department worked together, and there was an alternative measures program put together. One of the philosophies of that Act was to divert offenders away from the court system where the instances indicated that would be proper. We are one of the more restrictive provinces in what we allow to go to alternative measures, and we are now going to expand the criteria used to identify which youth should be diverted and which ones should go forward. We, of course, will have to work together with all stakeholders within the system, because the police are very, very germane to what charges are laid or if in fact a formal charge is laid to get the young offender to the court.

Essentially the areas that will not be allowed: offences involving violence or the threat of violence, perjury or contradictory evidence, alcohol-related driving offences, property offences where the damage or loss of property exceeds \$1,000, and the major drug offences. Those areas will not be allowed to go into the alternative measures program. All other charges would be eligible, and it will be determined by the evidence of the case as to whether the person would be allowed in there. Through the use of that and through the co-operation of all the players we're sure that this can alleviate a lot of the pressure in our youth courts.

Another substantive initiative is the adjustment to the legal aid agreement. Everyone's aware lately that the practising bar was somewhat concerned that the amount of tariff that was allowed on legal aid was not sufficient to operate law offices in an efficient manner. Approximately a year to a year and a half ago we had a task force set up to look at legal aid. They came forward with in excess of 25 recommendations, all of which have mainly been addressed, although there is an agreement between the Legal Aid Society, the Law Society, and the Attorney General's department to continue the dialogue on the system of delivery.

I can announce tonight that there is an agreement with legal aid that the tariff will be raised to \$61 an hour and that that's effective April 1. This will also involve the Alberta Law Foundation contributing 25 percent of the revenue that comes from lawyers' general trust accounts. For those who aren't lawyers, I can inform you that when nonspecific trust accounts are banked, there's an agreement that the banking institutions will pay interest on those accounts to the Law Foundation, and then this money is used for law-related activities, whether it's libraries or research: that type of thing. We have an agreement through the Law Foundation and the Law Society that 25 percent of that revenue will be directed to the legal aid program and the remaining requirements will come from the government general revenue.

It is our feeling that with these initiatives we will be able to address the stress points that are in our legal system. It will still not be panacea. We'll have to have all of the players working together to deliver justice, which is the aim of the system. We have under consideration and will certainly implement the introduction of night courts, the introduction of weekend court sittings, utilization of courtrooms that aren't being used in the summer to address backlogs.

We're looking at changing some of the legislation, the Young Offenders Act, as it relates to provincial offences – not federal

offences; we have no jurisdiction on that – to see if we can alleviate some of the young offenders having to come to court. As an example, an adult has the ability to utilize the Provincial Offences Procedure Act for traffic offences. That is not presently allowed for the 16- and 17-year-old who may be driving a car. What that is: if you have a ticket and you don't pay your fine, it may end up being attached to your driver's licence or car licence, and if you don't pay it, you won't get your new licence. That isn't presently allowed for young offenders, and we're looking at changing the legislation so that might be utilized and allow people not to be tied up in the courts, again depending upon the seriousness of the charge.

So, Mr. Speaker, or Mr. Chairman, the introduction of these initiatives I think is indicative that we have been able to convince our colleagues that the administration of justice is very important, is the basis of how we operate in our society, and must be seen to be fair and to be delivered so that we all have that opportunity. I will, of course, welcome questions on these initiatives or any other particular area of the department that the members may wish.

Thank you very much.

MR. CHIVERS: Mr. Chairman, I note that the hon. Attorney General promoted you, unlike myself, who usually demotes the Speaker of the House. I'll try to get my salutations correct tonight.

Mr. Chairman, I want to begin by stating that I certainly concur with the hon. Attorney General's comments with respect to the nature of the justice system and it being the cornerstone of a healthy society. In a sense the services provided by the Attorney General's department are amongst the most essential of the services provided to society by the government of Alberta, and I fully appreciate the wide-ranging impact that this department has upon all of the laws and other departments in the province of Alberta.

I want to begin this evening by complimenting the Attorney General on the initiatives that he's announced tonight. By and large I think those initiatives, although they've been a long time coming, are worthwhile initiatives and should hopefully help to improve the quality and efficiency of the judicial system. It's, in my opinion, a very important step: the appointment of the new judges; the supernumerary judges, which is a new initiative and one which my party heartily endorses; the introduction of the justices as he has described them in Edmonton and Calgary; the use of the paralegals – I find that a particularly encouraging step that's being taken by the hon. Attorney General – also, perhaps most importantly, the conversion of part-time staff to full-time staff, which I think is an important step and should hopefully increase the productivity and efficiency of the Department of the Attorney General with respect to the prosecutions, where I expect that a great deal of the emphasis here is to be placed.

I also want to begin by expressing my applause for the initiative with respect to the funding of legal aid and the increase of the tariff from, I believe, \$44 an hour to, I believe the Attorney General indicated, \$61 an hour. I heartily endorse that step, but what I'm wondering in examining the estimates is whether any allocation has been made for that expenditure. My information is that a portion of that expenditure is coming from the Law Foundation, and just doing some quick math here with respect to the calculations, I would anticipate that this means there is going to be somewhere in the neighbourhood of \$3 million to \$4 million required to fund that increase in the tariff. In any event, there is certainly going to be a substantial amount of money required to increase that funding of the legal aid tariff.

8:20

I see in vote 4, the appropriation for the support of the Legal Aid Society, that there has been no increase in the amount of the appropriation over that which was appropriated last year. Indeed, it's my understanding and from reviewing the financial statements of the province I believe I'm correct in saying that the amount that is appropriated there, the amount of \$15,650,000, remains essentially unchanged for the past five years. Now, my question for the Attorney General in that regard is: where is the additional funding to come from? Is the expenditure that's required to fund the increase to the legal aid tariff in addition to the budget? Are these funds that will have to be appropriated perhaps through an amendment to this appropriation, or is there a source of funding in the other estimates that has contemplated this increase? If so, I'd be interested in having that identified so that I could examine the other estimates more critically to see what the impact of that reallocation of funding is likely to be on those estimates.

So although I certainly heartily endorse and applaud the Attorney General for taking this very important step in this recognition, it's a recognition that's been a long time coming, I might say. In my view the criminal defence counsel, the counsel that have been the backbone and the pillar of the legal aid system and have supported that system for so long, are certainly more than entitled to the amount of this increase, and I trust it augurs well for the future in terms of the treatment by the department of the legal aid program.

The legal aid program in my opinion is a very important part of the judicial system in Alberta. It is the component of the system that provides for the funding of litigation, both civil and criminal, for low-income Albertans who would not otherwise have access to the judicial system. I consider this a very important and very worthwhile step. I suggest that it's been a long time coming, that for too many years the legal aid lawyers have in effect subsidized the citizens of Alberta by bearing an unfair share of the burden of providing those services.

Mr. Chairman, I'd like now to turn the discussion, if I can find it in my notes, to some comments that were made in the Auditor General's report with respect to funding for civil legal aid. I haven't located it just yet, but I'm sure the hon. Attorney General will be aware of the comments made by the Auditor General with respect to the funding of civil legal aid and access to federal funding. I for one am very concerned that some decisions seem to have been taken with respect to access to federal funding for civil legal aid which has deprived the province of a very important source of funding. I understand, on reviewing the information that's been made available to me in the accounts that I have, that the amount of that funding in the year 1990 was approximately \$300,000. I consider that to be a very significant source of funding. What I'm concerned about is: what is the reason that the Attorney General's department, in conjunction I believe with the family services department, has decided not to access that source of funding?

I understand from the comments made by the Auditor General that the reason has to do with a cost/benefit analysis, and I'm wondering if the cost/benefit analysis is that by accessing that funding, it would make it incumbent on the legal aid system to expand the services that they provide to low-income Albertans. If this is the case, then I question the decision not to access that funding. I think it is a very significant source of funding; it is a source of funding that we should be accessing. Even if it means that there is going to be an increased cost in terms of the delivery of legal aid services, it seems to me that there is a need for these services being

provided to lower income Albertans and that it is high time the government of the province of Alberta accessed this source of funding.

Along that same line, I have a further question. I'm wondering: what is the total aggregate of the funding that is available under this program which would have been available to the province had they claimed it over the years? What is the total aggregate amount that has not been claimed over the past, say, five years?

Mr. Chairman, there's another matter which arises out of the comments of the Auditor General, and that has to do with the Alberta General Insurance Company. Now, I found this a very interesting legal research project this afternoon as I pawed through the statutes of Alberta in an attempt to find out what had happened to the legislation enacting this company. It was enacted in 1942, chapter 9 of the Statutes of Alberta, and it's been amended three times since then, the last time being in 1959. None of the amendments are of any great significance. What is, however, of significance is that it took some difficulty to track down who the directors of the company are. I now have this information; my thanks to the Legislature Library for their diligence in this regard.

Concerning the Alberta General Insurance Company I note that in the previous year's Auditor General's report the Auditor General commented on the fact that this company is, in effect, a dormant company. It's not in operation; it provides no services. Essentially what it consists of is one policy, I believe, a government policy for insurance, and since I see that the nature of insurance that this company can deal in excludes life insurance, sickness and accident, I speculate that it may be a property insurance policy.

My question is with respect to the \$500,000 which is apparently on deposit or was on deposit with a financial institution presumably, because it's not revealed in any of the financial statements. What financial institution is the money deposited in? Just speculating and doing a bit of conjecture – bear in mind that the Auditor General reports that this year's report is dealing with the Alberta General Insurance Company year ended December 31, 1989 – the growth in that \$500,000 from 1988 to 1989 was apparently only \$17,000, and according to my calculations that amounts to a 3.4 per cent rate of interest. That seems to me to be reprehensibly low, and I'm wondering: on what basis are these funds invested? Surely, they're not invested in this day and age with a rate of yield of only 3.4 per cent. I note that one of the reasons why the Auditor General has made some recommendations for in essence winding up this company, recommendations which I heartily endorse and recommend to the Attorney General, is because this corporation is not exempt from paying federal corporation tax, and as a consequence in the year 1989, the last year on which the Auditor General reports, this corporation had to pay the sum of \$3,900 of federal corporation tax. I assume it also pays Alberta corporation tax, but that's just a transfer from one hand to the other and is of no moment. The contribution to the federal coffers of \$3,900 in the year 1989 seems needless, unnecessary, and not a very frugal approach for a government that compliments itself on frugality.

8:30

What's more important and more distressing is that in the year 1990 the Auditor General predicts that the amount of the federal corporation tax payment will be the sum of \$22,500. Now, according to my calculations and assuming that the rate of interest is around 3.4 percent, or perhaps if you assume that the \$3,900 was paid out of that bank account, the rate of interest

was then 4.2 percent, assuming that the fund continues to be treated in that fashion, that means that the capital of that fund will soon be depleted by payment of federal corporation taxes over a period of years. This again seems to me not to make financial sense for a government which prides itself on its ability to deal with market economics. This seems to me to be a prime case where the government is not doing it.

I have other questions that have to do with this corporation. I understand from the information provided by the Auditor General that this corporation is administered by staff at the Attorney General's department. However, I see that, as the statute requires, there are three directors presently appointed to the corporation. I'm wondering who these individuals are, what arrangements are made with respect to their remuneration, and if they are being remunerated, what they're being remunerated for. This is a company which, as I understand it, is not conducting any business. It's a dormant company, and it seems to me to make very little economic sense to be carrying on with a shell of a company that conducts absolutely no public business. What possible purpose is there in not acting on the Auditor General's recommendations? I note that the Auditor General was told last year by the general manager of the corporation, and he reports this in his last report to the Legislature, that a study was going to be done to deal with the question of the federal corporation taxes and recommendations that the Auditor General had made in essence to permit the distribution of this fund so it can be put to a useful purpose by the province of Alberta. Perhaps the winding up of the company would be called for.

What I'm wondering is: what is the purpose? What purpose is being served by keeping this company alive? Surely if there is a policy which still has to be handled, the appropriate financial reserves can be set aside or it can even be made a charge of the General Revenue Fund of the province. Surely it makes no economic sense to carry on this historical creature when there is no longer any purpose for it to be serving, and surely it makes no sense to have three directors of a company that's carrying on no business.

MR. MAIN: Order, order, order.

You can continue, Barrie.

MR. CHIVERS: I shall. I shall. Thank you. It gives me a chance to find my place in my notes. Unlike most of you I haven't mastered the technique of being able to conceal my notes and pretend I'm not speaking from them.

As the Auditor General put it in his report, last year he was making recommendations pending a decision on how the province will continue to deal with this corporation. I understand that a decision has been made and been reported to the Auditor General in this year that indeed it is the intention of the government to carry on with this company. I'm wondering: what is the explanation? Perhaps the hon. Attorney General would explain to the Assembly what the explanation is for carrying on what seems to be a useless creature.

Mr. Chairman, I'd like now to turn to another aspect of the estimates, and that has to do with surcharges under 727.9 of the Criminal Code of Canada. I see that the Auditor General in his report has indicated that it was necessary to have an audit of the victims' fines surcharge, and I assume it's the surcharges imposed under that section. I'm wondering why it was necessary to have an audit of these surcharges, and I'm wondering if this is an indication that perhaps the province of Alberta has not been accessing all of the financial support from the government of

Canada which is available under those surcharges for programs and services for victims of crime.

Since it's reported as a comment in the Auditor General's report, I'm wondering also: is the revenue that comes from those surcharges reported as revenue to the Attorney General's department, or is it reported as revenue to the Solicitor General's department? I recollect that recently the hon. Solicitor General announced the establishment of the Victims' Programs Assistance Fund, and I'm wondering if that revenue goes into that fund and therefore is really part of the revenue of the Solicitor General's department or whether it's revenue that goes to the Attorney General's department.

Incidentally, while I'm on this topic, I'm wondering if perhaps the Attorney General shares the concerns that I have with respect to the Victims' Programs Assistance Fund. It seems to me to make little financial sense to establish a nine-member committee to administer such a fund. It's a rather meagre fund at this point in time. I understand that the new committee that's been established by the Solicitor General has no independent decision-making power; it merely has powers to make recommendations. It's not autonomous or independent in any sense of the word. I understand that the administration costs are expected to be about 20 percent of that program's meagre annual budget, which I believe was estimated to be about a half million dollars. It seems to me that \$100,000 of administration costs on a \$500,000 fund does not make much financial sense.

In any event, it occurred to me at the time the announcement was made that it might have been more frugal and made more sense for this fund to have been administered by the Crimes Compensation Board, which is one of the bodies that's under the jurisdiction of this minister, and it seems to me that that indeed does make a good deal more sense. It may, of course, need the ability to access input from the organizations that work in this area, but that could easily have been accomplished without any needless expenses and certainly not in the neighbourhood of \$100,000. That is a board which, incidentally, is already in existence under a statute. It has autonomy. It has independence. It has expertise. It has the ability to deal with a program such as this, and in my opinion this is a program that should have been placed under the jurisdiction of that board. I'm wondering if the Attorney General would undertake to examine the possibility of seeing that that fund is administered by the Crimes Compensation Board and save the citizens of Alberta a good many tax dollars, up to approximately \$100,000.

8:40

It's interesting to note, while I'm on the topic of the Crimes Compensation Board, that vote 7, which deals with the appropriations for the Crimes Compensation Board, indicates that there is a reduction of \$200,000 between the 1989-90 actual expenditures and the 1991-92 estimates. I'm wondering what accounts for the reductions in expenditures of this board. This is approximately a 20 percent reduction, and I'm wondering how it's accounted for. Is the board having less demand placed upon it, or is there some other explanation for the decrease indicated in that appropriation?

Incidentally, Mr. Chairman, I might say that that is a board which does seem over the years, from my knowledge of it, and I have on occasion had the pleasure of appearing before it, to have been well run and to have done the job it was established for. My only regret is that the parameters of its jurisdiction are so narrow and that it does not have a broader jurisdiction and is not better able to meet the needs of victims of crimes and to deal with their problems perhaps a bit more generously than is

provided for under the present system. I urge the hon. Attorney General to look at the possibility of expanding the jurisdiction of that board. Consequently, in order to deal with an expanded jurisdiction, the board would of course need an expanded budget. There is a need for compensation for victims of crime in this province. It is a need which in my opinion is not adequately addressed by the legislation that's presently in place. I would urge the hon. Attorney General to examine that dimension of the problem. Mr. Chairman . . . [interjection] Well, I'll have to promote you here in a minute till I find my notes.

I want to turn now to the reports that were recently filed in the Legislature. These deal with essentially two areas of government: the Department of the Attorney General and the Department of the Solicitor General. I am referring, of course, to the Cawsey task force on the criminal justice system and its impact on Indian and Metis people in Alberta, and I'm also referring to the Rolf commission report on policing in relation to the Blood tribe in southern Alberta. It's interesting to note that at page 1-5 of the report the task force begins by stating:

We do not perceive the criminal justice system is attaining its objectives of deterrence, rehabilitation, restitution, and protection of the public. If a philosophy does exist, its effect in Alberta is that more people are charged and that a higher rate of incarceration occurs than in nearly any other province or territory in Canada. The over-representation of Aboriginal people in the system and the over-incarceration of Aboriginal people in the federal and provincial correctional institutions in Alberta is proof that the criminal justice system is failing Aboriginal people.

That, Mr. Chairman, is perhaps the most damning indictment that I have seen of the judicial system in Alberta. It is one which causes me great concern, and I'm sure that it causes the hon. Attorney General great concern.

That task force goes on to make many, many recommendations. What is very interesting about the recommendations that the task force makes is that it notes that nearly every one of them have been made by other task forces, by other commissions, by other inquiries, by other studies. Mr. Justice Cawsey goes on to note that he makes these recommendations again because in the opinion of the task force "they have not been implemented fully or appropriately," and he contends that they "are still applicable." It is abundantly apparent, Mr. Chairman, that there is a crying need to address these hundreds – and they are literally hundreds – of recommendations that are either specifically made by the Cawsey task force or are indirectly adopted and concurred in by that task force in the summary of the other task forces, commissions, reports, and studies that he refers to.

There is a crying need to deal with and address these recommendations. I'm wondering if the Attorney General has made some plans in this year's budget. Having examined the estimates in considerable detail, it's not immediately apparent that he has foreseen that there is going to be a necessity to address the recommendations of this task force or made any provision to do so in the estimates. I'm wondering if the Attorney General is prepared to consider the possibility of further funding, which will enable the Attorney General's department to meet its dimension of complying with many of those recommendations. I see that some of the most important ones have to do with matters which are of a very pressing need.

MR. CHAIRMAN: I regret to advise the hon. member that his time has expired.

The hon. Member for Calgary-Buffalo.

MR. CHUMIR: Thank you, Mr. Chairman. I'd like to add my voice of congratulations to the Attorney General for his excellent response to the problems which are plaguing our criminal justice system. The changes appear to be excellent, certainly overdue in light of the fact that in the past four or five years what was an outstanding system of justice was rapidly deteriorating into mediocrity to the point that the quality of justice was being imperiled. Time, of course, will tell us about the effectiveness of these particular changes, but I certainly agree with the direction.

I would like to note a concern that I expressed over the last several years with respect to the fact that a number of the clerical positions were temporary and part-time and that this was of great concern to the individual employees involved. I'm absolutely delighted that was addressed. It may seem to be a footnote to these many more significant and more obvious changes, but to the individual employees involved this will certainly be cause for celebration. I know that all those who are involved in working within our court system will applaud the Attorney General in that regard.

Now, it will be no surprise that we are under no apprehension on this side of the House that this addresses in any way all of the problems in our legal system. Of course, I have many questions and comments and assume that the usual courtesies that the Attorney General extends to answering the questions in writing will pertain again today, because I have many. I'm going to deal with many of these topics very, very briefly just to get them on the table.

Before I move on to more substantive issues, I would like to just raise a couple of issues that arise from several numbers here. The departmental support is up 11.2 percent after a significant increase last year, and I think that calls for some explanation from the minister. I note also that Sherwood Park court services are down 43.5 percent, indicating in some sense a reorganization or restructuring of some kind being implied perhaps, and I would appreciate the comments of the minister in that regard.

8:50

Now, we have three new judges being appointed, and I'm wondering whether the minister might advise what courts they will be assigned to. In terms of youth court in particular – and I'm particularly familiar with the situation in Calgary, that being my home base – there certainly is a sense within that court and amongst practitioners that there is a need for additional judges. One wonders whether or not one of the two judges or perhaps more in Calgary will be directed to that court, because I know at the same time that the provincial criminal court is of the view that more judges are needed. Now, of course, the whole focus of the system has been changed with the structural changes and the new personnel, and we'd appreciate the input of the Attorney General in terms of how he envisages that will work in relation to allocation of judges.

One thing that has not been addressed or commented upon, however, relates to the somewhat intolerable facilities in the youth court premises in Calgary, and a comment on that would be appreciated.

An issue that has also been raised by practitioners is whether or not any consideration is being given to reinstating a system that was in vogue some few years ago of having special youth court prosecutors designated so that experienced individuals would be involved in those courts rather than general prosecutors. There's some unhappiness with respect to the results of that change.

In terms of legal aid, Mr. Chairman, I'm happy to see, and I know the members of the profession that I share, the legal profession, will be happy to see that their problems have been resolved to some extent. I'm concerned about a number of other aspects of the system that are in question, and that relates to the fact that the system itself has been very, very restrictive in terms of availability and particularly in terms of the toughness of the income tests. There's certainly a need for more flexibility in terms of how the system works, who it helps, both in the criminal sphere and in the sphere of civil legal aid, on which I've spoken in previous years. I've noted in a broader sense that our funding for legal aid generally has been for some years now seventh in the country, very mediocre for a province of this wealth, and of that, the federal government has paid \$6.7 million, leaving us out approximately \$9 million of the \$15,650,000. We can certainly afford to pay more in terms of beefing up the quality of the system.

Now, the minister has indicated that money will flow in from the Law Foundation. This will go to some extent if not completely to meet the increased costs, hopefully, but I'd be appreciative if the minister would perhaps comment on that and advise us as to what the percentage of income is from the Law Foundation, how much is expected to be allocated to the legal aid system, and what happens if, as is the case now, interest rates continue to plummet and the income of the Law Foundation declines significantly. Is the amount and the nature of justice served by our legal aid system going to be a hostage of the interest rates?

I've spoken in previous years about the issue of Canada assistance plan funding and our failure to access that for civil legal aid. It's been answered in my view quite unsatisfactorily by the minister and the minister of social services to the extent that there is a mere pittance of \$350,000 available and that it would be too complex to access it. Well, I don't buy that. It is reminiscent of the arguments I heard back in 1986, when I was wondering why we didn't access federal CAP funding for women's shelters, and exactly the same arguments pertained. We've since then moved on to access very significant sums of money. Almost every other province – in fact, virtually every other province – in this country does very well in accessing that civil legal aid money, and I think we can do it if we have the will. If your people can't find out how to do it, I'll offer my services as a consultant to advise, because that money is there I'm sure.

In terms of the prosecutors, they've been vocally and publicly unhappy with their lot. Hopefully these changes will move to address many of their concerns, but there are a number of others including the issue of pay. It's no secret that our prosecutors are poorly paid in relation to other members of the profession who are not in government service, and I'm wondering whether or not there are any plans on the minister's part to increase pay for the prosecutors and if so what those plans are.

I'd like to raise a specific issue with respect to prosecution policy relating to hate-motivated crimes. This is an issue which I addressed privately with the minister a week or so ago, and I expressed great unhappiness at the way in which the government has fumbled the prosecution of a number of cases which have been hate motivated, particularly the Rutherford case. There is another case with respect to the desecration of a building in Calgary. Members of the community involved have been very unhappy with what they saw. There's some unhappiness – perhaps unfair unhappiness, as the minister advises me but unhappiness nevertheless – in terms of the failure to prosecute in respect of any of what appeared to be offences in relation to

the Aryan Nations rally at Provost. One of the concerns is that there seems to be little attention or priority being given to these charges. Inexperienced prosecutors have been designated to handle the prosecutions. The foul-up shows a lack of concern with respect to this type of crime within the Attorney General's department.

I've suggested that the interests of justice and certainly the concerns of minority communities would be addressed if a special prosecution unit were designated within the Attorney General's department so that there was some continuity and experience brought to bear each time a case of this nature arose. I know it's been barely a week or 10 days since we spoke, but I'm wondering whether perhaps since the minister has been able to tuck these major changes behind him, he's had some chance to reflect and to discuss these matters and might give the whole House the benefit of his thoughts.

Native Indian issues have been very prominent lately, Mr. Chairman. The Cawsey report has painted a very shocking picture of the state of the native community in relation to our justice system: a shockingly high degree of incarceration for native Indians, over 2,400 natives in jail at any given time for nonpayment of fines, certainly a blight upon our society. I hope that this Attorney General, who appears with the changes he's announced today to be inclined to be a reformist Attorney General, will continue that approach with respect to the issue of native Indians in our justice system. I would ask what plans are afoot in that regard, and is there any provision in that respect within this budgetary document? It's not visibly there. Is it tucked away somewhere, and if so, to what extent?

9:00

I'd like now, Mr. Chairman, to raise a problem that I alluded to briefly last year but has come to my attention again, and that relates to the issue of collection of judgments, particularly small debts court judgments and judgments that are issued out of the labour standards office. I've been involved in the past year very extensively in the issue of the Norstar helmets difficulties in which employees have been unable to collect wages. There was one newspaper article in another context of a waitress who was out \$400 and went to the sheriff's office and was told she'd have to put down a deposit of \$200 with no guarantee, of course, of collecting. The problems are that the system is too complex, particularly for individuals with language problems. It's certainly prohibitively expensive where you're dealing with small amounts. The fact is the system is set up in such a manner that it's tantamount to denying those who have small amounts in issue the right to collect. The system does not really help them do that, and I think that's very wrong. I think we should be doing something very special as a society to ensure that when there is a right, there is a remedy. That is certainly missing in this realm.

I would very much urge the Attorney General to review this matter. I've spoken personally to the Minister of Labour on the issue within the last four or five days. I've sent her a letter. I think I've sent the Attorney General a copy. If I haven't, I'll certainly be happy to remedy that. I think we would do our society a favour, particularly helping so many lower income people, the little people who really are extremely frustrated. I've seen hundreds and hundreds of the very smallest people without a remedy in relation to this Norstar helmet issue. There are many, many more of them out there.

[Mr. Moore in the Chair]

The law reform institute is of great concern to myself and, I know, to the Attorney General, who has been bringing forth for the first time in many years legislation based on their work, which henceforth sat gathering dust. I commend the Attorney General in that regard, but the apparent interest of the Attorney General is certainly contradicted by the niggardly way in which the institute is being funded. We have no increase here for the institute, and I would note that funding for the institute is down some 16.3 per cent since 1986-87. Certainly some increase, even to keep pace with inflation, is essential for such an important entity for our community.

Maintenance enforcement has been a continuing problem, Mr. Chairman. I spoke on it last year; my concerns remain the same. There is concern within the community. I would appreciate some comment from the minister in that regard. I note that there's a 9.3 percent increase in funding. I'd appreciate some indication of what that is for. What problems does the Attorney General see in the system? What is he trying to resolve? What are the plans for improving the system?

The land titles delay problems have been ameliorated somewhat. They were of great concern last year and I commented on them. The volumes of real estate transactions are down somewhat, and the delay is down somewhat, but it's still too long now in relation to what it was some few years ago. I'd appreciate the Attorney General's comments on this and perhaps some indication of what his aspirations are in respect of the timing for service and turnaround in the land titles system.

I raised an issue with the minister some few months ago with respect to complaints I had been hearing about the fact that the interest rate on general damage claims under the Judgment Interest Act is only 4 percent. It was suggested to me by counsel that this is being used from time to time by insurance companies to delay settlements and delay moving into court, and I would appreciate if the minister would be in a position to comment in that regard to some extent.

I've had concerns expressed with respect to the control of privately-laid information in respect to criminal prosecutions, Mr. Chairman. The particular instance that has been raised recently is that of the Attorney General's decision not to allow the prosecutions of the government in respect of the Oldman dam to proceed. This is being dealt with in other parts of the country, most notably Nova Scotia, by appointment of a director of public prosecutions with greater independence, and I'm wondering what the position of the government is in that regard.

Provincial judges' salaries are also of concern. There is a suggestion that there was an agreement that provincial judges would have salaries set at 80 percent of Queen's Bench judges. What is the government's position in that regard?

I see my time is fading. I have many comments which I will have to leave for the future, Mr. Chairman.

I would now like to move on to make a motion. Last year I moved a motion with respect to the process in this House in dealing with the budget and moved that deputy ministers be made available for questioning by members of the House. I have another motion this year which I would ask be circulated to the House. It relates to our concern perhaps evidenced just now by the fact – if one considers my statements evidence – that I have many more questions which I have not had time to comment on and address. The fact of having two and a half hours available to deal with matters of this significance is really inadequate, and we have a motion we would present to the House.

Subcommittees of Supply

Moved by Mr. Chumir:

Be it resolved that the Committee of Supply strike four subcommittees comprised of not more than 21 members each, nominated by each caucus on a proportionate basis to membership; i.e., New Democrat four members, Liberal two members, PC balance of members.

Be it further resolved that each subcommittee be directed to examine in detail the following estimates:

Human services: Advanced Education, Attorney General, Culture and Multiculturalism, Education, Family and Social Services, Health, Labour, occupational health and workers' safety, and Solicitor General.

Economic development: Career Development and Employment, Consumer and Corporate Affairs, Economic Development and Trade, Technology, Research and Telecommunications, Transportation and Utilities, and Tourism.

Environment and natural resources: Agriculture, Energy, Environment, Forestry, Lands and Wildlife, and Recreation and Parks.

Government affairs: Executive Council, Federal and Intergovernmental Affairs, Municipal Affairs, and Public Works, Supply and Services.

MR. ACTING DEPUTY CHAIRMAN: Hon. member, can you just wait a second until they distribute copies of your motion before you speak to it, please.

MR. CHUMIR: Perhaps I'll just paraphrase, and then we'll read it. It's the proposal that we break down to consider supply in four separate panels, which would enable these matters to be dealt with in greater depth and greater efficiency. The panels are human services, economic development, environment and natural resources, and government affairs.

I would submit, Mr. Chairman, that this would certainly be a much more sensible way of dealing with these things. I believe this was the process here in days of yore. I don't know why it was changed. Perhaps because the opposition almost disappeared from the face of the earth in this province not so long ago and there was little point in breaking down into panels. But those days are over, and I think we should make every effort to improve our system. I think we're seeing a tremendous amount of dissatisfaction within the electorate. However, let me say that the dissatisfaction of the electorate is only minuscule in relation to dissatisfaction on the part of many members, particularly this member here, as to the way this House operates and how useless one feels with respect to the process. It seems that often as not the process is geared to hiding information rather than making it available, and forcing us into the role of being Sherlock Holmes rather than policymakers based on facts that are given to us.

9:10

So the motion reads:

Be it resolved that the Committee of Supply strike four subcommittees comprised of not more than 21 members each, nominated by each caucus on a proportionate basis to membership; i.e., New Democrat four members, Liberal two members, PC balance of members.

Then we'd have the human services, economic development, environment and natural resources, and government affairs.

Be it further resolved that each subcommittee be directed to examine in detail the following estimates . . .

And then I stipulate the different categories of estimates that seem to fall appropriately within those headings.

With that I would therefore respectfully move that motion and cede the floor.

MR. SIGURDSON: On a point of order, Mr. Chairman. I'm wondering if the member would take a question.

MR. ACTING DEPUTY CHAIRMAN: Point of order.

MR. SIGURDSON: Mr. Chairman, I'm wondering if the member would take a question on this motion.

MR. CHUMIR: Certainly.

MR. ACTING DEPUTY CHAIRMAN: If the member has no objection to it.

MR. CHUMIR: No. I think I'm delighted, but I probably won't be.

MR. ACTING DEPUTY CHAIRMAN: Please proceed.

MR. SIGURDSON: Thank you, Mr. Chairman. Thank you to the member. I'm wondering if the member would advise whether or not it would be his intent to have these committees meeting independently of one another or simultaneously. There are some committees – human services, for example – where there may be some conflict in membership with economic development. I'd hate to have the two cross over each other so that members wouldn't be able to attend economic development committee meetings.

MR. CHUMIR: I think that would be worked out by the House leaders. I have infinite confidence in their capacity to do that. You know, it's not intended to be rigid; it would be flexible to accommodate members of the House. I would also hope that if by some chance this were to succeed – perhaps it would be contrary to human nature to see it succeed this evening, but the germ of the idea might be planted in the minds of members of the government at this point. They might see the wisdom in doing this, and then we might move on to the commonsense sequel of considering the motion I presented last year relating to having deputy ministers and other experts there to give us some in-depth information about these programs that a minister can't be expected to have at his fingertips.

MR. STEWART: Mr. Chairman, I want to speak against the motion. Firstly, I'd like to do so from the standpoint of a procedural matter. As I look at Standing Order 38(1), "One clear day's notice shall be given of a motion for leave to present a resolution . . ."

Now, I know that in the course of committee we often go by the basis – in fact, always go by the basis – that this committee has the authority to make its own rules with respect to its own procedure. But in the absence of the committee having made that sort of ruling with respect to its procedure, I would submit that Standing Order 62(1) would definitely apply. This committee not having made any other rule in respect to the matter of accepting a resolution, a notice of motion, without notice, then 62(1) would definitely apply. On that basis I would suggest that the motion is out of order.

Speaking to the substance of the motion, quite frankly I find it incredible that the hon. member and indeed his party should

come forward with such a motion relating to the budget estimates. Not so long ago, Mr. Chairman, we sat in this Assembly and listened to the leader of the Liberal Party deliver his major address with respect to the budget and all matters that related to the estimates that were coming forward through that budget. Not one member of the Liberal caucus was here when their leader was speaking to this Assembly on the important matter of this budget. Some support. Some commitment. I find it absolutely incredible that this party and this member could come forward at this point in time and say that they don't have the opportunity or that this is so serious that we must consider it further and so on. It's absolutely lacking in credibility from the standpoint of that party.

Secondly, Mr. Chairman, we have 25 days of this Assembly set aside by motion whereby the estimates of the Assembly are considered, and they're considered in detail. So often we have the situation where no questions come forward to speak of but mainly speeches. We hear the same speeches over and over again. The opposition take that opportunity to try and do their political thing through political rhetoric and so on, to make their points on matters totally apart from seeking information with respect to the budget estimates that are put forward.

I guess I'm suggesting, Mr. Chairman, that if the time were utilized in the way it was intended to be utilized, we wouldn't have this particular problem. There's every opportunity to ask questions, and the record of this government in responding to those questions is first class because not one question that is rendered by opposition members in the estimates is left unanswered. They're either answered in the Assembly or answered in writing at the conclusion or at some point during the session, and that's the record of this government in that regard. So that's the pattern from the past. Every question has in fact been totally responded to.

So I see no need to subscribe to the nature of the motion. Notwithstanding the fact that my first submission was that it is indeed out of order by virtue of lack of notice, I would urge all members to vote against the motion.

MR. ACTING DEPUTY CHAIRMAN: The Member for Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. I'll tell you, this is a very important motion. I would have thought that if a resolution like this had occurred on the floor of the Progressive Conservative convention a couple of days ago, there would have been 1,000 or perhaps 2,000 delegates standing up, jumping and screaming that this is what we want, this provides for a more open government. But this is Monday, and what happens on Monday when the government comes back to the Legislative Assembly and the delegates go home? Government closes the door and shuts down the business. So much for open government. So much for having the opportunity to get information. So much for grass-roots politics, because the Government House Leader stands up and says: "Oh, we can't have any of this. We can't have committees that go out and make recommendations. We can't have committees that go out and try and research more material. We can't have committees that are able to access ministers on a more frequent basis." This is wonderful Monday in Conservative Alberta. What's changed? Well, not very much.

You know, we're told time and time again that we have access to the information, but it's just not there. It's just not there. I quickly turn to the Labour estimates, a department that's near and dear to my heart. In almost every single vote in the Department of Labour what have we got? No subprogram

breakdowns. Now, why should we come before this entire committee to ask every member to listen to all members on this side of the House go after the Minister of Labour to get detailed information that we can't get anyway? It doesn't come through. If we had the kind of proposal accepted by this government that was just moved by the Member for Calgary-Buffalo, maybe we could get that information, maybe we would be able to access that information. Perhaps we'd be able to call, in those 25 days each committee should properly have, the minister back time and time and time again to get the information we're supposed to be able to have at our fingertips. But it's obvious the government is going to reject this motion. It could have been procedural, we could have referred it to Members' Services, we could have referred it to any other committee, but it's just not going to happen.

Mr. Chairman, it's most unfortunate the government has decided, now that it's Monday and now that it's Tory Alberta, to just close up the open government and shut it down. Boy, we should get the television cameras in here and report on this one, because it's certainly contrary to what we heard this past weekend when this government was bragging about open government. Today it's Monday and you're shutting it back down. You ought to be ashamed of yourselves.

[Mr. Jonson in the Chair]

MR. DEPUTY CHAIRMAN: Member for Banff-Cochrane.

9:20

MR. EVANS: Thanks very much, Mr. Chairman. I want to take a brief opportunity to respond to the ludicrous comments from the hon. Member for Edmonton-Belmont. I would like to certainly extend an invitation for him to come to a Progressive Conservative annual meeting so he could become aware of how these meetings take place. He's made a statement that the kinds of motions that come up at a convention and receive great favour from the 2,300-odd people from around the province – from all sections of the province, I might add – who were in attendance at that convention are passed on a weekend but don't get passed here in the Assembly. Well, that's patently ridiculous, and it's patently ridiculous to try to compare the type of motion that has been brought forward by Calgary-Buffalo to the well-thought-out motions that were evident at the convention this past weekend. If the hon. member were aware of the process at such a convention, he'd be very, very aware that the people who were at that convention over the weekend would never expect the government to take action on a motion as incomplete – to be charitable – as this particular motion.

We have a bald-faced suggestion that we establish a number of subcommittees, increase bureaucracy, and take from the valuable time the hon. members in this House put towards trying to represent their constituents. If you look carefully at the motion, it speaks nothing about what the consequences would be of the work done by these four subcommittees. There's no suggestion as to whether those comments would be brought back to the House, what kind of authority these subcommittees would have, and so on. Mr. Chairman, it is quite obvious that this is an ill-conceived, premature type of motion. It is not meant to assist the Assembly. At very best it is meant to raise the hackles of the members on the government side.

Now, there may be some benefit to what is being suggested here, but the hon. member has a considerable amount of work to be done before he could expect that this Chamber would seriously consider this motion.

Thank you.

AN HON. MEMBER: Point of order, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Just a moment. I will recognize the point of order. [interjections] Order please, Calgary-Buffalo.

Recognizing the Member for Edmonton-Meadowlark.

MR. MITCHELL: I'm happy to speak . . .

Point of Order Admissibility of Motion

MR. MAIN: Point of order, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Yes, hon. minister.

MR. MAIN: Mr. Chairman, just referring back to the Deputy Government House Leader's position that was placed before the House and the request made, number one, that the motion was out of order, if we could have a ruling on that, yes or no. If the answer were to be yes, the motion is out of order, we could get back to the important business here that I believe the Liberal caucus is after, which is getting information on the Attorney General's estimates. So could we have a ruling on the order of the motion?

MR. DEPUTY CHAIRMAN: The ruling is that the motion is in order.

AN HON. MEMBER: Excuse me. Is in order? [interjections]

MR. DEPUTY CHAIRMAN: Yes. Now, could we possibly have some general order? Also, I would just like to caution the speakers. We've had adequate attention to conventions. Perhaps we could get on with more specific debate on the motion.

Debate Continued

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Meadowlark.

MR. MITCHELL: Thank you, Mr. Chairman. I would like to speak, of course, in support of this motion. I believe the importance of the motion is and should be quite evident. The observations that have precipitated this motion by my colleague from Calgary-Buffalo I think practically speak for themselves. After a number of years in this Legislative Assembly, after participating in five or six budget debates, it is becoming painfully apparent to members of our caucus and members of the New Democrat caucus and undoubtedly many members of this caucus as well – although, hampered as they are by party discipline, they're afraid to say it – that the budgetary review process simply does not work.

Mr. Chairman, there are two levels at which that observation rings true. First of all, a case can be made on the basis of the time spent reviewing each department's budget estimates. I don't know how long we'll spend this year reviewing the estimates of the Department of Health, for example, but I believe it was last year that we literally had one and one half hours, 90 minutes, to review \$3.4 billion or \$3.5 billion worth of expenditures. This process would allow us to apply a great deal more time and specific focus on the budget of a department

such as the Department of Health. It's also true that each year we are given one hour to review in this Legislature special warrants. Special warrants can add up to as much as \$500 million or \$600 million some years, and knowing the propensity of this government to forget or neglect at the beginning of the year to assess properly what it will have spent by the end of the year, it isn't inconceivable that considerably more will be spent in future years through special warrants which will receive almost a negligible degree of attention by this Legislature.

Mr. Chairman, the problem can also be observed at another level. The fact of the matter is that the budgetary process endorsed by this government has led to accumulated deficits which have brought our debt today, according to Moody's, to in excess of \$14 billion. Add to that accumulated deficit becoming debt an unfunded pension liability in excess of \$9 billion, and you have a total debt in this province of more than \$23 billion. That debt has arisen out of a budgetary process which I believe is clearly, as these figures are evidence, inadequate. If the budgetary process is to work, it must be premised upon accountability. If \$3.4 billion can be passed in an hour and a half, there is no accountability in the public forum in the manner there should be.

This isn't an isolated case. Not only are budgets not assessed properly due to this kind of rammed-through technique of this government, but after-the-fact expenditures that are to be reviewed by the Public Accounts Committee are not given the opportunity to be reviewed properly. In a good year, Mr. Chairman, this government, afraid of accountability as it is, will allow maybe five, maybe six of 25 or 26 departments' prior-year expenditures to be reviewed by this Legislature, by the Public Accounts Committee. What we have is inadequate review, because this government, as is evidenced tonight, will not allow reform of the legislative process – to begin with, an inadequate review at the outset of the budget year, an inadequate review of the prior year's expenditures once the expenditures have been made.

Mr. Chairman, the Member for Banff-Cochrane said that a proposal of this nature is premature. The inadequacy of the budgetary review process in the last five years under the auspices, tutelage, direction – "stewardship" is a word I like to hear the government use – of this Treasurer and this Premier has led to a \$23 billion deficit. At what point is it no longer premature to implement some legislative review processes that enhance management accountability and begin to hold the government accountable for the kind of budgetary speculation that they launch this province into each and every year which has resulted in no less than a \$23 billion deficit on the backs of the people of this province? Premature, Mr. Chairman, is a word that this Member for Banff-Cochrane should be ashamed of himself for using. It's interesting to note that you can always tell the backbencher who most obsessively and keenly wants to get into that cabinet, because he or she is always the one who jumps up first to defend the government's position regardless of whether or not that government's position makes any sense whatsoever. [interjections] I know I'm getting to them now.

9:30

The fact of the matter is, Mr. Chairman, that this is very, very tired government. It needs to be said many, many times, but this is very tired government, and tired government is government that does not want accountability. It does not want to be held accountable for its management techniques. It does not want to be held . . . [interjections]

MR. DEPUTY CHAIRMAN: Order. Order please.

MR. MITCHELL: It does not want to be held accountable at a managerial level, and therefore, Mr. Chairman, it comes as almost no surprise that this government would resist this motion.

I am, I should say, somewhat disappointed in the Minister of Technology, Research and Telecommunications. He can't even argue against this motion on a substantive basis because in his heart of hearts he knows that it is right. So he is reduced to arguing against this motion on nothing stronger than that it's not procedurally acceptable – I wonder how he argues against it now that it's been ruled by you, Mr. Chairman, to be procedurally acceptable – and then to reduce his case to extremely weak political banter. If that government, if that acting House leader tonight could give us some indication at a substantive level of why in fact this motion shouldn't be accepted, he would have contributed to the debate. In fact, he hasn't, and this is a *prima facie* case that this legislative process needs to be reformed in many ways. It certainly needs to be reformed in this way, and I would ask that this government reassess its position and support this motion.

MR. DEPUTY CHAIRMAN: The Member for Red Deer-North.

MR. DAY: Well, thanks, Mr. Chairman. In consideration of this motion, which I'm certainly not going to give much consideration to, it's really important that we look at what has happened over the past years that I've been honoured to be in this Assembly and we've gone through the estimates. I think it would be instructive for anybody to peruse *Hansard* and look at the manner in which the opposition has handled the time which they've been given to deal with the estimates. You merely have to, if you can stand it, try and read through a paragraph or two of virtually any one of the speeches of the members of the opposition during estimates and you'll see a rambling, meandering stream that finally dries out into nothing, some wild statements about philosophy and ideology and virtually nothing about the elements being dealt with. I challenge you to look at comments and questions put by members of this party, of the governing party, and you'll see the questions are far more direct and demand far more accountability of our own ministers than the members opposite even demand.

Now, questions come to my mind as the Member for Edmonton-Meadowlark regularly stands up in this Assembly and cries and cries and cries about the lack of time to ask questions when he could be spending his time asking questions. But he stands up there and whines and dribbles and blubbers and burbles and says, "We don't have any time." He'll say it for 20 minutes at a stretch without asking one question. So I ask myself: why is this? Why does this constantly recur?

MR. McEACHERN: He never gets answers; that's why.

MR. DAY: No, no, hon. member. As the Deputy House Leader has already responded, *Hansard* shows very clearly that virtually every question asked in estimates is answered, sometimes that very night and other times in a subsequent reporting. Virtually every question is answered. There is no challenge whatsoever that questions are not answered; they are. And do you know why it's easy for the ministers to answer the questions, Mr. Chairman? First of all, because the ministers understand their departments, and they are informed. That's one of the reasons. The second is that the questions from the opposition

are so few and far between and so superficial that virtually anybody could answer them, but in fact they are answered.

Why does the Member for Edmonton-Meadowlark continue to struggle with this? Why does he not understand how to ask a question? Well, the answer is so readily available to any people who read a report that was commissioned by this Assembly called the Code inquiry, which clearly shows when that member was vice-president of that particular company, an audit was brought to his attention showing that that company was in a state of horrifying devastation. There is no record that he asked the pertinent questions. He didn't do it in the private sector. How can you expect him to do it in the public sector? It's not surprising at all. I encourage all of my colleagues on both sides of this House: let's get on with the business of asking the ministers the important questions and stop wasting the time and covering it up just because you can't think of the things you should be asking.

MR. CHIVERS: Mr. Chairman, I rise to support the motion. The Minister of Technology, Research and Telecommunications has submitted that this government answers all the questions put to it in the estimates debate with the qualification that those answers come at some point during the session. Well, there are two points that are required to be made in respect to that submission, and the first is the submission that the answers are given at some point in the session. If the answers are given at some point in the session after the estimates have already been dealt with, there's little point in having the answer to the question at that point in time. The second point that needs to be made is that the difficulty with the questions and the time allotment for dealing with the estimates is that the opposition does not have a fair opportunity to put all the questions that need to be put. That's the difficulty. If this government would undertake to answer questions that aren't put in the House because time doesn't permit them to be put in the House, if the government would undertake to answer the questions that are put to it in writing and not put on the floor of the Assembly, then perhaps the submissions of the Minister of Technology, Research and Telecommunications would have some force and effect.

The point is that members in this House on the opposition side are forced to in effect attempt to circumvent the rules in order to make their positions clear on the issues that arise, in order to get the information that is sometimes provided by the government, and in order to perform their function as an opposition. That is why I rise to support this motion.

MRS. HEWES: Mr. Chairman, I will of course support this motion, which has in one form or another been put forward before in this House. I think it's high time it was given the kind of thoughtful debate that it demands and requires.

Mr. Chairman, I suggest to you that most Albertans think the government's plans for a year and for the years ahead are revealed in the throne speech. I believe they ought to be able to think that, too, that the throne speech would in fact be the document that would reveal the government's plans. Nothing could be further from the truth. The throne speech this year was, I must say, very disappointing because it was simply a series of generalities and then a list of a dozen or so Bills that it was anticipated would be presented to us. So it was a grave disappointment to me.

But what is the document that really contains the government's plans? In whatever form they give it to us, it's the budget. This is where we really are supposed to be able to find

out what the government is intending to do, and they really only tell us what they're intending to do over the next 12 months. This is the major planning document. But surprise of all surprises – you know, I'm used to dealing with budgets, and with budgets with quite a lot of numbers in them too. It doesn't come to me as something that is very frightening or threatening.

9:40

So here we see the budget, and it tells us what was estimated to be spent the previous year and what the forecast is going to be, and then it tells us what this year's proposal is. On the other side of the page, Mr. Chairman, there's a little bit of a narrative, half a paragraph or so, but there's no way to know from these documents what it is we're buying with the money. There's no way that I can know how much we bought of it last year, whether we liked what we bought, whether it was the right amount, whether we need more this year or less this year. We don't really know how much was used last year. We don't know if what we bought worked. There's nothing to tell us if it was even successful, what the experience was of the year, what the long-range plans are for that program, for that budget. Did we get value for Albertans? Albertans have no idea when they see that budget whether or not they got value or whether or not there are revenues concerned with it as well. We don't see in our budget, which is the planning document, reference to employment prospects over time. It doesn't tell us that. There's really little or no information in it.

Now, the minister's gratuitous suggestion to us that all questions are answered is patently nonsense. I mean, I make it a habit to stand up and ask nothing but questions when I get my chance at budget, and they don't get answered, Mr. Chairman, Mr. Minister. They don't get answered, not in any depth, and we all know that. There is no intention for this process to give us in-depth answers. The discussion in the committee allows very little time. Even the ministers are handicapped by this whole process because they don't have time to explain to us and the people of Alberta what it is their intentions are through the programs in their department, so they're handicapped as well. The estimates in the Capital Fund are no more revealing than the document I've already spoken to. The public accounts come along months behind all of it. The Auditor General gives us an interesting document with a group of recommendations that we need not pay any attention to at all.

Mr. Chairman, the citizens of this province expect a great deal more. We have an enormous budget at this point. We have an enormous government. We have an enormous debt. We have more government departments than anybody else in the country. It's a huge undertaking, and we have to give it our proper attention.

Mr. Chairman, how could we improve the process? Well, certainly by doing what's being suggested here tonight. We could improve it many other ways: by insisting upon five-year plans, by insisting on the capacity of the government to tell us what kinds of jobs are going to be produced with these expenditures of dollars.

Mr. Chairman, I suggest that info could be far more freely given if we had the senior bureaucrats who are responsible in these departments sit with us and be able to exchange freely their information. We could put far more time and more depth and have far more input into the whole process if we did it this way and opened it up to questions and answers in a far more informal process.

Mr. Chairman, it's very obvious that the budget runs the programs. The bottom line on the balance sheet is what is

developing programs in Alberta. It's not that programs are developed to meet the legislative requirements and the needs that we have and the budget developed to supply the resources. The reverse is true; the budget develops the programs. They are slated, they are characterized, they are crafted, they are measured to meet the budget needs, not the reverse.

Mr. Chairman, I think change might even be a welcome improvement to many members of the government. I don't see it as threatening. I think the tough part is admitting that change might be a good thing, that perhaps it's time to look at a new and more accountable process. I'd like to be knowledgeable about the budget, but I find it very, very difficult to do. My constituents expect nothing less of me, and our present methods make this very difficult, if not impossible.

Mr. Chairman, I think we have a clumsy and inefficient budget process. The idea that's being put forward here is not a new one. I don't think we should be afraid in this House, and I don't think we should be hidebound, and I don't feel we should leave ourselves trapped in old methods and old ideas. I think it's time for change, and anybody that has the courage to do it should support this motion tonight.

MR. DEPUTY CHAIRMAN: The Member for Cypress-Redcliff.

MR. HYLAND: Thank you, Mr. Chairman. I listened with interest to the Member for Edmonton-Strathcona when he gave his comments on the area that he is critic for, that of the Attorney General. I listened with interest, and then I checked with the Attorney General, and I listened when the member spoke again to say that there wasn't enough time in the budget process that we're using now. If I have got it right and the Attorney General has got it right, there were six main questions asked in those 30 minutes. That's how many minutes a question?

Mr. Chairman, a number of years ago we did have committees, and we spent quite a bit of time in those committees. Many questions were asked, and they thought, well, if questions were asked in the committees, the same questions wouldn't have to be asked in the House. Guess what? Exactly the same questions were asked in the House. So it extended the period. The questions were answered in both places. It didn't seem to matter.

There was an interesting time in this House a number of years ago. I listened to what the hon. Member for Edmonton-Belmont had to say about not enough time to ask questions. Well, Mr. Chairman, the hon. member was a researcher for the hon. Grant Notley when he was in this House. Either Mr. Notley made his own questions up quickly or the hon. Member for Edmonton-Belmont did one heck of a good job of research and provided him with a large amount of information so he could rattle all those questions off. And when he got through, ministers would have pages and pages to respond to, the same as other members of the opposition then. But the question is, I think, that the hon. member should take his caucus aside and instruct them on how he used to prepare his leader for the estimates so they can do it effectively again, like they did a number of years ago, and we could get on with short, sharp questions in this Assembly.

Thank you.

MR. DEPUTY CHAIRMAN: The Member for Edmonton-Kingsway.

MR. McEACHERN: Thank you, Mr. Chairman. I rise, of course, to support this motion, not that I necessarily think the division's exactly the way it should be, but there's not that much wrong with the way in which they're lumped together. But the basic need for some kind of change to the process we now have is so obvious that this would be a great improvement.

When we get into budget debate in this Assembly, as the Member for Edmonton-Gold Bar said, we don't get adequate information backing up the dollars that are asked for. It is very difficult to just ask a series of questions about, you know, what's this money for; what's this money for; what's this money for? Of course one could do that, but we have had such poor luck in getting answers out of the ministers that after a while it doesn't make sense to just ask questions.

It's also fair to say that when a member on this side of the House has been critic for a time in the same area, they learn quite a lot about what is going on in that area and have the right to offer some opinions and some advice to the government. They don't have to just ask questions. So for the members on the other side to suggest that we're just supposed to stand here and ask questions that never get answered is sheer nonsense.

If the government wanted to be up front and honest with the people of Alberta so they would know what's going on and so the members of this Assembly could better do their job of being a good critic, they would give us an update on the budget somewhere through the year. Now, we had a fall session. Is there anybody in this Assembly that heard the Treasurer stand up and say one thing about what had happened with the budget over the course of the six or eight months that occurred between the bringing in of the budget last spring and the fall session? Not a word. We had a three- or four-week session, and he didn't say one word about what we might expect in the forecast, and mainly, of course, because that forecast was disastrous. It shows very clearly, when you look at the budget speech that he finally did bring in, that the forecast says we're going to have a \$2 billion deficit instead of \$1 billion. No wonder he didn't want to give this province an update. He wanted to wait until the budget was out so that people would be so busy focusing on the new budget they wouldn't take a look at the forecast for last year. That's exactly what this minister does.

9:50

Furthermore, the public accounts of the year before we could have had last October or November because the Auditor was quite well done with them. We could have had them in the fall. Oh, no; we've got to wait till a week before the new budget's brought in. So everybody in the province is trying to digest the public accounts from '89-90. The forecast from '90-91 just got totally ignored almost, except for the fact that I decided to raise the issues and point out that the deficit was \$2 billion instead of \$1 billion, and then the new budget's there. We're supposed to look at all three of these budgets all at the same time.

AN HON. MEMBER: What's that got to do with the amendment?

MR. DEPUTY CHAIRMAN: Order please. Order, hon. member.

MR. McEACHERN: Well, the point being that if the ministers . . .

Chairman's Ruling Relevance

MR. DEPUTY CHAIRMAN: Order please. Sit down, please. I would remind hon. members that although there's been some

latitude thus far, the comments are supposed to be relevant to the motion.

MR. McEACHERN: Well, yes. I'm explaining why this procedure for a budget debate would be much better than the one we have now, and I'm pointing out that if the government would make some changes, things would be much better. We wouldn't have to be proposing a change to what's going on.

Debate Continued

MR. McEACHERN: One of the other things that the ministers do to make sure that whenever they've got a controversial department like health care, which is in a mess, or social services, which is in a mess, or I remember one year education – I'll use that as an example. A couple of years ago I was the second person in our caucus to be spokesman on education. I've been a teacher for 25 years.

AN HON. MEMBER: Heavy.

MR. McEACHERN: Well, I taught school for 25 years. I'm interested and concerned about education.

MR. DINNING: I remember the comments too, Alex. They were illuminating.

MR. McEACHERN: I didn't get a chance to make any, because you know what you did?

MR. DINNING: That's why they were so illuminating.

MR. McEACHERN: Yes, right. The minister gets up and speaks. Then our critic gets up and speaks. The minister gets up and bafflebabs for 20 minutes, 25 minutes after our person spoke. A Liberal speaks. The minister gets up and speaks again. A Conservative backbencher gets up and speaks. The minister speaks again, and then the House leader adjourns debate. Now, we turned around and redesignated that same subject again on the following Wednesday so I could get my turn, and he did the same thing on the Wednesday afternoon to make damn sure that I didn't get . . .

MR. DEPUTY CHAIRMAN: Order please. Order. Order, hon. member.

MR. McEACHERN: Now what's your problem?

Chairman's Ruling Parliamentary Language

MR. DEPUTY CHAIRMAN: Hon. member, it is not I that has a problem. I would ask you to be cautious about your choice of language, and please proceed on the motion.

MR. McEACHERN: I apologize for using the word "damn." We've got to be very careful around here not to upset anybody.

MR. DEPUTY CHAIRMAN: Hon. member, order please. It's rather early in the Committee of Supply, but I would caution you that you will lose your place if you persist in reflecting upon the rulings of the Chair. Please proceed with the proper . . .

MR. McEACHERN: Yes, Mr. Chairman.

Debate Continued

MR. McEACHERN: The fact is that at one time there was a more open and longer time allowed for estimates in this House,

before people in this Assembly pushed the government because they weren't getting any answers about a particular subject. So the government couldn't stand a little democracy in this Assembly and decided to pass a rule saying that we would have one day for one department, 25 days for 25 departments in this Assembly. That is a scandalous restriction on the democratic process and the freedom of the members of the opposition to do their job.

In Manitoba when the New Democratic Party was in power, the Conservative opposition decided they wanted to talk about agriculture because it was so important, and they were really going to put the government on the spot. The New Democrat government said: "Yeah, we think agriculture is important. Go ahead; talk. Ask all the questions you like, and we'll answer them." They debated for three weeks the topic of agricultural estimates in the Manitoba Legislature. Finally, every question was asked, every opinion given, and every possible thought that the opposition had was out in *Hansard*, and the government had answered point by point. So finally they moved on to other things. Yet this government won't allow us two days, unless we redesignate a particular topic, and then they play the game that I just indicated that the Minister of Education played on us the other time. In fact, it wasn't this Minister of Education, it was the previous one, but she just didn't want to hear what I had to say about education. That's the way this government has operated.

I was in Manitoba last fall to the Commonwealth Parliamentary Association meeting. I got there a little bit early and went around to watch some of their estimates. There was a table something like the one you gentlemen are sitting at. The members from the opposition were sitting there, and the minister was sitting there with a deputy minister beside him and two or three other backups, and they were going through the estimates. Each person that asked a question, be it from either of the opposition parties, could not only ask one question but could wait for the answer and follow it up with a second or third one. So they had a dialogue going until that topic was exhausted, and then they'd turn it over to the next person and so on. Then back and forth, and the person would get in again. Now, that's the kind of way that's worth asking then, when the minister is sitting right there with a backup from the deputy minister and two or three other top department officials. You can get answers immediately to those questions and follow up with a line of questions or even take a few minutes and give a little dissertation on some ideas you have about how it should be done instead.

That's what the estimates should be about. But here you've got to get up and put a whole lot of questions on the Order Paper, supposedly, half of which or most of which the ministers never answer. I mean, I've put so many questions to the Treasurer of this province that he hasn't answered that it's just totally ridiculous. For the members on the other side to say that we get answers to all our questions, the final irony is that these guys are now trying to close off the last chance we've had of trying to put them on the spot to answer questions other than question period. They've limited the number of Bills that get debated to one a week for the opposition, and that includes backbenchers as well, by the way, taking their turn. Motions the same thing: two motions each, but only a few ever get debated, one or two a week. Motions for returns seem to be doing quite well for us in the sense of at least putting the government on the spot about why don't you give us certain kinds of information. Now they're moving to shut that down as well. So that's all the

more reason, Mr. Chairman, why we need to revise the rules for the way we handle the estimates in this Assembly.

It doesn't seem to me that there's any reason why we shouldn't accept this proposal and change the procedure to the benefit of all Albertans, to the benefit of the democratic process, so we can get on with debating these estimates in a way that has some meaning and has some relevance to the ordinary people of this province, so they can see what's going on in this Assembly.

MR. DEPUTY CHAIRMAN: The Member for Calgary-Foothills.

MRS. BLACK: Mr. Chairman, thank you very much. We've now spent one hour debating the motion from the Member for Calgary-Buffalo when we should have been asking questions of the Attorney General on his estimates. The opposition are complaining about not having adequate time, and they have wasted an hour in this Legislature.

Mr. Chairman, I would suggest that we call the question on the motion from the Member for Calgary-Buffalo now.

MR. DOYLE: Mr. Chairman, I stand to support the motion on behalf of the Member for Calgary-Buffalo. I've sat here for some two years now, and I've noticed how much in committee meetings – probably half of these people shouldn't even be in here.

MR. DEPUTY CHAIRMAN: Just a moment, please. I'm sorry. Order.

Just a note of clarification or question to the previous speaker, the Member for Calgary-Foothills. The Chairman heard you say that it was a suggestion. Did you intend a motion?

MRS. BLACK: I moved a motion . . .

MR. DEPUTY CHAIRMAN: Okay. There's a motion, then, on the floor.

MRS. BLACK: . . . that the question be called.

MR. DEPUTY CHAIRMAN: Right. It is debatable. Please confine your remarks to the motion.

MR. DOYLE: Thank you, Mr. Chairman. I find that there's not enough debate gone on on this particular motion because . . .

AN HON. MEMBER: What is the motion?

MR. DOYLE: The motion referred to is the call for the . . .

10:00

MR. DEPUTY CHAIRMAN: Order please. I think the hon. member should ask to be recognized before posing a question, just to clarify that for the committee. If there's some confusion, the motion is to put the question on the amendment.

The Member for West Yellowhead.

MS M. LAING: Mr. Chairman, I speak against the motion to put the question. This is one more time . . .

MR. DEPUTY CHAIRMAN: Order please.

MS M. LAING: Yes.

MR. DEPUTY CHAIRMAN: Let's just get things in sequence here. I had called the Member for West Yellowhead to order to clarify the motion that was before the committee. Now, the Member for Edmonton-Avonmore had not been recognized. Does the Member for West Yellowhead wish to resume his remarks?

MR. DOYLE: Mr. Chairman, I speak in opposition to the question on this particular motion. The time has not been allotted to have other members in this Legislative Assembly address this particular motion. In fact, as I was saying, many of them should not even be in here. All they do is come here and visit during committee meetings and pay no attention to the actions of this Legislature.

Mr. Chairman, members of the opposition, both official and the Liberal Party, believe in democracy in this province and the right for information when it's requested, and this government has denied it time and time again. I think we can only understand now that those are the reasons that our province is so far in debt.

The question is premature because we know what the results are going to be. They have the deck stacked over there. They don't listen to anything until it's time for a vote, and then they stand up like a bunch of sheep.

MS M. LAING: Mr. Chairman, I also speak against the motion being put. Once again members of the government would seek to silence and circumvent or end the democratic process that we are supposed to be in this House to put in place. To suggest that all of the people that want to speak on this motion should not be allowed is to deny some people the right to speak in the same way we have done estimates in the past has meant that people do not have an opportunity to speak and to ask questions. So I would say that this motion to put the question must be defeated.

MR. CHIVERS: Mr. Chairman, I also rise to oppose the motion to put the question. After all, this is not a question period; this was a debate on the estimates. The problem has become very apparent in the exercise that we've been going through here tonight. The problem is very simple. The Member for Cypress-Redcliff suggested that in my initial questioning I had put a total of six questions. Well, I won't quibble with his mathematics, but perhaps he should examine the list a bit more carefully.

The point, of course, is that this is a debate; this is not a question period, and it isn't simply a matter of adding up the number of questions that have been asked. If the Member for Cypress-Redcliff is interested, I have a pile more questions that I would like to put. The difficulty is with the procedure, and the procedure in this House does not permit adequate time for the debate on the estimates. Consequently, I oppose the motion to adjourn the debate. The only way to carry on with the discussion on the estimates is to circumvent the rules and do what I could do even at this point in time, which I'm going to decline to do, which is to use this as an opportunity to circumvent the rules again to speak to the matters that I would have addressed had I more time in the debate in the estimates. Now, that would be totally unfair, but that is the sort of subterfuge that the members of this Assembly are driven to in order to put questions and to participate meaningfully in the debate on the estimates.

MR. MITCHELL: Mr. Chairman, I too would like to speak against the motion to call the question. I have two reasons for that, both of which underline the lack of understanding government members apparently have of the process, of the weaknesses in the budgetary process, and of the reasons for this particular motion. It's clear, as I mentioned earlier, that the official position taken by the government as expressed by their official spokesman in the Legislature tonight, their acting House leader, was not premised upon substance, substantive arguments against our amendment, but in fact it was reduced to nothing more than political banter on the one hand and procedural wrangling on the other hand. Clearly, if somebody of the stature of the government's spokesman in the Legislature tonight cannot address this issue at a substantive level, then the issue deserves greater debate leading to greater clarification for members of this Legislature.

Secondly, I'm very much surprised at the continual reference by members of the government somehow to this estimates process coming down to nothing more than opposition members having to ask questions. Well, yes, clearly we want to ask questions, and that's an important feature of this budgetary debate, but I emphasize . . .

Chairman's Ruling Relevance

MR. DEPUTY CHAIRMAN: Hon. member, order please. I just must remind you that we are in a very narrow type of motion, and from your last few sentences I believe you're drifting away from this very narrow type of motion we're going to deal with.

Debate Continued

MR. MITCHELL: Thank you, Mr. Chairman. The point I'm making is that there is on these two accounts a profound lack of understanding of the budgetary debate process, which requires greater debate, the kind of debate that is embodied in a motion of the sort presented by my colleague from Calgary-Buffalo.

My second point is that there's a lack of understanding evident in the continual reference by members of the government to the budgetary estimates debate being nothing more than opposition members asking questions and ministers answering or choosing not to answer those questions. The operative word in this process is the budget "debate," the estimates debate. Clearly, a debate goes beyond simply asking questions. Quite apart from the fact that we do not get enough time to ask all the questions we feel we should, it is very clear that that process needs to go beyond simply asking questions.

Mr. Chairman, tonight it is evident that there is a tremendous lack of understanding of this process, that that lack of understanding could be addressed by further debate of our motion. Therefore, I will be voting against this rather cynical motion on the part of the government to call the question at this time.

MR. DEPUTY CHAIRMAN: Edmonton-Belmont.

MR. SIGURDSON: Thank you, Mr. Chairman. You know, it's amazing. I can sympathize somewhat with the member opposite who moved the motion that the question be put. I'm sure there are many members on the back bench and on the opposition side of the House who would very much like to participate in the debate of the Attorney General's estimates and in other departments'. Therein lies part of the problem and part of the reason for the motion previous to the one we're now debating having been put to the committee tonight. Here we have 25

days for debate and some 28-plus departments, which automatically leaves three departments out. Before you even get under way, you've got some departments that will never come before the Committee of Supply.

Chairman's Ruling Relevance

MR. DEPUTY CHAIRMAN: Hon. member, you're back on the motion which we're not dealing with right now.

MR. SIGURDSON: With respect, Mr. Chairman, I'm not. With respect, Mr. Chairman, what I'm suggesting is that I can sympathize . . .

MR. DEPUTY CHAIRMAN: I have just indicated that you were, hon. member. Would you like to continue with your remarks on the motion?

Debate Continued

MR. SIGURDSON: Fine. We'll get back to the reason the question was put, and that's because we haven't got enough time to get the answers. Now, I've heard other members of the Assembly say that they do get answers. Well, it sort of reminds me of George Orwell's *Animal Farm*, where they came out and said: "Four legs good, two legs bad." If that's acceptable to the members opposite, it's not acceptable to the members on this side of the House.

Mr. Chairman, what we really, truly require here is to have the appropriate time to have the debate. We've heard some other members say, "Well, gosh, you ask one question in some committee, and it comes back before the Assembly." Isn't that too bad? Perhaps the answer wasn't sufficient. That's usually the case: if you don't get the answer the first time, you try it again.

10:10

Mr. Chairman, as I said, I sympathize with the Member for Calgary-Foothills for having put the motion forward. Indeed, she probably wanted to get in on this debate tonight to ask questions of the Attorney General. So, too, did a lot of other folk. This may be the only time we have the opportunity to debate this department unless the opposition designates it on a Wednesday, thereby eliminating potentially another five days for other departments. Now, I'm sure there might be a couple of ministers over there that might very well enjoy that, but that's part of the problem. Therefore, while we might vote on the Member for Calgary-Foothills' motion, it still doesn't take anything away at all from the motion that was previously put before this Committee of Supply. That's the one we really should be supporting.

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

SOME HON. MEMBERS: Question.

MR. DEPUTY CHAIRMAN: The motion is that this question be now put.

The Member for Calgary-Buffalo.

MR. CHUMIR: Yes, Mr. Chairman. I think it's very important that the House recognize that this exercise here this evening has not been a waste of time as is implied by the motion which is on the floor, but is in fact an essential and long overdue assessment, perhaps unplanned and unexpected, but certainly a long overdue assessment of the way in which this House operates. I know it

is having some impact on members of the government because I've been spoken to in that regard.

It is important to be dealt with now because I believe that anybody who is awake and has been awake during the past three or four years is aware that we're entering an era of change, dare I say reform. The electorate and parliamentarians have recognized that change in our legislative system is absolutely essential. There's a fundamental need to enhance the role of individual members in our process and eliminate the robot-like parroting of the party line. That's what we're hearing time after time from members of the public, and that's what members of this party are hearing from members of their own party, that legislators are being perceived as being more interested in their pay packets and their pensions than they are in getting into policy and improving the system.

If you read any of the proposals that are being presented with respect to parliamentary reform, and many of them are being discussed, they all deal with reform of the committee system, which is exactly what we're talking about now: one element of the committee system, not all of it. That's what we're talking about. Now, you show me one review of parliamentary reform that doesn't focus on the committee system. The goal is to make this Legislature more effective and more relevant. It's not effective, and it's not relevant.

MR. KLEIN: It's because you don't have enough members.

MR. CHUMIR: Well, I'll tell you: you guys keep acting the way you're doing now, Ralph, and we're going to have a lot more. I've been listening, Mr. Chairman, and I have not heard any member on the government side give us any indication of anything wrong with respect to the changes we have proposed. What's wrong with dividing this House into panels? What's wrong with having more time to review the estimates of any given department? It seems to me to involve a great improvement to the system.

Your former party, former as of this past weekend, has made similar changes at the federal level. Many other provinces have similar changes. But do we have any receptiveness? Well, no we don't, and it's no surprise because this is a government which is not receptive to freedom of information legislation and wants to continue to hide information by the wheelbarrowful. It wants to decide the spending of millions of dollars of lottery funds in the back rooms of the Tory caucus.

Chairman's Ruling Relevance

MR. DEPUTY CHAIRMAN: Hon. member, order please. The Chair recognizes that the hon. member has a particular interest in the background to the motion before the committee, but I would draw his attention to the motion that we are now debating. I think you are drifting, hon. member, from that particular focus.

Debate Continued

MR. CHUMIR: I want to talk about the need for these changes and why it's important that we continue this debate, Mr. Chairman.

The fact is that the adoption of these changes is only a small part of the reforms that are needed, and I want to hear more from members of this House in that regard. The changes proposed are not perfect, of course, but I believe they would lead to a better system and hopefully be the first step to even further improvements. The failure to recognize the need for

these small changes reflects a mind-set against reform and improvement and change. I'm very concerned. I think it's important that we have an opportunity to explore that essential need for change, because that's a mind-set that would happily, in my view, sweep this government out of office because it is a blinding mind-set.

So I ask the members of the government side to take to their caucuses this particular resolution to deal with other ways in which the legislative process can be made more relevant and effective, Mr. Chairman, because I think there is a duty, a responsibility on each member of this caucus to recognize the fact that the way in which this House operates is not relevant. Indeed, I think I speak for many members of this House when I say that I look with trepidation upon the period in which we are called into session. I'm one who is, as I believe are all members of this House, deeply interested in public policy and public issues, but as I say, it is a process which is debilitating and destructive to one's interest in public affairs. I think it does a disservice to the democratic process, and accordingly, change is needed. If we're not ready to recognize that and debate that effectively on these occasions, then we're in trouble.

MR. DEPUTY CHAIRMAN: The hon. Minister of Culture and Multiculturalism.

MR. MAIN: Thank you, Mr. Chairman. I rose on a point of order earlier in the evening, some many, many minutes ago, in an effort to get back to what we were here to do, which was to discuss the estimates of the Department of the Attorney General and the important issues relating to the delivery of justice in this province. But we've been wrapped up in an effort here, and we now are dealing with a motion that the question be put.

I'm going to speak in support of that motion, although it's apparent, given the time of night, that we may not ever get to the actual job we're here to do. Nevertheless, I want to address something the Member for Calgary-Buffalo said. He said: why can't he get anybody on the government side to support this motion; what's wrong with this motion? Well, in principle and essence there may be nothing wrong with the motion, but I question the motives here. If I believed for one second that what the Member for Calgary-Buffalo actually wants here . . .

Point of Order Imputing Motives

MR. McEACHERN: A point of order, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Point of order, Edmonton-Kingsway.

MR. McEACHERN: You're not allowed to question motive in this Assembly, very clearly.

AN HON. MEMBER: Have you got a citation for that?

MR. McEACHERN: Who needs it? Everybody knows which citation it is.

Debate Continued

MR. MAIN: If I believed for one moment that the actual reason underlying this motion was to get specific program dollars, the minutia of the various subsets and individual pages and all of that, and does the government spend 5 cents on this and \$1,000 on that and \$10 million on that and \$22 on that – if I believed that was the case, then I might be persuaded to

consider something like this. But what I believe we're doing here is having a debate for a couple of hours on a motion that is flawed so that tomorrow the Member for Calgary-Buffalo can issue another news release, call another news conference, or his leader can have another news conference to say that the government won't give us any information, which is an absolute crock.

There is information available here tonight, exactly the information you're looking for. If you need more specific information, ask more specific questions. These programs will be in effect all year long. Previous programs have been in effect as long as this government's been around, in the province since it was incorporated in 1905 and long before that. Programs, information, money is available; it simply requires asking the right question. The information is available.

10:20

Now, what we have here: we have not only this motion but countless thousands of questions appearing on the Order Paper saying: "We want information; we want this specific information." For various reasons the Liberal opposition will make the claim that the government's not interested in freedom of information. In actual fact, when you look at our nation and at other provincial jurisdictions, the freedom of information legislation that is in place in those jurisdictions provides the same kind of information that we're willing to provide. Certain other information dealing with confidential commercial interest is not available. Cabinet information is not available under any legislation, yet the Liberal opposition make the case . . .

MR. DEPUTY CHAIRMAN: Order, hon. minister. I must draw you back to the motion before the Assembly, please.

MR. MAIN: Thank you, Mr. Chairman.

In any event, I now speak in favour of the motion that the question be put so we can get to the actual fact of the matter, that this motion is not looking for specific budget information, that this motion is merely a sham, that this motion is pretext for another news conference so the Liberal opposition can make another bogus claim that the government is not interested in providing information.

MR. DEPUTY CHAIRMAN: I would remind hon. members of Standing Order 25(2) in terms of being able to speak on this particular motion.

The Minister of Public Works, Supply and Services.

MR. KOWALSKI: Mr. Chairman, thank you very much. The motion that the Member for Calgary-Buffalo has put forward is not a new motion. This matter was dealt with by this Legislature and this House in 1975 and 1976. One gets the impression on hearing the distinguished member say that this is something very unique and very important – the hon. member was not here at that time, but some of us have lived through the experience of such an occasion. It seems that those who would like to go back into history to find the solutions and the panaceas for the present should understand that it was not the most democratic approach that could be taken. In essence what it was was a situation whereby a limited number of members of this Assembly, and only a limited number of this Assembly, could deal with a minister and his estimates. It didn't work because a lot of members at that time then said, "Well, look, we're left out of the whole process." And why would we want to have an undemocratic approach?

So basically, the situation of dealing with the estimates in the manner in which we're dealing with them now was most appropriate, and we should just get on with the business. The Attorney General is here; he's dealing with his estimates. A lot of us have a lot of questions we want answers to, and I think we should proceed on the basis in which democracy is best served. [interjections]

MR. DEPUTY CHAIRMAN: Order please. The chairman notes that the Member for Edmonton-Meadowlark wishes to speak, but you've previously addressed this motion. Therefore, according to Standing Orders, you speak once on this particular motion.

Point of Order Speaking Twice in a Debate

MR. MITCHELL: A point of order, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Certainly.

MR. MITCHELL: Standing Order 13(2). Could you tell me under which Standing Order it is that I'm able to speak only once?

MR. DEPUTY CHAIRMAN: I thought I had, hon. member.

MR. MITCHELL: I missed it.

MR. DEPUTY CHAIRMAN: It is Standing Order 25(2), I believe.

MR. MITCHELL: I read that. I don't believe it says that, Mr. Chairman. It doesn't say that.

AN HON. MEMBER: Raise a point of order.

MR. MITCHELL: I did.

MR. DEPUTY CHAIRMAN: All right, Edmonton-Meadowlark, proceed.

Debate Continued

MR. MITCHELL: Thank you, Mr. Chairman. I would like to make three points in arguing against this motion. The first point I would like to address is the recurring theme that somehow by raising this motion we're wasting time we could otherwise be using to ask questions of the Attorney General and to pursue what the back-bench MLAs in this government caucus believe is the purpose and reason for an estimates committee debate.

I'd like to use an analogy of the two woodsmen, Mr. Chairman, which would be of relevance to this caucus as well because they're bent on, if not obsessed with, cutting down trees. The two woodsmen: the one works diligently all day long, never stops to sharpen his axe, and cuts down one tree; the other one stops every two or three trees to sharpen his or her axe, and lo and behold, can cut down 15 or 16 trees a day. The second woodsman asked the first woodsman, "Why is it that you don't stop to sharpen your axe and cut down more than one tree?" The first woodsman says, "You know, I'm just so busy chopping down this tree that I don't have time to sharpen my axe." Mr. Chairman, it is time here to sharpen the axes of this Legislature, and that's why it is very important that we continue to debate this particular motion. We're not wasting time; we're making an investment in a process that will not only allow us in this

Legislature to utilize what time we have much more effectively and much efficiently but in fact allow us to do our job in reviewing the expenditures of this government and in holding them accountable, to do our job more effectively on behalf of the people of Alberta.

Out of this debate I'm struck by the profound double standard, Mr. Chairman. Here we see this Member for Calgary-Foothills rising to say: let's cut out debate; we don't need to talk about this issue. I wonder whether government back-bench members stand up in caucus or before the Premier behind the closed door of his office when they're appointed to special committees, special task forces. I look at the Member for Taber-Warner, who earned \$29,000 several years ago in a single year for chairing two such special committees. I look at the Member for Calgary-Foothills, who earned a great deal of extra money for sitting on a special committee. None of the opposition members sit on these special committees, but certainly that member did. I wonder whether the Member for Grande Prairie stood up before the caucus and before the Premier and said, "No, we'd better stop this; we don't need any more special committees so that I can be paid extra money" – who knows how many thousands of dollars? The Member for Lloydminster: I wonder whether he stood up and said, "Let's cut off debate on this special committee process . . ." [interjections]

MR. DEPUTY CHAIRMAN: Order please.

Are you ready for the question? All those in favour of the motion . . .

MR. MITCHELL: I'm not finished speaking, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Oh, you're not finished speaking. You shook your head, hon. member. I thought you were through.

MR. MITCHELL: No, I'm not finished speaking.

MR. DEPUTY CHAIRMAN: Proceed.

MR. MITCHELL: My point is, Mr. Chairman, that there is a very significant double standard. We could go through the back bench of this government and probably point out that every second member, if not more, of that back bench somehow has sat proudly on a special . . .

Point of Order Relevance

MR. DAY: A point of order, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Point of order, Member for Red Deer-North.

MR. DAY: The citation regarding relevance, I think, is being hopelessly ignored in this case, Mr. Chairman. I'd ask you to rule on that.

MR. MITCHELL: He has ruled on it, and I'm making the case. It's already ruled on. Are you challenging the Chair's rule?

MR. DEPUTY CHAIRMAN: Order, hon. member. Did you wish to speak on the point of order briefly?

MR. MITCHELL: Yes, I'd love to speak on the point of order. Thank you, Mr. Chairman. I am addressing the relevance, the

significance, the sincerity with which this particular motion to end debate has been presented. I think it is very significant and very relevant to the debate about that motion that we should point out the double standard. On the one hand, they're in favour of special committees that pay them extra money.

MR. DEPUTY CHAIRMAN: All right. [interjection] Thank you, hon. member. Order please. A reasonable amount of time has to be involved in addressing a point of order.

Both the parties seem to have asked for a ruling, which is that I do find that the speaker, the Member for Edmonton-Meadowlark, has drifted from the point of the motion before the Assembly. Please confine yourself to the narrow focus of that motion.

MR. MITCHELL: I accept your ruling, Mr. Chairman.

Debate Continued

MR. MITCHELL: I notice the positive response that you've received from the Member for Red Deer-North, but of course he accepted a very relevant committee trip to Japan in the middle of the last Legislature session, when he said that . . . [interjections]

MR. DEPUTY CHAIRMAN: Order please. Order.
Hon. Deputy Government House Leader.

MR. STEWART: Mr. Chairman, I move that in view of the hour debate be adjourned.

MR. DEPUTY CHAIRMAN: Having heard the motion to adjourn debate, all in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY CHAIRMAN: The motion is carried.

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

[Motion carried]

[Mr. Jonson in the Chair]

MR. MOORE: Mr. Speaker, the Committee of Supply has had under consideration certain resolutions of the Attorney General's department, reports progress thereon, and requests leave to sit again.

MR. ACTING DEPUTY SPEAKER: Having heard the report of the Member for Lacombe, all those in favour please say aye.

HON. MEMBERS: Aye.

MR. ACTING DEPUTY SPEAKER: Those opposed, please say no. Carried.

[At 10:31 p.m. the Assembly adjourned to Tuesday at 2:30 p.m.]