

## Legislative Assembly of Alberta

Title: **Monday, April 27, 1992**

**8:00 p.m.**

Date: 92/04/27

head: **Committee of Supply**

[Mr. Schumacher in the Chair]

MR. CHAIRMAN: Order in the committee, please.

head: **Main Estimates 1992-93**

**Attorney General**

MR. CHAIRMAN: I'd like to welcome the Attorney General to introduce his estimates.

MR. ROSTAD: Thank you, Mr. Chairman. The Speech from the Throne, which began this session, identified the realities we currently face as a government in today's demanding environment. To respond to these realities, we have no choice but to find innovative ways to balance the increasing societal demands with limited human and financial resources. As Attorney General I'm conscious of my responsibilities to the citizens of Alberta to ensure equality and fairness in the administration of justice and to ensure that the justice system is administered effectively.

The department's '92-93 estimates total \$175 million, which represent an increase over the comparable '91-92 estimates of 8.6 percent. The proposed budgeted increase in '92-93 is only marginally higher than '91-92 funding when combined with the special warrants which were found necessary and approved in that year. I believe the budget reflects the department's very sincere efforts to deliver a budget which is fiscally responsible.

During the '91-92 budget year three special warrants totaling \$12.7 million were passed. Vote 3, Legal Services, received \$7.9 million. Vote 4, Support for Legal Aid, required an additional \$4.3 million, and Vote 7, the Crimes Compensation Board, provided an additional half million dollars. In these three programs caseloads have traditionally been very difficult to predict as they are created by forces external or better known as volume demand.

More funds were required by the legal aid program as a result of caseload pressures coupled with the legal aid tariff increase effective April 1, '92. The need for the additional funds for the Crimes Compensation Board was again increased claims from victims of violent crime, a volume demand.

Despite the difficulties inherent in budgeting for caseloads and work volumes which are not controllable by the department, provisions were significantly increased within our budget for these programs. Funding for the legal services program in '92-93 has been increased by \$4.5 million, an increase of 13 percent over the '91-92 provision. More significantly, the budget for legal aid has increased by \$6.5 million, an increase of 42 percent over the '91-92 provision. The Crimes Compensation Board was increased by a half million dollars, representing another significant increase over '91-92.

The new funds allocated to these three programs total \$11.5 million, representing 83 percent of our total departmental increase for '92-93. Needless to say, prioritizing these funds towards these programs could only have been achieved by assuring that all departmental programs are streamlined and very prudently managed. In this regard, I commend the department staff, who I am confident will continue to handle their responsibilities capably and economically through the forthcoming budget year.

During the past year we introduced many significant changes to the daily operation of Alberta's courts. I'm proud to say that the justice initiatives introduced in 1991 have proven successful in ensuring that Alberta continues as one of the most efficient and effective justice systems in Canada. The measures we have undertaken in the year are innovative, and we will continue to adapt our practices to respond to the changing needs of our system. I am pleased to report that all of the changes we proposed last spring have been enacted, and they're all in place today. That's the hiring of 11 new Crown prosecutor positions. Ten provincial prosecutors have been trained. We hired 36 additional permanent support staff. We have broadened the criteria for the alternative measures program. We've appointed three new judges. We've increased the number of ad hoc or supernumerary judges that are available on a per diem basis. We've held youth blitz courts in Calgary and Edmonton during the summer to take away a lot of the backlog. In the fall of '91 in both Calgary and Edmonton commissioners were introduced into the judicial system in the traffic courts. We have utilized courtrooms in the Court of Queen's Bench for hearing cases that start in the Provincial Court.

Through these initiatives the Calgary family and youth courts have experienced a decrease of approximately 25 percent in average lead time for trials since the spring of '91. We've achieved a similar reduction in Edmonton in the family and youth courts. The traffic courts in both Calgary and Edmonton have seen a reduction in average trial lead time from six months to three to three and a half months. In the Criminal Division I'm pleased to say that despite increases in the number of cases commenced, the increased resources provided to these courts have reduced both the case inventory and the lead time to trial. In Calgary criminal court the average trial lead time has been reduced from 18.8 weeks to 11 weeks. In Edmonton the effect has been less dramatic because there was less problem here, but the lead time has been reduced from 10 weeks to just a little over nine. These justice initiatives have been positive and have a beneficial effect on all those who come in contact with the administration of justice in the province. We will, of course, not hesitate to look for new initiatives, new ways of improving our system.

As minister responsible for the maintenance enforcement program I'm particularly aware of the difficulties facing mainly women and children in this province when court ordered maintenance payments are not paid. Our maintenance enforcement program continues to grow by approximately 500 new registrations each month, and staff respond to approximately a thousand telephone inquiries each day. The direct deposit system has resulted in a more efficient handling and issuing of moneys. Similarly, a preauthorized payment system electronically withdraws payments from debtors' accounts when the date of payment is due. This, too, has streamlined the payment process eliminating staff intervention and facilitating quicker payment of money to those in need. We again are continuing to look at innovations to the program to make it more effective and efficient.

I'd like to touch on some of the technical changes that we have instituted in our property registration branch to make the system responsive and flexible in serving the people of our province. I refer to our property registration branch, which has recently implemented new computer systems in the land titles offices and the personal property registry. These systems have resulted in significant productivity gains and enabled the department to provide improved customer service, including one-day turnaround for document registration. Staffing levels in the property registration branch have been reduced from 492 budgeted positions in the early '80s to 384 positions in the past budget year, while during this same period business volumes have increased significantly.

Technical innovations such as these have enabled us to streamline the process and to accommodate future volume fluctuations.

We are in the process of some innovative programming with some law firms across the province for on-line access to property registration, where a lawyer can sit in his or her office and call up the registry to get instantaneous information, and in a short while we hope to enable the registration to be done through that on-line computer system as well, again making it more convenient for our clientele and effectively saving money. We will continue to consult with the judicial and legal communities throughout the year to examine proposals and cost-effective improvements for the system as a whole.

#### 8:10

I would like to conclude the remarks by saying that although we've made great strides in this past year, we still face many, many challenges, and I look forward to the many questions and, I'm sure, comments that will come from colleagues on both sides of the House as we try to continue our improvement of the system.

Before sitting down, though, I would like to pay tribute to a colleague who is no longer with us and can no longer offer the professional, constructive, and supportive comment that Sheldon had traditionally given me as Solicitor General and now as Attorney General. His contributions were valuable, and we'll sincerely miss him as my critic. I'd like to make that note.

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

MR. CHIVERS: Thank you, Mr. Chairman. I also would like to join in the comments respecting Sheldon Chumir. We're certainly going to miss him on this side of the Assembly.

I also would like to join in the comments of the Attorney General commending the department staff and to congratulate him on having successfully implemented the initiatives that he outlined in his speech on the estimates last year. I think the measures and initiatives that were outlined at that time and which have since been implemented were indeed very valuable and progressive steps in dealing with a very challenging portfolio. I'm particularly pleased to hear of the innovation with respect to the summer courts to deal with the backlog and the success that's been achieved with respect to the reduction in delay in proceedings leading up to trial in the criminal courts and traffic and youth courts. I think the 11-week delay that the Attorney General speaks of in Calgary is a very significant reduction in the amount of the delay. It's a bit ironic that at the same time Alberta has been achieving these results, the Supreme Court of Canada has backed off of some of its earlier comments with respect to delay that were outlined in the Askov decision.

In any event, as the Attorney General has indicated, although there have been significant strides made with respect to the Attorney General's department and his administration, there are certainly many challenges yet to be met. Of course, it is worth noting that the justice system is the cornerstone of a healthy society, for without the justice system many of our concepts of due process and equality before the law and many of our cherished democratic principles would have little meaning. Of course, the justice system touches us all in our everyday lives, ranging as it does across the whole gamut of laws in the province of Alberta. Indeed, justice and law are inextricably interrelated with the full range of government services.

Although last year saw an increase of 11 percent in the Attorney General's department, it also saw at the same time the transfer of three very significant programs to other departments. I'm speaking here of the gaming control branch and the Gaming

Commission, which were transferred to Public Works, Supply and Services on March 14, 1991, and that transfer carried with it, I assume, the 58 employees of that branch. It also carried with it the Gaming Commission, which entailed the full-time Chair of that commission and six part-time members. Of course, that should have realized, I would expect, some very substantial savings to the department as a result of that transfer, and I can't see where that was anticipated in the estimates last year.

Also, the Land Compensation Board was transferred on April 1 to the Department of Agriculture. I'm not sure how many staff and positions were involved in that transfer, but I expect there were at least several. Finally, the native land claims program was transferred to the Solicitor General on April 1, 1992, and that was a transfer from the civil law branch. Once again I'm not clear on how many staff and positions were affected by those transfers of functions to other departments, but I would have thought that they could have been anticipated to yield some very substantial savings to the department. Consequently I'm somewhat surprised at the amount of the increase this year. However, I do appreciate that a good portion of that increase is represented and accounted for as a result of the increase in the legal aid tariff.

I did my own calculations during the estimate discussions last year, and I did call on the minister at that time to perhaps make some allowance in view of his announcements. No doubt he was in a position at that time to anticipate some of the additional spending which was required in the Attorney General's department and which was taken care of by way of special warrants. I for one do not approve of the concept of special warrants where they can be avoided, and that clearly was one instance where at least part of those expenditures could have been anticipated and indeed should have been anticipated at the time the estimates were dealt with in the Assembly. Perhaps we could have avoided at least that expenditure by way of special warrant.

In any event, returning to the initiatives, we've now had a year to evaluate these initiatives. On the basis of the comments made by the Attorney General, it seems that they have indeed proven to be effective initiatives and hopefully have improved the quality and efficiency of the judicial system.

One of the initiatives, of course, was the 50 percent increase in the legal aid tariff. The Attorney General spoke of an increase in volume with respect to legal aid cases, and I'm wondering if he can provide us with some information with respect to the extent of the volume increase in legal aid, the extent to which that accounts for the additional \$6.5 million of expenditures in these estimates. I'm wondering also if he has received any feedback with respect to the innovations concerning the tariff, the 50 percent increase. Has he received any more submissions with respect to whether or not those adjustments to the tariff have dealt with the problems that existed so crucially and so critically last spring? I understand that there's a negotiating committee that was appointed to deal with the legal aid negotiations. I believe I'm correct in saying that that committee is still at work and is directing its attention to other areas that were not covered in the tariff adjustments, and I'm wondering if progress is being made in that area.

I'm also wondering, Mr. Chairman, as to what impact the Attorney General anticipates the lower interest rates and therefore the lower earning power of the trust accounts which form the basis of the 25 percent contribution made by the Law Foundation to the legal aid system – how is it anticipated these lower interest rates that have come to pass in the last year and especially in the last six months may impact upon the ability of the Law Foundation to carry out its duties under the 25 percent commitment to funding of legal aid and also the other duties that it has with respect to the other functions performed by the Law Foundation of Alberta?

**8:20**

I wanted to turn to the legal aid vote, vote 4, and as I've already mentioned and the minister mentioned, it does represent an increase of \$6.5 million. I assume that most of this increase is accounted for as a result of the 50 percent increase in the legal aid tariff last year, but I expect that some of it is also demand driven. As I indicated earlier, I'd appreciate some indication of how much of that is an increase as a result of the increase to the tariff and how much of it is an increase as a result of increased volumes of legal aid work. The amount of \$6.5 million, of course, appears on the surface to be a massive increase, but I want to note again that I fully appreciate that indeed the actual increase in this area in this year is not that great because of the increases that were handled by way of the special warrants last year. I think that helps to put this increase somewhat into perspective.

In any event, the legal aid program is a critical part of the justice system in Alberta, providing, as it does, funding for Albertans who could not otherwise access the judicial system in criminal law and in civil law. For many years the lawyers who provided legal aid services were in effect subsidizing the taxpayers and citizens of Alberta, and I want to commend the Attorney General for having had the foresight and indeed the conviction and determination to make a much needed adjustment with respect to the legal aid tariff.

I continue, as I did last year, to be concerned about the issue of funding for civil legal aid. I'm still unclear as to what the current status of this is. One of the difficulties, of course, is that we in the opposition have to work with material that's more than a little outdated. We deal with public accounts from over a year ago and with annual reports from more than a year ago, and we don't have current information. In any event, last year I asked questions with respect to the fact that the government had not accessed the funding that was available to it under the Canada assistance plan for cost sharing of civil legal aid, and I understood at that time that there were ongoing discussions with respect to the possibility of accessing that funding. Indeed the Attorney General last year promised answers to that and to all other questions raised in the estimates, but as far as I've been able to ascertain, those answers have not yet been forthcoming.

The Auditor General, of course, has raised that matter in his report for the year ended March 31, 1990, and he's raised it again in his report for the year ended March 31, 1991. At this point in time it seems quite clear, as the Auditor General has noted in his most recent report, which is, as I've indicated, dealing with the year ended March 31, 1991, that the province of Alberta has forgone approximately \$300,000 in revenue for each year by not claiming access to that special funding for civil legal aid. I believe there's only one other province – I think it may be Quebec – that does not claim this cost sharing for civil legal aid.

Since I haven't had answers from last year, I would renew the request for information. Is the province now accessing these funds? If not, why is the province not accessing this cost-sharing program? Perhaps we could have some information as to what the points of contention are. Why is it that the province in these times of economic difficulty, these extremely difficult economic times, would not be accessing funding, particularly when it is at levels as significant as this? Moreover, I share the concerns of the Auditor General with respect to the future detriment that is occasioned by failing to access these funds. If the province is continuing to fail to access these funds, as the Auditor General has noted, in view of the 1989-90 year being the cap for Canada assistance plan funding and the 5 percent limitation on increases, the failure to take advantage of that funding will carry on to haunt us in the future

and will continue to operate to the detriment of the province of Alberta. In a nutshell, if we aren't accessing this funding, why are we not accessing it?

I want once again to make some comments with respect to the Alberta General Insurance Company. In last year's speech on the estimates I raised this and discussed the issue quite extensively, and I want once again to review that situation at some length. This, of course, is the insurance company of the province of Alberta that was incorporated in 1942, and the legislation that deals with that, as far as I can ascertain, was last amended in 1959. I don't believe there have been any more amendments to the legislation, but I do see in this year's Auditor General's report that in April 1991 the sum of \$400,000 was transferred – and indeed I heartily approve of the fact that this funding is being accessed – from the company's retained earnings to the General Revenue Fund.

Now, having said that, I do have some concerns with respect to how this was accomplished without legislative changes. Indeed, as I understood the Auditor General's comments, it was not possible to accomplish this without a change to the legislation governing the Alberta General Insurance Corporation. If I can just find the section here in the Auditor General's report, I'll refer to it in some detail. As the Auditor General noted in his March 31, 1990, report, the Alberta General Insurance Company Act does not allow the company to distribute surpluses except by way of reduced premiums, and of course, as we all know, this company has been dormant for a good many years and indeed does not carry on any business to speak of. So what I'm concerned about here is the technicality as to how this transfer which is referred to in the Auditor General's report for the year ended March 31, 1991 – at the end of his comments on page 43 in the context of the Alberta General Insurance Company he notes, and this is after the conclusion at the year end:

I have since been informed that \$400,000 of the Company's cash and retained earnings was transferred to the Province's General Revenue Fund in April 1991. This will eliminate the Company's annual tax liabilities.

Now, I'm wondering how that was accomplished, if it was accomplished without legislative changes to the provisions and powers of the company with respect to its dealing with its surpluses.

In any event, the transfer of the sum of \$400,000 out of a total of what I understand from the Auditor General's report at December 31, 1990, amounted to approximately \$560,000 would have left, I would anticipate, as of the date of the transfer, close to \$165,000 in the account of the Alberta General Insurance Company. I'm wondering why the recommendation of the Auditor General to wind up this company and to make the transfer in its entirety was not acted on.

**8:30**

I certainly appreciate the fact that the government has finally acted to deal with the fact that for several years now it's been paying substantial taxes on these companies, because the accumulated losses have already been written off and they were no longer able to avoid the taxes through the accumulated losses. I certainly am pleased that the government has now moved to make sure that they will not continue to pay needless taxes in these circumstances and thus will save the taxpayers of Alberta some money. At the same time, I'm equally concerned that the money continues to be, I assume from the information that I have, invested at substantially lower rates than the government is borrowing money in terms of the borrowings of the province of Alberta. To me it makes no financial sense why we should be investing funds that could be

made available to the general revenue of the province and thereby reduce the borrowing needs of the province of Alberta.

Finally in the context of the Alberta General Insurance Company, as far as I've been able to understand the books of the province for last year and the budget of the Provincial Treasurer last year, it was not anticipated in any way in the budget or in the estimates that there would be this transfer of \$400,000 from the Alberta General Insurance Company into the general revenue of the province. I'm therefore somewhat concerned as to what this really means in terms of the extent of the deficit that was reported last year, because of course as of sometime in April 1991 there was this transfer of \$400,000 into the general revenue. Perhaps the Attorney General can review with me whether or not that was accounted for in some way in the estimates for last year, whether this was a revenue that was anticipated and therefore was built into the budget or if indeed this was an unanticipated increase in revenue and has been treated in that sense, because of course at the same time that there's been the transfer into general revenue and the expenditure from general revenue I assume, then there's also been the loss of the asset that was previously held.

Finally, I would ask the Attorney General to make clear to the Assembly what his intentions are with respect to the balance remaining to the credit of the Alberta General Insurance Company. Is there some reason why these funds need to be retained in the Alberta General Insurance Company? Is there not some way of freeing up these funds? Of course they continue to be invested at a lower rate of interest than we're borrowing money from other sources. It seems to me that this does not make good economic or business sense, and perhaps there's some way of freeing up these funds. I'd also ask the Attorney General to indicate to the Assembly: what is the rate of interest that is being earned on these funds? In view of this government's commitment to disclosure of information, perhaps the Attorney General could indicate the history of this fund and what rates of interest it has earned over the years that it's been sitting around in the Alberta General Insurance Company and in what institutions these funds have been invested.

I wanted to make a few comments with respect to some initiatives that perhaps I would urge the government to examine in this coming year. I have had addressed to me a great number of concerns with respect to the limits for small claims proceedings. It seems to me that in view of the fact that several other jurisdictions have either recently embarked upon a reform process or have announced that they are about to embark upon a reform process – I'm thinking in particular here of recent announcements in Ontario – that reform is necessary in this area. It no longer makes economic sense to bring actions in Queen's Bench because of the legal costs that are involved. It would make good sense in my submission – and I think civil litigators in this province will tell the Attorney General that it's unwise to bring actions now in Court of Queen's Bench for the lower amounts that are permitted here – to increase the limit and the jurisdiction of the small claims courts in order to deal with increased claims. Of course, this is going to entail perhaps an additional volume demand for access to the courts if the limits are increased, and I appreciate that that in turn probably would mean that there would be more judges and more clerical staff required to staff these courts. However, it seems to me that it makes good economic sense to increase the limits in order to make it possible for people who need to access the judicial system to do so without having to incur legal costs, which is presently the case given the low limit.

The joint committee on court reform in Ontario has recommended that the small claims court in that jurisdiction hear claims up to \$7,500. It seems to me that perhaps that is an amount we

could start looking at here in Alberta. The monetary jurisdiction of these courts tends not to keep pace with the times, and it seems to me that perhaps we should look at some way of providing a formula in the legislation for an automatic escalation so that it's not necessary for the Legislative Assembly to address the issue each time the monetary jurisdiction gets out of line with the economic realities of the system in which we live. We could, therefore, avoid some additional expenses and delays in dealing with these kinds of problems if we introduced some kind of a formula to do it automatically or perhaps to enable it to be done by regulation, as was recently done with some amendments to the Public Trustee Act, which amendments the Chairman of this committee in his other capacity proposed to the Legislative Assembly. Perhaps that is a way of looking at these things that would be worth looking at in these circumstances.

In any event, the point which needs to be emphasized is that we need access. Poor people need access to the judicial system. If you're wealthy you can access the legal system with respect to civil litigation, if you're very poor you may have access to legal aid, but if you're in between, if you're in the middle, if you're neither wealthy nor at the poverty line, you're not going to have the ability to access the judicial system without incurring substantial legal costs. I submit that it's time we looked at these monetary limits once again.

There are a number of other new initiatives that are being examined and implemented in other jurisdictions. One of these new initiatives is a program that's called in some jurisdictions the victim/offender reconciliation program. I know that in Alberta we have made some movements in this direction. I'm not sure how many programs there are in place in Alberta that deal with these sorts of problems. I'm wondering if the Attorney General could enlighten me with respect to what initiatives are either in place or are contemplated being initiated with respect to victim/offender reconciliation program types of approaches to the criminal justice system.

#### 8:40

I know from having studied some of these systems in other jurisdictions that they have been well received and seem to have had a significant and beneficial impact. I would hope that we would be examining these sorts of programs in this jurisdiction. Certainly I know that we're already engaged in the victim impact statements program, which is initiated before sentencing in the criminal courts, and I understand that that program also has had some beneficial consequences. I'd like the Attorney General perhaps to spend a few minutes discussing what the status of those programs is and what his impressions are as to where the victim impact statements program is going and what innovations he thinks might be worth looking at.

I noted last year in his speech on the estimates that the Attorney General had made some reference to reforms to the young offenders' system. I haven't seen anything forthcoming at this point in time. I've also heard comments by other members of the government with respect to certain initiatives either that they would like to see taken or that they're planning.

I think I've just about run out of time. I hope I get a chance to get in again.

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

MR. DECORE: Thank you, Mr. Chairman. I wonder if the hon. minister would agree to change the format and allow me to put a series of questions to him, perhaps three or five, wait for the answers, and then pursue areas that have been dealt with if I'm

still not clear as to what the answers are to certain issues. Would the minister permit that? Thank you.

Mr. Chairman, first of all, thank you to the minister for his kind comments about Sheldon Chumir. This is a member of the Assembly who really did have tremendous knowledge of the law, the workings of the law, and how those who were poor and disadvantaged had difficulty with the law.

My first question to the minister is this. At first I thought there was some constitutional problem or conflicts problem that existed in not allowing the ministries of the Solicitor General and the Attorney General to be combined, but I've satisfied myself in discussions with constitutional experts that this can be done. If you look at the estimates for our province, there is a potential saving of between \$5 million and \$7 million if the two ministries – that is, the Solicitor General and the Attorney General – are combined. You need but one deputy minister, you don't require second internal audit processes, and so on. So I'd like to know from the minister why this hasn't been done, and if the minister is opposed to it, the specific reasons why we couldn't save money and be fiscally responsible in combining these two ministries.

My second question is really a question that was touched upon by the learned hon. Member for Edmonton-Strathcona and was dealt with many times by the hon. Member for Calgary-Buffalo, and it is the difficulty people have because they're intimidated by the courts and because they simply can't pay for the services of lawyers and the court system. Now, there are some jurisdictions that have done some interesting and notable things, pursuing and expanding on the role of arbiters or umpires. I wonder if the minister could give us options that the minister has considered that would allow for the system to be speeded up, to allow for people not to be intimidated so much, and particularly would allow for costs to be reduced.

My third question is this. We know that provincial court judges are appointed by the Alberta Judicial Council. We know that there are two lay members on that particular council. I think that there isn't a lawyer in Alberta that wouldn't agree that the system of selection of provincial court judges from the '70s has improved immeasurably, but I'd like to know the role of the minister in this process. How do lawyers get knowledge that vacancies exist? Is it published, and if it isn't, why isn't it published? What, then, is the role of the minister in putting a name through that has indicated an interest in becoming a provincial court judge?

My next question is this. We've now embarked upon the role of the JP. That's, I guess, to improve the process, to make the process less expensive, to help the backlog. I'm curious to know whether there are complaints in the use of this JP process. I'm particularly interested in noting in this area that some 500 people that were charged in Calgary had charges dropped. I'd like to know from the minister why this occurred.

Mr. Chairman, I do not think that the minister dealt with the specific issue of the provincial civil court. I understand that there are still considerable backlog delays in those courts in Edmonton. It's my understanding that in Edmonton the delays go to six and a half months and in Calgary six months. Would the minister confirm that there are these delays and what the minister is doing to alleviate those difficulties.

If I could stop there and ask the minister to respond and then resume my position thereafter, Mr. Chairman.

MR. ROSTAD: I have no problem with accommodating this change from the traditional way, but I would like to know how many questions there are. I'll frankly say that I'm not going to go all night on question and answer.

MR. DECORE: I have 30 minutes, Mr. Chairman.

MR. ROSTAD: Yes. First of all, whether the Attorney General's and the Solicitor General's departments are combined is not within my purview. Frankly, I sit as the Attorney General, as a great privilege, too, totally at the discretion of the Premier. That's the way our political system works. It's not unique just to Progressive Conservative government but to governments across Canada. In Alberta our most recently retired Lieutenant Governor, the Hon. Helen Hunley, was our first Solicitor General. Prior to that, the department was one department. In fact, if I recollect right – I wasn't here – the Attorney General of the day, who is now deceased, was the one that actively looked to have them separated. In his view it wasn't manageable for a person to devote themselves to the legal issues as against the more or less administrative issues of the Solicitor General's department. I'm sure, as the Premier has said, that he's willing to look at any suggestions in making our government more efficient and more effective, but as I mentioned, it's at his discretion, not mine.

In terms of alternate dispute resolutions, we actually continue to have a number of dialogues with the judiciary as well as with the bar. I might mention that last year, through the good graces of the Member for Edmonton-Strathcona and the late Member for Calgary-Buffalo, we put through the Assembly the Arbitration Act, which brought an Act for consensual dispute resolution into the 20th and 21st centuries from something that had been essentially in the 19th century. If people have a willingness to try and accommodate an agreement amongst themselves, there's a process that's far more streamlined, less costly.

8:50

In terms of costs, I have as much interest in reducing the costs of our operations, but frankly the costs of operating the legal system in terms of the litigant's cost is not the court mechanism and how it works in our judiciary; it's the costs that the client pays in solicitor/client costs or even party/party costs. I'm not trying to belittle that. I think it is a serious concern. I think one of the problems that we as lawyers through the Law Society have is that the public is concerned somewhat about remoteness – I guess some people even typify it as arrogance – that lawyers sometimes convey. They're also somewhat concerned in terms of the bills that they charge, again not understanding a lot of times what goes through. I think it behooves all of us as part of our system to try and accommodate and try and make our system cheaper. If you have, sir, suggestions on alternatives or changes to the court system as we know it, I'm more than happy to take representations in that context.

The question in terms of provincial court judges: how people know there are vacancies. Frankly, it isn't advertised, but I think the moccasin telegraph works very, very well, because many times the bar knows that there's a retirement coming up far before I know that a retirement is coming forth. The process of getting appointed is that we have an arm's-length Judicial Council, which is composed of the three chiefs – the chief of Provincial Court, the chief of Queen's Bench, and the chief of the Court of Appeal – the president of the Law Society, and two public members that receive applications from all and sundry who are interested. Not only when a vacancy comes up: just if you're interested today, you forward your letter to them, to me, to my deputy. They come in various ways, but they're all given to the Judicial Council. They establish the times for interviews, et cetera. As the Attorney General I receive a list of the people who are approved, and from that list when a vacancy comes – I won't call it exactly consultation, but recommendations of people they know that are approved

or that are of interest come from the chief if there's a particular vacancy in a particular area. I go through our list and, frankly, make a shortlist. That is then taken through cabinet, and an appointment is made. That's my role, frankly, in it: making sure that if people are interested, it gets to the Judicial Council, then using their approved list and making recommendations from their approved list.

In terms of the commissioners or justices of the peace the system is generally working well. I have only been aware of two instances where people have written in about them. One was really nonconsequential, and the second was a rather humorous anecdote about something that went on in the court which indicated that it was a very informal setting and no problem with the decision. That is all the communication I personally have had on that. I'll certainly check with the chief judge to find out if he has had some representations that I haven't heard of.

In terms of the alleged 500 charges being dropped, I do know that they went through a number of charges, reviewed them with the Crown, the department, and with the police, and they were vacated on the basis of evidentiary information in the sense that either it had been long enough that a witness wasn't available or had moved away and the cost of bringing them out would have been far, far gone, just as an example. There were no charges dropped that could have been proceeded through the courts without undue inconvenience or cost. I don't want that to sound not serious; it would be. Every one of them was given serious consideration.

In terms of the provincial civil court – and I can certainly relate this to the Member for Edmonton-Strathcona's concerns in that as well – we are looking at what can be done to facilitate faster handling of the cases. That doesn't mean each case shouldn't be heard in the time that is required. That's one of the problems. By upping the limit, whether you go to \$10,000 or whatever, you start getting a few more complicated issues that may be cost saving in the sense they don't go to Queen's Bench, but they clog the system in civil court.

One of the considerations we are looking at is the use of commissioners in that court as well. Perhaps, just as an example, if you put a limit, they could handle claims that are under a thousand dollars or something. If there are very serious legal complications to it, perhaps they wouldn't get to sit on it then, if we used a similar type of system that we're using in traffic court and try and accommodate some of our delay in that. Although the delay is getting to what I would call the top end of acceptable delay, I think that, again harkening back to the dollar amount, that in itself is not an indication of whether a case is complicated or is going to take a little longer or not. We are cognizant of that and are trying to – again, if people have suggestions as to how that could be streamlined, we're more than happy to hear them.

MR. DECORE: Mr. Chairman, just one follow-up to one question, the first question. Would the minister concur that substantial savings would be effected by the amalgamation of the Solicitor General's and Attorney General's departments? The second question is: does the minister agree that the additional responsibility of looking after Solicitor General would simply be humanly impossible?

The next set of questions, Mr. Chairman, is this. It is not common, as I understand it from lawyers, to hear many complaints about the process of appointments to the provincial court, but there are many, many who complain about the QC process. Of course, the complaints are that this is rife with patronage, that lawyers who have 10 years experience and who have simply put in their tour of duty with the political party, usually the government political

party, are given patronage rewards by being named as QC, very much to the unhappiness of lawyers who have put in 20 or 25 years who actually work in the courtroom as barristers, where this whole process really started, who are not appointed. Now, I'd like to know from the minister what changes he would make to make this fairer and more reasonable and the way it was when it was first started in the United Kingdom.

My next question is one relating to maintenance enforcement. This is an area where I get some complaints from women who consider themselves to be at a great disadvantage not being able to track some errant former husband who isn't paying the maintenance to the former wife, or to the wife and the children, or the children. Why can't we be more aggressive and use computers and things like registry of vehicles to stop these people from being allowed to register vehicles or to get advantage from the state when they are in fact abusing their responsibility to the state and not fulfilling court orders of the state? So I'd like the minister to give us some options that would improve that situation.

My final question before I sit down and start my next series. There is an allocation under vote 1 of the expenditure of some \$141,660 for Purchase of Capital Assets. Mr. Minister, I'd like to know something about this.

Finally, there is great attack on members of this Assembly for perks. I'd like to know what perks exist in the ministry; that is, what the deputy minister or others who are under the jurisdiction of the minister are entitled to: cars, whatever.

Thank you, Mr. Chairman.

#### 9:00

MR. ROSTAD: Mr. Chairman, in terms again of the Attorney General's/Solicitor General's departments, I guess by amalgamating them certainly there would be some savings. You would have one minister rather than two, so you'd automatically save the salary of some – and I say some – of the support staff out of one minister's department as against another. Having served both as Solicitor General and Attorney General, you could have some assimilation again of your personnel, finance, responsibilities, but not complete. I can assure you that those administrative components in the Attorney General's department could not handle the Solicitor General's, or vice versa, without some expansion of whatever unit you're going to have there. I couldn't tell you what numbers those are. I suppose the Auditor General could probably save some money if he had fewer departments to audit, but if you have one department that has twice the volume of two departments which have half the volume, I'm not so sure that you in the end save anything. Being married to an accountant, I can assure you they seem to be able to fill the time or the money or the space that's allotted to them. I'm not so sure that the savings would necessarily equate to the \$7 million the hon. member has put forward, but certainly there would be some saving.

The Queen's Counsel process has certainly evolved from the time when in fact the Queen meted out this honour to barristers only and those who exemplified themselves in the court, and it certainly has become more of just an honorary distinction accorded by the governments of the day. I guess I'd need to know the definition of patronage before I'd say they're patronage awards. I've only had the privilege of being Attorney General on two series of appointments, and I actually take credit and feel good about the improvements that I think have been made in the last series of appointments whereby very obvious members of other political parties besides the Conservative Party have been recognized for their talents, their contributions to the profession and to the community, which is really the true measure of what the Queen's Counsel now is being given to honour: your time and

your contribution to your profession and to the community. Again I'm willing to listen to other processes.

I guess you could typify this as allegedly being a political old boys' network. I've been having dialogue with the Law Society the last while, and they would like to take over this. I guess what they'd like to have is the legal old boys' network as against the political old boys' network. I don't think I'm about to comply, but I am willing to listen to reasonable recommendations.

The maintenance enforcement program. I can assure the hon. member that the staff in maintenance enforcement works extremely diligently to track people down to the best of their ability. I don't know, frankly – and I'm speaking without having given much thought before the question was asked – whether you can utilize other government services, as an example registering a car or getting a driver's licence, and because somebody owes a debt not to the government but to someone else, you can't access that government service, whether in fact that would fly in the face of the Charter or the rights that we're accorded as individuals. We work and utilize every aspect of the law. I know Ontario has recently brought in an addition to their program where they directly deduct the payable from a person's paycheque and don't use the garnishment process, but every one of those requires a court order and appearance and a change, whereas a garnishee – you get your garnishee and you have much more flexibility in that.

Again I'm more than happy to receive, and I will give due consideration to, representations of government services that could be used, because it is a serious and terrible commentary on our society. Where people have obligations – and they might have ethical or moral obligations, but they also in these instances have a legal obligation – and then flagrantly abuse those and leave, in most instances, a spouse and children in need is not a very good commentary on our society, and we would like to attempt anything within reason that can advance that need.

The vote 1 capital assets I don't have right at the tip of my tongue. If I can think of it, I will answer that in a subsequent answer.

In terms of perks, frankly, if having an automobile provided to you as part of your contract is a perk, then I guess the only perk that I'm aware of – and not meaning that I'm limiting that to automobiles – is that the deputy minister does have a government automobile provided. Of course, as with the rest of us, whatever you use for your personal use, you pay income tax on anyway. That is the only perk that I'm aware of.

MR. DECORE: Mr. Chairman, vote 3.3 requests increases to Legal Research and Analysis, 11.1 percent; Constitutional and Energy Law, 12.2 percent; Civil Law Division, 20.5 percent. These are substantial increases. I'd like to know why these increases are being put forward.

Then I'd like some information on the issue of Gainers, Northern Steel, and MagCan. I'd like to know from the minister how the government involvement in these matters is looked after. Is it farmed out to the private sector, or is it a combination of both? Would the minister assist me in providing me with the allocation of money that goes to Gainers, MagCan, and Northern Steel that comes out of taxpayers' moneys and specifically for in-house lawyers?

Mr. Chairman, a 21 percent increase is being requested for the office of the chief provincial judge of Alberta. Why?

A 30 percent increase is being requested for Court System Improvements. Perhaps it was in the explanation that the minister gave at the outset, but could he address that, vote 2.1?

There is in vote 3.1.1 a 33.3 percent increase for the Law Reform Institute. Could the minister give us an explanation as to that increase?

I would like to pursue a question that the hon. Member for Edmonton-Strathcona put to the minister, and that is the issue of legal aid. Will the minister confirm the breakdown of the 42 percent increase and specifically address the issue that the Auditor General raised, and that is the fact that Alberta is one of two provinces in Canada that continues not to access federal funds and shortchanges itself to the extent of some \$300,000 a year.

Mr. Minister, I would be grateful for those answers.

**9:10**

MR. ROSTAD: In vote 3, the increases in the constitutional and energy, civil law, and legal research, in my explanations in our lead-in – because it's demand driven in the sense we do not know what particular legal actions are taken against the government or whatever legal advice we might have to obtain relating to things we want to do, those we can control more. If you look in the history, over the past we have relied to a great extent on taking a fix, a bearing, and then putting that in the budget and using special warrants. As I mentioned in my opening remarks, we're moving from that and are trying to take as accurate as possible estimates of where we're going to be to negate the use of special warrants, and frankly that's where those are. They're just allocated on the basis of where the growth or the utilization of the services relate to, as to whether it's constitutional and energy or whether it would be in civil law, which is the counterpart to criminal law in a sense. They're all in the civil division. I can't at this stage give you any more specifics to that, but that's why the increase is there. It's what we've used before in special warrants. We're trying to build in and be as accurate as possible so that we don't need to use special warrants.

In terms of the costs of Gainers and Northern Steel I do not have knowledge. I can tell you on Gainers that outside counsel is doing that, and the outside counsel is through the Treasurer's department that is running that. We do not get involved, frankly, other than that in the end moneys usually are paid out of our account, but only after an issue is done. I can undertake to get you the information on Northern Steel. I frankly don't know whether that was in-house or external.

I missed the reference to the chief judges, vote 2.1. The chief judge's office is where the commissioners come under that are, frankly, the equivalent of judges in a sense. They're paid less than judges, but they're presently administered by the chief judge and not under the auspices of the Attorney General to have the arm's-length relationship, as a judge would ordinarily have.

We have had an agreement with the Law Reform Institute that the split of their funding is on a 60-40 basis, and this increase is bringing us up to meeting our commitment of the 60 percent that we would fund them.

In terms of legal aid, again not having all of the elements of your question, I know the main one focuses on the civil legal aid and our accessing of the funding under the Canada assistance program. We have consistently not done that because the needs requirements that an applicant for legal aid needs to meet under the federal guidelines – and they set the guidelines when you access their programs – would not allow the number of people to access legal aid that we now allow to access because, frankly, the threshold is lower and it's not just based on the needs that they prescribe.

We have active, ongoing discussions with the Family and Social Services department, our own department, and the federal department to see if they will allow us to access Canada assistance

funding by using our guidelines and not their guidelines. We are making progress. In fact, if we get that agreement, we will not be bound by the cap that is on Canada assistance. We would be able to retroactively get in and augment funding and not have it limited by that cap. We're making progress, how fast it will come. Frankly, if we can't get them to change so that they would allow us to use our guidelines, we would then have fewer people eligible to access it because of the type of guidelines that they have.

[Mr. Jonson in the Chair]

If I'm missing some of these – and I can assure the Member for Edmonton-Strathcona the same – if we didn't answer a question that you had last year, I'd like to know what it is. You may not have liked the answer that you got, but we answered all of them and as completely as we could. That will be the undertaking of this year too. If I'm missing some of these and not giving you as complete, you will get subsequent answers.

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

MR. HYLAND: Thank you, Mr. Chairman. I want to address some questions to the Attorney General. The first couple are related to a motion and discussion we had in this Chamber a couple of weeks ago. That was on the Young Offenders Act and sponsored by the hon. Member for Red Deer-North.

Mr. Chairman, my concern is on the Young Offenders Act. As I initially remember it when it was brought in, there were some negotiations on it, but it got to a stage where the federal government said: here it is. It was a long way from being perfect, and I remember us having to deal with it quickly in the Legislature in order to get this into place. When we see now the rising number of young offenders in the system – and we heard today about how many offenders there are, with the Solicitor General answering about the overcrowding of the Remand Centre. I wonder to what extent the Attorney General or his counterparts across Canada have gone into discussions on the review of the Young Offenders Act, firstly.

Secondly, it seems like some of these young offenders take somebody's car and go out and smash it up. They appear before a judge, and he says, "Oh, bad little boy; we'll give you 10 days," or somewhat like that. He serves his 10 days and he or she walks away, yet the person who, if it's a young person, may have worked some extra jobs to have a nice car or to put some work into a car or a truck loses it; he gets nothing from it. Maybe if the vehicle is stolen and it's not recovered, he'd get some insurance money, but if it's recovered and it's damaged in between, he's out; he has to fix it up. He hasn't done anything.

To cut down on some of these young offenders – and maybe we should extend this to others – have we looked at them having to pay and having to be responsible for some of the damage they do? Those that go in and trash a house get a fine or they get a short jail term. Have we looked at making them pay for the house rather than all of us paying for it through insurance, if you can get it through insurance, or the people being out the cost? I think it's time that it should be the end of some of these joyrides and that those who do the damage should start to pay for it themselves. Maybe it's also the responsibility of some of the parents to pay for some of the things that their children do. I know when you're raising small children like I am, it seems like you're always paying for a window that somebody's knocked a ball through at your neighbour's, or your neighbours are paying for a window that their kids put a ball through at your house. But as they get older or into

other forums, it's the person who receives the problem that ends up paying for it.

9:20

Also, Mr. Chairman, I'm always concerned about the sentence judges put out. It seems like we continue to read of lighter sentences in all court levels for those who have broken the law. It almost makes some of us wonder who's got the rights anymore. Is it the guy that obeys the law, or is it the guy that breaks the law? It often seems like the guy that breaks the law has more rights than the guy who obeys the law. I know we're not supposed to be allowed to talk to judges. We're allowed to talk to the judge way up on high – we can talk to him – but we're not supposed to talk to or talk about a judge that puts a robe on and sits on a bench. Maybe, through the Chairman to the minister, maybe it's time that some of those guys have to come down to reality and look at the sentencing and look at what happens to those that they sentence and what they do later.

It's pretty easy to say, well, we live within the law, and you get a repeat offence. But perhaps they're going to have to somehow start to answer questions of the public instead of hiding behind an invisible wall there that nobody can question them, they don't have to answer for their actions. Maybe it's time that some of them should answer for some of their actions and indeed explain why they come to their decisions, not only to the person in front of them but to the general public. In this Legislature we all have to respond to the general public. Perhaps some of those that we appoint should be responsible to respond to the general public.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: The Member for West Yellowhead.

MR. DOYLE: Thank you, Mr. Chairman. I listened carefully to the Member for Cypress-Redcliff because indeed he identified a very key area in the estimates of the Attorney General, especially as it comes to vote 7. The Member for Cypress-Redcliff said that many times the victim is the one that loses and the criminal is the one that gets away scot-free.

Nothing was more predominant than in 1990 in Hinton, Alberta, when someone or some ones contaminated fuel. The incident carried on and on. The Attorney General called for an investigation, but under vote 7 this year I see there's a 46.1 percent increase in the funding for Crimes Compensation. The findings of that report were nothing more than information that everybody had on hand, and the people that were injured by that contaminated fuel in Hinton in May and June of 1990 to this date have not received any assistance for their loss of health, for the loss of their property, for disruption of their family life and the productive living that they were all involved in.

So, Mr. Chairman, I'm curious as to whether the Attorney General will be taking a second look at this investigation that really has done nothing but compile documents that were already available to most people who had dealt with this matter previously. It required an extra 30 or 45 days to complete, and there was nothing found. To this date I've heard no more new information. By not putting more dollars behind further investigations and bringing these culprits to justice – had they been able to find in the investigation under vote 7 the people who had contaminated this fuel, whether intentionally or unintentionally, under criminal injuries compensation if they had been found to be a common nuisance causing harm, causing bodily harm by criminal negligence, causing bodily harm with intent, administering poison or setting traps likely to cause death or bodily harm, or interfering with the transportation of facilities . . .



We all know that the tanks that were holding the fuel were dug from the ground and transported at night to a place south of Edmonton, where they mysteriously disappeared, without any permits from any government departments, whether it was Environment or transportation or Occupational Health and Safety. The trap was definitely set to cause death or bodily harm by those who put this dangerous substance into the fuel of the Hinton service station. The administering of poison was certainly there. Perhaps the person who put it in did not administer it, but those who used the fuel certainly became poisoned. Causing bodily harm with intent: perhaps there was no intent at the time, but somebody wanted to get rid of their garbage, and they dumped it on a service station in Hinton and people became poisoned. They also caused a common nuisance causing bodily harm.

Mr. Chairman, there were many things the Attorney General's department could have found out when they did this investigation. Unfortunately, when Mr. Wenden did this investigation, he basically seemed to just compile information that was already available. So I was hoping that the Attorney General would put some more funds behind a further investigation, or public inquiry if necessary, to get to the bottom of this matter, because some of these people are nearing death and in very poor health. Many of them have lost their jobs because of poor health. They have lost their properties because they could no longer pay the bills. They've had to change their life-styles completely. The wife of one gentleman because of his poor health ended up in a mental institution. To this day these people have not been compensated in any way by anyone.

So I would hope that under vote 7, Mr. Chairman, the Attorney General would find enough funds to call for a public inquiry into the Hinton contaminated fuel.

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

MR. CHIVERS: Thank you, Mr. Chairman, and I'd like to thank the minister for allowing me to continue with some of my questions. I appreciate it very much.

At the time I concluded my previous remarks, I was asking about the minister's intentions with respect to reforms that he had discussed briefly in the estimates last year. He was contemplating or looking into some changes in the legislation regulating the young offender system in Alberta, speaking in the context of the provincial legislation, of course, and not the federal legislation. As we heard from the Member for Cypress-Redcliff earlier this evening, there have been other discussions of that topic in the Legislative Assembly. I'm wondering what the minister's intentions are in that regard and whether he has had discussions with the Solicitor General with respect to the intentions of the Solicitor General in regard to the young offender system in Alberta. I want to urge him, if he is considering initiatives in this area, that he consider the establishment of a committee to look into the matter. It seems to me, and I've made these comments previously, that a well-resourced, community-based type of program in which young offenders are closely supervised and provided with educational and therapeutic assistance is a much more cost-effective way of dealing with this problem. I would urge him to take the opportunity, if he's considering reform in this area, of consulting with people in the system.

A few other areas. There are a number of RCMP investigations that are under way at the present time with respect to a number of issues. The Aryan Nations, the Principal matter, Bench Insurance, and Nepoose are a few that come to mind. I'm wondering if there's any way in which the Attorney General can

indicate to us whether he has given the RCMP his impression as to the urgency or the expedition with which he would like these investigations to proceed. I realize, of course, that he does not have direct control with respect to these matters, but it seems to me – for example, in the Bench Insurance situation my information is that the major complainants, the victims most directly affected, have not to date been interviewed by the RCMP either personally or by telephone. It's a matter of concern to the 12 individuals that I met with after the session last week and I'm sure it's a matter of concern to the minister, so perhaps he can give us some assurances that those investigations will be proceeding expeditiously.

9:30

The Member for Cypress-Redcliff also made some comments with respect to the problems in the judicial system, the overload in the judicial system. It's clear that we're all looking for solutions to these problems, and I suppose we all have our pet theories as to what's required, whether it's that we need more courts, more policemen, more enforcement, more judges, better salaries. The one thing that is clear is that it's very important that we address the best way of allocating the scarce resources, and the Attorney General commented on that earlier. I think the one thing we all realize is that the resources are scarce and that it is necessary to ration in some fashion those resources. But one of the concerns I have is that the queuing system of rationing judicial services is not the best way of dealing with it because it deals with the ability to access the system, and of course people in the lower income ranges who are not able to access the system immediately cannot usually afford to wait and queue in line. Therefore, I think that we need to have some discussion as to the means of allocating the resources and dealing with what otherwise might be infinite demand.

The other area that I wanted to deal with is the maintenance enforcement issue. That of course was addressed by the hon. Member for Edmonton-Glengarry and responded to partially by the minister, but I wanted to refer to the fact that we do have – and I realize that some initiatives have been taken in the past year in terms of dealing with the maintenance enforcement problem, but the problem does persist. It is a problem that impacts particularly women and children, who tend to be the victims of the poverty that's induced in these circumstances. We do have high levels of default, and we do have social costs and social and economic consequences of the default. I would urge him to look – I understand that he has already examined the system in Ontario, where they have now made legislative provision for automatic deduction from income of support payments. It seems to me that that program does warrant further consideration, and perhaps the minister might be prepared to entertain the possibility of adopting some sort of a similar system in Alberta.

The advantage, of course, of the automatic deduction system is that it does mean that it's done automatically, and it doesn't entail any social stigma to people because it applies to everyone, to everybody who is the payer under a court support order. I submit that one of the arguments previously has been that automatic deductions that are applied on an ad hoc basis are perhaps undesirable because of the social stigma that attaches. The Ontario system, I submit, gets around that problem by requiring all people to engage in that process, although there is, importantly, the ability of the parties to opt out of the system, but only in a very specific situation. That situation is where they've made a deposit equivalent to four periodic payments, where the payer under the order has made a deposit equivalent to four of the periodic payments, and then the court-ordered automatic deduction is suspended until such time as there has been a default in any

payment. Of course, then the security deposit is used to pay the defaulted payment, and the automatic deductions commence at that point in time. I submit that that approach is worthy of further consideration in Alberta because this is a very serious problem, and I don't believe the steps that have been taken thus far have dealt adequately with the default problem that exists in Alberta.

A few general comments with respect to the estimates. Last year the minister extolled the virtue of what he was undertaking at that point in time, where he was converting – and I'm referring here to his speech in the estimates – part-time and temporary positions into permanent full-time positions. That certainly is an initiative that I heartily endorsed. At the time there was a total of 30 positions in one area and 29 in another area which he was converting into permanent full-time positions, for a total of 59 part-time positions that were converted to permanent full-time staff. But I see this year in the estimates that the overall summary of manpower authorization for the Department of the Attorney General is that there's been an increase in full-time equivalent employment of four positions but, at the same time, a decrease of 60 permanent full-time positions. I'm wondering if there's been a reversal in the policy of attempting to put the emphasis on full-time permanent positions rather than the part-time temporary positions.

I think that as we go through the estimates, I'd like to look in particular at vote 1, Departmental Support Services. I'm referring here to the big book on the estimates, in which in vote 1 under Object of Expenditure there is an increase of 48.1 percent under the heading Purchase of Capital Assets. I'm just wondering what that item refers to. That seems like quite an increase in capital assets, nearly a 50 percent increase.

With respect to vote 2, here I note that there's been a reduction of 18 permanent full-time positions. This is in the Court Services area, and I'm wondering in what section those reductions took place. I also note, again in this section, that there's been a significant increase in Supplies and Services, the Object of Expenditure section dealing with Supplies and Services, where's there's been almost a 20 percent increase. I assume that services here includes the retention of professional and technical expertise services in that connection. I'm just wondering if there has been an increase in that area, in essence contracting out of services through retaining professional and technical expertise.

I see that overall vote 2 amounts to an increase of \$2,164,000. At the same time, there's a reduction of 18 permanent full-time staff, I'm just wondering how it is that the reduction in staff doesn't seem to have impacted the budget.

#### 9:40

With respect to the vote 3, Legal Services, again I'm looking at the increase in Supplies and Services, the Object of Expenditure section. There's a 55 percent increase in this section in vote 3, and I'm wondering what accounts for this increase. Is it again the retention of professional and technical expertise from outside? Is there an increase in the amount budgeted for hiring outside professional and technical expertise? If so, why is there this increase? This is the vote, of course, that includes a \$4,513,000 increase in the overall budget, but I do note that there is an increase of one permanent full-time position there.

I've already dealt with the legal aid vote, and I have a similar question with respect to vote 5, Protection and Administration of Property Rights. There are decreases, interestingly enough, in all categories here but Supplies and Services, which is increased by nearly three-quarters of a million dollars, an increase of 10.8 percent. At the same time, there's a loss of 33 full-time positions here and an increase of 12 full-time equivalent employment

positions. Here the work is carried on, as I understand it, within the departmental resources. I don't think there's any contracting of outside services there; I may be wrong. I'm wondering what accounts for the nearly \$750,000 increase in Supplies and Services in that vote.

I see that with respect to Fatality Inquiries there are no increases in staff, no decreases in staff, and that essentially the cost is very close to what it was in the previous year. I'm wondering if the government has considered the possibility that this is a program that does essentially involve outside expertise, and I'm wondering if the government has looked into or considered the possibility that there might be savings to be had by the government by making this an operation of the government and employing government staff to perform the function.

Finally, vote 7, Crimes Compensation. It may simply be that I don't understand the way it's worded in vote 7, where again there's a massive increase in Supplies and Services of 36 percent. I'm wondering what accounts for that drastic an increase. Also, under Grants, I think the answer here may be the answer that the minister has already given, that this is a demand-driven program of volume and that the 51 percent increase here may be a reference to increases in compensation awarded. It's not clear to me what the reference to grants there means. Is that a reference to compensation awards? If not, to what does it refer?

Mr. Chairman, I want to again thank the minister for his indulgence in allowing me to conclude my comments. I do appreciate it.

MR. DEPUTY CHAIRMAN: Hon. minister.

MR. ROSTAD: Thank you, Mr. Chairman. I'll attempt to answer some of the initial questions that were asked by the Member for Edmonton-Strathcona, some of which would have been answered in the context of the Member for Edmonton-Glengarry.

One of the first questions is if you're transferring out responsibilities such as native services or land comp, you should effect great savings, but what you do is you purge your previous budget of the same responsibilities and costs that would be taken out of this one so that you're comparing apples to apples. It really isn't that you're left with any money or with any people that were in fact doing those services when you transferred them out, so you're really doing the same jobs as you were before.

I think some about the legal aid have been answered. Some of my scribbles here are in different notices. The assessing of funds for civil legal aid under the Canada assistance plan, I think, has been answered. The lower interest rates on the trust accounts of lawyers, which funds go into the Law Foundation – they have agreed to pay 25 percent of that interest income towards legal aid. Of course, there has been a substantial drop even this year. In '91-92 we had \$3.4 million that came from the Law Foundation as a contribution, and our estimates for this year are \$1.8 million coming. The difference of \$1.6 million is coming from general revenue, and that will have to be flexible from one year to another, but we are committed to meeting the budget that we give legal aid no matter where the funds come from, whether it has to be general revenue or the Law Foundation. But the decrease in interest will definitely have an effect.

The transfer of the money from the Alberta General Insurance Company. I'll have to substantiate this, but I think it's just done under the auspices of the Financial Administration Act, which gives authority that when you own something outright by the government, you can accommodate the transfer of funds from one to the other under that authority. I will check that, and if it's any different than that, I'll certainly get back to you. How that money

was invested I couldn't answer right at this moment. I'll have to follow up on the question. I think the remainder of the money was left in there to keep it as a viable entity. Although there is no premium paid, as I understand it, there's income on it and there are losses to be accorded against that, and you just have to keep it alive. Why \$150,000 to \$400,000 was the balance I can't give you a specific answer on. I can give you with delight the transfer to the Treasurer of this corporation and responsibility, so perhaps at his estimates you'll have a chance to get the answer.

The tariff and volume analysis hasn't been done recently, but I would think they're around 50-50 in the sense of where that money was going to, tariff approximately half of the \$6.5 million and the volume would be about half. I may be a little off on that, but it's the best estimate that we would have at this time. I know the Legal Aid Society is analyzing those types of things so that they can come back with their budget built to have it more accurate.

As you understand, the government and the Law Foundation are partners in the sense of operating the legal aid plan in Alberta. There's an ongoing study that now has been taken over by the Legal Aid Society, which in fact has their own board of directors, to look at different delivery mechanisms, different funding mechanisms, all the things to try and make it more effective but at the same time more efficient, because there is a substantial amount of money paid to it; perhaps in the eye of the people who need the help, not enough, but they're looking at better delivery mechanisms. When we were looking at the justice initiatives and increased the volume, we were looking at, for lack of another word, maybe a storefront legal aid, where staff counsel do it. Maybe what we need is a mix of some of that and some of the private lawyer accessing the system. They're studying that. It is not being driven by us. It'll be the Legal Aid Society that does that.

### 9:50

I acknowledge in the small claims court the same. I was instrumental in bringing the amount up to where it is. When we were doing that, I was frankly looking at bringing it up to \$10,000, but there was a constitutional question as to whether we were impinging on the federal jurisdiction by bringing the Provincial Court limit up to that. I was one that was willing to nudge it and let them challenge us on it. We are currently looking at raising that limit. Looking at what we would have to do, because again, as the Member for Edmonton-Glengarry brought up, it's costly . . . [interjection] You brought it up; pardon me. It's costly to go to Queen's Bench. But if you go to this one with the higher limit, you not only get more cases, you get some more complicated cases, and you further back up the civil division of the Provincial Court. We have to look at some means of alleviating that, and maybe commissioners are an example, but we are looking at both aspects of that.

We're looking at a more co-ordinated victim program, and the impact statements are certainly a help. I'll have to answer that one after I've gone away and can think about it a little bit more and give you a little bit more information than I can give you right at the moment.

We share concerns – and actually the Member for Cypress-Redcliff expressed somewhat the same concerns as you have – with the Young Offenders Act and the discontent. There are aspects of it that are certainly better than the Juvenile Delinquents Act that it replaced, but I think it needs to be streamlined in a number of initiatives. At our interprovincial attorneys general and solicitors general meetings it is an item that's up for discussion. Although we have the provincial Act, we are under the auspices of the

federal minister, who has invaded that area with the federal Young Offenders Act. We have to work hand in hand with them; we can't just go off and change our provincial ones.

As I mentioned in question period the other day, their ministers change fairly regularly. You just get people brought up to speed – and I'm talking from representations on the provincial scene. I know we change as well, so I don't want to make it sound unkind, but you just get somebody going – and they have quite an involved process to get some changes through their system, not only their caucus but through their committee systems, et cetera – and somebody moves and you have to bring in somebody that's brand-new and get them up to speed, so it's a slow, slow process. Frankly, I think because they brought the Act in, they think it's a little better than perhaps other people think it is, and they're a little reluctant to initiate many changes in the area.

We have been able to get them to accommodate the elevation of young offenders with serious offences to adult court, finally, and a few other little concerns. We are working on that. In that context, in the answer to Cypress-Redcliff that there should be retribution or that parents should pay, that the sentences aren't often right to the crime, well, we have a system whereby we have judges and the prosecutor that I'm responsible for who will take the evidence in and will ask what we think should be the appropriate sentence in areas. If it is not the decision the judge gives, we can appeal if there are grounds for appeal. If there aren't, we can't. I'm one that definitely fosters communication and dialogue with the judiciary. That does not mean that you can phone up a judge and try and influence any particular decision they've had, but I think you can write or phone the chief judge, or the chief justice, depending on the court, and express your feelings in a particular disposition. You'll get an answer back telling you that they considered whatever they could, and their hands were bound. Frankly, I think that's one way that society's standards get to be known by the judiciary. I do caution that people don't interfere with justice, but I don't think there's anything wrong with dialoguing. I think if you focus that through the chief of each particular court, the directions and indications for sentences would be accommodated.

Crimes Compensation Board: the Member for West Yellowhead had brought up the issue of the contaminated fuel in Hinton and no assistance received. I have the greatest sympathy for the people, his constituents, that have been damaged by this contaminant, but I can assure him from the Attorney General's perspective that a full and complete review – and it had to be, frankly, a review of the information that was available from all of the agencies involved, because we are not an investigative department. The RCMP have to investigate or the environmental officers or the occupational health officers. As we mentioned at the time of the review, we have set up a mechanism now so that we won't have a problem where three different departments may shoot off on their own and that a co-ordinated activity can be had and early so that perhaps evidence that gets lost could be determined and action taken.

The RCMP as of just very recently have confirmed that the file is still open. They're still trying to determine where the tanks went, what happened. I'm sure that people have an idea. You probably have an idea. Your constituents probably have an idea of what happened. I'm sure the investigators have an idea, but you need evidence with which you can go forth and make your charges, and that is certainly still open.

In terms of the Member for Edmonton-Strathcona I can assure you that the RCMP are aware of the urgency of the investigations in Principal, which are ongoing. If you remember the Seaway/GreyMac trust cases in Ontario back in the '70s, that

frankly took years and years and years, not only of investigation but then of court. Again, you may have some evidence, but it has to be evidence, of course, that's going to be worthy of taking into court and trying to determine culpability. The same with the Aryan Nations and, frankly, the same with Bench. I have been in dialogue with the Minister of Consumer and Corporate Affairs to find out if there's any way we can advance that or shortcut it or any other avenues that can be looked at in getting the money back to the people who have either lost money or are waiting for money. The RCMP are aware of the need to move on with that.

In relation to some of the answers for the specific votes, vote 1 - and I wasn't able to answer the Member for Edmonton-Glengarry on that one. That was for EDP equipment in the Bowker Building, new programs [interjection] EDP? The computer programming and equipment. That's what vote 1 pertains to, more or less the head office, and that's what that was replacing - upgrading programs.

I had my answers here. Just one moment.

10:00

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Glengarry in the interim.

MR. DECORE: Mr. Minister, thank you for that answer. One of the observations that is made in the most recent Auditor General's report is a criticism that the government has not properly dealt with and monitored loan guarantees. Last year the government wrote off some \$200 million in bad loan guarantees. The Auditor General has called for an improvement in monitoring and action taken on loan guarantees. Now, I notice that the mandate of the ministry is: "the ministry provides legal services to the government and the various government departments." I'd like the minister to tell the Assembly what the minister is doing to improve that loan guarantees monitoring process and how the ministry is involved, how the lawyers in the ministry are involved. Will the minister present this Assembly with a list of guarantees that the lawyers in his department are presently working on in terms of action because of some default?

Thank you.

MR. DEPUTY CHAIRMAN: The hon. Attorney General.

MR. ROSTAD: Thank you, Mr. Chairman. Frankly, I don't know if I caught the member's comments as to the Auditor General's report as to whether he was commenting on the Attorney General in relation to loan guarantees. If he was, he's frankly mistaken because there was no reference. Although I agree that the mandate of the Attorney General is to provide legal advice, we do that on a solicitor/client basis. If a particular department comes forward and wishes legal advice on a particular guarantee, we give that. The client then does with that advice as they may. Information relating to that will have to be obtained from that client department. That's not trying to avoid the issue; that's just frankly the way our system works.

If I might while I'm on my feet, in terms of vote 2 there were 16 positions abolished because they'd been vacant for more than six months. They were vacant for a number of technical factors. Some were project employees and the project was finished and gone on. We weren't trying to eliminate permanent positions in an unnecessary elimination of that. The increase in Supply and Services resulted from volume increases in our costs of witnesses, jurors, supernumerary judges, bailiffs: that type of thing in vote 2.

Vote 3. I guess I answered that in relation to outside counsel when I was answering the Member for Edmonton-Glengarry, in the sense that that increase of 55 percent related to the fact that we took an estimate on what our costs of lawyers were inside or out and then special warranted it. We've done that over a period of time. This year we've tried to do our best at saying, hey, this is where we've been coming from. This is our general area, and we are going to build a fence around that and not have to special warrant it. That's why it looks to the 55 percent increase at this particular time.

In vote 5 the supplies and services are increased. Again, that's due to EDP processing services. This is the property service area. It's not buying new equipment; it's buying the contracting of the processing of our documents and that kind of stuff. Our staff do the title stuff, but there's a computer service company that runs the programs for us and that kind of stuff. With increased volume and as we get more over on to the computer system rather than the manual: the expenditure was mainly related to that. There are some other things that I can give you specifics on, but that's where the main thrust of that increase went.

Vote 7 is Crimes Compensation, and actually the Supplies and Services relates to another member on the board and just increased activity of the board. It has had in this budget year a higher activity level with more claims. That's just where that related to in the Supplies and Services.

HON. MEMBERS: Question.

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

Agreed to:

1.0.1 - Minister's Office	\$330,540
1.0.2 - Deputy Minister's Office	\$500,790
1.0.3 - Administrative Services	\$2,543,400
1.0.4 - Executive Management	\$382,340
1.0.5 - Human Resource Services	\$1,131,270
1.0.6 - Financial Services	\$2,083,280
1.0.7 - Corporate Support Services	\$421,290
1.0.8 - Systems and Information Services	\$1,601,800
1.0.9 - Internal Audit	\$413,550
Total Vote 1 - Departmental Support Services	\$9,408,260
2.1 - Court Support Services	\$10,510,740
2.2 - Court Operations - Calgary Region	\$19,354,430
2.3 - Court Operations - Edmonton Region	\$20,933,650
2.4 - Court Operations - Northern Region	\$11,731,440
2.5 - Court Operations - Southern Region	\$8,549,710
Total Vote 2 - Court Services	\$71,079,970
3.1 - Law Reform	\$404,300
3.2 - Legislative Counsel	\$1,389,100
3.3 - Civil Division	\$12,272,690
3.4 - Criminal Justice Division	\$20,567,400
3.5 - Maintenance Enforcement	\$4,606,500
Total Vote 3 - Legal Services	\$39,239,990
Total Vote 4 - Support for Legal Aid	\$22,220,000
Total Vote 5 - Protection and Administration of Property Rights	\$27,169,910
Total Vote 6 - Fatality Inquiries	\$4,339,350
Total Vote 7 - Crimes Compensation	\$1,585,600
Department Total	\$175,043,080

*10:10*

MR. ROSTAD: Mr. Chairman, I move that the votes for the Attorney General be reported.

[Motion carried]

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

[Motion carried]

[Mr. Speaker in the Chair]

MR. JONSON: Mr. Speaker, the Committee of Supply has had under consideration certain resolutions, reports as follows, and requests leave to sit again.

For the Department of the Attorney General: \$9,408,260 for Departmental Support Services, \$71,079,970 for Court Services, \$39,239,990 for Legal Services, \$22,220,000 for Support for Legal Aid, \$27,169,910 for Protection and Administration of Property Rights, \$4,339,350 for Fatality Inquiries, \$1,585,600 for Crimes Compensation.

MR. SPEAKER: Does the Assembly concur in the report and the request for leave to sit again?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

[At 10:14 p.m. the Assembly adjourned to Tuesday at 2:30 p.m.]

