

Legislative Assembly of Alberta

Title: **Monday, September 20, 1993**

8:00 p.m.

Date: 93/09/20

head: **Committee of Supply**

[Mr. Tannas in the Chair]

MR. CHAIRMAN: If the members could come to order. Good evening once again. We're in Committee of Supply. For the benefit of the people in the gallery we would indicate to you that committee stage is much less formal than the regular stage, if you can imagine that. People are allowed to take their jackets off, to bring coffee in, to engage in extremely quiet conversation with one another, and even to move around to other places.

head: **Main Estimates 1993-94**

Justice

MR. CHAIRMAN: We're going to go through the estimates of the Department of Justice. We're ready to begin then. We'll call upon the Minister of Justice to make a few comments.

MR. ROSTAD: Thank you, Mr. Chairman. It's great to be back. The Speech from the Throne emphasized the changing times in which we live and the need for government to reassess the way it conducts the business of the people. The government's commitment to fiscal responsibility, reorganization, deregulation, streamlining, and consulting with Albertans in the administration of this province will demand insightful and progressive thinking as we address the challenges facing all of us today.

As the Minister of Justice and Attorney General my challenge is to ensure equality and fairness in the administration of justice and to see that the justice system is administered both effectively and efficiently in these times of fiscal restraint. The department's '93-94 estimates total \$404 million, which represents a decrease of approximately 4.8 percent from '92-93. In the past special warrants were required for the areas of legal services, legal aid, and the Crimes Compensation Board. I'm pleased to report that in these times of shrinking resources the budgets for these three programs as well as all the others have been carefully reviewed to fulfill our fiscal obligations while ensuring that Albertans are guaranteed access to these important services.

In keeping with the government's agenda for change, I'd like to identify some of the challenges facing our department. Albertans look to the Department of Justice to provide guidance and interpretation in a changing and complex society. This role necessitates our involvement in many activities. We are responsible for law enforcement and for the prosecution of criminal offences. Our department shares in the responsibility for funding civil and criminal legal aid to those individuals who are unable to afford legal counsel. We provide correctional facilities and programs for the incarceration and rehabilitation of adult and young offenders. We provide access to civil remedies through our courts and sheriffs and provide advice and representation to all government departments in legal matters pertaining to the province's interests. We also administer the estates of deceased and dependent people and protect the assets and financial interests of children under the age of 18 years by acting as guardian of their estates. Our department is responsible for the investigation of fatalities. We enforce family maintenance payment orders ordered by the court, provide financial compensation and services to victims of violent crime, and we regulate gaming and racing throughout the province.

In keeping with our commitment of consultation with the people of Alberta, there are a number of key areas in which the public has expressed concern and which exemplify the nature of the challenges facing our department.

Family violence. Family violence will no longer be ignored by today's society. Spousal abuse and abuse of children is now recognized as a crime and an intolerable infringement of individual rights. Our department has actively participated on both national and provincial levels to deal with this social problem. We must assess how best to approach this issue in order to facilitate change in societal attitudes, our legislation, and in our support mechanisms for the victims of this violence. We are making progress in this area, but there's much to be done, and we owe it both to ourselves and our children to continue to deal with this social problem in the most effective way possible.

Youth crime. We are also increasingly concerned with youth crime. The introduction of the Young Offenders Act led to a new approach to the problem of young persons in conflict with the law. In recent years public concern has been expressed about the adequacy of our youth justice system. Much of youth crime is concentrated among a very small segment of our young people, most of whom commit property offences. It will not be advantageous to anyone to respond prematurely to this issue. We need to fully examine and understand the true nature of the problem before we take further action. I'm pleased that the feds have initiated their review of the Young Offenders Act. Indeed everyone should be prepared to offer their experiences and their thoughts on this Act. It may be that we need to improve how we respond to the repeat young offender as opposed to completely overhauling the Young Offenders Act. Young offenders nevertheless represent an increasing demand on our resources.

Aboriginals and the justice system. A continuing area of concern for us has been the overrepresentation of aboriginals in the criminal justice system. We are addressing this question. We are developing and evaluating new and innovative approaches to encourage greater involvement of native people in the administration of justice. Working with the native community, we will continue to address the more specialized needs of our aboriginal people. A great deal of the Cawsey report recommendations have been implemented, and we continue to work with the aboriginal communities to complete this work.

Court services. The courts in Alberta are available to the public both to obtain civil remedies and for hearing criminal matters. The primary challenge of the courts is to provide a system that is efficiently run yet reasonably accessible to all Albertans. This is rooted in the belief that the system of justice is an integral part of the community and must be seen as such. In recognition of this, our court services are structured in such a way that reasonable access is provided in a cost-efficient manner. In keeping with the government's commitment to reduce and eliminate the deficit, court tariff increases were implemented as of September 1 of this year. The Justice department is committed to achieving a better, fairer, more cost-effective way of doing things, and these new court tariffs will shift the burden of costs away from the general taxpayer towards a form of user-pay system.

Correctional services. Correctional services is a major component of the justice system and represents a substantial demand on public resources. A major challenge faces my department in balancing the conflicting demands placed on the corrections, where fewer staff must manage a system with static bed capacities and increasing prisoner counts. To add to this challenge, the public is demanding tougher sentences and more time served before release eligibility is considered. As part of the department's efforts to streamline operations and meet budget targets, the Strathmore

Youth Development Centre closure was announced this August. The young offenders from this facility will be housed in other youth custody facilities in southern Alberta.

Legal aid. It is a fundamental value of our society that justice be available for all. Our department's support for legal aid to the needy is based upon this principle. Because of the importance of the program to the administration of justice, legal aid appears to be well on its way to becoming entrenched as a matter of right. The Legal Aid Society has been experiencing strong and increasing demands for services over the past few years. Another challenge facing us is to support legal aid and foster cost efficiency. In this regard the department has worked closely with the legal aid board and the Law Society to establish pilot projects in Edmonton and Calgary youth court and to examine the relative benefits of providing legal aid services with staff lawyers employed by the Legal Aid Society. Through initiatives like these we hope to make legal aid available to those Albertans who need legal assistance, while controlling costs and maintaining service standards.

Maintenance enforcement. As minister responsible for the maintenance enforcement program I am particularly aware of the difficulties facing women and children in this province when court-ordered maintenance payments are not made. The maintenance enforcement program continues to grow by approximately 700 new registrations each month, and staff respond to more than a thousand telephone inquiries each day. The program now collects over \$60 million per year despite the dedicated manpower component. Our goal is to maintain program effectiveness and meet client expectations. It is important to note that the amount collected by the program far exceeds its administrative cost. Additionally, I think there's a benefit that is not always obvious: by effectively collecting maintenance payments, large numbers of families are kept off social assistance.

I'd like to emphasize that one of the most essential aspects of the quality of our life is our justice system. We are aware of the need of the government to be innovative and accountable to the people of Alberta as we strive to achieve our financial commitment. Throughout the coming year we'll continue to consult with Albertans and the justice community to develop innovative, progressive, and cost-effective improvements to our justice system.

I look forward now to questions, comments from members on both sides of the House as they relate to justice. In the event that I'm not able to answer all of the questions that are asked tonight, I undertake to answer them in writing.

Thank you.

8:10

MR. CHAIRMAN: Calgary-Buffalo.

MR. DICKSON: Thank you, Mr. Chairman. I want to commence by congratulating the hon. minister on his appointment as Minister of Justice and Attorney General. He said when he commenced his presentation that it was great to be back, and indeed the hon. member is back. He has had experience in both the Attorney General and the solicitor general portfolios in the past. I can say that it's encouraging to know we have his steady hand on the tiller at times when there is a growing gap between public expectations in government's ability to deliver. I'm pleased to hear the thoughtful perspective of the hon. minister, particularly in terms of youth crime and so on. It indicates that he does indeed have a reasonable appreciation of that and other concerns we face.

Mr. Chairman, it seems to me that there are two objectives I look for from the hon. minister's department. The first one is public safety. I think that it's his responsibility as it is all of our

responsibility to do what we can to make our communities safer and our neighbourhoods safer. The second thing is that I look to the hon. minister to take positive steps to restore public confidence in our justice system, a confidence that I think too often is lacking.

Now, before dealing with a number of specific items element by element, I also want to suggest to the hon. minister that I'd like to see more leadership in this province in terms of ADR, alternate dispute resolution. I know that, for example, there was a solicitor in Edmonton who did a great deal of work in areas of arbitration and mediation, who had prepared a report and submitted it to the Attorney General's office in the fall of 1992 talking about different ways, cost-effective ways of Albertans being able to resolve disputes and get satisfaction. I'm interested in what plans the minister and his department have to advance alternate dispute resolution in this jurisdiction.

One other comment, Mr. Chairman. I'm concerned that even though the Attorney General and solicitor general were combined in I guess November/December 1992, here we are three-quarters of a year later and we still have on the books a statute dealing with the Department of the Attorney General, a statute dealing with the department of the solicitor general. Even though the Public Service Administrative Transfers Act in regulation 13/93 may give legal authority to roll the two departments into one, I'd encourage the minister to ensure that we have the appropriate enabling legislation before us.

My other observation would be that even though the total Justice budget is really no more than I think 4 percent of the total estimates for 1993-94, I think that to Albertans Justice is seen as perhaps one of the most important departments for the reason I mentioned before: that people invest a lot of importance in full access to their court system and safer communities.

The other thing that's of interest is that this minister and his department are responsible for administering over 100 provincial statutes, so justice is an important area.

Now, Mr. Chairman, I listened with some interest on September 14 to a debate in this Legislature on Motion 202. I listened keenly as we heard from members for Calgary-Egmont, Calgary-Fish Creek, Calgary-East, as well as my colleague from Clover Bar-Fort Saskatchewan. Each of those members wanted to address crime in our communities, and while I may disagree with some of their strategies and some of their methods to make their communities safer, I think surely everybody in this Chamber agrees on the importance of making our communities safer. I have trouble reconciling that common goal, if I'm accurate and, in fact, most members in this Legislature and their constituents are more interested in safer communities - I have difficulty when I see a 4.8 decrease in this department. I have difficulty reconciling the goal of safer communities with over a \$3 million cut in corrections, almost a \$2 million cut in police support, a \$5.6 million cut in Court Services. I should say here that I'm contrasting what actually was spent in the last year with what's projected in terms of estimates. You combine those with a \$154 million cut in the allocation for the Department of Family and Social Services. I have a great deal of difficulty and I think Albertans have a great deal of difficulty reconciling those two things.

I say that when Albertans can't find work, when we create bigger and bigger holes in the social safety net, surely we're jeopardizing public safety. I encourage the minister, particularly in his discussions with his cabinet and the Premier, to point out what I think may be tragic consequences of pursuing a course of cutbacks in these absolutely critical areas.

Now, in terms of proceeding further, a couple of concerns if we look at Vote 1, Departmental Support Services. I note that there's little difference between 1992-93 actuals and the total current

estimates in some areas, but we have substantial increases in 1.0.1 and 1.0.2, the Minister's Office and Deputy Minister's Office. I am anxious for an explanation. I hope this isn't one of those cases, Mr. Chairman, where when we see cutbacks – so many Albertans think the cutbacks affect the front-line people, the people that deliver service. The people who are in the administrative, managerial end are the ones who perhaps should also be a part of any reduction and too often seem to escape that. I'm interested in the minister's clarification in that respect.

I look at 1.0.8, the reference to systems. I want to know what provision there is to accommodate a freedom of information Bill, an effective, comprehensive freedom of information Bill, and I want to know how that's provided for in here, because I don't see it.

Human Resource Services, 1.0.5: I'm interested in what accounts for the reduction. I want to know what impact that has on program development. I take the minister at his word when he says he wants to be creative and imaginative, and I'm interested in knowing whether changes in the office in the human resources sector are going to in some way limit this jurisdiction's capacity to look for creative and imaginative approaches. There's a capital asset, \$98,000. I'd like clarification. I don't know what that is.

We're dealing with the increases in court fees. I can tell you, Mr. Chairman, that an acquaintance of mine was telling me about being in court just the other day. A young man appeared at the clerk's counter, asked the clerk for particulars, wanted confirmation in terms of when next he had to appear in court – what was his next scheduled appearance? The clerk said, "I can't tell you that; you have to pay me some money," and indicated a fee needed to be paid to release that information. The young man said he didn't have the money and walked off. Now, I know what's going to happen. That young person is probably not going to appear in court on the appropriate date, a warrant is going to be issued for his arrest, law enforcement people are going to have to find this individual, serve him. It seems to me these are the kinds of impacts and consequences that may result in further costs and delays in the system, and I'm interested in knowing: what studies have been done by the department, at the minister's behest or otherwise, to determine to what extent this may restrict access?

8:20

I'm concerned, Mr. Chairman, when I hear the minister say twice – he talked about our courts being reasonably accessible to Albertans. Well, I don't know what reasonable access means. I think it's important to make the point that the court system in Alberta belongs to Albertans. It doesn't belong to lawyers; it doesn't belong to the professionals. It belongs to every Albertan. I would like to know: what studies have been done, what investigation was undertaken by the department to determine what impact these court fees are going to have? If in fact they don't have any negative effect in terms of reducing access to the court, then I'd be delighted to have that assurance. That's what I'm concerned about. I don't know, and I ask the minister for some clarification in that respect.

As was pointed out the other day, I'm also concerned that there's a range of types of proceedings in the courts that require regular filings, particularly when we're dealing with Surrogate Court matters. I'm interested in what studies have been done to determine whether that's going to restrict access to our Surrogate Court in particular.

Turning to vote 2, I know it's always tough when you've occupied the position of solicitor general to leave those responsibilities behind, because it is an exciting portfolio and I know that once you've had that position you like to take a keen interest in

what goes on with matters of the solicitor general. I hope all members in the Legislature take as keen an interest in what's being done in the area of corrections.

Now, 2.2.1. A number of years ago, Mr. Chairman, there had been a Calgary court house strategy. It was a rational, logical plan to consolidate all the court facilities, whether provincial court, Queen's Bench, Court of Appeal, Remand Centre, within a two-block area in the centre of Calgary. Land was committed and set aside for that purpose. Now, it's obvious the Calgary courthouse strategy has been scrapped, because we've seen now with the opening of the Calgary remand facility, a substantial distance from the rest of the court facilities, that there are going to be substantial hidden indirect costs. We've got a system where there are going to be more delays; there are going to be substantially more police costs in ferrying prisoners back and forth. I guess I'd like clarification from the hon. minister. He might confirm that in fact the Calgary courthouse strategy that has been developed over the last decade is no more. He might confirm what studies have been done to determine what the indirect costs will be in locating the remand facility at the other end of the city from the rest of the court facilities.

I think there's an ongoing concern – 2.1.2 – about facilities in youth court, family court. I know I've raised this in the past in debate in question period and so on. There's a concern that the facilities in youth court in particular and family court are grossly inadequate. The loss now of the two courtrooms that had been utilized in the Court of Queen's Bench building over the summer I think will compound the problem. There's a capital asset of \$524,000, which is shown on vote 2, and I'm interested in clarification in terms of what that relates to.

I'm interested in what studies have been undertaken by the department to assess the effectiveness of the use of commissioners that have been brought in and justices of the peace. I'm interested in a report from the minister on new appointments to the provincial court. In Edmonton we see cutbacks in provincial criminal court and family and youth court, and once again the same problem. These are the very courts that I understood the other day many, many members of this Assembly were anxious to see become more effective. Well, how can we in good conscience be demanding a more responsive, effective judicial system when what we're looking at here are cutbacks in the very courts, the very areas where we tend to have the substantial and burgeoning demand?

There are cutbacks in the northern region – \$671,000 – yet I and members of my caucus hear that residents in northern Alberta complain about reduced limited access to the court system. So I want to know what the minister and his department plan to ensure that northern Alberta residents' access to the courts is not going to be compromised. My question is: does this tie in with what he said before about reasonable access? That makes me uncomfortable. I think it should be universal access, not reasonable access.

When we talk about a burgeoning demand, in 1991-92 there were 58,000 actions commenced in Edmonton. That's not even including divorces. That's up from 52,000 in 1990-91. Family and youth divisions: we've got an increase to 79,000 youth cases now; it used to be 65,000. We've got civil appeals going up to 756 from 627. This is increasing demand, presumably taxes the resources. When we see the resources cut back, are we not to assume that that's going to mean cutbacks in effectiveness and in service?

With respect to legal services, I would like to know how many lawyers in private practice are currently engaged in doing contract work for the government and have been over the last year as counsel.

I see a reduction in 3.4.3, General Prosecutions. Once again, I have a great deal of difficulty reconciling that with the attitude expressed by members the other day about wanting a tougher, more effective criminal justice system.

Maintenance Enforcement, 3.5. Given the increasing demands put on the office of the director of maintenance enforcement, it seems to me this is an area where we should be beefing up our resources. I don't know how many other members in this Chamber receive the number of phone calls I do from constituents who have concerns with maintenance enforcement. Mr. Minister, it's not working well enough. I don't think it's just my constituents. I expect many, many Albertans find that maintenance enforcement isn't effective enough. I want to urge you, Mr. Minister, and ask you if you have considered: one could hire two investigators, one in Edmonton and one in Calgary, and I expect we could probably increase the recovery in this area by at least 25 to 30 percent. I don't know whether that's been investigated and the minister has come to an opposite or a contrary conclusion, but I'd like him to look at that.

Also, the minister's predecessor was of the view that we already had an automatic attachment of pay or spouse's wages because there was a garnishment provision under the Maintenance Enforcement Act. Well, what I'm interested in is: why don't we follow the process that's been used in Australia and Ontario, where there's a deduction for child support at source in the same way that income tax, unemployment insurance, and those things are paid? That doesn't solve the problem with self-employed workers, Mr. Chairman, but it would enormously simplify the process in terms of trying to recover support.

I'm also interested, and I'm asking the minister to share with me . . . I'd like to know the studies that have been done. Alberta is part of a cross-Canada task force looking at child support and family support.

I understand I am almost out of time, Mr. Chairman. Let me just touch on legal aid quickly. I refer the minister to my comments in the appropriation debate on February 5, 1993. I'll send him a copy. I made many of the points that I think still apply. I think as well that I have some comments in terms of a staff lawyer program, Mr. Chairman. It commenced with legal aid in 1990, was scheduled to finish in March of 1993 according to the 1991-92 annual report. What's the current status of that program?

I understand that I'm out of time, so hopefully I'll get back up later this evening, Mr. Chairman. Thank you.

8:30

MR. CHAIRMAN: Lethbridge-West.

MR. DUNFORD: Thank you, Mr. Chairman. I just want to make a few comments. I realize there's a long speakers' list. I'd like to start first from a personal standpoint to congratulate the Member for Wetaskiwin-Camrose for his appointment as Minister of Justice. A further note of a personal nature. I just would remind him that a lot of water has gone under the bridge since 1960 in Abbey, Saskatchewan, but I am happy that we're associated once again.

A comment that I would like to begin with is to assure the minister that constituents of mine are as concerned about young offenders as perhaps has been expressed in this House earlier and as likely will be expressed again as we go through the evening. I would like to raise my concern, I guess, using the vehicle of a letter from a constituent that we just received on the weekend. I went to the constituent's house to deal with this particular matter. If I'm allowed the liberty to just quote briefly, it says:

Dear Mr. Clint Dunford:

I recall the day you stood on my doorstep prior to the last election asking for, and receiving, my wife's and my support with your campaigning. You gave me the impression to be supportive of the family unit and this was both impressive and appreciated . . . [but the] concern I have has to do with the escalation of crime, specifically that of house breakins, by the children of our communities throughout Alberta. My brother's and friend's houses were broken into and vandalized just this summer. It seems there is no safe place to be anymore, not even in your own home! This, to me, is more than criminal. It is unacceptable. It seems that there is a consensus amongst all of the adults I have discussed this problem with that law and order is deteriorating rapidly and that, thus far, no political representative has demonstrated the leadership needed to curb the problem of escalating crime.

Now, I know you're dealing with this, Mr. Minister, and I encourage you to continue.

In my private discussions, then, with this particular constituent, after I had reminded him that the Young Offenders Act and the Criminal Code were federal jurisdiction, he went on to explain to me that he thought the problem with the province was in the administration of the penalties and sentences that came along with it, that we were just being too lenient.

I've also received in the mail from your department a notification about the young offenders alternative measures program, and I'd just like to go on record as being in support of what I read in this particular document. Again it relates to a personal matter, where as a young person, somewhat wild and free, I was in a situation where I let a motor vehicle get away on me and was involved in some property damage. This didn't end up as a police matter, basically because the aggrieved family, I guess, was not prepared to press charges. In that particular case, I was required by my father to invest some limited resources that I had in fencing material and actually then had to go and repair this particular fence of these folks. I was okay until they invited me in for tea, and it was at that point I realized that as a young offender I was being given a tremendous break here. I'm pleased to say to this House that that was probably the closest opportunity I've had to get near law enforcement. I think that my situation parallels somewhat what we're trying to achieve with the young offender alternative measures program, and I think this should be encouraged.

I have another general comment. I would assume that your department is involved in the three-year plans along with any other department of government these days. I was noticing one of the program definitions in terms of grants to municipalities. I know that I would want to take this opportunity, because I didn't have an opportunity when we were discussing the estimates of transportation. Municipalities are out there, and they're prepared to share the load in the deficit reduction that we're involved in, this plan that we have over the next four years. However, what they are asking is that if we do in fact have these three-year plans, instead of being subjected to year-to-year budgeting, we start to notify municipalities earlier and on an ongoing basis so that they can get ahead of their situation just a little bit better.

No real questions or concerns in the horse racing area, but I just wanted to again make the comment as a personal observation that I cannot think of any other sector of societal activity where there are so many different socioeconomic strata of persons that are involved. I just might suggest, maybe somewhat lightheartedly, that it might be an excellent area in which to recruit roundtable participants and/or to do surveys. I can't think of any other institution that crosses all of these different folks so often. Certainly in the areas within Alberta they are easily accessible to us.

Program II, gaming. I've been watching with some uneasiness the increase in gaming activities within our province. I was part of a citizens' advisory committee, as we were called, that looked into gaming activities in, I believe, 1977 and '78. At the time the main concern that we were having was how much more freedom we should allow for casino licences. Then, of course, we started looking into some of the other aspects of gaming at the same particular time. I don't have any notes or any documents left from that particular exercise I was involved in, but my recollection is that at that time gaming in Alberta totaled a paltry sum in today's terms of about \$45 million. I would just want to feel comforted, I guess, by the activities of the Department of Justice, in that as gaming continues to increase within our province, we are observing, monitoring, and enforcing the situation with the due care and attention that I think it deserves.

I wouldn't normally speak on the loosening of any gaming activity rules. It would be my hope, however, that within this context that I've been talking about, the ability for a ladies' church group to raffle off a quilt or something like that has been made somewhat easier than what it might have been a number of years ago, when they were required to get a gaming licence.

8:40

The only specific question I might have, looking at the elements now, is under 3.5.1, which is the Maintenance Enforcement Office. I notice there that there's a decrease in the budgeted amount. Of course, I would want to approve of that direction, but I'm hopeful that you could answer that the reason there will be less money expended in this area is that men, particularly in this province, have now started to be more responsible in their payment of the maintenance support which courts have found them responsible for. I had a number of women that both came to me during the election campaign and have come to me since talking about their dealings with maintenance enforcement, and they really feel like the deck is stacked against them. In the cases that were brought to my attention, they felt that not only were they the victim, but they were also being further victimized by the process. So I would hope there would be some concentration in that area.

With those remarks, again congratulations to the Member for Wetaskiwin-Camrose, and thank you very much.

MR. DECORE: Mr. Chairman, I want to start by acknowledging the fact that the minister we're dealing with tonight is one of the ministers that I quite enjoy working with because he's punctual in returning his telephone calls and he's punctual in providing information to me and members of our caucus. That's very much appreciated.

Mr. Chairman, when I started practising law a number of years ago, in a class of 36 that I graduated in, I think there were three women in our class. For a number of years women were not in great numbers in terms of graduating from the University of Alberta. I noticed about 10 or 12 years ago a most extraordinary occurrence. Arriving at chambers, where perhaps 30 or 40 lawyers were assembling to make applications before a chambers judge, there were a number of women lawyers amongst the lawyers present. When the judge came in, he looked around at the assembly and he said, "Good morning, gentlemen." There was no doubt in my mind that this particular judge had a very deep bias about women being in the legal profession.

Now, one would think that there would be incredible improvement from the situation 10 or 15 years ago, but there hasn't been that kind of improvement. There have been a number of surveys done, and I hope my learned friend is aware of these surveys. The first survey was done by our own Law Society of Alberta,

which is entitled Women and the Legal Profession in Alberta. The second survey is one which is headed by a task force chaired by the former Supreme Court justice Bertha Wilson. Now, the statistics from the Alberta survey are alarming. Let me just read some of those statistics for the record, Mr. Chairman. It indicates that women in the legal profession until 1975 accounted for just under 10 percent of the total. By 1983 there were 25 percent of those that were part of the profession that were called to the bar. In 1991 38 percent of the people called to the bar were women. In 1991 of the 5,107 members of the bar when the survey was done, 20.3 percent were women.

Our survey, the survey done by the Law Society of Alberta, was done in April 1991. Sixty-two percent of the women that were surveyed responded, and 47 percent of the men that were surveyed responded. Here's the alarming statistic, Mr. Minister. Almost all the women - that is, 62 percent of the women that were the respondents - and almost all the men in the survey acknowledged that some form of bias existed towards women in the legal profession. The survey found that there was discrimination in hiring. The survey found that there was discrimination in remuneration. The survey found that there was discrimination in advancement. The survey found that there was substantial evidence of sexual harassment. The survey found that, in terms of judicial attitudes toward women, 55 percent of the women identified judges' attitudes to females as being discriminatory.

Now, Mr. Chairman, I would like to put the following questions to my learned friend. I would like to ask the minister whether he has fully reviewed the Alberta survey and fully reviewed the survey done by the committee chaired by Bertha Wilson. That task force took two years in amassing its data and coming forward with its recommendations.

The second matter that I want to question is whether or not the minister is fully cognizant of all of the recommendations that have come out of the Canadian task force and what action, if any, he has taken in dealing with the Law Society of Alberta or the Canadian Bar, Alberta branch, in seeking from them advice as to what should be done and what action, in fact, the minister himself has taken. I'm interested in knowing the action that the minister has taken in his own department. I'm interested in knowing what action the minister has taken with respect to the two law schools in Alberta. I'm interested in knowing the minister's position with respect to the issue of allowing students into the law schools. It would appear that the law school in Calgary has a better attitude than the U of A towards both sexes' being allowed into the law school.

I would like to ask the minister what meetings he has had with the chief judge of the Provincial Court and the chief justice of the Court of Queen's Bench in dealing with the issue of judicial attitudes, the alarming statistics that women identify that judges' attitudes towards females are a form of discrimination. Fifty-five percent believed that there was a form of discrimination. If the minister has had these meetings with the chief justice and the chief judge, what action has the minister taken to set up a system of ensuring that judges are properly taught, properly educated, properly sensitized to the issue of women in the legal profession?

Mr. Chairman, the task force that Bertha Wilson headed up came forward with 250 recommendations. Those recommendations deal with the private sector. They deal with the government, the public sector, the hiring of lawyers in the public sector and the private sector, of judges. I'm wondering what recommendations the minister has embodied in a plan that he has put into place. I would like to know if there is a plan. I would like to know the timetable for the plan. I would like to know what we can expect a year from now and two years from now and five years from now

in terms of that plan, and if there isn't a plan, when we will see a plan. I want to know if the minister thinks that all of the recommendations that are set out in the Bertha Wilson task force are reasonable, manageable, and whether he can ensure that those recommendations are brought into the Alberta system.

[Mr. Clegg in the Chair]

Mr. Chairman, this is an issue that must be dealt with. This is an issue that must be worked at. This is an issue that education forms a big part of, and I look forward to the minister's comments in that regard.

8:50

The second issue that I wish to pursue with the minister is the issue of insurance or tort law, civil law, and, more specifically, no-fault insurance. Not very long ago the government set up a task force which was headed up by the now hon. Minister of Energy to look at the issue of insurance, tort matters concerning the courts. Mr. Minister, I'm curious to know where that report is. I haven't seen it. Are you prepared to table that report and show Albertans exactly what was discovered? I would be interested in knowing, Mr. Minister, what the costs were to Albertans to finalize that report, how much moneys were paid to the three members of the task force, to each individual member. I would like to know the moneys that were paid to support staff, and I would like to know if the minister has accepted all of the recommendations of that task force. I would be interested, Mr. Minister, in hearing from you today as to whether or not the recommendations are complementary or at variance with the conclusions drawn by the Wachowich review in the same area.

Mr. Chairman, there is a serious problem in the courts in Alberta, a problem in terms of delay. Matters can't be dealt with, particularly if they're legal matters that require a lot of court time. It's difficult to get that court time. There are problems with some people not being able to pay for the legal expenses. I wonder if the minister could give us his notions, his recommendations as to how the system can be improved, for example, in the area of no-fault. Most lawyers seem to reject the idea of no-fault for our province, but lawyers who litigate in our courts say that laws should be changed so as to allow courts to impose structured settlements. I would like to know if the minister agrees with the concept of structured settlements and whether he is prepared to legislate the necessary action to allow courts to in fact impose structured settlements. I'm particularly interested in knowing what sort of time delays Alberta litigants are facing and how those time delays compare with other provinces, what actions have been taken in the last few years, and what additional actions the minister will take to speed up the process even more. How, Mr. Minister, do we make it possible for people who cannot afford the expense of legal actions to get their matters before the judges of our province and have resolutions to their problems brought forward more quickly?

Well, Mr. Chairman, I'll end with those two issues that I think are extremely interesting for Albertans, and I look forward to the minister's response on those two matters.

Thank you, sir.

MR. DEPUTY CHAIRMAN: The hon. Member for Calgary-Mountain View.

MR. HLADY: Thank you, Mr. Chairman. Ready to go. I have a few questions for the Minister of Justice. A couple of things, I think, are the different levels of our offenders, everything from

our serious problems down to our young offenders, and they've cost our society in many, many ways. We've always had this problem of what the actual cost is and how we can take that cost and bring it around so that they're paying back to society their actual cost and the debt they have incurred to society. I think this is a serious concern that most Albertans would like to have answered, and they wonder how it can be done and how we can possibly implement this into a scheme to make it effective.

Looking under program 8 under Institutional Services, we have a cost of \$86 million for the '93-94 estimates. I'm wondering how many offenders we are taking care of in all our institutions here in Alberta at this time and how it breaks down on a cost per inmate or young offender. I think those are concerns that if we bring them out publicly to Albertans, they would have a better understanding, and they would possibly be more vocal in regards to creating a system so that we can bring out a debt being paid to society by an individual and get them back so that they are paying for all their debts. I was wondering if the minister possibly has some ideas in regards to paying back their debt to society.

Thank you.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Chairman. I'd like to say to the Minister of Justice that I know he is dedicated to doing the right thing in criminal justice and corrections, and as will be obvious from my line of comments and questions, he'll know that I'm here to help him accomplish that task.

My first comments have to do with just an overall question about the reduction of the 141 and a half full-time equivalent positions. Where exactly were these positions cut from, Mr. Minister? I certainly hope that they weren't taken from community corrections. As we know, caseloads are now up in community corrections offices to around 130 per probation officer. In comparison, the average in British Columbia is about 75. I'm aware of the elimination in local probation offices of CCAs, community corrections administrators, who now have been replaced with senior probation officers who have the dual responsibility of both administration in the office and maintaining a caseload. I'm wondering if the minister is having any studies done in terms of both the case reporting requirement and also the impact on the casework that is done by these senior probation officers.

Moving from that, though, into the specific programs, I guess I'd like to start just by making some comments on program 3, Legal Services. The criminal justice division has undergone a reduction of some \$946,000 this year. I wonder if the minister can tell us how many full-time Crown prosecutors there are now, how many there were last year, what their average caseload they carry into court is, and how this compares to other jurisdictions in Canada. I'm also interested in the rate of growth and the usage of ad hoc or part-time Crown prosecutors. In particular, Mr. Minister, there's a lack of any specialization for youth, and as we've already heard, there's a generalized concern about young offenders. I'd like to know why the Crown does not offer specialized Crown counsel, particularly in Edmonton and jurisdiction, dealing with young offenders' prosecutions. After all, every other major player in criminal justice has done that. It's about time, I think, that the Crown caught up.

Also under Legal Services, I notice that no reference to public legal education is made, and that surprises me. I'd like to know how this budget of this department supports public legal education, particularly in light of the cutbacks forced on the Alberta

Law Foundation as a result of 25 percent of their discretionary income being diverted to legal aid.

This brings me to program 4. There has been a reduction this year of \$2.6 million. In fact, this seems to be a proud reduction that was highlighted in the budget update tabled by the Treasurer. I'd like to know exactly where this cut will be made up, where we'll see a reduction in services. As we all know, demand is growing for legal aid, not shrinking. Civil disbursement costs are up due to the government's own policies, and we also know about the burgeoning youth court caseloads. In addition, Mr. Minister, I'm interested in knowing when legal aid will be appropriately available to those undergoing correctional law appeals, particularly in reference to those dealing with a loss of freedom, where currently it's very hard to get adequate legal aid representation.

9:00

I'd like to just go back to program 1 for a minute, and the reason why I'm going back is because as I was going through the estimates, I was hoping to find some specific reference to aboriginal initiatives, and I didn't, Mr. Chairman. I'd like to ask the minister how much is being spent on aboriginal programs. Where does the department specifically address concerns to aboriginals? Where do the recommendations from the task force on the impact of the justice system on the aboriginal Metis people of Alberta stand? What's become of the consultation on the report that was co-ordinated by Gordon Greig? How much money has been spent to implement the changes called for in both that consultation and in the Cawsey report itself? Furthermore, have priorities related to aboriginals' concerns been identified, and, if so, what are those priorities and what are their budget implications? I'd also like to know how many FTEs, full-time equivalents, are specifically dedicated to dealing with aboriginal concerns. Finally under program 1, where will we find the amount of money that is being spent on program research and evaluation, particularly outcome evaluation?

Dealing with an area of primary concern to many – program 8, Correctional Services – I note that there has been a reduction of over \$345,000 allocated to both departmental and Purchased Community Services. Now, as most people will say, this is where the best corrections happen. The minister is well aware of the importance of the counseling, the psychiatric, the life skills and programming, anger management, addictions counseling services, et cetera, and I'd like to know what justification there is for cutting these programs and services back. Proper community corrections allows for the secure, supervised, and conditional release of offenders from institutions back to their home communities. It also allows for the supervision of the majority of offenders who are sentenced to noncustodial dispositions in the first place. This area needs more resources, not fewer. Why, Mr. Minister, were not more funds transferred from the institutional side? Has there been a cost/benefit analysis based on recidivism done to demonstrate the most efficient correctional programs?

I'd also like to question the cuts in contracts with several community agencies, most of whom have been partners with the government of Alberta for decades. These cuts are now threatening their very viability. This is dangerous because it may result in fewer offenders being adequately managed in the community, more being released not fully prepared for community living, and very expensive in the final analysis because it costs far more to warehouse someone in a jail than it does to place them in a halfway house.

Now, I would like to commend the minister for the work that his department has done in running probably the most successful temporary absence and fine options program in the country, but

more work still remains to be done there. In particular I make reference to the fine options program and the difficulty that women have, particularly single-parent women have of accessing fine options. What provisions has the department made to assist women who have no child care alternatives available to them and therefore are unable to participate fully in fine options programming and who many times find themselves serving default time instead?

I'd also like to question the minister in regard to the status of the institutional exchange of service agreement with the federal government. How many federal offenders are now being housed in provincial facilities, where exactly are they being housed, and what is the current rate of pay that the provincial Treasury is getting to house these offenders? How much profit is there in this institutional exchange of service agreement?

As well, I have similar questions about the community corrections ESA. What is the current caseload mix, and how does this factor with the elimination of CCAs and the increase in caseloads? What is the rate currently recovered from the federal government for these community corrections clients, and how does this rate differ from that paid to community agencies? If there is a difference, I'd be curious in the justification for that.

What specific resources have been allocated to successful and cost-effective custody diversion programs for youth not yet convicted? We know that the Edmonton Young Offender Centre has basically been taking money out of one pocket to put into the other to keep that program afloat. Has the department made a commitment to it?

What provision has been made to pay for the extended health costs of parolees now that they are no longer defined as inmates and these costs will no longer be picked up by the federal government?

Under program 9, Law Enforcement, I note that there is a reduction of \$1.9 million. How was this achieved seeing as most of this cost is made up of fixed grants based on RCMP contracts? What has been given up? How much is currently dedicated to crime prevention, program evaluation, and implementation of recommendations from such sources as the Edmonton Mayor's Task Force on Safer Cities? How much of the \$100,500 spent on administering the victims' program assistance fund has been spent on follow-up to ensure that the value and the quality of these programs is maintained? Why is there no ongoing funding on a permanent basis for these victim assistance programs? Why is it all dependent on that fund? What resources are available to local governments wishing to pursue crime prevention through social development? Is your department in a position to help a local government establish such initiatives? Mr. Chairman, I'd also like to know whether the ministry has eliminated the position of manager solely responsible for crime prevention programming, and if so, why? Further, where is the funding to implement all the various task force recommendations that have come out of the cities of Calgary and Edmonton?

Dealing with program 11, the Alberta Gaming Commission, Mr. Chairman, I'm curious as to whether any thought has been given to paring back the role of the Gaming Commission itself and relying more on volunteer groups. It seems to me that these volunteer groups should have more responsibility for the resolution of disputes and the granting of gaming licences and how those gaming proceeds will be spent. After all, these groups have the expertise. They've raised the money, they know the needs of their communities, and they have the best sensitivity as to what are the real concerns related to fund-raising in the not-for-profit sector and the disbursement of those proceeds.

I'll end my initial questions there, Mr. Chairman. I hope that I'll have a chance to stand again, but I would like to give the minister adequate time to respond.

Thank you.

MR. DEPUTY CHAIRMAN: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Chairman. I have several questions that are varying in their nature. What I'd like to start off with is a quick question on the Alberta Racing Commission. I notice in your estimates that there is an operating expenditure of around 7 and a half million dollars. I also notice that there's no corresponding income from the Alberta Racing Commission. I was wondering exactly whether or not the government does get income from the Racing Commission, or how it is funded. If you could explain that, that would be nice.

I have one other question on the Gaming Commission, and this actually, I must apologize, is a continuation of the question that I asked at the SP committee. At that time I had discussed the sale of Nevada tickets, or pull tickets as they're commonly called by bingo associations. The answer came back that only charities can sell them on their own premises, either owned or rented. This seems a little strange to me considering that the bingo associations have to be made up of charities. The charities join and call themselves a bingo association, and subsequently because of this do not qualify for another potential source of income. I would like you to continue on with that answer.

I have one other point that is somewhat slightly different. I would like to read a couple of statistics to you. In 1992 the Calgary police child abuse unit responded to 447 calls of suspected child abuse, sexual abuse. In 1992 the Edmonton Police Service responded to 436 calls of suspected child abuse. A report in 1984 by the Badgely commission estimated that 1 in 4 girls and 1 in 10 boys have experienced sexual abuse before the age of 18.

I realize that a lot of your mandate is dealing with offenders after they have actually committed an offence against the law. The question that I have – and this is a question that we deal with daily in my real life of being a doctor – is whether or not education can be put forward through your department to try and stop things such as child abuse. It's well known that basically information and education is one of the best if not the only way to combat this extremely serious crime. A lot of your department is aimed at treating the offence once the offence has occurred. I'm wondering if the mandate of your department should be changed more to preventing the offence before it happens, and I use only one example of the child sexual abuse to bring that point forward.

Thank you.

9:10

MR. DEPUTY CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Chairman. Like my leader I also want to congratulate our Justice minister on his appointment and also acknowledge once again that he's a gentleman that I have a great deal of respect for, and I say that with all sincerity.

I'd like to carry on with the same philosophy that I spoke of on the young offenders motion that was before this House but approach it from a perspective of safe communities, which I believe every member in this Legislature desires for every community in the province of Alberta.

I have the fortune, as I'd indicated, of having the provincial correctional centre in my backyard. I notice within the summary of elements that we're looking at a reduction for the Fort Saskatchewan Correctional Centre. This is of concern to me in light of the fact that we saw the transfer of federal prisoners from the Belmont to the Fort. I have some questions, Mr. Minister. With regards to the fact that this is an arrangement between the federal and provincial governments, have there been any federal funds transferred to the budget of the Fort Saskatchewan Correctional Centre to ensure that with the increased responsibility this provincial centre has undertaken, the community of Fort Saskatchewan and district will indeed be secure in light of the fact that these inmates are transported backwards and forwards to the city of Edmonton?

It has also come to my attention that some of these inmates indeed have their own cars, and they drive backwards and forwards to the city of Edmonton, one would assume. The other assumption, and I think it's a correct assumption, is that there has been an increased responsibility to the RCMP detachment that serves that part of my constituency.

Another concern my constituents have that I also share is that we've looked at an increased usage of part-time correctional officers within the centre. It's my understanding, Mr. Minister, that the part-time correctional officers do not have the same training as the full-time correctional officers, and this is indeed of grave concern. In fact, it's been brought to my attention that out of three staff members in one unit only one would have the full correctional officer's training.

What guarantee as well since this change from Belmont to the Fort is there with regards to contraband being brought back into the Fort Saskatchewan Correctional Centre, once again increasing an ongoing problem?

Moving from there into the young offenders area, I want to once again – and I'm glad to hear that the Member for Bow Valley, I believe, shares my concern that so often we're trying to take care of the problem after the fact. I had drawn to the House's attention that a very effective program is Counterpoint House, where, on an ongoing basis they take eight young sex offenders at a time. They have a clinical treatment program that for the past number of years would appear to have very successful outcomes. I'm asking the question: why once again are we seeing a reduced budget for these areas? In fact, these programs don't have any benchmarks or outcome measurements attached to them. So I'm asking the minister: please, I think we have to consider, if we're going to have safe communities, that the young offender who has been himself a victim is indeed taken care of within the provincial system. If we don't do that, no female is going to be safe in the ongoing years that we see these young sex offenders going back into the community. Within our educational system here in Edmonton we have young sex offenders having a one-on-one staff person ensuring that the young females within our school systems are not going to be offended by this person. I would suggest that that's a more costly way of dealing with a serious problem within society, yet no end result or outcome will be positive. In fact, we know that that young man when he goes into the community without that supervision will indeed offend.

When I also look within 1.0.5, Human Resource Services, reduction of \$240,000, I have to ask the question: is this where the training for our correctional staff is budgeted? If it is, why once again is an area being reduced where we need the professional correctional officer, whether it be in Belmont or in Fort Saskatchewan or any other correctional facility? I think that's once again being penny-wise and pound-foolish.

Moving on, I acknowledge that this minister has had foresight when communities come forward with innovative ideas. Whether it's community watch or Crime Stoppers, you have been very supportive of it. In fact, indeed I can remember you supporting the Jailhouse Rock party at the new correctional centre, which raised significant dollars for Crime Stoppers. So I'm puzzled why, if we're wanting safe communities – looking at 9.2.2 – Innovative Policing Subsidy has been cut substantially. That isn't what I'm hearing from Albertans. That's not what I'm hearing from within my constituency. They want to live in safe communities, and they want us to be responsible legislators by redirecting money into the areas that will make sure that our communities are secure.

Mr. Minister, I also would like an answer to the – it would appear it's a capital investment under 6.0.3, Medical Examiner, Head Office. What is that \$164,800? Why indeed is it being spent at this time when we're substantially reducing these programs?

Before I close, Mr. Minister, I would urge you. Six months into a program year and the young sex offenders program we're looking at a 10 percent reduction, which results in 20 percent. That same program ran a deficit of \$20,000 last year. So the reality is that I would think Alberta Hospital Edmonton is going to be hard pressed to continue that program. That program could be repeated at least three times in the Edmonton-northern Alberta area, far less losing the one on an ongoing basis. So I urge the minister: please take seriously these programs and ensure that we have the appropriate programs in place so that Albertans can live in safe communities.

Mr. Chairman, thank you.

9:20

MR. DEPUTY CHAIRMAN: Thank you.

The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Yes, thank you. I note with interest the cost spent on our young offenders, over \$14 million, which excludes the cost of legal aid. I'm wondering what is being done to rehabilitate these kids so that they don't reoffend the second time. There are so many community resources out there for both the parents and the children that would not be a cost to the department. I'm wondering if there is a way that we can funnel this information down to the people in the young offenders.

Mr. Minister, with respect to Alberta's legal aid system, I understand the Legal Aid Society is establishing a staff counsel pilot project for young offenders, and I'm wondering if you could please explain why and how this project will be operating. That's my first question. My other one has to do with maintenance enforcement. The results of the maintenance enforcement program are often evaluated in the context of how well the program is able to effect recoveries from the debtors. In that regard have we been examining any innovative ways to collect money from debtors?

That's all. I just have these two questions that I'd like to be answered. Thank you.

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

MR. DICKSON: Thank you, Mr. Chairman. When I spoke before, I didn't have an opportunity to address the question of law enforcement, so I wanted to pick up and deal with vote 9. I have a particular concern with respect to police as witness in matters before courts, whether Provincial Court or Court of Queen's Bench and so on. My concern is derived from a couple of sources.

Firstly, Mr. Minister, I had some correspondence with your predecessor with respect to a report that came out of the Northern Alberta Development Council. The report was entitled Policing in Northern Alberta. When I'd written to your predecessor, he had responded on January 27, 1993, indicating he was in the process of obtaining input from municipalities with respect to restructuring the municipal police assistance grant specifically to reflect and respond to concerns raised by the Northern Alberta Development Council. Presumably that input has now been obtained, so I'd like confirmation of that.

Secondly, Mr. Minister, what is your proposal now? What do you plan on doing with respect to those specific recommendations?

I should back up and say that my reference to the Northern Alberta Development Council study was something broader, but getting back to police as witness, I note that RCMP K Division did a recent study on time of police officers in court to testify, and what they found was that 60 percent of their officers do not testify when they appear in court as required by process. In the city of Edmonton their observation and finding was that 70 percent of those police officers do not testify.

Now, Mr. Minister, I take it you're aware of a city of Calgary initiative. There was a Calgary Police Service value-for-money audit undertaken July 7, 1993. I'm particularly concerned when I review this report, and the reason is that in 1992 constables with the Calgary Police Service accrued over \$3 million in overtime – \$3 million. I'm further concerned when I read – and this is part of the value-for-money audit that had been undertaken by the city of Calgary Police Service – and I quote:

It is a common belief in the Police Service that court appearances are a way to make extra money. Indeed a constable need not invest much off-duty time to receive significant benefits in the way of extra time off or extra pay. Supervisors are well aware of the benefits as well. One sergeant indicated he had [been assigning] constables to traffic detail so that they could increase their appearances in court because sometimes a constable "needs the money".

Now, at a time of increasing demands being put upon the criminal justice system overall, I'm concerned about whether we're making the most effective and efficient use of police in courtrooms as witnesses. In this report, Mr. Minister, there is specific focus on your agents, the agents of the Attorney General of Alberta, and the opportunity they have in terms of court scheduling and that sort of thing. So I'm most interested in terms of what your response is to this Calgary Police Service value-for-money audit that was undertaken and reported on just the summer of 1992.

Further, the VICS program, video instant capture system, a very creative project in Sherwood Park. The organization known as PAID covered part of the cost. The rest of the cost of this creative program was up to the province. I'm interested in information from you, sir, in terms of whether the province in fact has contributed the funding to allow that program to take place.

I note that your department was engaged in the Stop Thief program, a crime prevention program in association with the Alberta Motor Association. I understand there had been a \$10,000 grant for start-up, and services in kind of \$10,000 were provided. I'm interested in terms of whether that's ongoing support or one-time-only support, because I think that's an initiative that ought to be supported by the province.

Now, Mr. Minister, dealing with the Crimes Compensation Board, the budget has remained the same for the past two years. I'm going to suggest to you, sir, that I believe the ceilings for compensation are too low. I think if you and other members are getting the same kind of feedback that I do, victims are concerned that they're lost sight of in this thing they call the criminal justice system. In fact, it's ironic that I think this evening on an Ameri-

can television program we have a woman from Red Deer who in fact has been victimized in quite a sensational criminal case. This woman's efforts to get some attention for the specific needs of victims I think deserve to be heard. I'm anxious to see that in this province victims aren't the afterthought of the system, that victims are focused on as an absolutely essential part of the system. They need to be better provided for.

I think one of the things that we don't have is a witness protection program in Alberta. The RCMP have a modest victim protection program. I'm interested in what studies have been done in this province to determine if something like that is feasible, to provide protection for victims who are then going to be testifying. I know it's a common problem with organized crime and street prostitution, and I'd like to know what position the department takes on that.

I'm going to invite you, Mr. Minister, to consider with the Crimes Compensation Board extending the time period to make an application from one year as is currently the case to two years so it corresponds with the Alberta Limitation of Actions statute. There is currently a limitation so that one can only be compensated for pecuniary loss. My suggestion is that's unduly restrictive. I'd like to see compensation also available for mental anguish of people who would otherwise be eligible for benefits from the Crimes Compensation Board.

My other concern is that I think the eligibility criteria for the Crimes Compensation Board are unduly restrictive. Compensation for physical disability, disfigurement, or pain and suffering are only awarded if the victim was arresting a person or preventing that person from committing a criminal offence, so basically what we've done is limited the scope of the program to police officers. I think it should be expanded, because I think there is a significant number of other Albertans who ought to be provided for in this fashion but currently are ineligible under the provisions of the Act.

Furthermore, I note, not in the same order of importance, that we have these delays in terms of the filing of annual reports, and it certainly makes it somewhat more challenging for members in this caucus to get current information.

9:30

With respect to Fatality Inquiries there is a capital investment of \$164,800 with respect to the head office for the medical examiner. Now, I had understood, obviously in error, that there had been virtually identical medical examiner facilities, Mr. Minister: one in Edmonton for northern Alberta, one in Calgary for southern Alberta. I'm interested in clarification in terms of that item in vote 6.

My colleague from Edmonton-Glenora touched on the importance of public legal education, and I also share that concern. I want to put a somewhat different complexion on the issue. I represent a densely populated, inner-city constituency. A very, very large number of new Canadians live in Calgary-Buffalo, a large number of people whose first language is not English. To the limited extent that we have done public legal education, too much of it is targeted in written format in English; the reality is that a good number of my constituents get their information from television. I wonder what role you see the department, your ministry, having in terms of public legal education, not just in terms of providing funding to members of PLENA, the Public Legal Education Network in Alberta, but also in terms of making sure that we have targeted legal information that people can receive. I say, as I've said before: my concern is that the legal system isn't the property of lawyers; the legal system is the property of every Albertan. We have to do, and you in particular, Mr. Minister, have to do everything that you can to make sure,

whether English is your first language or your third language, that our court system is available to those people in as accessible a fashion as possible.

In terms of Support for Legal Aid you referred earlier to some of my comments in the earlier 1992 appropriation debate. I just want to come back and say: I still do not understand, Mr. Minister, why we've never accessed civil funds through the Canada assistance plan. I think we are virtually the only province in Canada that still has not accessed those federal dollars that are available for civil legal aid. I think I've quibbled in the past with the people in your department in terms of how much money we're leaving on the table because we haven't subscribed to that plan. The reality is that we're not, on behalf of Alberta taxpayers, utilizing federal funds when those funds are available. I also ask you, Mr. Minister, to what extent you have built into your legal aid budget the higher costs of disbursements which flow from the new court tariff that you've implemented just a short time ago?

In terms of the Public Trustee's office we're looking at a cut of \$450,000. At the same time, if we look at the last annual report of your department – or, at least, of the Attorney General's – what we see is that the workload of the office has increased: new cases, greater complexity, more varied assets. There's a greater involvement of your office in dependent adult applications. How do we reconcile increased demand with a \$450,000 cutback?

Other members have addressed corrections at some length. Mr. Minister, there was a March 31, 1992, agreement with the Stoney Corrections Society. Articles 21 and 23 of that contract, or agreement, provided for a formal evaluation and review. Mr. Minister, I'd like to know whether that formal evaluation and review has been done, and I want to ask: has the minister received the documentation provided for under clause 15(c) of the contract between the province of Alberta and the Stoney Corrections Society? Has he received or has he requested and not received a report from the society, as was provided for?

In terms of Correctional Services, the department had announced that when the \$3-a-day wage to inmates was eliminated, there was a claim that there'd be a saving of \$1.46 million a year. What I'm asking for, Mr. Minister, is confirmation that in fact once the \$3-a-day fee was eliminated or abandoned, what then happened was that we, the taxpayers of Alberta, became responsible for the cost of a whole lot of personal effects and toiletries and so on for inmates. I'd like to know what additional costs have been picked up by the province so that we end up paying, in effect, with the right hand what was taken away with the left hand. I'd like particulars on that.

Alternative measures: I just want to reinforce what was said before. I have the greatest concern that I think the distinguished member from Lethbridge had raised the importance of alternative measures. I fully agree with him. Alternative measures are important. My concern is that in Calgary, for example, what your department has done is eliminate the four city of Calgary contract positions running alternative measures, and what you've done is put the person who is responsible for volunteers in CYOC – that person is now responsible for alternative measures. I don't see how you can possibly do that without accepting that there's going to be a substantial degradation if not virtual gutting of what I think is one of the few programs that really work.

I know there are other members that wish to speak. I'll sit down at this point.

Thank you very much.

MR. DOERKSEN: Mr. Chairman, I'd like to address a question to the minister specifically in terms of the Legal Aid section, because I think that is an agency, if you want to call it an agency,

that is useful for those people who otherwise are unable to access legal advice, and it is important in my mind. I appreciate the comments you made in your opening remarks, saying how you have addressed some of those issues, and I certainly wish you success in that area.

I want to address just a couple of questions, and the first one I have is that if I look back to the 1993 actual expenditures under Legal Aid, they come to \$28,520,000 compared to the estimates of \$28,520,000, dollar for dollar. It seems a little unusual that your actual would be equal to your estimates, and I would appreciate an explanation of that.

Under the Legal Aid figure again, I think a lot of that is based on or comes from maintenance enforcement. Again, this is where I think it's critical that we maintain these services, because we simply must expect those people who leave their families in those kinds of situations to support them and to be held accountable for that. So those are just the comments that I would have in that particular category.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Thank you.

The hon. Member for Lac La Biche-St. Paul.

9:40

MR. LANGEVIN: Thank you, Mr. Chairman. I, too, Mr. Minister of Justice, would like to pass on my congratulations on your recent appointment, and I would like also to express my appreciation for the dedication and the commitment with which you exercise your office in that ministry.

Several of my colleagues have expressed a number of issues this evening, and so have some private members from across the way. I would like to add a couple. In rural Alberta we do have in many communities some concerns with the scheduling of court days in a community. What's happening at this time is that law enforcement officers go out, and during the course of time they have to stop people for infractions, being any type of law infraction from traffic to intoxication or maybe civil disobedience or assault. All these tickets or summonses that are delivered under a certain length of time ask these people to appear in court on the same date. What happens – when I was mayor of my community we brought it up before to the Justice department – is that it's quite a financial drain on some municipalities, on private enterprise, and on the individuals, because sometimes you will see a court which is full with accused, witnesses, and law enforcement officers, and the docket is so long that the end of the day comes and maybe we've gone through 30 or 35 percent of the people who were asked to be present. The judge would stand up and say that they, you know, call it a day, "The court is adjourned, and we'll reconvene tomorrow morning at 10 o'clock." So two-thirds of the people who spent the whole day in court have to come back the next day. Hopefully they'll go through that day, but I've seen people who had to wait more than two days.

Law enforcement officers who have to do that most of the time are on overtime, because most communities like mine will hire people or contract with the federal government, with the RCMP. These officers spend their time in the field or doing their office work, and when they go to court it's on overtime and most of the time it's double time. It's very costly to the municipal government. It's also very costly to private enterprise, because some of your employees are asked to be away, and it's not just a few hours or half a day. It's sometimes two days, and if it's a key person in a certain program, it will delay the whole operation. So I would like the courts to maybe have a look at this situation. I'm not trying to say that we should impress on the judge how he's

going to deliver justice or how he's going to bring down a sentence, but I would like us to impress on the judge the scheduling of a court day. It seems to me that in private enterprise – and you see lawyers who operate with their clients on appointments. We see dentists doing the same thing. We see doctors doing the same thing. I would hope that the court in this time of restraint, where there are only so many dollars to go around would also try to co-operate and accommodate the public so that we don't have a drain on the public purse and on the private people in this province.

Another subject that I'd like to bring up, and I'm pleased to see that this evening you touched on it in your opening statement, is aboriginal justice. I'm very much for a system that would serve the aboriginal people of this province. We have in my riding of Lac La Biche-St. Paul five Indian reservations, we have two Metis settlements, and we have a large number of aboriginal people who reside in communities outside settlements or outside reserves. The system that we have now doesn't seem to serve them as well as it should. I think there's a problem with the existing system, and I think that it is time that our Department of Justice in this province had a good look at implementing a new system to deliver justice to the aboriginal. It might be a system where these people would have an input or would have some say in their own justice system. I think that if we tried some type of system like that, we should probably be able in a short while to see a great improvement in the aboriginal communities, in the way they would obey the laws, because I think that if they become part of the system, they will also see themselves committed to the system and have more respect for a system that they believe in.

So with these two subjects that I brought up, Mr. Minister, I would like you to look into them, and I will await your response on both of them.

Thank you.

MR. DEPUTY CHAIRMAN: The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Chairman. Firstly, I'd like to congratulate those people who convinced the Member for Wetaskiwin-Camrose to run again. I'm very pleased that he did, and I'd like to congratulate him for his appointment as Justice minister.

My first question relates to sections 2.5.1, 2.5.2, and 2.5.6. I'd like to know why it costs twice as much to fund court operations in Lethbridge and Red Deer as it does in Medicine Hat. There is a very large difference in budgets there, and I'd like to know why that is.

Also under section 9.4.2, Court Security and Prisoner Escorts, I can see a reduction from \$6.1 million to \$5.9 million. I would think that that reduction should be considerably more than that given that under the previous system the solicitor general was responsible for escorting prisoners to the courthouse, and the Attorney General was then responsible for the security of those people while they were in the courthouse, which seemed to be quite a duplication of manpower. So I'm wondering if under the amalgamation of solicitor general and Attorney General costs should really have not gone down even more than that in that particular category.

In terms of downsizing or rather rightsizing I'd like to hear what the minister is doing with respect to further efficiencies in terms of personnel counts and what his plans are with respect to the future. We are in year one of a four-year program, and I'd like to know what efficiencies he is planning with respect to the amalgamation of solicitor general and Attorney General.

The other question I have relates to judges' salaries, judges' benefits, expense accounts, pensions, and so on. I don't seem to find anything in these estimates that would give me any idea whatsoever that this particular category of personnel is part of the overall plan of downsizing, rightsizing, and bringing costs down. So I'd like to have maybe some warm and fuzzies that those particular categories haven't increased compared to the rest of the downsizing.

One of my constituents' pet peeves about the justice system is the tremendous cost that seems to happen in the court process, where it takes forever to take a case through the courts. One of the reasons they cite is that there seems to be a practice of stalling tactics being used by certain members of the legal profession. Court proceedings are continually adjourned and rescheduled for a variety of reasons that appear to my constituents to be nothing more than strategy or even judge-shopping. So I'd like to know if the minister sees that as a problem and what steps he is taking to make sure that the court system is more efficient by making it more difficult for our lawyers to adjourn cases.

Those are all my questions. Thank you.

MR. ROSTAD: Mr. Chairman, there may be others that want to speak. In fact, if anybody that wants to speak doesn't get to speak tonight, if you'd submit your questions in writing, although you won't be in *Hansard* in that respect, we will definitely undertake to answer them.

If I might have a chance now to run through some of these and attempt an answer, but I do want to make an observation that a lot of them were coming so fast and furious as you were trying to get through quickly that I will have to resort to *Hansard* to get some of them answered. I'll attempt to go through some of them, though, and I will also make the preliminary remark: thank you for your kind remarks in my coming back to this portfolio and my experiences before. I appreciate that.

The Member for Calgary-Buffalo started out by saying that we look for public safety as a major thing when we think of the Justice department. I agree with that, and hopefully throughout the evening as I answer questions we'll see some of the steps that we have been taking and will continue to take to, as he said, restore public confidence. I don't know that it's all gone. I think there's a lot of it there, but we certainly have to reaffirm that we are in fact listening and attempting to do that.

9:50

Running through the list, the ADR, or alternate dispute resolution. I can't recall the particular lawyer that made the submission, but I do recall that a submission was made, and we work really hard actually to look for alternate dispute resolution mechanisms. In fact, we've encouraged people to come forward with ones that can be used. I might say frankly and without prejudice to the judiciary that some of them get a little itchy when you look at what is now their jurisdiction and you start looking at others, but I want to say in fairness that most of them also have an open mind to that.

We've worked with the Department of Family and Social Services to set up a custody mediation program, although it's in social services and not in our department. We did in fact pass the Arbitration Act in the previous administration, which assists in the ADR work. The Law Reform Institute is presently working on an ADR project. We're always willing to look at any ADR initiatives, because I concur that any of those could very much help with making the justice system if not cheaper at least facilitate handling more problems. There are still two Acts that we will definitely be

reviewing and coming along with an Act that relates to our department.

In vote 1 there was a substantial increase in the Minister's Office and the Deputy Minister's Office. In the Minister's Office if you look at the bottom line, the old office and the new office – and frankly I can give this claim to fame to the person that previously worked in that office. Instead of amalgamating the two so that you could see that in the last budget there was a minister's office for solicitor general and a minister's office for Attorney General, this year's estimates has one. They were related in last year's estimates in two. There is a saving of, I think, about \$43,000 in round numbers in the office, and that relates directly.

In the Deputy Minister's Office again there is a decrease by merging the two. There are also some vacant positions in there that are still in the budget because they haven't been abolished, but they haven't been filled and won't be filled. In fact, the expenditure will be less. If I recall the figures, it was \$729,000 last year. It came down to \$500,000 and some in the estimates of this year, and in fact that estimate is high because there are some vacant positions that will be eliminated.

The Calgary courthouse strategy is frankly still alive. It comes down to one thing, and that's my colleague to my left, Public Works, Supply and Services, getting the money to build the new facilities through the budget, and at a time of restraint capital expenditures are very, very difficult to come by. It's their priority in getting that, and we still would like to go with that. It is not in this year's budget, so I would not like to hold that out, but it's still a priority with us.

The family court facilities. We continue to upgrade and even address the safety concerns of the judges and sometimes even the clientele in that facility. It's piecemeal, because frankly that's part of the overall strategy. We did have two courtrooms in the Queen's Bench, but what we have got in the capital project is to build in the old remand centre four new courtrooms to accommodate some of the pressure that was seen.

The new remand location. It's better to have these facilities outside of the downtown area is the experience. Frankly I admit from my personal view that I have not done a cost/benefit analysis, but the project is built and open, and we're having to live with that. I do recall previously visiting a location in the United States to see their video arraignment procedures. You don't have to transport the prisoners back and forth. This can frankly be done from the facility. We're looking very seriously at that. Of course the American procedure is a little different than ours, but it can be innovated on that.

Vote 3, outside counsel: frankly I can't tell you exactly how many we've got hired on outside counsel. I can tell you that the dollars spent on outside counsel have dropped from \$7 million-plus to around \$1 million. So a substantial amount of work has been absorbed in-house, and of course some of the cases that took a lot of our dollars before have not gone on, such as in the free trade area.

Legal Services hasn't decreased. Actually in the total Legal Services, which includes the Legislative Counsel, the civil law, and the criminal law, three lawyers' positions were abolished through early retirement, but that has not affected our service.

Maintenance Enforcement: a number of people brought that up. It's a continuing problem, I guess, to put it bluntly: having enough resources to in fact have effective collections, which not only helps the spouse and gets them off welfare and prevents them from going on welfare, but it also helps the public purse in the sense that there's a significant amount of money that is recovered that has been spent on these people through social services. We are approaching my colleague the Treasurer to get, in effect, a net

budgeting perspective so that we can increase the number of people on the basis that we will collect more and have a net reward. All in all, that would help.

In our legal aid area – I'm sorry, I wrote that in shorthand here, and I can't recall what the issue was. I'll go on to another one and come back to that if it comes up in another area.

Lethbridge-West brought up Maintenance Enforcement, whether the decrease is because men are more responsible and paying more. Unfortunately, I can't say that. The decrease was through the voluntary early retirement program, and as I mentioned earlier, we're looking with the Treasurer at a way of having net budgeting so that we can produce more money for less cost. His other issue I think we can answer in another.

Edmonton-Glengarry went through the female lawyers and how many more of them are coming into our system, which is delightful – in fact, I think now that the majority of the graduating class is female – and the surveys that were done by the Law Society and the CBA. In fact there was one also done by the ministers of justice/Attorneys General in the federal/provincial context. These have been received and are being analyzed by our department certainly from our own context in terms of employing and having females progress through the system and being recognized. At this stage of course the one by Bertha Wilson, past justice of the Supreme Court, for the CBA has only been received. In fact, when I was at the Canadian Bar Association meeting in Quebec City, it was put forward and tabled. We are analyzing it. I have read the Law Society one. I have not read hers in complete yet. I'm intrigued and challenged by your questions and your views as to what we can do. I know the CBA is working directly with the judiciary and bars and law societies and that. They have not come to us directly, but I will definitely take your questions and do the best to give an informed response to them.

10:00

I know that the Law Society has also received the Wilson report, the CBA report, and is working through that and also bringing that into context with their own and with a plan of attack. I hope we will be part of that one.

The no-fault insurance study was in fact done by the then department of consumer and corporate affairs. That part of it is now transferred over to Treasury, and it would be the hon. Treasurer's report and department. I must admit that I have not seen the recommendations. I do recall that certainly the bar broadly made their representations. They did not accept that premise. I will refer that question over to the Treasurer and get his response for that.

There's no doubt that we still experience and will always have court delays. I don't think in any jurisdiction there will be an immediate hearing of any particular case. I can't tell you where we are right off the top of my head in any particular court or in comparison to other provinces, but I will certainly get that data and turn it over to you.

Calgary-Mountain View asked how offenders who owe a debt to society repay that. Well, in a broad context I guess you can pay through the fact that you're incarcerated and that, but also there are two initiatives that we have in our system. One is the fine-option program, which has been referred to by the hon. members for Edmonton-Glenora and Calgary-Buffalo, where people who can't pay their fines perform community work. I guess at \$5 an hour you'd calculate it out at about \$2.2 million of value that has been spent in the community. There's about 450,000 hours of work. Another is a community service program, which is different than the fine option, and that I think has produced in the area of about \$1 million too. So there are ways

that inmates have made significant contributions to our society. There are also people who, even while they are in security, work in camps or from young offenders centres or from correctional institutions. They go out into the community and do work, whether it might be cutting wood or working on fire breaks, that type of thing. So there are a number of initiatives that they can handle.

Edmonton-Glenora. There was a question on the reduction of 141 FTEs and where were they. Actually, in the administrative department, Vote 1, there are 12, in Court Services there were 58, in Legal Services there were 32, in the Public Trustee's office there were 11, in Correctional Services there were 18, and in Law Enforcement there were seven. There were three transfers that didn't relate to the voluntary thing, so that's where the 141 came from.

You asked: in legal aid, where is the reduction? Frankly, the reduction came through tariff cuts that were implemented by the Legal Aid Society in July of '92. This is the result of those tariff reductions.

You asked: why a cut in community corrections, often the best and most effective way, and why hasn't the institutional side lost more? Frankly, I asked that question myself, because it's a delicate balance. We're mandated to incarcerate some people in institutions where we don't have the flexibility to allow them to come out, on whatever basis, until they've spent a certain amount of time. Although we even this year cut the Strathmore facility to get a large chunk of money, frankly we are encumbered to continue to look at cutbacks in this area. It'll have to come out of the institutional arena in the forthcoming years, because we're getting very, very delicate on the agencies and the community corrections side.

There's no doubt that there's a certain threshold that once you pass, you're not as effective as a probation officer. We have to continue to watch that. Also, we have many long-standing and extremely good relationships with community groups that do an effective, efficient service for us. As we work on cutting them back, it's a delicate balance, because we do not want, in most of those areas, to cut them back so that you ruin the service, because they're a part of our system and a very, very important part. In fact, if I might refer to the Member for Clover Bar-Fort Saskatchewan and the Counterpoint program that is housed at the Alberta Hospital, that's a case in point, a specific case that I can use. We are asking them to dialogue with us because we know that this additional cut is very, very sensitive. There's no way we want to put the entire program at risk, and we want to work and have a balance with them. We're asking the administrative staff in that program to dialogue with ours, so we might have to make some adjustments from our across-the-board cuts. We want that type of sensitivity, because they are important parts of our system.

How many feds are being housed? I don't have that right now. I can get it in terms of our contract basis as well. I'll pass on to another one here so we can get some more answers.

Clover Bar-Fort Saskatchewan had some others. The medical examiner's office. Frankly – and I think it answers Calgary-Buffalo in that context as well – there is capital expenditure, and that was used for toxicology equipment that was being purchased for Calgary. Basically, we don't have a mirror office but very, very close, and they are two good facilities. All this was in the capital expenditures was getting some toxicology equipment.

I will answer the rest by writing then. What is the wish? Is that fine? Okay. I thank everybody for their actually very good questions. I will answer every one of them specifically to each member.

Thank you.

MR. DEPUTY CHAIRMAN: The hon. Minister of Labour and Deputy Government House Leader.

MR. DAY: Well, Mr. Chairman, it's been a productive night, a very impressive array of speakers on both sides addressing concerns and having them addressed. Given that and given the lateness of the hour, I would move that the committee do rise and report.

[Motion carried]

[Mr. Deputy Speaker in the Chair]

10:10

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

MR. DEPUTY SPEAKER: Thank you.
Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Opposed? Carried.

[At 10:12 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]