

Legislative Assembly of Alberta

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Subcommittee B

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7:58 p.m.

[Chairman: Mr. Tannas]

Committee of Supply: Subcommittee B Justice and Attorney General

THE CHAIRMAN: I'll call the subcommittee to order. There are a few ground rules that perhaps we should go over before we continue. It's my first occasion up here. Although we are going by the rules of the committee, it's obvious that that isn't quite possible here, because one of the rules is that you must be standing in your place and all of that kind of thing. I think what I'll do is carry a list of when people want to speak. We can go one of two ways. We can have everybody having a question or two and just keep rotating, or you can have your 20-minute speeches, if that be it. It's up to the subcommittee to decide if you would like to do that process. We can get into that in a few moments.

I wonder if we could have unanimous consent, first of all, to revert to the introduction of guests.

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

MR. DAY: Mr. Chairman, I'm delighted to introduce to the committee tonight first of all one of my sons, who has been introduced before. With him are two women who are sisters. They're visiting us from Switzerland. In my office just recently we were talking about the differences between the Swiss-style Parliament and ours. One very recent change in Switzerland is that they have just allowed women to vote in referenda and other areas, so these two women feel that we are quite enlightened in our approach. I'd like to introduce Karin Lutz and her sister Cornelia, who have come all the way from Switzerland. I'd ask that they would rise and receive the warm welcome of the committee.

THE CHAIRMAN: Welcome indeed.

So we'll sit when speaking. If you do have a point of order, I think probably the only way we can handle that one – so that I don't put you down on the list and you get even angrier – is to stand up, and then we'll recognize you. Again, without benefit of the lists of who you are, maybe one of the things that we're going to do is introduce ourselves so that *Hansard* can identify us. So if you want to start from here, my name is Don Tannas from Highwood. I'm the chairman. And so we'll go down.

MR. ZARIWNY: Al Zariwny, Edmonton-Strathcona.

MR. GERMAIN: Adam Germain, Fort McMurray.

MR. MAR: Gary Mar, Calgary-Nose Creek.

MS HALEY: Carol Haley, Three Hills-Airdrie.

MR. CARDINAL: Mike Cardinal, Athabasca-Wabasca.

MR. DAY: Stockwell Day, Red Deer-North.

THE CHAIRMAN: Just hold it for a second. Have you caught everybody on that? Okay.

MR. EVANS: Brian Evans, Banff-Cochrane, and I think I have another function here as the Minister of Justice and Attorney General.

MRS. LAING: Bonnie Laing, Calgary-Bow.

MR. WOLOSHYN: Stan Woloshyn, Stony Plain.

MR. AMERY: Moe Amery, Calgary-East.

MS HANSON: Alice Hanson, Edmonton-Highlands-Beverly.

MRS. SOETAERT: Colleen Soetaert, Spruce Grove-Sturgeon-St. Albert.

MRS. HEWES: Bettie Hewes, Edmonton-Gold Bar.

MR. BRASSARD: Roy Brassard, Olds-Didsbury, the best constituency in the world.

MR. YANKOWSKY: Julius Yankowsky, Edmonton-Beverly-Belmont.

THE CHAIRMAN: Shiraz has just sat down there. You can ask the pages to identify the members if you need to.

There won't be any bells ringing and that kind of thing during our meeting. Before asking the minister, again, would you prefer to have individual long speeches or short questions and go that way?

MR. DAY: Mr. Chairman, you not having had the benefit of the initial times around this table, it's been made clear that all regular procedures and rules apply in the subcommittee as in the committee. Therefore, members have up to 20 minutes uninterrupted to make their comments or questions.

THE CHAIRMAN: Well, thank you, Government House Leader. As well, in committee when we're in estimates, we've also gone the other way. That's why I was asking the question. You know, if people want to pass off, they can, and I guess if somebody in the middle of the list wants to talk for 20 minutes, they can.

In any event, we'll start off this evening with the Minister of Justice and Attorney General and invite people to let us know when they want on the list.

MR. EVANS: Well, thank you, Mr. Chairman and members of the committee. I presume that it's all right for me to sit. I know if we were in the Assembly, I'd be standing, but in order to accommodate the recording devices here, I think it would be much better from the ladies' point of view behind me that I sit.

THE CHAIRMAN: We said that at the outset, yes.

MR. EVANS: Okay. Good. Thank you.

I'd like to begin by introducing a couple of people who are in the gallery this evening: first of all my executive assistant, Donna Mastel, and secondly, Mr. Dennis Medwid, who is the executive director of financial services and the senior financial officer for the Department of Justice and Attorney General's office. I'm happy that both of them are here tonight, Mr. Chairman.

I'm also very happy to present the 1996-97 estimates for the Department of Justice. Our '96-97 business plan builds on a framework developed in previous plans to provide a high level of public service in a cost-effective manner. Our business plan supports all three of government's core businesses: people, prosperity, and preservation. Our social programs provide support and protection for those who need it. Maintaining law and order and building safer communities are essential for a

prosperous Alberta. Focusing our efforts on serious and violent crime helps to preserve the quality of life Albertans deserve and expect.

My department's 1996-97 gross operating expenditure estimates to be voted on total \$333.2 million, which represents a decrease of \$10.5 million from the comparable 1995-1996 estimates. This budget reduction must be viewed in the context of the significant budget reductions my department has experienced during the preceding three fiscal years. In 1992-93 my department's comparable actuals were \$412 million, indicating that by 1996-97 reductions made since 1992-93 will exceed \$78 million, or 19 percent. I should add, Mr. Chairman, that my department's '96-97 estimates also include a further amount of \$23.3 million as a statutory requirement for the motor vehicle accident claims fund. Alberta Justice has continued to exercise responsible fiscal leadership without compromising public safety or placing undue hardship on Albertans.

I want to point out a reference, and that's 1.0.3, where you will note, Mr. Chairman, that the administrative services element shows an increase of more than a million dollars, which results in program 1, departmental support services, showing an increase of more than \$1 million in total. I think that's where I should begin with explanations of the budget estimates.

The numbers shown in the estimates are net of Alberta public works transferring the responsibility for telecommunications, aircraft rental, and small projects to the department in the amount of \$1.9 million. If you take that transfer into account, the actual 1996-1997 reduction to departmental support services resources amounts to a budget reduction of \$0.8 million, or \$800,000. In fact, my department has made substantial reductions in administrative spending in recent years. When we merged the former solicitor general's and Attorney General's departments, we streamlined our administrative components considerably and at that time allocated \$5 million to the new Alberta registries. In total \$6.6 million, or almost 36 percent, has been reduced from the department's administrative budget since 1992 and '93.

Our new business plan continues the process of restructuring departmental services in a way that preserves the essential core element of the service. We will continue to streamline, refocus, and improve public service wherever possible. The mission of Alberta Justice, which has not changed from previous business plans, is to "ensure equality and fairness in the administration of justice in Alberta." The Department of Justice has five business functions: policing, prosecutions and trial, sanctions, legal services, and social programs. We've developed six goals in the business plan to correspond to these business functions. They are, firstly, "to maintain law and order in Alberta communities;" second, "to conduct criminal and civil proceedings in a fair and effective manner;" third, "to carry out the sentences of the court in a fair and effective manner;" fourth, "to provide effective legal services to the Government of Alberta;" fifth, "to provide access to social programs administered by Alberta Justice;" and sixth, "to provide access to legal aid to those persons who are eligible."

Looking at the six goals together, Mr. Chairman, it's clear that the Department of Justice has a formidable job. It's also clear that they are more than just goals of the department. The things that I've just talked about are fundamental to a fair and a just society where Albertans are safe in their communities and where families and businesses can flourish. So it's extremely important that as we introduce innovation and streamlining, we do this in a way that does not compromise essential services. We also have to carefully consider the impact of any changes on other parts of the justice system. Our business plan demonstrates our commitment to maintaining a fair and an effective justice system

that's accessible to Albertans now and in the future.

8:08

I'd like to discuss some of the strategies and the initiatives that my department will be undertaking in the coming year. A key theme of our business plan is to focus our resources on serious and violent crime. Mr. Chairman, we've developed a multifaceted strategy to better identify and manage violent offenders to ensure the safety of Albertans and to deter crime. Part of this strategy involves diverting appropriate first- and even second-time offenders away from the formal court process and putting them into adult and young offender alternate measures programs. The intent of this is to free up police and the Crown to better focus their efforts on more serious offenders.

Another facet of this strategy, Mr. Chairman, is the use of alternative sentencing mechanisms and the directing of low-risk offenders into supervised community programs. This will result in more bed space being available in correctional facilities to incarcerate more serious and violent offenders for longer periods of time. We will also be continuing our efforts to improve our response to youth crime and will be participating in a national consultation on the Young Offenders Act.

You will recall, Mr. Chairman, that an MLA task force held public consultations on the Young Offenders Act in response to public concerns about the level of youth crime. One component of the task force's work was on the administration of the Act in Alberta, and on this matter we've developed a follow-up strategy and an implementation plan. We've also consulted with other departments on their plans to implement the report's recommendations, and we'll continue to look at ways to improve the administration of the Young Offenders Act in Alberta.

Another key strategy of my department this year will be to improve access to justice. Mr. Chairman, although it is a strategy that we added to this year's business plan, it's always been a priority of the department to ensure that our justice system is accessible. All Albertans must be able to access their justice system to resolve disputes in a meaningful and lawful way and to obtain criminal and civil redress.

This year we will be introducing legislation to improve and simplify services for victims of crime. The new victims of crime Act will consolidate the victims' services program and the Crimes Compensation Board. By placing the administration of these two related programs together, we hope to improve services to victims through more closely co-ordinated efforts while at the same time reducing costs. We'll also continue to look at ways to simplify and streamline the criminal justice process. We'll be conferring with and making recommendations to the federal government with our suggestions for improving what many citizens believe to be an overly complicated process.

Mr. Chairman, my department has brought in significant innovation and streamlining over the past several years. Building on our success, we will continue in our efforts to enhance the justice system and seek more effective methods of service delivery.

The Civil Enforcement Act came into effect on January 1 of this year, and this year we'll be implementing a civil enforcement initiative which outsources the sheriff's functions to the private sector. This initiative will result in savings of up to \$1 million. Also, Mr. Chairman, we'll strengthen our partnership with the RCMP in the administration of the provincial policing agreement. We'll be working closely with the RCMP on budgeting and strategic planning issues to improve accountability and cost effectiveness as well as citizen satisfaction.

As members of the House and this committee are no doubt

aware, we've undertaken a review of correctional services efficiency. Some recommendations have been put forward, which are under careful review, and I look forward in the coming year to implementing some of these recommendations and do anticipate that considerable savings will result. We are currently reviewing the report to determine the extent of these savings.

The maintenance enforcement program provides an invaluable service to families depending on court-ordered maintenance payments, families which are often financially vulnerable. Our commitment to this program remains very strong, Mr. Chairman. We're also looking at innovation and service improvement. For example, a new initiative allows debtors to now make their maintenance payments at any financial institution in Canada. This year my department will continue to look at ways to improve our service to Alberta families.

This brings me to our next strategy, which is to improve public awareness, increase community involvement, and develop partnerships. Mr. Chairman, I cannot overstate the importance of this. For the justice system to be fair and equitable, it must appropriately reflect the values of the citizens that it serves. It must be relevant, meaningful, and credible. Therefore, it's crucial to work closely with the community in the development and the delivery of programs and services. The community interest and spirit is certainly there. For example, my department assists communities in the development of youth justice committees: volunteer committees which do things like provide community input into sentencing, participate in administering alternative measures programs, and play a public education role. There are now 31 committees operating in the province, and that's more than three times as many as there were a couple of years ago. This year we'll be working closely with community groups and municipalities to maximize the use of minimum security work crews. As you know, these crews provide a valuable service to the community as well as an opportunity for restitution for offenders.

Community-based policing is a policing approach which is gaining wider acceptance and showing promising success throughout the country and indeed in the U.S. as well. As many in the House are aware, both the Edmonton Police Service and the Calgary Police Service are on the leading edge of this policing approach. My department will continue to support and work with police services to develop community-based policing in the coming year.

The disproportionate representation of aboriginal citizens in the criminal justice system continues to be a key concern for my department. We've made considerable strides in this area, but we certainly recognize that more needs to be done. Some of the First Nations have now established their own policing services, including the Blood tribe police and the Lesser Slave Lake Regional Police Service. Implementation plans are under way for several more. As well, as announced by the Minister of Family and Social Services and myself in December of '95, negotiations have begun for the development of a young offender camp for aboriginals operated by aboriginals. More details on this initiative will be available in the coming year.

Well, I've summarized just a few of the initiatives my department will be pursuing this coming year, Mr. Chairman. I hope I've given you and the committee members an understanding of the many innovative steps that our department has undertaken in the past several years while continuing to provide a high level of public service. Our new business plan demonstrates our ongoing commitment to the citizens of Alberta that we'll continue to operate their justice system in a manner that's fair, equitable, effective, and affordable. I'm certainly happy to spend the next

few hours with committee members trying to answer questions, and of course if there are any questions that I'm unable to respond to tonight, I will undertake to provide answers in writing at the earliest opportunity.

Thank you for giving me the opportunity for that overview.

THE CHAIRMAN: Okay.

The first one is the hon. Member for Fort McMurray.

MR. GERMAIN: Mr. Chairman and Mr. Minister, with your consent I'll just ask quite a rapid number of questions, and it's not necessary that you answer them in the course of the very limited time that we have to debate tonight. If you take the questions under advisement and provide written answers – some of them are detail specific and others are policy specific – I'll have no objection to that.

Let me start with the business plan, first of all. One of your key initiatives under goal 1 is "firearm control." The firearm owners in Alberta have gotten rather mixed signals from the government as to the situation this government takes on firearm control. On the one hand they hear the government taking on the federal government on firearm control, and on the other hand they hear your concerns about protecting them with proper firearm control. Those two positions seem a little bit inconsistent, and I'd be grateful if you would tell us in due course as to what amount of your budget you will spend on litigation with various government agencies at all levels on firearm control in the next year and how much you've budgeted for that.

Under your goal 2, "to conduct criminal and civil proceedings in a fair and effective manner," one of the areas of particular concern is that provincial court judges are being pulled out of jurisdictions in rural Alberta. That, of course, happened in Fort McMurray this year with the loss of a very highly respected provincial court judge. Fortunately for the government you still have his services because he is now a provincial court judge in Edmonton.

By contrast, though, we have seen an increased amount of transportation costs as commissioners and other provincial court judges are obliged to fly to Fort McMurray. So I'd be grateful if you would do an analysis for me on every courthouse in the province as to what the costs have been in transporting by long distance the number of judges and support service from their home base to the region to determine that that process really is cost efficient. I know that you understand your geography, Mr. Minister, but I want to remind you on the record that the road from Fort McMurray to Edmonton is no longer than the road from Edmonton to Fort McMurray, so you could have left alternate judges in rural Alberta and had them drive into the big cities from time to time to help out in the big cities rather than relocate them away from the community. So from a financing, budget point of view I'd be grateful if you would do that particular analysis.

8:18

Now, dealing with your third goal of carrying out "the sentences of the court in a fair and effective manner." In some isolated communities and communities that you would suspect are not isolated but are, in judicial and court services such as Fort McMurray, there are no home-based areas where intermittently sentenced females can carry out their sentences. As a result they're obliged to go to the Fort Saskatchewan correctional institution or elsewhere to handle minor sentences that could under normal circumstances be handled in the community. I'd be grateful if you would give me kind of a budget analysis of how

much your department is saving or budgets to save by virtue of the fact that you're not providing equal access to incarceration for females closer to their homes, where they can be at least visited by their families.

Now, you also have a goal of providing "effective legal services to the Government of Alberta." If you'll permit me, with the greatest of respect, Mr. Minister, to point out an observation that some Albertans have made in that the government's track record on high-profile court cases lately has not been particularly good. There was the Paddle River loss. There were several other high-profile losses. I'm wondering what performance measures you have imposed on matters dealing with what would be considered court case victories versus resources spent on the case. For example, how much of your budget have you budgeted this year to deal with what would be called high-profile cases, such as the Paddle River case, where I suspect that the costs of the litigation exceeded by a large stretch the amounts that were ultimately at stake in that particular case? How many of those high-profile, big-target cases do you budget completing this year? Of course, to be in this year's budget, the case would likely have already started. So I'm sure that your department is tracking that, and I'd be grateful to have that particular information.

Dealing with your improved access to justice. I was most favourably impressed by your comments tonight, Mr. Minister, but would have been much more favourably impressed and might even have done a little jig on the table this evening if I hadn't known that while you're talking about improving access to justice, you rejected out of hand the request by some members of the local bar in rural Alberta to have the provincial court judges become masters of the Court of Queen's Bench to provide additional services. These individuals are presently perhaps underutilized in rural Alberta. That's been the reason you've given for removing them from the communities that they are home in, yet out of Edmonton and Calgary lawyers must often travel long distances to have access to the courts for routine matters that you yourself as a fully licensed and accredited barrister and solicitor would be able to appreciate are really routine.

Mr. Minister, since we are talking about budgets, I had a request from the hon. Minister of Family and Social Services to ask you to ascertain how much indeed you have in terms of slackness in your budget that could be provided as payment to see me do a table dance.

MR. CARDINAL: I'll transfer the dollars.

MR. GERMAIN: Family and Social Services says that he's going to transfer the dollars as well.

So what I would like to deal with is to see if you have done any cost analysis or if there's any provision in your budget this year for further savings by immediately appointing some, if not all, of the judges of the Provincial Court of Alberta as what we would call local masters of the Court of Queen's Bench, where they would deal with minor interlocutory routine matters in the administration of justice. If you have rejected that matter out of hand, then you must have done a budget estimate to determine whether that would in fact be not profitable, because frankly, Mr. Minister, the perception of the bar in rural Alberta is that that would be an absolute no cost to the government, zero cost to the government, but tremendous additional service provided in rural Alberta. That is something that has to be kept in mind.

You indicate in your business plan that you will be "assessing the results of the Legal Aid Staff Counsel Pilot Project." My understanding is that that project has been assessed on an annual basis and there is an emerging trend. I wonder if you could

advise us, based on the initial assessments that you've made to date, what is the likely future of the continuation of that project and whether or not you anticipate that will save money both this year and indeed into future years.

In terms of your improving access to justice, I was astounded, Mr. Minister, and I think you will be, too, when you hear that nobody from Fort McMurray, which is one of the largest judicial districts in Alberta, applied to be a civil enforcement agent. In fact, your department has cut off the registration time and is now refusing to allow local people to be registered as civil enforcement agents, forcing in effect the local community to shop elsewhere. Now, in rural Alberta when people do not shop from their local merchants and shop at home, we wonder about their attitudes to the community that they live in. What your government has done is cut off the ability for many rural municipalities to have locally engaged civil enforcement agencies. Since it seemed to me that wouldn't have been any increased cost, I wonder how that fits with your strategy 2 of improving access to justice for people in rural Alberta.

Now, your strategy 4 sounds to me like a public relations strategy frankly, with respect, Mr. Minister, and if you are going to be producing brochures, I wonder if you could tell me how much you have budgeted for the production of brochures this year and whether those brochures will in fact feature an introductory letter from the minister and perhaps the minister's picture. If you have budgeted for those types of brochures, I wonder if you could tell me what the cost differential would be if you didn't put that public relations component into the brochures but focused on actual meat and potato issues in terms of what you want to do.

Mr. Minister, I'd be grateful if you could tell me what component of the estate administration process you are reviewing for privatization. The statement appears in your business plan that you are going to be "reviewing estate administration processes for opportunities for privatization." The estate administration processes are very well known and narrowly defined, and I'm wondering exactly what processes you are putting under review and what your anticipated cost saving is, if any, in taking away further government scrutiny of that particular process.

Dealing with your strategy 5, addressing aboriginal justice issues, I wonder if you could advise us as to the costs that can be attributed to the government's policy, which I suggest is a reasonable one, to provide special native customs, native culture, native religious practices, and in some cases native dietary concerns in the correctional system. I wonder if you have a cost component for that particular cultural component, and I'm wondering if the department makes allowances for other cultural individuals, and what portion of your total budget that item might cost.

Now, I'd like to talk to you a little bit about your performance measures and get some answers, and economic ones, on the performance measures. If you have a target that 55 percent of the people are satisfied with the justice system, it seems to me that you as a ministry are prepared to tolerate just about one out of every two people being upset with the system of justice in the province of Alberta. Mr. Minister, as a study of judicial history, as a study of jurisprudence, and as a study of the court system, much as some elements of society like from time to time to take potshots at the judiciary and at the legal community, one of the quickest ways to get to chaos in society is to have people lose respect for the administration of justice. Your own performance measure invites one out of every two people to be upset with the system, and that to me sounds to be an unrealistically low target and one that I'd like to have an explanation on as to how that target was created, how much additional funding your department

would have to spend to bring that target up to a more realistic number, and why between 1996 and 1997 you plan on only a 5 percent improvement so that then four out of 10 people will be upset with the system of justice in Alberta, as opposed to now nine out of 20 people.

8:28

I want to also talk about your performance measure that you cite about the safety of the public. Your target is that 21 percent or less of the people in Alberta will not be a victim of a crime. That means that you are prepared to tolerate in your budget a system where one out of five people is a criminal victim. I want you to tell us if you can, Mr. Minister, how much additional resources or money would be necessary to bring that standard up to a more acceptable record. This would mean that on the street I live on in Fort McMurray, which has about 10 houses, you are conceding that two of those homes will be victimized this year in some fashion, and that seems to me to be an astounding target. Then my astounded perception of that moves to outright astonishment when I look at 1997-98, where you're predicting the same: one out of five people will be victim of a crime. That's your performance measure. It's very, very awkward to see.

Now, my understanding on the Provincial Court is that you will not be able to get – I'm now moving to the next performance standard; that is, how long it takes a trial to come to court. My understanding, Mr. Minister – and you will know this as a fully licensed member of the legal community – is that the time it takes to get a case to court is in fact becoming less dependent on the availability of the system and more dependent on the availability of counsel to handle the case and properly prepare for the case. How much lower do you think the time between court time in provincial court can go before finally people say, "Well, if I'm in court today for the first time, my own lawyer is not prepared to have a trial a week from now; he needs a month or six weeks away"? What do you say is the minimum time that your department tells you realistically the bar will be able to accommodate trials? The reason I say this is that there are I think a growing number of Provincial Court judges who are wondering whether we don't have too many Provincial Court judges in the province of Alberta and if there is some excess capacity. If there is some excess capacity in this system, then I think we should look again at these other approaches of unification of the courts in some fashion, giving the Provincial Court a larger workload and giving them a slightly varied workload by making them local masters of the Court of Queen's Bench.

Now, I know and you know, Mr. Minister, that because you already appoint the masters of the Court of Queen's Bench, you would have no trouble appointing any or all of the Provincial Court judges as masters of the Court of Queen's Bench. I'm wondering if you can tell us why you have not been able to develop any targets for 1996-1997 in the civil handling of court days available for civil and criminal matters. I don't know why on page 260 of your Justice reports you have no targets.

I notice that in Alberta the cost of housing a prisoner in a correctional facility has steadily declined since 1991. I notice as well that your targets for 1996, 1997, and 1998 are nothing other than being the lowest in Canada. I wonder if you are now in that way telegraphing that your department is driven totally by the cost rather than the rehabilitation benefit in the services provided for citizens that are incarcerated. I wonder if you could tell me what costs and what subject matter are going to be cut out of the prison routine to bring your daily costs much lower than \$68.76 a day and what your target is. Is your target that you will feed them and house them for less than a budget room in a hotel, less than

a budget room in a motel, or less than a dormitory in a military compound? What is your economic target on that issue?

I wanted to talk to you about your performance measure dealing with the demand for legal aid services. It seems to me that many people charged with criminal offences who need a legal aid lawyer and who qualify are having no trouble getting one, so in that regard you probably have achieved a decent performance measure. But there is much community criticism that in matrimonial cases victims primarily of spousal assault, victims of spousal violence cannot hire competent civil lawyers to handle their case on legal aid and to do it in a manner that is quick and efficient. I'm wondering whether your department is exploring any model for delivering matrimonial legal aid other than the fee-for-service model that presently is available in the province of Alberta.

Dealing further with legal aid, Mr. Minister, I'm wondering if you are proposing any across-the-board fee increase for legal aid tariff work this year, whether you are proposing any legal aid cutbacks this year, or whether you are proposing to touch in any way the civil tariff, particularly in the area of matrimonial work.

Now, Mr. Minister, if I can take you to some of the line items that you have in your budget, I want to ask you about the minister's office first of all. One of the things I want to draw to your attention, with respect, Mr. Minister, is that I was able to question the hon. minister in charge of science and technology yesterday, and I noticed that her job manpower equivalents are broken down further by the department. In other words, she doesn't just have an entire lumping of 4,000 employees; in your case, Mr. Minister, 3,921. She tells us in her budget information how many people are actually employed in the deputy minister's office, how many people are employed in the minister's office. In your case, how many people are employed in the civil law section? How many are employed in the criminal law section? I wonder if you could favour us with a supplemental report breaking down your manpower estimate, breaking that down further from 3,921 by the department. That would allow us to calculate your average salary costs and those types of things.

In your minister's office of \$372,000 and your deputy minister's office of \$420,000, I wonder . . . [Mr. Germain's speaking time expired]

THE CHAIRMAN: I'll call on Three Hills-Airdrie.

MS HALEY: Thank you very much, Mr. Chairman. I have a few questions, partly in regard to the court closures that have gone on throughout the province in some of the smaller communities. I'm wondering, Mr. Minister, if you could give us some indication of how that's working, particularly with regard to the RCMP costs or the extra policing costs it has been indicated to me that some communities are suffering under. Also, they worry, because of the days they have to go away from their local communities, with regard to policing. They don't actually have very many police left in town. How are you addressing that type of concern?

In regard to the regional court systems that you have in the court operations, in the northern region, for example, you have 15 different court regions – and perhaps I'm saying that incorrectly – but in the southern region you have six regions. In the cost differential between the two, the north is \$10 million, roughly, and the south is \$7,135,000. I'm fairly confident that there are more people in southern Alberta. I'd just like some indication as to the difference in the actual cost, being much higher in the north even for Edmonton versus Calgary. What would explain that?

I also wanted to touch on maintenance enforcement. That won't be a real surprise to you. With regard to maintenance enforcement, Mr. Minister, your cost basically remains pretty

much the same, but I'd like to know how many files you are handling, what your actual cost is per file.

The licences that we're holding now if somebody hasn't made their maintenance payments or child support payments. How many people would actually be impacted by having their licences withheld from renewal? How is it working? What is the impact of being able to do this? Is it actually making a difference to our collection rates, or are we just making it a whole lot more difficult for people to try and earn a living? So from that perspective I'd like some comment on the money that we're spending on that.

Also with regard to maintenance enforcement, there's been an indication from some people that there's actually quite a number of people signing false affidavits, which triggers a court order, which triggers garnishees and various other things. Is this actually a problem? And if it is, basically do we have some way of dealing with that? Are we dealing with it? Are we making it very clear to people that if you sign one of these things, it had better be right because otherwise the weight of the law is going to come down on you?

I think for now, Mr. Minister, that's about it.

8:38

THE CHAIRMAN: Okay. I'd call on the hon. Member for Edmonton-Strathcona.

MR. ZARIWNY: Thank you, Mr. Chairman. Mr. Minister, I'm going to ask a series of questions similar to my colleague from Fort McMurray. Understandably, some of them you won't be able to answer now. I would, though, prefer to have you answer them later in writing.

I'd like to take a look at the maintenance enforcement activity first. My question here is: does your department collect statistics on the number of files where enforcement has been taken? If you have done that, what are these statistics? Do you collect funds for creditors and the children of Alberta as part and parcel of the enforcement maintenance program? Is there a maintenance enforcement fee charged, and if not, why not? The other question I have related to maintenance enforcement is: are subrogated claims for maintenance enforcement included as a budgetary item, and if they are, why?

As well, I'd like to take a look at this special prosecutions branch. Can you please tell us what it handles? What does it do? How many cases have been completed this fiscal year? What types of prosecution have been advanced, settled out of court, and determined by court decision? Can you explain the relationship that the special prosecutions branch has with the RCMP and the various municipal and city police?

I could be wrong about this, but I will ask the question. I understand that the department does have a plan for reducing Provincial Court judges. If this is the plan, what communities has it been targeted for? What are the short- and long-term objectives the government sees this plan completing?

As with my colleague, I have some concern about the Civil Enforcement Act. I would like to know the criteria that your department applied in selecting the successful agencies. I'd like to know the number of applications presented to you and whether their applicants need be individuals, corporations, or both. As well, is there an appeal process where the unsuccessful applicant can appeal, should he or she or the corporation fail?

As you know, there's been some concern with the smoking policy at the Remand Centre. I would very much like to know what the success of it has been, whether you've thought of having a total ban of smoking in the Remand Centre, and the reaction of

the guards and staff to the present policy as it stands.

Also a question I have here is: are you still providing aid to municipal governments through the municipal police assistance grant? Does that still exist? If it does, what is the funding formula? What performance criteria are you applying to that particular grant?

I'd very much like to know your position on the federal government's gun control Act now that it has been accepted by Parliament. Where do you stand, and what do you see are the problems or the successes of this particular Act?

The rest of my questions are geared towards the correctional services division. Can we obtain from you by location of facility the number of inmates in these facilities, what type of services each of these facilities provides, and the number of inmates accessing these services for this total year?

I would also like to find out the total number of spaces in sex offenders' treatment programs made available for adult offenders for this particular year, the number of adult offenders placed in the house arrest program this year. As well, can you explain to us the supervision program that you have in place? How are offenders monitored, the number of staff, and the times during the day that this staff does in fact monitor or supervise the offenders?

I'd also be interested in finding out the number of incidents this year where an inmate was reported unlawfully at large and the specific facility and program responsible for the supervision at the time of escape. In addition to that, the number of adult offenders this year who committed suicide while under provincial supervision and specifically the facility or the program responsible for supervision at the time of the suicide. As well, the number of adult offenders this year who were incarcerated for failure to pay a fine.

Finally in this particular program I would very much like to know the staffing levels of each provincially operated correctional facility for this year broken down by full-time and part-time status and by function. By function I'm talking about management, administration, security, and treatment.

You may have done something on this already, but I understand that the benchers, the Law Society of Alberta, had asked that you examine the transfer and mobility requirements of the Legal Profession Act. I'd very much like to know the timetable when these amendments will be introduced. They were brought forward by the benchers to your attention.

Finally, I'd like to know the particular items that you will reduce in cost as a result of the committee report that was submitted to you for circumventing or stopping the privatization of jails.

That, Mr. Chairman is my list of questions.

THE CHAIRMAN: Okay. Thank you.

The hon. Member for Bow Valley.

DR. OBERG: Thank you very much, Mr. Chairman. It's certainly a pleasure to be here this evening. I'd like to commend the minister on bringing forward a very good, solid business plan and a good, solid group of estimates.

I apologize for sounding like a broken record on some of these issues, but I have spoken to you about them in the past. First of all, the issue that concerns me directly is the whole issue of paying for policing costs. One of the issues, as you know, in rural jurisdictions – and we'll use my own jurisdiction as an example. The town of Brooks pays for policing and does receive the monetary value of the fines that are put into the kitty, so to speak, from their area. However, the county of Newell, by virtue of the fact that it is a smaller jurisdiction, does not pay for

policing yet does receive the income from the fines. This income rises to somewhere around \$35,000 to \$40,000. So there's a very large inequity in the system when a community such as Brooks pays between \$800,000 and \$900,000 a year for policing, yet outside of Brooks the community receives the benefit of the policing but the people out there do not pay for it. To take it one step further, they actually receive benefits from the fines that are levied within their jurisdiction. So I'm wondering what you're planning on doing on that, whether the policy is changing or if there is any way that this can be equalized, so to speak.

The second question I have is sort of leaning on what the hon. Member for Fort McMurray was bringing in. He made the note that the distance from Fort McMurray to Edmonton is the same as from Edmonton to Fort McMurray, which is quite astute of him to put forward. But I would also say that the distance over a telecommunication line is much shorter yet, and the question then arises: is there a place for videototechnology in having judges physically being located in the major centres yet hearing the cases in the rural centres? This surely would cut down the cost of travel time, and with the present videototechnology that is out there, it certainly would have the same effect and the same overall outcome of the case. For example, in the Brooks situation it would cut down four hours' traveling time and allow four extra hours for the judges to actually hear cases and do their job properly. So I would like to know what your department is planning with regards to that.

8:48

I guess the third question I have this evening is the whole idea of the RCMP contract. There has been discussion about a provincial police force in the past. This has been thrown out by your department, but the question arises: anytime you do that, how stable is the actual RCMP? In your business plan and in your estimates is there a place where the RCMP essentially hold us hostage, because it does cost a significant amount to set up a new police force in the province? Is it a stable contract? Is it something that we can count on down the road, or is it something where one day we're going to wake up and have quite a few surprises?

With that, again I would like to commend you on your estimates, and I await your answers. Thank you.

MR. EVANS: Mr. Chairman, maybe I'll try to answer a few of the questions now so that we don't get too far behind. I appreciate the comments that have been made by all of the members of the committee. Of course, as many have said, some of the information they're asking for is fairly detailed, and I'll provide that in writing.

I'll start with Fort McMurray. He began with a question on the gun control issue and where we were and whether we were giving out a mixed message and what the litigation costs would be if we continued. Well, I think my position and the position of this government's been pretty obvious. We were very supportive of the provisions in Bill C-68 that dealt with criminal activity. We were supportive of those provisions that increased the penalty for those who were importing firearms illegally into this country and for those who used firearms to assist them in serious and violent crime. However, we had and we continue to have great difficulty with the licensing and registration provisions.

Now, that being said, if there's a conflict, as the hon. Member for Fort McMurray has indicated, he well knows why there is a conflict. As the chief law enforcement officer in the province of Alberta I'm responsible for the laws as they are passed. That does not mean that I don't get involved in the debate as to the

appropriateness of laws, particularly when we pick up the administration costs. Once they're laws, then we don't pick and choose which ones we obey or which ones we don't. We are looking at whether or not there is a constitutional issue that we could bring before the courts as to the constitutionality of those licensing and registration provisions in Bill C-68, which is now proclaimed the law of the land.

It's not just Alberta, Mr. Chairman, but the territories, Yukon and the Northwest Territories, Saskatchewan, Manitoba, Ontario. I would just point out for Fort McMurray's and other members of the opposition's interest – they may know this already – that Gordon Campbell, who's the leader of the Liberal Party in B.C. and who will quickly be fighting an election, has stated in writing that he's opposed to the same licensing and registration provisions. So there's a great deal of concern about those provisions across Canada. Even without taking B.C. into the equation, governments representing some 56 percent of the population of Canada and about 80 percent of the land base have made presentations to the House of Commons and to the Senate in opposition to those provisions.

So we'll see what happens as we review the appropriateness of a constitutional debate. Because of that, I can't give any detail as to what the litigation costs associated with this might be because I don't know at this point in time where we're going. We are still analyzing the law. Quite frankly, the federal government has not been very forthcoming with the regulations pursuant to that Act, so we don't have a final picture of what the licensing and the registration requirements are going to be.

Next, on moving judges in the rural areas, yeah, I'll give you an analysis of each and every one of the courthouses and the transportation costs. That's an issue, of course. There was a committee set up to analyze this whole process when we were looking for some savings to meet our business plan and to deal with the issues of increased demand for the Department of Justice at the same time as we were trying to reduce our budget and make it the most effective budget that we could make it. The Member for Fort McMurray has said that perhaps Provincial Court judges aren't as busy as they could be. I don't know whether that's true or not, and I'm not going to make a comment on that.

We have in the process closed down 26 courthouses and reduced the number of Provincial Court judges by nine. Edmonton-Strathcona asked whether there were plans for other reductions in Provincial Court judges. No, the nine will meet our three-year budget plan demands, and those have been incorporated into the process now, and the savings are there. I will try to get you, Fort McMurray, as much information on the individual courthouse analyses as possible and incorporate in that the additional transportation cost.

It is interesting to note that in a number of the areas where we have moved courthouses, we've found that the actual number of cases has decreased. Even though we've closed down and amalgamated areas, the number of court cases have decreased, and that may well be a positive that we can add on to in terms of this serious and violent crime initiative that I mentioned in my earlier comments. We're asking the police to use the traditional methods that they've always had available to them in terms of police discretion as to whether or not to charge but, more appropriately, to use other methods such as alternative measures, community justice committees, and community service outside of the traditional court process so that we're only using the courts for more serious matters and only using our correctional facilities for more serious people who are a threat to society.

In terms of intermittent servers, I think Fort McMurray's position was that there may be some of our facilities in the north

that aren't segregated and don't have the ability to take female prisoners, so they're coming down to some of the larger centres, and that may be an inconvenience. Well, that may be the case, but it would be a devil of a lot more of an inconvenience to the taxpayers of the province of Alberta were we to build facilities and put up more bricks and mortar to deal with a few – and hopefully it will remain a few – intermittent-serving prisoners. So I'm not convinced that that would be discharging my duty very well.

Legal services to the government of Alberta. Yes, we do provide legal services to the government of Alberta. I was rather amused by the hon. member's comments about our track record lately. As he well knows – he's well experienced in the court of law, in both the civil and the criminal courts – you may feel that you have the best argument going, but there is another process there. It is called an impartial and independent member of the judiciary who will listen to the facts, and there are facts on both sides of all cases. So we will continue of course to try to win all of the cases that we undertake. I am very comfortable with the competency of the people that we have within the department.

As Fort McMurray is probably aware, we also hire independent counsel, and we use independent counsel who are experts and also lose cases, committee members. It's just a part of the legal world. I see Fort McMurray smiling a little bit here because I think in his heart of hearts he realizes that even the most competent lawyers with the best cases, so-called at the time that they're preparing their briefs, do sometimes lose their cases but never their briefs.

In terms of improved access to justice and giving our judges increased authority by making them masters of the courts. Yes, we do appoint masters. Normally, of course, they are QB judges. Now, we've done an analysis, hon. member, and of course those QB judges have to be on circuit as well, and the number of occasions when a master is required, we've found that generally speaking the QB justices are able to deal with those matters. It's a matter, though, that I take seriously, and if we can accommodate the needs of the regions throughout Alberta more appropriately, we'll do it, and I take seriously what the hon. member is saying.

The staff counsel process for legal aid. Yes, it's ongoing. We expect to hear more as time goes on. I think what is going to happen is that we will have more minor cases being dealt with through legal aid by the staff counsel model rather than the private retainer model. I think those lawyers who are providing that service will increase their expertise just by practice in the courts, and I think that will work quite well and will be cost-efficient. I think for the more serious cases we're likely to allow those who are eligible for legal aid to have their choice. I hope, quite frankly, that in the future more of those people who are charged with more serious cases will see the merit in using staff counsel, who have developed expertise.

8:58

In terms of the civil enforcement agent in Fort McMurray, I'll look into that and get back to you on that, hon. member, because I need to do a little bit of review on that.

In terms of brochures, again, I'll try to get you some costs on that. I seem to have lots of pictures of myself available, so there might not be a very substantial cost to putting them in a few brochures. I'm always happy to prepare a message to Albertans on the important matters of justice. You know, that was actually a good idea. I'm not sure whether we were going to incorporate that, but with the very strong argument from the Member for Fort McMurray, I'm almost certain that we will incorporate that. So

thank you for those comments.

In terms of the estate administration process and privatization, you know, we're reviewing the whole process, and we're going to see whether there are some efficiencies that can be gained. I think it makes sense, whether we're talking about estates, whether we're talking about the Public Trustee's office, to put more responsibility on the beneficiaries, to make those who are the benefactors and who are impacted by people passing away or becoming dependent adults or what have you more involved in the process and to take more of the costs and more of the regulatory process away from the state. Anybody who has done very much estate work – and I think probably Fort McMurray has – knows the frustration of dealing with the reporting every three years on an estate and the various matters that have to be dealt with before you get a probate or letters of administration.

Aboriginal justice. What was the cost of incorporating native culture into correctional facilities? Well, I'll try to get you some information on that. I didn't take it from the hon. member's comments that he was questioning that as an initiative, but maybe he was thinking it could be broadened out. Quite frankly, I don't think it should be broadened out to the extent that Bowden Institution was broadened out so that they were bringing in whale blubber and other things from the far north for the Inuit prisoners.

MR. SAPERS: Arctic char.

MR. EVANS: No, I think it was blubber. Arctic char I can certainly eat. I've been in the high Arctic, and I'm not sure how they can eat that blubber. It's very expensive to transport that, so I'm not sure we should be going that far. However, we do try to be receptive to aboriginal culture. That was another one of the recommendations, as I recall, in the Cawsey report, which I know the hon. Member for Fort McMurray is very positive about.

Performance measures. Now, what you say is the reality today and what you'd like to have in a perfect world don't always match, hon. member. Again, sometimes I think the hon. member is just trying to bait me and that he has his tongue firmly in his cheek. I've known the hon. member since law school. He certainly did it in law school, and I have no reason to believe that he's not as impish today as he was then. A 55 percent satisfaction rating with the system is indeed too low, as is 60 percent. But, hon. member, that's the reality today. So how are we going to make that better? Well, we're going to make that better with a number of initiatives we've been working on to make the system more efficient, more effective, to make justice available to as many Albertans as possible, to get rid of – not to slow down but to get rid of altogether – delays that are a great source of frustration to Albertans, and to make them feel safer in their homes by our focus on serious and violent crime initiatives.

Twenty-one percent or less in terms of the performance measure on public safety and the percentage of Albertans who have reported being a victim in the past year: again, that's just the reality of the day. Yes, we want to reduce that. I think we are going to be announcing in the near future some effective ways of dealing with that in consultation with the RCMP, and that's our serious and violent crime initiative.

Time to trial. An interesting comment from Fort McMurray that perhaps we have more of a problem with counsel being available for trial than we do with the courts themselves. I'm not quite sure how we deal with that, but I'll try to get the hon. member some statistics on that to help him out.

On corrections. When we say in our performance measure that we want to be the lowest in Canada, that doesn't mean that we're just driven by cost. But, you know, we are the lowest in Canada.

At \$68.76 in '94-95 we are the lowest in Canada. I think we have the best system in Canada as well. Just throwing money at things doesn't mean you've got the best darn system in the country. So we want to maintain the best system, and at the same time we want to make darn sure that we stay at the bottom of the pack in terms of what we're paying per prisoner.

Now, how do you do that? Well, we do it through things like the efficiency review team. They found a couple of million dollars worth of savings. These are frontline people and management people who we asked to find savings within the system. That's this year. We'll probably realize about \$2.8 million and probably within the next two or three years another \$5 million. Well, that's how you become more efficient and more effective and keep your costs down and at the same time maintain public safety, which is the primary job of our corrections.

Demand for legal aid services. I'll try to get some information to you, hon. member, on the victims of spousal assault and the issue of getting counsel. As you know full well, the Law Society and the Legal Aid Society of Alberta work closely together on legal aid delivery in this province. It is vastly superior to the experiences in a number of other jurisdictions, and I think we'll work on the same kind of a process in the future, a consultative process involving those who are directly involved in the delivery of service.

I'm not contemplating and I haven't had anything indicated to me that would bring me to the conclusion that anybody's going to recommend a tariff increase for this year. I don't think we're talking about cutbacks, though, either this year. In terms of the number of people we have in the department and a further breakdown, I'll take a look at those estimates for research and technology, and I'll get back to you on that. Maybe we can provide you with some more information.

Three Hills-Airdrie talked about the court closures, and again, I'll try to get you some information. Yes, the RCMP costs of transportation perhaps might be increasing. I think the bigger issue that you've addressed is: are communities safe even though we've shut down some of these courthouses? Quite frankly, there are examples, and Three Hills in your constituency, hon. member, is one that has talked to me about this. But overall we've had a very positive response, and the RCMP themselves are getting along quite well with the reductions. They don't seem to be having a lot of problems.

You know, one of the things that we've done with the Provincial Offences Procedure Act is try to reduce the amount of time that officers have to spend sitting in a courtroom on minor offences, you know, those traffic offences, the speeding offences, and allow what amounts to a summary trial without the officer being there, unless the accused calls that officer because the accused wants to examine the officer.

The regional courts. You were asking about differences of costs. Well, I think it's a function of the costs being quite a bit higher in the north because of sparsity and distance and the great traveling that has to be done from one court to another. I'll try to get you some more specific information on that.

Maintenance enforcement. I'd be very surprised if I didn't have a question from the hon. member on maintenance enforcement. On the number of cases, files that we have, right now let's look at the January statistics first. I did receive this from Dennis Medwid, so I didn't have it handy here. We have 36,070 active accounts. The funds recovered on all accounts in the last 30 days are 60.3 percent and in the last 90 days 66.5 percent.

9:08

MRS. SOETAERT: Could you repeat that please, Mr. Minister?

MR. EVANS: Yeah. It's 60.3 percent in the last 30 days and 66.5 percent in the last 90 days. Now, I've got to be honest with you: that doesn't mean that all amounts that are owing have been recovered. We've had this discussion before. It means that there has been some recovery on the account.

Cost per file. I'll try to get you that information. You know, you didn't ask for this, but I'm going to give it to you anyway because I think it's fairly impressive. To March 31, '95, we collected \$411 million into that program and are forecasting this year another \$91 million. So that comes up to \$502 million by the end of this fiscal period.

I think you asked me about how many licences are currently withheld. There have been 6,140 as of the 31st of January of this year.

What else have I got here? I get all sorts of wonderful information from Mr. Medwid. The number of debtors who have paid their arrears in full since the restriction: 281. The amount collected from debtors who paid arrears in full - this is a whopping amount - is \$924,101.59. The number of debtors who paid a portion is 370, and that's \$549,000. The total is 651 licences restricted, and we've collected a little under \$1.5 million.

Maybe we could go on, Mr. Chairman, to some of the other questions.

THE CHAIRMAN: Sure. Okay.

Then we'll call upon the hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Chairman. Since we're on maintenance enforcement - and of course it's no surprise to you that I would address this issue . . .

MR. EVANS: Nothing surprises me about you, hon. member.

MRS. SOETAERT: That's good.

I think you were addressing those in arrears, and maybe I missed that. How many are still in arrears for more than 90 days? I know that you avoid deducting maintenance payments at source, but I still think that's another tool you could use. Would you mind tabling those documents on maintenance enforcement numbers? I would really appreciate that.

MR. GERMAIN: Table them monthly.

MRS. SOETAERT: Yeah. Table them monthly is even better. Or right now I could just get somebody to photocopy that for us, and that would work fine.

I would say that the number one call to my office and probably several others' is on maintenance enforcement. It's a headache in this province. I'm sure you've noticed it. The director of the maintenance enforcement program has not always been the most agreeable person to work with. That disappoints me, because when my office phones, they are always sincere and polite and concerned, and I expect the same in return.

So I've expressed some of those, and I know you're in the middle of answering some of those maintenance questions. How many caseworkers are there in maintenance? What is the average caseload of each of those caseworkers? How many support staff are employed? With the backlog on that I would just like to know what's happening there.

I know of a case of a woman who was abused by her ex-spouse, and now she's afraid to even go after him for maintenance payments. I know that she gets social housing and that her ex has never made a payment in the seven years they've been apart, and

she supports two teenagers. Now, she does not want me even to phone about him because she is worried that he will track her down and find her. So I would like some guidance as to what can happen for this woman and if anything can be done. In fact, the payments are so drastically low, to the point of being \$2 a year or something. Utterly ridiculous. She has no financial means to go back to even file to take him back to court. So we've still got issues like that out there, and I don't see anything here to help that.

My next point here is public security. You were talking about some community policing in place in Edmonton and Calgary. I think certainly the feeling in my area – Rural Crime Watch does some good, but I've got to tell you that people are feeling very vulnerable out there. In my own small community of Villeneuve there have been eight break-ins in the last three weeks. Now, those are my immediate neighbours. There's a big concern out there. We've got to get more crime prevention out there. I mean, in a rural riding my neighbours have a video camera at the door. They have every piece of security they can possibly have. In fact, at one point their house was robbed and burned to the ground. They rebuilt and were broken into last week. So these people have just about had it, and I agree with them. Neighbours all around live in fear of this. In rural Alberta our neighbours aren't close enough to see what's happening, and I'm wondering if you're doing anything in that area of crime prevention. I don't see any of that in your performance measures, or maybe I've missed it.

There is one thing. I see there is money going to First Nations policing. Is there anything specific that is happening in the Alexander First Nation band that's in my riding? I'd be interested to know if anything specific for there is happening.

I also want to comment about auxiliary police. I know that certainly the auxiliary police I have met in Stony Plain and Spruce Grove and St. Albert are an exceptional group of people. I know they were looking at – and I had sent you a letter on it – the work they do in B.C. as compared to here and if their roles can't be increased with minimal expense, because from what I see they do very fine work for our communities virtually as volunteers. Maybe there's a cost factor and they can't do what the B.C. auxiliary police do, but I know that was a comparison on a letter I had sent you.

I want to talk about correctional services for a moment. I had expressed these concerns last year. I don't recall getting a response from you. Maybe I did, but I'm sure it would have been a small oversight. I'm worried about women being overcrowded in the facilities they're in. To my understanding – and you can correct on this if I'm wrong – many women are in jail because they cannot pay fines. Now, if they're leaving their communities and their families a great distance behind them to be in a facility, maybe there is another way they can serve their community, possibly a better way of serving their sentence, rather than being incarcerated in a building far away from family and community, where they would get some support.

One other point here. You talked about a program for native young offenders. Would there be a complementary program for nonaboriginal young offenders? That's certainly an area of concern in my riding, and I'm just wondering if there's something in comparison for nonaboriginal young offenders.

With those few comments, I will conclude my remarks for now. Thank you.

THE CHAIRMAN: Okay. Thank you.

The hon. Member for Olds-Didsbury.

9:18

MR. BRASSARD: Thank you, Mr. Chairman and Mr. Minister. A number of the questions I had have already been asked, but I'd just like to reinforce a couple that have been raised. The Member for Three Hills-Airdrie talked about the amalgamation of the court system. I had two of the courts in my constituency closed and moved to a third location, and it seems to be working out well. But of course those communities that are affected are concerned with the absence of the police in their community while they're attending court outside their area. So I would really appreciate an overview of just how that program is working out and how it applies specifically to my constituency.

Before I go any further, though, I would like to compliment you on your budget and your business plan. It must be quite a balancing act to reduce costs and at the same time fulfill the obligations and responsibilities that go with your portfolio.

A couple of line items. On page 270 I notice that the Court of Queen's Bench in Calgary, item 2.2.2, has increased \$711,000, and the Queen's Bench in Edmonton is up \$471,000. I wonder if you could just comment on that. At the same time the sheriff's office, 2.2.7 and 2.3.7, has shown a dramatic increase in both of those areas. Regional support, 2.2.8 and 2.3.8, is up \$1.3 million and \$1.1 million respectively, which seems to be quite high. As well, Leduc court operations, 2.4.16, is up \$429,000, which is interesting.

I wondered if any consideration had been given to extended hours for courthouse operation, if it would help the institution in the handling of services if some of the lesser offences were handled in the evening or off-hours, where the courthouse could be used for dual purposes.

I wondered also if the use of commissionaires for highway patrol and other forms of traffic patrol has been considered at all. It seems to me that to have a trained police officer, trained in so many legal procedures, sent out with a radar gun on the highway is not the best use of his time, and I wondered if a commissionaire could not serve that function.

Have you completely ruled out the privatization of correctional facilities, and if so, in spite of the savings that have been achieved in other areas, is this still not a good idea?

Finally, the Member for Spruce Grove-Sturgeon-St. Albert referred to Rural Crime Watch. That's an area that is very significant in my constituency. I would like to know how effective you see this Rural Crime Watch being. What can be done to rejuvenate it, if that's what's necessary, and to increase its credibility?

Thank you very much. That concludes my comments, Mr. Chairman.

THE CHAIRMAN: Okay.

Next, the hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Chairman. Thank you, Mr. Minister, for your comments and your answers to questions so far. I do have a few questions. They aren't necessarily in the order of importance, so if you'll just bear with me.

You talked a little bit, Mr. Minister, about aboriginals and providing policing by aboriginals for aboriginals. Perhaps you'd also talk a little bit more about the aboriginal young offenders' camp that you're proposing and how that's to be accomplished. Even more important to me as well is the notion of aboriginal policemen in urban police forces and how we're progressing with that.

The Cawsey report you referred to briefly. Could I know how

well we've done with the recommendations in Cawsey, which I think was an excellent report? Have we now applied all of them? Where are we vis-à-vis that particular report?

Mr. Chairman, Mr. Minister, young offenders' camps, you've been operating these camps for – what? – two years.

MR. EVANS: Is that Shunda Creek camp?

MRS. HEWES: Yeah.

MR. EVANS: Since 1992. Four years.

MRS. HEWES: Well, yeah, four years. Do we have some measurement of the success of the program? If we do, what are the criteria you use to measure that program? How are we doing with that? I've heard some good reports about it, Mr. Minister, and I'd like some verification of it.

You also mentioned low-risk offenders in the community. Once again, what is our track record here? Is this program working? Are communities happy with it? Is it working in small centres as well as in the urban centres, where I know it's been applied?

Mr. Chairman, Mr. Minister, there's reference here to some changes in a couple of sheriff's functions and how they're going to be operated. Do I take it that you're going to commercialize these? Was that my understanding of your comments? The same troubles me a little bit. Several members have spoken and asked questions of you about maintenance enforcement, among others. Are you contemplating a checkoff at the source, which I think is a program that has had a great deal of success? We have spoken from our caucus a number of times on having that put into practice here.

Page 281 in the budget under your highlights says, "Options for the delivery of services . . . will be evaluated to ensure its continued effectiveness." What does that mean? Are you thinking of commercializing the delivery of maintenance enforcement? If so, I think we could have some real problems on our hands. I don't think it's working as efficiently as it could right now for the benefit of consumers, so are we going to have that off to some commercial operator and the sheriff's functions as well?

Again on maintenance enforcement, the performance measures here on page 283, Mr. Minister. Client satisfaction: not applicable in '94-95, "To be determined" in '96-97 and the following year. Now, how am I to read that? This program is not new; it's been there since 1985. Surely to goodness by now we must have some way of measuring whether or not it's working to the satisfaction of the client. I'm not sure even who the client is in this case, and perhaps you could clarify that for me.

Mr. Chairman, community policing. This is something, Mr. Minister, that I've been committed to since my days on the Edmonton Police Commission, which was some years ago. Certainly the city of Edmonton has I think an excellent record in this regard. I think the city is committed to the notion of community policing and, I gather, the city of Calgary. What kinds of incentives is your department offering to other police departments, police forces? What kinds of incentives have you provided? What kind of leadership has the department provided to develop community policing in other centres? Perhaps you can tell us where that's working.

Your work groups. There's been a lot of discussion on communities feeling unsafe. I'm not sure about it. Perhaps a progress report on that would be helpful.

Women in jails has been spoken about. Aboriginal women in jails: what kind of special services do we provide for them?

A couple of other questions only, Mr. Minister. The pedophile

situation. We've had two or three incidents in the province recently where pedophiles having served their time have been released into our communities. Do we have a provincial policy in regard to informing communities? How do we deal with that? In my own experience, because it happened in beautiful downtown Gold Bar, we had excellent support from the police in that community. It worked reasonably well. The whole notion was: get him out of there. I'm not sure that's any kind of a solution for you or for me, and I wonder what our policy is in regard to this. Have we worked along perhaps with the federal government in finding some better ways to deal with this particular category, because it does alarm neighbourhoods?

Again in regard to the federal dangerous offender legislation. I've been troubled by the paucity of opportunity for this to be used. I think a number of cases across the country have brought this to the fore, the Bernardo case for instance. Have you had some discussions, as you did on juvenile offenders, with your federal counterpart about how we can better apply that to create safe communities and a feeling of confidence in our communities and to protect people who are classified as dangerous offenders? I'm thinking of Lisa Neve as well as some of the others.

9:28

Finally, Mr. Chairman, the key performance measures on efficiency of correctional facilities: I was a little shaken by this. It says: "Lowest in Canada." I guess we're supposed to be pleased, and I guess I'm having trouble being pleased because I don't know what variables you're using. I have no idea what your kinds of measurements are. Who decides what efficient correctional facilities are? Is it the length of time? The behaviour of inmates? What are the variables that you use? I think the dollar figure is only one, and I'm sorry, I can't accept that as something that I should be proud of unless you will help me with some of the other measurements that you would use.

Thank you, Mr. Chairman.

THE CHAIRMAN: Okay. The hon. Member for Calgary-East.

MR. AMERY: Thank you, Mr. Chairman. Mr. Minister, I know you've been asked many questions on the maintenance enforcement program. As you know, this program is close and dear to my heart because I have so many constituents that are dependent on this program. I must say that this program has been working, and I commend you on that, sir.

My question is regarding vote 3.5.1 on page 272 of the estimates. In 1995-96 the estimated net expense for the maintenance enforcement office was \$4,651,000. In '96-97 it is estimated to be \$4,425,000. I wonder if you could explain the reduction in the amount of the funding allocated to this program. It's reduced, I think, by \$226,000, when the department's goal is to aggressively enforce maintenance enforcement orders. So could you comment on how effective the maintenance enforcement program has been to date?

My next question deals with first-time adult offenders. During last year's estimate discussions, Alberta Justice was examining the possibilities of implementing an adult offender alternative measures program. I understand that the program would spare first-time minor offenders from court and instead use community-based sanctions to deal with them. This program has been successful with the young offenders. During an 18-month period 95 percent of the participants did not reoffend. So I wonder if you could point out where the funding for this program is located in your 1996-97 estimates; I could not find them. In addition, I wonder if you could comment on the status of the adult offender

alternative measures program. Has the program been fully implemented and, if so, has it been as successful as the young offenders programs have been?

My third question refers to vote 2.1.2, the court system improvements under program 2, court services. In 1995-96 the estimated net expense of court system improvements was \$3,938,000. In 1996-97 the estimated net expense has been reduced by \$2,420,000, or 61 percent. I wonder if you could explain the rationale for this rather large reduction?

In addition, the length of time that a person must wait before a trial date is a growing concern among Albertans and certainly among many of my constituents, and I brought a case to your attention the other day. The department's 1996-97 budget plan shows that there is an estimated increase of one point four weeks in the average length of time that Albertans must wait for an impending trial. I wonder if you could explain the increase in the waiting period. These are all my questions. I look forward to your answers, sir.

Thank you.

THE CHAIRMAN: Okay. I'm given to understand by all the signals that Calgary-Buffalo is next.

MR. DICKSON: Thanks very much, Mr. Chairman. Mr. Minister, good evening. [interjections] Well, I thought my partner was doing such a good job warming up the minister that it was a more perfect time to arrive.

I had a number of specific questions I wanted to put to the minister dealing with key performance measures. The first one has to do with the reference to public safety and the extent to which you have identified that as a priority. I wanted to ask you why you have such a modest target. It seemed to me that 21 percent struck me as not being nearly acceptable, and I'd appreciate your comments on that.

The other thing I wanted to draw your attention to, Mr. Minister, is a reference to court delays in your key performance measures. It seems to me that it would be dramatically more helpful to track the time from first appearance until disposition, until sentence. I'm curious in terms of why you didn't use that as your tracking point rather than the arbitrary time you have chosen. Then I guess my other concern is that it looks to me, Mr. Minister, like you're accepting a 13-week delay as the best we can do, and it seems to me that one would want to see some improvement in that.

In terms of effectiveness of correctional facilities, Mr. Minister, why would you regard escapes as the chief consideration? Why aren't we assessing the long-term impact of changing offender behaviour? It seems to me that that would be the key criterion that Albertans would want to see you aiming at, targeting, and measuring on an ongoing basis.

You talk about satisfaction of government departments with the services provided by Justice's civil law section. It's curious to me that you don't monitor client satisfaction in terms of legal aid clients. It's curious to me that you don't assess client satisfaction from the perspective of those people who access the Crimes Compensation Board or attempt to access those moneys. With victims groups and groups like that, it seems to me that it would be, arguably, far more important to get their assessment rather than looking to government departments and determining whether they're happy with the job provided by Crown attorneys.

I guess the other thing in terms of a key performance measure: why do you not track an assessment of court delays on the civil side? The information is certainly available, and I'm curious as to why that isn't done.

In terms of the victims' assistance program, this is managed, I assume, by the revenue and trust section of the administrative division. Perhaps you can confirm that. The balance in your last annual report at March 31, '95, was \$1,705,488. If that's the case, Mr. Minister, why is it that your director of communications and you both publicly insist on referring only to the annual income of about \$600,000? You'll recall that I've asked in the past why we're not able to move some of those moneys into the area of dealing with victims of juvenile prostitution, a big concern in the Legislature, as we've heard in question period. I'd be interested in clarifying this matter. Are you denying that the balance in the fund is well over 1 and a half million dollars? I understand the income is only about \$600,000 a year, but surely it's the balance that you have to deal with, sir.

I'd be interested in the number of freedom of information requests that the Department of Justice has received. I'd be interested in the number of requests that have been met in the sense of information provided. I guess we can find from that which applications are being denied.

Also, your FOIP co-ordinator is mandated to try and settle requests for information independent of the Act. I'm sure you track that. So I'd like to know what sort of success ratio you have with those kind of nonstatutory requests. I'd like to know what studies are under way looking at title insurance in this province. What sorts of assessments have we done in that respect?

9:38

Now, in terms of the CAP, the court automation project network that's been running for some time now, I'd like an assessment from you. I'd like to know whether in fact there has been a formal assessment done on the effectiveness of that system for case control and tracking.

You know, speaking of cases, if we turn to cases, the civil and sheriff entry system designed to track civil cases and sheriffs' operations, I'm interested in terms of what's happened now that the sheriff function has been privatized. It seems to me that that would have been probably the largest volume of data in the system. I'm wondering: have we got costs thrown away because of the privatization of the sheriff's office that hadn't previously been calculated in your assessment of savings to Alberta taxpayers?

I think you still have an internal audit unit, which is part of your administrative division, and I'm wondering: for the last number of years, let's say the last three years, would you provide me with a list of which departmental activities have been subject to your own internal audit process? Then I'd ask you for a list of changes made as a consequence of those internal audits that have been done. I'd like to find out if the maintenance enforcement program has been subject to such an audit in the last three years, and if so, would you tell us what changes have been made in terms of the operation and administration of MEP?

Similarly with the correctional service: I'd like you to advise me whether your internal audit branch is focused on the correctional service and what changes have come as a consequence of that. Mr. Minister, I still haven't received my copy of the correctional system cost-saving review which involved correctional officers, so I'm shooting a bit blind on this one. I'm interested in a comparison and contrast between an internal audit report, if you've had that, of your correctional service and the report for efficiencies that came from this group. You know what I'm talking about: the one involving the employees.

MR. EVANS: The efficiency review team.

MR. DICKSON: Fine. Thanks very much. I couldn't remember the label.

Now, in terms of victim/offender mediation, when Mark Umbreit did his 1995 four-province assessment of victim/offender mediation, he concluded that benefits to the justice system include reduced caseloads for Crown attorneys and freeing up the limited resources in the system to focus on more serious cases. Curious, given the fact that you said that as one of your objectives you wanted to focus on serious and violent crime – I think those were the words you used. Mr. Umbreit also noted that virtually all of the four programs he'd looked at, including the Alberta one, are currently struggling to secure and maintain funding, and they should receive wider public policy support through legislative initiatives and public funding. So my question, Mr. Minister, is: do you agree with Mr. Umbreit's analysis? Furthermore, what steps have you taken to try and free up finite resources in the Crown prosecutor's office and the other places in the system by promoting victim/offender reconciliation in an aggressive way?

In terms of aboriginal offenders, I've had a chance to listen to an excellent presentation by your most impressive director of native initiatives, Ms Novik, and I laud you for the appointment of the six native program co-ordinators. I think, frankly, that Alberta has done some very excellent work in terms of aboriginal justice, but I'd like some particulars in terms of what's happened with community corrections, changes in management either in the last six months or anticipated in the balance of 1996 dealing with native bands: Hobbema, North Peace, Peigan, Frog Lake, Enoch, and Woodland Cree. I know that there had been an attempt by your department, looking at some changes there in terms of management of those programs, and I'd like to know the status.

I think the other question I'd asked you – a key recommendation in the Cawsey report was the appointment of a high-profile aboriginal justice commission. You remember that I tabled – this would be before your time as minister, but I think in 1993 or perhaps 1994 – an implementation report that talked maybe about two aboriginal justice commissions. You can find out the background on that. The thrust, I think, of the Cawsey report was to have a group that could provide leadership and, frankly, Mr. Minister, hold your feet to the fire and your department's feet to the fire in terms of moving on aboriginal justice issues. Instead, what we've got is this very competent, committed person reporting to a steering committee chaired by an individual in your department.

I'd like to know what the title is of the person who chairs the aboriginal justice implementation steering committee. I'd like to know why you think this is a more effective means of trying to deal with the appalling problem of overrepresentation of native offenders. I understand it's as high as 70 percent in the Peace River institution at times in terms of native offenders. Mr. Minister, why have we not embraced arguably the single most important recommendation in the Cawsey report, which was that aboriginal justice commission?

Now, sir, I'm also looking for an update on the community surveillance supervision program that had been initiated after the closure of Belmont and Grande Cache. I want to specifically ask you, has there been any change to the release criteria? I assume, Mr. Minister, that there has been some assessment done by your office in that respect.

Now, the other thing I wanted to ask relates to the law library. I've had a chance to see the internal report that was done that talked about a pretty interesting commitment to high tech. I understand what's come informally from your department, but I'd like the formal response of the Department of Justice to the law library report. I think you know what I'm speaking of, Mr.

Minister. I don't know the formal name, and I regret that I don't have a copy with me, but certainly I'm interested in knowing specifically what the government response is to that.

Now, the other question I had was specifically on the city of Calgary, Calgary region. You're projecting some increases in both QB and provincial criminal side, and I'd like some particulars that account for the bump up, the increase in those two areas. If you haven't already given a commitment, Mr. Minister, I'm interested in particulars of the substantial jump in regional support to the Calgary court operations at element 2.2.8. I'd like some particulars there. Also, I'm interested in terms of the reduction for Medicine Hat, element 2.5.6, if you can give me particulars on that.

[Ms. Haley in the Chair]

Mr. Minister, in terms of general prosecutions, 3.4.3, you recall in the past my concern that the Calgary Crown prosecutor's caseload is about 20 to 25 percent higher than the caseload of your Crown counsel in the city of Edmonton. I'm interested . . . [interjection] Yeah. My friend from Calgary-Bow suggests that it's better quality. I'd like to think that we have a uniformly high standard quality, colleague, in Crown counsel offices everywhere, but it's true: we probably work a little harder in Calgary.

9:48

Mr. Minister, I'd be interested in what you're doing to deal with that. If indeed your priority is serious and violent offenders, I don't know how on earth you can deal with that without ensuring that Crown prosecutors, who have such a pivotal role in our criminal justice system, particularly in dealing with those more serious cases, have the time to do preparation, which hasn't been something that they've been afforded in the last 18 months in particular. What steps have you taken to address that?

It seems to me that we have only about 25, 27 Crown actually doing prosecution work. We've got a lot of people doing appeals or fraud cases and other specialty niches, but I'm interested in people doing the bread-and-butter stuff in remand court, doing preliminary inquiries, doing trials. I recall that when I raised this with you perhaps a year ago, you'd just had or were going to have a meeting in Red Deer with representatives of the Crown prosecutors' provincial association. I want to know what progress we've made. What headway have we made in terms of addressing those very real concerns?

The other concern I've got comes back to the unified family court, and I guess what I'm hoping I can get from you is – you do have a unit which, it seems to me, last time I'd looked . . . I'm trying to think what it's called. It's your policy and programs area. Does that office still exist, Mr. Minister? It used to be called policy and programs. It was a part of the court services division. Does that still exist as a separate office? [interjection]

Well, in any event, what I'm interested in – last time I looked, a couple of years ago, that had been responsible for strategic planning, and I'd like you to tell me the 10 most significant areas that are the subject of current strategic planning. I'm interested in knowing not just what you're doing to deal with the current issues in terms of access to the courts and so on, but I'm interested in finding out what you and your senior advisers have identified as the 10 top priority areas for strategic planning and longer term research. So if you could share that with me, I'd be grateful.

Now, just going back to the library system, I understand that there's a department library in the Department of Justice, and my question is: do MLAs have access to that taxpayer-funded library,

sir? I'd be interested in your response to that, and you might tell me where it's located.

I was going to pursue the library thing, but I think I've asked already for your position in terms of those recommendations, and I think we'll leave that.

Just getting back to the victims' assistance program, Mr. Minister, will you tell me how many of the dollars in the victims' programs assistance fund are currently going anywhere in this province to deal with juvenile prostitution, whether it's advocacy groups, service groups. I'm interested in the data on that.

I think my time's up, Mr. Minister. Thanks.

MR. SHARIFF: Madam Chairman, we have had many questions here today, so I will just go to the few questions that I do not have answer for as yet. I'll go page by page. I'm referring to the first section on page 268. I'm curious to know about the departmental support services, where I notice there is an increase of about a million dollars being spent in that particular program. I'd like to know more about that.

Moving on to page 270, I notice a significant increase in the regional support funding for the Calgary court operations as well as the Edmonton court operations, a jump from about \$739,000 to \$2 million each. So if you could clarify that, please.

I also notice on the same page under 2.1.2 that you're projecting a decrease of about 50 percent funding in that area, court system improvement. I'd like to know a little more about that.

Moving on to page 277, I notice a capital investment projection for Fort Saskatchewan Correctional Centre, Peace River Correctional Centre, and the Lethbridge Young Offender Centre in the amount of \$50,000 each. I'm just wondering what those capital expenses are for.

Then I have three other questions. I notice a budget reduction of \$9.3 million for correctional services in '96-97. I'm wondering: is this the amount of money that will be saved as a result of an efficiency review?

My other question. The business plans calls for the use of video arraignments. Can you explain what it is?

My last question is: do you use volunteer citizens' advisory committees in correctional centres, and could explain how they work?

I just want to compliment you on the wonderful job being done by your department, a very well laid out proposition. Thank you.

THE DEPUTY CHAIRMAN: Thank you.

The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Madam Chairman. Most of my questions have been asked, but I have a few that I would still like to ask. I really believe that we're in great need of more programming in the young offender centre. I visited it for a half day last year. Some of the kids were in school. In talking to them and looking at them, I felt that programming before they're released – and some of them are spending fairly long sentences for young people – is really important. I'm wondering how any increase in programming is going to be accomplished since the young offenders services is being reduced?

Another question I have is about the closing of Belmont, which is quite near where my constituency is. I know that it saved a million and a half dollars annually, but I wonder what the community surveillance program, the house arrest program, and the attendance centre in Edmonton cost, what the total saving was, and whether or not all the inmates from Belmont went into those programs? I had heard that some of them were transferred to other facilities at no reduction in cost, and I wonder if you could

tell me what actually happened with that.

In regard to rehabilitation programs in each of the institutions, have you projected, Mr. Minister, for each inmate program what impact funding will have on the effects of repeat offences or whether or not the rehabilitation is effective? Do you have any way of measuring that or judging it?

With that, I'll yield to someone else. Thank you, Madam Chairman.

9:58

THE DEPUTY CHAIRMAN: Thank you.

The Member for Calgary-Bow.

MRS. LAING: Thank you. Mr. Minister, I have some questions, first of all on your business plan, on strategy 3 on page 258: "refocusing the adult inmate education/vocational program to emphasize work and provide an adult educational model." I wonder if you could explain that a little better to us, so we'd understand it. Also, what type of education are they receiving as an adult inmate?

In strategy 4, bullet 3, you talk about the community policing and how to sort of highlight that particular thing. One of the things that's happening in Calgary which I think is very interesting is that they have in the *Calgary Sun* a two-page spread done by the community policing regions. They give the statistics for each week on how many break-ins, how many car prowlings and so on, and often also include a picture of sort of a criminal they're looking for that they realize has done some of those problems. That really, I think, focuses people's attention on the community police work program. It's good PR but also very helpful information.

On family violence, goal 1, I have a constituent who has a problem with stalking. Her daughter apparently is being stalked by an ex-boyfriend, and there doesn't seem to be much response from the police. I wondered what kind of program there would be or what kind of steps she could take to ensure her safety. I don't believe they were married, so it's, you know, an ex-boyfriend type of thing.

Goal 2, the impact statements. I'm very pleased to see that that is being followed up, and also goal 5, assistance to victims. I think it's very important, the new initiatives you're putting in, and I'd like to congratulate you for doing that.

So those are my comments. Thank you.

THE DEPUTY CHAIRMAN: Thank you.

The Member for Edmonton-Glenora.

MR. SAPERS: Thank you. Mr. Minister, you seem to be doing remarkably well under the burden of this rather absurd new committee process. I notice that you're able to pay attention.

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

THE DEPUTY CHAIRMAN: You have to stand up.

MR. DAY: Madam Chairman, there was a reference there. Remarks were used that provoked debate, and also 23(i) and (j), which are allegations. This is not a new process that we are involved in; this is a continuing of an existing process. I just wanted to clarify that with you.

THE DEPUTY CHAIRMAN: Thank you, Government House Leader. I believe that's been established in the House already.

Would you care to continue with your comments.

MR. SAPERS: Absolutely. Thank you, Madam Chairman. I'll just wait for the minister. Mr. Minister, I'll continue with my questions relative to the estimates for your department, a few particular items that haven't been addressed yet, and I'll try to go through them as quickly as I can.

Number one, I'm wondering about legal aid funding and particularly the amount of dedicated revenue that comes from the proceeds of the Alberta Law Foundation deposits. Is that changed on a percentage basis? What's the actual dollar amount projected for the next fiscal year? Will there be any further erosion of the amount of money that the Alberta Law Foundation can use in terms of its granting program? I ask these questions not just because of the concerns relative to legal aid funding, Mr. Minister, but also relative to concerns regarding the ability of community agencies to continue in their public legal education initiatives. Their ability has been seriously jeopardized by a drop in the amount of dollars available through the Alberta Law Foundation, and I think that in the past your department has taken responsibility for ensuring access to justice through public information. The Alberta Law Foundation has often been an instrument of that responsibility even though it is, of course, an arm's-length organization. As their ability to fund programs diminishes, what is your department doing to fill the void?

[Mr. Tannas in the Chair]

Similarly, I'm concerned about access for legal aid, particularly in domestic matters and other law matters as well, for women and particularly women in remote rural communities. I personally have heard several complaints and concerns raised by women who live in small communities, where their ability to access counsel is jeopardized not just simply by the number of counsel and not just simply because of the restrictive criteria for legal aid funding but also because in small communities often they feel they cannot, in good judgment, necessarily go to the one or two members of the bar who happen to do that kind of law in their area because of personal relationships, because of the involvement of those members of the bar with the families of the women involved.

I notice that the amount of funding for the office of the Public Trustee has been reduced in your budget, Mr. Minister. Now, I am, as I'm sure you are, anticipating some legislation coming from the government regarding living wills, advance directives. What impact will this have on the office of the Public Trustee? Will there be a move towards an enduring power of attorney? If so, why would you at this point reduce the budget of the Public Trustee in your budget? What are you anticipating in that regard?

When it comes to corrections, it has been mentioned several times: some concerns about the claim to be the lowest per capita cost. Now, the \$68-and-pennies that are spent to house offenders. One of the concerns that's been raised in my own constituency is that several church groups were asked to take up a collection of personal toiletries to provide to inmates in provincial correctional facilities because of insufficient supplies being made available, and we're talking about basic personal hygiene. I'm wondering how it is that your department could put in as a positive claim that \$68 a day is adequate when members of the general community are being asked to take up collections for soap and shampoo and toothpaste to provide basic hygiene for offenders.

Now, I'm also curious about your comments that we have the best system. While there are many things to be proud of in Alberta Corrections, I'm wondering just what particular performance measures you were referring to when you said that we have the best system. Was it a measure of recidivism, and if so, what is it? Is it the length of stay? Is it staff retention? What

very specific measures were you referring to when you made the claim about the best system? If in fact we have those kinds of studies and statistics to back up that claim, I think we should all trumpet those, Mr. Minister. You shouldn't keep them a secret.

The community corrections budget has been reduced by, I think, just around \$1 million. This obviously has implications on caseload; that is, unless of course you found a way to reduce the salary level of all your community corrections officers. Given that I don't think that's happened, I'm wondering what impact the reduction has had on caseload.

I'm also wondering what standards you're now using in terms of supervision and frequency of contact. Are you employing American Correctional Association standards? Are you employing Canadian Criminal Justice Association standards? Are you employing standards by the American society of probation and paroling authorities? If you're not using those standards, which standards are you using? And if you're not using any standards, how do you know that you're doing a good job?

Mr. Minister, why are there so many youth who have been sentenced to terms of open custody actually serving time in secure custody? Is there a budget implication? [interjection] My question was: why are there so many? [interjection] Mr. Minister, I know that we shouldn't be engaging in debate at this time. I will note that you said that there are not. I understand that you have tabled some documents in the House relative to a motion for a return. I'd be happy to discuss those with you here or at any other time. It does show, in fact, that there are a number of youth who were sentenced to open custody serving time in secure custody facilities in both Calgary and Edmonton. I'd like to know why, and what are the budget implications? Is it because you have underresourced open custody? If so, what are you doing about that?

10:08

I notice that there is a budgeted decrease of \$416,000 in purchased community services. These are services typically provided under contract to your department by agencies who provide community supervision typically to probationers, sometimes to youth, sometimes for temporary absence releases. I find that this is interesting and contradictory to some of the statements in your business plan and also the general thrust of the government. As I understand, the government believes in the private sector. I also understand the government believes in community enterprise, so I'm wondering why it is that at this point in time you would be lowering the funding support to community-based programs, some of which have been providing services to this government for decades and decades and decades.

Mr. Minister, I could not find in your business plan – and that could just be my lack of ability to be a detective – how much revenue flows from the federal government as a result of the exchange-of-service agreement for the next year to house federal offenders sentenced to less than five years. What impact has the transfer of Grande Cache institution to the feds had on the exchange-of-service agreement, and will that exchange-of-service agreement be extended? If it is not extended, how does that affect the budget of your correctional services division?

Finally, Mr. Minister, I want to talk a little bit about policing and the lack of any meaningful support in either your business plan or your budget for crime prevention through social development initiatives. You have made reference, I believe, to community policing. There is a difference. For example, there has been much discussion lately about safer housing initiatives. Now, I know at first blush you may think these are questions that should be directed to the Minister of Municipal Affairs.

However, there is a well-established link between crime prevention and safe housing, and I'm wondering what initiatives your department is taking to bolster local municipal initiatives for reducing crime through a broad social development approach.

Mr. Minister, as I said at the beginning, it's been a long night, and you're looking a little red around the eyes. I'll stop my questions . . .

MR. EVANS: This doesn't help, Howard.

MR. SAPERS: No. I noticed as well that the Government House Leader was ready to leap to his feet one more time if I said anything about this absurd committee process, so I'll just leave my comments, Mr. Minister, at this point.

Thank you.

THE CHAIRMAN: Okay. Mr. Minister, are you ready? Oh, the hon. Government House Leader.

MR. DAY: Thanks. The member just speaking is wrong again. I, too, have the right to make some comments at this table, as do my colleagues, so I want to do that.

If I can just speak briefly to a situation that is resoundingly being reflected in the discussions of Albertans in general. That is a frustration with the judiciary in terms of what is perceived to be an apparent reading into their rulings certain laws they would like to see as opposed to what the law indeed says. As MLAs it's very difficult. We can't write to, we can't phone judges, nor should we, to influence them. Then we're very constrained to make comments to reflect the concerns of our constituents. One of the great threats to a system of jurisprudence is when the electorate in general begins to lose faith in that system and in fact in the judiciary. So I'm asking the minister: can he indeed, through his position as Minister of Justice, communicate on behalf of MLA colleagues the growing concerns not just in Alberta but across Canada of this tendency of the judiciary to read into, as with Madam Justice Russell in a recent case, or to even give direction that certain legislation should be written?

The Vriend case and the recent appeal ruling is very instructive in this area. I must say – and I can say this now because the judgment is over and I'm not influencing a particular judge – having the 38- or 46-page judgment before me from the Hon. Justice McClung, that I can tell you it was most refreshing to read from this particular judgment. For instance, this particular justice warned his fellow judges that if they did not cease their tendency to take away the rights of elected Legislatures, they would find an outraged public demanding that judges be elected. It's fascinating that we are getting more of a cry for the election of judges.

He goes on to say some things that are very instructive. I'd like to just quote that in a few words. He says that the spectacle of unelected judges giving orders to elected legislators is deeply offensive. I quote: "Such a new judicial mandamus, lordly directed to autonomous . . . (legislatures), as if they were some inferior tribunal . . ."

MRS. SOETAERT: Estimates.

MR. DAY: Estimates are wide-ranging debate, Madam Member, which you should know because most of your debates are all over the map at any rate.

He goes on to say a very important statement here.

The Order Paper of the Alberta Legislature is not to be [directed] . . . by federally-appointed judges brandishing the Charter.

He says this:

The spectre of constitutionally-hyperactive judges in the future pronouncing all of our emerging rights laws and according to their own values.

He asks us as citizens, and he speaks to other judges. He says:

We cannot look on with indifference and allow the superior courts of this country to descend into collegial bodies that meet regularly to [promote] "desirable" legislation.

Those are commendable statements from a judge here in Alberta, and I think he voices all of our concerns. [interjections] Okay; some around this table don't agree with the rule of law.

When legisceptical Canadian judges decide to strike down constitutionally assembled laws in favour of their own, substituting their vision of the ideal statute in place of [what] has been democratically endorsed by the electors,

they are undermining constitutional cornerstones that took centuries to assemble. It is a very, very serious and grave matter that he's pointing out.

I think he sums it up so well in one sentence by saying,

None of our precious and historic legislative safeguards are in play when judges choose to privateer in parliamentary sea lanes.

These are powerful, powerful statements by a member of the judiciary here in Alberta. [interjections] Some of the Liberals are laughing at these statements.

MR. GERMAIN: There's nobody in this room laughing, and I don't know why you'd use that.

MR. DAY: I have the floor, Member for Fort McMurray, and I'll comment further on this in the next session where we're allowed to report.

MR. GERMAIN: Point of order.

THE CHAIRMAN: Hon. Government House Leader, the Member for Fort McMurray is rising on a point of order. Fort McMurray, you have a citation for this?

MR. GERMAIN: Yes, 23(h), (i), and (j). There was nobody in this room laughing when the hon. member was reading from the judgment of the Court of Appeal of the province of Alberta. After we've just had two very productive, I want to suggest, hours of discussing budget estimates in an environment for the last couple of weeks that has been very emotionally charged, I don't know why, frankly, hon. member, you would get into that at 10:30.

THE CHAIRMAN: Order. To the point as opposed to a lecture.

MR. GERMAIN: Yeah. That was the point of order that I wanted to make.

THE CHAIRMAN: Thank you.

MR. DAY: On the point of order, Mr. Chairman. Obviously there is no point of order. I would suggest that maybe the Member for Fort McMurray could avail himself of a doctor to have his hearing checked, because indeed members were laughing.

THE CHAIRMAN: Whoa. Hon. member, the point of order is presumably – although he says 23(h), (i), and (j), makes allegations against other members, I don't know that alleging that they're laughing is the objection. That part of the point, as opposed to the other characterizations, is true. I didn't notice anybody laughing, and perhaps some people were making noise that could be construed as that.

10:18

MR. DAY: Thank you, Mr. Chairman. I accept your ruling that it may not have been laughter. Indeed, it could have been noises that were construed as laughter. I accept that ruling.

I would also like to say that the Member for Fort McMurray can say what he likes. When he was making his comments, inside of myself I disagreed with many of the statements he was making and in fact experienced inner turmoil and stress, which I managed to contain, did not comment. He made many philosophical statements which I happen to oppose, yet I let him have the floor and do so. So any kind of statement that there's been a little love-in going on here is a little bit ridiculous.

I'll conclude my remarks, Mr. Chairman, by again asking the minister if he could give us instruction on how we can communicate to judges the very real feelings and concerns of the people of Alberta in a way that does not in any way put us at an imposition or in conflict. In fact, can we in some way communicate to judges, those of us who agree with this, the statements of Justice McClung, which are very instructive, not just on this case, however a person sees the Vriend case – that's a separate issue – but in fact on the drift that we've seen in the judiciary over the last 20 or 25 years? So when you

come back to report on this process, which will continue on another night, unlike in other years, when it normally would have ended tonight, but as we continue on another night in these discussions and estimates, if you could give us instruction on that.

Given that the hour is indeed moving on, I would now move that we adjourn debate.

THE CHAIRMAN: The hon. Government House Leader has moved that we adjourn debate. All those in favour, please say aye?

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

Okay. We will meet downstairs now where the subcommittee reports.

[The committee adjourned at 10:20 p.m.]

