

Legislative Assembly of Alberta

Title: **Tuesday, April 23, 2002**

1:30 p.m.

Date: 02/04/23

[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Good afternoon.

Let us pray. Our Father, we thank You for Your abundant blessings to our province and ourselves. We ask You to ensure to us Your guidance and the will to follow it. Amen.

Please be seated.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you very much, Mr. Speaker. I rise today to introduce to you and through you to all hon. Members of this Legislative Assembly a group of students and parents and teachers from Hardisty school in the constituency of Edmonton-Gold Bar. I had a chat with these students earlier this afternoon, and it was, to say the least, a delight. The group is led today by teachers Mrs. Sharon Loughheed, who is the wife of the hon. Member for Clover Bar-Fort Saskatchewan, and Mr. Dave Kehler. Parent helpers are Mrs. Jan Kirk, Mrs. Joanne Linden, Mr. Alain Gauthier, Mr. William Holmes, Mrs. Judy Ekkelenkamp, Mrs. Elaine Pohl, and Mrs. Diane Franke. These teachers, parents, and students are in the members' gallery, and I would now ask them to please rise and receive the warm and traditional welcome of this Assembly.

Thank you.

THE SPEAKER: The hon. Member for Calgary-Buffalo.

MR. CENAIKO: Thank you, Mr. Speaker. It's my honour to introduce to you and through you to all members of this Assembly a 17-year veteran of the Calgary Police Service. Constable Alex Girvin is seated in the members' gallery. He is the Calgary Police Association's representative on the Special Forces Pension Plan Board, and Alex is here for a tour of the building and meetings over the next two days. I'd like to welcome Alex and ask him to rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Minister of Human Resources and Employment.

MR. DUNFORD: Thank you, Mr. Speaker. We have Human Resources and Employment staff that are attending the public service orientation tour, and I would like to introduce them to you and to members of the Assembly. I would propose that I call their names out, and then perhaps when I've finished the names, they would all stand and we'd provide a warm welcome to them. We have Carmen Fortier, Brandy Strachen, Karin Steen, Lori Courtright, Joan Hilsabeck, Holley Engen, Angie Moscaluk, Jocelyn Young, Lora Pillipow, Barb Walline, Brenda Sudayko, and Sarah Meffen. If they'd please rise, we'll give them a warm welcome.

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. HANCOCK: Thank you, Mr. Speaker. Today it's my pleasure to introduce to you and through you to members of this Assembly members of the Canadian Bar Association: Ms Virginia Engel, president, and Mr. Tom Achtymichuk, vice-president. Ms Engel and

Mr. Achtymichuk are here, I presume, to not only see how laws are made in this Assembly but also to witness the estimates of the Department of Justice this afternoon. Many members will be familiar with these names as they've received a considerable number of letters over the past months from the Canadian Bar Association. I'd like Tom and Virginia to rise and receive the traditional warm welcome of the House.

head: **Oral Question Period**

THE SPEAKER: First Official Opposition main question. The hon. Member for Edmonton-Gold Bar.

Workers' Compensation Board

MR. MacDONALD: Thank you, Mr. Speaker. The WCB is going from a culture of denial to a further denial of workers' rights. My first question is to the Minister of Human Resources and Employment this afternoon. Who is responsible for appointing the members of the Workers' Compensation Board and the Appeals Commission?

MR. DUNFORD: Mr. Speaker, the members of the board of directors of the Workers' Compensation Board are selected from a number of men and women that would be forwarded to the chair of the board. They would be asked to be representative of perhaps employer interests, perhaps employee interests, and perhaps public interests. Then, of course, the board chair provides the minister responsible for the legislation a list of people that are to be appointed, and the minister would carry those through the order in council procedure. The same general procedure would apply to the Appeals Commission. There certainly is a desire on the part of stakeholders out there that are interested, as far as I can ascertain, that employees and employer groups would continue to make representation on recommendations for selection to the Appeals Commission.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you, Mr. Speaker. Again to the same minister: given that the government through the order in council procedure appoints these people, why then is the government not accepting responsibility for the decisions of the WCB and the Appeals Commission?

MR. DUNFORD: Mr. Speaker, I think that this answer has been provided by me in this Assembly previously, but just in case it hasn't, I'll go through it again. The Workers' Compensation Act contemplates a no-fault insurance system that would be at arm's length from the government of Alberta. Certainly it provides for a definition of the operations of the Workers' Compensation Board that are the direct responsibility of the board of directors. The government as far as its involvement maintains the oversight on the legislation and through OC appoints the board chair and members of the board.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you, Mr. Speaker. Again to the same minister: why is the government saddling employers with funding retroactive benefits for long-standing claims and denying benefits to those injured workers?

MR. DUNFORD: I'm not sure I heard the question correctly, but in essence there is contemplation in the bill that was introduced

yesterday that there would perhaps be some review of long-term so-called contentious claims. The situation, though, that's contemplated is that we would not proceed on that review until such time as we had all of the stakeholders, including employers, onside in terms of how that review would be conducted and what the potential costs of it might be.

THE SPEAKER: Second Official Opposition main question. The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. Again the WCB is going from a culture of denial to further denial of workers' rights. My questions are again to the Minister of Human Resources and Employment. How much does it cost to run the WCB's secret police, or special investigative unit?

MR. DUNFORD: Last night I was on my way home, and I noticed there were quite a number of shadows that were coming across the road, and I realized that we are approaching a new moon. With that question, it seems like we're closer to the new moon than what I had anticipated.

MR. MacDONALD: Mr. Speaker, given that the WCB states that only a small fraction of 1 percent of claims are fraudulent, is the cost of the secret police recovered by reducing or terminating benefits of the injured workers?

MR. DUNFORD: Mr. Speaker, this Assembly and all of its members are responsible, of course, to debate a Workers' Compensation Act which puts in place a workers' compensation system. The act is there for any member to have full access to. Yesterday we introduced Bill 26, that will provide amendments to the Workers' Compensation Act. Now, unless the education in the English language that I received has somehow failed me, I fail to find what section a secret police service might be contemplated by that particular act. So I would suggest to Mr. Speaker and to all of those assembled that the hon. member is up to some mischievous, playful antics today.

1:40

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you, Mr. Speaker. That secret police force is a lot more secret than I thought.

Is the minister proposing a 5,000 percent increase to the fines under the Workers' Compensation Act with the hope that the additional money can be used to finance the secret police or maybe to pay for the long-standing contentious claims?

THE SPEAKER: The hon. minister. [interjections] The hon. minister has the floor.

MR. DUNFORD: Mr. Speaker, help me with this. Was it not this hon. member that some time ago confronted a minister and said: now, what is it that you don't know that you're not telling me? It might apply in this particular case.

THE SPEAKER: The hon. Member for Edmonton-Glengarry.

Municipal Funding

MR. BONNER: Thank you, Mr. Speaker. In the budget the province hit municipal governments with a tax bill approaching \$100 million.

They want municipal leaders to build the great communities that Albertans are proud to call home, but all the province brings to the table is unstable funding, increased taxes, and empty promises. Crisis-based, roller-coaster budgeting, that's the government's plan. To the Minister of Finance: why did you break your promise to Albertans to cap education property taxes and instead give them a tax bill for \$45 million?

MRS. NELSON: Well, Mr. Speaker, the question probably should go to the Minister of Municipal Affairs, but I have to say that Alberta has clearly kept its promises to Albertans as we have the lowest overall tax regime in all of Canada. We are the one province that is leading the nation in economic growth. We are the one province that has a bright future for our children and for our own families. We are the one province that has no sales tax. We are the one province without a payroll tax. We are the one province that has kept our word.

Insofar as the education property tax I'll ask the Minister of Municipal Affairs to comment on the particulars.

THE SPEAKER: The hon. minister.

MR. BOUTILIER: Thank you. Mr. Speaker, quite simply stated, for this year, based on the people that are coming to Alberta, we want to be able to capture that growth and reflect it so that the pie is divided up in a way that's fair. What's interesting is that for the average homeowner, on a \$150,000 home the increase will be about \$10.

THE SPEAKER: The hon. member.

MR. BONNER: Thank you, Mr. Speaker. To the Minister of Municipal Affairs: given that a fiscal stability fund would have a positive impact on municipal finances, will the minister support this idea?

MR. BOUTILIER: Mr. Speaker, the province of Alberta is viewed as a leader in the Municipal Government Act, as the hon. member is aware. We have just formed Roles and Responsibilities in the 21st Century, the only ministerial type of committee across the entire country. The Federation of Canadian Municipalities has asked for input on this. Both the mayors of Edmonton and Calgary are partnered. The presidents of the Alberta municipal association and the Alberta urban association in fact are dealing with this as well because they participate as well as three members of this Assembly. What I'd also indicate is that in fact tomorrow we're meeting with the presidents of those associations, and I'm pleased to say that as we work in this partnership, it's important that we share the ideas that best represent the ideals of Albertans, and that's what we're doing in partnership with municipalities.

THE SPEAKER: The hon. member.

MR. BONNER: Yes, since the minister did not give us a yes or a no. The biggest financial challenge facing municipalities is access to stable, long-term funding for essential infrastructure projects. Why is the minister rejecting the implementation of a fiscal stability fund which would help our communities upgrade the deteriorating infrastructure?

MR. BOUTILIER: The short answer to the question is that we are not rejecting anything at this time, and I do know that the Minister of Finance has supplemental information regarding the review that's taking place relative to partnerships with municipalities, important partners with our province.

MRS. NELSON: Mr. Speaker, a number of years ago Alberta established a program called the Alberta Municipal Financing Corporation, which went into an arrangement with our municipalities to recognize that they had to deal with growth and with capital projects that required a lot of dollars. As a result of the financial rating that this province has, municipalities are able to access this money, which is at a premium or at a discounted rate to what they would be able to get in the marketplace, and proceed on with a number of their capital projects. This has been a very successful fund, and municipalities have accessed it for a number of years, well over 20 years, so there is a relationship that is very near and dear. We recognize through a number of efforts, through the initiatives that the Minister of Municipal Affairs has put in place but also through the Financial Management Commission, that we have to deal with growth and pressure points not only provincially but down on a municipal level. So we're working in partnership with our municipalities every day.

THE SPEAKER: The hon. leader of the third party, followed by the hon. Member for Whitecourt-St. Anne.

Delisting of Medical Services

DR. PANNU: Thank you, Mr. Speaker. We hear today that retired TransAlta executive Bob Westbury may chair the government's expert panel on delisting medical services. Instead of choosing a real health care expert or even a representative of patients, seniors, or other health care users, this government is choosing yet another business representative with no expertise other than a good Conservative pedigree and powerful friends. My questions are to the Minister of Health and Wellness. Will the minister commit to including representatives of patients, seniors, or other health care users on the panel, or will he just continue to appoint friends and party supporters who can be relied upon to do the government's dirty work?

MR. MAR: Mr. Speaker, I will not answer a question with as a premise the comments made by the leader of the third party that unfairly and inappropriately besmirch the fine name of a good person.

THE SPEAKER: The hon. member.

DR. PANNU: Thank you, Mr. Speaker. The minister maybe will answer my second question. Given that Albertans were led to believe that experts would decide which services to deinsure, has something changed between January and now, or did the minister always think that the word "expert" means whomever suits his political agenda?

THE SPEAKER: The hon. minister?
The hon. member.

DR. PANNU: Thank you, Mr. Speaker. The silence is quite deafening.

The third question to the minister. Since the minister has acknowledged that good, qualified people won't agree to serve on this health care expert panel, will he stand up today and admit that his government's direction is out of step with Albertans and commit to preserving medicare instead of continually chipping at it?

THE SPEAKER: The hon. minister?
The hon. Member for Whitecourt-St. Anne, followed by the hon. Member for Edmonton-Riverview.

Electricity Billings

MR. VANDERBURG: Thank you, Mr. Speaker. I'm getting many calls from upset constituents regarding their power bills in Whitecourt-St. Anne. The concerns are not with the energy charge, which is now the minor portion of the bill. The concerns are now with a wide range of charges that seem to be escalating at a rate that many citizens cannot afford. My question is to the Minister of Energy. The rate riders are associated with the meter, and new homeowners or new Albertans now must pay a previous resident's debt. Is that fair?

THE SPEAKER: The hon. minister.

MR. SMITH: Thank you, Mr. Speaker. The member's preamble actually was quite instructive. In fact, the comment that energy charges are now the least part of a bill I think indicates that the competitive restructuring has some benefits and also the fact that the bill reflects not only the cost of the energy but those specific charges related to transmission. The retail component indicates that there is also transparency on that bill. In fact, customers know exactly what they're paying for.

1:50

Mr. Speaker, as the member states that he's getting numerous calls, we're certainly prepared to handle every one of those numerous calls by directing them to the appropriate utility or transmission authority to which the problem should be addressed. It is true that a bill that has a deferral account on it stays with the meter. These, of course, are charges incurred from electricity purchased above the regulated rate option in the period 2001 and in the regulated rate process in the year 2000. These rates stay with the meter, but because of the transparency of the account and because the member has been astute enough to bring this up in the House, now the first-time homeowner can actually use this deferral account as a part of negotiations in the purchase and disposition of the home.

THE SPEAKER: The hon. member.

MR. VANDERBURG: Thank you, Mr. Speaker. I'm glad that that's recognized, but how will your department notify new homeowners, realtors, and the Law Society to make sure that everybody is aware that there is this debt occurring?

THE SPEAKER: The hon. minister.

MR. SMITH: Well, thank you, Mr. Speaker. Certainly all three of those groups closely follow the proceedings of the House, closely follow legislation as it changes and relates to their industry and of course the strength of the marketplace when every consumer knows that he or she may have an advantage in purchasing a home in Alberta. There are a great number of new homeowners in Alberta, and why is that? Because this province has unprecedented growth. This province has created more jobs through energy deregulation, through oil and gas development, and it has now a vibrant, hot real estate market. These particular pieces of information will be posted on our web site, will be sent out to the member, and will be available to those three groups. I hope that every Albertan can take advantage of this, because I think that every Albertan has the capability to buy a new home in this great province.

THE SPEAKER: The hon. member.

MR. VANDERBURG: Thank you, Mr. Speaker. My final question is to the same minister. Because of this hot market we're having and experiencing out in growth areas like Whitecourt-St. Anne, the sale of new homes not previously occupied have a debt attached to them because of the infrastructure in place. What will happen with the rate riders on that infrastructure?

THE SPEAKER: The hon. minister.

MR. SMITH: Thank you, Mr. Speaker. The rate riders will continue specific to the meter. Just as a sewer charge is put on the subdivision and the particular home, that will continue as well. There's no difference in the continuity of that charge until that charge has been fully paid off. In fact, subdivision developers, real estate agents, and home builders are all aware of this, but it is important, too, that the homeowner has good counsel or does his or her own due diligence to ensure that in the period of adjustments taxes are paid, that there are no back taxes, that all electrical and utility accounts are paid and up to date, the numerous categories under the area of adjustment. Again, because we have such a strong market, I think that this information will be very on topic and au courant in the marketplace.

Private Diagnostic Facilities

DR. TAFT: Mr. Speaker, private radiology clinics in Calgary are hiring staff away from public hospitals, enticing them with various attractions including \$8,000 signing bonuses. These clinics are then using these same staff to provide services back to the Calgary health region. To the Minister of Health and Wellness: does the minister have any evidence that this practice is saving the public health care system money?

MR. MAR: Mr. Speaker, I'm happy to reply to this question, and it has been asked in a number of different ways by the hon. Member for Edmonton-Riverview. Of course, we are putting great resources into regional health authorities and into the public health care system in this province. I think the increase in the budget of the department of health, some 7 and a half percent, an increase of nearly \$500 million, which was the largest increase of any budget in this government's operations, will lead people who will look at this objectively to the conclusion that health care is the most important issue that this government is dealing with.

Mr. Speaker, as I indicated to the hon. member earlier this week, we have put resources into three areas: into equipment, into plants, and most importantly into people. We are training people. We are aggressively recruiting sonographers from other jurisdictions. I outlined a number of them in some detail yesterday afternoon, and I would be happy if the hon. member would refer to *Hansard* of yesterday afternoon's question period and see the very things that we are doing in order to recruit good people into this jurisdiction to provide services within the public health care system.

Now, Mr. Speaker, the hon. member is asking specifically about efforts made by private facilities that are recruiting from the public system. Those private facilities may in fact end up providing services to the public system by providing services through contracts with regional health authorities. If the hon. member wishes to have greater detail on that, I'll undertake to do that.

DR. TAFT: Why does government policy allow paid clinical directors of regional health authorities to also be partners in firms recruiting staff away from those same RHAs?

MR. MAR: If the hon. member wishes to bring forward the specific

situation that he is referring to – and I don't know which specific situation he may be referring to – I'd be happy to look into that question for him.

DR. TAFT: I'll deliver the information.

Given that the Auditor of Ontario has done a very informative review of some contracted-out diagnostic services in that province, will this minister request the Auditor General of Alberta to do a similar review of business arrangements for diagnostic services in the Calgary health region including full life-cycle costs and a review of conflicts of interest?

MR. MAR: Mr. Speaker, the Auditor General in this province has already looked at the issue of how we allow for contracts to be provided by regional health authorities to private providers, and that matter has been dealt with by our own Auditor General and need not be done again, nor need we be influenced by the work done by the Auditor of the province of Ontario.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Edmonton-Centre.

Electricity Transmission System

MR. HORNER: Thank you, Mr. Speaker. My question is for the hon. Minister of Energy. There's been a lot said and written recently about the congestion on the Alberta electrical grid. Indeed, some major expansions are being discussed with possible deferrals. Could the minister please tell us what the current status is of the transmission system in Alberta?

THE SPEAKER: The hon. minister.

MR. SMITH: Thank you, Mr. Speaker. It's important, I think, to recognize that the member's question comes from the fact that there exist at present over 700 years of low-sulphur, high-efficiency thermal coal resident in the member's riding and that it's his riding that actually lights up Alberta. Much of it is also close to Stony Plain as well. To exit that Wabamun factory and the mills, there has been a transmission established over a number of years. There has been no change to that transmission network over the last 15 years, and in fact it is somewhat near capacity. There has been, because of the change in the electricity model, a very large and open debate on transmission. In fact, the transmission administrator for the province of Alberta has conducted numerous studies and has consulted a great number of Albertans and talked about congestion and bottlenecks. That has identified major areas for upgrading: the Edmonton-Calgary corridor, particularly if we want to get more generation into that area and more power out of that area; a tremendous opportunity for natural gas cogeneration, electricity generation in the Fort McMurray area. There will be opportunities to move that electricity out of there.

In fact, the Energy and Utilities Board, Mr. Speaker, is conducting in a very open fashion, with transcribed hearings, the opportunities that sit for transmission upgrades in the province of Alberta. It is important to remember that the power buying and selling part is actually fully deregulated and now competitive in nature. The transmission side is in fact still regulated by the Alberta Energy and Utilities Board.

2:00

THE SPEAKER: The hon. member.

MR. HORNER: Thank you, Mr. Speaker. My next question is to the same minister. Given the minister's answer with regard to the

transmission lines, could he also tell us what the benefits are to Albertans for upgrading the transmission system and making it larger?

MR. SMITH: Well, Mr. Speaker, as much as I would like to continue about the benefits of ample electricity transmission for all Albertans, that would continue well past the end of question period. I just want to focus on low-priced, reliable electricity in this province, which is something that is fundamental to the Alberta advantage. We do need more power generation to support the growing population and the economic base. Of course, it's a chicken and egg question. We do know that improving the transmission system will encourage new investment. New investment will lead to new generation. New supply, added supply, will result in downward pressure. [interjection] Contrary to the New Democrats' view of market pressures, the marketplace actually does work by bringing up more supply, creating downward pressure on prices.

THE SPEAKER: The hon. member.

MR. HORNER: Thank you, Mr. Speaker. My final question to the same minister: given all the good news which he's just told us, do we expect that the consumers will end up paying for this new transmission line?

MR. SMITH: Mr. Speaker, the Energy and Utilities Board is going to identify how payments are to be made, and we won't presume that outcome. Certainly, as the Premier stated and as is the policy of this government, generators and sellers are responsible for the transmission of this power to market, and they pay the tariff that they used for the transmission system. This is all reflected in the total price of electricity to the consumer.

THE SPEAKER: The hon. Member for Edmonton-Centre, followed by the hon. Member for Calgary-West.

Library Funding

MS BLAKEMAN: Thank you, Mr. Speaker. Today is Canada Book Day, but no celebrations here. The Minister of Community Development, by underfunding libraries, has pushed them to seek subsidies through the community lottery boards. Now the Minister of Gaming has cut the community lottery boards, this important source of funding for libraries, because they were not a priority. The libraries, which make a direct contribution to lifelong learning in this province, are now left without adequate financial resources. My first question is to the Minister of Learning. Given that the department's mission statement includes the promotion of lifelong learning, what will the minister do to ensure that libraries receive adequate funding?

Thank you.

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. Obviously, libraries are a very important concept with lifelong learning in Alberta. [interjections]

THE SPEAKER: Hon. minister, please. The chair cannot hear. There seems to be a lot of chitter chatter in the front bench here to the right, and I'd like to hear the hon. minister's response.

DR. OBERG: Thank you, Mr. Speaker. One of the greatest things that will happen to libraries is the advent of the Supernet, where all

libraries will be formed together. I'd invite the Minister of Community Development to supplement my answer. Our libraries are alive and well and are doing more than in the majority of provinces in this country.

THE SPEAKER: The hon. minister.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Very briefly, it would surely interest the members of the House to know that this year's budget for public libraries, of which there are several hundred in the province, has been increased by over \$700,000. That's in addition to the \$700,000 increase that was provided last year. Now, we can always use more money in libraries, but that's a good start. We'll be addressing that as more moneys come available, but those are two very positive increases that we've experienced in the last two years.

THE SPEAKER: The hon. member.

MS BLAKEMAN: Thank you very much, Mr. Speaker. My next question is to the Minister of Gaming. Given that the Devon Public Library Board recently told its town council that children's reading programs would suffer because of the elimination of the community lottery boards program, where does this minister suggest the library go for funding?

THE SPEAKER: The hon. minister.

MR. STEVENS: Thank you, Mr. Speaker. What I've heard the Minister of Community Development indicate is that there's more money for libraries this year in his budget. That would obviously be part of the answer to the question. As it relates to the Ministry of Gaming, the hon. member knows that we have a charitable gaming model which provides funding to a number of different community activities. We have approximately \$300 million this year that is going to go to the not-for-profit, volunteer sector, and that indeed is a great deal of money. It is quite conceivable that that particular example that you have referred to and others in the library sector will be able to avail themselves of some of that money.

MS BLAKEMAN: Slot machines for books.

My final question is to the Minister of Community Development. Given that this minister's underfunding of libraries will no longer be subsidized by the Minister of Gaming and he has already mentioned that there is an increase in the budget this year, is the increase enough to cover the loss of money that libraries were receiving through the community lottery boards, and will there be local decision-making that goes along with this increase?

MR. ZWOZDESKY: Mr. Speaker, I want to just firmly state that the members on this side of the House firmly support libraries in this province, and we've demonstrated that year after year. In fact, I will be demonstrating it further this weekend when I attend again the annual meeting that they're holding in the West Yellowhead constituency in Jasper, and at that time I will be talking to them about some long-range and future plans.

With respect to any specific amounts that have not materialized, hon. member, I don't know the numbers you're talking about, but in terms of my department, my department's budget has increased. It has not decreased, as you are inferring. [interjections]

THE SPEAKER: Hon. Member for Edmonton-Centre, I gave you the courtesy of recognizing you to ask a question, so when the

question has been asked, then the other person should have the opportunity to respond to the question.

School Closures

MS KRYCZKA: Mr. Speaker, Calgary-West has two distinct areas. The eastern one-third is an older, well-preserved area with, until recently, nine underutilized schools, and the western two-thirds is a developing area with three very full elementary schools. Battalion Park is a minischool in the west area and used to be number four on the CBE's new school priority list and is now off that list due to the new sectoral approach, which averages out utilization of all schools in the area. This has greatly lowered the overall rate. Battalion Park, however, has had to cap enrollment for local grade 1 children in September 2002. My main question is to the Minister of Infrastructure. What role does the province play when the local school board, the CBE, closes underutilized schools such as Glenmeadows elementary and now the Plains Indians cultural survival school, both in Calgary-West?

MR. LUND: Mr. Speaker, of course the closing of a school in any community is a very traumatic experience, so as a consequence we take it very seriously and have put in place a procedure under the School Act which requires a lot of public consultation. Once that is completed, the school board then can proceed with a motion to close the school. I've got to commend the Calgary board of education on the consultation work that they have done over a period of time when they've looked at the utilization and the location of their various schools. Once the board has passed a motion stating that they will close the school, then municipalities will be notified, the Department of Learning will be notified, and of course Infrastructure will be notified. We then look to see if there is another need for the school. For example, maybe a charter school or perhaps even a private school may want to locate in that location. If those are deemed to be not necessary, then we would look at other government uses for the property. If the result is that there is no further use, then with permission from the Minister of Infrastructure the school board can proceed to sell the property.

THE SPEAKER: The hon. member.

MS KRYCZKA: Yes. My first supplementary question is again to the Minister of Infrastructure. Will the funds realized from the sale of these properties reduce otherwise available provincial funding to the CBE, or will these funds be in addition to?

MR. LUND: The proceeds from the sale of the property will be distributed on a prorated basis relative to the purchase of the property and the school. All of the money stays in this case with the Calgary board of education. We will direct where the portion of our funds could be used within the Calgary board of education. The board has the option of directing their funds. The only stipulation on it is that it must be used for capital.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Edmonton-Highlands.

2:10

Gas Flaring Study

MS CARLSON: Mr. Speaker, in March the minister of health said that he was waiting for the results of a scientific study on the effects of flaring and gas emissions on animals before starting a study on the effects of these industrial processes on human health. Will the

minister of health please tell us what results from the animal health study he is anticipating will be applied to the human health study?

MR. MAR: Mr. Speaker, I can't speak knowledgeably on the specifics of the research that is being conducted, but I can say from my time in the ministry of environmental protection that there are some issues in the research that is being done now with animal health that may have some applicability with respect to the areas of human health that we may wish to investigate in future research. That is the reason why we are awaiting the results from the one study before we commence another one.

MS CARLSON: Mr. Speaker, can the minister tell us what happened to the money that was originally committed to this project?

MR. MAR: It remains committed to the project, Mr. Speaker.

MS CARLSON: Mr. Speaker, my question was: what happened to the money that was committed in prior budgets? Will he tell us how he spent that money?

MR. MAR: Mr. Speaker, if I understand the question correctly, the money which was allocated for human health studies remains committed to that area, although it is at this time unspent.*

THE SPEAKER: The hon. Member for Edmonton-Highlands, followed by the hon. Member for Calgary-Fort.

Horse Racing Industry

MR. MASON: Thanks very much, Mr. Speaker. The Premier is looking a little bit forlorn today, so I'll ask him a question. When it comes to getting out of the business of business, this government has a huge blind spot. The horse racing industry is getting subsidized to the tune of \$33 million per year by this government, and if that wasn't enough, the Calgary Stampede and Edmonton Northlands each get an additional \$7.1 million from the lottery fund. My question is to the Premier: why is the government massively subsidizing the horse racing industry when it has gotten out of the business of subsidizing business in every other industry?

MR. KLEIN: Well, Mr. Speaker, this is an arrangement that's been worked out with the horse racing industry to take additional money from gambling operations within the horse racing facility. These are primarily slot machines.

MR. MASON: Mr. Speaker, why does the government give the horse racing industry a 51.7 percent share of slot machine revenues while charities only get a 15 percent share?

MR. KLEIN: Mr. Speaker, this is an arrangement that has existed for some time but has been enhanced just recently. There's a reason for it, and there was an exceptionally good article, I might say, in the *Edmonton Journal* over the weekend relative to horse racing and the importance of that industry as an agricultural industry in the province of Alberta. Consistent with our policy and consistent with the law that is in place, the Financial Administration Act, we felt that we could not get in the business of being in business, but we recognized also that this was a faltering industry; that is, the horse industry and especially the horse industry as it related to breeding good horses for the race track and literally keeping thousands of people employed who, I venture to say, would otherwise be unemployed and perhaps on welfare or some form of UI had they not

*See p. 867, right col., para. 1

had the opportunity to work at the track. So we had to devise a way that would not involve taxpayers' dollars, would not involve direct intervention by the government. In conjunction with the horsemen and the track operators we came up with a solution that would not involve taxpayers' dollars but would involve enhanced revenues through the slot machines that now exist in at least one racing complex but are allowed to exist in others.

MR. MASON: Mr. Speaker, why does it take a New Democrat MLA to tell the Premier to get out of the business of being in business? Are there no more Conservatives, real Conservatives, over there any more?

MR. KLEIN: Well, Mr. Speaker, I find it very unusual indeed for an ND to tell any government how to get out of the business of being in business. All you have to do is look to some of the jurisdictions that have been governed by the NDs and are still governed by the NDs and you'll see a multitude of businesses that are owned by the government.

I think that this province has done an outstanding job of getting out of the business of being in business. As a matter of fact, we have a direct relationship with only one business that I know of now. That's the Alberta Treasury Branches, and that's an institution that is the subject of review from time to time. There's good reason for government to be involved, albeit at arm's length from the operation. So really we have lived to the letter of the law the Financial Administration Act.

As a matter of fact, Mr. Speaker, I would point out to this ND member of the Legislature that no ND government in Canada has the kind of legislation that we have that prohibits government from getting into the business of being in business.

THE SPEAKER: The hon. Member for Calgary-Fort, followed by the hon. Member for Edmonton-Mill Woods.

Volunteer Sector

MR. CAO: Thank you, Mr. Speaker. Given that Albertans are well known around the world for their volunteerism and Alberta's volunteer sector plays a very important role in cost-effective delivery of community services, my questions today are to the hon. Minister of Community Development. How is Alberta volunteerism measured, and what are the trends of those measurements for the recent years?

THE SPEAKER: The hon. minister.

MR. ZWOZDESKY: Thank you, Mr. Speaker, and thank you to the member for that very good and very important question. I want to begin by just stressing how important volunteerism is in this province and that it is something that we highly, highly value as a government. From time to time we are able to do some measurements. One of the most recent measurements we did was last year, when we contracted a private research firm to do a telephone survey of Albertans on the subject of volunteerism. The results told us that about 75 percent of Albertans had participated in some form of volunteer activity in the past year. That's a very interesting trend because it also told us that we're on the increase in terms of volunteerism in this province. One of the important trends within that trend is the fact that more volunteers are coming to us and volunteering as families, and we're attracting more youth volunteers as well, two very important things in Alberta.

THE SPEAKER: The hon. member.

MR. CAO: Thank you. My first supplemental is to the same minister. Again, what programs does the government, through the Community Development department, have to further develop volunteerism in Alberta?

MR. ZWOZDESKY: Mr. Speaker, our programs permeate many different departments and many different disciplines, but I would say in sort of a general sense that it's basically the Wild Rose Foundation that puts out programs and helpful grants, in the order of approximately \$4 million every year, to help stimulate and motivate the volunteer sector in our province. The volunteer movement is all centred around capacity building, on providing training and leadership programs, on providing partnership arrangements with Volunteer Alberta. It's extremely important to focus on it, especially this week, which as we all know is National Volunteer Week in our province, and we're very happy to be supporting that. We do provide educational programs. Vitalize is one of our more important programs that we provide every year, and in general I would say that volunteerism in this province is alive and well. We're very proud to be supporting the arts, where we see about 60,000 volunteers every year participate; parks and protected areas, where we see about 2,000 volunteers at a minimum providing help every year; and our historic sites and museums provide over 2,000 volunteers. And that's just a few areas that are in Community Development.

2:20

MR. CAO: My last supplemental is to the same minister. In light of reductions in our budget, namely the elimination of the community lottery board grants, what are Community Development's efforts to continue sustaining our volunteer sector?

THE SPEAKER: The hon. minister.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I think it's important to recognize and emphasize that maintaining our volunteer sector in this province is extremely important. I don't know if there is a more critical partner to any government than the volunteer sector. We know that we have good relationships with other sectors, the business community and so on, but the volunteer sector provides a special kind of backbone that provides a different vibrancy. We're very happy to support that through the Wild Rose Foundation and others where we see help going out to nonprofit associations for very special humanitarian, social service, and other related type programs. In fact, the Wild Rose Foundation does organize the annual Vitalize provincial conference which, if I recall correctly, will be occurring again this year sometime in June. They provide board development programs, and they're available should people wish to get in touch with them for that purpose. An initiative that I'm extremely proud of as well is our youth initiatives program, which helps to stimulate more and more interest in and amongst our youth so that they will develop these early habits of volunteering at an earlier and earlier stage.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Calgary-Currie.

Special-needs Students

DR. MASSEY: Thank you, Mr. Speaker. The Minister of Learning has done well in reaching a compromise with teachers. We can now move forward to resolve the problems that led to the strike in the

first place, including the funding of children with special needs. My questions are to the Minister of Learning. How are the amounts allocated for severely disabled students determined?

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. In September of this year we changed the way the dollar amounts were determined to go to school boards. What we did in September of this year was in essence extrapolate from a school board the growth of severely disabled children and pay on the sum of the extrapolation. The reason behind this was twofold, but first of all and by far the most important is that there was a lot of money, up to a \$1,000 per assessment, that was being spent to assess these kids. This was money that was taken directly from the classroom, directly from these special-needs kids, and essentially put into assessment services. The second reason is that basically I do not agree with labeling kids. We therefore have assigned the money to the school board at the rate of a little over \$12,000 per severe special-needs student. We've assigned that to the school boards according to that formula.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you, Mr. Speaker. To the same minister: given that last year 78 percent of school districts incurred deficits in the programs for severely disabled children, will funds for these children be increased to match the costs?

DR. OBERG: Mr. Speaker, the funds for disabled children were increased this year. I believe it was 3 percent, which is consistent with every other grant increase in my department.

DR. MASSEY: Again to the same minister, Mr. Speaker: has the minister plans to provide intensive behavioural intervention service this September to beginning autistic children who've been shunned by Children's Services?

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you, Mr. Speaker. IBI therapy is something that the Minister of Children's Services and myself are presently in the process of looking at. As the hon. member knows, I brought in IBI funding two or three or four years ago when I was minister of social services. It is something that we are looking at, and hopefully we'll have a resolution to this issue very soon.

THE SPEAKER: The hon. Member for Calgary-Currie, followed by the hon. Member for Edmonton-Calder.

Aboriginal Youth

MR. LORD: Thank you, Mr. Speaker. Aboriginal youth are among those who face some of the very biggest challenges in life. As a group they have extremely high levels of poverty, unemployment, suicide and often have reduced levels of education, health care, and so on. My questions are to the Minister of Aboriginal Affairs and Northern Development. Could the minister please tell us what is being done to address the continuing needs and gaps facing aboriginal youth in our province.

THE SPEAKER: The hon. minister.

MS CALAHASEN: Mr. Speaker, thank you. First of all, a number

of ways. One, through the provincial method, is to work through the aboriginal policy framework with the various ministries facilitating and co-ordinating. Secondly is to go through on the national stage. Ministers and leaders of the five national aboriginal groups endorsed the national aboriginal youth strategy in December of 1999, based on the belief that solutions and results can be realized when all stakeholders work together in partnership and to provide a framework that would assist the stakeholders in the development of a policy and design and delivery of programs and services for aboriginal youth. In fact, aboriginal youth will have opportunities to pursue career and quality-of-life goals. This is a living document, and we hope that we'll continue to do this through a 10-year window of service.

THE SPEAKER: The hon. member.

MR. LORD: Thank you, Mr. Speaker. Could the minister advise us as to how these programs are expected to make a difference for aboriginal youth?

MS CALAHASEN: Well, what we've got on a provincial basis is what we call the aboriginal policy initiative, and that's where we facilitate co-operation between the various government ministries and then deal with a number of issues. Secondly, on a national scale, Mr. Speaker, was the national aboriginal youth conference at Edmonton this fall. Over 120 aboriginal youth participated. As a matter of fact, my department is leading a federal/provincial/territorial/aboriginal working group to establish a national aboriginal youth advisory committee with links to make sure that we have federal and provincial governments involved and national aboriginal organizations and other stakeholders such as the private sector. If properly structured, this committee could provide advice on program and policy development. It could also act as a national networking device with linkages to private-sector sponsors and provincial youth committees such as the Alberta Children's Services Youth Advisory Panel, which contains an excellent pool of aboriginal and nonaboriginal youth.

MR. LORD: My final question to the same minister: how would this program be implemented in terms of the action steps, the next steps to be taken?

MS CALAHASEN: Mr. Speaker, on the provincial stage certainly committees are working on a continual basis to make sure that we continue to address the gaps, but on a federal stage the federal, provincial, territorial, and aboriginal ministers and leaders will meet again this June to review the work of a working group and to provide further direction regarding the development of an action plan in collaboration with aboriginal youth to address the priorities raised at the youth conference and through the strategy.

Of course, Mr. Speaker, we need not wait until the next FPTA meeting to continue our march forward. In fact, stakeholders may strive to close the gap at an accelerated rate, which is exactly what Alberta has done through the APF and API. As I was going to say, the APF is the foundation document setting out strategies to address issues facing aboriginal people, including aboriginal youth. It complements the national aboriginal youth strategy by recognizing the important role of youth in aboriginal communities and the need to have the voice of youth heard by the communities and by government.

Mr. Speaker, our goal is to make sure that the national aboriginal youth strategy closes the gap between the well-being and self-reliance of aboriginal people and other Albertans.

Speaker's Ruling Anticipation

THE SPEAKER: Hon. members, before I start receiving notes from hon. members about that last series of questions, the estimates for the department of aboriginal affairs are scheduled for today, and our tradition is that if a particular estimate is up for debate on a particular day, questions might be avoided from that area. However, the chair did listen very attentively, and the questions appeared to be in the area of policy rather than in the area of administration and budgeting, and it was the last series of questions of the question period as well.

Now, two hon. members of Executive Council have indicated that they wish to supplement an answer. Our policy is that once the minister is recognized to do such a thing, then one of the members of the Assembly who directed the question to the minister in the first place is in a position to ask a supplemental question.

So I'll first of all recognize the hon. Minister of Community Development.

PDD Boards

MR. ZWOZDESKY: Thank you, Mr. Speaker. Yesterday the Leader of the Opposition raised a question and was referring to two documents, one of which I was familiar with and one of which he didn't identify, but later on, just before question period ended, he was kind enough to provide that second document to me. I've since had a chance to review it, and I just wanted to clarify for him and for all members of this House and for our viewing public, many of whom are persons with developmental disabilities, that the total amount that was indicated in the budget for PDD programs and services and what the hon. opposition leader was referring to yesterday are identical. It's approximately \$407 million.

What has changed, however, because of the community governance model is that all of the regions have received a little bit more than they were anticipating, because this is a needs-based, demand-driven program. As a result, the PDD Provincial Board, in streamlining some of its administration and cutting some of its own operating costs, was able to make more money available for program dollars in the different regions. In fact, we're just working on finalizing right now what those exact amounts will be. In the case that the hon. leader cited yesterday, Edmonton PDD regional board's funding will likely go up from about \$111 million to about \$115 million. So that's pretty good news, I think, for a demand-driven program, and I hope that clarifies that issue.

The second point, very quickly, Mr. Speaker, is that there is no plan within Community Development, specifically within the PDD system, to transfer PDD-eligible recipients to other departments. That does not exist. There may exist a few instances, however, where some people are receiving PDD-type funding and may not necessarily be eligible for it, and that's what we're asking to be reviewed.

2:30

THE SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. We appreciate the minister clarifying his comments of yesterday.

THE SPEAKER: The hon. Minister of Health and Wellness.

Gas Flaring Study (continued)

MR. MAR: Thank you, Mr. Speaker. Earlier this afternoon in question period, in responding to an inquiry by the hon. Member for

Edmonton-Ellerslie, the question was about a commitment made by the Department of Health and Wellness with respect to a study in human health. The department had committed \$2 million over a four-year period for this study. A decision was made to defer that commitment to the study pending the results of the animal health portion being concluded first. Subsequent to that, last October, as part of the government's 1 percent reduction in spending, the budgeted money for that study had in fact been returned to Treasury. So I humbly apologize for my error.*

MS CARLSON: Mr. Speaker, we would have an additional question for the minister, then, which was one I had wanted to ask earlier, and that is: what are the chances of this human health study being canceled completely?

MR. MAR: It would depend largely in part on the impact and the results of the animal health study. I'm led to believe, Mr. Speaker, and am advised that one of the challenges in doing the human health study portion of this is because of the nature of the transient and sparse populations in the areas that are being looked at, so the animal health study is easier to conduct. The human part of the study is more difficult, but we will review the commitment at the time that the animal health portion of the study is completed.

head: Members' Statements

THE SPEAKER: The hon. Member for Cardston-Taber-Warner.

Apex Youth Awards

MR. JACOBS: Thank you, Mr. Speaker. Today I rise to give recognition and offer congratulations to the organizers of the Apex youth awards. The first annual Apex youth awards were developed by the Rotary Club of Taber and the *Taber Times* to recognize individuals who represent the best qualities in Taber's youth, youth that unselfishly give of themselves in the service of others. Far too often the youth of our communities are not given the recognition they deserve. Currently there are many academic as well as athletic awards for our youth, but there is a large group of children and young adults who don't fit into either of these two award categories, yet they are offering a lot to the betterment of our communities.

Growing up as a kid today is not an easy task, but there are individuals out there who strive above the rest to make life for themselves and those around them better. The Apex youth awards were created to recognize these outstanding people. Of the 26 nominations received, the judges had to decide on four that stood ahead of the others. These four outstanding citizens along with all nominees were honoured at the awards banquet on Thursday, April 11.

The four nominees chosen for \$1,500 bursaries include Mitch Allard, the only boy and oldest child in a family of three, who helps his mom at home cooking, cleaning, and doing yard work. His younger sister suffers from cerebral palsy and requires extra attention and care, which he gives willingly. Nicole Kano has been a positive role model for young and old. She is always aware of other people's feelings and is there to help them out. Nikki's involvement in her school, church, air cadets, and community makes her an excellent role model for everyone. Lenny Millo is a lovable, gentle lad who brings new meaning to, "You can do it," and continually astounds his classmates, teachers, family, and friends. Even though God bestowed him with limitations, Lenny has far surpassed any expectations that the professional field had assumed. Brittany Paun is a caring and accepting young girl. She has shown

*See p. 864, right col., para. 6

that with a positive attitude and confidence in yourself, regardless of circumstances, you can accomplish anything. When Brittany was seven, she was involved in a motor vehicle accident that left her confined to a wheelchair. The limited ability she now has is nothing compared to her strong will to overcome anything that stands in her way.

Again, congratulations to the Apex youth awards organizers and the youth who were nominated. Thank you.

THE SPEAKER: The hon. Member for Redwater.

Organ and Tissue Donation

MR. BRODA: Thank you, Mr. Speaker. In March of this year Ipsos-Reid was commissioned by the Kidney Foundation of Canada to poll Albertans about organ donation. They found that 93 percent of Albertans are in favour of organ donation, but as many as 45 percent of us have not talked to our families about our wishes for donation. We must talk to our loved ones because they make the final decision about donation. People die waiting for organ transplants because our families don't know what to do. Talking about organ and tissue donations can be difficult. To help initiate the discussion, the Kidney Foundation developed a guide. The Let's Talk About It guide encourages Albertans to share our wishes so that we know what to do if the unthinkable should happen. At this time of great sorrow your family needs to know what to do. Your family shouldn't have to make this decision alone. During this week, National Organ and Tissue Donor Awareness Week, I encourage all members of the Assembly and all Albertans to talk to your family about your wishes for donation.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Lacombe-Stettler.

Economic Development in Lacombe

MRS. GORDON: Thank you, Mr. Speaker. Yesterday at a noon luncheon a very important event took place in Lacombe, Alberta. The very enthusiastic hon. Minister of Economic Development presented the Lacombe Economic Development Board, town of Lacombe, and Mayor Bill McQuesten with a plaque that tells the world that they are the first organization in this province, in fact the first economic development organization in all of Canada to receive accreditation under the community economic development accreditation process. When a board applies for accreditation, they must work through a rigorous 16-step process. Not an easy task.

I congratulate the Lacombe Economic Development Board on being the first to receive this status, which only confirms that Lacombe is indeed a town that is most proactive in building, maintaining, and recognizing the economic strength within their community, within their region. Well done, Eric Jerrard, economic development officer, town of Lacombe; Ian Foster, chair; all board members; and in particular board member Lori Hellofs, who spent hours utilizing her many organizational skills to assist in putting together what was indeed a winning application. Continued success as you move economically ahead.

THE SPEAKER: The hon. Member for Edmonton-Highlands.

Provincial Fiscal Policy

MR. MASON: Thank you, Mr. Speaker. On February 26 the Lieutenant Governor delivered this government's throne speech. The speech paid typical Conservative lip service to health care and education, areas where Albertans know that Tory priorities are

distorted by the urge to privatize and profiteer. The reality is that despite its token commitment to health and education, the government's priorities have little to do with supporting Alberta communities.

The starkest example of this government's skewed priorities can be seen in the allocations from the Alberta lottery fund and in the Tories' eagerness to eliminate the community lottery boards. Grants from these boards allowed volunteer organizations and local groups to be vibrant and contributing members of their community, but the government's addiction to gambling was too strong, and the program was cut. But this government is never satisfied with simply cutting a program. They also feel compelled to dismiss and discredit anyone who might present credible opposition to their plans. On April 8 of this year the Premier dismissed recipients of lottery funds as mere "pipe and bugle bands" and offhandedly assured the Legislature that the groups he was asked about received funding from the community facility enhancement program. In fact, none of them do.

So we see how the Conservative government treats Albertans who are not priorities. They are dismissed as inconsequential and then promised support that never appears. It's quite a different story if you are a Tory favourite. The horse racing industry, for example, will receive a whopping \$33 million this year. This \$33 million taxpayers' subsidy is nothing other than a wasteful subsidy for one of the government's favourite industries. The government is in the business of picking winners and losers. While favoured groups like the horse racing industry are allowed to continue riding high, Alberta communities are left trudging along behind the parade. It is hardly an enviable position.

Speaker's Ruling Members' Statements

THE SPEAKER: The hon. Member for Calgary-Currie wants to rise on a point of order, but I want to make it very clear that I will not hear points of order on members' statements. When this procedural aspect of this Assembly was dealt with a number of years ago, the intent was that hon. members would have clearly unimpeded two minutes to wax eloquent on any subject matter that they chose to wax on. That was a democratic right. That's a tradition I intend on upholding as one of the authors of the agreement.

2:40

head: Presenting Petitions

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. I rise to present a petition signed by 135 residents of Edmonton petitioning the Legislative Assembly of Alberta to urge the provincial government "to take decisive action in making safe, affordable housing a top priority of concern when making policy decisions and working with other levels of government on this issue."

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you, Mr. Speaker. I'm presenting a petition signed by 153 residents of Edmonton petitioning the Legislative Assembly of Alberta to urge the provincial government "to take decisive action in making safe, affordable housing a top priority of concern when making decisions and working with other levels of government on this issue."

head: Tabling Returns and Reports

THE SPEAKER: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. I've got two tablings today. The first tabling is a letter from Linda D'Angelo, government relations chair, Arthritis Society, Alberta and Northwest Territories division, requesting that two new drugs, Enbrel and Remicade, be made available to citizens of Alberta.

The second tabling, Mr. Speaker, is also a letter, this one from John Mahon, executive director, Edmonton Arts Council. Mr. Mahon believes that "the provincial government has a role in maintaining our social infrastructure" and that as such the lottery boards should be re-established.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you, Mr. Speaker. I have two tablings today. The first tabling is a letter from the chair of Community Lottery Board No. 66 addressed to the Minister of Gaming. The board is concerned with the serious threat that the elimination of the community lottery board program is posing to the survival of many volunteer organizations.

The second tabling is from the chair of the Carbon and District Recreation Board on the same subject. This board is disappointed with the government decision to eliminate the community lottery board program.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you very much, Mr. Speaker. I have two tablings this afternoon. The first tabling is a letter copied to myself and addressed to the Premier. It's from Mr. Gordon Block, the president of the South East Edmonton Seniors Association. This is a letter written, of course, to express shock and disappointment over the cancellation of the community lottery boards, and it urges the government to come to their senses and reinstate the community lottery grants.

My second tabling today, Mr. Speaker, is the actual forecast from the Power Pool from yesterday, April 22, 2002. It indicates that at 12 o'clock electricity was 15.3 cents a kilowatt-hour, at 2 o'clock it was 17.5 cents a kilowatt-hour, at 5 o'clock it was 42 cents a kilowatt-hour, and then at 10 o'clock, at bedtime in this province, it was 35.9 cents a kilowatt-hour, conclusive proof that deregulation does not work. It's expensive and unstable electricity we have now.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I have two sets of tablings today. The first set is a number of unique and interesting letters from Harald Witzler of Sherwood Park, Roy Troughton of Fallis, Harold Schroeder of Onoway, Bart Rohrick of Sherwood Park, Gene Millenaar of Edmonton, Diane Hormann of Ferintosh, Neil Hanoski of Camrose, Michael Walsh of Sherwood Park, Dennis Jettkant of Stony Plain, Irvine Bobye of Calgary, Rene Michaud of Leduc, Rollie Sicotte of Edmonton, Hugh Fuller of Edmonton, Murray Knight and Janice Wournell of Strathmore, Larry Hoffman of Medicine Hat, and Walter Gripping of Granum, all requesting the government to maintain some access for off-highway vehicles in the Bighorn. [interjection] These are actually your supporters this time.

My second set of tablings, Mr. Speaker, are from Christyann Olson of Calgary, Weslyn Mather of Edmonton, Melvin Dunford of Calgary, Jorn Ole West of Calgary, Madeleine Oldershaw of Calgary, Bob Bartlett of Calgary, Torsten Buchholz of Calgary,

Wendy Adams of Edmonton, and seven residents of Calgary whose signatures were not clearly identifiable. These people would like the government to designate the Bighorn wildland recreation area as a wildland park using the original 1986 boundaries.

THE SPEAKER: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you, Mr. Speaker. I have four tablings today. The first is from Ray Christenson, who is the chair of the Catalyst Theatre board of directors. The letter is directed to the Premier. They note that the resources in the theatre are strained at the best of times. They were in the process of preparing an application to the community lottery board for a grant to replace their antiquated computers when it was canceled. They're urging the government to "reinstate this valuable, crucial program immediately."

My second tabling is from a series of people: Gamal Abdel-Shehid, Mark Driscoll, Anne Malena, Mark Simpson, and Heather Zwicker. They are writing to register their outrage at the provincial government's recent attacks on public education and workers' rights in Alberta and are urging an immediate repeal of Bill 12 and a return to the bargaining table.

My third tabling is from Guy Coulombe, who is the residential aide placement services board president. The letter is directed toward myself. They're urging the government "not to eliminate funding from PDD until an alternate source of funding is secure."

My final tabling on Canada Book Day is a letter from Dr. Marco Adria, who is the chair of the Edmonton Public Library Board, noting that library materials for the public and talking books for sight impaired users to construction of a nonprofit centre on the sixth floor of the Milner Library were some of the uses to which community lottery boards funds were put, and on behalf of the trustees of the Edmonton Public Library Board they ask that the government reconsider the decision and reinstate community lottery boards.

Thank you.

head: **Orders of the Day**

head: **Government Bills and Orders**

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I would like to request unanimous consent of the House, as has become our norm, to suspend Standing Order 58(4) and allow consideration of this afternoon's estimates, being the Department of Justice and Attorney General estimates, to go beyond two hours with the vote on these estimates to take place no later than 5:15 this afternoon as per Standing Order 58(5) or sooner if no one wishes to speak.

[Unanimous consent granted]

2:50

head: **Committee of Supply**

[Mr. Shariff in the chair]

THE DEPUTY CHAIR: Let's call the committee to order.

head: **Main Estimates 2002-03**

Justice

THE DEPUTY CHAIR: The first hour, as per the Standing Order, will be allocated between the minister and members of the opposition following which any other member is able to participate. The hon. Minister of Justice.

MR. HANCOCK: Well, thank you, Mr. Chairman. I'm delighted this afternoon to present Alberta Justice's business plan for 2002 to 2005. I'd like to start by acknowledging members of the department who are with us today in the gallery and who have done a significant job for Albertans over the course of the past year and are anticipating doing an equally significant job for Albertans over the next year. In particular I would mention that the members of our strategic services division are shared with the Department of the Solicitor General, and as such over the course of the preparation of this business plan and these estimates have done yeoman's service, in fact have done double duty over a period of time. With us today in the gallery – and I'd ask them to rise and receive the recognition of the House – are the deputy minister, Terry Matchett; Rod Wacowich, assistant deputy minister, court services; Peggy Hartman, assistant deputy minister, legal services; Peter Teasdale, acting assistant deputy minister, criminal justice division; Dan Mercer, assistant deputy minister, strategic services; and Manuel da Costa, director of maintenance enforcement.

I'll open with a few remarks and respond then to any questions that might come up from the House this afternoon, and to the extent that either time does not permit or I'm unable to answer questions in sufficient detail, we'll certainly be prepared to respond in writing to any questions that are left unaddressed.

Through our programs and services Alberta Justice is committed to building a democratic and prosperous Alberta based on respect for the law, a province where all Albertans are safe in their homes and communities and have confidence in their justice system in a province where disputes are resolved fairly and effectively. Our mission is “to serve Albertans by promoting safe communities, by ensuring access to the courts and other methods of dispute resolution, by providing legal and related strategic services to the Government of Alberta, and by communicating with Albertans about the administration of justice.”

I'd like very briefly to outline our core businesses. We will prosecute criminal and other offences giving priority to prosecution of serious and violent crime. That involves \$36.3 million, or 15.4 percent of our budget. We will provide Albertans access to the courts and other dispute resolution processes: \$96.3 million, 40.8 percent of our budget. Alberta Justice will work to provide excellent corporate advice and legal services to government ministries: \$22.5 million, 9.5 percent of our budget. The ministry will provide support and protection to some of the province's most vulnerable citizens, such as families who depend on court-ordered maintenance payments, individuals unable to protect their financial interests, and individuals who cannot afford legal counsel: \$81.1 million, 34.3 percent of our budget.

In light of our fiscal targets we've also reviewed a number of strategies for improvement to the cost-effectiveness and the efficiency of our programs and services. I know that members have had an opportunity to review the five key goals in the business plan, so I won't go into them in detail. Instead, I would like to highlight some of the significant changes from previous years and discuss some of our new strategies to meet these goals and improve our services to Albertans.

One of the changes you'll note is the new simplified format that clearly links our goals and initiatives and performance measures to ensure that our ministry business plan is clear and understandable to the public. In addition, we have focused our attention on the development of new performance measures that more accurately reflect the results that we're trying to achieve for our business plan goals. Over the coming year we will continue to refine these measures by finding better ways to measure the achievement of

desired outcomes through both qualitative and quantitative analysis.

The first goal in Alberta Justice's business plan reflects goal 15 of the government of Alberta's business plan, working to ensure that “Alberta will be a safe place to live and to raise families.” Achieving this goal is a shared responsibility, and we recognize the importance of continued partnerships with the department of the Solicitor General and other Alberta government departments, the judiciary, the legal community, aboriginal communities, and our stakeholders in policing, community organizations, and local government.

The Justice plan focuses on two performance measures that provide an indication of public perception of their safety in homes and communities. This will provide an overall indication of our success in achieving the goal of promoting safe communities in Alberta. The responses will also indicate how satisfied Albertans are with the administration of justice in the province.

We will work to develop alternative means to more effectively deal with young persons in conflict with the law who suffer from fetal alcohol syndrome.

As a major theme of the justice summit we recognized victims as an essential part of the justice process. To evaluate our efforts to improve services and enhance the role of victims in the justice system, we'll be developing a new measure: client satisfaction with public assistance programs. To achieve this goal we will work to “identify and implement best practices that assist child victims of crime,” we will enhance awareness of victim needs by facilitating “joint sessions between community victim agencies and Crown offices,” and we will “support the implementation of proposed legislation expanding the powers of the court to assist victims who had suffered a loss of property as a result of an illegal act.”

The ministry also provides support and protection to Albertans in need, “including families who depend on court-ordered maintenance payments.” To this end, existing measures that record the amount collected by maintenance enforcement will be supplemented by a new measure that shows the program's success in collecting scheduled payments. To achieve this goal the ministry will use technology to improve services delivered by maintenance enforcement programs and will support proposed reciprocal enforcement legislation to facilitate interaction with other Canadian jurisdictions. We will develop a public education strategy from maintenance enforcement and will work with other ministries to provide enhanced maintenance enforcement services. We will also continue to provide services through the Family Law Information Centre and will deliver high-quality parenting after separation courses.

We will participate in a cross-jurisdictional review to examine the extent of unmet needs in criminal legal aid and investigate issues in civil legal aid.

Improving access to justice remains a top priority for the department. We will review opportunities for improvements to court processes such as the establishment of specialized courts that can improve access to justice and provide better services to Albertans. The Calgary domestic violence court pilot project is a good example of how such a partnership can address some of the root causes of crime in a preventative manner. We will also continue to examine the feasibility of a unified family court in conjunction with our review of the family law to ensure that Albertans have the best access to the most appropriate way of resolving their family law disputes.

As part of our efforts to provide services in innovative ways, early case resolution remains an important priority in the ministry's business plan. This process can resolve cases earlier to the benefit of court, Crown prosecutors, and particularly the witnesses, victims, and families involved. Mediation and an alternative dispute

resolution process have also improved access to our courts by providing efficient forums that allow parties to take a more active role in resolving their own problems.

Education and communication about the justice system continue to be key strategies for 2002 to 2005. They were key themes of the justice summit, and we will work to identify and respond to gaps in current resources and programs that help Albertans better understand and access the justice system.

By providing legal services, Justice can assist other ministries in achieving their policy objectives while minimizing risk, conflict, and constitutional concerns. To achieve this goal the ministry will develop recommendations on the use of legal service agreements with client ministries to enhance the provision of effective legal services. We will also explore new models of service to address the increasing volume and complexity of prosecutions arising from provincial statutes. We will implement an automated file tracking system to improve the efficiency of the provision of legal and related strategic advice to client ministries, and we will provide negotiation training courses to legal officers and training sessions in legislative development to legislative planners in client ministries.

[Mr. Tannas in the chair]

The financial content of our business plan reflects Treasury Board approvals over the past year, federally funded programs, and funds for continuing initiatives. The spending profile on the last page of our business plan shows our spending targets of \$236 million, \$242 million, and \$246 million over the next three years. The 2002-2003 budget of \$236 million represents a \$9 million increase over last year's forecast and a \$17.7 million increase over last year's budget. These increases reflect the priority that Albertans and the Alberta government place on ensuring safe and secure communities, law and order, and a justice system that is responsive to and accessible by all Albertans.

The budget includes \$7.9 million in additional funding for the 2002-2003 renewal of the prosecution and legal services project. This is over and above the \$6.5 million approved last year and will allow the department to continue efforts to renew and modernize the prosecution service to ensure that Alberta retains the expertise necessary to prosecute complex cases and respond to community needs in a proactive manner. The funding will allow us to hire several new prosecutors and support staff to help ensure that accused criminals are properly and expeditiously dealt with by the justice system.

3:00

An additional \$1 million has also been made available to increase funding to legal aid in our commitment to help provide justice services to Albertans in need. This funding is a continuation of the government's commitment from last year to provide increased funding to legal aid for expanding their financial eligibility guidelines, increasing compensation paid to private bar lawyers, and establishing the family law staff counsel projects in Edmonton and Calgary.

Through the new dedicated revenue initiative the fines for Highway Traffic Act offences have been raised by 20 percent. Alberta Justice will retain those funds, assuming that this Legislature passes Bill 20, to help cover administrative costs associated with processing traffic tickets in Alberta courts. Those processing costs have risen dramatically over the last few years primarily due, I think, to the increase in the use of photoradar. Nonetheless, the processing of those tickets has taken resources from the department which would more appropriately be applied elsewhere, and by increasing

the fines 20 percent and keeping that 20 percent, we are both continuing the amount of money that the municipalities receive from those fines as well as providing for the coverage of the costs of processing. The initiative will allow us to collect what we need to cover our costs. Additional court ticket processors will also be hired to address pressures caused by the increased ticket volume.

Budget 2002 also includes increases to some court fees to better reflect the actual cost of providing those services. Court fees in these areas have not increased since 1993, while the cost of delivering court services has increased dramatically during that period. The increased fees will go further toward covering the costs of providing the services, but they still represent a very small fraction of them. The increased fees are expected to generate an additional \$2.7 million this year.

We have also found ways to reduce our spending elsewhere in our commitment to fiscal responsibility. Across the department we have reduced our spending by over \$4 million through reductions in court services, legal services, criminal justice, and maintenance enforcement. The primary object, Mr. Chairman, is not, though, the reduction of our expenditures. The primary opportunity there is to reconfigure the way we deliver our services so that we can provide more and better services in a more cost-effective manner with the same resources.

So, Mr. Chairman, that would conclude my opening remarks with respect to the Justice estimates. We are continuing our commitment to implement the priorities of Albertans made through their suggestions at the justice summit – to have a more open and effective system, a bit more accessible system, a more affordable system – and we'll continue to build on our past achievements towards ensuring that those commitments are met.

THE CHAIR: For comments and questions with respect to the estimates we'll call on the hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you very much, Mr. Chairman. I'm very pleased to be able to rise today and commence the debate on the estimates for the Department of Justice. Before I start, I, too, would like to acknowledge and thank the staff from the department that have joined us in the gallery. I appreciate the assistance that they give the minister, and I'm sure there will be notes coming down for the minister as the afternoon goes on.

I'm also aware that there are some members of the Canadian Bar Association joining us today to watch our proceedings, and I thank them very much for making the effort. It's always nice to have a connection with some of the other people in the field. Of course, I hope we have some fun seekers and fans here today, because nothing's more exciting than watching the budget debates, in my opinion. [interjection] Well, you know, this is democracy, right here.

I recognize that my speaking time is limited to 20 minutes, so I will likely have to rise a couple of times. If the minister would be kind enough to maybe pick off a couple of topics to respond to, certainly I would anticipate receiving the rest of the responses in writing after the fact. The only request I would make – and this is as much a request of the staff, because I think the pressure goes on them – is to receive the responses before we have to vote on the Appropriation Act. I understand that that's giving them a short time line, and I appreciate any effort they put into that.

So what I'd like to do this afternoon, first of all, is go back and do a quick review of the recommendations that came out of the justice summit in January of 1999 just to see where we are with what was recommended as long-term goals, whether we've been able to

accomplish those or what's still to be done on that. I'd like to go through and review the goals and measurements that have been set out by the department. I have already asked a question in question period about the fees and the changes and increase in fees, and that's an area that I'd like to dwell on for a little bit and, finally, have a look at the Auditor General's observations and recommendations to the department and what's been done to follow up on those recommendations.

What I'm going to do is go through the eight themes and the corresponding recommendations that were made at the justice summit, which was held in Calgary in January of 1999. Now, in each case except two, for each theme there were immediate, short-term, and longer term strategies. I'll be concentrating on the longer term strategies. One assumes that the others have been dealt with or it's not happening. In 1999 these were considered longer term. We're now three years past that. How successful have we been there?

Theme 1: Improve Public Knowledge, Education and Awareness. Now, a longer term strategy was about

Alberta Justice [approaching] Alberta Education, Alberta Advanced Education and Career Development and the private sector to determine how justice education can be improved through curriculum change, the development of new resources and other joint strategies.

So I'm wondering how well we've done on achieving that longer term strategy.

Theme 2: Simplify the Justice System. There was a long list of immediate and short-term strategies there. The longer term strategies were:

1. A single family law forum to deal with [any] family law matters will be explored in consultation with the judiciary and other stakeholders. The forum could include access to alternative dispute resolution processes as well as to the courts.
2. Standards will be put in place and staff training will be provided to ensure all Alberta Justice materials, including court documents and internal documents, will be in plain language.

I'm just going to stop here and ask: what progress has been made in translating other documents that are for public consumption?

As we move in Alberta to a society that does not have English as a mother tongue – and we've heard quite a bit of comment in this Assembly about the need to increase immigration to bring up our labour force and meet our labour force requirements – we are dealing with people coming and living in Alberta who do not necessarily speak English as their first language. When you're trying to understand a new country's laws, being able to access at least some rudimentary information in your mother tongue is very helpful. Now, when I have tried to inquire about what kind of information was available that's translated, I was told that there isn't any. I'm hoping that the minister will put the lie to that. If there are translations, what languages has material been translated into? If there is no translation, then why not, and how soon can we expect to see it? Or is that not contemplated at all? This was a longer term strategy under Simplifying the Justice System, but it was talking about putting material in plain language.

[Mr. Shariff in the chair]

The third strategy was:

3. Alberta Justice is working with Public Works, Supply and Services to redevelop court facilities in Calgary. One of the objectives is to locate all the Calgary Courts in facilities that are in close proximity so services can be easily accessed by all users.

Well, my goodness, what a timely document this has turned out to be. So we'll have a check on how we're doing with that strategy.

Theme 3: Increase Sensitivity and Cultural Awareness. A longer term strategy under that was:

Alberta Justice will consult with First Nations and Metis organizations and other justice stakeholders to identify strategies for better informing Albertans about Aboriginal cultures and values in relation to the justice system.

So where's our checkmark on that one?

3:10

Theme 4: Enhance Community Partnerships. Long-term strategies there were:

1. Alberta Justice will identify the concerns and issues related to the police complaint processes at both the provincial and federal level and develop a plan to address these concerns.
2. Alberta Justice will pursue private-sector partnerships to promote crime prevention initiatives, for example victim services campaigns and Crime Prevention Week.
3. Alberta Justice will work with law enforcement agencies to review the feasibility of establishing a single-site, multi-use police training facility.

Again, I think this is quite timely, and I recognize that that last one now pertains more to the Solicitor General than it does to the Ministry of Justice. [interjection] Okay. Well, you have an opportunity to answer that.

Theme 5: Increase the Role of Victims. There are two long-term strategies:

1. . . . review relevant legislation and policy from a victims' perspective, identify existing rights, and make recommendations for changes to ensure a more meaningful role for victims.
2. The Crown office in Calgary is using public assistance officers to respond to the needs of victims during the time a case is being prepared and brought to trial, and following the trial. Alberta Justice is considering expanding the program to other Crown offices across the province.

Theme 6: Clarify Accountability. Our strategies there were:

1. Consideration is being given to creating a custody diversion program in Calgary similar to the diversion program currently operating in Edmonton. In light of the federal Justice minister's recently tabled youth justice legislation, this review has been expanded to consider the [full] impact of this new legislation . . .
2. Alberta Justice will evaluate and determine, in conjunction with interested justice stakeholders, how to address concerns raised by delegates with respect to accountability in sentencing, parole practices, judicial decisions and police discipline.

Under theme 7, Take Action on Previous Studies and Reports on Justice, there are no long-term strategies listed from the justice summit, and under theme 8, Increase Funding, again there are no long-term strategies listed from the justice summit in conjunction with that theme.

So that's our check back into the last century to see how well we're doing in the new century in accomplishing those.

Next I'd like to look at the 2002-2003 government and lottery fund estimates book, the ministry's business plan summary, so pages 333 onward, and I will comment again this year, as I did last year, that I find that the way this ministry business plan is laid out is much easier to read and comprehend than many of the other ministry plans that I have to deal with. So my compliments to the staff and the minister who put this together. Much more accessible.

Now performance measurements. When we're looking at the goals and the performance measurements, I have some questions that go along with that, and that will be no surprise. Under goal 1, "Promote safe communities in Alberta," when I look at the core performance measures, "public perception of safety in the home"

and “public perception of safety in the neighbourhood,” in both of these we’re targeting for 95 percent of Albertans who feel somewhat safe to very safe in their homes or somewhat comfortable to very comfortable walking alone in their neighbourhoods at night. My question around this is: how useful is this performance measurement? We already know that we’re dealing with a tremendous gap in perception around public safety. We know that it’s safer than people think it is from our statistics on crime and the improvement in those crime statistics. So how useful is this measurement? This is not a new measurement, and I’m just wondering: is the ministry considering changing this, or is it giving them some information that’s useful in a way that I’m not comprehending? If I could get an answer from the minister on that, please.

Now, in goal 3, “Provide access to justice services for Albertans in need,” there are a number of new activities that are planned this year, and the minister did go through many of them in his opening comments. Goal 3.1, “Monitor the operation and evaluation of the Family Law Staff Counsel Pilot Project.” I believe we’re now in our second year of operation with that project, so I’m looking for: what was the budget on this last year, and what is the budget for this this year?

Goal 3.5, “Recommend amendments to the Public Trustee Act.” I’m assuming that this is what is currently under consideration in Bill 20, the Justice Statutes Amendment Act, 2002. If it’s not, I’d be interested in knowing what other additional recommendations were being considered.

Now,

- 3.6 Design and construct a Maintenance Enforcement Program (MEP) management information system.
- 3.7 Enhance MEP web-based technology.
- 3.8 Support reciprocal maintenance enforcement legislation.
- 3.9 Develop MEP Public Education Strategy.
- 3.10 Coordinate MEP file information with other ministries.

I am struggling to believe that we are still trying to get the technology in place in the maintenance enforcement program. These recommendations came out of an MLA review in 1998, and I take it the ministry is still trying to get this management information system. That’s the database; is it not? The last time I asked this question we found out that in fact it was just going to tender many years after it had been recommended, so are we still going to tender? It says, “Design and construct a Maintenance Enforcement Program (MEP) management information system.” Good grief. How many years? You know, children will be born and graduate from university with a doctorate before this comes into being. We need this program to work more efficiently. This is about getting money to children in Alberta, and this is court-ordered support for these kids. Why are we struggling? Does the minister need assistance or lobbying another way somehow to get the resources to be able to do this and carry it through? You know, I can understand enhancing web-based technology. That’s fine. Supporting the reciprocal maintenance enforcement legislation – it’s already come and gone in the Legislature so far in this spring’s session.

I’m interested in what a “MEP Public Education Strategy” might be, and once again are we looking at translation? We’re missing the boat here if we are not offering all new public education materials at least translated into the most common second languages that we’re operating with here.

Could I also get an explanation, please, on goal 3.10: “Coordinate MEP file information with other ministries to increase administrative fairness.” What exactly is meant by that? What’s unfair right now? So I’m looking for explanations on that.

Now, I look at the performance measures under this series of goals that I’ve just gone through. The first one, “Client Satisfaction with

the Services of the Public Trustee’s Office.” Once again this is an opinion poll with satisfaction in it. Why has the ministry not moved on beyond these rudimentary opinion poll based performance measurements? As much as I disagree with many of the choices that this government makes, the business planning cycle was a good choice. You know, performance measurements are hard to get right. What I keep saying is that each department got their first performance measurements and then basically stalled there, and there’s been no attempt to go back and work those performance measurements into something that’s giving them more valuable information. There seems to be a default: when you don’t know what to do, then do a satisfaction poll. I don’t see how that is giving any department managers information that’s helping them to make decisions and move forward. So I’m asking if the department is looking at adjusting these or coming up with new ones. If not and they like these satisfaction ones, then what kind of information are they really getting out of this? You know, are they processing claims better, more efficiently in some way? Well, what is that efficiency then? Does that mean less time, less money, less effort from the person that’s coming in contact with the department? The satisfaction stuff is an opinion poll. I don’t find it helpful at all, but perhaps the department staff do.

3:20

“The Amount Collected on Maintenance Enforcement Program Files.” This is “the dollars collected per file by the Maintenance Enforcement Program.” This is a long-standing performance measurement, I believe, but it does look to me like there might be a new performance measurement in here because of number 3:

Dollars Due Compared to Dollars Received (% Collected)

The program’s collection rate on scheduled support and scheduled arrears payments.

I’m still looking for whether we have been successful in developing a measurement of the amount collected against the total amount of court-ordered support payments and arrears. That looks like what number 3 is, but I’ve been hoodwinked before, so I’m willing to just come out and ask the question and see if that’s what is being measured here.

In the past the way the numbers were being kept did not enable the department to give me that answer. They could tell me that there had been activity on a certain number of files, but that activity could have been collection of \$1.49 when in fact the court order was for \$350 maintenance each month. I’m looking to see whether we’ve actually managed to accomplish understanding how much you’ve been able to recover and therefore how much you’ve not been able to recover that’s out there.

It’s interesting to me when I look at performance measurement 4, “Number of Eligible Albertans Receiving Legal Aid Services.” Now, usually I wouldn’t see the government planning to give more benefits or assistance to Albertans, but in fact that is what’s happening here. When we look forward at these goals, for example, the actual in 2000-2001 was 98,000 and change for people receiving legal aid. The target for this fiscal year that we’re examining is 107,454, and then that rate stays the same. So I’m wondering what accounted for the department’s willingness to look at the number jump from 98,000 to 107,000. That’s very interesting to me.

Is that the end of my first 20 minutes? Wow, that just flew by. Okay; I’ll look forward to the minister’s responses.

THE DEPUTY CHAIR: The hon. minister.

MR. HANCOCK: Thank you, Mr. Chairman. Some very good questions on topics near and dear to my heart, so I’m more than

pleased to provide some enlightenment – hopefully it's enlightenment – with respect to what's happening in many of these areas.

With respect to the justice summit issues, of course the department has been very significantly reviewing and monitoring its performance based on what the public of Alberta requested in the justice summit and have been measuring ourselves against that. In order to accomplish that and to make sure that we were on task, as the hon. member will know, we asked the steering committee for the justice summit to stay on as a Justice Policy Advisory Committee, and we've had significant opportunity to get good advice and direction from that Justice Policy Advisory Committee on an ongoing basis. Now with the two departments of Justice and Solicitor General we have continued the committee as an advisory to both departments, so rather than duplicating by splitting the committee, we keep the justice stakeholders together, advising both departments. That has been significant to us.

I might say that one of the most important pieces of advice we got from that was that the justice summit and the outcomes and the results of the justice summit are not owned by the Justice department or the Justice department/Solicitor General's department but in fact are owned by the stakeholders in the community and all Albertans. Therefore, we shouldn't take the view that all of what's expected out of the justice summit is the responsibility of the department, and that's not to shirk our responsibility but to say that there's a broader community. Justice is the responsibility of the whole community, and we must all work together as partners in that whole community to make sure that we achieve that.

So with respect to the first issue that was raised by the hon. member, improve public knowledge and awareness, just the fact that we have that committee, that we have ongoing discussions at least two or three times a year with the committee and through that committee to the stakeholders that they represent, there's a much better understanding of how each of the participant units in the justice community works and works together in a sharing of knowledge, which is fundamental to achieving success.

With respect to specific things that we're doing, members should be aware that we have been working very diligently, particularly in the first three months of this year, to develop actual curriculum modules for use in the high school social studies curriculum. We had teachers involved in developing the units, working with us to make sure that the units were relevant to the classroom, relevant to the students, and making sure that there were materials. One of the things we found in consulting with the education community was that the justice parts of the curriculum were not necessarily adequately covered, because there wasn't sufficient access to resource material or an easy way to find supporting material. So we have an education co-ordinator in the department, a full-time position devoted to that, and that education co-ordinator has been working, as I say, with teachers, and we've engaged consultants to work with us as well. So we're working with the Department of Learning, but we're not expecting the Department of Learning to develop the modules themselves. We're doing that and providing them so that they can be used in the high school curriculum, and I think that's a very, very positive step forward.

Of course, I would be remiss if I didn't mention the work that's being done by other stakeholder communities. The Canadian Bar Association has a classroom visitation project, working with justices of the Court of Queen's Bench and the provincial court, going into classrooms. So a lot of work has been done by stakeholders in the justice community to help improve the knowledge and awareness of Albertans about how the system works and how they can access it.

The second area that was addressed by the member was simplifying the justice system, and she went immediately of course to one of

my favourite topics, and that is the single family law court. Of course, that issue is broader than just a single family law court.

As members will know, we had a task force made up of members of this Legislature as well as members of the community – a representative from the Law Society, a representative from the Court of Queen's Bench, and one from the provincial court – who did a thorough analysis of a unified family court and came back with recommendations. I hope to be able to bring responses to those recommendations to the public very shortly.

We have been looking very thoroughly and working with the federal government on how we might appropriately put together a unified law forum for Albertans that would be simple and accessible. The Unified Family Court Task Force recommended a Queen's Bench model, a model of a family court as a division of the Court of Queen's Bench of Alberta, and that could be done, but the provincial court sits in more locations and has more simplified rules of procedure. Although the recommendation of the task force was to go with the Queen's Bench division, primarily the reason for that recommendation seemed to be that it would be easier to accomplish that because of the potential constitutional barriers of doing a unified family court on a provincial court model.

I haven't been totally satisfied that that's the direction we should go, so I have been exploring over the course of the last year with the federal Justice minister, as she then was, my counterpart from Edmonton, the possibility of doing some sort of model which would straddle both the provincial and federal appointments and have the model of a provincial court with federal jurisdiction in it. We're still in fact working on some models and having discussions with both of the courts in Alberta as well as with the federal government, and we'll be coming forward I think fairly quickly with a response to the Unified Family Court Task Force. But, of course, one of the things that we have to be aware of in talking about a unified family court is that it's not the court itself that is the important element in family law and dispute resolution. In fact, Albertans should be aware and will become more and more aware as we move into the future of some very innovative things that are being done by the bar in this province to really improve family law dispute resolutions; the collaborative law project, for example. There's an excellent model out of Medicine Hat.

3:30

I must say that members of the bar in both Edmonton and Calgary and in other communities in Alberta are engaging in a collaborative law process in family law, and it's doing some very significant things for people who have family law disputes. Adjudication, as I've often said, is not the best way to resolve a problem, particularly where there is going to be an ongoing relationship. In family law that is more true than in probably any other area, particularly if there are kids involved. So we need to look to new ways, to better ways to help people through stressful and emotional times in their lives, to help them resolve their problems. The collaborative law project, in my view, is one of those ways, and the bar is to be commended for taking up the initiative and providing that opportunity to Albertans.

Mr. Chairman, I'd be remiss if I didn't advise this House and Albertans of some of the ways that collaborative family law works in terms of people engaging lawyers to assist them with their family law problem and having those lawyers then enter into an agreement with them that they will not go to court, that they will solve the problem through meetings between the parties involving the lawyers. Their aim is to resolve the problem themselves rather than taking it into court for adjudication and in fact go so far as to say that if the process fails and they have to go to an adjudication, they have to get another lawyer. So an incentive on all parties to sit down and

resolve problems, and it has proven so effective that the chambers' lists in Medicine Hat on family law matters have diminished to the point of almost being nonexistent. Certainly we've seen the impact of that on other lists.

Another project which I was pleased to be a part of an announcement on last Monday in Calgary is the dispute resolution officer project in Calgary, and again I have to commend the bar, 35 senior members of the family bar in Calgary coming forward to volunteer one day of their time per month each to sit down with people who would be making an application to court, normally a disputed application, and working with those parties to resolve the dispute in a pre-court process which often, as much as 70 percent of the time so far in the short life of the project, ends up in a consent order going before the courts, an order which is far more effective because the parties have worked it out themselves with the assistance of the dispute resolution officer rather than having a court adjudicate.

So part of this whole process is not simply a unified family court, although that's an important part of the process, because you do need the court and you do need people to understand the accessibility issues and where they go to get satisfaction. But it's also the surrounding issues – the family law counseling, the family law mediation, the dispute resolution officers, the collaborative law processes – which are going to make family law much more modern and progressive in this province. It's going to make the system much more effective for the people who are involved and most particularly for the children who are affected by family breakdown. So I'm very positive about the work that's being done by the bar, by members of our courts, by our department, and by others to really achieve some great successes in this area and such positive progress in this area.

Plain language. Plain language is often in the eye of the beholder, I guess. I would like to think that anybody perusing the – did I say perusing? That wouldn't probably be a plain language term. Anybody looking at the Justice web site would be able to find a very effective method of moving through that web site because of its clear and succinct lines showing people where to go to get the information that they need.

With respect to translations into another language I'm not aware quite frankly of translation. I'm going to look up in the gallery and see if anybody shakes their head one way or the other. I'm not aware that we've got a project going to translate documents into other languages, nor am I sure, given the resources that we have available and the things that we need to do, that that would be high on our priority list. Certainly people who access the courts who need translation within the courts have access and can have that kind of translation in the courts, and that would be very clearly provided, but I don't believe we're at the stage where we're translating documents into other languages.

Court facilities in Calgary. One of my favourite topics, because I think we're very near to a process of starting a Calgary court strategy and building a justice facility in Calgary. Now, there's been a huge demand on our financial resources for capital projects, and as everybody in this House will not only know but will probably agree, the priority has been to build schools – the \$1 billion new century school program, for example, replenishing the infrastructure in the school system across the province – build capital facilities for health care, build roads. Those have all taken a considerable amount of dollars and left little for building a justice facility in Calgary.

However, we haven't let that stand in our way, Mr. Chairman. We've been promoting the concept of a public/private partnership. I'm very hopeful that we'll be able to go to the private sector, ask them for their creativity and their ingenuity in expressing interest in developing a project for Justice. I hope we'll be able to move

forward very quickly. Even a year ago we had approval in principle at some levels to develop that kind of partnership, and I think we can get a justice facility in Calgary within the next five years. Certainly we'll have to start immediately to accomplish that, and it will have the effect of bringing together the diverse court operations in Calgary, and that will be very beneficial to the Calgary community and the surrounding area.

Right now, as members will know, we have about six different locations in Calgary operating court facilities: the Provincial Court, Court of Queen's Bench, Court of Appeal. They suffer from the fact that we have to administer in six different locations. We can't utilize the courtrooms in between courts most effectively. The utilization of administrative staff is not as effective as it could be. So there are many good reasons to move ahead with this project, and I'm hoping that we will be able to advise that that project is moving ahead.

We haven't stood still. We're talking about what is needed in the Calgary court. We're talking about a private/public partnership. We're working on convincing the government that we should go out immediately to an expression of interest from the private sector as to how they could do that, how they could work with government to build the building and operate it and develop a 35- to 50-year time horizon to provide for the accommodation of the courts in Calgary. That's been a particularly important project for me as minister and one that I hope that we will be able to make some good progress on in the very next short while. So that indeed hasn't been standing still, although it's been long in the gestation period.

Sensitivity and cultural awareness. I can advise that we have, particularly in the prosecution area, moved to make sure that we had cultural awareness, cultural sensitivity programs so that the prosecutors have that knowledge base on which to operate. But it goes beyond simply a cultural sensitivity program. Many people have the perception of prosecutors, for example, as having their main job to go into court and to obtain a conviction, where appropriate, of a person who's charged with an offence. But really the role of the prosecutor is so much broader than that in terms of working with the community to make sure that we can be aware of the needs of the community, that we could deal with root causes of crime, such as the domestic violence court project and those sorts of projects, work with committees on FAS, fetal alcohol syndrome, and particularly how that might affect youth coming into the court system.

So prosecutors in our province have been empowered to be much more proactive and involved in their communities and to be aware of what's happening in the community: so cultural sensitivity training absolutely, enhanced aboriginal awareness programs particularly, but more important than that, a real understanding of the role of the prosecutor in the community, both an understanding by the prosecutors themselves but an understanding by the community as to how prosecutors can play a much more significant role in the protection of our communities as we go forward.

Enhanced community partnerships. Well, I think I've spoken to some of the concepts of enhanced community partnerships already.

AN HON. MEMBER: They still let them ask questions.

MR. HANCOCK: You'd rather hear her talk than me? I'm cut to the quick.

Increased role of victims. Well, I can say that our victims' assistance units across the province have been enhanced, that there's a much more significant role now of providing assistance to victims, in the role of advising victims; for example, when someone is being released on bail, contacting victims where early case resolution is being recommended, processing victim impact statements. We don't always get it completely right. Sometimes victim impact statements

don't make it from the police station to the court file in an appropriate time frame, but we're working on those issues. For the most part I think the work of the public assistance units has been commendable. One of the things that we put first and foremost in our Justice department is that victims shouldn't continue to be victimized by the process, so we pay a lot of attention to victims and ensuring that they have an appropriate role in the system and that they understand what's happening to them and to their case.

3:40

Increased funding. No long-term goal on that. Well, it's not just a question of asking for more dollars but making sure that we use the dollars we have in an appropriate manner, but we haven't been shy about asking for more resources when they're needed. The hon. member will know that last fall in a supplementary estimate, which she and members of her caucus often rail against, when more resources were available and were needed for the justice system in order to hire more prosecutors and pay prosecutors better so that they could do this community role that I've been talking about and do it effectively, we were able to achieve those additional resources in the amount of about \$6.5 million, which is not necessarily significant in everybody's budget but certainly significant to our budget. Again this year for the second stage of that project we achieved additional resources. So increased funding when it's needed and for the appropriate processes, absolutely, and restructuring the way we do business to make sure that our resources are most appropriately applied is also a key goal for us.

The hon. member asked about how useful perceptions of public safety are, and I would say this: it's always important to try and improve our accountability measures, and what's most appropriately measured is how we achieve our desired outcomes. Our desired outcome is safe communities. How do you measure safe communities? Well, one of the important measures of safe communities – and I agree with the hon. member that people's perception of their safety is somewhat less than the reality of their safety, but what's really important if we're trying to make sure that Albertans feel they're in a safe community and that they have a safe place to live and work and raise their families is how they feel about it. So, yes, it's important to continue to measure those perceptions about how safe people feel in their homes and how safe people feel in their communities. Is it the be-all and the end-all of measures? No. It's always important to use additional measures to see whether we're achieving the appropriate outcomes.

Now, we can't report a multitude of measures, so we try and pick those to develop a significant trend analysis, and we can look at those measures to see whether we've moved people from satisfied to very satisfied, for example. Those sorts of changes within the measures can be appropriate, but we also have to be consistent from year to year in some ways to make sure that there's a way of developing that trend analysis.

I see I'm out of time, and I only got through page 1 of the questions, so this is going to be an interesting afternoon.

THE DEPUTY CHAIR: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you very much, Mr. Chairman. Right onto my second go. Just a couple things I want to reference from the minister's comments. First of all, if we still have guests and fun seekers with us in the gallery, a reminder that they can check what the *Hansard* recording is this afternoon by going to www.assembly.ab.ca and following the links to *Hansard*, and they will have a verbatim transcript of the proceedings between the minister and me.

The second thing is that I'm interested if the minister could give us an indication on the unified family court project. The last time he and I talked about this at any length, he seemed to be leaning towards the provincial version of that. If he's willing to give any clearer indication than he has already given about which side of the line that one is likely to fall on.

The translations. I'm not talking about translating legislation. I'm talking about pamphlets, the very simplest pamphlets that are available that are put out for anyone to pick up on legal aid or any number of other – you know, you see them in the pamphlet racks all the time. Are those being translated? I'm not recommending in any way that we start translating our laws and statutes into Cantonese and Somali. That's not the intent of what I'm saying. It's the very simplest access route into the legal system that I'm talking about.

I'd like to ask the minister to expand on the FAS/FAE initiatives that he's taking. In Edmonton-Centre we are experiencing an increase in families moving in who have children who are FAS or FAE, and that is really affecting the schools in my constituency and the kind of programming they've got to offer, how much money they're having to put into additional services and support for these kids. I can see, looking at that microcosm, on a macro level what an effect this is going to have on all of us. So I'd like the minister to be able to detail, likely in writing on this one, what short-, medium-, and long-term initiatives they're looking at to do with FAS and FAE.

The minister mentioned the supplementary supply bill in the fall, and I was, if you will remember, very happy to support that additional money because I had been lobbying fairly hard to get it. Certainly I have a number of constituents who are Crown prosecutors, and they had made their situation very clear to me. This is a larger issue, and I'll come back to it because I have another section on it.

Before I leave the goals and measurements section, I'm going to run through goal 4, "Improve access to civil and criminal justice." I'm looking for enhancement or expansion, more detail, on some of these initiatives.

In 4.4, "Assist with the identification, development and implementation of Aboriginal and justice community initiatives." In 4.5, "Explore the use of technology to improve access to courts." Now, I know there was quite a bit of consternation around replacing the court reporters with recording devices. Are we to expect more of that to come then? What exactly is meant by improving access to courts?

In 4.7, "Review specialized courts." Now, we've talked about that a little bit before, but I would like to know what the status is of the various specialized courts that the minister has now got out there in various kinds of locations and progressions of pilot projects.

In 4.8, "Develop a process for early case resolution." Now, he's done quite a bit of work around this. I'm looking for what he's anticipating in addition to what he's already done.

In 4.9, "Undertake a renewal process to modernize the prosecution service." That sounds interesting. What's being contemplated there?

In 4.11, "Review compensation for witnesses, jurors and interpreters." I'd just like more information on what's being anticipated there. Are we looking for an increased budget line item on this one next year, or what's the time line? What are we talking about?

In 4.12, "Improve public understanding of the justice system through an education strategy." Interesting, because that in fact was part of what came out of the justice summit. The minister has already responded to this, and it's turning up again under his goals, so in addition to what he's talked about, what else is he anticipating?

In 4.13, "Develop a Lawyers Guide to the Maintenance Enforcement Program." Has there been a need demonstrated for this? I'd like to hear more about that.

In 4.15, "Examine the use of family conferencing to facilitate MEP collections." I take it that this is videoconferencing or some sort of electronic conferencing to bring people together, or do you actually expect to have them all in the same room?

What is anticipated under 4.16, "Support and develop Court Initiatives in First Nation communities"?

3:50

My final question is on 4.19, "Develop a strategy to address increased traffic and bylaw ticket volumes." Now, is that part of what is turning up under Bill 20, Justice Statutes Amendment Act, 2002, under the provincial offences section? I did speak about that in debate on Bill 20 last night. I'm a little concerned there that the victims' fund is being circumvented through what's being anticipated, so I'm looking for clarification there.

Okeydokey. Moving on, now we're into the book. This is Budget 2002: The Right Decisions for Challenging Times, Fiscal Plan. On page 27 we're looking at a discussion of safe communities, and we're talking about: "Thirty-eight Crown prosecutors will be hired over the next two years." Interestingly, I think it was in the weekend's paper that there was a discussion about the caseloads still being very high for Alberta's Crown prosecutors, although there has been, as we've already discussed, a budget item to hire I think 22 new Crown prosecutors – at the time I thought it was 17; maybe I could get clarification on that – and also to improve the grid for pay increases.

We are still in comparison not doing well. I mean, we're ranking right up there with Saskatchewan and Newfoundland as far as caseload is concerned. Do I take it that the minister is anticipating that by the time we get the 22 prosecutors on line, we will have taken ourselves from the ranks of the most overworked in Canada? Twenty-two new Crown prosecutors doesn't strike me as very many when I'm looking at that number of caseload. In comparison, in these numbers that are being quoted, Alberta is listed at 479, and I think that's down from 499 before the additional Crown prosecutors were added in the fall. That's right; 15 new prosecutors were hired in 2001-02 and 38 new ones are anticipated to be hired over the two years.

I think that's a fairly large issue, because this fits into a larger theme than I have seen and that I've developed suspicions about. It's about access to justice in Alberta. I've seen the minister take a number of initiatives and steps towards trying to keep cases out of court, in some cases good initiatives, good ideas. Yes, that's the way to go, but I also have questions about whether we aren't making access to justice more difficult in some cases, certainly when people have an experience where they have very little time to spend with their Crown prosecutor, who has very limited time to prepare for their case and rushes into court.

With some of the choices the minister is making – this is where I'm at a disadvantage not being a lawyer, because I can't remember all of the catchphrases easily – the effect has been that we're moving towards a very small collapse rate when we actually get to trial. Normally a Crown prosecutor would show up and say: okay; there are – I'm making up numbers now – 15 trials scheduled today, but I know that I'm going to settle six of them before we ever hit the doors, which is going to free up enough time that I can actually do the work to prep for the other nine cases that are now still up, and some of those will be put over anyway. Given the choices that the minister has made, I think, from what I'm understanding, that we're putting those Crown prosecutors in a position where they show up, they've got 12 cases scheduled instead of 15, but they're going to have to do every one of those 12 cases without a corresponding amount of scheduled time to get to know the cases better. Now, I

could be wrong. Please correct me, but it seems to me that there's a real struggle going on here between trying to cut costs and keep costs under whatever budget the minister is assigned by the Treasury Board and citizens' access to justice in this province.

I had asked a question the other day about legal aid amounts. I think the minister and I miscommunicated on a couple of levels there, because in fact the qualifying level didn't change – and that's what I was asking about – but the amount that the ministry is giving over to that program has increased.

So what's happening with the Crown prosecutors is part of a much larger discussion, I think, about access to justice. The choices that are being made, that I see the minister making, I think are restricting the average person's access to justice, and I'll come back to that.

Also in this same document, when I look at page 51 in this fiscal plan under Justice, we have a change in the FTEs, full-time equivalents, of 57. Now, if I could get a detailed breakdown, please, about where those 57 FTEs are going. It is an increase of 57. We're going from 2,066 FTEs in budget year 2001-02 to 2,123 in the fiscal year we're examining, so that's an increase of 57. Could I know where those people are, please?

Next is under Premium, Fee and Licence Changes. Again, I asked the minister a question about this a couple of days ago or maybe at the end of last week in question period. At the time the minister's response was that the increase for small claims court had gone from \$25 to \$100 to cover the cost of mediators, and there was to be an encouragement to move people away from small claims court and towards mediation. I think there's an argument there that to someone walking up to the door, it still makes it look like this may not be very accessible to them anymore.

There would have to be some fairly rigorous encouragement and enticement made available to people for them to, you know, turn to the side and go and check out the mediation services that are available. Most people, if they've ended up walking up to small claims court, most of my constituents anyway, are looking for their damage deposit that they didn't get back. At this point it's \$600, \$700, \$800, \$900. Yeah, because it's the first month's rent. In downtown high-rises right now, people are paying \$900 for a one-bedroom apartment. That's what people are paying. That's why we're having a homeless problem. And then they don't get their damage deposit back, and they walk up there. There is no mediating with this landlord. They already know that because they couldn't get the money the first three times they tried. So now they're going to have to pay \$100 in order to get that \$600 or \$700 or \$800 or whatever it is worth of damage deposit back. I think that is a barrier to justice, because there is no mediation there. So I don't know; maybe the minister has some percentage that he expects to be able to be encouraged or hived off into using mediation services instead of going to small claims court. Well, let's hear it.

We have a number of other changes in fees. Filing a notice of appeal and subsequent filings is going from \$200 to \$600. In Court of Queen's Bench, filing a certificate of readiness is going from \$200 to \$600. Appointment for a solicitor/client taxation is going from \$25 to \$100. The issuance of a civil claim and filing of notice of application under part 5 of the Residential Tenancies Act is going from \$25 to \$100. This was done without any consultation that I'm able to perceive. If there was consultation, I'd be interested in knowing who was consulted with that agreed or approved of this. You know, if you take a step back, this just looks like a money grab.

THE DEPUTY CHAIR: Hon. members, the chair needs to interject. The level of noise in the Assembly is getting higher and higher, and I caution all members to please give due respect to the hon. Member for Edmonton-Centre, who has the floor.

The hon. Member for Edmonton-Centre.

4:00

MS BLAKEMAN: Thanks very much, Mr. Chairman. It seemed pretty normal to me, but thanks for the interjection.

We're under court fee increases, so I'm looking for whether there was consultation about these fee increases and making the statement that it just looks like a tax grab. I mean, \$200 to \$600: that's more than double; that's triple. That's a lot of money. How come? Was this far behind the times? Is every other province charging significantly more than this? How was this particular fee arrived at? You say that there's a connection in the small claims with the \$100 representing two mediators at 50 bucks a pop. Okay; then what's the magical connection here for the rest of these where we're going in the most part from \$200 to \$600?

I think that this does affect again the people that can least afford this. For what the filings are here and the fees, we're not talking big business here. This is not what corporations get into, and frankly I think they'd be less likely to notice this, but individuals are really going to notice this.

This I'm adding to my running list on the side about access to justice issues. One was the Crown prosecutor's workload. Two is this whole fee structure and the increases in fees here.

I think the next area I want to go into is connected. We have had an increase in population in Alberta. The figures I've got here are 34 percent over the last 10 years. I'm sure someone else could come up with other figures. Of course, with 34 percent more people in the province we're going to have a corresponding, one assumes, increase in the number of people that are needing to access court services. Maybe for special reasons we might have a higher percentage of people needing to access court services. So one would expect that there would be somewhat of a corresponding volume increase if nothing else to deal with the increase in population in Alberta. In fact, we have seen that. Court filings have increased, court services have been added, trials are longer and more complex, and everybody's being asked to do more with less.

If you look at the budget that goes with that, I think it can be argued that there has been a corresponding decrease in the budget. Now, some of that is in fact efficiencies, and I know that the minister can prove that, so I welcome him to do so. But I do question whether in fact we have yet another mark that goes on that side list about access to justice. There have been a number of times with episodes in the last year or so where I've been asked to comment, and to me it always looks like there was a choice made to save money, and in that saving of money we had justice slowed down or more difficult to access.

We get into a philosophical argument here, because I believe there are certain programs and services that a government must offer its people. Must. Now, whether that's constitutionally enforced or whether it's a moral obligation to provide this or whether they're the only one that can provide it, nonetheless it is there. That obligation is there, and I think access to justice and public safety is one of those areas that the government must provide. It's not a matter that you can say: oh, I think not today. [Ms Blakeman's speaking time expired] That's not my second 20 minutes.

THE DEPUTY CHAIR: I regret that it is your second 20 minutes.

MS BLAKEMAN: All right; I'll come back.

THE DEPUTY CHAIR: The hon. minister.

MR. HANCOCK: Well, thank you, Mr. Chairman. I'd be pleased to start where the hon. member left off, talking about the increased

population in our province and the fact that many Canadians and people from other parts of the world are flocking to Alberta to be part of the Alberta advantage and the great economy that we have here and the great opportunity to live in safe communities and to raise their children in safe communities. That in fact is the attraction which brings people here, and it does indeed put more pressure on our systems. It puts more pressure on our hospital systems and our school systems and of course on our court systems.

That's one of the reasons why we have to constantly be trying to find ways to do things better, because it's not always a question of increasing the resources. Certainly when you have a system which has a huge infrastructure – and the court system is a big infrastructure in terms of both people and buildings, when I'm speaking of infrastructure, so it can be increased modestly and accommodate larger numbers of people and cases. You don't have to always be building new infrastructures, but you do have to be looking at the way that you provide services.

As we move into the 21st century and talk about how we do dispute resolution in the 21st century, it is appropriate to look at the way we've done things in the past, where we're going in the future, and see if there are better ways. We've spent a lot of time – and this is not exclusive to the Department of Justice by any stretch of the imagination. The bar and people in the community, the Better Business Bureau in Calgary and others, are saying that there are better ways to resolve our disputes, particularly when we have ongoing relationships. So we're finding that mediation processes are more and more important, even within the courts. The courts are finding that rather than simply adjudicating, judicial dispute resolution processes are important.

So we're finding new ways to resolve, to handle larger caseloads quite frankly, in one way by diverting those that should be appropriately diverted, both in the criminal system and in the civil system, diverting in the civil system to mediation processes, to giving people back their problems and providing them with assistance to resolve those problems rather than taking their problems away from them and finding an expensive way to go to battle on those problems. That's a very, very important way in which we're able to help people to get better solutions to their problems in a more effective and more efficient way. So you don't necessarily have to increase the size of your infrastructure commensurate with the size of your population.

We're always looking for ways to reinforce that kind of activity in the community. I go back again to the collaborative law projects, to the dispute resolution officers, to the civil mediation project, and the many, many ways that members of the bar and other members of the community are helping to provide more effective ways for people to solve their problems in this province. Really one might go so far as to say that that old adage about people being entitled to their day in court is not necessarily applicable any more. People are entitled to a fair and effective way to resolve their disputes, and it shouldn't necessarily involve going to court, although you always have to have the court system as a backup to that. People need to have access to justice, but that doesn't necessarily mean access to a judge. So we're finding different ways of doing things.

In fact, the allusion was made earlier to a question about the renewal of the prosecution service. We have engaged in a project within the prosecution service and in fact right across Justice about looking at how we do business. What's the best way to deliver? What are the outcomes we're trying to achieve in a safe community? How do we get there from here? The first thing we had to do, yes, was to hire more prosecutors and pay them more and pay our legal officers more, because in a strong economy such as we find in Alberta, there is competition for good resources, and there is competition for good people, and those people have to be fair to their families.

So when they're challenged with the opportunity of a job with the federal government that perhaps pays more or a job in the private sector where they could earn more, they have to balance that against the opportunity to continue to work in the Justice department and with the prosecution service in Alberta, where they're getting a very wonderful experience and a great opportunity to serve. But that has to be balanced; you have to be fair to your family. So of course we had to come up with more resources so that we could hire more prosecutors and so we could pay them fairly.

Having said that, though, that's not the end of the program. You have to also continue to look at how you can be more effective in your community to deal with the root causes of crime. If you simply deal with crime as it presents itself to you at the door, you're going to be continuing to cycle through a process that grows ever and ever larger. So we've dealt with early case resolution projects. We've dealt with ways to have the prosecutors involved in FAS and FAE and cultural sensitivity and processes. We've tried to develop new methods of dealing with courts; for example, the Tsuu T'ina court process, the domestic violence court. Prosecutors in other parts of the province are working – in Lethbridge there's a lot of innovative work being done with the community on domestic violence issues.

4:10

So those sorts of projects are very, very important, and we have made a commitment to improving our prosecution service by paying more and by hiring more people, but one must also be conscious of not getting too excited by finite measurements. It isn't necessarily a bad thing to have the highest average file load in Canada. It's not necessarily a bad thing. It depends on what you're doing, how you're doing with it, and how effectively you're able to deal with them. Now, having said that, we're aiming at trying to get our file levels down and our workloads to a manageable and acceptable level, but are we aiming to be the lowest in Canada? No. That's not the measure that's important. It is one of the inputs.

The other thing which I would point out because of something that's bothered me from time to time since I've been Justice minister – the newspaper report that the hon. member alluded to talks about an article showing that we're still the highest in Canada. What the hon. member failed to point out is the CJIS statistics report that was released was for last year, 2000-2001. We've done significant things since then. [interjection] Even earlier than that perhaps. And that's one of the problems we have with statistics in the justice system. Quite often by the time they're rolled up across the country and compared and analyzed and reported, they're so significantly out of date as to be of very little value in the true analysis of what's happening. That's something that we really do need to do more about, getting more current statistics.

However, having said that, I will acknowledge that we have not filled the full complement of prosecutors that we're hoping to hire. We do need to hire the best, the brightest, the people that are going to be long-term employees of Justice and who are going to really add to the Justice department and add to the service of Albertans. So that's something we're doing carefully, that we're doing diligently, that we hope to have accomplished, but we're not just going to go out on a hiring spree and hire everybody. We're being very careful about the process to make sure that we get the best people.

Enticements to mediation, premiums, fees, and charges. I'm not hoping to entice anybody into either the court or the mediation process. I do acknowledge that there may be people who might find a hundred dollar filing fee in Provincial Court to be a barrier, and I've discussed with the department how we might achieve a way to resolve that, working either, for example, with the Poverty Law Clinic or in other ways to make sure that people who truly can't

afford to access the system do have access to the system. We don't want to be cutting anybody out of the system. That's not the intention. It should also be clear that in the court system, particularly Provincial Court, when one does obtain a judgment – in other words, when they are right about their claim for their damage deposit – they would also get their court costs. While it may be an initial barrier to filing if you don't have the money, it shouldn't be too big a barrier for most people.

So we have to weigh that. We certainly have to monitor that. We don't want to restrict access to the courts to any individual on the basis of cost, but it's a modest cost in the overall scheme of things, particularly in light of the overall costs of the courts. As I said I think in my opening remarks or perhaps in answers to earlier questions, these fees have not been raised since 1993. There's a significant increase in the cost of doing business, and the balance of who pays for that between the public and the individuals using the system has to be kept in mind.

The notice of appeal and the certificate of readiness. Those are two areas where we felt it was appropriate to make significant increases in the costs. Yes, we do need more money. People are talking all the time about the justice system needing to have more resources, and we do need those resources. So if that constitutes a money grab, well, we need to get the money. We need to have the money from the ticket collections that we're processing, and it's fair to charge that back to the people that are creating the problem, the people who are speeding or violating the Highway Traffic Act, get them to pay for the cost of processing their tickets, and I don't apologize for that. Nor do I apologize for saying to people who are filing a certificate of readiness or a notice of appeal that it costs money to access the system. The cost of the filing fee is probably the least expensive part of their lawsuit. They really should be encouraged before they file a certificate of readiness to see whether they can't resolve the matter. Very, very often we find cases resolved on the steps of the courthouse. If they would take a look at it a few days earlier or a few months earlier, prior to filing a certificate of readiness, they might well be able to resolve those problems earlier without waiting till they've booked court time and ended up in collapse rates in the court system and those sorts of things.

So it's not only an opportunity to earn a few more dollars, which can be well applied in the justice system, but it's also an opportunity to incent behaviour which suggests that people could, before they go to appeal or before they go to trial, look to see whether they can't have a resolution. We're finding that resolution is possible. Even in the Court of Appeal they're doing judicial dispute resolution, and if they can do judicial dispute resolution in the Court of Appeal successfully and have people resolve their problems before they go to appeal, then there's no good reason why the parties, well advised, couldn't sit down and come to that conclusion earlier on and save them and the system a whole lot more money. It's appropriate to incent parties to think about those things, and we certainly need to work in that direction.

With respect to the detailed breakdown of individuals that we're hiring, I presume we can provide you with a general breakdown of that, but it won't take too much for you to figure out that most of those are going into the prosecution service, both in the hiring of legal officers and in the hiring of support staff. Some of the other positions will be going into the processing of the traffic tickets area.

A question was raised about clarifying comments with respect to the unified family court. I can't go a whole lot further on that, because this is, of course, subject to some discussion that's still ongoing with the courts and with the federal government. Clearly, what I'm hoping to accomplish in that area, what I'm hoping to bring before government and then perhaps before the House in the

nature of legislation, if that's required, is a model which provides the accessibility and the simplification in terms of process that's provided in the Provincial Court with the authority that's necessary from time to time from a Federal Court appointment. So we're trying to achieve that. We're still working on how we can accomplish that, and I haven't got a conclusion to that as yet to offer you, nor do I want to indicate where I think it will sit or what the model is. There's still work to be done, but we're proceeding on that work. Certainly we'll be happy to give you information on what's going on.

We're co-operating with other ministries on the FAS and FAE initiatives, which are very important to the justice system because so many of our clients, particularly on the criminal justice side, suffer from those syndromes. As I've often said, the best prevention program for our acute care justice system is to deal with some of these issues early on, help children before they get into the system by dealing with some of the root causes. We can provide you with more detail about the initiatives that are happening in that area, but we are co-operating with other initiatives.

The hon. member indicated that she was supportive of the supplementary estimates, and I very much appreciate the fact that she was supportive of the supplementary estimates in the fall. What I was alluding to when I commented about lack of support was the continual derision that we get when we come up in midterm asking for more dollars when they're needed and when they can be made available. The implication is that the opposition would prefer that we stick to our budget as put forward rather than make midcourse adjustments when the resources are available and when we can demonstrate, as we clearly did last fall, in a time when getting additional dollars was very, very difficult because of what had happened on the revenue side – but we persevered and we made the case. We were able to make a very strong case that additional resources were needed, and it shows the importance of not adhering to the concept that there should just be a budget and that you should never make any adjustments. That was an indication that supplementary estimates are so important to us and our ability to adjust and make sure that we do it.

Improved access to civil and criminal justice. I think so much has been done in these areas. The improved access to criminal justice is so important in terms of what's been happening through the public assistance units and the way that they've been able to bring victims into the system and to reduce the amount of revictimization. There's still a lot of work to be done. I've mused about how we might be able to, for example, eliminate preliminary inquiries, because with the new rules of disclosure preliminary inquiries may be less and less important. Now, the defence bar quite likely will not agree with that supposition, but I think it's an idea that needs to be floated and discussed.

4:20

At one time not too long ago all provinces had agreed at a meeting to proceed to the elimination of the preliminary inquiry, and then one of the provinces changed their mind, as often happens when you're trying to deal with a unanimous decision across the country. It can be very, very difficult to change processes and procedures at the criminal law level, but we need to look at those processes, because again, for example, victims going into a prosecution process, having to appear at the preliminary inquiry and then having to appear again at a trial, have to relive their victimization over and over again. One has to balance the rights of the accused, particularly as protected by the courts in terms of the rules of disclosure, with the rights of the victim. I think that that balance is very clear now that appropriate disclosure obviates the need for preliminary inquiries,

and we should be looking at those sorts of things to see if we can improve the access and improve the time to trial by simple things like doing that.

I'll be attending a trial courts of the 21st century conference in May, and that's being run in Saskatchewan. The Chief Judge of the Provincial Court in Saskatchewan is one of the chief organizers of that conference, a very important and timely conference to talk about what our trial courts should look like. Again going back to the concept that just because we've done it this way for the last 300 years . . . [A beeper sounded] I was just getting started, Mr. Chairman.

THE DEPUTY CHAIR: Hon. minister, you still have time.

MR. HANCOCK: Oh, excellent. That was somebody else's beeper. I thought it was too short.

Anyway, the hon. member was referencing a number of the goals, and the technology to improve access to the courts, I believe, was one of the goals that she was referencing. There are just so many ways that we can improve access to the courts, again both on the criminal and on the civil side, through the use of technology. Imagine, if you will, that you are in the remand centre and you need to appear in court in order to be arraigned. That's a very, very short appearance in court, but you might have to get up at 6 o'clock in the morning and be transported from your cell to the courts, be held in a holding cell in the courts for some period of time until your case is called, then go into court for a brief two- or three-minute appearance, if that, then back to the holding cell, and then back to the remand centre, only to find that somebody else is occupying your cell, that you've been moved into new accommodations. Now, wouldn't it be better if you could just go down the hall and appear in court through the benefits of videoconferencing?

I think many people would realize and recognize that their rights to appear in court are not being abrogated by a simple thing like that, and of course if they needed to be in court or wanted to be in court, they could certainly do so. There's no reason why we can't move to technology which would both improve the security of the court and the community by not moving prisoners around so much. It would be more cost-effective in terms of not having to have so many people moving prisoners around the province – sometimes it's court officers, and sometimes it's the police – and in some cases moving prisoners quite some distance for arraignment. So that's the way that technology could be used on the criminal side.

On the civil side, of course, there are many ways we could improve through technology, and we're going to have to look at ways that we can do that. Particularly, of course, the constant problem is finding the resources to do it, but that doesn't mean we shouldn't be thinking about it and preparing for it and trying to move in that direction.

Again videoconferencing is a very important tool. In a recent case in Fort McMurray, for example, both parties agreed that a witness from Ontario who had a young son who was sick wouldn't have wanted to travel, that it would have been cruel to make that person travel. She would have had to bring her son. It was just before Christmas. The parties agreed that the testimony could be given by videoconferencing, and the quid pro quo was that the two witnesses from Newfoundland who needed to appear could appear by videoconferencing. Now, they would have had to travel all the way across the country, all the way up to Fort McMurray – not that going to Fort McMurray is a bad thing – and it would have taken a lot of their time and effort to appear as a witness in a trial when their time in the witness box, so to speak, was very, very short, and so is my time, I understand.

THE DEPUTY CHAIR: Hon. minister, your time has now run out.
The hon. Member for Edmonton-Highlands.

MR. MASON: Thanks very much, Mr. Chairman. I'm pleased to rise to speak to the estimates of the Department of Justice and to put some comments and questions to the minister. The first thing that I wanted to raise was the question of court fees, and I understand that that's already been discussed to a certain degree. I see that appeal filings have been increased for the Court of Appeal from \$200 to \$600 and the same for a certificate of readiness with the Court of Queen's Bench. The fee for the appointment for a solicitor/client taxation with Court of Queen's Bench has gone from \$25 to \$100, and the fees for the issuance of a civil claim and the filing of a notice of application under part 5 of the Residential Tenancies Act will be increased from \$25 to \$100. So the question that arises, which I think the minister has not fully addressed, at least not to my satisfaction, is: what is the impact of these changes in fees on the principle of equal access to justice?

I note with interest comments that were recently made by the president of the Canadian Criminal Trial Lawyers Association. He says very clearly that access to justice does depend on your means. He says that those who have the means are often able to afford a defence that's not available to those without means. A staff lawyer for the Edmonton Centre for Equal Justice says that people can't afford to hire lawyers in many cases, that even the cost of filing an action in small claims court, recently raised from \$25 to \$100, has priced the system out of many people's hands. They conclude by saying: I think we're headed for a two-tiered justice system if we're not careful. I'd be very interested in hearing the minister's comments with respect to those perspectives by people who are directly involved in the system, at the front lines.

As well, I'd like to raise the question of fees for the legal aid system. I know that it is a concern that they recently increased from \$61 to \$74 an hour and will rise \$2 a year until they reach \$80 in 2005. There has been an increase in the department's budget, and I'd like to recognize the progress that has been made in the department in those areas, but the question is whether or not it's going to be fast enough to ensure that people dependent on legal aid have the resources that they need when they need them in order to make sure that their rights are protected just as well as any other person who may come before the courts.

I have another concern that I'd like to raise, and that is dealing with the maintenance enforcement program. The maintenance enforcement program is identified under strategies and initiatives of the government business plan under goal 3. Goals 3.6 to 3.10 all deal with some ambitious and laudable strategies for dealing with maintenance enforcement in the province, yet the maintenance enforcement program funding is being reduced nearly 10 percent in this budget, from \$8,886,000 to \$8,046,000, which is a reduction of \$840,000. How will the department be able to meet these strategies and initiatives under goal 3 with 10 percent less money in their budget? I'd like the minister to perhaps talk about how maintenance enforcement is working in Alberta and whether or not it's being more or less successful and what changes in the development of that program may have led to the decision to reduce its funding. Perhaps there are some reasons that the minister can put forward.

4:30

I would like to also address the question of the G-8 summit, which is identified as a goal. It's interesting that this comes under strategies and initiatives for enhancing our focus on serious and violent crime. It says: "Work with the R.C.M.P., Calgary Police Service and other involved agencies, providing legal advice and

assistance with planning and training, to contribute to a safe G8 Summit." So I would like to know what steps the ministry is taking to ensure that the summit is not only safe for the visiting heads of state but also safe for people who may wish to exercise their legal and democratic rights to protest. I would like him to explain, if he could, a little bit of the structure of the decision-making between the R.C.M.P., Calgary police, and his department and the Department of the Solicitor General in respect of those decisions. I think everyone is concerned that we . . . [interjection] If that were the case, hon. Minister of Environment, he might find himself considerably outgunned by the protesters. I don't know.

I certainly would appreciate some assurances from the minister that in fact people are going to be safe, that the environment in the Kananaskis is going to be safe. What steps are being taken to prevent confrontation and violence before it begins? I would hate to think that the strategy will be just to wait for something to happen and then move in with tear gas or rubber bullets or whatever else police forces have decided to use from time to time when people protest.

I had a number of reports, not the least of which from my colleague the leader of the New Democrat opposition, who attended at Quebec, that indicated that in fact very often there was a small minority of people who caused trouble and were prepared to be involved in very aggressive or violent activities but that the police response in many cases was directed against people who were not involved in those activities. I would like some assurances from the minister that he is taking steps to ensure that that in fact does not happen.

Mr. Chairman, I think that for the moment those will be my comments and questions for the minister, and I look forward to his response. Thank you.

THE DEPUTY CHAIR: The hon. minister.

MR. HANCOCK: Thank you, Mr. Chairman. I would start by commenting on the question relating to the decrease in expenditures for maintenance enforcement. The budget shows a budget decrease of \$840,000, and most of that is due mainly to the transfer of operating expenditures to capital expenditures in the 2002-2003 budget. There is a modest decrease included in there with maintenance enforcement working with all other areas of the department to absorb the reduction targets from last fall, but most of that number has to do with the transfer to capital.

As the hon. member indicated, the goals for maintenance enforcement are both ambitious and laudable and also, I think, very much attainable. We have a very, very strong maintenance enforcement system in our province, and the director, Manuel da Costa, is here. I would like to take the opportunity to say that maintenance enforcement is doing a very good job for getting resources particularly to children and families who need them in this province. Are they collecting every dollar that's awarded by the courts? Absolutely not. You can't get blood from a stone. Sometimes the people are very effective at evading the process, but we have collection teams and we're every year finding better ways to give them more enforcement tools, and we don't apologize for that. We make it our business to make sure that to the extent possible maintenance orders are enforced.

The hon. Member for Edmonton-Centre asked earlier about a manual with respect to lawyers. Certainly one of the things that we're trying to do is make sure that court orders, when they're granted and registered with maintenance enforcement, are orders that we can enforce. People's circumstances change from time to time, so the orders need to be changed from time to time, and unfortu-

nately our history in the system is that people often by that time have run out of resources. They've spent far too much on their domestic disputes, and they're quite sick of being in court, so making changes to orders has been difficult. So we're working with the family law bar.

Certainly the Family Law Information Centre is working to develop standard clauses to make sure that enforcement orders are standard and enforceable and that the changes, when necessary, can be made but, for the most part, that orders will stand the test of time, where possible, so that they don't have to be changed. There will always be dissatisfaction with the maintenance enforcement program either from people who think that we're making it too difficult for them to evade their responsibilities to their children or, conversely, from people who are not getting the full amount that they've been awarded by the courts, simply because if the person is not working or if we can't find them or if we can't access their resources, we don't make that payment to them. It's a collection process. It's not a process that the government makes up the shortfall. So while the process is working very well and the people who are working in maintenance enforcement are doing an excellent job, they are doing that in a context where there are a lot of complaints to members of this House by members of the public either because they think we're being too tough or because they think we're not doing enough on their behalf. It's often a thankless job, so I'll reiterate my thanks and the thanks of government to the people who work in this area to collect money on behalf of children and families in the province. We will work to continually improve and develop the tools that they have at their disposal to do that.

The question was: why did we cut the budget 10 percent in every area of the department? I indicated to the member that we didn't actually cut the budget 10 percent. We reallocated how it is reported in here, so it shows up in a different spot. The actual cut was 1 percent, and every area of the department and every area of government took a 1 percent cut last fall, and that was absorbed. We are refining and making possible better ways for people to actually access the system as well through improved web design programs and through 24-hour telephone processes. The access to information, for those who are capable of doing it, is very good, and we're working on the other processes so that people have access to information. Again, the work that is being done by that division is exceptional.

Legal aid: the concept that legal aid is increasing the fees. We've agreed to a process where it goes up by \$2 a year. We're not aiming to compensate legal aid lawyers under legal aid certificates at the same level that they could obtain in private practice. That's not the name of the game. What we're trying to do is make sure that they have sufficient resources through that program to make it attractive enough for them to continue to provide services. Most of the people who provide legal aid services are doing it because they have a professional commitment to it and want to do it, but they do need to have their expenses covered, at minimum, and they need to make a little bit because they need to feed their families. So the legal aid tariff needs to be sufficient to make sure that it does cover those expenses and does provide a little extra, but it's not the intention to make the legal aid tariff equivalent to what a lawyer would charge in private practice to anybody coming through the door.

Just to point out why that's not the case, we recently had a court case where the court ordered a higher tariff to be paid in that case, and the local lawyers then started complaining because lawyers were coming in from Vancouver and Toronto to take the cases. Even that rate was not seen to be the tariff that would be charged by lawyers at private bar to private clients. Finding the right tariff is a difficult task, I'm sure. We've entered into a new governance agreement

with the Law Society and the Legal Aid Society to provide for a governance structure. We've got an agreement in place where the legal aid tariff will go up \$2 a year, and we believe that that's going to be effective. It seems to be effective in terms of ensuring that there are sufficient well-qualified lawyers available to provide services to clients.

4:40

The legal aid limits went up 5 percent last year, so single persons making \$13,900 or less, if they're otherwise qualified, are automatically eligible. If they're above that amount, up to \$21,504, they're still eligible for legal aid provided that they make a modest co-payment. The same applies to a family of four, which could have an income of up to \$32,600 and still get legal aid for some portion of their fees. Legal aid staff have the discretion to provide coverage to applicants who can't privately retain counsel, even if their income exceeds the guidelines. So the process is to make sure that people have access to lawyers when they need it, particularly when they're threatened with going to jail or losing their freedom. The system appears to be working very well. There are always concerns about whether it's sufficient, whether there's enough.

Actually, going back to the measure that the hon. Member for Edmonton-Centre asked about, it is an interesting measure, not one of our better measures, I think, in terms of measuring our success by how many people have accessed the system, but it's difficult to measure it in any other manner, in particular.

The hon. Member for Edmonton-Highlands was particularly concerned about affordability. That's one of the things that we've been trying to address in this whole process of making justice more accessible. He chose to focus the question of affordability on people's ability to pay to hire a lawyer and quoted the head of the Alberta Criminal Trial Lawyers Association. I think I've addressed some of that through the legal aid tariff process, which is precisely there to assist. We could of course do things in different ways to provide broader services.

The hon. Member for Edmonton-Centre asked about the budget for the family law project in Edmonton and Calgary, which is funded by legal aid. That's a legal aid budget, not a government of Alberta budget. We provide resources to legal aid; they allocate them as they think appropriate. So she should approach legal aid for that, or perhaps the next time I file, if I do, in the House the annual report of the Legal Aid Society, she could look at that document for the numbers. Those family law projects are proving to be an effective way to corral resources and provide resources to the broadest number of people and to be very effective at it. I think those pilot projects are very effective.

Now, of course, when we made that project agreement, we agreed that we wouldn't push for a similar project on the criminal trial side, although it might well be a good way to go, but we said we wouldn't go there for a period of time. I'm not sure if I remember off the top of my head whether it was five years or not. So we're going to adhere to that. That being said, if the lawyers don't believe that we're providing sufficient access to people when they need it, then maybe one of the things we need to do is sit down and talk about how we could more appropriately provide that access to the legal system through the resources that are available. Maybe that needs to be revisited.

Suffice to say that there are concerns across the country, as well, about the contribution made by the federal government to the legal aid process, and there have been attempts to address that. I don't have the numbers at hand, but they have in the past contributed more significantly to the criminal trial side. That has dropped off. So the issue of legal aid and contributions has not been an issue that's

solely relevant to Alberta but, rather, has been even more relevant in other jurisdictions in the country with respect to those contributions.

I'm quite satisfied that there isn't a two-tier system, that people do have access to appropriate counsel for defence when they need it. If in fact they make the allegation and they can make the allegation before a court that they don't have access to appropriate defence, the courts are in a position to rectify that and have taken steps in the past, whether we agree with them or not, to compensate lawyers more. I don't see that as being a particular problem.

With respect to the civil side of the system, everything we've done has been designed to try and make it more accessible and to try and make sure that people take more responsibility for the solution of their own problems. The legal system is an expensive and a complex system and not the best way to solve problems most of the time. It needs to be there to solve those essential questions of law and to be there when all else fails, but it shouldn't be the first resort. So with a move to more recognition by the public of the availability of mediation and arbitration processes and that going to arbitration processes in appropriate circumstances is a good way to solve problems without going to the expense of long and drawn-out lawsuits and without using expensive court resources, more affordable justice and better access to justice can be effected in that way.

As we take more cases out of the court system and resolve them in a more appropriate manner through dispute resolution processes, what that does is make it easier to get to court faster on those issues that do need to go to court. In fact, in Calgary when we were announcing the dispute resolution process last week, a question was asked as to whether or not the advent of the dispute resolution project was helping to clear the logjam in the courts. The Associate Chief Justice was quick to take to the microphone to insist that there wasn't a logjam in the courts in Calgary, that you could get into court before the end of the month on a one-day matter, before the end of June on a short matter, and before the fall on a longer matter. I think we're being very effective in making sure that the courts are available on a timely basis, and we're doing a lot to ensure that people look for alternatives that are less expensive to them. So that brings access to justice into a much more affordable realm for more people. I think that's a good strategy.

With respect to family law, of course if we get to a family law process, a unified family court process for example, that encourages collaborative law processes, that encourages dispute resolution processes, if you have to go to court, you can do that in a unified family court forum that's accessible in provincial court sites, if not a provincial court model, and access to justice will be increased.

So more and more we're finding ways to encourage, to educate people about the processes. We had a forum on mediation in February. The task force, or working group, is meeting through April and into May, and they'll be having recommendations coming forward to us sometime in the next few months as to whether we need to build into our legislative processes the mediation processes, precourt mediation, or whether that's something that should just be done through encouragement.

In all of those areas we're finding ways that we can improve access to justice and make it more affordable to people. So are we getting into a two-tiered system? I think we're getting into a system which is far more effective, far more enforceable, far more affordable. Quite frankly, it gives ownership of problems back to the people whose problems they are and provides them with guidance and assistance in resolving those problems, rather than the court system that we've built up where we take the problem out of the hands of the people whose problem it is and hang onto it for three or four years at a high cost and without necessarily the best resolution. That's not to say that we don't need courts or that we don't need

courts in appropriate circumstances, but we should save the acute care system for the acute care needs and solve the other problems in a better way. The Department of Justice is certainly working with others to achieve that end.

With respect to the G-8 summit our role in that is modest. Certainly I wouldn't want to be discussing in any great detail anything relating to public security issues, but of course people have to be able to attend conferences in this country and be safe in doing so. There's nothing wrong with having as a goal that visitors to our country, whether they are prime ministers and premiers and presidents or whether they are individuals, have the right to feel safe in our community. So that certainly would be one of our goals, and that goal equally would apply to those who want to attend for the purposes of legitimate protest.

I think all of us in this Assembly would agree that the right to free speech, except when it's the Minister of Justice talking about his estimates at too much length, is something to be applauded. So people should have the opportunity for legitimate protest, but legitimate protest does not extend to violent demonstration. Violence will not be accommodated, and people who engage in inappropriate forms of expression of their viewpoints can expect to be dealt with in accordance with law, as any other individual in our community could be expected to be dealt with in accordance with law. So do people have the right to freely express their views? Absolutely. Should people be accorded the opportunity to freely express their views? Absolutely. Should people engage in violent protests and destruction of property in order to do that? Not in a civil society. We're a civil society. We won't be accommodating that. We will accommodate the provision of courts as necessary, not to anticipate that people will break the law but to be ready in the event that there's a need for that type of accommodation.

I think I've dealt with most of the hon. members' comments. I might spend a moment, if I have it, to go back, unless the hon. members have other questions that they would like to raise.

THE DEPUTY CHAIR: Hon. members, before I recognize the next speaker, may we briefly revert to Introduction of Guests?

[Unanimous consent granted]

4:50

head: **Introduction of Guests**

(reversion)

THE DEPUTY CHAIR: The hon. Minister of Human Resources and Employment.

MR. DUNFORD: Thank you, Mr. Chairman. Looking through the gallery today, I see of course a number of lawyers that have already been introduced, but I also see a gentleman that might need a lawyer. We're never sure, but as a past politician, one never knows what follows them out of this House. Gary Severtson is sitting in the audience today, a past member from Innisfail-Sylvan Lake.

Hey, Gary.

head: **Main Estimates 2002-03**

Justice (continued)

THE DEPUTY CHAIR: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you, Mr. Chairman. One point that I neglected to ask about in my earlier comments has to do with the review of family law. I understand that the minister has indicated that this is a project that's going to be divided into two pieces, that

he's unable in the time frame originally envisaged to complete the entire process. I would like to hear briefly from the minister which sections he's able to complete in the family law review, how that will bring the government into compliance with the court orders that have been issued, when the remaining pieces will be dealt with, how it will affect people in relationships, including same-sex relationships, in the immediate period when the first piece is completed, and when they might expect equality under the law.

Thank you.

MR. HANCOCK: Well, Mr. Chairman, a very important, timely question with respect to the family law review. For the purposes of doing public consultation, we've engaged in a review of all aspects of family law, and it is a huge project, much larger than I appreciated, actually. The department was constantly trying to advise me and admonish me that we couldn't move as quickly as I wanted to move on this particular project. I kept saying that we'd be ready for legislation in the spring of 2002, and guess what? They were right again. It is a large project. It's going to take some time to bring it to full completion.

There are a number of reasons for that, not just the size of the project in terms of bringing together issues under the Domestic Relations Act and some of the other family law statutes dealing with issues of parenting, dealing with issues of how you allocate the responsibilities of parenting and how you deal with the issues of support, those issues. As well, we had anticipated this spring that the federal government would come down with their changes in the family law area, and we were hoping to be able to align our changes with their changes, the federal law responsibility areas with the provincial law responsibility areas, so that we had a consistent pattern under the Divorce Act. That does not appear to be coming forth, so we may just have to proceed without it.

I would anticipate that the bulk of the family law project will appear hopefully either this fall, I'll still say, or perhaps more realistically next spring, although I wouldn't want anyone in the gallery to take that as a suggestion that I've acquiesced to the concept of a spring deadline. We are hoping to bring forward the omnibus family law or the family law pieces of legislation as early as this fall or as late as next spring, not this session at all.

However, while we were consulting on family law, we were also consulting on personal relationships, and I would hope that by the end of this session we would be able to bring forward a piece of legislation dealing with adult personal relationships. I'm in the process of discussing that with government caucus and government members and taking it to cabinet and to the standing policy committees. Once I've got through that process and perhaps even before, I would anticipate sitting down with members opposite and outlining for them what we're trying to accomplish and where we're going with that. I may even come back and actually ask for a little bit of help in terms of that, because the nature of the bill that I'm proposing to bring forward I think will be one of some significance to Albertans and may not be one that we want to rush on. So if it doesn't come to the House until the early weeks of May, it may be appropriate to have members of the public have a look at it, and we'll pass it in the fall. I'll certainly be prepared to discuss with members of the opposition, as I am with members of government caucus, how appropriate that might be.

That being said, there may be some work that we have to do this spring in order to meet the deadlines imposed by the courts with respect to the Intestate Succession Act. As I say, I may have to ask for some assistance from the opposition side in order to accommodate that while we deal with the full implications of personal relationships and adult relationships in the context of a large statute.

In any event, that will unfold over the next two or three weeks as we continue this session and as I obtain appropriate approvals through our caucus processes and of course work with the opposition members to make sure that they're comfortable with what's being brought forward.

THE DEPUTY CHAIR: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thanks very much, Mr. Chairman. I'm back for another fun-filled go. We're coming down the homestretch here.

I wanted to pick up on just a couple of things from the couple of times now that the minister has responded and then to capture the end of the argument about decreasing budgets and growing demands. Then on to the Auditor General's observations, and that will be it for me.

I want to make just a small point, but I feel that I have to make it. The minister was talking about the \$100 filing fee for small claims court, I think, and saying that that shouldn't be onerous for most people. If I could just gently reprimand the minister, it may well have been a long time since the minister was living paycheque to paycheque and where \$100 was significant for him, but I would have to say that for most Albertans who are still living paycheque to paycheque, \$100 can be very difficult to come up with in a short period of time. Maybe given a couple of paycheques to save toward it, fine, but we've moved away from being in a position where we're able to save a significant portion of our paycheques in any given time, and we need to be conscious of that. We can't assume that people would have that kind of money readily available.

I also think that one has to be very sensitive to putting people in a position where they might feel that they had to beg for assistance. Those are strong words, but I know that some people would feel that way. We're well aware from the studies that have been done that those who have some education behind them are better equipped at asking for assistance and have less hesitation in asking for assistance, and those who don't may well have more trouble in identifying that and in coming out and doing it, and therefore they just walk away. They just go: "This is too hard. I don't want to do this. I don't want to embarrass myself. I don't like the position I'm in, and I'm just going to walk out of here." That is not what we're trying to do. We are trying to encourage access to justice, whether that's through a system that is an institutionalized system, as we know and identify the court system today, or whether it's through some of the newer processes that have been identified and put into place by the minister. So we really have to be alive to that or I think we turn people off and they walk away from us. That doesn't help us or them.

The phrase that I was trying to dig out of my memory filing box there awhile back, when I was talking about the collapse rate for Crown prosecutors and I was trying to remember a proceeding the minister had talked about doing away with, that was preliminary inquiries. If that's done away with, then I think that would affect the collapse rate for those Crown prosecutors.

5:00

I remember now that I did hold some meetings with some people, back in the fall I think, around court-ordered mediation, and I neglected to ask specific questions about that. There was a conference – I think it was back in the fall, maybe October, November – around court-ordered mediation. I'm looking for what specific plans the minister has or the department has to implement those recommendations: a time line, budget, monitoring, et cetera, et cetera.

Another question. I'm picking up a number of sort of loose ends here. With maintenance enforcement one of the issues that still

tends to really irritate people is the hold on deposits and the transfer of money to the person who is supposed to get the money. With electronic banking in this day and age we should be able to do, where we can, a direct withdrawal out of someone's account and instantaneously a direct deposit into someone's account. I'm wondering. We have reduced from 15 days of hold to 10 days of hold to I think we were down to six days of hold. Have we managed to get this down to no days of hold yet? That is immensely irritating to people when they have a court order that says that they are to be paid money at the beginning of the month. Well, the money is taken from the person that's ordered to pay on the first of the month, but meanwhile the one that's waiting for the money is waiting. It's the 2nd, the 3rd, the 4th, and the rent money is due. The landlord is yelling at them, and they still don't have the money. They cannot understand why that money can't come to them faster, especially in this day and age of electronic financial transfers. So I'm looking for the number of days we're down to in that hold rate and why we can't get it any less than that.

Also, there was a lot of money spent on that big drug trial that seems to have gone nowhere, and I'm looking for some details on that and some evaluation of what went right there and what went wrong there, because I think that that's a bit of a blob on the record. I want to know what sort of evaluation and monitoring and what lessons have been learned from that whole process and frankly how much money was spent and how usable the facilities are and the processes that were put in place and are they to be used in any other context at this point or whether that's just been blown. How could we have done that better? Okay. That's the catch-up stuff.

Just to go back and capture where we were at the end of my last set of comments – I guess this is version 3 I'm on now – the minister did attempt to answer some of this, and it is around the issue that we've had an increase in population but not a corresponding increase in the budget and the services that we're able to offer people through the court system. The minister has identified that a great deal of work was done to not necessarily offer institutionalized court services but other processes of court that in fact are less expensive to offer, arguing that they may not get their day in court but were still having access to justice. I continue to advocate vigilance in that. I often question the minister's choices when we get to that, and it seems to me that choices are increasingly made based on budget or saving money, not on fairness and access to justice. So I'll continue to stay on that.

Now, as far as the court backlogs, that was an interesting story that the minister told about there being no backlog in Calgary. I think it was in an Edmonton court where there were fairly pointed remarks on the record from a justice saying: "Look; we can't even get secretaries that can make the transcripts available to us or run the piece of paper down the hall. We don't have the staff that can escort the prisoners in or out or whatever. Things are backing up to an unacceptable level." I have not seen enough activity around here that would make me think that that issue has in fact been addressed. Again that's part of the demand upon the system, the corresponding amount of money going into the system to be able to provide the services for the number of people that we have. I'm looking for, I guess, the minister's response to the points that were raised by that justice. That case is well documented, and I'm sure the minister has a copy of it. There were some pretty pointed remarks made about availability of staff and backlogging that was happening there. I guess I'm saying that I will continue to remain vigilant on this whole issue of access to justice, and I urge the minister to do the same.

The last thing. This is a bit of a marathon. We're looking at the Auditor General's recommendations and observations and the government's response to same, page 135. Under the Justice and

Attorney General there were two recommendations. In addition to that, I think there were a couple of unnumbered points of consideration. I'm not sure how the Auditor General differentiates them, but they're not numbered. These are numbered ones, one on capital asset management and one on fines and costs. Now, this is interesting. Recommendation 28, capital asset management, from the Auditor General reads:

We recommend that the Department of Justice improve its capital asset management process by completing long-term capital asset plans, and linking this information to the business planning process.

Now, the response from the minister's department is: "Accepted in principle. The Ministry intends to prepare capital project listings. The projects would be linked to business plan goals or strategies for management information." That sounds tepid, so I'm looking for an explanation. I would have expected this to be embraced more wholeheartedly, and I'm wondering exactly what the department is going to do and in what sort of time line and also what sort of resources it has in place to accomplish that.

The Auditor General's recommendation 29, fines and costs: "We again recommend the Department of Justice determine the results and costs of its fines collection activities." The response from the ministry is: "Accepted. The Ministry intends to continue with completing its current action plan." Well, I think there's a wee gap here, because in the time that I've been on the Public Accounts Committee, I think I've seen this fines collection recommendation come up from the Auditor General three or four times in six years. I know that in the beginning the ministry wasn't accepting it, and they'd started to accept it a little later on. It's still turning up every year, so what exactly is the problem that is holding this back? Is it an issue of budget? Is it an issue of priorities? What on earth is the problem that this seems to be so difficult to attain or achieve?

Those are the various concerns and questions that I wanted to put on the record with the Minister of Justice. He has attempted to respond to some of my questions verbally with me today, and I do appreciate that, but for anything that is unanswered or could be expanded upon further from what the minister did, I would ask that I receive that information in writing. I understand where the minister is trying to go in trying to be innovative, and I think that in certain circumstances that can certainly be a good idea, but I also think that ultimately this government is under an obligation to provide justice and access to justice. It is a priority. It is not something where a choice can be made to just not do it in any given year or to dump it down the priority list and maybe only do a little bit of it. There's no such thing. Justice is not useful if it's only a little bit of it. So I do hold the minister up to a high standard along with his department officials.

5:10

I'm interested to hear about the family law statutes. Having attended some of the sessions on that, I guess I'm not surprised. There's a lot of detail to be worked out there, and it can be highly emotionally charged, about how people feel different matters should be handled, and especially when we get into the whole issue of children, it can be tough, tough swimming. But I do look forward to legislation coming forward on personal relationships. I know as the critic for human rights that there are many people, certainly many of my constituents, that are keenly interested in seeing this move forward and be expanded and be far more inclusive for all Albertans.

Thank you for the opportunity to ask these questions, to bring these issues forward, and I look forward to receiving the responses from the minister and his staff prior to the appropriation being voted. Thank you very much, Mr. Chairman.

MR. HANCOCK: Mr. Chair, I just wanted to take a brief opportunity – I don't have my glasses with me today, but I think I've spied one of our fine Crown prosecutors from the Vegreville area with us today in the gallery, Neil Wiberg. I'd ask him to stand and receive the recognition of the House.

Just to briefly touch on a couple of things so that there are no misunderstandings, the hon. member has asked about the big drug trial that went nowhere, that I think she referred to as "a blob on the record," and how much money was used. I would just, not for the purpose of deflecting anything at all, indicate to her that drug trials are generally prosecuted by the federal government. We built a very fine court facility, which will be very effectively used over the long term. It's in the subbasement of the Court of Queen's Bench building in Edmonton. It's got technological advantages that judges look to wanting to use. It's a very effective courtroom, and it will be very effectively used over the long term. Of course we need it. In my former days when I was also Solicitor General, we had CISA. We had the effective co-operation of policing services in this province and still do. I wasn't suggesting that that's gone away. We still have that. We will have large trials from time to time, and we will need that courtroom for those large trials. We probably need an additional large courtroom facility in Calgary, and when we build the new court facility in Calgary, we will accommodate a new large courtroom there. They will be effectively used. So the money that's been invested by the provincial government I think has been invested very, very well. We do have some problems coming out of that large trial process, particularly with respect to the remand centre, but that's an issue for another day and a different set of estimates.

In terms of the collapse rate of our Crown prosecutors, I can assure the hon. member that I'm not aware of any of our Crown prosecutors having collapsed. However, we are doing our best to make sure that their workload is diminished to a point where it's acceptable to them and to their families and that we take appropriate care to ensure that we are treating employees all across our department very, very well for the work that they do for the benefit of Albertans. I am pleased to advise this House that employees in the Department of Justice are working very, very hard and very, very effectively for all Albertans to make sure that they have access to justice, that they have good opportunities for justice, and that we have safe and caring communities.

THE DEPUTY CHAIR: After considering the business plan and proposed estimates for the Department of Justice, are you ready for the vote?

HON. MEMBERS: Agreed.

Agreed to:
Operating Expense and Capital Investment \$210,862,000

THE DEPUTY CHAIR: Shall the vote be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIR: Opposed? Carried.
The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. I am pleased, notwithstanding the comment that was just made about that being a lot of money for justice. One of the things that I would always say is that there are more things that could be done, and I wouldn't turn down additional dollars, should you feel obliged to vote them.

The committee having finished its deliberations, I would move that we rise and report the estimates of Justice and Attorney General.

[Motion carried]

[Mr. Shariff in the chair]

THE ACTING SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

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

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 2003, for the following department.

Justice: operating expense and capital investment, \$210,862,000.

THE ACTING SPEAKER: Does the Assembly concur in the report?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? So ordered.
The hon. Government House Leader.

MR. HANCOCK: Mr. Speaker, in view of the fine work that's been accomplished this afternoon, I would move that we adjourn until 8 p.m., at which time we'll reconvene in Committee of Supply.

[Motion carried; the Assembly adjourned at 5:17 p.m.]