

Legislative Assembly of Alberta

Title: **Wednesday, April 16, 2003**

8:00 p.m.

Date: 2003/04/16

head: **Committee of Supply**

[Mr. Shariff in the chair]

The Deputy Chair: We'll call the committee to order.

head: **Main Estimates 2003-04**

Solicitor General

The Deputy Chair: The hon. Solicitor General.

Mrs. Forsyth: Thank you, Mr. Chairman. I'm pleased to present the Alberta Solicitor General business plan for 2003 to 2006. Before I begin, I would like to introduce some of my great staff that are seated in the gallery. With me today I have Jim Nichols, Deputy Solicitor General; Bob Dunster, ADM for public security; Arnold Galet, ADM for corrections services, better known as Big Guy; Dan Mercer, ADM for strategic services; Shawkat Sabur, executive director, financial services; Bronwyn Shoush, director of aboriginal initiatives; Jean Olynyk, my communications director; Maureen Geres, who everybody knows, my executive assistant; and Debbie Malloy, who's a special adviser to the minister. [some applause] See, Mr. Chairman, I told you I had good staff.

The 2003-2006 business plan makes changes to the ministry's vision and mission statements. These have been rewritten to more clearly recognize the minister's role in ensuring safe and secure communities for Albertans "to live, work and raise their families." Our new mission statement also highlights the ministry's role in policing, security, and correctional services and in assisting victims of crime. These changes are also reflected in an expanded list of core businesses.

Our past business plan outlined three core businesses: policing and crime prevention, victims services, and corrections. In this year's business plan we have separated policing and crime prevention so that each is a stand-alone core business. Over the past year we have taken on a larger role in provincial security and now include security operations as a core business. In fact, in the past year security and information management, or SIM, as it is known, was created to ensure that the appropriate mechanisms are in place to identify and mitigate potential terrorist threats. The core goal related to corrections has also been expanded to better reflect our role in providing custody, supervision, and rehabilitation programs for offenders.

The financial content of our business plan reflects Treasury Board's approval over the past year as well as federally funded programs and funds for continuing core programs and services. The Alberta Solicitor General's budget for 2003-2004 is 277 and a half million dollars. This is an increase of \$10.1 million over last year's comparable forecast and \$11.1 million over last year's comparable budget. This is still a hold-the-line budget, reflecting increases for ongoing program costs and improved security operations. Most of the increase is dedicated to salary adjustments for our full-time and contract employees in corrections and policing.

Overall spending on policing and crime prevention will increase by \$4 million over the 2002-03 budget. Despite this increase we continue to be pressed by communities right across this province to address the issue of policing costs that are outreaching local budgets.

Funding for custody, supervision, and rehabilitation of offenders has increased by \$5 million and continues to account for just under

50 percent of the total budget. There is also increased funding of \$1.2 million for protection services and counterterrorism operations.

This year I hope to conclude the reviews of Alberta's policing, corrections, and victim programs that were begun last year and previous. I will be taking our recommendations through the government approval process. I believe it is imperative that the challenges facing policing and our corrections and victim programs be dealt with and brought to resolution.

In closing, I would like to highlight some key accomplishments of the past fiscal year, accomplishments we will be building on this year and into the future. Last year my ministry and Alberta Municipal Affairs introduced Alberta's counterterrorism crisis management process. As a result of the intelligence-led process, we are well positioned to identify and respond to any changes in Alberta's security.

We've continued our partnership in Criminal Intelligence Service Alberta, or CISA. Funding to CISA is in the form of an annual \$2.4 million grant. This funds joint police operations into organized crime across Alberta. Some of the funding is provided by CISA directly to police services to help them target local organized crime, and earlier this year CISA established a new web site where Albertans can go for more information about organized crime in Alberta and its impact on the communities. We believe that this type of public awareness is critical to fighting organized crime in Alberta.

Last year Alberta became the first jurisdiction in Canada to introduce the Amber Alert. In the United States the Amber Alert program has helped police successfully find about 30 children and teens that were abducted. While I hope that the Amber Alert is never needed, having the Amber Alert in place offers the police a new tool that we hope will help them find kidnap victims and return them safely to their families.

Lastly, over the past three years we have prepared for the new federal Youth Criminal Justice Act, that came into force on the 1st of April, by providing training and briefing opportunities to the police, the courts, and our corrections staff and by creating the new programs that the act requires. But I'm very concerned about the new federal act. Not only does it not provide stiff penalties for young offenders who commit serious and violent crimes, but the federal government has not acknowledged its previous commitment to fund 50 percent of the ongoing costs of administering the youth justice legislation. Once again the federal government has introduced a new program and left us holding the bag. The lack of commitment means that once federal transition funding ends in 2005, the Alberta government will have to find a way to sustain funding for these new programs.

Mr. Chairman, that concludes my comments on the 2003-2006 Solicitor General business plan. I'd be pleased to address any questions regarding the plan and will provide a written answer to any questions not fully covered today.

The Deputy Chair: Hon. members, before I recognize the Member for Edmonton-Centre, may we briefly revert to Introduction of Guests?

[Unanimous consent granted]

The Deputy Chair: The hon. Member for Edmonton-Norwood.

head: **Introduction of Guests**

Mr. Masyk: Thank you very much, Mr. Chairman. I'd like to introduce a friend of mine from up north, my home town of High Prairie, Mr. Kevin Cox. He's here on some business, and I invited

him to the Legislature to observe for a few minutes. I would ask Kevin to rise and receive the traditional warm welcome of the Assembly.

head: **Main Estimates 2003-04**

Solicitor General (*continued*)

The Deputy Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Chairman, and thanks to the Solicitor General for her opening remarks. My memory is that she's pretty good about answering the questions here during the debate, and those she doesn't I'm sure will be answered by her and her staff following this debate. I would just ask to get, if possible, the responses prior to having to vote on the appropriation bill. That way I have all the information in front of me before I have to vote on that bill, and I appreciate that.

The first hour tonight is dedicated to opposition questions, and I've already spoken to the minister about doing some back and forth. So what I'd like to do is just run over the areas that I have here, and maybe we'll take a couple of them at a time and then go back and forth with questions and answers.

I did want to comment a bit on the information that's in the report and the change in the vision and mission. I'd like to talk about the reports on victim services, on policing, and on corrections. I have some general sort of stakeholder questions, sort of a grab bag of different issues that have come up. I'd like to also spend some time on the issue of police funding, which is overall as an issue certainly rising to the top and starting to bubble over a bit, and maybe an update on the diversification project, something I know we're both interested in.

From the beginning I noticed right off that the government is no longer offering a highlights section, and I think this a general observation. This is the second ministry that I'm critic for that's been debated thus far, and that highlights section seems to have been pulled overall. That's too bad because I found it a useful section. It doesn't seem to have been replaced in any particular area, but if you put together both the introduction and the planning environment, sometimes you can glean what's going on. So I'm going to go through some of the issues that have been raised there. The MLA reviews of the victims' fund, policing, and corrections are mentioned here in the introduction. As I said, I'll come back to that.

Then there's, "We will continue to inform Albertans about serious and violent offenders, . . . participate in the development of a National Sex Offender Registry" – that's the federal one – the Amber Alert, which the minister just mentioned, the changes to the federal Youth Criminal Justice Act. Now, it also talks about "developing a proposal to address gang activity in Alberta," so I'm interested in what the minister is anticipating there.

8:10

The Solicitor General is also working with others on a provincial impaired driving enforcement strategy. If I could get some detail, please, on who all is involved. What are the other ministries and stakeholders who are involved in this, a list of those, plus what actions are being anticipated that are different from what's being offered now? Is this an enhancement? Are you changing some things? Are you looking at bringing in legislation? Are you going to have another MLA review? What's being anticipated under that?

It talks about "rehabilitation of offenders" and a continuation of "work service to Alberta communities." Now, I'm assuming that that's the old pick up the garbage along the highway and cut

firewood for the provincial campgrounds and prune trees and cut grass and that sort of thing. It's also being mentioned here along with the youth justice committees again: "rehabilitation of first and second-time young offenders." So I'm curious, first of all, with the adult offenders where the rest of the rehabilitation is. Or is that what the minister accepts as rehabilitation, these work camps? Have we totally abandoned the idea of training for occupations other than crime obviously? Have we abandoned all of that programming, and the rehabilitation part of it is picking up litter in the ditch? What happened to the rehabilitation part of our programming? There certainly seems to be an emphasis here: "work service" is how it's phrased.

Also, therefore, that trickles down to the rehabilitation for the first- and second-time youth offenders. Is their rehabilitation really about this community service? Do they do some sort of junior version of litter picking and pruning and wood chopping? What's being anticipated there?

One sentence about supporting initiatives for domestic violence. I'd like to know what's anticipated there. It seems to indicate that it's supporting existing programming but doesn't seem to be considering any expansion of this, and since we're looking at a three-year period here – the minister has introduced her budget as 2003 to 2006 – do I take it, then, that we're not anticipating any new initiatives around domestic violence? It looks like we're just keeping the status quo.

There's some information here about the victims financial benefits program, making it "more responsive to the needs of victims of crime." Perhaps that's connected to the victims of crime MLA review and report that's still outstanding. I see a little nod from the minister, so I'll leave that and come back to it when I talk about the reports.

The minister also spoke a little about the counterterrorism efforts. This is kind of a difficult one, because it's not as though the minister can stand up and say, "Here are all the initiatives we're taking for counterterrorism," and sort of let the cat out of bag. On the other hand, the minister is spending taxpayer dollars here to follow some kind of plan on counterterrorism. So how are we supposed to know what the minister is doing? We're in a bit of a catch-22 here, and it's not acceptable to just say: "Trust us. We can't tell you this is counterterrorism, but give us a bunch of money to do it." You have to give some kind of indication as to what's being anticipated here or what's being followed. It's not enough to just say: trust us on this one.

The new section called Planning Environment is very interesting. It says that the following environmental factors have been considered when you're looking at the plans that you're going to set forward over this three-year period. It talks about things like demographics, aboriginal justice, victims, implications of new legislation, policing . . . [interjections]

The Deputy Chair: I'm sorry to interject, hon. Member for Edmonton-Centre, but the noise level is getting pretty high. The hon. Member for Edmonton-Centre has some very interesting and important points to make, so can you please respect her recognition to speak and allow her to continue.

The hon. Member for Edmonton-Centre.

Ms Blakeman: Well, thanks, Mr. Chairman. I don't care if they listen or not, but it would be helpful if the minister could hear me.

In some context these environmental factors seem to be delivered as though these are things that are sort of holding us back or reasons why we can't accomplish what we'd like to accomplish. Overall, since this is a new area, if she can talk about the choices that she has

made in setting these particular areas down. Is she seeing these as barriers or some sort of restriction to what she's trying to accomplish? I think the answer will probably be: some areas are and some areas aren't. If that's the case, which are and which aren't? A little expansion on that, please.

In particular, I notice that the aboriginal justice section is listed under the environmental factors. I'm interested in this because I don't see the aboriginal factors being discussed at length in any other section except for this one. So could I ask her to expand, please, on what's being anticipated here? It does note that

the Aboriginal population is young and the fastest growing segment of the Alberta population. A large proportion of the Aboriginal population in Canada experiences socioeconomic disadvantages in comparison to non-Aboriginal Canadians.

Okay. So what's the minister trying to tell us here? Does that mean that she's going to have lots of programs, no programs, or that this is a difficulty she's trying to overcome in some way? It's one of the few places where I actually see aboriginals mentioned in the whole context of the programs and services that the Solicitor General is offering.

The minister has already talked about the new legislation that's coming through federally that will be affecting what she is attempting to offer provincially, and that includes the Young Offenders Act, the Sex Offender Information Registration Act, and the Criminal Code changes.

Then she talks about provincial policing programs, which I'll come back to, and I've already talked about terrorism.

Organized crime I'd like to come back to in the context of gambling, because during the debate with the minister of gambling the Solicitor General was referred to, so I've made a notation to come back and ask her some of the questions under that.

Under goals and strategies, goal 1, to "ensure safe communities in Alberta," a couple of questions have arisen out of that. I'm referring to 1.5 on page 351: "Enhance the partnership with the RCMP in monitoring the Provincial Police Service Agreement." Now, the Member for Wainwright had a private member's motion before the House that was talking about – well, actually I gave him a bit of a hard time. [interjection] Well, I'm sure that if the Member for Edmonton-Castle Downs is so interested in the debate, he's going to get up when he has his opportunity to do it rather than just constantly commenting and heckling from the back row there.

The Member for Wainwright was commenting on a need to develop or get in place plans for a regional policing service. He was also talking about a regional police commission. But mostly he seemed to be frustrated and all those that spoke on his motion seemed to be frustrated about somehow being prepared and ready, as the minister goes into negotiations with the RCMP in 2007 to 2012, to break away and go into it saying: we can do this on our own, so better negotiate with us the way we want, or we'll just strike out on our own. So I'm wondering what the minister is anticipating when she puts down as a strategy: enhance the partnership with the RCMP.

8:20

I also note in the next one, 1.6: "Reinstate Restorative Justice Grant funding." Could the minister talk about that, please? How much money is going to be put into these grants? How is the program going to be administered? What's the criteria for application? Is this done in conjunction with the Minister of Justice, or is she running the program herself? What's the level of grants that is anticipated? How often is the granting cycle? Once a year? Twice a year?

The other thing that the minister mentioned. She's made some very definitive choices, and I'm wondering if she can talk about her

philosophy in moving forward on this. The previous vision was "a democratic and prosperous Alberta based on respect for the law, where all Albertans are safe in their homes and communities." The new version is: "Ensure Albertans have safe and secure communities in which to live, work and raise their families." So some quite deliberate choices have been made there, and can she please talk about what her philosophy is that allowed her or had her make those choices?

The mission. The previous mission: "Our mission is to serve Albertans by promoting safe communities and by communicating with Albertans about the administration of justice." Now, that's likely heavily tainted by the previous position where both the Solicitor General and the Justice minister were the same ministry. The new mission:

Our mission is to serve Albertans by ensuring safe and secure communities through effective policing, security and correctional services and when crime is committed to assist victims of crime.

So that one's a bit more obvious, but I'll get her to talk about her personal ideology in leading this department forward and the choices she's made to establish that mission.

I note that the department's budget is up by a little over 4 percent but not by a lot, and I'm questioning the minister's confidence, backed up by some detail, about the sustainability of service delivery. We know that with the simple cost of living, with increased volume for delivery of service to more Albertans – I've heard a number of times the comment that with the in-migration into the province they didn't bring their police service and their roads and their schools with them, so that's affecting the minister's ability to deliver these services. There are a number of factors to be considered here, and I'm questioning how she's confident that a 4.2 percent increase is enough to maintain or sustain service delivery. We've got likely increased labour costs. The number I heard tossed around a lot until about a month ago was 4 percent. We've got inflation, the normal cost-of-living increase, and we've got this volume increase from the in-migration. Now, in the studies that I've read, they were talking between 7 and 10 percent to sustain program delivery. This minister is putting in 4.2, so I'd like to hear some of her detail in her confidence in that number.

Now just some general and stakeholder questions that have arisen, if I may. The Solicitor General had introduced a Victims of Crime Amendment Act, and this changed guidelines with respect to the financial benefits program for those people who were victims of crime. But when I looked at the victims of crime funding, it's bounced around a bit recently, and I'm questioning if the minister could expand on why that has varied so much. For example, the victims of crime funding is \$10 million in this budget, up a small amount from \$9.8 million last year, but that in fact was a decrease of almost \$3 million from the year before. So we've gone down by \$3 million and up by \$200,000. What's the sense in this? What's the minister anticipating here?

In the business plan it's also mentioning that there are going to be the regulatory and legislative changes to the victims' financial benefits program. Could the minister expand on that? Is she talking about bringing in legislation? Is she talking about doing that in the spring session or in the fall session? Is this going to be done by regulation? What is she anticipating precisely?

The next short segment I want to talk about is illegal gambling. During the Gaming estimates the Gaming minister referred this particular item over to the Solicitor General. When I was asking about his department's monitoring of illegal activities or anticipation or planning for or investigation of, he didn't want to touch that one and punted it. It was punted to this particular minister. So what sorts of activity has the Solicitor General taken to anticipate amounts

of illegal gambling, to measure it or count it, to look into the future on it? This is a three-year plan. What's the minister anticipating by way of increases in illegal gambling?

There's also some concern over the increase in illegal VLTs or what are called gray machines. Now, Alberta had attempted to counteract that by putting in their own machines. Where is the Solicitor General on monitoring this activity?

I think that's close to the end of my first 20 minutes, Mr. Chairperson, so I will take my seat and allow the minister some opportunity to answer the questions I've put before her. Thank you.

The Deputy Chair: The hon. minister.

Mrs. Forsyth: Well, thank you, Mr. Chair. The hon. member in 20 minutes has asked a whack of questions, so hopefully I've got a few of them.

One of the questions that she started off with was about the highlight section, that it was gone, and she was wondering why we think that our business plan is put together well. The highlight section, if that's a concern, is something certainly that we can look at next year. It has not been one of the things that we've been told has been a problem quite frankly.

Then she went on to talk about the serious and violent offenders, and I would assume she's referring to our high-risk offender web site. I can tell the member that the Alberta high-risk offender web site has been extremely successful and extremely popular. At the beginning we were getting about 3,400 hits a week. We started to do a bit of research and found that a lot of it was parents accessing the high-risk offender web site and saying to their children when they saw this: if you see this particular individual, he's not a very nice man. So we've been very, very pleased. In fact, from what I understand, Manitoba has launched a high-risk offender web site very similar to ours, and Ontario has already got one.

In regard to the national sex offender registry Alberta along with Ontario has been key in pushing the national sex offender registry. In fact, we buddied up at the federal/provincial/territorial meeting in bringing that to the attention of the federal government and finally managed to get them to move on that. One of the things that we aren't in agreement with and are pushing the federal government on is retroactivity, and they've been a little obstinate and stubborn about that particular issue. We think it's important that some of the offenders – for example, Paul Bernardo, Karl Toft – should be part and parcel of the national sex offender registry because they have committed horrific crimes in this country and done a lot of damage to a lot of people.

She talked about the gang proposal. Several weeks ago I went to Ottawa and made a proposal to the federal Solicitor General, who was quite key in regard to our gang proposal, which would be on a provincial level. Similar to how we set up G-8, which was very, very successful, we will have the federal Solicitor General, the provincial Solicitor General, and then all of the players across, whether it's the RCMP, the municipal police, aboriginal policing, and people involved in the gang proposal. We're currently just sort of finishing that up, and then we'll be sending the proposal to the federal Solicitor General. Again, I'd like to emphasize that he was quite key on that, and I think that's something that's very important. I think Albertans have to realize that we have a serious gang problem in this province and an organized gang problem in this particular province. One just needs to look at what's happening in your own city of Edmonton and some of the incidents that have happened in Mill Woods, et cetera. The police have done a wonderful job in trying to attack it. We've had two very, very successful takedowns in regard to the gang strategies that were co-ordinated with the city police and

the RCMP, one being operation Kachou, and the second one is – the name's escaped me, but it was out of Calgary.

8:30

The Amber Alert, as you're well aware, hon. member, is the first in Canada. I got that idea when I was doing some research over a year ago now. I found it very interesting and pursued that to see how it worked, and when I was invited to the President's conference in Washington, I talked to a lot more people. So we were very, very pleased to be able to announce the Amber Alert in Alberta. We now have several provinces that are particularly interested in the Amber Alert, and my staff are diligently helping the other provinces that have shown keen interest in the Amber Alert.

She touched briefly on the provincial strategy, and I believe the one you're referring to is when we're partnering with Transportation on I think you mentioned drinking and driving. I, too, like you, found it was a little bit noisy trying to hear what you were saying to me. It's something that we're looking at, working on some strategies with Alberta Transportation on how to address the high percentage of accidents that are occurring in rural Alberta mainly from a couple of things: running stop signs, speed, and things like that. I want to emphasize the fact that it doesn't necessarily mean it's rural Albertans that are causing these accidents. It could be city pumpkins like me going down a dirt road, not familiar with the roads, speeding through a stop sign, and then wham. So we're working with Transportation on a couple of issues: the drinking and driving strategy of course, which is my department, which includes obviously working with them and the police on trying to curtail the drinking and driving, and then on some other transportation issues on accidents that are occurring on rural roads.

You asked about the rehabilitation of offenders. Key thing. I really believe it's important that offenders are rehabilitated and how we can work on rehabilitation with the offenders. It's an interesting question you asked. I did a tour yesterday at some of our probation offices because I wanted to talk to some of the probation officers, and I was talking to one of the probation officers on the huge success they're having partnering with AADAC. AADAC is coming into the office and working with offenders because a lot of our offenders obviously have drinking and drug problems. So I found that is extremely beneficial. The probation officers in this province do a wonderful job once our people get out of our correctional facilities, trying to match them up with appropriate rehabilitation, whether it's anger management, alcohol and drug counseling, a number of different things that they're working on then. We try and do the same thing when they're in our facilities, but you have to keep in mind that the majority of our offenders are there for such a short period of time when they go into our correctional facilities, but we try and address their issues while they're there and then work through on probation.

You asked about the work service for our offenders, and, yes, we like to keep our offenders busy. We have some very, very successful programs within our facilities that have been hugely successful, and I would invite the member to come to my office and see some of the woodworking toys. I think you did see them when you were in to see my office in regard to some of the woodworking that our offenders are doing particularly in Fort Saskatchewan. All of those toys that those offenders are making are being utilized by Santas Anonymous, and they do a really good job.

Another good example of what our offenders are doing is the eyeglasses program in the Fort Saskatchewan jail. All of the glasses are dropped off at LensCrafters. They're taken to our Fort Saskatchewan correctional facility. The offenders have been trained by optometrists to clean them, so they can tell the strength of the

eyeglasses. Then they're all shipped overseas, and it's extremely beneficial. The number of times I've actually visited the correctional facilities, the offenders that are working on the eyeglasses and have the ability are so proud of what they're doing, and quite frankly they're bragging about where the glasses are going. It's nice to see because they feel that they're contributing back to the community. We just celebrated in December our one millionth pair of eyeglasses that have been shipped overseas. So it's very exciting.

Our youth justice committee is hugely successful. Hugely successful. In fact, we were honoured to receive a gold award down east in recognition of our youth justice committees and then be watched right across the country on our youth justice committees. We have even had interest over in – I hate to name some place because I may be wrong, but I believe it was Africa or Australia, somewhere over there. I'm sorry; it's gone.

You spoke about domestic violence, and we're partnering with Children's Services and the Minister of Children's Services and have been very proud to be part and parcel of that, working with our police on how to deal with situations when they're called to the home. It's been proving very successful. We have some more work that we have to obviously get done.

You talked about the victims of crime fund and the surplus: why hasn't the money been spent? [interjection] Yes? No? I can't remember. Anyway, the victims of crime fund does have a surplus. The surplus has been set aside to allow the implementation of the recommendations that are from the victims of crime consultation. As the victims of crime is a regulatory fund, any surplus at fiscal year-end remains in the fund for future use and spending of the money to benefit victims, and I think that's the intent of it.

You talked about the counterterrorism plan, and you're right. There's so very, very little information that I can give you because of all of the very high-security information that we're receiving about terrorism. We have been very, very fortunate in the fact that we've got a very good working relationship with CSIS, which is out of Ottawa, with CISA, and with some of our partners, that we're gathering intelligence information all the time. It's been extremely beneficial, and we're extremely proud of what we've been able to achieve on counterterrorism. Not only that; the SIM unit – we had a conference. I believe it was in October or November. We were fortunate enough to have the federal Solicitor General come and bring us greetings on that. He was very, very impressed with our counterterrorism plan, our security management SIM unit. In fact, he wanted information from all of the speakers that were presenting and said: Minister, why would I reinvent the wheel when you guys have gone way past? So Alberta is leading the country in counterterrorism and our SIM unit.

You talked about aboriginal initiatives. We have a wonderful person, that I introduced earlier, in my department by the name of Bronwyn Shoush, who even just recently got back from speaking in Thailand because she's so good at what she does. We're working on a lot of aboriginal issues, and we're well aware of the aboriginal population in our correctional facilities and how we deal with those particular aboriginals in our correctional facilities. Should they be there, or where should they be? It's an open door, and a high percentage of aboriginal people are in our correctional facilities.

We have been doing a lot with First Nation policing, trying to deal with the issue of First Nation police taking care of aboriginal people within the community. It's something we need to work on, we're going to continue to work on. I have a soft spot for the aboriginal people in this province. I don't know if it'll be my term or whose term it'll ever be if you can ever try and address all of the aboriginal issues, but we'll continue to plug away. We're currently working on another proposal on drugs on the reserve, which surprised me when

I was doing tours. I knew that drinking was a problem with the First Nation people, but what surprised me more than anything and something I've been working on diligently is the drugs that are coming onto the reserve now. It's becoming absolutely uncontrollable, and they're something that we have to deal with.

8:40

You briefly asked me a question about my philosophy in the business plan. I think my philosophy is to make sure that Albertans are safe and they're secure and they're well taken care of and they feel safe in their homes and they feel safe in their communities and they feel safe in their jobs.

You asked me about the budget. I briefly talked about the budget and the increase we got and the challenges that we have within the budget, and I acknowledged the challenges we have in the budget when I spoke. We have communities across this province that are feeling the challenges of policing, and they're feeling those challenges of policing for several reasons. What used to be urban crime is now moving into rural, and crime is different. We're seeing a lot of challenges. Again, I go back to the crop-up of meth labs that are appearing in our province and in our rural areas, the green operations that are growing. I thought B.C. had a problem, but we're starting to see a problem with the marijuana growth in our province.

That is what I wrote down, as much as I could write down, so I'm prepared to sit down and listen, and we can tackle it again.

The Deputy Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much. Where we were not able to hear each other because of the ambience in the Chamber, I can clarify a couple of those. I was asking about the provincial impaired driving enforcement strategy, which appears on page 348 of your report under Introduction. I think you did pick up on it and said that you were working with Transportation, particularly around rural areas is what I heard you say. It's stated here that the "Alberta Solicitor General will . . . work with other government ministries and stakeholders to develop a Provincial Impaired Driving Enforcement Strategy," and I was asking: please give us details on what you're anticipating here. Who are the stakeholders? What are you looking to do? It's a three-year plan, et cetera, et cetera. I'm looking for the details and to roll that one out a bit.

There was one in there around the victims of crime fund. I'm sorry; we just didn't hear each other. So we'll have to wait for *Hansard* for clarification on that.

She did pick up on the questions about the programs for aboriginal populations, and if she can give me some details and flesh that out a bit. She said that she had a particular staff person working on it. Maybe I could get a list of the projects and initiatives that are there and perhaps what the vision for the future is or the vision for the three years is anticipated to be.

Now, there are some issues around First Nations policing. I may come back to that one because I'm trying to remember something I've been told very specifically about First Nations police officers and it's not coming forward in my brain. So I'll come back to that at the end, and maybe my memory will have come forward.

I was asking quite specifically about the changes and why the changes in the vision and the mission, and I was talking about what the Solicitor General's philosophy is around this because she is the leader of this department. She is setting the pace here; she's setting the philosophy. So it's either her philosophy personally or her philosophy for the department developed in conjunction with staff and stakeholders, et cetera, et cetera. But I wanted to have some detail, fleshing out, some explanation on why the changes and what

was being anticipated, what's going to fall under that. You don't just make changes because you thought you would or because it's a new three-year plan. I expect that the minister will have made these with some deliberation, so I'm looking for the background on what was behind the deliberations in making the changes. Those are the sort of catch-up comments.

Now, on we go. Okay. The last thing we talked about, then, was gambling. I'd like to talk a bit about the three reports. The victims of crime review that was done was actually completed, as far as I know, more than a year ago. It's still never been released. So out of the three reports – the review of the victims legislation and programs, the MLA review of the Police Act, and the MLA review of corrections – only one of them has been released, actually in two forms, and that was the MLA review of the Police Act. The other two seem to be on the shelf. So I'm not sure if the minister is looking to age them like a fine wine or a cheese, or what's the deal.

It is more than a year past when she received one of them. The other one, the Corrections Act – I'm trying to remember now. It's six months, I think, since she received it. So when do we anticipate the public release of these two reports? The taxpayers put money forward for these believing that they're going to lead to something. They like to see what they got. They like to get it in their hands and to know what actually came out of it, something concrete, if you will. So when specifically is the minister anticipating releasing the review that was done on the victim services, and when will we be seeing the public release of the corrections review?

We've had, as I've said, two versions of the MLA review of the Police Act, one that was released last mid-July, and the second one was a sort of update that was in response to a further feedback loop in the community. In fact, a number of recommendations that were made in the first version were pulled back or withdrawn or stopped in the second version. So I'd like an update on what the minister is seeing there, where she anticipates that to go. Is that the end of it now? Is there another feedback loop? Will there be a final final version of that, or have we had it? When will this be rolled out?

Now, with the corrections review the review set out to look at sentencing, staff and funding resources, offender security and staff safety, capacity requirements in the facilities, and offender rehabilitation programs. So, as I said, we haven't seen the report. We do have proposed legislation in front of us which seems to come out of the corrections review, but we don't have the corrections review. So we don't know from what sprang the legislation that's in front of us.

Also, can I get an update on the cost of the committee? I did write to the minister about three or four months ago and was given a figure of \$40,000 that had been spent on the review of the Corrections Act. Has there been any additional resource expended on this? The minister is shaking her head no. Okay.

One of the areas that was much anticipated but in fact not addressed or that we haven't seen anything further of was the private prisons.

An Hon. Member: Prisons for profits.

Ms Blakeman: Prisons for profits, yeah.

Can I get the Solicitor General on the record, please, to tell us if she is expecting in this three-year period between 2003 and 2006 to look into private prisons? Is she expecting to implement them? How is she expecting to do that? Are we only going to hear about that when we get a report from the review of the Corrections Act MLA committee? If so, then we need to see the report from the government MLA committee. This starts to become a never-ending circle from which the public gets no information. So I'm probing the minister to please get us some information about that and to put

on the record whether she is planning to implement private prisons or any version of privatization of our prison system or our corrections system in the next three years.

8:50

She's responded a little bit to my questions about rehabilitation. I think the average stay in provincial prisons that I've heard before is 32 days. I agree: not a lot of time to get a university degree underneath an inmate's belt. Certainly, that's not a possibility. She has to my memory only ever talked about rehabilitation and programs by talking about drug and alcohol addiction counseling. Is there any other kind of program, rehabilitation in the sense of literacy assistance or numeracy assistance or any kind of skill upgrading, anything else at all that the minister is currently offering or is anticipating offering over the span of the three-year plan that we have in front of us? With that, of course, is: will there be the funding that supports that?

Now, the second MLA review was of the Police Act, and again when I contacted the minister several months ago, the cost of that committee was a little above \$10,000. Could I get an update on the cost of that committee as well?

Mrs. Forsyth: Hasn't changed.

Ms Blakeman: Hasn't changed at all. Still \$10,000. Okay.

Again, the goals of that review were to engage the stakeholders with their thoughts on changes to the Police Act, looking at strategic policing issues, legislative issues governing police, accountability, special constables, alternative measures on policing. Some of the more controversial issues that were brought forward around that were photoradar, implementing the deputy constables, the use of private security guards and private policing services, the unmanned aerial surveillance, and the provincial police force. So we have had the original release in June and a supplement. I'd already asked if we were getting a final report on this.

Further to that, are we anticipating changes to the Police Act? I don't see any indication of expected legislation in the spring session. Are we expecting to see something later that would then be debated in the fall, or are we now looking at next year? What is her time line: (a) is she expecting to change the Police Act, and (b) what's the time line on it?

I'm also interested in, especially in light of the episode that has been raised a couple of times in the Assembly actually around the special constable who . . . [A cell phone rang] A phone is ringing again, and perhaps the person could answer it outside. Perhaps if they could go outside to have their discussion, that would be helpful.

The special constable got caught in that very unfortunate circumstance with someone that had a gun in their vehicle, and the special constable approached them. After that, there was a call to allow special constables to arm. So I'm going back and looking again at the recommendations for deputy constables compared to special constables. Could I get some from the minister what her thoughts are, what the department's thoughts are, what they anticipate actions are on allowing those deputy constables to have firearms, side arms, or any kind of weapon that they would be using and also a clarification of what's being anticipated for them.

There's a certain sector of jobs that are set aside for the special constables to be doing. How does the minister anticipate the deputy constables would be different from them? What different list of job activities would they have? So if we can get the list of job activities for the special constables and then the list of activities that the minister anticipates the deputy constables would be involved in and the discussion of the carrying of the side arms. I'm interested to see whether the Solicitor General is pursuing that.

Also, could I hear the minister's thoughts and any plans, expenditures of money on a provincial police force and whether she is pursuing this through planning or through additional research or whether she's not interested in pursuing this at all. Where is the minister on this one? I know that we've got some private members that are very keen, but I don't know where the minister is standing on this particular issue.

Now, flowing from the MLA review of the Police Act, we have the issues around police funding, and that's been in the paper a great deal. I've got a mittful of various articles that have turned up recently: Mayor Presses for Police Funding in the *Edmonton Journal* in January; Action Plan in the Works for World Cop Funding from the *Calgary Herald*; Cash-strapped Police Balk at Providing Free Services for the Province, again in the *Edmonton Journal*; Gibbons Feeling Robbed over \$200,000 Policing Fee; and it goes on. So there is increasing agitation around the funding of police services.

The minister and I have an ongoing disagreement about who funds how much of this, and I'd like to get some clarification, please, from the minister, then, with facts and figures. According to AUMA the province pays 14 percent of policing costs, the municipalities pay 49, and the feds pay 37. When I use those figures, the minister jumps up and says: no, no, that's not including the grants from the municipalities. But when you look at the grants from the municipalities, in a lot of cases, particularly in the case of Edmonton and Calgary, that doesn't include any money for policing services. So there's a great deal of disagreement about who's paying how much.

Now, we do have under the Police Act communities with a population under 2,500 receiving their policing services free of cost, but communities with 2,500 to 15,000 people must pay 70 percent of the cost, and communities of over 15,000 pay 90 percent of the costs. So is there anticipation of changes in the funding formula for policing services? Specific to Edmonton and Calgary, will the province now start paying for policing services again? That money was completely cut out of their budgets in 1995. If the minister wants to explain how she thinks that money wasn't cut out of it, I'm sure the chief would be interested in hearing it.

I'm also interested in what concrete plans the minister has in place to sit down with the chief of police for the Edmonton Police Service around the payment of services that the police service is offering: jurisdictional, operational, regulatory, and regional. It's performing these services on behalf of the province and not recouping its cost outlay on this. What discussions, what plans? You know, concrete dates when the Solicitor General is sitting down with the chief of police for the Edmonton Police Service to start to work this out.

I have a great deal of concern that this is only going to escalate. Looking across the province a number of groups seem to be unhappy with the amount of money that they're receiving from the province or the amount of money that they're having to pay out or specifically about what a number of smaller communities feel is an inequity. If they have 2,501 people, then all of a sudden they're paying 70 percent of the cost; if they have 2,499, they're not paying anything. So this is causing increasing stress in the community, and where is the minister going to go with this? I'm looking for a plan complete with time lines on how she's anticipating meeting with different groups over this.

9:00

Again, just clarification on whether she's anticipating a regional police force, which may well work in Alberta given some clusterings in particular areas. I'm thinking of southern Alberta, for example, where you've got Lethbridge and Coaldale and some of those areas that cluster very closely together. That may well work, but is there money being set aside to study this? Is there money being set aside

to enhance this or to assist the groups to go in that direction if they so choose? What's the plan here?

Could I also probe a bit more on the antiterrorism equipment and training, on the status of the negotiations with the feds for money to cover this? That had been a response that the minister had given to me some time ago in response to my questions. What is the status of negotiations on this? I know that there had been particular concerns expressed by the larger police services saying, "We need money for," and then there was a long shopping list of things that they felt they needed: the biochemical suits and certain other protective equipment. Where are we with that shopping list? Is there going to be money coming from the feds for it? Has the minister been negotiating? I mean, I know she's met recently with her federal counterpart.

I appear to have reached the second of my opportunities to raise questions, and I look forward to another opportunity. Thank you.

The Deputy Chair: Hon. members, the first hour that's allocated between the minister and members of the opposition has now elapsed. Any other member who wishes to participate will be able to do so.

The hon. minister.

Mrs. Forsyth: Well, thank you, Mr. Chairman. The member has indicated that we both had a bit of a difficult time hearing earlier.

The development of a provincial impaired driving enforcement strategy is in conjunction with Justice, Transportation, and other police services. There is presently a steering committee composed of Alberta Justice, Alberta Transportation, a senior representative from police services, as well as the Solicitor General who have been developing a three-year strategy. As well, there's a 10-year business plan to combat impaired driving in Alberta. The committee is focused on Check Stop initiatives, utilizing multi-agencies in regional settings to specifically enforce the impaired laws in both urban and rural settings, and the Provincial Impaired Driving Committee has recommended a tripartite initiative between Justice and Alberta Transportation and my department. So we're working with various agencies on this issue. We believe that it's vitally important to the safety of Albertans. We believe that we need to bring a higher level of awareness to the high societal costs that result from impaired drivers, and we continue to work on it.

You asked about First Nation policing. You said that you'd heard something recently, but it had escaped you, and you'd come back to it.

You again asked me about my changes to the visions and missions. Quite frankly, hon. member, I like the vision, and I like the mission. We worked very hard putting together the vision, and we worked very hard on the mission. My background is advertising and marketing, and I spent many, many years in the advertising and marketing field. One of the things that they say that's important is the KISS philosophy and keeping it simple. You know, the vision is clear. It's articulate. "Ensure Albertans have safe and secure communities in which to live, work and raise their families." That's a vision. It's a vision Albertans understand. It's clear. It's concise. There's just no question about what our vision is for Albertans, and people are comfortable with that. They want to be safe. They want a secure community where they work, where they live, and where they raise their families.

The mission statement:

Our mission is to serve Albertans by ensuring safe and secure communities through effective policing, security and correctional services and when crime is committed to assist victims of crime.

Well, we're including the victims in regard to the mission. We're talking about our police. We're making sure that people are secure.

The department and the minister responsible spent an awful lot of time coming up with this vision. We have great people in our communications department, and we wanted to make sure that the message was a message that was done well and sent out to Albertans and things that they would understand.

You asked a lot about the reviews that we have going on. One of the things that I thought was important when I took over the ministry was to look over the reviews. You made some criticism on some of the time and the length of time, and I fully will accept criticism and responsibility for that. I think that when you're dealing with a sector of people, for example, the victims, which I think is a portion of society where crime has been suffered, that has lost out tremendously, the pendulum has swung so far to the side of the criminal that I think we've had to take the opportunity and bring the pendulum back to include how the victim feels. The hon. Member for Calgary-Shaw went out and did a review for me, and she did a very good review. We're studying that review. We're studying it very intently and looking at the financial implications of that review to make sure that we do it well and that we do it on behalf of the victims of this province who have suffered crime. We will be releasing that very shortly. So it's important.

You talked about the policing review. I know I let you know, because you wrote me and asked me, that the cost was \$10,000. It hasn't changed. As you're well aware, the committee went out, tabled their review of policing in July of 2002, and there was quite a bit of controversy in regard to some of the recommendations that the committee made, and you alluded to it. You talked about the photoradar, and you talked about the deputy constables and several other things. So the committee asked me for the opportunity to go out and clarify their recommendations to the stakeholders, which they did. They worked very hard to do that and came back with their report. It's called Listening to Stakeholders, and it was a supplemental to the policing report. It was released probably about three or four weeks ago – I'm not exactly sure – to give the stakeholders the opportunity to look at the supplemental, and we're working on it right now. We're working in the department, and we're assessing the original report from July, the supplemental, the 200-plus responses we've heard from stakeholders on top of that, and putting together a minister's report, to take it through the process of government, which we do. It will be released once it's gone through the government process. I know that's probably not the answer that the member wants to hear, but unfortunately on the government side we have a process that has to be followed.

I have met with stakeholders. The stakeholders are well aware of it. I have talked to the mayors. I had a meeting yesterday with the AAMD and C. I'm meeting with the AUMA next week. So the stakeholders are aware of the process. They understand that policing in this province is a very, very complicated, complex issue, and we need to make sure that we're doing it right. You indicated and I've indicated – and I'm not embarrassed – that policing funding is a problem and how we address the needs of the community. Currently, right now, 2,500 don't pay, and we've heard many, many complaints about that in particular: why only 2,500? It goes on to the fact that the counties around it are not paying, but the counties are getting the revenues from fines. Then you say that all policing pays, and we heard that in the original report, and then you hear from the communities that say that they can't afford to pay. So it's a very, very complicated issue.

You then alluded to the provincial police force. Obviously, you're well aware of the motion that was brought to the floor by one of my colleagues, and you asked if we were moving in that direction. No, we're not moving in that direction at this particular time. The RCMP contract is done in I think it's 2012, and we will be doing

some consulting. I can tell you, though, that I had a three-hour meeting with the RCMP. They're not afraid of a review. They're not opposed to a review. They would like Albertans to understand what they bring to the community, their cost and the benefits of RCMP in this province. Quite frankly, we have a survey, and I think the RCMP in this province are at 85 percent, which is huge support for the RCMP in this province.

9:10

The member asked about the regionalized police model. Well, the Police Act allows for the agreements between municipalities to amalgamate their police services, to develop a regional model. We are not opposed to it, are watching very carefully and are in several discussions with Chief Middleton-Hope in Lethbridge in regard to their regionalized police model in Coaldale. It's not for the minister to dictate down to the communities if they want to go ahead with the regional police model. It is up to the minister, though, to provide them support if they need it. We indicated to both the chief in Lethbridge and the chief in Coaldale that we would provide a facilitator, if so needed, to help them with a regional model. I spoke to the chief I guess it was a week ago Wednesday, and he indicated to me that things are moving along, and he hopes to keep us posted and would let us know by mid-May how he felt that model would be going.

The correctional review. Where is it in the proposed legislation? You alluded to a correctional review at a cost of \$40,000, which I think is really relatively inexpensive to review how we are dealing with corrections in this province. Quite frankly, I encourage you as a member to call your federal Liberal government and encourage them to do the same thing as we've done with our correctional facilities.

Mr. Lukaszuk: They could hire our committee.

Mrs. Forsyth: Edmonton-Castle Downs has offered his ability to be hired.

The committee traveled right across this province and visited the correctional facilities, all of the work camps, probation offices, even made a trip to Ontario to look at the privatized model of prisons and wanted to see how that was working, whether it was successful or not. I am in receipt of the report and looking at it very carefully. Again, we have a process that we have to go through in regard to government, how we're going to deal with it.

The other thing you referred to was about the Corrections Amendment Act. Why are we bringing forward the Corrections Amendment Act when the corrections committee hasn't reported yet? Well, I had actually been working on the piece of legislation probably for three years prior to being the minister and had been working in consultation with some of the correction officers, et cetera, let it sit on my desk, and a year ago we as minister and department decided to look at the act again to see if it was still worth while to bring it forward. I actually asked the committee if they would comment on the act and if they felt that I should hold off or I shouldn't hold off or if I was interfering in their process. They felt that, no, it wasn't interfering in their process whatsoever. So that is what you see in front of us.

You talked about the rehabilitation of offenders in the correctional facilities. You know, all of our offenders in our adult facilities either have to be working, in upgrading, or they are ill. I really would like to get back to you, because you mentioned two and I only caught one. You mentioned literacy and one other.

Ms Blakeman: Numeracy.

Mrs. Forsyth: Okay. I'm not sure, and I'm sorry, but we will get back to you on that particular question. I can tell you that we do spend a lot of time with our offenders, and I alluded to that before.

You asked about the special constables, a huge issue obviously. One only has to read in the paper an incident, a very tragic and sad and very unfortunate incident, that happened recently to a special constable in Grande Prairie. We have since written to that special constable. We feel that he was way out of his authority in what he was particularly doing and have suspended him with pay until we review all the things and questions that we've asked him in regard to acting outside his authority. I have no problem telling the hon. member the number of complaints we get about special constables. That doesn't take away from the special constables that are doing good jobs in this province, because we have over 3,000 special constables and about 140-some with more authorization than the majority of them. Their capacity is bylaw enforcement and a bunch of things.

So we sat down with the new president and the old president of the Alberta Special Constables' Association a few weeks ago and talked to them. They're keen on allowing a whole bunch of new things for their special constables: carrying side arms, carrying Taser guns. I've indicated to them: no, I'm not prepared to do that. I think the first thing that we have to do is start looking at standards, getting their association up and running, somewhere where we can deal with roles and responsibilities. I have assigned one of my staff members who's a former RCMP fellow working very closely with them, and we will try and help them as much as we can on this special constables issue.

You asked me about the chief of police of Edmonton. I'm continually meeting with Chief Wasylyshen quite frankly. I was trying to flip back in my Day-Timer, but probably within the last month I sat down with the chief, and prior to that it was regularly. Chief Wasylyshen knows that I have an open-door policy. He also has my private home number, and he has my cell number if he would like to talk. I am not going to get into a spitting match with the chief, and I am not going to get into a spitting match with the mayor in regard to policing issues. I encourage them to come to my office.

The functions that they are currently doing that they were alluding to in that article – and the chief has not spoken to me personally; just what is involved in that particular article – are all part and parcel of the Police Act and their responsibilities. If they feel that they shouldn't be doing that or they want to withhold their services, well, I guess we have to sit down and frankly talk about it. But as I explained to the hon. member, we provide \$16 million in an unconditional grant, and the city of Edmonton received approximately \$23 to \$25 million in fines, but we must keep in mind that it's very clear in the Police Act that the funding for the police, for the municipality, is done in conjunction with the police commission, the chief of police, and council, and they determine their budgets. If Chief Wasylyshen has a problem with funding, he should be talking to the commissioner and he should be talking to the mayor in regard to funding. The municipal funding, the unconditional grant, comes under Municipal Affairs, but I have and will continue to advocate on behalf of all police in this province and try and get more money.

The last question you asked was again on antiterrorism. We have given the city of Calgary – and I don't have the funding in front of me – X amount of dollars after the G-8. The number has escaped me. I have indicated in a letter to Chief Beaton on the 17th of January, I believe, that if the city feels that they need more funding for terrorism, then by all means they should present before the task force that the Premier established, and I reiterated it again when I met with Chief Beaton and David Mitchell, who is the commis-

sioner, and have not heard from them since then. So they know, again, that the door is open. I explained to Chief Beaton that if you got X amount of dollars before and you feel you need more, I'd be pleased to have them present in front of the ministerial task force that the Premier set up.

So I think I covered most of the questions. I may have missed a few, but if so, we've got people in the gallery taking notes and said that we would certainly get back to you on those.

9:20

The Deputy Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Chairman. Just a last couple of categories to cover and a few clarifications. According to what the Solicitor General just said, then, services such as serving documents, providing witness management and protection, conducting bail hearings, check stops, and commercial vehicle inspections are all duties that are to be assumed and paid for by the civic police force. Those are not provincial duties. They're not performing that on behalf of the province. Did I hear the minister correctly say that under the legislation they're supposed to be doing it, that it's not the province's duty or obligation to pay for it in any way, shape, or form, that this is under the legislation? So just clarification there.

One other thing. With the offenders I was talking about numeracy and literacy programs. The other one that's obvious is English as a Second Language. Even in 32 days on an average stay there's some work that could be offered there that would be of great benefit for offenders who are trying to rehabilitate and move into a constructive community life.

Now, just a few other areas to cover. Again, this is coming out of a lack of information with no corrections review forthcoming. There had been some discussion a year ago about closing correctional facilities. I'm wondering if we are expecting or if it's reflected in this budget. Is the minister anticipating any correctional facilities closing in the next year or in the following two years, to make the full three-year period this budget is anticipating, and which ones are being anticipated? If they're closing, then is there a consolidation that's expected, and would people be transferred? Where? Could I get some information on that?

I'm just going back over the questions that I asked last year and looking for answers. Just a few of them were questions that I couldn't find an answer for. Around the G-8 summit there was some outstanding money that was owed back to the province. Did we receive the full amount of funding that the province provided services for and was anticipating being reimbursed for? Did we get all of that money from the feds, or is there still money outstanding there?

Also, last year I asked about sharing information and enforcement with the aboriginal casinos, and I didn't get a clear response on that from last year's debate, so I'm reasking the question. This also came up in my debate with the Gaming minister this year where there was a question about enforcement and working around possible white-collar crime fraud issues around gambling, that the Minister of Gaming referred to the Solicitor General, saying: that kind of enforcement is not my problem; it goes to the Solicitor General. So I'm putting it to the Solicitor General.

The issue of caseload for probation officers. Could the minister please supply me with the numbers that tell us what is the previous year's average caseload and what is this year's average caseload for probation officers? What is anticipated for next year's average caseload for probation officers? I don't see increased funding to support or to lessen that workload. I'm wondering what the minister is anticipating for the future. Is there a sort of breakpoint that the

minister will start to take action as we approach that? Is it 500 cases per or 700 cases per? What plan does the minister have? Perhaps it's not written down, but surely the staff have anticipated, as the workload continues to increase, that at a certain point it's going to be approaching a crisis. At what point does the plan kick in, and what's the plan?

The minister's office shows an increase of 7 percent. Now, that may not add up to actually very many dollars, but it is 7 percent. What is that 7 percent covering? Is that additional staff, or is it renovations of the minister's office or a lot more photocopying that's being anticipated? What's that 7 percent covering?

Now, I did remember what the native policing issue was. A couple of issues there. It's been pointed out to me that officers are often seconded from the RCMP to work in Justice or in the Solicitor General's area, but they believe that no First Nations police officers were ever seconded to the department. Could the minister check and see if that information can be backed up, and in fact if no First Nations officer has ever been seconded to the department, why? Would there be something that could be put in place in the future?

Secondly, the minister was talking about a Special Constables' Association. At first she talked about it like it existed, and then she talked about helping them set one up. I'm wondering if there is a First Nations police officers' association, and if not, why not? Would the minister consider assisting them to set one up, or is there a reason why they don't belong to the other regular one? That's probably obvious: it will be a geographical restriction there. But if I could get some answers around that. Also, has the minister consulted with any of the First Nations or aboriginal police forces around the discussions for either a provincial police force or a regional police force? Have they been brought into a discussion, or have they been consulted at all on either of those two issues?

The fine revenues. Aren't these fine revenues collected by First Nations police? Are they allowed to keep it, or could they be allowed to keep this fine revenue? That was something that was being discussed as part of that police review and different possibilities of collecting fine revenue: putting it into a special fund, not putting it into a special fund. Where are we at with the fine revenue? What's actually being considered here now? If I can get a specific section answered, then, on the First Nations.

The last of my questions is around the diversion project. The minister and I have spoken about that I think for two years now. Certainly, I'm supportive of it. I know the minister is supportive of it. Can we get an update, please, on what's happening with this project? When I met with the minister last summer, she indicated that this was really a multiministry committee and that it was being chaired by her deputy minister. I think, but there were a number of others that were involved. Most recently I think in the news we've heard a bit of a difference of opinion, shall I say, between the Solicitor General and I think it was the health minister over this very diversion project. We know that there was the pilot project in Calgary. I believe there was also a smaller one that happened in Edmonton. Can we get an update on what's happening with that and whether the minister thinks she can move forward with this project, or whether it needs more buy-in or more time? What's needed in order to expand this program and make it available to more centres and to make it a permanent program?

Those are the questions I have so far, and I will allow others to get on the record with their issues for the Solicitor General. Thank you.

The Deputy Chair: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Chairman. I would like to ask a few questions of the Solicitor General on the departmental estimates

today. I'm pleased to have this opportunity to do so. I was looking at the business plan, and I find that under Core Performance Measures the first set of measures deals with victim financial benefits, victim services, and victim service initiatives. I heard the Solicitor General speak about how the pendulum had swung over the last several years away from the protection of victims and services they needed provided to them and that she had made a determination to correct that imbalance and bring the pendulum back to where the situation would be more friendly towards victims.

9:30

Now, when I look at page 353 of the business plan and look at the number of victims' services initiatives, I notice that the minister is planning to increase these initiatives from where they were in the years 2001-2002 from 213 to 220. I wonder if she could shed some light on what these additional initiatives would look like. What are they? On the same page "access to victim service units" is planned to go up by a few percentage points. These are ambitious new targets, and I find nothing wrong with those as such except that I need more information on the nature of the initiatives that'll be added to the existing ones from the year that's just passed.

When I look at the budget line items under expenses, the victims of crime fund will decline by about 7 percent. So I find it difficult to square the circle. That is, on the one hand the Solicitor General is planning and making commitments to increase services and initiatives in favour of the victims of crime, and at the same time the only item under expenses where this money will go down from \$10,813,000 to \$10,045,000 is in the area of the victims of crime fund. So there's a reduction of about \$768,000. I'm sure the Solicitor General will try to address this apparent anomaly between the amount of dollars that she is allocating to that category and her plan to increase the services to the victims in addition to, of course, telling me what these new initiatives will be.

My second question has to do again with listening very carefully when the minister was responding to some questions from the Member for Edmonton-Centre with respect to some ongoing exchanges that have been going on between the minister on the one hand and Edmonton police services, both the chief of police and the police association. In addition, I understand that the police association may not have been in direct exchange with the minister, but certainly the chief has been. I notice that at least according to the recent *Edmonton Sun* story of April 10, which is just a few days ago, the mayor seems to be sharing the serious concerns of the chief of police of Edmonton when the chief says that his police service is and has been providing unfunded provincial services that are not really within the funded mandate of the Edmonton city police. He puts about a \$13 million price on the services that the province receives and seems to continue to expect to receive from the Edmonton Police Service.

So I want a quite specific and clear answer from the minister as to what she thinks of the claims, which are outlined in detail on the piece of paper that I have here by the Edmonton Police Service. The amount is \$13,020,000, and they've outlined in quite a bit of detail, item by item, why they think that the province owes the Edmonton Police Service at least \$13 million for the services that the province is receiving directly and which are over and above the work that the Edmonton Police Service does under the authority of the Police Commission for the city of Edmonton. So if the minister would address that question.

My one other question. I heard the Solicitor General commenting on the radio perhaps a few days ago on her support for the Edmonton city police's consideration of installing some cameras on Whyte Avenue. The Solicitor General said quite categorically as I heard her

on the radio that privacy concerns as expressed by some people may be there, but security comes first. Public safety comes first. Okay. Now, I happen to represent that area of the city. With the exception of one major breakdown in public order two years ago on Canada Day I think the issue of public safety is not that critical. If it is there, it's related to there being too many bars and some people getting too drunk after midnight. The communities around Whyte Avenue have not been asking for surveillance cameras but for a reduction of the number of places where people go and drink, and they think that would be the appropriate answer rather than breaching the privacy of tens of thousands of Albertans, including Edmontonians and people who live in and around Edmonton-Strathcona, who want to spend time on that avenue.

I think their privacy is an issue, and to simply say that public safety comes first I think fails to address the question of where the threats to public safety come from. They don't come from people just being on Whyte Avenue. The sources of those potential threats may reside not in lack of surveillance cameras but in the overabundance of bars and the licences that are issued, and part of the responsibility for that happening must be accepted by the Alberta liquor board, which is the responsibility of the government and not of either the business owners or the city police or the city of Edmonton. So that's my third question. Would the Solicitor General clarify as to why she thinks that privacy considerations must give way to public safety considerations? Why does she think that public safety will be better served by installing surveillance cameras rather than by taking serious action to reduce the incidence of heavy drinking which results from the excess capacity and the excess existence of watering holes around the area?

9:40

So these are three questions that I would raise at the moment. To conclude, I just want to make a general statement about the complaints that I hear from city of Edmonton representatives, including council members, about the withdrawal in the mid-90s, I guess, of grants that the city used to receive for policing. Those grants in today's dollars are estimated to come close to \$30 million. The province at that time removed those grants in order to respond to the pressing concern with deficit reduction and debt repayment. Those concerns now, according to the Minister of Finance, are not pressing. Why is it that cities like Edmonton are still waiting to hear from this government, including this minister, that those grants will now be restored?

I'll stop there so you can answer those questions for me. I'd really appreciate it, Minister.

The Deputy Chair: The hon. minister.

Mrs. Forsyth: Thank you, Mr. Chair. I'm going to go third to first if I may. I find of interest the video camera comments that the hon. member has alluded to. Yes, I was on CBC, and yes – I mean, you heard me. I was very, very clear. I think public safety is paramount. You referred to the fact that, well, we only had one major incident. You know, I don't know if this is a fair analogy or not, but sometimes major incidents make you wake up and realize some of the things you have to do. I don't think, hon. member, that anybody ever, ever in a million years would have forecast the incident that happened on September 11 and what we face with the terrorists' act and what has happened since that terrorist attack of September 11 in North America as far as preparing for security and what's going on.

You know, I've talked to some young people about video cameras. In fact, I've talked to some young people – and we face a similar situation in Calgary. I forget what it is; it used to be Electric

Avenue, and now I think it's 1st Street where they've decided to do their drinking. The kids that are on those streets or the people that are visiting those bars that are purely innocent – they're going there to drink, and they're going there to have a good time – don't have a problem with the cameras. But I have to tell you that I was on a ride-along program last May for crime prevention, and every third call that we were getting on that police scanner was for fights, was for brawls, stuff coming from the bars, and it tied up the police incredibly. Of course, you get a bunch of drunk kids or drunk adults – I don't want to just pinpoint this on kids, obviously, but you get drunk, inebriated adults and trouble breaks out.

So, I mean, I honestly – and I can tell you this quite frankly – think that the number one priority that is paramount is the safety of Edmontonians, Calgaryans, Albertans. You know, I don't think we're invading anybody's privacy. Why would you invade anybody's privacy if they're just quietly walking down the street and they're not doing anything? We have video cameras around this Legislature for the protection of the people that work in this Legislature and for people like yourself to make sure that you're safe and secure. You may or may not agree with that particular incident, but as the Solicitor General it clearly says in my mission statement: safety and security of Albertans and a safe place for people to raise their families.

Hon. member, you have to appreciate the fact that we are in a new time, and as much as we don't want to or we don't like it, we have problems in the cities with gangs – and I know you're well aware of that – and we have difficult crime situations that our police have to deal with on a daily basis. I honestly thank God every day for the police in this province, the cops that take care of us every day, our CAPS officers that do a good job, my correction officers, and my probation officers for the stuff that they have to put up with on a daily basis and how well they deal with it in protecting the people of this province.

You talked about the chief and the mayor again, and I answered that question to the Member for Edmonton-Centre. I'm not going to get in a spitting match with the mayor, and I'm not going to get in a spitting match with the chief of police. But let me tell you, it clearly spells out under the Police Act that in consultation with the chief of police and the commissioner and council they decide on the budget and the priorities and how that budget is aligned, and if they say this million of dollars goes to the police, that's exactly what goes to them.

When I hear you allude to the fact that the police threaten that they're not going to provide their duties within the courts, let's work on a bit of a scenario here. A police officer is in a high-speed chase. You can say a B and E, you can say whatever you want. He catches the guy, he cuffs the guy, and he takes him and he charges him. If the police in this province for a minute think that they are going to stop that particular duty at that particular time, then you can say bye-bye to the offender because those police have to be used and they are needed at court when they go before a judge. That is part and parcel of their particular duty.

You referred to the victims. First of all, there are several things, you know, in regard to the pendulum. I think we have to really, really talk about the victims in this province. As the result of amendments to the Criminal Code of Canada in December '99 the victims of a crime are given an opportunity to read their victim impact statements aloud in court for consideration prior to sentencing so that the judge could hear it. As well, the judges are now all obliged to inquire whether the victim has been advised about the opportunity for a victim statement, so I think that's one of the positive things that we're moving forward.

I mentioned earlier, when I was speaking to the Member for

Edmonton-Centre, about the victims' review, apologized for the length of time that it's taken for this victims' review to get to this point, where it still hasn't been released, and I'll take full criticism for that. I think that what we have to do on this particular thing is make sure that we're doing it right, make sure that we can follow through with some of the recommendations. We also have to consider the financial implications that are involved in that particular victims' review. There's no sense getting anybody's hopes up, especially when it's the victims', if I cannot provide them the funding under that review.

Dr. Pannu: Funding is reduced. That's what my question was, why funding is down.

Mrs. Forsyth: You're not supposed to be talking now. It's my turn. You're supposed to be sitting listening. But I'll sit down and let you ask again.

The Deputy Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Chairman. I've listened with interest for quite some time to the exchange between the hon. minister and various members of this Assembly. I look at the Alberta Solicitor General annual report and I look at the Minister of Justice, and certainly the first thing that comes to my mind is that perhaps all this is unnecessary. We look at the expansion of the cabinet after the last election, and maybe we would be better off speaking to the hon. Minister of Justice. We could do all this under one department and save a few dollars in the process, save a few administrative dollars. They could be better spent fighting crime, educating the public about crime and the effects of criminal activity. I just think that the former member of this Assembly, I believe from Ponoka, a member of the Progressive Conservative Party, was absolutely right when that individual talked in an open letter to the province about the expansion of the cabinet from 16 to 24 hon. members of this Assembly and how that money could be better spent, and this is a case of it.

9:50

Now, I'm looking at page 344 of the budget document, the government and lottery fund estimates, and I see victims programs and the expense item estimates for this year of \$2.3 million. Previously there was \$1.8 million spent. If one is to look back and go back on this, the actual expense, true enough, is \$1.8 million, but the actual budget that was allocated for that was – and we'd have to go back to an annual report from a previous year to confirm this. We would see that there was a budget of \$3.5 million, and this is for victims programs again. This year we are going to budget, as I said, \$2.3 million. What programs is this money being spent on? Why do we have the actual expense in the previous fiscal year of roughly half of what the actual budget was, and is that going to reoccur in this budget when we're talking about victims programs here?

Also, in financial benefits the actual expense is indicated at – and this is on the line above, again for the hon. minister, on page 344 – \$10.6 million in the fiscal year 2001-02. In this year's estimates it's \$7 million. But financial benefits – and this is in the victims of crime fund – was overexpended by \$3 million, yet we're going to spend in this year \$3 million less. Now, how is all this going to work out? If the minister could explain these discrepancies, I would be very grateful. Certainly as I understand it, the victims of crime fund in these documents has an administrative staff of nine, which doesn't seem out of the ordinary when you have a total full-time equivalent employment in the ministry of over 2,000 souls. What

exactly is going on to cause these discrepancies in the victims of crime fund? If the minister could explain all that to me, I would be grateful.

With the victims of crime fund itself, on page 341, I believe it was overexpended – and I'm just calculating this – by 10 percent. If the minister could explain to me why, I would be grateful for that explanation too.

Now, getting further on here, Mr. Chairman, to the crime statistics. Whether it was in the Department of Justice or in the department as we know it now – you know that we reinvented the Alberta Solicitor General, that department. Interesting. People would not believe this. The crime rates are actually decreasing if you look from 1991 onwards and particularly per thousand population. That's a noble effort, and that's a good goal. Regardless of whether I feel it should be in Justice or independent, it's a good goal to strive to reduce our crime rate when you compare us with the rest of Canada.

I notice in the performance measures that we just talk about the western Canadian provinces, and I don't know why that would be. Is there sort of an equal amount of population that resides in urban areas, that resides in rural areas, in small towns? I don't know why in the annual report from last year we're talking about Canada, yet here I see that we're comparing ourselves to the four western provinces. When we look at the public perception of safety in the home, in the last five years there has been significant progress made, and those responsible – well, if I had a hat, I would tip it. Public perception of safety in the neighbourhood: certainly there has been significant work done there. Also, with the victimization rate there has been a slight improvement. We look at the crime rate, violent crime and property crime, and to have the lowest violent and property crime rates of the four western provinces is the target.

Now, when we compare ourselves to the rest of Canada, we seem to be going down parallel with the country in total, and that is progress. Certainly there is more progress to be made. There are certain people who almost make the publicizing of crime a cottage industry. They put a lot of fear into individuals. We live in a big city. We live in a city where there is violent crime, unfortunately, occurring on a daily basis, and these crimes are being committed against innocent victims in all age groups, all genders; it doesn't matter. When you talk to some of the victims of those crimes, they would not believe that crime rates in this province and in this country are dropping, but the statistics are here.

I would like the hon. minister's view of this. Are we changing how we're reporting crime? Do we have less police? Are they overworked? Well, we all know they're overworked. The population of Edmonton has grown in the last 10 years. The number of police officers to police it certainly has not grown at the same rate. It's starting to grow a bit now.

10:00

The Deputy Chair: I hesitate to interrupt the hon. Member for Edmonton-Gold Bar, but pursuant to Standing Order 58(4), which provides for not less than two hours of consideration for a department's proposed estimates unless there are no members who wish to speak prior to the conclusion of the two hours, I must now put the question on the proposed estimates for the Department of Solicitor General for the fiscal year ending March 31, 2004.

Agreed to:

Operating Expense and Equipment/Inventory Purchases	\$267,357,000
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The Deputy Chair: Shall the vote be reported? Are you agreed?

Some Hon. Members: Agreed.

The Deputy Chair: Opposed?

Some Hon. Members: No.

The Deputy Chair: Carried.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I'd move that the Committee of Supply rise and report and beg leave to sit again.

[Motion carried]

[Mr. Shariff in the chair]

The Acting Speaker: The hon. Member for Olds-Didsbury-Three Hills.

Mr. Marz: Thank you, 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, 2004, for the following department.

Solicitor General: operating expense and equipment/inventory purchases, \$267,357,000.

The Acting Speaker: Does the Assembly concur with the report?

Some Hon. Members: Agreed.

The Acting Speaker: Opposed?

Some Hon. Members: No.

The Acting Speaker: So ordered.

head: **Government Bills and Orders**

head: Second Reading

**Bill 25
Class Proceedings Act**

[Adjourned debate March 12: Mr. Rathgeber]

The Acting Speaker: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Speaker. I'm pleased to take this opportunity to respond as critic to Bill 25, the Class Proceedings Act. I think this is an act that has been long sought in Alberta. Class action legislation allows two or more people with an identifiable similar case to sue over a common issue to go forward to the courts as one, and this allows for a consolidated process instead of having several individual cases or in some cases hundreds of individual cases come forward on the same issue. Examples that could have been used in Alberta would be around things like the sterilization issue, pine shakes, and we've already seen issues like the breast implants. Albertans had to go to other provinces to be involved in class action suits. The other one would be WCB widows. They went to B.C. to get involved in the B.C. class action. So I think a number of people applaud this proposal to bring the legislation forward.

I'd like to recognize my colleague, the former Member for

Calgary-Buffalo, who raised this issue I don't know how many times, dozens, hundreds, during his tenure here in the Legislative Assembly, and I have certainly been asking the government to bring it up since I've been the critic for this area. I would really like to support this legislation seeing as I was so keen on having seen it brought forward.

My one hesitation with it is the decision to put into the bill the clause around costs, and that is that costs are awarded under the rules of court, so strictly speaking, costs could be recovered only in a meritorious outcome. That can be seen as frightening off some groups who are not educated legal participants or not used to working inside the legal system. I had real concerns about this. This was enough to make me say: ah, darn, the process got tainted here and I can't support the legislation anymore. But I've spent some time consulting with a number of different lawyers that are coming from different backgrounds, and while they all say that it's wise to note it and to express a concern about it and that we need to be alive to people not being turned away from or discouraged from launching class action suits, the advice I'm getting from the lawyers is it is not enough to not support the legislation. In fact, a number of lawyers had said that they felt it just wasn't an issue, that in fact the courts can decide how the costs are awarded themselves. So even if a class action suit didn't win, the courts could still say: well, you didn't win because of a rule of law, but certainly, you know, your case had merit, and therefore we're going to split the costs. They can make a number of other decisions, and that's entirely up to the judge. So it wouldn't necessarily mean that the costs would all come back on the members who brought forward the class action suit.

It's particularly scary because out of all the individuals who gather together to form that class, one person's name usually appears at the head of this and is listed as the plaintiff. So it's kind of scary for that individual person to contemplate being held responsible for the costs of the entire trial. That's enough to scare a number of people. I think that we need to be encouraging people to use the legislation the way it was intended, not to be scared off by the costs prohibition, and to trust that the courts will deal with this in a fair and equitable manner.

There have certainly been some lawyers that did come forward to me and to the media saying that without a fund to assist the costs of class action, it would preclude people coming forward. They certainly argued vehemently and vigorously, but according to the Uniform Law Conference of Canada:

Normal costs rules pose barriers to bringing a class action.

Although the whole class may benefit from the action, the representative plaintiff shoulders the burden of paying lawyers' fees and disbursements and will receive only a portion of the total costs back if he or she is successful. The representative plaintiff is also liable for any costs ordered by the court if the action is unsuccessful.

So it does sound like a hard line, and it can be enough to scare people off, but I have been reassured enough that people need to stand by their action and believe in it and, of course, not bring forward frivolous actions, which I don't think many people do in the court system. We're happily in Canada still not a litigious society. We don't go forward to court unless we really believe there's a genuine case there, and we certainly don't have a culture that encourages people to go to court at the drop of a hat, and that I think is a good thing.

I do note that in B.C., who has a no-cost scheme, they're actually looking at moving away from that and looking more at what Alberta is proposing here.

10:10

Boy, I hope I'm not wrong on this, but I've been reassured enough by a number of people I respect in the legal community that this

clause should not preclude people from getting involved in this and it should not be enough to stop me from supporting the legislation. I mean, we're in second reading with this. This is a debate about supporting the bill or not in principle at this stage, and I've certainly put the concern about the costs and the lack of a fund on the record. I'm satisfied enough with that that I can support the bill in principle.

The bill goes through a number of other sections that are needed. It talks about the class of plaintiffs, that they're all bound by the outcome. There can be subclasses. If there are certain people that share even closer issues than some of the others, then they can form themselves into a subclass. So they share a common cause, but there are some elements that are different from the other group. People that fall under a class can opt out of the process if they choose to do so, and that prevents people from being trapped that don't want to be covered by a class action. It does allow the class to solicit funds from organizations and people who are not part of the class action.

So without going into a sectional analysis, I'm satisfied enough by the long lobby to get this legislation in place and by putting the concerns on record around the costs section. I'm looking forward to hearing the sponsor of the bill or perhaps the Minister of Justice give justification for why that choice was made in Alberta. Was it because they'd looked at B.C. and felt that it wasn't successful there, or is this just following through on the government's philosophy of a user-pay system? Obviously, they considered it, and they deliberately included it in this legislation. So my question back to the proposer of the legislation and to the Minister of Justice is: why? Tell us what your reasoning is for having included that particular section which puts the costs back onto the plaintiffs. I think we'd all like to hear that. I'd be very interested as to whether or not the government has a reassurance that they'd like to offer to people. It would be particularly interesting if they were silent on that issue.

It's always interesting how much talk there is from the government side about opposition dragging out bills, but I don't believe in doing that if we're willing to support legislation, so I don't even need to take up my entire amount of allotted time tonight. I've said what I need to do, and I appreciate the opportunity to speak to the bill. I'm willing to go on record as being in favour in principle of Bill 25, the Class Proceedings Act, with the reservations that I've noted.

Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I'd like to speak on Bill 25, Class Proceedings Act, in its second reading. Looking at the title of the bill, I like most others who look at just the title would be tempted to speak in favour of and to support this bill because it would fill a big hole that's been present in the justice system for a long time. Many other provinces, six of them in fact, have already enacted legislation which would permit citizens to collectively launch class proceedings against a company or a government or another party. So if the bill were straightforward and an attempt to catch up with the other six provinces which had already learned from each other's experience and developed legislation, I think I would be supporting it.

I was looking at the news release from the government of Alberta that was released in March of this year. The intention as stated there is that this bill "will help ensure that class action lawsuits in Alberta proceed in a fair and efficient manner." Now, the efficiency side of it perhaps is something that we can say that this claim has some substance to because the certification process that sets out criteria to define the type of case that may be pursued as a class proceeding would be a help, I think, for potential plaintiffs to determine whether or not they should proceed with such an action in the first place. So

the outlining of criteria is useful. I think that will be helpful and will I suppose contribute to increasing the efficiency in the dispensation of justice.

The issue of fairness is the one where I think this bill is most seriously flawed. Again, the news release from the government claims that the bill is "based on the Uniform Law Conference of Canada's model class proceedings act" and further says that therefore "it will ensure that Alberta courts are operating under similar guidelines currently operating in other provinces." Well, I am afraid that this claim that it follows the model that's in place in other provinces I think is questionable, to put it mildly. In the other provinces to my knowledge the representative plaintiff isn't left legally holding the bag in case the plaintiffs lose the case.

Ordinary citizens don't have the time and don't engage as a matter of course in playing legal games and launching class lawsuits in the hope of seeking awards which may be \$2,000, \$5,000, maybe \$10,000. They undertake legal action because they feel that they have been seriously wronged. The typical defenders in class action cases are powerful parties, usually, who are not willing to sit down and negotiate a settlement, so they have to be taken to court. They happen to be either governments, who don't have to and don't normally worry too much about how much it is going to cost for them to take a matter all the way to the Supreme Court of Canada if necessary as we all know, or big corporations, who have the capacity to outspend ordinary citizens as plaintiffs.

So this bill doesn't make the processes and the system of justice fair in a way that would ensure that in case ordinary citizens lose a case, they won't face bankruptcy; they won't face financial ruin. All the costs associated with the suit in such a case would have to be then borne by the representative plaintiff.

10:20

So I guess the concern that I have is this. If the province of Quebec can protect a representative plaintiff from this financial jeopardy in the case that the plaintiffs lose the case, if British Columbia, Manitoba, Saskatchewan, and I think even Ontario don't have this particular provision in their legislation, which imposes such heavy costs on a representative plaintiff, why is it that in this province there is no evidence in this act that we have learned from the experience of other provinces? Why this excessive caution, if it is a caution, by the Minister of Justice and Attorney General, who I guess is the sponsor of this bill? It just doesn't make sense.

The Alberta Law Reform Institute makes clear recommendations that for this bill to work, for Albertans to feel secure when they consider and in fact undertake to launch a class action suit, they have to be assured by provincial law that they will not face financial ruin in case the court determines that they have no case except in cases where there is clear evidence that can be provided that the suit was either an act of sort of frivolous conduct or that unnecessary applications were made deliberately to delay the proceedings or other such exceptional circumstances. So the Alberta Law Reform Institute must be disappointed, must feel that the work that they have done over the years has come to naught.

This bill will not make matters more fair. If anything, it will act as a deterrent for aggrieved Albertans who think that they have justification for getting together to launch a class action suit but won't do so because of the financial costs that are potentially built into this act that will be imposed on them in case they lose the case. The concern that to enact in Alberta legislation that is similar to the other six provinces would engender a society where we encourage more lawsuits I think is simply not a persuasive argument to make in defence of this very serious flaw that this bill suffers from.

I have known some people in the Alberta Law Reform Institute,

and they are very, very serious scholars of law and practitioners of law. When they say that they're disappointed, they feel let down by these provisions of this proposed bill, and that the purpose of the reforms that they were seeking will be defeated if this bill proceeds and becomes a law I think is a warning that needs to be taken seriously, that needs to be heeded. So I would hope that the hon. Minister of Justice and Attorney General of the province would reconsider the flaws in the bill and, if necessary, not proceed with it. Having heard from Albertans, having heard from representatives of the legal community, having heard from Alberta Law Reform Institute spokespersons, and having heard from the members of this Legislature with respect to the serious concerns that they have with this bill, I would hope he would take it back to the drawing board and bring back a more improved bill.

I think there's no need to rush this bill through the legislation this session. If we have waited this long that we are the seventh province to make a move in this direction, I think a few months' delay, if the delay is to be used to improve this bill in bringing it back to the House in the fall, would be a worthwhile delay, and Albertans won't be disappointed if the Minister of Justice does in fact take that kind of action. So I would strongly urge him to consider this suggestion that I'm making, and I hope that he will respond positively to it.

With this, Mr. Speaker, I conclude my second reading comments on the bill. Thank you.

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. I'm wondering if the hon. Member for Edmonton-Strathcona would entertain a question in regards to his remarks on Bill 25.

The Acting Speaker: Okay.

Mr. MacDonald: Thank you very much, Mr. Speaker. Now, the hon. Member for Edmonton-Strathcona felt very similarly to what the Alberta Law Reform Institute feels in regard to having a no-cost process: because it would operate more fairly. You described this bill, hon. member, as having "heavy costs." Do you think this bill will deny access to the natural flow of justice for Albertans, and how do you feel this would work in regards to protecting and enhancing our public health care system?

The Acting Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I think that it's an important question, a significant question. I just want to draw the attention of the hon. Member for Edmonton-Gold Bar and my colleagues in the House to the recommendation that the Alberta Law Reform Institute made with respect to the design of such a bill. The institute was of the view that such a bill must be designed so it makes the process a no-cost process. Quebec and some other provinces have a fund which they use to take care of the costs the plaintiffs may have to bear in case they lose the case so that the money doesn't come from their own pockets. But if they have followed the advice and the norms and procedures set out in legislation in their determination of whether or not they need to proceed and if they have followed those procedures seriously, then the costs are to be deferred in some other way. I think that's a good way of dealing with it.

Now, it's clear that this government or any government could be subjected to a class lawsuit if it fails to provide health care services, for example. The patients could as a class take action against the government. I wonder if the government feels so sensitive about such possibilities that it wants to prevent such patients who may feel

that they have received injuries while they're under treatment in the public health care system from proceeding that this deterrence is built into the act. If that's the case, then I think that's not the way to go. That's the wrong thing to do. That's why this bill, I think, needs to be changed, and I urge again the minister to think about the suggestion seriously.

10:30

The Acting Speaker: Hon. Member for Edmonton-Mill Woods, are you rising to question?

Dr. Massey: No. To speak on the bill.

The Acting Speaker: Does any other member have a question?
The hon. Member for Edmonton-Mill Woods.

Dr. Massey: Thanks, Mr. Speaker. Just a few comments about Bill 25 and the class action lawsuits that it will bring to the province. I think that when we're in second reading, we're considering the principles of the bill. There are three principles in this bill that I think are very important, two of them very positive and the third controversial, as already has been mentioned.

I think that one of the principles that the bill is built on is that it increases access to justice for citizens in the province, and I think that's a principle that we can all support, Mr. Speaker. Any bill that widens the powers of citizens to take action on their own or on behalf of others I think is one that deserves close scrutiny and in most cases should deserve our support. So the principle of increasing justice for citizens that this bill embodies is an important principle that I really support.

I think that another important principle the bill is built on is that it does allow citizens who may not have the individual resources to take action. It allows those citizens to join with others to sue a defendant, and often those defendants have enormous legal resources. If you think of some of the class action suits south of the border that have become quite famous – the class action suits against tobacco companies, the class action suits against manufacturers of breast implants – there have been some very high-profile class action suits south of the border. I think that this is an important principle in that it allows people to come together who may not individually have the resources but who collectively then can take on some giants who would escape prosecution just by the mere fact that they have such huge resources to draw upon. In many cases the complainant would be someone with limited resources and wouldn't be able to take action. So a second sound principle that the bill is built on, Mr. Speaker.

The third principle that the bill embodies, that citizens should be personally liable for costs of actions that they initiate, is one that I think is going to cause the most controversy. We've heard arguments on both sides of that principle, from those who say that this is going to be a deterrent and that people won't undertake class action suits because of the potential liability that it opens them to, while others say that that really isn't a problem, that the courts are able to award costs. If citizens really do believe that they have been wronged, then they should have the courage of their convictions and be willing to stand behind them, and that means standing behind them financially. I worry about this principle, Mr. Speaker, and I guess that when we get into looking at the details of the bill, I'd like to hear of more cases and the implications of class actions for those who filed them, and I'll look forward to that debate at that time.

I'm pleased that the class action bill is here, Mr. Speaker. There are certainly a number of circumstances in this province where class action would have been a very, very useful tool for citizens to have

at their disposal, and Bill 25 does just that. I think it's progress in terms of citizens being able to defend and to right wrongs.

Thanks very much, Mr. Speaker.

The Acting Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. I have been looking at this bill rather closely, the Class Proceedings Act. Certainly, if we were to make this bill into a law, I wonder who would be the first to be in court by the citizens. When one looks at the newspapers and follows political commentary in this province, it would probably be the provincial government class action lawsuit.

Certainly, we need this legislation. There is no doubt that we need this legislation. We have the whole issue of faulty fixtures being sold in this province. Some consumers that have been at a disadvantage regarding that matter have had to travel to B.C. and hook up with a group of citizens there who were making class action proceedings in regard to this.

The pine shakes issue is another one. I believe it was rule 42 of *Alberta Rules of Court*, which are mentioned in here, Mr. Speaker. Yes, it is Alberta rule of court 42, and that has to do with representative action. Now, if we were to have Bill 25, the Class Proceedings Act, as law, rule 42 in that case would not be applicable. Unfortunately, when this whole sordid affair of the promotion and authorization of the pine shake as a suitable roofing material – and this was before electricity deregulation. I actually had a call this week, as a matter of fact, from a consumer in Claresholm, Alberta, who was so frustrated about the high cost of electricity that he wanted to know if he could get together with his neighbours and file a class action lawsuit against the provincial government. I told him that, unfortunately, he would have to go the representative action route but that if he had patience and waited – and I could say that with confidence because I knew that his electricity bill wasn't going to go down anytime soon – Bill 25 would be law, and away we would go. He would have the choice of having the opportunity or the option of pursuing the government, who he blamed. He didn't blame Aquila. He didn't blame Enmax. He didn't blame me. He didn't blame EPCOR. He blamed the government for the high electricity costs. This gentleman is frustrated, he's confused, and I think he's going to follow the proceedings in regard to Bill 25 with a great deal of interest.

Now, when we get back to the pine shakes case – and that is slowly proceeding through the courts. That's why I would urge hon. members of this Assembly to have a very close look at this bill and what the hon. Member for Edmonton-Calder is trying to achieve with this legislation. There certainly are some flaws in this bill, as was outlined in the Assembly by the hon. Member for Edmonton-Strathcona, but I would classify the bill as a good start after the experience that I've had with frustrated homeowners in the pine shake fiasco. Now, there's another word I would like to use, but it's unparliamentary, and I will not use it at this time. But the pine shake case is a classic example of why we should have legislation of this nature in this province at this time.

10:40

I have some reservations about this legislation. Certainly, they were outlined earlier by the hon. Member for Edmonton-Strathcona in regard to the recommendations that were made by the Alberta Law Reform Institute, and we need to ensure that we have the right law in place at the right time for the right reasons. When we debate this, and we think of the public meetings that the citizens of this province with the rotting pine shakes on their roofs had to conduct in Edmonton and in Calgary, in Camrose, in Wetaskiwin, in Cochrane . . .

An Hon. Member: How many seats did you have there?

Mr. MacDonald: Now, the hon. member opposite is talking about how many seats we do have now. Well, we're going to have a great deal more seats after people discover that it's the government that caused the rotting pine shakes.

I've been in the neighbourhoods that the hon. Minister of Finance proudly represents in this Legislative Assembly, and there are a lot of pine shakes, untreated pine shakes, in that constituency. I was in awe. I would say that there are more pine shakes in the constituency that the hon. Minister of Finance represents than there are even in Edmonton-Whitemud, that the hon. Minister of Justice represents. I thought Edmonton-Whitemud was the capital of rotting roofs in this province, but I say give Calgary-Foothills a chance to catch up. A couple of wet springs there and there are going to be an awful lot of little dark spots appearing on the roofs of the homes. Some of the pine shake homeowners call them jack-o'-lantern roofs because of the gaps.

But when we think of how those homeowners would have benefited from legislation such as this in the flawed form that it is and the lack of interest in all the recommendations from the Alberta Law Reform Institute, I would have to say that I would give serious consideration to supporting this legislation, Mr. Speaker. I think of the citizens of St. Albert, and I would feel very guilty because the citizens of St. Albert are also a victim of this pine shake fiasco and how it was promoted and authorized by this current government, and look what we have. It's taken so long to get through the courts. We used to talk at meetings about how all this would work and what effect it would have, and I thought the court system would proceed and we would be finished working it through the court system by 2001.

Mr. Smith: We are.

Mr. MacDonald: No. I can assure the hon. Member for Calgary-Varsity that it will be next year at the earliest before it is heard in the courts.

Now, what's going to happen? It'll be before the courts and the courts will determine who was at fault and who was to blame, but this could have been settled so much faster if we had legislation such as this.

Now, I have experienced conversations, I've had correspondence with various consumers across this province who are, as I said earlier, getting involved with citizens of British Columbia to proceed with their actions there. Has class action legislation worked in other places? It certainly has. Du Pont I believe is the name of the company who had some building materials that were faulty, and there was class action legislation. I believe it was initiated in the state of Louisiana. I don't know why they would pick Louisiana, but it was Louisiana or Mississippi, somewhere down in that neighbourhood of the United States. This company – and I could stand corrected; it might not be Du Pont, Mr. Speaker – was found guilty, and there were millions and millions of dollars at stake here because these fixtures broke loose inside the walls of people's homes and sprayed water everywhere. It was a mess, and it was very similar to the pine shakes because adequate research had not been conducted before the product was put on the market. Now, in the case of the pine shakes I don't know what got into this government to authorize and promote it, but something got into them. I don't know whether it was dollar signs or what, but certainly homeowners in this province are paying the price.

In conclusion, Mr. Speaker, I would like to remind all hon. members of this Assembly to please think of the pine shake home

owners when you are considering whether or not to support this legislation, because if we can learn one lesson from their experience, it is this: we need some form of class action legislation in this province. If this is not perfect, perhaps at the committee stage, with the advice of the critic and the sponsor of the bill perhaps even, we could work diligently to improve it.

Thank you, Mr. Speaker.

[Motion carried; Bill 25 read a second time]

Bill 18
Energy Statutes Amendment Act, 2003

[Adjourned debate March 27: Dr. Taft]

An Hon. Member: Just adjourn.

Ms Blakeman: You'd like me to adjourn? I'm happy to adjourn debate on Bill 18, the Energy Statutes Amendment Act, 2003.

[Motion to adjourn debate carried]

The Acting Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I'd move that we adjourn until 1:30 tomorrow afternoon.

[Motion carried; at 10:49 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]

