

Legislative Assembly of Alberta

Title: **Tuesday, May 3, 2005**

8:00 p.m.

Date: 05/05/03

head: **Committee of Supply**

[Mr. Marz in the chair]

The Chair: Good evening, everyone. I'll call the Committee of Supply to order.

head: **Main Estimates 2005-06**

Justice and Attorney General

The Chair: I'd call on the hon. Minister of Justice and Attorney General.

Mr. Stevens: Thanks very much, Mr. Chairman. Needless to say, I'm very pleased to present the budget estimates for Alberta Justice tonight. [some applause] Wow. I didn't hear anything from over there.

An Hon. Member: Question.

Mr. Stevens: Oh, it will come later.

Before I begin, I would like to introduce some of the very good people from Alberta Justice who are here with us this evening. Basically, it's the executive management committee and senior officials: Terry Matchett, deputy minister – maybe you can just wave, Terry – Peggy Hartman, assistant deputy minister for the legal services division; Ken Tjosvold, ADM for criminal justice; Barb Hookenson, ADM for court services; Dan Mercer, ADM for the strategic services division; Shawkat Sabur, senior financial officer and executive director of financial services; Kevin Quail, acting director of the maintenance enforcement program; Sharon Lepetich, senior adviser to the deputy minister; Mark Cooper, who used to be gainfully employed in the media but who is now my director of communications; and, of course, Jeremy Chorney, my executive assistant.

An Hon. Member: Where's your mom, Ron?

Mr. Stevens: She's watching on television.

The business plan guides the overall direction and sets goals for the ministry on how to meet our vision and mission. Our vision is "a fair and safe society supported by a trusted justice system," and our mission is

to protect the rights of all individuals in Alberta and advance the interests of society by fostering: safe communities; access to justice; respect for the law; understanding of and confidence in the justice system, and the legal foundation for social cohesion and economic prosperity.

The budget supports the direction laid out in the business plan by funding initiatives that meet our goals. Our five goals are as follows. Goal 1 is to "promote safe communities in Alberta." Goal 2 is to "promote a fair and accessible civil and criminal justice system." Goal 3 is to "provide access to justice services for Albertans in need." Goal 4 is to "improve knowledge of, and confidence in, the justice system." Goal 5 is to "assist government ministries to achieve their objectives through provision of effective legal and related strategic services." Our objective is to make using the justice system easier, more understandable, and more user friendly for Albertans when they need it. We also must ensure that the system is working effectively.

I will begin this evening by providing you with some highlights of initiatives we are undertaking this year with the new funding we have been allocated in Budget 2005. You will see how these link to the goals in our business plan. I would then be pleased to address any questions you may have.

I'll begin with initiatives that come under our court services division. The overall purpose of court services is to promote fair and equitable access to the justice system for all Albertans, which, of course, aligns with goal 2 in the business plan. This year's budget is more than \$135 million, \$8.2 million of which is new funding. One of the key initiatives this budget supports is new funding for the family justice services. More than \$1.8 million has been allocated in the '05-06 year to expand services to assist families going through breakup.

With the proclamation of the Family Law Act coming this October, we're consolidating all aspects of provincial family law under one act. The Family Law Act is part of a larger strategy to encourage people to resolve family law problems in a more constructive way. The new funding for family justice services will support that strategy by providing more dollars for such things as counselling and information to help people understand court processes, mediation to help with parenting issues, education sessions about parenting after separation, and helping people get information and resolve child and spousal support disputes. These services help families understand and resolve issues and disputes related to co-parenting and child and spousal support. The breakup of families is obviously a very difficult time for everyone involved. By improving access to these services, handling the necessary legal processes will be easier, faster, and less confusing.

The new funding means that we can enhance our out-of-court dispute resolution services, including family mediation. Mediation helps separated parents come to an agreement regarding the parenting of their children in a less confrontational manner than appearing in court. We've had a great deal of success using these approaches and projects throughout Alberta. The new funding will also allow us to strengthen the existing services and expand them to other communities in the province. We can expect to hire more family court counsellors in areas of the province that haven't had them before, such as central and northern Alberta. We will also be able to hire additional staff to prepare court orders so people in provincial court receive their orders on the same day, and that makes the justice system better.

Helping presufficiency in the court system, we will spend \$2.7 million this year to facilitate the overall modernization of court operations. A portion of the new funding will go towards expanding the court computer network. This means that the remaining 19 unserved circuit court locations in smaller centres like Boyle, Hanna, Stettler, and others will have access to electronic court information systems, the Internet, and e-mail. Access will be provided via Alberta's information highway, the SuperNet.

The new funding will also provide enhanced service to the judiciary and other court users. Digital audio recordings of the court proceedings taking place in these locations will be immediately available to judges anywhere in the province, and court services employees will be able to enter results of the court session into automated systems right at the circuit points. Judges will also be able to access the electronic judicial research resources from anywhere in the province.

As well, traffic courts will be equipped with computerized cash registers that provide instant updates to the traffic ticketing system and more computers and faster printers. This will improve efficiency, allowing for better and quicker customer service. Information technology is constantly evolving, and we need to keep up with

new technologies the best we can. That's not to say that we need the newest systems every year, but it does mean that we need to stay current.

We are working with our counterparts in Infrastructure and Transportation and the Solicitor General's department on the comprehensive court security plan. Alberta Justice's part of that plan is supporting video conferencing for routine court appearances. The system will be used for first appearances, bail hearings, entering of pleas, and some matters pertaining to preliminary inquiries. In addition, the system will be used to facilitate appearances by designated counsel and the prosecutors and to receive evidence of witnesses. It will be particularly helpful to receive evidence from those who are considered to be vulnerable witnesses.

Pilot projects of this state-of-the-art technology were launched in January 2004 in several court locations throughout the province, such as provincial courts in Camrose, Cold Lake, and St. Paul. It uses real-time audio and video transmission and eliminates the need for prisoners to be transferred to court to deal with routine procedures. Building on the success of these pilot projects, new funding of almost \$660,000 in 2005-2006 will allow the leasing of more equipment. This will allow video conferencing to be expanded to other areas in the province.

There have been a number of incidents that could have been prevented had video conferencing technology been in place. For example, last fall in a St. Albert court a prisoner jumped over the rail of the prisoner's box in an attempt to escape after being denied bail, and more recently you may have heard about the inmate who threw his shoes at the judge in Calgary provincial court as the judge was making an order for his detention. The expanded use of video conferencing will increase security in the courtrooms because fewer prisoners will have to appear in person for routine court matters, and that means that we can prevent incidents like this. As well, there's no driving of prisoners back and forth, so there's no risk of them threatening people inside or outside the courtroom, and that helps keep Albertans safe.

8:10

In 2005-2006 more than \$750,000 will be spent to strategically expand civil mediation programs to more communities in the province and to increase the compensation we pay to court interpreters and witnesses. Increased mediation services mean more civil disputes can potentially be resolved without going to court, and that means judicial and legal resources can be used where they are most needed. Mediation works. Whether it's for family law or civil matters, it gives people with disputes a way to work out a solution for themselves. These programs have been successful, and I'm very pleased that we are able to expand their use.

Alberta Justice has a constitutional obligation to provide interpretation services for people with disabilities and all individuals who require these services. By increasing compensation for interpreters, we are ensuring that qualified staff are employed so that language barriers do not impair the ability of court participants and the court to understand what is happening, the relevant testimony given, and the evidence presented. Witnesses also play a crucial role by appearing in court to give their important knowledge about a case. By appearing as witnesses, they assist in promoting safe communities in Alberta. Increasing the travel reimbursement rate or mileage we pay to witnesses will encourage more participation in court proceedings. Justice can't be served if people can't understand what's going on or if witnesses are reluctant to come to court to testify.

Now we move on to the criminal justice area of the ministry. The overall purpose of criminal justice is to promote safe communities

in Alberta, which aligns with goal 1 of our business plan. This year's budget is \$43 million, \$2.5 million of which is new funding.

Sadly, Alberta continues to have an unacceptably high rate of family violence. We need to provide victims and witnesses with services as soon as possible and protect them from further abuse. We also need to impose sentences on perpetrators that will reduce the likelihood of their reoffending. So we are allocating almost \$900,000 in new funding to support specialized Crown prosecutors and staff, domestic violence courts and court processes, and to provide training for dealing with family violence situations.

The domestic violence courts with specialized Crown prosecutors are an integral part of the provincial family violence treatment program framework. The framework is a cross-government initiative that's designed to provide co-ordinated and integrated assessment, treatment, rehabilitation, and follow-up services to victims and perpetrators of family violence. Linking government with community services improves our efforts to deal with domestic violence cases more quickly and effectively. Because Albertans who are dealing with family violence situations need help and they need it as soon as possible, we can now do a better job providing it. I'm optimistic that this new funding will contribute to breaking the cycle of family violence and will protect the safety and security of children and families in our communities.

Under the Charter of Rights and Freedoms Crown prosecutors must provide the accused with a copy of all relevant evidence gathered by police during the investigation of the crime. Before providing this evidence, the Crown prosecutor must remove all of the personal identifying information of civilian witnesses. This process is known as disclosure, and it is a major issue and challenge for those in the criminal justice system. In Alberta police transfer almost all case files to Crown prosecutors in the form of a hard-copy court brief. Obviously, this is extremely time consuming, and as the number of cases in the system continues to rise, it's only going to get worse.

New funding of \$471,000 this year will allow the development of a secure computer system to support electronic distribution of court briefs rather than transferring them by hard copy. The system will allow the efficient flow of information between police agencies, the prosecution service, the accused, and defence counsel. It will facilitate and support prosecution of criminal cases, thereby promoting community safety, and in doing these things, it will contribute to the public's confidence in the justice system.

Overall, the budget for civil law is almost \$24 million for 2005-2006. The purpose of this branch of the ministry is to provide effective legal and related services to government and other ministries, which aligns with goal 5 of the business plan. New funding, commencing in 2005-2006, will allow development of a computer system to manage a database of legal opinions. We are spending \$417,000 this year to get things started. In their role of providing legal and related services across ministries, civil law legal teams are located at numerous sites. The new system will link those various sites electronically. It will significantly reduce the time spent on legal research, allow for more consistent information, and will increase the amount of legal information available to all civil law lawyers.

The best part about this initiative is that by increasing efficiency, we will save taxpayer dollars. The savings will be fully realized in the 2006-2007 year and are estimated at \$300,000. This will even become greater in the years to come. The savings come from the fact that we won't have to hire as many additional staff in the longer term to cope with the increased demands in the area of civil law. It's a lot more efficient for a computer to search through legal opinions.

The medical examiner's office investigates all sudden, unexplained, natural, and unnatural deaths in Alberta to determine the identity of the deceased and the cause of death. Each year in Alberta there are more than 3,000 cases of sudden, unexplained deaths. The office provides a key service for families of deceased, Crown prosecutors, lawyers, police, funeral directors, insurance companies, and other government agencies. It aligns with goal 3 of the business plan, providing access to justice services for those in need.

In the 2005-2006 budget for the medical examiner there is more than \$6 million. This year new funding of \$1.1 million has been allocated to this office. The additional funding is to achieve salary equity for medical professionals within the office with their colleagues in regional health authorities in other provinces and for operating costs. We provided money to increase compensation paid to rural medical examiners and to other agencies that support the medical examiner's office.

The medical professionals in this office provide the expertise we need in difficult investigations. The services they provide affect testimony and criminal investigations. They also operate the toxicology laboratory and provide the scientific investigation necessary to assist with the determination of causes of death and prevent these in the future. Obviously, our ability to maintain and improve the level of professional expertise necessary to perform the work at the medical examiner's office is absolutely fundamental to the delivery of these services in an effective fashion.

Mr. Chairman, that concludes my comments. The initiatives that I've laid out show how we are determined to meet our goals in improving access and increasing efficiency in the justice system. I also believe that they will be able to make the system easier for Albertans to understand. I'd be happy at this time to address any questions that the members may have.

The Chair: The hon. Member for Edmonton-Glenora.

Dr. B. Miller: Thank you, Mr. Chairman. I thank the hon. minister for his opening remarks. I wish to convey to the Department of Justice my best wishes, and I think they've done splendid work. I would also like to compliment the minister and his staff for the clarity and concreteness of the business plan of 2005-2008. From the vision statement and mission statement to the outlining of the goals and strategies, it is a well-written, clear, and concise document. There are lots of items that could be discussed tonight.

I was especially impressed by the list of significant opportunities and challenges on page 351. I think that's an important compilation of the tremendous challenges that we face with respect to the issues such as identity theft, aboriginal justice, organized crime, family violence, child sexual exploitation, illicit drugs, and so on. I appreciate the sentence in the business plan which says that "the Ministry is presented with the challenge of being held accountable for outcomes for which the ministry does not have sole responsibility" because on all of these tremendous challenges to our society, there needs to be collaboration and the involvement of all departments and levels of government and especially the involvement of all communities if we're ever going to reach the day when we can be assured that Alberta is a safe place and that we can diminish the amount of crime in Alberta.

8:20

This leads me to some basic questions about the overall approach to justice, which I want to raise at the outset before we get into looking at specific budgetary items. At the beginning of the description of the Justice Department's vision and mission we read statements such as "the Ministry will continue to invest in Alberta's

communities to make them among the safest in North America by getting tougher on those who commit violent offences." I guess the word "tougher" just grabbed my attention. Of course, the Criminal Code falls within the federal jurisdiction, so there is this other comment that the department will "continue to pressure the federal government to take tough positions against violent crimes and those who commit them."

Well, this is one school of thought in response to crime: get tough with criminals. This approach usually leads inevitably to tougher sentencing, for example more mandatory sentences, building more prisons, hiring more judges and prosecutors, strengthening the war on drugs, and so on. But, of course, there is another school of thought, another approach which could be named a more progressive and – dare I use the word? – liberal approach, which focuses on alternatives to the court system for dealing with certain kinds of offences, which focuses on decriminalizing of certain offences such as marijuana, which attempts to get at the root causes of crime and deal with those causes.

Of course, both approaches assume that changes to the criminal justice system will reduce violent crimes. Both approaches would probably be an overestimation of that, in my view, because I think that assumption has to be qualified. It's not just changes to the criminal justice system; it's widespread change to our whole society. It's social and community development, education at all levels, and efforts to deal with poverty and racism. If we don't put our resources into dealing with the root causes and with social community development, we can't expect that crime will be diminished, and we won't achieve the kind of society of safety that we're looking for. Without antipoverty programs, Head Start programs, and safer community grassroots initiatives, the goal of reducing violent crime will not take place.

These matters, of course, take us beyond the Justice department, and maybe that's my opening sermon on justice, so I should get on to some of the specifics. Let me comment on the goal 4 because I think what I've just said is relevant to goal 4, which is to "improve knowledge of, and confidence in, the justice system." Now, I think the focus of this goal and all of its strategies is to try to inform the public about the processes and the strategies of the Department of Justice, so it's kind of a public relations strategy for the Department of Justice, which I think is fine. What I was trying to get at is that the public understanding of crime goes much deeper than just looking at the justice system.

I mean, how do we learn about crime? How do we achieve public understanding about crime and the way to diminish crime? Now, of course, the biggest challenge is dealing with the media because it's through the media that we learn about crime, and unfortunately the media focuses on violent crimes. Violent crimes are only 5 per cent of the reported crimes in Canada, so we get a skewed view of crimes by just focusing on the media. Over 50 per cent of Canadian newspaper articles are about violent crimes, so this kind of reporting encourages fear and the consequent law-and-order approaches to criminal justice. When the public feels powerless, then a tough approach is in their estimation better than nothing although I must point out that a 1987 survey by the Canadian Sentencing Commission asked people to name the one thing which would have the greatest impact on crime control, and the answer was: 47 per cent said reducing unemployment rates; 27 per cent said harsher sentences. This suggests that Canadians don't think that crime will be controlled by a get-tougher approach. I think that's very important.

I wonder: do the strategies outlined under goal 4 go far enough in dealing with the media, dealing with the whole issue of public education to enable the public to understand crime and the root problems, the root issues of crime and not just the intricacies of the

justice system? Public knowledge of the justice system is fine as far as it goes, but it's not enough. What we need is a broad-based discussion and debate in our society on the nature of crime and the ways to prevent crime.

I'll always remember the short time that I was a part of the John Howard Society when I was living in St. Paul. Of course, the John Howard Society always focused on the prisoners who came out of correctional institutions and helping them adjust in the community. They decided many years ago to change their focus to look at prevention and to put a lot of resources into public awareness of crime so that crime could be prevented. I think that's important.

Well, let me go on and just ask some questions about this budget, which is a budget that focuses on all kinds of different issues. In terms of a few questions here in the business plan, on page 355 strategy 1.5 states that the ministry will "work with partners to develop a provincial response/policy," in particular in regard to the integrated response to organized crime. That's IROC. I just wondered about the support for IROC and whether the ministry is continuing to look at trying to bolster the effectiveness of the IROC team.

Especially, I'm concerned about the issue of identity theft. I think the public is becoming much, much more concerned about identity theft than ever before. We hear all kinds of stories of how our identities get stolen through credit card robbery but also the whole issue of mortgages and the fraud in the mortgage, people discovering that there's a for-sale sign on their front lawn. There are just some terrible stories about identity theft across Canada. I was wondering if the minister could identify how we're going to deal with that issue and what resources will go into dealing with that.

Of course, the issue of children and the sexual exploitation of children through the Internet is of tremendous concern to the public. On page 355 1.6 talks about that, and again I don't see any reference to the ICE team, the provincial internet child exploitation team. I was wondering about the support of the ministry for that. Also, in the reference to putting pressure on the federal government to toughen sentences – here I might be contradicting my own statement – is the provincial Justice department influencing the federal Justice department to change the Criminal Code to toughen sentences in respect to child exploitation?

Now, on page 356 there are a couple of references to the Ministry of Justice's co-operation with the Alberta Law Reform Institute, 2.4 and 2.11. I was just curious about that because it's my understanding that in 1999 there was a report from the Alberta Law Reform Institute on powers and procedures for administrative tribunals outlining some points that could be adopted. The government has not seen fit to put that into practice. That relates to Bill 23. I don't want to get back into the discussion of Bill 23, but the whole issue of access to justice concerns me.

8:30

When I was dealing with Bill 23, my understanding was that it would speed up the process of justice, but some legal opinions that I've received indicate that it may in some cases actually restrict access to justice, depending on the situation and what tribunals were being dealt with. So the question, I guess, has to do with putting into practice some of the reforms suggested by the Alberta Law Reform Institute and really helping the whole process of access to justice to be the reality in Alberta.

I am really concerned. The business document outlines the challenges, the challenge about aboriginal justice. I didn't hear any reference to putting funds into dealing with aboriginal justice. It still continues to be the case that almost 40 per cent of inmates in our correctional institutions in Alberta are from our First Nation

communities, and that is a tragedy. Unless we deal with that, we're not going to make much progress in having justice in Alberta.

I know that that issue is huge, and we have to deal with community initiatives and so on, but I was just wondering if the ministry has any intention of putting resources in the future into dealing with aboriginal justice, certainly the whole area of alternative mediation approaches and the appointing of special courts to deal with aboriginal justice. My neighbour in Edmonton for some time was the widow of Justice Morrow, who established quite a lot of reputation years ago when he travelled by plane into the north. I think he was one of the first to initiate alternative justice approaches with our First Nation people, and I think that's very important.

Well, I have a lot of financial questions. The Justice department's program expense looks like it's about a 7 per cent increase, and the Minister of Justice has outlined where the new money is going. In some of those areas it's quite encouraging to see the modernization of courts and the money going into the support to family services and the progress on the Family Law Act. I guess that my question about that is: does this mean that we have moved closer to the ideal of a unified, one-stop centre for families so that they don't have to go to federal court to deal with divorce issues, they don't have to go to provincial court to deal with other issues, but they can deal with a whole variety of issues at one centre? Is that the way the money is going to be used, to create that? If that's the direction, then that's something that we would applaud.

Of course, all of the references to the modernization in terms of the use of computers are quite laudable.

Some other questions in terms of finances. Under Ministry Support Services there's a reference at 1.0.4 to strategic services, a \$1.5 million increase. I believe it is in strategic services, but I wasn't sure what that was really referring to. So I wonder if the minister could explain what the breakdown is there.

Now, in honour of my colleague the hon. Member for Edmonton-Centre I need to raise an issue about maintenance enforcement because I think she raises it every year. She's not here, and I would like to raise it on her behalf. A lot of the questions she has continually asked every year I think are still relevant. How many staff work on maintenance enforcement? What is the total amount that Alberta is collecting in maintenance enforcement? What is the percentage collected in relation to the total ordered in maintenance enforcement?

I'm also curious about interprovincial jurisdiction. I understand that laws have been changed in the recent past to enable the courts to go after spouses who leave and go to other provinces, but I'm receiving complaints from people within my constituency that they have a great deal of difficulty getting answers from other courts in other provinces. I just wonder about that.

Also, under Court Services, reference 2.1.1, program support services, there's been an increase in funding of \$5.9 million from last year. I was wondering what that increase in funding is for. Perhaps you did explain that in terms of court services. I'm not sure.

In terms of the number of employees there are 78 new full-time employees listed in the business plan. Are they Crown prosecutors? Are they judges? What is the issue? Why is it necessary to have so many new employees?

Well, those are some of the questions I have, and I would like to sit down now and hear some response.

The Chair: The hon. minister.

Mr. Stevens: Well, thanks very much. Let me begin by thanking the hon. member for his compliments of the people in Alberta Justice who do very good work. Certainly, I agree with his compli-

ments, and I do thank him for recognizing it and stating his appreciation so clearly.

There were a lot of comments and questions that the hon. member had, and I'll see if I can address a number of them at this time. Of course, should I fail to address them, we'll provide a response in writing on a timely basis.

There was a question with respect to the increase in the number of FTEs within the department. The FTEs are budgeted to increase by 78, as indicated by the hon. member. The breakdown for that is as follows: there will be seven in renewal of prosecution and legal services; eight, ticketing processing; two, aboriginal consultation; 18, Child, Youth and Family Enhancement Act; 11 for the family justice services area; nine in Calgary Provincial Court, Criminal Division; seven in the Public Trustee alternative funding area; six, specialized family violence; four, criminal services IT sustainability; two in the mediation program; two in information document management; and two in the electronic distribution of court briefs.

Just for the benefit of the member, the 2,307 budgeted FTEs by program are 81.5 in ministry support services, 1,243 in court services, 778 in legal services, 143 in the Public Trustee's office, 45.5 in the medical examiner's, and 16 in motor vehicle accident claims.

There were some general comments at the beginning of your comments, hon. member, that I would like to just spend a moment talking about. There's absolutely no doubt that there are many challenges, as you have noted, within the Justice ministry. You're quite right that it's necessary to collaborate with other ministries and with groups within the public at large who have some aspect within their purpose for being that overlaps with the Justice ministry goals.

8:40

For example, it is very usual for us to collaborate with the Solicitor General, because from my perspective the Solicitor General's department really is the other side of the justice or the law and order coin. We are inextricably connected to the people who enforce and do the investigation. We have a lot to do with Children's Services as a result of domestic violence issues. We have quite a bit to do with Health and Wellness as a result of matters such as diversion programs and mental health, in the context of Aboriginal Affairs with respect to aboriginal affair's initiatives, Education with respect to the education programs and curriculum that we work on in ensuring that people in our schools have access to current and relevant information with respect to our justice system. Obviously, we are taking advantage of the good work of the Minister of RAGE in his efforts of ensuring that the SuperNet will be once again back on schedule so that sometime this fall we will be able to plug in and do some of the things that I referred to in my opening comments.

As it relates to the community at large, I can just give you an example of a meeting that I had last week. There's a committee that we have called the Justice advisory committee, which arose out of the justice summit back in the latter part of the '90s. That particular committee was originally struck to ensure that the recommendations that came out of the justice summit at that time were ultimately implemented. That work has largely been done, so now we're dealing with the second aspect of the mandate for that group, and that is to provide advice and direction to the Justice ministry in the work that they are doing.

The meeting that we had last week included members of police forces. For example, there were members from the Edmonton police force and the RCMP K Division. We had, obviously, members from the Justice ministry at that meeting. We had a representative from the John Howard Society, we had different representatives from different locations dealing with domestic violence, we had members

from the aboriginal community, both First Nation and Métis, and we had representatives from our courts, the superior courts and also the provincial court. That gives you some flavour of the broad representation.

The purpose of this particular meeting was to once again revisit the mandate of the committee and say: "Is it still relevant? Should we be changing the mandate? How can we do this job better?" I can tell you that we had a very good discussion at that time, hon. member, and that it was agreed by the people in that room that this committee continues to be relevant and that it is important to Alberta Justice to hear from them. What's necessary is that we do a combination of allowing for those who are part of this large diverse group to bring forward ideas and feel free to do that, and that we also use it as an education opportunity for Alberta Justice to talk about some of our initiatives.

That is the type of reaching out that we do in Alberta Justice, not only to other ministries but to the community at large. We recognize that there are people out there on the front lines who are working in the justice system, whether it's mediation or from the John Howard Society or whatever, and they see things that we don't necessarily see that they can provide input on into how to make this justice system of ours more accessible, more user-friendly, more understandable, whatever the case may be. So as a general proposition we are definitely in favour of ensuring that the broader community have an opportunity to participate, and we will be working with that group, going forward, developing agendas which will be meaningful for everybody at that table. I hope to be able, as time goes on, to share with you some of the initiatives that come out of that.

There was some discussion with respect to this government wanting to get tougher with respect to crime. In that particular area part of what we talk about, without a doubt, is getting tougher. We seriously believe and have for some time that it's necessary for offenders of serious crime to do serious time, and this particular issue in large measure centres around conditional sentencing. My predecessor at Alberta Justice, now the hon. Minister of Advanced Education, going back some four years did a paper with respect to the need to change conditional sentencing because it is being used in ways that were in our view never contemplated by the federal government. The Criminal Code wording was such that it was ultimately interpreted by our courts in a way that was never intended.

Essentially, what we have been saying is that in our view there should be a situation where conditional sentencing is appropriate, and that is for less serious crimes. Absolutely, not everybody who commits a crime should be going to jail. There are lots of examples of where conditional sentencing is quite appropriate. But the ones that gain the headline, the ones that ultimately cause the grief for people who are dealing within the system are ones where there is serious violence or sexual assault and similar offences, including sexual assault on vulnerable victims such as children, impaired driving, dangerous driving and criminal negligence involving death or serious bodily harm, and theft committed in the context of breach of trust. Those are situations where we believe the Criminal Code ought to be amended in some fashion so that there is going to be jail time rather than house arrest, if you will.

Another area where this is particularly prevalent these days – and I think there was another example of it in the paper just yesterday or today – is trafficking where there was house arrest. People who have grow ops, people who have these meth labs ought to be going to jail, and part of the problem with respect to that has everything to do with the conditional sentencing provisions.

So my predecessor in conjunction with, I believe, principally the justice ministers of Manitoba and Nova Scotia put together a

proposal where there are four options outlined, and I can tell you that at the January meeting of justice ministers and attorneys general, the FPT meeting in Ottawa, that matter was once again brought up by us, and everyone around that table was in agreement that something had to be done. There was no disagreement with respect to the need to change the wording in the Criminal Code to toughen up, if you will, the conditional sentencing provisions. That matter has gone to the deputy ministers for further review. They will be coming back to the ministers, and we will be talking about it again.

The paper that we put forward is one that has four options, and the issue going forward is: which of the four options can we agree on? There's one that we prefer. There are obviously ones that other provinces prefer. From my perspective any of those four options is better than where we are today. So, hon. member, I can tell you that this is an area where all of the justice ministers, all of the attorneys general in Canada at this point in time are in full agreement that something must be done in that area.

Now, having talked about toughening up matters, I also think it's important that you understand that we recognize that you have to go to the root cause of these issues in order to address some of these crimes. So, for example, we have domestic violence court. Domestic violence court is another one of those examples where we work with other ministries. We work particularly with Children's Services and Health and Wellness in developing a system where the perpetrator and the families have the opportunity to receive the support and treatment and assistance that they need. There's an example of this court here in Edmonton, and there's an example of this court in Calgary and also in Lethbridge, so that's where they are at this point in time.

8:50

In Calgary the initiative is now over four years old. It's been around for four years. We've had fairly good results. In fact, the results have been the subject of a study, which is unusual in this area, that people can find the funds to study it, but that is the case. The results are awesome. The recidivism rate has dropped from 34 to 12 per cent, and when the full support of the treatment program is provided to the perpetrators, it drops to less than 6 per cent, some very, very powerful statistics. That's why we are completely supportive of it. That is why we are putting more money into it, and that is why we would like to ultimately have that expanded beyond the three centres that we have at present.

Another example of this kind of idea. Although it's not yet a reality, there are a couple of proposals, I believe one from Calgary and one from Edmonton, that are the initiatives of people at the local level, principally the judges and, I think, people perhaps from the bars, to have drug courts where something similar would be provided in terms of support from the social services and from health. These particular applications were done in response to a call from the federal government for applications for drug courts, and there are three or four other locations, I believe all to the east of Alberta, that are also vying for that.

We will wait and see what happens, but if we are successful in having one or two, we will certainly work to ensure that those pilot projects get up and running with a view to trying to provide some assistance early on in the piece because part and parcel of the justice side of this is to deal with these problems quickly rather than to allow them to fester in the court system for weeks and perhaps months. If that happens often, you lose the opportunity that you might otherwise have had.

I certainly share your perspective regarding the media and the role of the media in communicating information regarding the justice system and in large part moulding the public's opinion. I would also

agree that typically what you read with respect to justice matters are sensational stories or ones which grab the public's attention. But I can tell you that the media are also very responsible from time to time in this area.

For example, we have had very, very good coverage regarding the HomeFront program. We have a dedicated prosecutor, Val Campbell, who heads up the domestic violence program for Alberta here in Edmonton, and she's been getting very, very good press for the good work that she is doing in educating. I think at this point in time she has now educated over 2,000 police, court workers, social workers, people of that ilk, judges on domestic violence throughout the province. And we've been getting very, very good response to our dedicated prosecutor on child pornography and luring, Steve Bilodeau, who has had some wonderful success in prosecuting child pornography and luring cases, which of course are sensational and troublesome in a society, but the fact is that he has been receiving good press for the work that is being done by him and by Alberta Justice.

Ontario has approached this problem in a way that we are following. The Attorney General there this past January set up a joint committee involving the media, the solicitor general, justice, and the judiciary with a view to working on issues of justice and the media. I think the general theme is that both the media and the justice system have something to learn from the other about the level of understanding. If we can identify some of these problems and develop ways to gain a better understanding by the media of the justice system and vice versa, we might be better able to get our messages out. So we understand that particular point, and I can tell you that we're very conscious of it.

We work very hard at trying to get out good messages with respect to the justice system. For example, I just met with the mayor of Grande Prairie a couple of weeks ago, and during the course of this he said: "You know, we'd love to have some material that could go into our local press that relates to our community. Obviously, the local press would choose to run it or not. But if you can give us statistics on the justice system and what you're doing in our community, what initiatives you have, things of that nature, we'd very much appreciate it because we would like to hear more about that." So when communities like Grande Prairie come to us and say, "We would like an opportunity to hear more about the justice system," we get right on that. In fact, we're on it now, and we're trying to develop stories that would be of interest to the Grande Prairie vicinity that they can run in their media.

The Alberta Law Reform Institute. There was some discussion with respect to that. I just met with a committee of the Alberta Law Reform Institute a couple of weeks ago. The purpose of the meeting was to have a general discussion but was more specifically to talk about some very good work that they are doing on a rewrite of the *Alberta Rules of Court*, which haven't been revised in a meaningful way since the '60s. There have been band-aid fixes here and there but not a complete overhaul. We have an Alberta Rules of Court Committee, which is over here, and then you need a body that has the resources and the time and the dedication to actually do the fundamental work of the background philosophical material, and I'll talk more about that later.

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

Dr. Pannu: Thank you, Mr. Chairman. I'm pleased to rise and make some observations on the estimates before us tonight, the estimates for the Department of Justice and Attorney General. I want to thank the minister for giving his introductory remarks, which were precise, focused, intelligible to us the people who are lay to the justice system and to the legal profession.

I also want to applaud the work that the members of the department, who are perhaps sitting in the members' gallery, have done in assisting the minister to prepare the business plan, the budget, and perhaps the notes for him to bring forward to us, gave him good briefing on that. So thank you to you who are sitting back there watching us look at what this ministry has to offer by way of this budget and its programs.

Mr. Chairman, I'm looking at page 351, which talks about "significant opportunities and challenges," draws a broad picture of how the system works, the incidence of crime, the increase and decrease in percentages of particular kinds of crime. That information is useful to take stock of where we are and where we might want to go and why we are not getting to where we want to go.

I just want to draw to the attention of our colleagues in the House some crime statistics. The latest year for which they are available is 2003. "The national crime rate increased by six per cent. Alberta's crime rate for that same year increased 7.7 per cent, with a 9.5 per cent increase in property crime and a two per cent increase in violent crime." I think it's refreshing to see the department confronting some facts head-on. It is sobering that the national rate is increasing – it increased by 6 per cent – but the Alberta rates increased even faster. Such a sobering statistic under Justice and Public Safety Trends. That's the section that I'm looking at. Then it gives a breakdown in terms of the types of crimes that are there.

9:00

Then I go down on the same page to Aboriginal Justice, and the numbers there are always, of course, chilling in their tenacity. You know, year after year after year we find that in spite of the best efforts of all levels of government, the level of crime in our aboriginal communities refuses to decline, or shrink. The figure given here, again, is that that's the part of the Alberta population where the youngest age group is the largest in proportion. One-third of the aboriginal population is 14 years of age or younger. That in itself presents great opportunities but also challenges.

The department does recognize that the crime rate in the aboriginal community both in terms of the numbers of victims and offenders is a serious challenge, a serious matter. The overrepresentation by far of aboriginal persons in custody or in jail is really staggering. They form only about 7 per cent of Alberta's population while their numbers in provincial youth and adult custody are, as quoted here at least, one-third, 33 per cent. So it's four times to five times the proportion that the aboriginal population constitutes of the provincial population. It's a challenge that we cannot let fall by the wayside. We need to find ways of addressing it with the co-operation, of course, of the aboriginal communities and the leadership from those communities.

One other fact that I just want to note here, Mr. Chairman – and again I think the department has done a good job of addressing the issue head-on – is family violence and protection of children. What it says here again concerns me a great deal. "Addressing family violence is one of the priorities for the Government of Alberta." I've been around for eight years, and this is true. This is a commitment that's made every year, yet "one-quarter of all victims of violent crimes reported in Canada in 2002 were family violence related. Of those, nearly two-thirds (62 per cent) were spousal and 85 per cent of the victims were women." It's the last sentence here that really is worthy of note. "Alberta continues to have the highest rates of family violence in this country." There is, clearly, a chronic problem. It continues to have the highest rate.

That raises very serious questions in my mind. This is also the province where the official policy is to strengthen family, to strengthen the traditional family structures. In spite of that, in spite

of the fact that officially the government commits itself to supporting family structures, it's also the case that that family structure produces the highest rate of family violence in the country. I think we need to seriously ask the question: why is this the case, and what are the limits of the role that the government can play and this ministry can play in battling down this particular statistic? On the other hand, we need to ask: what are the limits to the ability of the government departments on this, not only this department but other departments in the government, too, that deal with family support and family issues?

I think it's too easy to simply make the observation and then move on and not ask some tough questions about what can or cannot be done. I think it's about time that we paid some more serious attention to it. Again, as I said, these pages are very, very helpful in coming to grips with some of the problems that we face and asking the questions about how we can approach these problems and make a dent in reducing the incidence of some of these acts of violence and of crime.

Traffic safety is another I think key problem in Alberta. It's growing, and I'd like to ask the minister: what particular actions are built into the budget here, if any, to deal with that problem as well as the family violence issue?

If I may make one suggestion to the minister, one that the minister's staff, I'm sure, would be paying attention to. When I look at Justice and Public Safety Trends, the first paragraph there, the percentages given are not very helpful, those numbers. Alberta's population is growing. One could argue, of course, that the percentage increase in the crime rates is lower than the percentage increase in population. I wonder if the rates of crime could be presented in relation to population units, whether it's 10,000, 100,000, whatever, so that we could get a better handle on whether or not these percentage increases, in fact, are just due to a rapid increase in population or whether these are just, you know, last year's numbers.

Those numbers are a function, I guess, to some extent of the increase in population. To get a better handle on whether or not the incidence of crime is really increasing, if we reported these crime numbers related to per unit of population, that might help us keep better track of whether or not the crime is increasing in fact. I was looking at the numbers, and I'm saying: "What do I make of this? Should I really get terribly concerned about the increase in crime, or does it just reflect more numbers and, therefore, percentages going up because of the more numbers in the population?"

One last point on that is the changing legislation as part of the same challenges here. The Fatality Inquiries Act is mentioned as one initiative that the ministry has taken. That particular reference to the Fatality Inquiries Act led me to look at the strategic priorities section, which is on the next two pages, from page 353 onwards. I notice there that the second major priority is partnership and public knowledge. "Justice will continue to place a high priority on maintaining a constructive dialogue with our stakeholders and the public in order to ensure our services continue to meet the needs of Albertans in the most effective way possible," and on it goes.

One of the reservations that I had about the Fatality Inquiries Amendment Act, 2005, is that changes being proposed there, in fact, will make it more difficult for the public to continue to have the capacity to take a direct look at how the system works. The transparency and the ability of the media to be present during the fatality inquiries is a public oversight. Their presence, even if they cannot report and do not report and can't become, in fact, parties with some interest in the process, gives the public some confidence that the system remains open. The public has good reasons to have confidence in the system because it is open and is subject to public oversight. People do rely on the media for getting to know what's

going on around them, including what's happening in the public justice system and how it works and fails to work sometimes. So there are some concerns that I have.

9:10

While the commitment under the strategic priorities with respect to keeping in touch with the public and making the system accessible both in terms of the public knowing how the system works and getting the results when they go to the system in a quick and expeditious manner is a good thing, there are some contradictions that I see between the actions taken and the commitments made here. The Fatality Inquiries Amendment Act, 2005, is one of those contradictions that I notice there.

Organized crime: again, I find here on the priorities. It says, "Globalization has facilitated the commission of organized crime." I thought organized crime, even prior to the era of globalization, was already global in some ways. That's why we called it organized crime. It wasn't that it organized and operated within national jurisdictions alone. No, it didn't. It moved across boundaries. So that's kind of a quote, unquote, global statement.

I'm not sure if I understand what's meant by this statement that says that globalization has facilitated the commission of organized crime. Technology may. Transactions across borders through, you know, electronic media and electronic technology may do it. Internationalization of financial operations and transactions will do it. But globalization as such, as I understand it, I don't know how it's directly connected to this.

Since it's an official document of the government, I think we need to make it clear enough, lucid enough so that we can understand exactly what's meant when these big terms are used in contextualizing the government's commitments or anchoring them in those kinds of terms and phrases. That said, I have a few questions.

I saw somewhere that as part of the priorities there's also an emphasis on making the legal system, the justice system more accessible to those in need. Legal aid is one of those mechanisms, I suppose, that allows people to be able to go to our courts even if they cannot themselves pay for very expensive legal costs.

When I look at the ministry's budget, that's one item where I think the money allocated for 2005-2006 is, in fact, somewhat less than it was for the year that's just gone by. It's reduced by about \$900,000, reduced by 3 per cent. I would ask the minister to explain why that is the case if legal aid does in fact serve as an important means to facilitate access of certain members of the community to the justice system and the court system.

We have had over the past many years concerns from lawyers, members of the legal community who work as part of the legal aid network, the Legal Aid Society. They have had concerns about being paid much less than their services would fetch them in the legal marketplace. I wonder if this further reduction from last year to this year in the legal aid funds would in fact impact on payments to lawyers who provide this very necessary legal service to Alberta citizens who need these services.

Court services. I don't know exactly what it means. I think it probably includes judges and prosecutors and others. Again, the reduction in the court services budget for this year is to the tune of 11 per cent. It's cut back from close to \$127 million in 2004-2005 to \$113.2 million for the current fiscal year. I would like the minister to explain, perhaps, how this reduction is going to be managed and what negative impact, if any, it might have on the operations of the court services.

Ministry support services have gone up by 27 per cent on the other hand, from \$14 million to close to \$19 million. Again, there's

obviously a redistribution of funds within the line items in addition to it being a fact that overall the budget has increased by some amount. Or has it? No, there's actually somewhat less in the ministry programs. It's somewhat less than last year.

So these are some concrete questions related to the budget. I have made some observations on general policy issues and priorities of the department. Maybe the minister would like to respond to some of these questions if he so chooses. Then I'll have another opportunity later on.

Thank you.

The Chair: The hon. Minister of Justice.

Mr. Stevens: Thank you very much, Mr. Chairman. Thank you to the hon. Member for Edmonton-Strathcona for his compliments to the members of the ministry and also for the many insightful comments and questions that you've asked. I will address some of those now, and you will have the balance addressed in writing at another time.

I thought I'd start, perhaps, with a couple of comments regarding legal aid. I've had an opportunity to meet with representatives of the Legal Aid Society, and their opening line to me, hon. member, was: things are excellent. That is not to mean that there aren't challenges in legal aid, but things are very good in Alberta with respect to legal aid at this particular point in time.

As it relates to the budget, we have a situation where the current five-year program regarding funding for legal aid still is in place. I believe it expires in the spring of next year. The money that legal aid has available for the criminal and civil work that it does is principally from the province of Alberta, so we are the principal funder. There is some money that comes from the federal government for sure, but we are the principal funder.

The money that you see in our budget is not all of the money that they, in fact, expend. What happened at some point in the past is that a special fund was endowed, if you will, with significant dollars. If legal aid's budget for this year according to our information is, say, \$30 million, it will be more like \$40 million, with them utilizing the dollars that have been set aside in this special fund to pay for the work that is actually being done. That money is in place and will be available to cover off the needs of legal aid for the balance of the term of the current contract. So all is good on that front, hon. member, and we can provide you with some more specifics on that, but that's the gist of how it works.

At the justice ministers' federal/provincial/territorial meeting in January one of the major issues of discussion was a renewal of the agreement between the federal government and the provinces and territories regarding ongoing funding for criminal – another five-year term, I think, is generally what was asked by the ministers – but there was also a demand for an expansion of the funding that the federal government currently provides for the civil side. At this point in time there is very little in the way of civil legal aid funding from the federal government. There's some in the immigration area, and there might be a very niche area that they provide some funding to, but generally speaking very little.

9:20

The ministers across the board said that that was an area where federal government could do more. The current Justice minister is sympathetic but indicated that his sympathies might not generate into support in an economic sense from his colleagues at the cabinet table. That is where that one was left, but there's absolutely no doubt that the justice ministers across Canada are interested in the federal government renewing their commitment to this going

forward. We're all on the same page on that, and in fact from my perspective in Alberta we are doing very well at this point in time, and the people that I have met with are happy with the situation as it currently stands, recognizing that there are issues going forward. There are issues going forward in everything that we do, but we are going forward from a very good place.

Some comments, perhaps, regarding aboriginal justice. As a starting point, I think it's important to recognize that Justice is a co-champion of the aboriginal policy framework, I believe, and we're also involved in most of the matters that aboriginal affairs is dealing with. We're involved, for example, in the consultation program that is currently being put in place. We're involved in Métis harvesting, in providing advice with respect to that. The short of it is that justice is inextricably linked to aboriginal matters.

The statistics that you were alluding to are absolutely correct. There is a fundamental, systemic problem of perhaps a near crisis or crisis proportions, certainly when you take into account the long-term trend that would appear to be based on what is currently happening. I think that the government has identified that. It's not that we haven't identified it. It's not that we aren't working in a collaborative way. I would imagine that virtually every ministry is part of the aboriginal policy framework with perhaps the exception of one or two that just don't have a direct connect, and even there they probably have some connection. I'm thinking of Gaming, for example, which wouldn't necessarily logically apply, but there in fact is an aboriginal policy in the Gaming ministry.

We're talking about aboriginal justice today, and I think that I'd like to talk about some of the things that we are doing. I can tell you that there is a program to educate the Crown prosecutors to deal with First Nation people, and there are three levels of training courses provided to Crown prosecutors. The first phase is general aboriginal cultural awareness, the second phase is cultural camp, and the third phase is a program that blends the study of significant legal issues arising in criminal cases involving aboriginal people with aboriginal awareness and spirituality.

By March of 2003 close to 100 per cent had taken phase 1 of the training, and this year phase 1 training will be made available to the newly hired prosecutors who have not yet attended the program. We have an active aboriginal cultural awareness program that is alive, well, and is working with the Crown prosecutors because, as you noted, hon. member, there is a very direct relationship between aboriginal people and the criminal justice system and, indeed, an overrepresentation of aboriginal people in the criminal justice system.

We have developed innovative options for diversion. We've got the aboriginal Crown prosecutors liaison program. We have aboriginal courts, and we have court worker programs that are referred to in the budget, which are to assist aboriginal people who are interfacing with the court system. I can tell you that we are just in the process of reviewing that particular program. I think some 3 million plus dollars is expended on the aboriginal court worker program, and the time has come for us to assess exactly how that has been working to determine whether we can establish some benchmarks, whether we are getting all we can out of that particular program given the money that we are spending.

That is a program that is in the process of being reviewed, very early stages. It's just a start-up, but some time over the next year, perhaps a year from now, I'll be able to report to you on what the outcome of that is and how we might be able to make that particular program more meaningful both for Justice in general and for aboriginal people in particular. There are a number of things that we are doing, and in the written response I'll provide more detail, hon. member.

There was some comment with respect to the seriousness of domestic violence, and there's absolutely no doubt about that. It seems that every week we read about new cases that are simply horrific, and that is one of the reasons that there is this program that Alberta Justice has been working on with a number of partners and police services called the Alberta relationship threat assessment and management initiative.

[Mr. Lindsay in the chair]

There was a situation here in Edmonton where a woman was stalked by a man for 17 years. This is a situation where this woman met this man, passed him in the hallways at high school, and for the next 17 years he followed her. As I understand it, she ultimately left the country. Her family remained here. She'd come back from time to time, and he was always there. About three or four years ago he was charged, finally. It's very difficult to deal with stalking because the criminal law really doesn't have the appropriate charge tools. In any event, there was a charge that was laid at that point in time, and it was determined that the individual in question was mentally ill, so he is now spending time in a hospital here in Alberta rather than in jail because that is where he should be.

The gist of it was that this woman, who has become an expert in stalking by virtue of her unfortunate situation, approached my predecessor and said: I think that you ought to take a look at this because I think that there's something that you can do; I think that you can help people like me who are in high-conflict situations. If you have the understanding, if you have the tools, then you will be able to intervene more quickly and more appropriately. The gist of this particular initiative is to provide a co-ordinated resource that could professionally assess threats and their level of lethality, formulate mitigation strategies, develop safety plans, assist the judiciary, and potentially conduct death interviews.

The situation is that under the current thinking you would have a unit like this in Edmonton for northern Alberta, a unit like this in Calgary for southern Alberta. You would have experts. You would have specialized prosecutors. You would have specialized police officers. You would have psychologists, psychiatrists. You would have these people on call to provide assistance as required. You might have bomb experts. The point is that you would have this cadre of expertise that would be brought to bear. This particular initiative was brought forward as a result of domestic violence and this very specific, horrific stalking incident.

The recent events in Mayerthorpe indicate very, very clearly that this particular situation is not only in domestic areas; it's throughout our society. There are high-conflict individuals doing things that have to be identified early so that we can address them appropriately and avoid the horrific consequences, which in the situation in Mayerthorpe and in many situations of domestic violence involve either death or very, very serious injury.

9:30

This particular initiative is going to be developed into a business case. It's an example involving the Solicitor General. I am sure that Children's Services, Health and Wellness, and perhaps other ministries will be involved, but more importantly it is going to involve the community: the Edmonton police force, the RCMP, the Calgary police force, and a number of other people in our communities, probably the people who work in the domestic violence field on the support side. So a very, very good initiative and one that I hope to be able to tell you more about when the business plan gets done.

[Mr. Marz in the chair]

I can tell you, hon. member, that I've discussed it briefly with the Solicitor General, and we're both quite excited about this. I'm hoping that we can move it along through our system so that from a policy point of view it can be adopted by this government. That would be my wish, and if it is, hopefully we can work it into the business plan and the budget for the next year. But that is something that is a work in progress.

You asked about the court services, and you said that you didn't know exactly what it is. The situation with court services is that they, essentially, provide the administration, financial, and judicial support services to all levels of court in Alberta – the provincial court, the Court of Queen's Bench, the Court of Appeal – which, of course, are presided over by our independent judiciary. The program has about \$135.6 million dedicated to it, so it's significant. The manpower budget is about \$101.8 million, and 1,190 FTEs are involved in that particular area.

Some of the things that are being done there involve the funding of the family justice services, that we've referred to, and funding for the Child, Youth and Family Enhancement Act, which, of course, formerly was known as the Child Welfare Act. Both of these pieces of legislation have put significant resource issues to Justice that we have to address. Fortunately, we have funding for that. The funding for the family justice services is some 1.776 million dollars, and we've got funding for the Child, Youth and Family Enhancement Act of some 1.78 million dollars. So there are significant resources that we are putting into that. Those are some of the things that are going there.

For example, under family justice services we are implementing the Family Law Act and aligning services by rewriting the current content of services to conform with the new legislation. We're reorganizing the services. We're commencing expansion and standardization of services, including the expansion of family court counselling. We're expanding family mediation, putting more money into the parenting after separation program and child support resolution projects, and we are putting significant dollars into court-generated orders because in the family court area it's important that the orders be prepared when people are in court so that they can walk out of court with those orders knowing full well what their rights and responsibilities are. So we're working very seriously in that area.

Those are some of the things in specific that we are spending this year's new money on. Generally speaking, court services are everything that you would find in the administration of our courts.

So those are some of the comments that I have, and perhaps somebody else would like to make some comments and ask some questions.

The Chair: The hon. Member for Edmonton-Mill Woods.

Mrs. Mather: Thank you, Mr. Chairman. I would also like to thank the minister for his introductory remarks and response to questions. They've been very helpful and encouraging. I commend the minister and his department on the work that's being done to address the strategic priorities for 2005 to 2008.

I'd like to talk about the first priority: children, youth, and families. It's stated – I'll sort of summarize here – that

families are the foundation of society and children and youth are our most [important] resources. While it is important to promote self-reliance of Alberta families . . . services must be in place to respond to family violence, spousal [abuse] . . . and related legal issues. The Ministry plays an important role in providing . . . social supports to vulnerable children and youth to assist them in achieving positive outcomes. When youth do become involved with the criminal justice system, they must be held appropriately accountable and options must be in place to [help] them to behave more responsibly.

I really support the efforts to provide social supports, to offer justice to our vulnerable. Unconditional support for all in need among us is the mark of a civilized society. On the other hand, my experience as a high school administrator at times required work with students involved in criminal activity, sometimes taking advantage of the vulnerable.

Unfortunately, I agree that sometimes we do not do enough to help these individuals make better decisions and behave responsibly. Resources are limited, and they will take advantage of that. I've spoken with probation officers who felt helpless and used up because they do not have enough tools or enough consequence to make a decision. The lengthy process of going to court does not help, and they lack the resources to really monitor their clients. Some students who repeatedly broke probation expectations would eventually go to a court again and get more probation.

I also support your statements in priority 1 regarding the need to hold individuals appropriately accountable. I do believe that we must provide more help to front-line workers through staffing as well as some changes in the Criminal Code. I believe that tougher consequences can be a deterrent for youth who might be considering involvement in criminal activity. I also believe that consequences must be quick and not delayed. But I realize that addressing the root causes and providing proactive programs is essential, and I'm really glad to see the money that's going in that direction and supporting pilot programs.

So those are my general comments.

I do have some specific questions, though, regarding page 355 of the business plan, strategy 1.4, where it states that consistent with the Alberta drug abuse strategy Justice will

work with partners to enhance strategies that focus on enforcement and reducing the supply of drugs to [reduce] availability . . . and address community concerns about the environmental and health impacts of residences used for drug labs and grow operations.

We've paid a lot of attention to drug addiction, especially crystal meth, in this session, and I'm passionate about doing whatever we can to help eliminate this terrible problem. I'm wondering what specific strategies the ministry might be initiating to address the issue of grow ops. How are they addressing the issue of crystal meth in particular? Are there any plans to provide funding for more community- and school-based drug awareness programs similar to the drug abuse resistance education program, DARE, perhaps at the junior high level or into high school? Are there strategies in place or being developed to deal with persons with addictions, and will the ministry be actively involved in implementing treatment programs and detox centres for youth addicted to crystal meth? I know we're moving in that direction, but I'm wondering what role the ministry might have in this critical fight against crystal meth.

The Chair: The hon. minister.

Mr. Stevens: Thank you very much, Mr. Chairman, and thank you to the hon. member for her comments. Generally speaking, I think it's important to recognize that Justice Canada handles the drug prosecutions rather than the provincial prosecutors. Now, there's a possibility of a certain set of circumstances which would see our prosecutors handle the case, but generally speaking, drugs are handled by the federal prosecutors.

9:40

There's no doubt, however, that the use of drugs impacts the general criminal justice system in the sense that there's a lot of violence and there's a lot of theft and there's a lot of damage and mayhem that goes along with the use of drugs, the sale of drugs, and all of that, the drive-by shootings and so on and so forth, which we

are responsible for. So while I started out by saying that we don't handle drug prosecutions, the fact of the matter is that day after day after day after day the people who do our prosecutions in our courts and who work for Alberta Justice are well aware that drugs do have a direct and significant impact.

I guess that some of the things we've looked at are that there's a Crown prosecutor from special prosecutions who's involved in a cross-ministry committee to make recommendations for both federal and provincial legislation, changes that would address precursor control, public health and environmental concerns with respect to methamphetamine in particular. One of the hon. members, I believe, has a private member's bill that will be before us in the next week or two regarding the issue of trying to deal with precursor control; that is, some of the component chemicals that go into the manufacture of methamphetamine.

The assistant director of regional prosecutions is involved in the AADAC community response model through the illicit drug-use working group, and several other government departments are also working in that group. He is also working closely with the drug-endangered children's strategy under the lead of the RCMP. The departments of Health, Children's Services, and Solicitor General are also part of that strategy. So there is no doubt that we are working on this area.

I know that the IROC committee – and we have special prosecutors in organized crime – are definitely working in the organized drug crime area as far as enforcement is concerned. When I met with the three other justice ministers of western Canada last December and we agreed upon a take-away from the meeting, it was that we would see if we could develop a conference on methamphetamine. The three prairie provinces in particular, more so than B.C., seemed to be concerned about this. That's not to say that B.C. is not concerned. It just seems to be a higher priority here, and my colleagues in Manitoba and Saskatchewan are particularly alarmed.

Now, at that point in time we'd already had a methamphetamine conference here just recently, so it may be that our level of understanding is a bit higher. There was some very, very good work that was done in the States at a conference. I believe it was the western attorneys general in the States that had this conference which in large measure dealt with methamphetamine, and some good material came out of that in I'd say the last three or four months.

I'm hoping that we can work together with the other justice ministers and have a conference, that we'd gladly participate in. It would probably be in Manitoba because Manitoba took the lead and said that they would be happy to move that matter along. So I'm hoping that some time in the next three or four months something might transpire in that regard. We take it seriously.

It's a very, very difficult subject to address. It's just so profitable. I can tell you this, hon. member, that I've seen statistics, and I'll see if I can find them. They're actually sort of encouraging only in a relative sense. You know, we talk about the profitability of drug production being so great in Alberta and elsewhere that the sentencing, particularly when you have a high probability of giving a conditional sentence, just simply does not provide either deterrence nor denunciation. But I can tell you on the basis of what I know that the Alberta courts are providing sterner sentences than, for example, British Columbia's. It's not to say that it's where we should be, but that type of thing in British Columbia, from my memory of the statistics, almost invariably results simply in house arrest rather than actually doing real time. That just simply is not ever going to deter people from engaging in what is such a lucrative area.

The Chair: The hon. Member for St. Albert.

Mr. Flaherty: Thank you, Mr. Chairman. I've just been listening to the hon. Minister of Justice and wanted to ask him in terms of the legal aid, and this is more from my background and experience. I was just wondering in terms of foster parents. When I was working with them, they seemed to have difficulty getting access to legal aid from a point of view of dollars, and then there also seemed to be a shortage, especially in the rural areas of the province. I wonder if you would comment on that.

One other question I'd like to ask, and I wrote it down as you were talking: has there ever been thought of a loan program, for example through a financial institution, that would enable a foster parent to get access to legal aid and be able to get a loan and then pay it back? Has any system like that been thought of, or have you ever heard of such a thing across Canada?

Thank you.

Mr. Stevens: Thank you to the hon. Member for St. Albert. I'm not aware of any such system, and I'll have to ask the department to comment. The legal aid program, of course, is not run by the Department of Justice; it's run by the Legal Aid Society. We can provide particulars with respect to your specific question on foster parents and what the criteria are generally with respect to legal aid, but I can't answer that particular question at this time.

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

Dr. Pannu: Thank you, Mr. Chairman. Back to the minister. I want to thank him for his attempt to answer in detail some of the questions that I had asked. With respect to court services his explanation was quite detailed, but my question was about the reduction in the budget by 11 per cent. How do you explain that? You know, there's \$13.4 million less budgeted for court services this year than last year. The population is growing. I suppose the number of judges is growing, and you have more prosecutors and others. How is it that you can do it on the cheap this time around? So that's one question. I have a couple of others.

Spousal violence. Thank you for giving some detailed account of what you're attempting to do to respond to this large problem. But my one question has to do more with prevention rather than dealing with matters after the fact. You know, much of the arrangements that you're talking about, the cross-departmental initiatives that you're taking about, seem to be focused on how to deal with the consequences rather than dealing with the question of how to reduce the incidence of spousal violence.

I drew your attention to the statement in the business plan where up front the department I think acknowledges that our rate of spousal violence is the highest in the country and has continued to be so year after year after year in spite of the fact that we value so highly our families and our commitment to family values and so on and so forth. First of all, I can't understand. I can't square the two: a province that pays so much attention to the issue of having healthy families also has the highest rate of family violence in the country. How do we understand this?

If we answer that question, that might help us get to the next question: how do we prevent it? How do we bring down the rate of family violence in this province to bring it perhaps closer to the national average, if not aim for some more ambitious goals? Is there a place in business plans to set such targets, as a matter of fact, that we're going to bring the family violence rate to the national average? If it's a desirable thing to do, why doesn't it see any representation in our strategic plans and business plans? And the same thing about aboriginal communities and the incidence of crime and violence. Why can't we at least try and set some sort of goals and then work towards them?

9:50

I see in the business plan references to measures of satisfaction, you know, with some of the practices and policies, but I don't see any bold initiatives and attempts to say: well, we're going to set some goals and move towards them; it may take us three-year business plans to get there, six years or whatever, but here are some of the steps that we are going to take based on some research, based on the knowledge that we've gathered from the past, and we hope that we'll start moving in that direction. That would give us a sense of hope and a sense of some positive sort of commitment of resources to those challenges.

I'll stop there. These are just two or three reaction comments that I had.

The Chair: The hon. minister.

Mr. Stevens: Thank you very much. It wasn't that long ago that we had the conference on bullying and family violence. I think it was under the auspices of Children's Services or under the auspices of our now-Minister of Health and Wellness. I'm not the best person to speak about the outcome of that particular conference although I did attend for a while.

My sense of it is that it's a complex societal issue with many causes. It's sort of like when you start talking about poverty. You know, we can talk about it for a long time, and we can talk about a lot of strategies, and ultimately we end up doing our best and picking certain strategies which we hope will make some difference.

What I can tell you about Justice is that by the very nature of what we do – that is, deal with conflict – we are at the conflict end of the equation. The good news is that given that we're at the conflict end of the equation, we have developed alternatives to what is often a very poor way of addressing conflict, and that is to have the conflict addressed by a judge in a courtroom in an adversarial process. So we have developed family mediation so that we can have a collaborative, hopefully consensual agreement arise out of a recognition of the alternatives.

When we talk about family violence, we talk in terms of the good work that is being done in the HomeFront program in Calgary and in the Edmonton domestic violence court and the Lethbridge domestic violence court. There is an example of the justice system working in collaboration with Health and with Children's Services to provide the healing tools, if you will, to address not only the perpetrator but also the victims in the family. I've provided some of the numbers associated with that. They are documented. They are real, and they are very, very encouraging, and we are going to expand that program in the province. I think it's an example of the justice system working at the other end, if you will, to try and move people back to the other side of the equation where they can live better and more peaceful lives, and our communities will be safer. I believe that that is a positive initiative. That is the type of thing that we can do.

That threat assessment program that we're in the process of I think is another example of what the justice system can do, recognizing that there are some very bad people out there who are going to commit violence. What's necessary is that we identify who they are and that we intervene in an appropriate way. I alluded to this in an answer to Edmonton-Glenora's questions during question period today. The model in Canada that exists at this point in time is an Ontario police model. It's operated by the police department. I understand that they have been very, very successful in intervening by virtue of having the appropriate tools and have avoided any death in the circumstances in which they've intervened. It doesn't mean that people aren't still being murdered in Ontario as a result of

family violence. That still occurs, but they've been successful, as I understand it.

So what I'm hoping we're going to be able to do here is recognize in the justice system alternatives to having a judge alone determine the matter and have sensitive, well-trained prosecutors, have the appropriate resources supplied by Children's Services, Health, Solicitor General, whoever it may be, to provide healing tools to the people who are part of this conflict.

At this point in time I don't have a better solution, hon. member. I'm sure that's why we continue to reach out to people who are on the front lines saying: "Here's what we're doing. What do you think? How can we go from there?" Of course, we're very happy this year to have \$10 million of new money in our budget, which is a great deal of money for us. But \$10 million, as you know, in the scheme of the budget of this government is a relatively small amount. Now, that's not to say that Children's Services, Health, and Solicitor General don't also have additional dollars. They do, and a lot of those additional dollars are going into some of these programs that I've talked about, particularly the domestic court where they supply the healing tools that go along with this.

The Chair: After considering the business plan and proposed estimates for the Department of Justice and Attorney General for the fiscal year ending March 31, 2006, are you ready for the vote?

Hon. Members: Agreed.

Agreed to:

Expense and Equipment/Inventory Purchases	\$287,531,000
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The Chair: Shall the vote be reported?

Hon. Members: Agreed.

The Chair: Opposed? Carried.

The hon. Government House Leader.

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

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Stony Plain.

Mr. Lindsay: 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, 2006, for the following department.

Justice and Attorney General: expense and equipment/inventory purchases,	\$287,531,000.
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The Deputy Speaker: Does the Assembly concur in the report?

Hon. Members: Agreed.

The Deputy Speaker: Opposed? So ordered.

head: **Government Bills and Orders**
Third Reading

Bill 1
Access to the Future Act

The Deputy Speaker: The hon. Government House Leader on behalf of the hon. Premier.

Mr. Hancock: Thank you, Mr. Speaker. It is an honour and a privilege to move third reading of Bill 1, the Access to the Future Act.

We've had quite a considerable amount of discussion on the act, including a number of proposed amendments in committee, but I think it's fair to say that all members of the House agree with the intent, the concept of the act, particularly with the access to the future fund, which is going to provide such a substantial boost to postsecondary education in this province, advancing the knowledge and learning of Albertans in this province, and the 4 and a half billion dollars of endowing the future, which is referenced in the act.

10:00

As well, of course, we shouldn't overlook the other things which are built into the act with respect to accessibility, affordability, and quality in our advanced education system and, in particular, the proposals to move forward with a common application process, which will simplify the way by which students get access to the postsecondary system and are assured that they can easily access the postsecondary system right across the province; the searchable inventory for scholarships, bursaries, and other financial assistance in order to make it easier for students to access financial assistance in getting an education; the proposals, the ability under the act to plan to increase participation of those who are disadvantaged due to social, economic, geographic, or cultural factors who are not participating at the same level as other Albertans in the system; recognition of prior learning. Again, the Alberta Council on Admissions and Transfer as well as IQAS, the international qualifications assessment, do a wonderful job for Albertans.

But more remains to be done overall both in ensuring that financial need is not a barrier to pursuing an advanced education in this province and, as I like to say when I'm talking with Albertans, in having an opportunity for every Albertan who wishes to, who desires to, to move from where they are now to where they can be so that we can maximize the human potential of this province, not only so that people can have the economic benefits and rewards, which are, of course, important, but also so they can maximize their potential so that they're in the best position possible to give back to their community, to help create a better community, a better place for future Albertans.

So, Mr. Speaker, without further ado, I'd ask members of the House to support Bill 1 in third reading.

The Deputy Speaker: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you, Mr. Speaker. Oh, this could have been so much more, so much more than it is. It could even have been what was promised two months and a day ago, when Bill 1 was first read in this House. Even if it had delivered on the promise, it would have been so much more than the bill that we are being asked to approve today, and it could have been so much more than the promise too.

A \$3 billion cap on investment in the endowment fund. The minister opposite is right, Mr. Speaker. We have spent considerable time in debate and discussion around some of the fine points of this bill. I don't know whether the minister would consider the cap to be

one of the fine points or not. It seems to be one of the pretty major points to me. We did get into an interesting discussion, almost an Orwellian discussion really, of what is meant by the term "cap." You see, on this side of the House we take a cap to mean a ceiling. We take a cap to mean the point to which the fund can rise and then it can't go any farther, at least not without a review, an amendment, a change to the act to allow it to do so. The minister regaled us and entertained us at some length with some discussion about how it's more of a floor than a ceiling, really, an incentive to put money into the act.

Then along came the budget, and the \$3 billion cap, the ceiling that has magically become a floor, turned out to be the basement. The budget promised and committed \$250 million to the access to the future fund – \$250 million – one-twelfth of the promised \$3 billion. Is it difficult to understand why, with the exception of three university administrators whose gushing praise for the budget was quoted by the Premier the next day in question period, so many college and university and technical institute faculty and staff, support staff, administrators, and, perhaps most important of all, students and their parents are feeling somewhat let down, somewhat disappointed by this?

We started out talking about the possibility of a real postsecondary education endowment fund that would produce significant income on a yearly basis, not as much as this side of the House would like to have seen, but that's all on the record. I don't want to spend a great deal of time reviewing that. At \$3 billion it would have produced \$135 million in income annually to be invested in excellence in postsecondary education in the province of Alberta.

The minister is quite right, Mr. Speaker. Everyone in this House does agree with the intent of Bill 1: to improve accessibility, to improve affordability, to improve the quality of postsecondary education, not just to improve it but to make it the best in the nation. So at \$3 billion we would have had from the endowment fund \$135 million worth of income to invest towards that excellence every year. At \$250 million we get \$11 million a year, or \$61 per postsecondary student in the province of Alberta per year. If you break that down further, divide it by the number of days in a year, 365, you discover that it amounts to 16 cents per student per day.

I've used the comparison before. A college or university student in the province of Alberta could achieve on his or her own behalf as much as this bill promises to deliver, to actually deliver, by taking three empties a day back to the bottle depot. At least he or she knows that the bottle depot is going to be there next year. We don't know if there's going to be any more in the fund next year than is being put in the budget this year. [interjection] Oh, the minister says: trust us. Well, you know, for 12 years now the postsecondary education system in the province of Alberta and the students who go to it have been on a starvation diet, so you might be forgiven, if you're someone who's a stakeholder in that system, for perhaps not feeling all that trustworthy towards this government when they say: "Oh, don't worry. We'll put that money in someday." I don't know when. Maybe they'll put it in next week. Maybe it'll be an off-budget item, that they'll find the money next week. Maybe it'll be a week before the election. They'll magically come up with \$2,750,000,000 and say: "See, Alberta? We delivered on our \$3 billion promise. Now please vote for us." Maybe they will; maybe they won't. Maybe they'll put more in someday.

The point is, though, that the people of Alberta, the students of Alberta, their parents, their professors are left to play the waiting game and wonder when the other shoe is going to drop, and that's the way it is with this government all the time. There's a boom-and-bust mentality that exists on the other side of the House. Even with the creation of a sustainability fund, which was another Liberal idea

that they adopted – and good on you for doing that – they still haven't quite gotten past that idea that everything must go in a boom-and-bust cycle. So when we have money, we'll spend it like there's no tomorrow. Like the bumper sticker said, "Please, God, let there be another oil boom, and I promise I won't bleep it all away this time." Only every time there is a boom, they bleep it away, and then there's nothing in the kitty when the bad times hit. You know, this could have been done in a much more predictable, sustainable way, but that's not their style. I understand that.

I was told at the beginning of this session of the Legislature that what we do in third reading is we debate the effect of a bill. Well, unfortunately, there's not much effect to debate in this bill. Oh, there are some good things about it, no question, but the centrepiece of the bill, the money, the fund, the endowment fund, is sorely lacking, and it won't do much at \$11 million. It won't do much for the system, and it won't do much for all the students in the system, and it won't do much for the future of Alberta. It might do a great deal for one or two programs, one or two chairs in research perhaps or a couple of bursary or scholarship funds or maybe some combination thereof. Listen, that's more than we have right now. I'm not knocking the fact that \$11 million a year is \$11 million a year more than we have right now. It's just that in comparison to what it could have been, it's not enough.

10:10

That brings us to another I think failing of this bill, and that is that the advisory council that is supposed to advise the minister on worthwhile projects and programs for the endowment fund's modest income to go into is continuing to be a creature of whatever whim the minister has when he decides to appoint this thing. Now, we tried to move an amendment there that would specify to some extent who should be represented on the access advisory council so that it's making good decisions. The minister said that it was too prescriptive. Well, okay. But, again, the people are looking, I think, for a predictable plan and a way to get there, and I don't believe that this bill delivers on that except that we come back to the minister's entreaty to us all to trust him and to trust his colleagues on the government side of the House.

I'm not for a minute suggesting that this minister would do such a thing, but in the way that this bill has set things up, with really no obligation to even consult with the advisory council and full authority to design that advisory council however the minister sees fit, it gives a minister, in effect, a significant – I was going to say "massive," but \$11 million isn't massive, folks – slush fund, the opportunity to do things with that money that are not necessarily in the public interest. There are no checks and balances written into legislation to prevent a future minister from doing precisely that, and that, Mr. Speaker, is wrong.

We moved an amendment as well dealing with a reporting requirement, an accountability requirement on the minister's part. Again we were told: no need to pass that amendment because we're going to do it anyway. Well, okay. Where is it written that you're going to do that? It's not written that you're going to do that.

We tabled some other amendments as well dealing with issues of ministerial consultation with the council, that in making grants from the fund, the minister would have to consult with the council, dealing with issues of clarity and accountability around the purposes of the fund, and so on and so forth. Those amendments we tabled, Mr. Speaker, to get them on the record. We did debate the three amendments that we felt were the most key: removing the cap on the fund, the composition of the advisory council, and the accountability requirement on the minister's part. I and my colleagues on this side of the House and, I think, not just in this party continue to believe

that this bill would have served the students and all people and, in fact, the future of the province of Alberta better if those amendments had been passed. It simply would have made it a more democratic bill if nothing else.

Lookit, there are some problems in the postsecondary education system in the province of Alberta. The minister recognizes it, and the government recognizes it. The people recognize it. Fifty per cent of the people of Alberta in an October of 2004 Decima poll agreed with the statement that "every qualified student should be guaranteed a place in a university or college even if that means spending more tax money." Seventy per cent of Albertans agreed with the statement that "university and college tuition fees in Canada are too high." Seventy-seven per cent of Albertans, the highest percentage of any province in the nation, answered the question "Do low-income Canadians have the same, better or worse chance of going on to university or college?" by saying "Worse."

The playing field is not level. It's perhaps impossible to ever make the playing field perfectly level. Maybe it's not even advisable to try for perfection. But it is advisable, and it is the right thing for governments to do, to try and level the playing field, to create a playing field as level as humanly possible so that all Albertans have the opportunity to at least reach for the dream and perhaps realize the dream of rising above the station that they find themselves in if nothing else.

We have in this province the second-lowest university participation rate among 18 to 21 year olds, 16 per cent; the second-lowest university attainment rate among 20 to 24 year olds, 11.3 per cent – the national average is 13 per cent, and Ontario is at nearly 15 per cent – and the lowest percentage of high school leavers who proceed directly to postsecondary education, 43 per cent. Quebec is at 77 per cent. Quebec also has a very favourable homegrown tuition regime for their own students, and I think there may be a lesson there.

We need to do work. I don't want to give the impression that there is nothing good in this bill; of course there is. Some of the points around accessibility and affordability – establishing enrolment targets, minimum entrance requirements, trying to come up with a common application process for entrance to public postsecondary institutions, a searchable inventory and simplified application process for scholarships, bursaries, and the like – are good initiatives; no question about it. But there's also no question that no matter how you hold this bill up to the light, no matter which way you turn it, no matter whether you read it upside down, backwards, front to back, back to front, you know, end to beginning, the centerpiece of this bill is the access to the future fund.

In that area, Mr. Speaker, this bill is sorely lacking. It could have been more than was proposed even. The point, the truly sad point is that it's much less than proposed, and the minister himself admitted it when he said that there is \$4.5 billion, because he likes to also refer to the ingenuity fund and the heritage scholarship fund and what's proposed to be put in there, referenced in the bill but not delivered.

Mr. Speaker, with Bill 1, the Access to the Future Act, the number one piece of legislation in this legislative agenda, the showcase piece of legislation of this session of the Legislature, the piece of legislation that this government said would address the very real concerns of Albertans about the quality and the state of their postsecondary education system, this government looked greatness in the eye and timidly backed away, and that is a crying shame.

The Deputy Speaker: The hon. Member for Foothills-Rocky View.

Dr. Morton: Thank you, Mr. Speaker. I'm pleased to rise and continue the debate on Bill 1, the Access to the Future Act, spon-

sored by the hon. Premier. I would like to focus my remarks this evening on the comments made earlier in the debate by the hon. Member for Calgary-Varsity. I know that the hon. member is especially concerned with this issue because the University of Calgary is in his riding. As a professor at the U of C for the last 24 years I would like to suggest that I am better able to comment on this issue and the conditions than someone such as himself, who by his own admission in this House has been to the university a number of times.

The hon. member mentioned the annual rankings of Canadian universities by *Maclean's* magazine and the fact that traditionally the U of C has not fared very well. Mr. Speaker, it is widely known in academic circles that this survey is so statistically flawed as to lack any practical value. It is a ranking based on reputation, and a ranking based on reputation does not reflect the reality of the quality of education that a student receives at a particular institution. Basing his evaluation of the University of Calgary on what is said in the *Maclean's* survey discredits the very pretext for the hon. member's criticism of Bill 1.

10:20

Part of the reason that the University of Calgary ranks lower than expected in the *Maclean's* survey is that the focus of the University of Calgary has been on increasing access. The University of Calgary has enrolled more students than any other postsecondary institution in Alberta for the better part of the last decade, but *Maclean's* magazine punishes the U of C for this access policy.

At the same time that the university has been admitting record numbers of new students, it has been steadily increasing the average grade point of the incoming first-year class. To date this year 97 per cent of the high school applicants to the University of Calgary have entering averages of 80 per cent or higher. In other words, the U of C has been achieving the goals of both quality and quantity in its undergraduate student body. First-year entry grades make up a large portion of the *Maclean's* criteria, which immediately places Alberta universities at a disadvantage. Why? Because Alberta's high schools have higher grading standards than the other provinces. We have not had the grade inflation witnessed in Ontario and other eastern provinces. Alberta is penalized by *Maclean's* magazine for producing outstanding high school graduates and increasing access to universities. Personally, I'm happy that I live in Alberta and not *Maclean's* magazine's ideal world.

In his comments the hon. member referred to the administration building at the university and criticized the government for not addressing infrastructure within Bill 1. He was very concerned over the colour of the walls and the shape of the doors in the administration building. These concerns may have been heartfelt but, of course, are completely irrelevant to the real priorities of a university. Mr. Speaker, colourful walls and fancy doors do not an education make. Bill 1 focuses on improving quality and access to our universities, not on interior decorating. Bill 1 and this government are focused on what happens within the building and getting people into the classrooms, not on what the walls of the classroom look like. As a university professor I share and applaud the focus of Bill 1.

I noted the hon. Member for Calgary-Varsity's concern that the president's office is located in the administration building, with its ugly walls and big doors. Now, the hon. member may be excused for lobbying for a nicer office for one of his constituents, but I think that our resources would be better directed toward the classroom, and I think President Weingarten would also. In point of fact, over the past decade almost all major lecture halls at the University of Calgary have been upgraded and retrofitted with state-of-the-art audio, video, and Internet services. Contrary to the hon. member's

speech, U of C staff and students do not work in "Third World infrastructure" conditions.

Now, I know that the hon. member is concerned with the lack of infrastructure and the presence of portable trailers at our universities, but he appears not to have noticed that the U of C has recently opened the ICT, or information and communications technology, Building. This building is state of the art and allows the U of C to remain a leader in IT engineering, education, and research. Likewise, the health research innovation centre, the largest capital project in the university's history, will double the amount of space available for multidisciplinary and collaborative health research and will help Alberta continue to develop outstanding health science professionals.

Mr. Speaker, libraries are also extremely important to research, and evidently the hon. Member for Calgary-Varsity has not visited the sprawling state-of-the-art learning commons on the second floor of MacKimmie Library. Having visited hundreds of universities across North America, I can attest that this is one of the best student-available access points for campus-wide Internet of any I've seen in North America.

On the subject of libraries, I'm especially pleased to see that the access to the future plan will be used to create a digital library in recognition of Her Honour Lois E. Hole. Linking students and professors from across Alberta enhances educational quality and opportunity and will allow Alberta to remain a step ahead of other jurisdictions.

The \$3 billion access to future fund as outlined in Bill 1 creates an endowment that will benefit future generations of Albertans. It will ensure access and encourage innovation in all Alberta universities and colleges.

Mr. Speaker, the hon. Member for Calgary-Varsity was notably silent on the many remarkable achievements of the world-class faculty at the University of Calgary. Despite a decade of financial duress in 2003-2004 the University of Calgary achieved a new single-year record of \$247 million in outside grants. That is a quarter of a billion dollars. There are 200 professors at the University of Calgary who earn their salary alone just in the outside research grants that they attract every year. This places the U of C in the top 10 universities in Canada for winning outside research funding. This somehow went unnoticed by the hon. Member for Calgary-Varsity.

Mr. Speaker, in the academic world when a university attracts a large number of outside grants, it means that it is succeeding in attracting and retaining quality researchers and professors. The endowment fund created by Bill 1 will help to attract still more top professionals to Alberta and the University of Calgary.

I wonder, Mr. Speaker, if all hon. members, but specifically, again, the Member for Calgary-Varsity, are aware of what's called the BlackBoard software program. With this program the term "blackboard" has taken on a whole new meaning from when I or any of you started university. This innovative software creates an online virtual classroom. Through this virtual classroom students and professors are able to communicate with each other 24/7. Students can hand in assignments online, converse with other students, access class notes, and receive handouts that they may have missed in class, 24/7. It's so simple that even I was able to set up my courses on BlackBoard in the last two years. This type of innovation is already occurring at the University of Calgary. It will be further enhanced by the Bill 1 endowment fund.

There are numerous other innovations being brought to life at the University of Calgary. The new Institute for Sustainable Energy, Environment and Economy, known as ISEEE, is unique in the world for combining the interdisciplinary focus on these three key fields to Alberta's future. ISEEE has already attracted \$16 million in private

donations and public grants and will play an important role in Alberta's future in helping us to balance environmental protection with sustained economic prosperity.

Likewise, philanthropist Allan Markin's recent \$18 million gift to establish the Markin institute for public health will establish the U of C as a national leader in health promotion and prevention. Bill 1 will further enhance this type of world-class innovation and ensure that the U of C and Alberta's universities continue to produce the leaders of tomorrow.

Alberta already has a world-class postsecondary education system. However, the best system in the world is not helpful if people are not able to access it, and this is why Bill 1 addresses the issue of accessibility. By committing to increase the number of places available to Albertans in postsecondary institutions, we are ensuring that Alberta will be able to meet the needs of the knowledge-based economy going into the 21st century.

Bill 1, unlike the failed Liberal election platform, is a complete package. It focuses on access, innovation, and quality. With Bill 1 we are further strengthening an already strong postsecondary education system. Bill 1 allows Alberta's universities to excel and remain among the best institutions in Canada despite the unsubstantiated and unscientific claims made by *Maclean's* magazine and the Liberals.

As one who has taught at Alberta universities and colleges for the past 24 years, I can say with complete confidence that Bill 1 will successfully launch Alberta's postsecondary education into our second century. I would urge all members to support students in this province by voting for this government's very positive plan to enhance postsecondary education in our great province.

Thank you.

The Deputy Speaker: Hon. members, Standing Order 29(2)(a) is available for any questions or comments.

Seeing none, the hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I rise to speak on Bill 1, Access to the Future Act, in its third reading. In spite of the attempts made by the opposition side to make amendments to the bill, the bill remains unamended and therefore is rife with all kinds of questions. It's a band-aid solution for a problem that's been allowed to burst out of control under this government's watch. Because of a sorry record of investment in the postsecondary sector, cuts, tuition hikes, other user fees, and replacement of stable funding for base operating grants for the minister's pet projects in the form of annual funding, we have a big mess on our hands in the postsecondary sector.

Do we really have a mess on our hands? Let's look at the facts. According to Statistics Canada low-income students are 2.5 times less likely to attend a university than their higher income counterparts. Tuition is now about \$5,000 for one year of undergraduate education, but the federal Human Resources and Skills Development department reports that 75 per cent of jobs in Canada require some kind of postsecondary education.

10:30

Meanwhile, debt for students with loans is on average about \$22,000 a year. This doesn't include all the private credit and credit card debt many students are now forced to rack up because the loan system is inadequate. Because departments are constantly cutting their budgets, sessional lecturers earn poverty-line wages with no benefits, and the private sector is increasing their involvement in both the funding and the kind of postsecondary education we offer here in Alberta.

The mess is just as big as the mess that this government made of the K to 12 sector in the lead-up to the teachers' strike in 2002. One of the ways this government started to dig itself out of the hole it created for itself in the K to 12 sector was to strike a Learning Commission, a good idea recommended by the leadership of the Alberta Teachers' Association. The Learning Commission was independent. Its recommendations were far reaching. Although the government is still stalling on some of the most innovative and worthwhile recommendations, it's a good basis of research and consultation.

One of those recommendations that was made by the Learning Commission was for this government to set up an independent commission to study postsecondary education. We need the same thing for this sector, Mr. Speaker. A crucial criterion for a postsecondary learning commission would be full independence; otherwise, it would be a waste of time and money. Indeed, I would like to ask the minister and this government precisely what they're afraid of in appointing such a commission and allowing it full independence. There are too many vested interests in this sector for it not to be independent.

The government has allowed too much involvement in the postsecondary sector by private, for-profit interests, either by allowing them to set up shop to sell degrees or allowing them to name buildings or sponsor programs of study or by appointing executives and other corporate players to the boards of our public institutions. We must take a clear-eyed look at this sector and not be blinded by the dollar signs that large American corporations see in the provision of what is called higher education services.

Bill 1 is ostensibly about access. A postsecondary learning commission would ask: what kind of programs will we want to make sure Albertans have access to? How do we make sure those programs have adequate resources? A postsecondary learning commission would be able to answer some of these questions and would give us a clear answer.

In Bill 1, however, access means a narrow commitment to putting bums in seats. It doesn't address what kind of education we want Albertans to have access to. Programs in the liberal arts faculties are being cut all the time. The U of C will cut 5 per cent from its departments this year. In the departments of sociology and political science at the U of A essential program enhancements like reading rooms and learning resources have been cut. Most new dollars go to hard sciences and business faculties. Envelope funding and tinkering with the university, college, and technical institute mandates mean that the government has oriented our postsecondary sector increasingly towards the needs of the private sector rather than making sure we contribute to the knowledge commons.

A postsecondary learning commission would also ask: access to what kinds of learning conditions? Classes are larger. Learning conditions are deteriorating, especially for undergraduates. The undergraduate experience is no longer one of developing relationships with profs and peers, debating ideas, and getting instant and constant feedback. Undergraduates are crammed into classes of 200, 300, or 400 or more.

Bill 1 is also supposed to address affordability, but the so-called tuition rebate is only for one year. A postsecondary learning commission would ask: what's an appropriate level of tuition? Is having among the highest tuition in the country acceptable in a province awash in so much cash? Is the current tuition fee policy serving well the students, their families, and the institutions they attend? Evidence would suggest that the current tuition fee policy is not serving students or institutions.

The Auditor General has pointed several times to inconsistencies in the calculation of the so-called tuition cap, where noninstructional

costs are included in, for example, the University of Alberta's general operating expenditures, meaning that the students were footing 30 per cent of the bill for university expenditures that had nothing to do with their education. This government is fond of touting the fact that students only pay 30 per cent of the cost of education. This assertion is false, Mr. Speaker, and I'm sure that a fully independent postsecondary learning commission would find this.

University budgets in particular have ballooned due to the huge amount of research they are doing. Much of this is research for the private sector. There are many costs associated with this research, costs that have nothing to do with the cost of undergraduate education that students are subsidizing with their tuition dollars. These are called the indirect costs of research, and they include maintenance and infrastructure.

Students are paying far more than 30 per cent of the cost of their education. A postsecondary learning commission would re-examine the balance between student and government contributions to the cost of education and re-examine how, if tuition is allowed to increase. We need a fresh look at this issue. No more rhetoric about a phony 30 per cent formula dreamed up by Public Affairs.

Bill 1 proposes to address affordability, but only does so through a one-time, very small expenditure on tuition that could well be reversed or even charged back to students next year. Student loan limits have actually been raised, giving institutions more latitude to raise tuition and put students further into debt.

The minister talks about the best loan system in the country, but an independent postsecondary learning commission would put that bit of the government spin to the test. Here are some things that they would surely find. First, they would find serious gaps in our loan system. Parental contribution requirements mean that many middle-income students cannot access loans even if their parents cannot afford to contribute or refuse to do so. So they have to access private credit at sometimes loan shark rates of interest, which puts them further into debt.

A cap on part-time earnings means that students have their loans clawed back if they work in order to top up their student loans living allowance, which is currently at \$730 per month. Students are punished if they find that they cannot live off that and want to work in order to have enough money to live on. The part-time earnings cap should simply be abolished. It makes absolutely no sense in a province that builds myths and ideology on the notion that every individual should work as much and as hard as they can to contribute to the cost of their education.

The second issue surrounding our student loan system is the lack of accountability and the fiscal irresponsibility of such a system. Over the life of a loan every dollar this government lends out costs the government 50 cents in administrative costs. This information comes from the Students Finance Board. On every loan of \$22,000 this means that this loan will cost the government an additional \$11,000 for the period of the loan. This is not responsible use of taxpayers' money, Mr. Speaker. We should be replacing our willingness to give out loans at large expense to taxpayers with a system of grants. A postsecondary learning commission would no doubt examine such an option and where this has worked in other jurisdictions.

The other issue is student loans for private, for-profit institutions. Because student loans cost taxpayers money in terms of administrative costs, the public has every right to know how much of their money is going to padding the bottom line or to shareholders of private, for-profit universities, colleges, or private vocational schools.

We know that for-profit universities such as DeVry and Phoenix

have very high tuitions. We also suspect on reasonable grounds that default rates for students who attend private, for-profit institutions are higher than students who attend public institutions. Is this a good use of public money? We need the answer to that question. Bill 1 does nothing to address it. A truly independent postsecondary learning commission, however, would examine the appropriateness of money flowing from the Students Finance Board to the bottom line or to shareholders for American-based multinational corporations like the so-called University of Phoenix.

Speaking of fiscal responsibility, I'd like to make some final points on the endowment fund set up by Bill 1. This endowment fund is a flawed concept from the very beginning. It relies on unbudgeted surplus revenues in order to grow. Mr. Speaker, I would like to point out that this kind of ad hoc, unbudgeted, unpredictable approach to funding postsecondary education is the very root of the problem and is the reason why we are in the mess that we are in. Investment in postsecondary education must be budgeted and predictable.

I'd also like to take issue with the kind of fund we are setting up with Bill 1 and indicate to the House that I have serious misgivings about this fund because it's not a far-reaching or visionary proposal for how to fund postsecondary education but a pot of money earmarked for pet projects and initiatives that will further involve the minister in the setting of priorities of academic institutions and further involve the private sector.

Neither of these outcomes is desirable for a public institution or a postsecondary public education system. Neither of these outcomes is suitable for institutions whose very reason for being is founded upon the need for a society to have places where we can seek knowledge for whatever reasons unrestricted by petty politics or the narrow self-interest of the marketplace. With this endowment fund the minister has far too much latitude in deciding which projects will receive funding, projects that require matching funds from well-heeled donors or from the private sector. That's a disservice way to disburse millions of dollars.

10:40

Also, this endowment fund is flawed because it funds only new projects. The reality is that existing programs are starving for cash because of a deliberate and sustained attack on the university, college, and technical institute base operating grants for the past decade. Bill 1 doesn't address that reality.

A postsecondary learning commission would recommend ways we could dig ourselves out of the various holes we have dug ourselves into in postsecondary education. There are so many questions to be answered. Tonight I have talked about affordability, equality, and accessibility, and at least touched on some of the ways that Bill 1 fails to adequately respond to pressing needs.

There are many other ways a fully independent postsecondary learning commission could contribute to the public debate on the future of one of the most important social institutions, social programs in this province. There is the problem of governance, which I've touched on in my comments with respect to the endowment fund, but the problem is infinitely more broad than that. It has to do with corporate and private-sector influence, the independence of general faculties' councils, and the role of students, departments, and faculties in setting institutional priorities as opposed to government and university administrations dictating what programs are offered under what conditions. There's also the problem of faculty recruitment, retention, and renewal, particularly in light of the appalling wages earned by sessional lecturers and their total lack of job security and benefits.

So, Mr. Speaker, in conclusion, I want to say that Bill 1, although in principle it looked good and the fanfare with which it was of course put forth here on the floor of the House suggested that it will work miracles, unfortunately is flawed. Had the opposition amendments been incorporated into the bill, it would have addressed some of the serious problems with this bill. Regardless, we are at a stage where we can't look back and say: "We should have done that. We could have done that." We know that the bill has not been amended, and therefore it's very difficult to support a bill that carries so much baggage, raises so many questions, and fails to address the pressing problems that our postsecondary institutions and the system as a whole face and must address if it is to be able to serve the interests of Albertans – economic, social, and cultural interests – in an effective way over the next two or three decades.

With that, Mr. Speaker, I close my remarks and hope other members will want to speak to the bill. Thank you.

The Deputy Speaker: Anyone wishing to rise on Standing Order 29(2)(a)? Seeing none, anyone else wish to participate in the debate?

The hon. Government House Leader on behalf of the hon. Premier to close debate.

Mr. Hancock: Thank you, Mr. Speaker. Just a few remarks. It's unfortunate that members of the opposition, both parties, are not able to recognize that Bill 1 is not intended to be a budget. Bill 1 is not intended to cover every aspect of postsecondary education. Bill 1 did cover and does cover and makes a very strong leap forward in terms of setting up an endowment, which will endow the future of advancing education in this province and make a significant contribution.

The hon. Member for Calgary-Currie talks about the \$3 billion as a cap or a ceiling and totally misses the point that there's a target in the bill which the government is committed to. This government is committed to reaching a \$3 billion endowment fund. That doesn't mean it can't go up, but it certainly is something that's out there as a significant promise to Albertans. It was always the case that all of the endowments were going to be filled from surplus revenues.

In fact, he claims the concept as their own, which couldn't be any further from the truth because, as I mentioned earlier in this House, the concept was brought forward in many different ways but certainly by Harold Bannister. I want to thank him for his proposal some three years ago in terms of talking about a centennial endowment fund for the future of education. When the Liberals do claim that this was their policy, as I understand their policy, it was to fund it out of surplus revenues, so they wouldn't have included any money in the budget for it. So the fallacy of his argument is apparent.

In any event, Mr. Speaker, it's a great bill. It's a great concept. The access to the future fund has already engendered a huge amount of interest from people both within and without Alberta wanting to invest further in postsecondary education so that Albertans can advance their potential and help to create a great province.

[Motion carried; Bill 1 read a third time]

head: **Government Bills and Orders
Second Reading**

**Bill 36
Police Amendment Act, 2005**

[Adjourned debate April 12: Ms Blakeman]

The Deputy Speaker: The hon. Member for Edmonton-Ellerslie.

Mr. Agnihotri: Thank you, Mr. Speaker. I'm pleased to rise and speak to Bill 36, the Police Amendment Act, 2005.

This is a 17-year-old act but a very important one, and it's overdue. The purpose of this bill is to bring in greater public accountability and civilian oversight of the investigations into complaints against police officers and serious incidents involving police as well. There are provisions to clarify how municipal police commissions and police committees in areas served by the RCMP are appointed and function and provisions for a clearer process for the handling of complaints against the police.

Mr. Speaker, the amendments follow recommendations from the report of the Alberta MLA Policing Review Committee. The report was released in July of the year 2002. I am pleased and impressed by the committee following an effort to meet its purpose.

The amendments to the Police Act, that is supposed to provide for greater public accountability and civilian oversight of investigations into complaints against police officers and serious incidents involving police, fall far short of what the public and police commissions have been asking for. The new amendment fails to give teeth to civilian agencies in complaints against the police. Mr. Speaker, this amendment seriously fails to provide the level of public oversight that has been called for in the wake of several incidents involving serious police misconduct.

These incidents include the stakeout of a journalist and the former Police Commission chairman at the Overtime bar and the ruling of a judge that excessive force was used with a taser on a youth in an incident involving former police chief Bob Wasylyshyn's son, which the police originally delayed handling. In addition, there have been incidents involving the death of a youth, Giovanni Aleman, due to a police car involved in a high-speed chase without the use of emergency lights and sirens and involving the shooting of a single man armed with a knife by members of the EPS tactical squad. Mr. Speaker, incidents such as these have seriously eroded the public's confidence in the Edmonton Police Service as well as police services across Alberta.

In the wake of these high-profile incidents there have been serious concerns about the effectiveness of the police in conducting investigations into the misconduct of their members. These investigations are conducted without any public oversight and without any disclosure of all relevant information. Essentially, we are supposed to trust that the police are conducting themselves professionally and without bias. However, in order to restore the public's faith and confidence in the police, investigations and prosecutions of allegations of police wrongdoing should be conducted by a body with no connections to either the individual officers who are at the heart of the complaint or the police service of which those individuals are members. This is the only way to restore public confidence.

10:50

Our position should be that when there has been a form of police misconduct falling in terms of seriousness which can be dealt with internally, there should be an open and public forum responsible for examining the matter carefully and then ordering the appropriate measures to be taken to address any wrongdoing which is discovered.

There are two crucial elements to be addressed here, Mr. Speaker. The first is the need for actual independence and impartiality in order to ensure that the matter is being dealt with in accordance with established procedures and values. The second is the need to preserve the appearance of impartiality and objectivity so that members of the public maintain confidence in the system and will not be left with the impression that bias, favouritism, or prejudice had an influence in the outcome.

Mr. Speaker, Ontario has a special investigation unit which operates to oversee the police who act in the province. Their mandate is limited to situations in which death or serious injury may have been caused by police misconduct. The question here is: if the Ontario government could respond to the needs of its citizens by creating a truly independent civilian oversight, why can't the government of Alberta respond in kind to the wishes of its citizens?

Mr. Speaker, I am convinced that with further amendments to this bill the concerns of both the police force and the public can be addressed. Substantial measures in the form of an independent civilian oversight are crucially needed in this province to serve the security needs of Albertans.

Thank you.

The Deputy Speaker: Any one wish to rise on Standing Order 29(2)(a)?

Seeing none, the hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I would like to make some brief comments on Bill 36, the Police Amendment Act. The police services play a very, very important role in our communities, in our society. They make our communities safe. They take huge risks at times to make sure that we feel safe and that criminal activity is either prevented from taking place or if it takes place, that those who are responsible for it are apprehended and dealt with according to law. I think it goes without saying that the importance of police services is highly appreciated and is critical to the stability of our society, to the well-being of our communities, and to the feeling of safety and security at a personal level by all of us.

We want to make sure that the legislation that deals with the members of the police services, with the commissions that handle matters related to police and its conduct are of the finest quality and of a kind that will inspire faith and trust, as between citizens on the one hand and police services on the other. We place in the hands of the police lethal weapons, the use of which can in an instant lead to loss of life, so there has to be a relationship between the citizens and the police services, a relationship of a type which is based in mutual trust, mutual respect, and accountability to the public.

When the Police Amendment Act was yet to reach this House but was being talked about, there was some anticipation that it would certainly lead to the very badly needed improvements in the current legislation, that it would fill those gaps effectively. Having done that, it would address the issue of the trust and confidence of the public in the police services and the conduct of police personnel when they're on duty on the streets, around our neighbourhoods, or on watch in general.

This anticipation, I guess, was further underscored and sharpened by the incident in Edmonton during the last provincial election, an incident that happened near or related to the Overtime bar. Mr. Speaker, on that evening I was also one of those politicians who were invited to the reception. I literally walked in and out, so I didn't realize what was going on. I spent about 20 minutes in the bar, but I had to go and door-knock in my constituency, so I quickly left after wishing the hosts the best for the evening. Little did I know that they were being watched by the police. That particular incident raised a whole lot of questions about who oversees the conduct of the police and whether or not the police should be accountable for the conduct of its members to the public. This bill was expected by Albertans to address their concerns.

Now, this bill really is in two parts. One part, of course, deals with the financing of policing services in rural areas and small towns and who pays for the RCMP and enhancing the police services. That part is good. That part is something that deserves the support of this

House, no doubt. I think it will help make our rural communities safe. It will hopefully help to reduce the incidence of crime that has been on the increase in rural areas as it has been in urban communities.

Just a while ago as we were debating the estimates of the Department of Justice, our attention was drawn to the challenge of ever-increasing rates of crime in the province. The part of the bill that deals with enhancing the ability of police and the ability of small communities across our large province to provide law enforcement services that are better staffed, where costs are picked up by the government, I think that's a very good part of the bill. I want to express my support for that part of the bill.

11:00

The part of the bill that raises concerns and where I think this Police Amendment Act has failed, in fact, to address the concerns has to do with the failure of this bill to allow independent investigation of serious alleged police wrongdoing. The bill makes such independent investigations possible only if the Solicitor General in his wisdom thinks that such an investigation is justified. It's not mandated by law. So it opens the door slightly to independent investigation but still leaves all the powers in the hands of the Solicitor General, and Albertans are supposed to hope that the all-knowing Solicitor General will always make the right decision when such a decision is called for.

Given that no independent agency is being established to conduct such investigations, it seems as if the status quo of police investigating the police will continue to prevail in this province. The problem with this is that if the status quo prevails, the concern that I have is that the bill will then fail to restore the broken relationship, a relationship of trust, as I said, which is needed to be there, that broken relationship that presently exists now between the police and those who are subjected to surveillance by police, in many cases ordinary citizens, innocent citizens who should not be subjected to the kind of investigation, the kind of surveillance that police use and the information that is entirely inappropriate for them to use in order to engage in this kind of surveillance. So this bill, I'm afraid, does not help to repair the broken relationship.

What I wonder about, Mr. Speaker, is why it is that the civilian oversight mechanism has been rejected by this piece of legislation out of hand, why a provision has not been made, why space has not been created for such a body to be there in order for independent investigations to happen when there is a serious and compelling reason to engage in some investigations related to the alleged misconduct of the police service either in this town or in some other town across this province.

As we speak, we are now searching for what are called best practices around the world to import them into Alberta to strengthen our health care system, which ostensibly, according to the government, faces a challenge of sustainability. We're willing to go around the world to fish for best practices that we would then want to bring and that this government would want to bring into this province to make our health care, quote, unquote, sustainable. But why are we not willing to do a little bit of looking outside of the box, looking outside of this province, across this country to see if there are some successful practices that have already been adopted in other places, in other provinces which provide civilian oversight and, therefore, have served the purpose of strengthening the bond of trust and mutual respect between citizens and the police?

Ontario has such an agency, such an institution, called the Ontario Civilian Commission on Police Services. I just wonder why the Solicitor General has simply not seen fit to bring along something similar. It doesn't have to be identical. Our situation is different.

Ontario has provincial police; we don't. Certainly, we could adapt that practice to our own reality, to our own conditions, and could have made that arrangement part of this bill. It's not.

Now, it's true that if the police actions caused serious injury or death of a civilian, it would be investigated by a special investigations unit, a specialized civilian agency with the forensic and other expertise to conduct these types of investigations. That's provided for in the bill, but why not go one step further, as demanded by the recent experience of the Overtime bar incident, and establish and provide for an independent civilian agency in this province to conduct the investigations where those are needed?

Another flaw in the bill, Mr. Speaker, is that it imposes a one-year limit on making complaints against the police, and if one does not make a complaint within the one year, then the opportunity is gone forever. That's not a step in the right direction. Many people feel intimidated and wait for a long time before they make up their mind and want to take a chance, in the face of intimidations and all, to go and lodge a complaint. Limiting this period to one year I think is another very serious flaw in this proposed piece of legislation. As U of A law professor James Stribopoulos says, limiting the period in this way is generally problematic because what it does is reward people who have intimidated their victims so much that they don't report that crime for some years. Again, I don't understand why we are rolling back the period that's been previously allowed in the legislation for people to be able to lodge complaints, within perhaps a two-year time period. To roll it back to one year I think makes the bill less acceptable than the current legislation.

So these are some of the concerns that I have about Bill 36, Mr. Speaker. I wish I could support the bill. The first part of it, as I said, I'll support, but the second part of the bill falls far short of the expectations of Albertans with respect to what is needed to be done to improve the existing piece of legislation, and this Bill 36 certainly does not measure up to those expectations.

Thank you very much.

The Deputy Speaker: Anyone wishing to rise on Standing Order 29(2)(a)?

Anyone else wish to participate in the debate?

The hon. Solicitor General to close debate.

Mr. Cenaiko: Thank you very much, Mr. Speaker. I'd like to close debate, please.

[Motion carried; Bill 36 read a second time]

Bill 40
Alberta Personal Income Tax
Amendment Act, 2005 (No. 2)

The Deputy Speaker: The hon. Government House Leader on behalf of the hon. Minister of Finance.

Mr. Hancock: Thank you, Mr. Speaker. I move Bill 40, the Alberta Personal Income Tax Amendment Act, 2005 (No. 2), for second reading.

Mr. Ducharme: Mr. Speaker, it is my pleasure to speak at second reading of Bill 40, the Alberta Personal Income Tax Amendment Act, 2005 (No. 2). This bill proposes amendments to the Alberta family employment tax credit that will enhance the credit available to low- and middle-income working families.

The Alberta family employment tax credit was introduced in 1997. It aims to support low- and middle-income families and to

encourage work effort. Families receive a refundable tax credit phased in at a rate of 8 per cent once the family meets the threshold of working income. One amendment in this bill would reduce the entry threshold to \$2,760 from \$6,500. This change will make more low-income working families eligible for the program. Because the credit is phased in, lowering the threshold will also increase the amount many low-income working families receive.

As a further improvement to many Alberta families, amendments in this act will extend credits to the third and fourth child in families that qualify. Currently only the first and second child qualify for this credit. This bill proposes to increase the maximum credit for the first child by \$50 to \$550. With these changes qualified families can receive a maximum of \$550 for the first child, \$500 for the second, \$300 for the third, and \$100 for the fourth. Overall, these changes will increase the benefits available to qualified working families.

11:10

Finally, to make sure these changes are protected over time, the Alberta family employment tax credit will be indexed to inflation. This indexation will begin with the July 2006 payment. The only element that would not be indexed is the entry level threshold. Not indexing this threshold means that low-income earners would not be moved out of the program if their working incomes do not advance with inflation. The credit will remain targeted at low- and middle-income working families by phasing out the credit at a rate of 4 per cent on a net family income over \$25,000.

Overall, Mr. Speaker, the changes proposed to the Alberta family employment tax credit will serve to expand the credit to more families, increasing the amount available to many qualifying families, and indexing credits to inflation. I urge all members to support Bill 40.

Mr. Speaker, at this time I move to adjourn debate.

[Motion to adjourn debate carried]

head: **Government Bills and Orders**
Committee of the Whole

[Mr. Marz in the chair]

The Chair: I'll call the committee to order.

Bill 29
Assured Income for the Severely Handicapped
Amendment Act, 2005

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. minister of seniors.

Mrs. Fritz: Thank you, Mr. Chairman. I'm pleased to make a few remarks in Committee of the Whole this evening on Bill 29, the Assured Income for the Severely Handicapped Amendment Act, 2005.

Mr. Chairman, as you know, nearly all respondents, in fact about 95 per cent of them, said that they wanted AISH clients to have access to another type of benefit that would be more responsive to their individual needs. This is exactly what we will offer many AISH clients as a result of Bill 29.

As I said during second reading, I believe that this new benefit will make AISH a more holistic program. The living allowance recognizes that the severely disabled face challenges earning a living, and it provides them with a monthly benefit to cover the cost of their basic needs, such as food, clothing, and shelter. AISH also offers a comprehensive health benefit which is very responsive to the

complex health needs of clients. In the past the program was unable to cover any costs that fell outside of these two areas because there wasn't an additional benefit category under the AISH program. That's why this new supplementary benefit will make such a difference in the lives of AISH clients.

With the increased living allowance and earnings exemptions for those who work, many AISH clients will be able to cover the various costs they experience throughout the year. Other clients may not and due to their personal situation may face pressures making ends meet. In those cases, AISH clients with liquid assets less than \$3,000, those clients who need our help the most, will be able to apply for extra assistance for their personal expenses through supplementary benefits.

One example of a supplementary benefit would be in cases where clients are dealing with utility arrears. Clients who are having difficulty making ends meet might put off paying their utility bills, and their accounts could fall into arrears because of it. This is the type of expense that could be covered by the new supplementary benefit program on a case-by-case basis.

For those clients who are parents, the supplementary benefits could also be used to cover extra child care expenses or, as I said during second reading, school supplies or school fees. Other clients may benefit from courses to help them use computers or to build their skills that may allow them to work or simply be more active in our communities. These costs could be considered under the new supplementary benefit program.

The cost of food for those with special diabetic diets or diets connected to another medical condition may be quite high, and the supplementary benefit could offer some additional assistance here as well. We expect that the average benefit for eligible clients will be up to \$200 at first, Mr. Chairman, and the expenses covered by the new benefits will be as unique as the needs of our clients. That is why this is such an important change to the AISH program. It will give AISH the flexibility that it didn't have before.

We have invested significant new funding in the AISH program, Mr. Chairman, \$80 million in new funding this year alone. That brings our total spending on the AISH program to more than \$488 million a year, and we are working to update the computer system so we can administer the new supplementary benefits later this year. We've budgeted 10 and a half million dollars for these benefits this year and \$25 million for next year.

This is a significant investment in this new benefit, Mr. Chairman, but having said that, I know that there are still going to be new ideas that come forward such as the one that was given to me this evening by the hon. Member for St. Albert, who has a constituent that has identified that there are gaps in some of our disability programs and that there's a newly formed group, Disabilities Without Barriers, who is advocating for the creation of a program, which is called the nurturing assistance program, which I know would have been helpful to this constituent. Apparently, this program is available in four other provinces, is funded by other provincial governments, and is offered through the family centres in some locations.

I know that we will continue to look at programs such as these that are brought forward at appropriate times that may not fit exactly with the personal income support program but can still be reviewed to see if it can be incorporated in another way.

Thank you, Mr. Chairman.

The Chair: The hon. Member for Edmonton-Glenora.

Dr. B. Miller: Thank you, Mr. Chairman. I wish to thank the hon. Minister of Seniors and Community Supports for presenting this bill and steering it through second reading and now into Committee of

the Whole. In her opening remarks in second reading she outlined the fact that there is a proposal of a living allowance, \$1,000, by next April as well as a health package which amounts to almost \$300. This bill deals with a supplementary benefit for special-needs clients, and of course it's extremely important. As she has already said tonight as well as in her introductory remarks, it helps cover the costs of medical supplies and special transportation and child care.

I'm very excited about this bill because it demonstrates a shift to focusing on the real needs of clients to respond to what they really need. What does it cost for the medical supplies that they need? What does it cost for the extra things like school supplies that they need?

One of the reasons that I am involved in politics today – I think I was awakened from my political slumber in Alberta in 1994, when there were such severe cuts to social services. At that time I formed an organization called the Quality of Life Commission. We appointed commissioners to go into the city and listen to stories of people living in poverty. Among our commissioners were Senator Doug Roche and the late Lois Hole. They heard the stories, and we documented the stories. We brought them to government ministers and were told that, well, they were anecdotal.

I heard many sad, tragic stories, especially of people like single parents who were trying to survive, but the numbers just didn't add up in terms of being able to pay for rent and pay for food and pay for all the extra costs, especially something like school supplies, something so basic that most families take that for granted. Yet many single parents, those especially who were on AISH, could not afford to buy school supplies. At the particular church where I was minister, we actually organized grandparents to go out and shop for single-parent families so that they would have school supplies like sneakers for kids going to school. They need them. We did that out of the compassion of our hearts. At the same time, we bore quite a bit of resentment because we felt that the government should attend to the real needs of people, especially people on AISH. So I am very encouraged by this step. It's a step forward.

11:20

Of course, it's also important that there are well-trained people, preferably social workers. One of my laments is that social workers have been taken away from front-line intake in terms of the old SFI program and AISH. We need people who are well trained on the front line to be able to assess the real needs of people and be able to recommend what people should get in terms of medical equipment, school supplies, whatever.

I guess my lament in the past and, actually, my sadness still continues in respect to one item, and that is that there's no tying in of AISH rates with some kind of indexing, with some kind of annual review. At the economic summit a number of years ago it was Bettie Hewes in the socioeconomic sector group that proposed that there should be some mechanism so that we can get beyond the arbitrariness and the necessity of having to wait so long. People have had to wait 10 years before they could get a proper raise of the AISH allowance. I think that's tragic because the standard of living continues to go up, and people fall behind. So there should be some mechanism for an annual review so that it's not completely arbitrary.

I don't know why the government wants to put itself in the place of being a kind of paternalistic donor of money to people, keeping them dependent. What we need is to have a system that ensures a sense of security in people, that they know that as the standard of living goes up, there's going to be a mechanism in place that will examine and recommend changes in the income allowance and changes in the various items that they need. That would go a long way to instilling the confidence of people in the AISH community in the government.

In the case of the disabled community, Mr. Chairman, I think what ought to drive us in our support for the AISH community is not primarily a concern for finances – I know that was the issue 10 years ago – but it should be compassion and empathy for those that cannot work because of their disability. We ought to pour out our compassion for these people.

So I support this bill because it's a step in the right direction.

The Chair: The hon. Member for Edmonton-Mill Woods.

Mrs. Mather: Thank you, Mr. Chairman. I'm grateful for the work and the care that has been put into this bill. How much difference this will make in the lives of Albertans on the current AISH levels is yet to be seen. I certainly hope that this is just the first step.

In the last 12 years the cost of food, housing, and other necessities of life has increased by 30 per cent. AISH support rose by only 5 per cent, one-sixth of the rise in living costs. Those who relied on this basic amount found themselves falling further into poverty. The government has said that it will review AISH support levels every two years but made no commitment to adjust the allowance after these reviews, and that is a concern. I believe this support needs to be reviewed and adjusted annually.

A constituent of mine sent me a letter this week detailing how a debilitating medical condition has left her in a position where she has lost everything she has worked hard for: job, home, pets, children, transportation, and, most important, her independence. So what will this extra \$150 mean to her? I hope it's a sign that for the first time in 12 years voices are being heard and that they will be receiving the extra support they need.

I am pleased with the provision of the supplementary benefits program because I believe it has the potential to help, certainly, some individuals that are in terrible, terrible straits. That shouldn't happen. I think that as a government and as a society we must work hard to keep this momentum going. We need to keep an awareness of the severely handicapped in our society and make sure that this positive step is just that, a first step.

I wonder how we came to this position where those among us who have needs must suffer and feel inadequate. Somehow in this richest province in the 21st century we've got a 19th century Scrooge attitude, where breaks for business are justified while help to individuals is a drain on the public purse. The serious question is whether a maximum \$1,000 per month will provide a decent quality of life.

One ignored fact about AISH recipients is that about 85 per cent of them are not capable of working. They have a severe permanent disability. What the vast majority get through AISH is basically their income. They need help. When AISH became an issue in the last election, the focus was upon what level of handicap was necessary to qualify as severely disabled. An unfortunate chance utterance by the leader of the government proved fortunate in forcing us all to look at this question more seriously and to revise our attitudes as well as the income level at stake.

I believe the focus has now shifted from the handicapped to the reflection on ourselves. An unconditional support for all in need among us is the mark of a civilized society. I believe we must ensure that the differently able among us enjoy a greater measure of the prosperity we enjoy living in this province. To the extent that this measure is a step in this direction, I support it, Mr. Chairman, yet it is only a step, and there is much farther that we can go. I would prefer that we move from looking on this as assistance to one of investment in the lives of our fellow citizens, as we are doing with the future of education.

I support this amendment to AISH with the hope that it is the beginning of strong and decisive action to adequately provide for the individuals who require this assistance. Thank you.

[The clauses of Bill 29 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Chair: Opposed? Carried.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I'd move that the committee rise and report Bill 29.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Stony Plain.

Mr. Lindsay: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports the following bill: Bill 29.

The Deputy Speaker: Does the Assembly concur in the report?

Hon. Members: Agreed.

The Deputy Speaker: Opposed? So ordered.

Mr. Hancock: Mr. Speaker, in light of the hour I'd move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; at 11:29 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]