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First Session

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The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta

The 27th Legislature

First Session

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[Errata, if any, appear inside back cover]

Legislative Assembly of Alberta

7:30 p.m.

Wednesday, May 7, 2008

Committee of Supply

[Mr. Mitzel in the chair]

The Deputy Chair: Hon. members, I'd like to call the Committee of Supply to order.

Main Estimates 2008-09

Justice

The Deputy Chair: The hon. Justice minister.

Ms Redford: Thank you, Mr. Chairman. It's my pleasure to rise this evening to present the budget estimates for Alberta Justice and the Attorney General. Before I begin, however, I'd like to introduce members of the executive management committee and senior officials who are attending here tonight: Terry Matchett, deputy minister; Neil Dunne, executive director, legal services, in the gallery; Greg Lepp, assistant deputy minister of criminal justice, to my far right; Barbara Hookenson, assistant deputy minister of court services; Shawkat Sabur, senior financial officer and executive director, financial services, on my right; Manuel da Costa, executive director of the maintenance enforcement program, in the gallery; Sharon Lepetich, senior adviser to the deputy minister, in the gallery; Jay O'Neill, director of communications, in the gallery; Lorna Ross, executive director of the Edmonton law courts, in the gallery; Lynn Varty, executive director, planning and business services at court services; and Bradley Chisholm of my office.

There are a number of people here from the department tonight who've advised me that they wanted to attend because they've never before attended a Committee of Supply, so I hope we can make it interesting for them. Now to the business at hand, to the budget.

The Alberta Justice vision helps guide the overall direction of our department. Our vision is "a fair and safe society supported by a trusted justice system." A growing population in our province has placed increased demands on that system. The funding I'll be talking about tonight will help Alberta Justice ensure that our province is a safe place to live, work, and raise a family. We also must ensure that the system is working effectively and that the root causes of crime are addressed to help make our neighbourhoods safer.

I'm very happy that the department is receiving an increase in its budget this year to respond to those demands. The Alberta Justice and Attorney General budget to be voted for the 2008-2009 fiscal year is \$499 million. That's an increase of a \$134 million, or 37 per cent, over last year's forecast. A functioning justice system needs the resources to do the job. The budget increases will allow for the addition of 256 full-time employees. I'm pleased that this will allow for the addition of 26 new Crown prosecutors and 41 support staff. Alberta's courts are busy places. Increased caseloads and more complex prosecutions require more staff. These positions will help manage the increasing pressures on the justice system and improve court efficiency.

Now I'd like to take a moment and talk about safe communities. Overall funding for safe communities is quite significant. Alberta Justice has a lead role in one of the government's top priorities, and that's promoting strong and vibrant communities and reducing crime so that Albertans feel safe. To meet that goal, we're implementing recommendations identified through the Crime Reduction and Safe

Communities Task Force. This is an ambitious cross-ministry effort, initially combining the efforts of Justice, Solicitor General, Children and Youth Services, and Health and Wellness. But we've recognized that this initiative touches on more than just those five ministries. We have now asked Housing and Urban Affairs, Culture and Community Spirit, Aboriginal Relations, and Municipal Affairs to join us in our efforts.

The focus of our efforts is on three levels: enforcement, treatment, and prevention. By building this foundation, we will work together to ensure that we are living in safe, secure, and caring communities. Albertans must feel safe in their homes and in their communities. Without that we don't have the quality of life that Albertans want and deserve.

The task force will receive \$156 million in overall government spending this year. This funding will allow us to hire more police and probation officers to target repeat offenders and to add more beds for mental health and addictions treatment. Eighty million dollars of this funding has not yet been allocated to specific initiatives but will be made available for crime reduction and prevention programs that show promise. I met with my partner ministers last week, and we agreed that this funding must go to support targeted initiatives in line with concerns identified by Albertans during consultations last spring.

This year \$108 million has been allocated to the safe communities initiatives within Alberta Justice. This funding will allow us to enhance the prosecution service, improve bail hearings, and establish the Safe Communities Secretariat, which I'm happy to say was accomplished in early April. Today we announced the appointment of Bill Wister as the executive lead to the secretariat. As recommended by the task force, the secretariat will lead and oversee the development, implementation, and evaluation of the province-wide crime prevention and reduction strategy. There is no quick fix when it comes to crime, but establishing the secretariat is a positive first step to help guide us as we seek long-term solutions.

The criminal justice branch promotes safe communities by effectively conducting criminal prosecutions and striving for just outcomes. This year's budget for criminal justice is \$72 million, with \$13 million in new funding. In addition to the new Crown prosecutors and support staff that I mentioned earlier, the funding increase will also help to improve bail hearings. We'll switch from using police officers to handle bail applications to using Crown prosecutors. While highly trained in enforcement, police are not legally trained. Having prosecutors involved will ensure that people who should not be released remain in custody and those that should be released are released with the appropriate conditions. One of the priorities of the task force is to take action to address the relatively small number of offenders committing an inordinately large number of crimes.

I'd like now to turn to the court services division. This year court services' budget is \$176 million, a \$15 million increase over the 2007-2008 forecast. This funding will be used to add judicial and support positions for the Provincial Court, increase compensation for legal officers, and begin to develop a model for a designated mental health court, another safe communities task force recommendation that we will act on.

The budget increase will also address a growing challenge in the justice system. An increased population coupled with traffic enforcement initiatives has resulted in more tickets being issued and more people challenging their tickets in court. That means we need more people to process them. This year \$3 million in funding will be used to respond to volume demands in the area of ticket processing.

Five million dollars of the budget increase will go toward the justice information management system, which is a major initiative

that will convert mountains of paper into electronic information. These upgrades will not only help court administrators, Crown prosecutors, and the judiciary do their jobs, but they will also increase the public's access to the justice system.

The legal services division provides effective legal services to government and other ministries to help them achieve their corporate goals. The civil law branch budget for 2008-2009 is \$39 million. The large portion of funding under this division will be used for salaries and benefits, supplies, and legal resources to support aboriginal litigation.

In the medical examiner's office, which investigates all sudden or unexplained deaths in Alberta, the division is dealing with significant increases in workload and more complex cases. The office will see a \$1.2 million increase this year to help manage caseloads and to hire experienced forensic pathologists.

Legal aid is one of the essential components of a properly functioning justice system. This year legal aid will receive an additional amount of funds amounting to \$8.5 million to handle increased demands and manage escalating operations.

The maintenance enforcement program is important to me. It's important to Alberta. Financial support is the right of every child. Maintenance enforcement enforces court orders for child and spousal support and ensures that the payments are distributed to those who require it. Maintenance enforcement will receive a funding increase of \$2 million for 2008-2009, which will help hire more collection officers and establish a child support recalculation program.

A portion of the revenue generated – I'm talking about revenues now – by dedicated revenue programs will help pay the department's expenses to administer these programs. Justice has three dedicated revenue initiatives: ticket processing, provincial civil claims, and the maintenance enforcement program. This year ticket processing and maintenance enforcement require our authorization to spend an additional \$3.9 million. Three million dollars of this spending is required to support an increased volume of traffic tickets; another \$900,000 is required to hire an additional 16 collection officers for maintenance enforcement and to establish the child support recalculation program.

I want to speak generally for a moment about Justice manpower. [Ms Redford's speaking time expired] Maybe someone will ask me a question about that.

7:40

The Deputy Chair: The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you very much. It's an honour and privilege to be here tonight. I'd just like to start by introducing the gentleman to my left, Michael Decore. He is one of only five researchers that we have in the Alberta Liberal caucus right now, and he does an admirable job of keeping me in line and providing me with the best material possible given our limited resources. But I digress.

I would also like to thank the hon. minister for being so generous with her time with me since I've arrived in this House. She has quickly become my favourite member opposite. As I'm critiquing her position . . . [interjection] Well, I'm Mr. Lindsay's other critic, so he's quickly my second favourite member opposite. But I digress. There we go.

Before I enter into this, the nuts and bolts of the report, I'd just like to talk about some things that the report doesn't really touch on. Let's face it. You've had a significant budget increase, and I can see that you guys are going to do a lot of things with that money. But just before I start, I couldn't help but think that maybe some of this money could be better spent in education or on some root causes, where we go back to primary kindergarten school or something to

really deal with these things before they get started. But that's just sort of my philosophical background.

One of the societal troubles we look at when we're looking at recidivism right now is the drug use of many of our criminals. I know that Edmonton currently has a drug court, that I believe is funded till 2009, and I don't see anything in the plan right now in what you've provided that really says that's going to continue or whether it's going to be expanded. I believe that is one area that your ministry should be looking into. It's had success in other areas. I was just wondering if you could comment on that.

The business plan also talks about access to justice for Albertans. Let's face it. I come from the legal world, and we know why access to justice is a primary issue. It's because costs of legal representation have skyrocketed. The average Albertan, unless they're suing for a hundred thousand dollars, has no business really going into a courtroom, and I think that is getting down to the people who are seeking justice. They're looking at the justice system: "Can I actually find a way to hear my issue?" If they come into a lawyer's office, and they say, "Well, that's well and fine and dandy, but my rate is \$450 an hour, and I have no idea whether you're going to win," that's one of those things. I wonder if the ministry has any plans for getting these types of litigants the actual legal representation they need. Whether it's an expansion of some provincial program or looking at more regulation with the industry, I'm not sure, but I was wondering if the ministry has contemplated any of this.

Another issue that I don't see indicated in your business plans is a unified family court. With the continued divorce rates being what they are in this society, most of these people who go into divorce proceedings have children at stake, all of these things. If we can make this process somewhat easier, somewhat less frustrating – let's face it; they're going to have children they have to raise, and if we can make this process less bitter, less acrimonious and support them to get on with their own lives as well as supporting their families, if somehow we as a body can look at those issues and maybe facilitate that end goal, I think that would be commendable.

If we can just start with those points, I'll let you answer, and we'll continue with this as we go forward.

Ms Redford: Thank you to the hon. member for those questions. This, as you know, is a fairly new job for me. I have to say that I'm not going to take everything tonight and bring it back to the safe communities task force. Just before I answer some of these questions specifically, one of the things I want to talk about is how there are different aspects to that safe communities task force that I think matter. I hope they're going to change the tone of how we do business around justice in the province. I think that access to justice is one important component of how we judge the communities that we live in. I think it's really important that people can feel proud of the community they live in and that they can feel the systems that are in place to help people that need help are part of a caring system. I think that some of the questions you have raised tonight dealing with how people are treated in this system are very important parts of what has to be our core business in Alberta Justice.

I'm hoping that the work the Safe Communities Secretariat will do will not only be about the implementation of the task force recommendations but will also be about broadening that discussion to some other areas. I think it's quite important when we talk about this that we keep in mind that if we can do this right, if we can take these recommendations and implement them, they will lead to different working relationships between stakeholders and government and between professionals who are in the legal community and government.

Specifically thinking about your questions with respect to family courts, I think back to when I began to practise family law. I very often felt that if I even proposed mediation to a client, I was doing them a disservice because it was likely that the lawyer on the other side was not going to think that mediation was a good idea and would simply keep going back to court through interlocutory applications and keep the very technical legal battle going for as long as possible. I'm glad to see 20 years later that there's a real effort among the people who are involved in dealing with these issues to provide services to people, not just to provide a courthouse and a system where if you can hire a lawyer and you know how to fill out the paperwork and you can write in Old English, you're able to get some relief.

If we look at things like our family justice strategy, which is really a series of practice notes that have been negotiated with nongovernmental organizations, community-based organizations, interest groups representing families and unrepresented litigants, as well as lawyers and paralegals and mediators, which focus more on collaborative law approaches, we can see that there is this umbrella of services available to people that may deal with something more than just case management. They'll deal with providing services to parents that need to understand how to relate to each other so that their kids don't suffer in a custody battle. I think we need to do more of that.

One of the things I'm pleased about with the Safe Communities Secretariat is that we have some latitude this year, being the first year of the secretariat, to look at some of these opportunities and try to find some targeted initiatives that bring together people from different departments and different communities to work on this together.

I want to say that the other work that I think has evolved in the courts over the past 15 to 20 years – and I think we're going to see some fairly good results from that this year – is the introduction of a new set of *Rules of Court*. There's a number of reasons that those are good. The first one is that I won't have to try to keep track of my binder, because I've probably lost pages along the years. There'll be a brand new set of *Rules of Court* that I can actually read from beginning to end. It's been a process that's taken longer than five years. It's involved lawyers. It's involved the Alberta Law Reform Institute. It's involved judges. It has talked about court-based mediation. It has talked about ADR. It has talked about trying to find ways that we are able to address some of the issues that I think you're talking about, which is trying to do some of this without lawyers.

I will leave it at that and carry on the conversation.

7:50

The Deputy Chair: The hon. member.

Mr. Hehr: Okay. Thank you very much. I know you touched on a lot. Thank you very much for those responses. I guess just to clear up two things. Are there any plans to expand the drug court? And on a unified family court: did that fall sort of in your answer already given, or are you the guys looking at that continuing to evolve?

The Deputy Chair: The hon. minister.

Ms Redford: Thank you, Mr. Chair. The drug court in Edmonton I understand is funded primarily by federal funding, and we provide in-kind administrative services to that court system. You are right that it's not something that is part of what we have included so far in our work. I don't see any reason why it's not something that we could do. I know that in my discussions with the chiefs in Calgary

and in Edmonton, both drug courts and mental health courts I think are a very important part of what we need to do so that we can look at some diversion and treatment. I can't give you a more specific answer right now, but I can tell you that I think moving in those directions is an important part of what we need to do.

The Deputy Chair: The hon. member.

Mr. Hehr: Thank you. I guess we could move right into your promoting safe communities and some of the goals outlined there for the secretariat. Looking at the passage laid out in goal 1.1, we have some concerns there, for some obvious reasons, in that it seems to be a little bit loosey-goosey and not very well laid out, in fact, what this secretariat will do. Just an initial question: how much will the secretariat cost? What will its membership be? When will it be up and running? All that sort of stuff. If you could give us sort of a high-level overview of what the secretariat is, that would be great.

Ms Redford: I'll start with that. Then if there are more specifics, we'll find the page.

The secretariat was one of the recommendations out of the safe communities task force. The approach behind it was to ensure that the task force recommendations would be implemented, recognizing that if you read through those recommendations, some of them are very specific departmental tasks that a particular department could take on. For example, 100 new police officers per year for the next three years is something that's clearly within the Solicitor General's mandate. What we wanted to try to do with the secretariat was take advantage of some of the ideas in that task force to do some things that are a little more innovative. What we have done is gone to the departments that we think Justice needs to be partnering with, and we've asked those departments to second people to a secretariat that is housed in the Ministry of Justice.

In my department there is now a secretariat, headed by Bill Wister, that has people working together on a daily basis. Those people are from Education, Health, Solicitor General, Housing, Children and Youth Services. We are going to work with people on a regular basis from Aboriginal Relations although they won't be sitting in the department. We have also asked for people in municipal government to work with us. We'll see if that turns into a full-time working relationship or whether those people will come for specific initiatives.

In whole we have eight departments that will be sitting around the table at an operational level. They're there for a couple of different reasons. One of the reasons they're there is to provide their own technical expertise in helping to implement the initiatives that we're talking about. For example, one of the recommendations in the report is to introduce new treatment beds, but as we've already been talking about, it probably makes more sense and we can do more than simply adding 21 treatment beds to the system through Health and Wellness, another department that's represented. We're probably better to try to put together some targeted initiatives that will ensure that we can connect the treatment to people that actually need the treatment.

One of the things that we're talking about in this secretariat is that there are a lot of good things that we can do, but we want to do this in a way that will actually reduce crime, help people, and make communities safer. That's the philosophy of what we're trying to do. So there will be some work done. You can see in my opening comments that there is specific work that Alberta Justice is doing on bringing new prosecutors on stream, which we will do. Those people will be prosecutors, and they will do their job as prosecutors.

There will be other things that Alberta Justice does that are

partnering relationships with other departments and with other stakeholders who may or may not be in government. It's an ongoing secretariat. It will be looking at pilot project initiatives. It will be talking to community-based organizations that have their own ideas. We'll probably be working with chiefs of police across the province in different ways, perhaps with the RCMP. I'd really like to start to talk to people about some work similar to the integrated child exploitation unit in Calgary, that investigates child pornography on the Internet, and look at some work around that. I think it'll be important to have the RCMP involved.

The secretariat started on April 1, so it's just getting up and running now, but that's the general approach behind it. As I said, we have some flexibility. There's still \$80 million in our budget for this year that hasn't been allocated, and we want to take advantage of that and find some really positive programs that are really going to make a difference.

Mr. Hehr: Thank you very much for that answer. It actually sounds like a reasonable approach given that crime has many root causes and, you know, many unique ways to try and reduce it.

Moving on, strategy 1.3, the use of Crown prosecutors at all bail hearings. I'm just asking: can the minister tell me whether the Crown prosecutors will handle all of the bail applications, certain bail applications, more difficult applications? Just from my point of view, you know, there are some of these that I don't think need a Crown prosecutor to handle. I've never done one except for when I got my law degree and the thing where we had to do a practice run, but they didn't always seem that difficult.

A follow-up question to that would be: what evidence does the minister have that this will be more effective if it is, in fact, for all of these, for every single bail application? Is that really a cost-effective way to handle these bail applications? Is there any chance of having our Crown prosecutors now devoting more time to this application? Are all of the 21 new prosecutors that you've hired simply going to go into bail applications, or will they still be handling regular caseloads along with this? How many prosecutors do you think you need to handle bail applications if they're going to be doing all of them?

The Deputy Chair: The hon. minister.

Ms Redford: Thank you. We undertook a pilot project in Wetaskiwin where we brought prosecutors into all the bail applications. I think there are two sides to this bail issue that people are concerned about. The first is making sure that people who shouldn't get bail don't get bail, but the other half is making sure that people that can be released on conditions are getting released on conditions. I'm advised by the department that it was a very effective program, that it seemed to satisfy both of those needs, and that was why we decided to move to this system. I'm advised by the department that it will take six prosecutors across the province – I guess those are full-time equivalent positions – to do the bail applications, and it is our intention to move to have prosecutors do all of the bail applications for those reasons. It has been successful.

8:00

The Deputy Chair: The hon. Member for Calgary-Buffalo.

Mr. Hehr: Thank you, Mr. Chairman. If we just move on to strategy 1.5 of the business plan, it advocates, "Work with partners and stakeholders to target and effectively address repeat offenders." Just what exactly does this entail, and what sorts of options are being

explored, and is there any mechanism for diversion of recidivist offenders? What work is being done relative to the monitoring of recidivism since last year as that was sort of one of the comments coming out of the trial lawyers association and I assume made it up to your office or your predecessor's office? Is any work being done on that core 15 per cent of the people who are clogging up the system, being locked behind bars on a habitual basis?

Ms Redford: Can you just give me a brief summary of that question again so I can actually answer it?

Mr. Hehr: Yeah. In strategy 1.5 it says you're going to work with partners. I'm just asking who these partners are and sort of what options are being explored, you know, to look at reoccurring offenders and also the monitoring that has gone on with those reoccurring offenders.

The Deputy Chair: The hon. minister.

Ms Redford: Thank you. Even though I said I wasn't going to keep going back to safe communities, I think I actually am. With the enhanced level of prosecutors that we will have – and I think this is quite key – we'll actually be able to identify those people in a way that will ensure that they're getting the attention that they need in the system. In that sense, I mean the appropriate prosecutorial attention so that if we have people that are serious repeat offenders, we're making sure that when those bail applications are made, that information is before the courts. We're really trying to ensure that we're going to be able to see focused investigations and focused prosecutions because we need to try to, as I go back to the bail comments, make a distinction between the people that really need to be tracked and really need to be held to account in the justice system and the people where we could create conditions for release and even avoid bail hearings or actually go to bail hearings and get them properly taken care of but released at that time.

We may find, from discussions I've had, that when you start dealing with those 15 per cent of people, you're dealing with people that are repeat offenders for probably some chronic reasons. They might have health issues; they might have addiction issues. We want to make sure that we can track those through the system so that when there are opportunities to intervene, we can take advantage of those opportunities and if there are opportunities to help people to try to get them the treatment that they need so that maybe we can get them out of that 15 per cent of the population.

Mr. Hehr: Thank you for that answer. We just had a comment here. If the system can be envisioned to dovetail on each other, it sounds like a reasonable approach.

If we look at note 1.6, it notes that more work will be done with "traffic safety partners to implement the Alberta Traffic Safety Plan." Can I ask who those traffic safety partners are? I'm assuming that'll be the sheriffs and the police forces. I know we might be moving into the Solicitor General's file, but do you have any information on sort of the working together of the sheriffs and the police officers within the justice system? Who will be marching to whose orders? What direction will be taken? All of that sort of stuff. Does this include a network for greater enforcement on civil forfeiture of those who are habitual offenders of the Traffic Safety Act or the Criminal Code?

Ms Redford: Thank you for that question. This is an initiative you will possibly be pleased to know falls under Alberta Transportation.

The ministry is working with traffic safety partners, and by that we mean with other ministries – so it is Solicitor General; it is Alberta Transportation – to come up with initiatives. What we're trying to do is to improve road safety in Alberta and to explore opportunities to enhance the effectiveness of investigating and prosecuting impaired driving cases. That's really what the focus of this is. The Traffic Safety Act finds enforcement initiative is where we're going to put those energies, and I believe that that is now being modelled as a pilot project, and we want to spread that out more across the province.

The strategy arose from the McDermid report, which was commissioned by Alberta Infrastructure and Transportation, and it was commissioned to address the high number of traffic injuries and deaths in Alberta. The report made nine recommendations and again under a cross-ministerial initiative. Justice, Infrastructure, Transportation, and Solicitor General formed a committee to develop a plan to implement those. The plan formed the basis of the traffic safety plan, and Alberta Transportation set up an office of traffic safety to oversee the implementation of the plan.

Mr. Hehr: Now, just moving on to a different topic, criminal law reform. I know there's been a good dose of co-operation with the federal government on Criminal Code reforms, including maximum penalties for various firearm offences. Can the minister tell us if her ministry has taken any opportunity to take serious steps in the mitigation of our gang and gun crime culture?

Well, I'll keep going here on this little block. Have you proposed the value of increased powers of civil forfeiture? You've never heard this before: seizing cars that have firearms in them. I'm sure that's a surprise to you, coming from me at this point in time. Have you guys also considered that or worked with your cross-ministries on doing the same thing? I don't know the amount of drugs, whether it's a pound, two pounds, a kilogram, whatever the deal is. Seize the car in those situations so the police have another tool in their belts to sort of take a bite out of crime, as McGruff says? Is that what the crime dog is called? That was a joke.

Ms Redford: I got the crime dog joke.

Mr. Hehr: Yes. Okay. If you can just answer those questions.

The Deputy Chair: The hon. minister.

Ms Redford: Thank you. I think that's a really interesting area. There are a few different elements to that discussion. The first thing I want to talk about is the proceeds of crime legislation, which has been partly proclaimed, and we expect that we will be able to proclaim the civil aspects of that sometime in the fall.

I know that we have had discussions about the Traffic Safety Act and that there are some seizure provisions in the Traffic Safety Act. I know that there is some discussion as to whether those seizures go far enough and that there are different views on that. I think one of the challenges that we have been discussing is we are slightly concerned that if we were in a position where we were to draft legislation like that, that goes further than the work in the Traffic Safety Act, we'd probably end up in a situation where the people that are prosecuting for those offences under that act and dealing with those seizures will probably end up being people involved in federal prosecutions once we start to get into some of the gun issues and the drug issues. We are thinking about whether or not we're going to end up with legislation that may not be effectively prosecuted.

8:10

We now have the opportunity to seize vehicles, but if you're seizing vehicles under the auspices of having unregistered firearms or having drugs in the vehicle, those end up being dealt with by federal prosecutors, and I don't know – and we could carry on this discussion perhaps at another time – whether or not that really would be something that would be prosecuted by federal prosecutors on a regular basis if it was in provincial legislation. I've had conversations with people who've suggested that it's very likely that those wouldn't end up being violations that would be proceeded with. So you may end up with the seizure capability, which we have right now under the Traffic Safety Act, but you may not end up with the prosecutorial impact of that legislation. That's my thinking on that.

Mr. Hehr: Well, I understand your answer somewhat. I still see the Alberta government having the ability just from their straight regulatory powers to seize the car, impound it for however long, and to have that. But, again, we can carry on that discussion another day, and I may actually ask the question again in question period to your great surprise.

One of the department's stated goals under the heading Shifting Social Trends on page 200 of the business plan is to address the overrepresentation for those of aboriginal descent in our provincial correctional facilities. Can the minister sort of tell us what these plans are?

Then also under the heading of Criminal Law Reform it says that emphasis be placed on the restricted use of conditional sentencing. My understanding – and this is a somewhat dated understanding – is that there was much experimentation of conditional sentencing at one time, especially with our native population who may have some differences than the rest of our population where this conditional sentencing might be appropriate. Has any consideration been given to that portion of the population and the fact that we look to be reducing these conditional sentences?

The Deputy Chair: The hon. minister.

Ms Redford: Thank you. I want to answer your question, but I also want to give you more information about your previous question. One of the things that we will be doing this fall is looking at proceeds of crime legislation. One of the provisions that we are examining right now is looking at seizing the instruments of crime, so we may end up with circumstances where some of the stuff that you're talking about with respect to vehicles, where vehicles are an instrument of crime, could possibly be incorporated into that. So perhaps we can have other conversations about that at a later date.

Now we're talking about conditional sentencing and aboriginal communities. Your question was whether or not we were reducing the use of conditional sentences?

Mr. Hehr: Well, I believe it actually said in your report that you were looking to limit the use of conditional sentencing instruments. Maybe I was wrong in that, but I remember reading that. At the same time, our aboriginal population supposedly uses this to some success in their community, in their ability and effort to rehabilitate. So I'm just wondering if that is true. Are we working at cross-purposes with our aboriginal population?

Ms Redford: Thank you. It's interesting because the issue of restorative justice, whether we're talking about young offenders or perhaps people from the aboriginal community, is I think an important part of how we need to look at how we are treating people

in the justice system, and through different projects around the province through the young offenders branch within Justice we're doing a lot of work along those lines.

The use of conditional sentences I think is an important principle in terms of the work that we are doing, and I think it's an important aspect of the work that can be done through aboriginal sentencing courts. As the hon. member may know, we have the model court at Tsuu T'ina, which is modelled more on an aboriginal justice system, where we involve community elders in the work, we talk about restorative justice, we look at conditional sentences. We try to come up with innovative solutions to crimes that will respond to the needs of the community and ensure that people take appropriate responsibility for their actions in the justice system but also are held accountable to the community. I think that that is very important.

I think that as a philosophy we are not supportive of using that approach when we start to look at more serious crimes. I think there's a sliding scale. I think it depends a lot on the circumstances of the case. But as a general principle when we're talking about limiting those sentences, it's around those serious crimes, and we will accept that philosophy not just with respect to aboriginal justice but also in other areas. But there does come a point – I can't draw that line for you today, but there is a point where we will not contemplate that approach because of the seriousness of the crimes. My expectation is that those crimes are crimes that involve harming other people.

The Deputy Chair: The hon. member.

Mr. Hehr: Well, thank you very much. That was an enlightening response that makes it clearer for me the direction that your department is going.

Now, if we could move to another topic here: promoting an accessible justice system. On 2.2, proposals for the rationalization and the modernization of the Alberta succession laws in a manner consistent with current social values and needs of Albertans as they relate to estate issues, could I ask: what are some of these proposals? What other jurisdictions are maybe using these similar measures? Where did these proposals come from? Did the Alberta Law Reform Institute or some other jurisdiction play a role in the process? Are there any issues that may arise in the conflict of laws' issue, that basis, due to the estates in Alberta being impacted by TILMA, or has that been contemplated? Actually, why don't I ask that on the whole thing. Have you guys considered the impact of TILMA on the justice system given that corporations are apparently having the power now to possibly interfere in a number of different ways that your legislation could be opening up? Have you guys contemplated that as a ministry?

The Deputy Chair: The hon. minister.

Ms Redford: Thank you, Mr. Chair. The first part of that question was about the succession law project. Okay. The department has identified laws in a number of different areas dealing with inheritance. Some of them are under the Wills Act, some are personal directives legislation. I can't give you a list right now of all of those, but if you think about what we would normally include in succession planning, we want to undertake and will be undertaking this summer a full public consultation on the legislation that we think needs to be amended in order to basically dovetail all of the legislation which has never been thought of as a full package of succession law.

I don't know if other jurisdictions have done this or not. Our anticipation is that we will spend approximately four to five months consulting on this, and we will be consulting with the profession, the

Law Society, judges, women's organizations, seniors' organizations, anyone that we think could be impacted. It's a fairly extensive list of consultations. I could provide you with more information on that. It will be a fully public consultation process, that will then allow us to come forward with a full package of amendments to all of the legislation that we think needs to be amended to ensure that it all fits together. We're still in fairly early days with that, but it's our intention to start moving on that this summer.

8:20

The Deputy Chair: The hon. Member for Calgary-*Buffalo*.

Mr. Hehr: Thank you, Mr. Chairman. I guess we'll just continue with the question I asked on TILMA. Basically, it has implications to Alberta Justice. I was wondering if you guys have done an analysis of where that might occur and what that analysis has led you to believe, where more litigation will happen or less litigation, what your department's opinion or direction is on the TILMA front and how it's going to impact the Justice department.

Ms Redford: Thank you for the question. As you know, TILMA is Bill 1 for this government. We see TILMA as being an important piece of legislation in terms of taking very forward-looking steps in terms of reconciling jurisdictions for a number of different reasons. As you can imagine, one of the things that needs to happen under TILMA is the reconciliation of lots of legislation. There is very close co-operation between the various departments in the government of Alberta and the government of British Columbia around the reconciliation and drafting of some of those laws to ensure that they are compatible. We have specific teams of lawyers that are working in different departments to ensure that there is no conflict – I think that was the question – around TILMA. You were asking about conflicts of laws. There's a lot of work being done to ensure that over the next year and a half, as we are ready to fully engage in TILMA, we've dealt with those legislative inconsistencies.

Mr. Hehr: Just moving on, goal 3 of the business plan refers to providing support and protection for vulnerable citizens, including individuals who cannot afford legal counsel. Let's face it: that's on the continuing number of self-representatives. You know, it's always sort of a little bit sad to be in a courthouse and see someone being yarded up to really just discuss their landlord-tenant issues, and the next thing you know they're leaving the courthouse with a "\$500 you can pay for the other side's costs" and all of those issues that you are well aware of.

I know you guys are going to these new law institute centres that you've had up in Grande Prairie and you're looking to expand them to Edmonton and Red Deer. I think that is in an effort to help these unrepresented litigants. I guess I just have a few questions on that. The first one is: where else would this expansion occur? When will this expansion occur? What have been the results? I believe this Law Information Centre has been deployed in Grande Prairie. If that's true, how is it working? How is it functioning? Are people using it? The whole thing like that. Who's staffing these kiosks? How much information can they provide? "Here's a brochure on your day in court; go forth and prosper"? What actually is discussed here? Can you take a file there and say, "Listen; this is happening to me"? Who is staffing these things? Just a little more information on that, I guess, is what I would like to hear from you.

The Deputy Chair: The hon. minister.

Ms Redford: Thank you. The law information centres that are

currently running have helped 17,000 people in their first year of operation. They are currently in Edmonton, Red Deer, and Grande Prairie. I've been advised that we are opening in Calgary in the fall. They're staffed, first of all, by people that are employees of the Department of Justice who are trained clerks and people that can advise people on process. They can give individuals information about general court procedures, how to fill out court forms. They can learn about legal advice options. My understanding is that they're not being given legal advice, but they're being given direction as to where they might be able to go to get legal advice. I think that is probably involving not only paid lawyers but also community support centres that might do work like that, whatever the specific issues might be.

They can find out more about alternatives to court, ADR, that kind of thing. They can obtain basic legal information and get referrals. They cover matters that are related to civil and criminal courts. The Grande Prairie legal information centre extends the service to include family matters. The centres in Edmonton and Calgary will deal with family-related matters. It's a partnership with Alberta Law Line, so people call right from the centres to get the legal advice.

Mr. Hehr: If I could just ask a question around legal aid. Do we have the numbers of how many legal aid cases we're dealing with every year? What are the financial limits? How little money does a person need to access legal aid? Once we find out that information, have you thought about expanding legal aid to maybe help some of these people that are going to end up there from these law information centres? Although they're going to get information about how to fill out the forms, you know, I don't know necessarily if that will help them when they get to court. I'm just seeing if there are any plans to have it expand. I would like to see, actually, legal aid expanded to, say, families making under \$50,000, or something like that – that could really assist people through the litigation process – and more people hired at legal aid. I just want to hear whether there are any plans in the works for that.

The Deputy Chair: The hon. minister.

Ms Redford: Thank you. Thank you to the hon. member for that question. As I had said in my opening comments, there has been an increase in legal aid funding to \$8.5 million this year. The income level that will allow people to obtain legal aid is approximately \$23,000 a year, in terms of annual income that will allow them to be eligible for the program. Last year we increased that 10 per cent. It's certainly a well-used system. It is something that I think does matter to people.

The other thing I want to say about legal aid is not in relation to the clients that are using the system but in terms of the administration of the system for lawyers that are actually doing legal aid work. We have been working very hard within the legal aid office to streamline the administration of that. I don't know if you ever were involved in legal aid files, but you'll know that they are quite burdensome in terms of the reporting procedures and the detail that you are required to include in your invoices.

I'm not sure if we're all the way there yet, but one of the things that we have begun to do is to develop a web-based system so that lawyers can bill directly. We've limited the number of categories of work that they actually have to fill in. I don't mean we're limiting the work that they can do. But if you have practised legal aid law and you've had to complete an invoice to send to legal aid, you could end up having to detail not by time but by the activity you do a number of very finely distinguished activities, which really very much could all relate to consulting with the client. They would want

you to distinguish between consulting with the client over the phone, consulting with a client at the courthouse, consulting with a client in your office. We've tried to streamline the paperwork so that all you need to put on the bill now is consulting with your client. It makes it much less arduous for lawyers, who need to do the paperwork. It was one of the reasons that some lawyers weren't doing legal aid, not the only reason but one of them.

8:30

Mr. Hehr: Are there plans to maybe increase the limit, or is that just sort of the information that you already gave, that there are no plans in the works to increase that limit? Are there any other access to justice issues primarily related to the cost of litigation, whether it's talking with the Law Society or some other self-regulating organization of lawyers, to maybe, say, undertake some more pro bono work in this and all that sort of stuff? You know that they would fight back. Of course, I come from that environment and all that stuff. Maybe that's not the way. But are there any more of those access to justice issues there, anything your ministry is contemplating besides these programs to have that served, or have we sort of heard it all today?

Ms Redford: Well, I think part of what you're talking about in terms of legal advice to people is an important component of access to justice. I think government has to do its part, and legal aid helps us to do that. I think the other things that we can do in terms of being in government are to try to streamline the system; to try to make things easier for people; to offer ADR, mediation; to try to create better approaches; to try to sensitize presiding officers, judges, and JPs to different approaches to deal with clients who are unrepresented. So that's the first part, and I think that is a very important part of what Justice has to do.

I think that there also needs to be work done and there needs to be leadership taken partly by us but also partly by the Law Society on some of their pro bono initiatives. I'm now speaking about something not really related to Justice. The Law Society of Alberta does have a pro bono program where they encourage law firms to support lawyers in doing their pro bono work. Part of what they're trying to do is change the philosophy of lawyers around really providing meaningful pro bono work on big cases, and I think that that's a good program.

I think that there always has to be dialogue, and I think the Bar Association needs to be involved in that as well. Lawyers have that responsibility, too, because we want to make sure that we're not perpetuating a litigious system if we don't need to be. There are two parts to that. One is that we don't want to perpetuate a litigious system. The other is that we want to give people help; we want to be able to give them legal advice. So I think that there are a number of things that Justice can show leadership in. I'm very pleased that the Law Society has taken the leadership that they have, and I will encourage them to do that, and if there are ways that we can continue to do that, then we will.

Mr. Hehr: I think that's good. I'm aware of the pro bono program at the Law Society, how much buy-in they get from rank-and-file lawyers. They're sometimes barking up the wrong tree when they try to do that, so there might be some other avenues that need to be explored on that whole issue, but maybe give the Law Society some support on this. I'm not even sure if anything can be done. It just might be a simple economics matter, that that's what it costs, but it strikes me that if something can be done, it should be done. I'll leave that with you.

If we can sort of just look at resource deployment. It's no secret

that the Crown prosecutors can be overwhelmed by the number of cases they handle, and often they don't have the time to adequately prepare their cases for prosecution, yet there may be complex cases involving thousands of documents, what have you, the whole thing, and they might get it just 15 minutes before the case. At least, I've heard of that happening on more than one occasion, and you may have heard it from other Crown prosecutors. Yet at one point through the expansion role of these prosecutions to include bail hearings, as mentioned – Crown prosecutors, I think, need more support. Is the money that you provided through these 26 new hires as additional staff – do some of the additional staff go to the already existing Crown prosecutors? I guess that's what I'm looking for, that type of stuff. Are the existing Crown prosecutors being staffed appropriately? Can we see them maybe being more prepared for cases so they can handle them and effectively get justice? Maybe if they had a half-hour to prepare before trial, that might be a little bit better than getting the file and going up there and doing the best they can.

Is there any process – and I'm sure there probably is already – where the more experienced prosecutors get the complex cases? I'm sure that's how the system works.

Could I ask what percentage of the Crown's resources are being used for traffic prosecutions at this time? Which other provinces use Crown prosecutors at bail hearings? Just to go back on that note, I forgot to ask that earlier.

The Deputy Chair: The hon. minister.

Ms Redford: Thank you, Mr. Chair. I'm going to answer the last two questions first. We are going to have to get back to you with specific information as to the resources that are used to prosecute tickets. That was the question, was it? Traffic tickets? Okay.

With respect to other jurisdictions I understand that some jurisdictions use police and prosecutors; some use only prosecutors. We will get back to you with the specifics on which jurisdictions do which.

As Minister of Justice and Attorney General the position that I have responsibility for deals with court administration on one side, and on the other side it deals with the prosecutorial arm of government and ensures that the prosecutors are well resourced. The first thing I want to say about prosecutors is that in all of the time that I have practised law, I have continuously heard that prosecutors never have enough time. They work hard, and they do good work, and they are a real tribute to public service because we all know that prosecutors could go to the private sector and make a lot more money than they do as prosecutors. So I want to, first of all, pay tribute to the lawyers in Alberta Justice who are prosecutors and have been very good and strong and effective prosecutors for this province.

Having said that, they have worked under very difficult conditions for a long time, and fortunately in the past two years, as you may have heard, we have had the opportunity to hire more prosecutors and last year to make some landmark changes in terms of compensation for prosecutors. I have friends that are prosecutors, and I have spoken to many prosecutors since I have taken on this job, and it is very nice to hear that prosecutors now are being properly recognized not just in terms of moral support but in terms of financial compensation for the work that they do. On top of that, they still do an awful lot of work, and that's one of the reasons that we need more prosecutors.

One of the challenges in that system, as the hon. member referred to in his question, was that prosecutors were handed files immediately before an application. That has been the system. Basically,

there is a docket of files, and on a daily basis, or perhaps it's a weekly basis, prosecutors are handed files, and they move the file through the system. At the end of that assignment they put the file back, and someone else picks it up and moves on with it next time. That leads to a number of problems. One of them is that we know as lawyers that you become more effective in dealing with your file the better you know your file, so you're better to have your file from beginning to end.

8:40

I presume that in doing criminal prosecutions, you get to know the defendant, you get to know counsel on the other side, and you get to understand the intricacies of the prosecution right from the bail stage through to final sentencing. So we want to make sure that prosecutors are able to take those files through from beginning to end. Over the next year we're going to be implementing a new file management system where prosecutors will have ownership of their files so they will be able to take them through all steps. They're very excited about it.

The Deputy Chair: The hon. NDP opposition House leader.

Ms Notley: Thank you very much for the opportunity to go over some of these questions that we've been talking about tonight. It's a pleasure to have an opportunity to speak with you, you know, as a fellow new MLA. I hope that we can do a little bit of the back-and-forth thing that you were just doing, and I hope that I won't cover too much of the same ground in the process. I only have 20 minutes, so I'll see how well that works out.

I want to go back to a topic that was just recently being discussed, which is the question of legal aid. I'm wondering if you can either give me a bit of information now or, alternatively, make note of it and provide it before the end of the budget debate. How many applications for legal aid have we had in each of the last three years? How many applications were approved? How many applications were denied by reason of the financial criteria? How many applications were denied by reason of the substantive criteria, the criteria around whether it was part of the scope of coverage? I'm wondering if we can get some information on that.

A couple of comments on the issue. I mean, we talked about the importance of legal aid and why it's so important to facilitate the smooth operation of the justice system, and you've talked about streamlining. I certainly want to give credit to the ministry in terms of how much legal aid funding has increased because I understand that back in 2005 it was about \$30 million, which I think must have put us very close to the bottom of the barrel in the country, if not at the bottom. So it's good that we've seen an increase, but my understanding is that we are still, relatively speaking, nowhere near the top. I believe we're at about \$15 per capita in legal aid funding as opposed to, say, Ontario, which is at about \$22 per capita.

Just to make my pitch, which you will hear a lot about over the course of the next three years, I think that legal aid is fundamental to the operation of the justice system. These ideas that we see about paralegals, in my view, are an invitation for inequity between parties, and the talk of the law centres, again, is an invitation for more inequity. I think my colleague from the Liberal caucus, you know, gave some good anecdotal descriptions of what happens when you have people going into the justice system without proper representation. I'm sure that all of us in law school heard what it does to the integrity, frankly, of the justice system when we have the kind of unequal access to legal resources that we see in Alberta right now.

The final question on this issue that I put to you is simply: are you

looking at continuing the rate of increase over time to bring us up to a more effective provision of legal aid services by way of increasing the financial cut-off and/or expanding the scope of coverage through legal aid?

The final thing, I guess, that's sort of related to that is with respect to lawyers for children. I'm not clear whether or not our system currently covers that. Children who are involved in domestic disputes or in family violence or whatever situations: what kind of representation are they able to access, and do we have a consistent rule with respect to that? I know that's something that some groups had been advocating, and I'm not sure what the status of it is right now. Maybe I'll stop right here on that issue and see what answers I can get.

Thanks.

Ms Redford: Thank you for those questions. To the hon. member: you are right. I will provide you with detailed responses to your specific questions with respect to legal aid at the beginning because I don't have that information today. I agree with you in terms of the integrity of the system, and I think that it is an important part of what we have to do.

I think that whether we are talking about litigants who can afford lawyers or litigants who can't afford lawyers, our system is still too litigious. When I talk about alternative programs in the courts to deal with these issues, I am talking about making the court system less litigious for everyone. Don't see that as an answer to a legal aid query but as something that I think is important to the justice system. One of the reasons that we end up in a situation where everyone needs a lawyer, whether that is people that can afford a lawyer or not, is because of the nature of the system. I think we have to continue to work to ensure that we are putting processes in place that will allow for less time standing up in a courtroom arguing over some of these issues that shouldn't be in a courtroom.

There will be increased funding to legal aid next year as well. It is expected that there will be a \$6 million increase to the legal aid program next year as well.

The question with respect to children's representation. I know there is a lot of work being done about that at the moment. There is a program in children's services, which I can't speak to, but I do know there is a program available for children in those situations, and I can find more information for you about that. I think there is also some very good work being done in the community around that. I know that there is a program in Calgary that has begun to look at what some of the policy options would be around that. It's not a discussion I've been a part of in detail yet, but I have heard about it, and I am looking forward to having more discussions about that.

The Deputy Chair: The hon. member.

Ms Notley: Thank you. Well, thank you for those answers, and I look forward to receiving some of those documents back. Maybe if I could throw one more question in there. Once you've had a chance to get a more concrete assessment of where the ministry is on that issue of child representation, if we could be provided with some documents outlining that, perhaps that would be helpful.

On the issue of the whole litigiousness of the system, just to go back a bit, I appreciate the issue of, you know, when things can be too litigious, but at the end of the day the question is that the people that are appearing within the justice system need to have the choice of whether to be litigious or not to be litigious. To some extent law evolves when a decision is written by a judge. If the only people who get to have judges write decisions are those who can afford really expensive lawyers, then we know that the law is going to

evolve in a certain way. So we want to ensure that in key cases those who are less able to access expensive legal resources are also able to ensure that their issues get before the judges, who play such a key role in having the law evolve. Anyway, that's enough of that.

I want to move on to some of the issues around the safe communities initiative, that you've been talking about quite a bit tonight. I'm not quite as organized as the previous questioner was, so I hope I don't confuse this too much. I'm not sure which recommendation it was, but in one of the task force recommendations there was talk – and you've mentioned already the whole issue of increasing beds for addictions treatment and the key role that that plays in the justice system. I couldn't agree more that that's a really fundamentally important thing to get a handle on. I know that there was an announcement made not too long ago by the Minister of Health and Wellness, I think it was, talking about \$33 million being committed to addiction treatment facilities. While I appreciate that that's his thing, not yours, because it is part of the overall safer communities process and because it will tie into questions that do relate to you, I'm wondering if there is an understanding for when those beds would become available to the system, those new beds that were being discussed? As part of your co-ordinated effort, do you have an assessment of when the new beds come online? That's my first question.

8:50

Then the second question relates to those and current beds as it relates to addictions. How many of those beds will be what I'm going to characterize as forensic in nature? The key to that is that you simply can't put forensic patients into settings that are not equipped to deal with that characteristic. In other settings we see what happens – and it's not good – when patients are put into populations that are not forensic in nature. It's a really critical, important issue for the justice system: ensuring that these beds are structured in a way that the staff working with them are safe, that the other patients are safe, and that the public is safe in the course of the treatment being provided. That's one set of questions around that.

The other thing, again, that appears to flow from the safer communities initiative is the whole question of: there are increased police officers, increased Crown prosecutors, increased Crown prosecutors working on bail conditions. It seems to me that what this is going to do is increase the incarceration rate of criminals. Fair enough. I'm not saying yea or not yea to that. But my question then becomes: where are we putting those people? I'm wondering if we're not getting into a little bit of the cart before the horse kind of scenario. My understanding is that corrections is under a great deal of pressure right now in that they don't have capacity either at the federal level, where all the serious criminals would be put, or in the provincial settings. There is a real capacity problem.

For instance, with the bail hearings my understanding is that we have an even greater capacity problem in the remand centre. Again, while I understand that there is a new remand centre being built, I don't see it coming online till about 2011. So with these people that are not getting bail, where are they going? Who's taking care of them, and are they being put in circumstances where it's safe for the people working with them and it's safe for them and it's healthy for them and all those kinds of things?

Those are a few questions that I had around some of those elements of the initiatives.

The Deputy Chair: The hon. minister.

Ms Redford: Thank you, Mr. Chair. As the hon. member referred to, I can't speak to the Health and Wellness beds issue. I understand

that there was work being done with AADAC and the Alberta Mental Health Board to open up those beds, but I don't know the specifics because although that is funding that does support safe communities, it doesn't fall within the jurisdiction of the Ministry of Justice, and I'm not familiar with the details of that. So I'm sorry; I can't answer that question for you.

You had a supplementary question about beds, and I understand that that would be related to the mental health beds that are part of the work that we will do in safe communities. Even though we know that we are going to do that and we are going to implement that recommendation, we will do that through the secretariat, which just got established April 1. Part of what we want to do with the secretariat is make sure that we're working with partners. I know that the secretariat has already begun to have discussions with the police, with AADAC about how we might be able to do that.

I want to come back to something that I commented on earlier, which is that we don't want to just as Justice open up 21 beds for mental health. We want to do that good work, but we want to connect it to our objective, which is to make communities safer. I don't know how those beds will be opened up yet, but we're going to use that opportunity to have those resources as part of a targeted initiative where we'll be able to bring together, I hope, some of the stakeholders, possibly in cities or in rural areas, that really see a need. My expectation is that we will probably be looking at trying to do that over the course of the next year in some sort of a targeted pilot project. I am not in a position today to give you a specific answer about that, but I'd be happy to keep you informed about that and have other discussions about that as we move forward.

When we talk to stakeholders, we talk about the safe communities task force and wanting to engage with people who have thoughts on what we are doing and how we do it, and I would invite the hon. member and the Member for Calgary-Buffalo to be part of those discussions. I would very much welcome that level of discussion because there are some good, innovative ideas that I think we can work on together across this province about that. I just want to put that out there.

It's interesting with the Safe Communities Secretariat because some days when we talk about it, we talk about increased prosecutors. Some days when we talk about it, we talk about increased police officers. Those are things that we're doing, and we talk about reducing crime. But part of what we want to do more generally is to look at some inequities in the system.

Remand centres are full right now. I'm not going to speak to the specifics of remand centres either since those don't fall under my jurisdiction. We know that remand centres are busy, and one of the reasons they're busy is not only because people can't get bail but because they can't pay bail. It's not that the courts have decided that they should be in remand. They have put bail provisions in place, but somehow the system hasn't worked to the point where these people can afford the bail.

Part of what having more prosecutors involved in bail applications will do is have prosecutors who understand the file, understand the situation, and can come up with conditional release provisions that actually allow people who shouldn't be in the remand centre to not be in the remand centre and to have the people that should be in the remand centre.

The other thing about having increased prosecutors and really moving things through and letting people really take these files on is that one of our goals is to reduce the lead times in courts. That's going to also reduce the prison population, presuming that there are people in the system that will be found not guilty, and I'm sure there will be.

It's part of the whole process of how we need to change this. I

wouldn't say that it's a cart before the horse situation. It's part of realigning the system. We're going to have some growing pains, but the general philosophy is to make the system work faster, to put the people who need to be there in jail, and to allow people other opportunities if they don't need to be there.

The Deputy Chair: The hon. member.

Ms Notley: Thank you. I think I have about two minutes left. Just going back to the question of the addiction beds and the mental health beds and all that, I realize that it is done through a different ministry. What I'm saying to you is that my experience with this, which is, you know, not personal, is that there is forensic treatment going on within Health and Wellness that is not recognized as forensic, so there is a hazard being created to the community, to the patients, to the staff. Whether it's you or whether it's the Solicitor General, that is the point that I'm trying to make, that that needs to be injected into that discussion because it's a critical piece that's not happening right now.

Just in terms of the safe communities, a quick question. In the estimates I see that that is under 3.0.6, \$84 million. In your introduction you said that there was a bunch of money that was not yet allocated to any particular program. I just want to confirm whether that's what that was. So that's \$84 million which we haven't figured out quite what you're going to do with yet. If that's the case, just clarification.

9:00

In terms of court services – you mentioned that as well – I was just curious because I see the court budget has gone up a bit. It's gone up about 8 or 9 per cent for court services. I guess my question there is, again, with the new prosecutors and the new police officers, if you've got more prosecutors that are all ready to go and they're ready to go really fast because they know the case and they don't have to delay it seven times because they didn't know it, do we have more courtrooms and more judges? And are those found within that?

The Deputy Chair: The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Thank you, Mr. Chairman. Hon. minister, I just want to ask you a couple questions about our justice system. One of the things we hear a lot of as I work with the Solicitor General on several initiatives: oftentimes police will complain about a revolving-door justice system. Of course, we've heard a lot about that tonight. It sounds like you've definitely made a substantive effort to address this through hiring more Crown prosecutors. The problem seems to be twofold, from what I can gather. The first is that there isn't enough space in the remand centres. I'm glad that we're addressing that by, as the Solicitor General would say, building the new Edmonton Remand Centre. Shovels are in the ground, and that's being done right now.

The second, of course, is a lack of prosecutors or, like you were saying, a lack of prosecutors who are well informed about their files and have the time to go through and do the research and the necessary preparation to conduct an adequate prosecution. I guess my question is that obviously we want to hire more prosecutors, but I'm a little concerned given the labour market we're in that you're competing with corporate Edmonton and Calgary law firms that pay very high wages. There's a great need for more prosecutors, but I'm a little bit anxious as to how we're going to be able to recruit not just enough prosecutors but the right kind of prosecutors, people who are doing well in their respective law schools. Obviously, you can't get

all of the cream of the crop but that we're getting our fair share of really high level law talent coming out of the law schools would be my first question.

The Deputy Chair: The hon. minister.

Ms Redford: Thank you, Mr. Chair. Thank you for those questions. I'm very pleased to have some time to talk about prosecutors. I want to say again that I think it's a real testament to lawyers that choose this career. They're dealing with difficult, difficult cases. They are dealing with a lot of different files. One of their challenges, I think, also has been that when you as a lawyer of any kind – and I think it happens with prosecutors – switch the handling of a file from one lawyer to another, usually the lawyer on the other side can take advantage of that lawyer not knowing the history of the file. So I'm really pleased that we're going to be able this year to move to this new file management system so that we can ensure that each file is getting the attention it needs to get.

The increases that we were able to offer to existing Crowns last year have had a tremendous impact on our recruiting abilities. In our last round of recruiting for 20 positions we had a hundred applicants. I don't think there are a lot of other employers in the province of Alberta that can say that these days. Again, I think it's a real credit to people that have chosen to go into that line of work. We are currently in Alberta second highest in the country in terms of compensation for prosecutors.

The other thing which is very important to a lot of lawyers – and it's quite interesting. I went on a tour of the department about two weeks ago – and this will refer back to a question that my hon. friend asked previously with respect to specialized prosecutions and senior prosecutors – and we have very specific divisions within Justice where we have special prosecution teams that are able to deal with high-level fraud cases, very specific kinds of criminal cases. That work I think attracts a lot of people. When I was walking around and doing a tour of the department and went to the appeals branch, I was amazed, because I'm not as young as I used to be, by the age of the lawyers who are going to the Court of Appeal and the Supreme Court of Canada.

It's a real opportunity for lawyers who want to really dig into some good legal work. They're very successful. I mean, we have high-quality lawyers at Justice that have been very successful at the Supreme Court and have been very good on their appeal work. It is a tribute to them. There are real opportunities. They are lawyers that are very committed to public service. We do have a lot of people that want to work in the department, and we're very fortunate in that regard.

Mr. Anderson: Thank you for that. That's really encouraging to see that that's happening, especially on the recruitment front, that we're getting some of the best and brightest.

Another concern I've had – and I actually heard this a lot on the campaign trail in the last couple of months – is on the issue of drinking and driving. There's a lot of concern out there. At least my experience has been that people are concerned not so much that we're not trying to enforce drinking and driving laws, but they're concerned about repeat offenders getting off without much in the way of punishment or getting, you know, their licence taken away for a couple months even after they've offended two or three times, despite that they haven't hurt somebody or killed somebody but it's just a matter of time. The penalties, although they're there on the books, don't seem to be enforced as much as they could be.

Obviously, part of that is a judge's discretion when he or she is giving out a penalty or a sentence. But is there any way that we can

spend more resources or time thinking about ways in which we can better enforce drinking and driving offences or take steps that will make drinking and driving a very unattractive option, much more unattractive than it seems to be now, especially for repeat offenders and such?

Ms Redford: Thank you for that question with respect to drinking and driving. It's chronic. As you know as a lawyer, the penalties and the charges are laid under the Criminal Code, so as a provincial government we don't have any latitude in terms of those penalties. However, we prosecute the cases. I come back again to the level and the skill of the prosecutors that we have. One of the things that I know, although I've never done any of this work, is that they say that, as we've seen from recent Supreme Court of Canada decisions, the work around drunk driving defence is probably the fastest changing area of the law in Canada today. There are a lot of people who can spend a lot of money to defend those actions, so we see those cases coming before the courts quite often. We also see people, as you said, coming back on a regular basis.

9:10

I was very pleased to hear, when I first came to this department and was briefed on these issues, that in Alberta we are the first jurisdiction that has made dangerous offender applications with respect to repeat offenders who have been convicted of drunk driving offences a number of times. That's a decision that is within our control, to make that kind of an application. We are going to work hard to pursue that line of prosecution. We are going to have to look at some of the federal legislation, which I am advised will make it easier for us to prosecute those cases. The recent changes that have been discussed at the federal level should help us with that, but regardless of that we have made some decisions here about how to prosecute those cases and how to treat those repeat offenders, and we're going to continue to take that course of action.

Mr. Anderson: Thank you for that. Just as a follow-up a couple of questions, the first relating to drinking and driving, again. As a province, as you correctly pointed out, we don't control the Criminal Code offences and sentences and such, but we do have a say in the driver's licence portion and what we can do with regard to who we license and that sort of thing. I guess the first thing is: is there any thought through that method to making the penalties more strict with regard to not issuing licences to repeat offenders and that sort of thing, if that's even a possibility?

The second part I would ask about is concerning organized crime. It's very difficult, as you know, to prosecute organized crime, these gangs. There are very large, complicated trials, and the witnesses often can't testify against each other or can under certain circumstances. They're very costly. The evidence gathering is a very costly process. I guess my question in that vein would be: what resources are we spending in this budget to address prosecuting organized crime and gangs?

The Deputy Chair: The hon. minister.

Ms Redford: Thank you, Mr. Chair. Thank you for your comments with respect to the licence suspension. I am advised that there have been discussions around that. It is a possibility. I'm not sure exactly how long the suspension is at the moment once a person has been charged, but that is an option that we could look at. Although I won't be able to give you a specific answer back, I'll certainly take it under advisement for further discussion. I think the other thing that we will need to do, again, as part of safe communities, is come

back to some real public education around drinking and driving. It's fundamental, and it's not something that we are doing as much of as we used to.

One of the recommendations from the safe communities task force was to begin discussions on a western Canadian gang prevention initiative, and that is something that I'm personally very interested in. I know that there are currently discussions going on between provinces around that. It's something that I think we need to make a priority because it is a recommendation from the task force, and we will be following up on that.

The Department of Justice has a special prosecutions division that deals with very specific kinds of crimes. You had two questions. One was organized crime, and the other was gangs. I can't give you a specific answer to what resources in this budget are being dedicated to that. We will give you an answer, but I think part of that answer will be that we don't know specifically because we wouldn't budget based on a particular case. We would be budgeting for the special prosecutions branch, and they would deal with cases as they come forward. We can give you an answer that will deal partly with that question in terms of the resources that we have available when we need to have them available to make those sorts of prosecutions effective.

Mr. Anderson: Thank you for those answers. I guess another point would be on the area of child pornography and exploitation. I know that that was discussed briefly earlier, but I know it's an issue that hit close to home recently. We had a 13-year-old girl in Airdrie, my constituency. She lived, actually, just in the next neighbourhood over from mine, where my family with three boys lives. There was a predator online that was luring her out to a place. Fortunately, it got caught in the end, and they ended up apprehending the individual, using her profile in order to lure him out. So it was a good-news story at the end but nonetheless very troubling.

There's been a lot of talk in the media and from former members of this Assembly on a CyberPol initiative that would see sort of a centre of excellence set up wherever – the proposal I think I saw was Calgary – which would examine the best ways to not only teach police to enforce or to look into how to bring down these child exploitation rings but also develop ideas and laws and proposals for laws and regulations around actually prosecuting these sorts of individuals, especially given the international and transnational scope of the problem.

I guess my question is twofold. The first would be: what things are you doing in your ministry to address this problem kind of generally? Number two, is there more discussion surrounding this idea of a centre for excellence or CyberPol that would allow Alberta to be more of a leader in this area?

Ms Redford: Thank you for that question. I agree with you. I think it's an absolutely horrific situation that we are now facing the Internet as such an enemy of children. We are involved in a few different things and have had some successes as prosecutors with respect to this. I don't want to be beating a drum consistently, but first of all, having more prosecutors that have the time to do this means we're going to be able to prosecute more effectively.

Alberta was a leader in compelling ISPs to report child pornography that they see through their systems. That's one step, but we need to really aggressively prosecute. With the new prosecutors that are coming on stream, we will have three full-time equivalent positions in Edmonton and two full-time equivalent positions in Calgary that are dedicated to this area of prosecutions. There is also a lot of work that is being done – and this takes us back to safe communities again – around ICE, these integrated child exploitation

units, where we are able to deal with people that have technical strength, prosecutors and police and social workers, to get to these sources as soon as possible. We need to continue to support those initiatives, and we need to look for some more of those initiatives.

9:20

I am familiar with the CyberPol proposal that you mentioned. It is something that the Solicitor General has been engaged with as well. It's one of the things that I think we need to talk about through the safe communities initiative because it is a real opportunity for Alberta to be a leader in this area. It's going to be a tremendous challenge because discussions have gone so far that it is clear that there are some real jurisdictional issues in terms of how different law enforcement agencies across national boundaries will co-operate. But I think it's really worth looking at, and it's one of the things that we will be following up on.

Mr. Anderson: How much time do we have left in this?

The Deputy Chair: Thirty seconds.

Mr. Anderson: Thirty seconds. That will be all. That's fantastic. Thank you very much.

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

Ms Blakeman: Thank you very much, Mr. Chairman. I appreciate getting the opportunity to have a back-and-forth question and answer with the minister. Congratulations on your appointment, and welcome to your staff. We appreciate your assistance on the floor.

I'm going to start out by thanking the minister for support – and I'm assuming that it's support from this department – for a not-for-profit organization in my constituency called the Edmonton Community Legal Centre, previously the Centre for Equal Justice, which is an extremely valuable resource in my community because it is a bridging organization for people that find themselves bewildered by the law. It offers a sort of path, an entryway. It will listen to people's stories, and lawyers, who are volunteering their time for the most part, will try and give them a brief understanding of which direction they need to go in.

We use the organization probably a dozen times a week in referring constituents to them, so we really appreciate the funding. If there's any way that they can get additional funding, I would certainly like to see that because they've been a real wonderful addition. In Calgary I think you've had the Calgary Legal Guidance centre in place for many, many years. But this was the first time that we'd really had that kind of a resource in Edmonton, and it's very valuable.

Now, there are a couple of things that I'd like to talk to the minister about tonight. Just very briefly, one of them is the issue of MEP, the issue of women and justice, a number of the initiatives under the Keeping Communities Safe report, surveillance of the public, and then some very specific questions related to particular votes.

I'm going to start out with some questions about maintenance enforcement. At one point a very long time ago I was the executive director for the Advisory Council on Women's Issues. Just prior to that organization being established, the files had been transferred from social services, and MEP was in fact created. That was a very difficult, monumental transition to move those files and create that division. I ended up becoming an expert on maintenance enforcement.

I haven't done very many files in the last couple of years, so I'm

a little bit behind on the information. I'd appreciate any information the minister can give me. If it is of a statistical nature and you don't have it at your fingertips, I'd appreciate receiving it in writing. If I could receive it within two weeks, that would be helpful so that I have it before I'm expected to vote on this particular supply.

There was difficulty at one point because, in fact, statistics were not kept and the computer program was not capable of keeping them. I'm wondering if you're now able to track how much is the total amount of court ordered support that is required in Alberta and registered through the maintenance enforcement program. But, more, I'm interested in what is the percentage of that court ordered amount that, in fact, is being collected on a regular basis every month. One, can it be tracked? Two, if it can, what is the court ordered amount, the total for Alberta? What percentage is being ordered? Also, how much are the arrears coming into this fiscal year? How much were the arrears reduced last year?

You know, when we talk about women being able to enjoy full participation in the life of the province, in many cases their ability to do that is dependent on maintenance enforcement. So this is a really important ingredient to women's equality and particularly single-parent families headed by women and their ability to come out of poverty. Of course, poor children don't exist by themselves. They're poor children of a poor family, and often that's connected to these payments.

I'm always interested in our success rate in collecting. Unfortunately, the stats that used to be kept really didn't tell us anything because they told us whether there had been any movement, whether there had been any money at all collected on an account. It may well have been that there is a \$300 payment that is expected, court ordered every month, but in fact they've collected a buck and a half. It would still register as some activity on the account. It really was not giving us a picture of how much money was owed and how much was being collected in the province. If you're able to supply me with any of those statistics, I'd appreciate it.

I notice that the results of the 2004 amendment act are coming into play soon with the interest payments. I'm sure that in a year we'll talk about whether we view that as a success and see whether that's been helpful, but it's certainly a big step forward.

I'm also wondering what the minister's review is of any of the other enforcement tools that have been made available to the maintenance enforcement staff. Are there any that are proving to be more successful or any that are less successful and likely to be dropped? For example, at one point we had to wait until a driver's licence was expected to be renewed before we could put a nonrenewal order on it, essentially. Then that was upgraded so that, in fact, the driver's licence could be pulled immediately. What is the current status of the most effective tools in being able to enforce those court orders against recalcitrant people who had maintenance orders against them?

I'm also interested if we are getting fewer maintenance orders than we had before. Are the number of maintenance orders that are coming through the courts going down or going up? I'll let you answer some of those questions.

Ms Redford: Thank you for those questions from the hon. member. I will try to answer some. These specific, detailed questions with respect to maintenance enforcement I may be able to answer, but if I haven't distinguished the answer correctly, then we'll get you that more detailed information.

The amount of maintenance that was due on maintenance enforcement program files for the 2007-2008 fiscal year was \$199,503,266, and, including arrears, maintenance enforcement

collected \$199,800,593 during that period. This represents an increase of \$7 million over the previous fiscal year. The collection rate, as you'll see from those numbers, actually puts it at over 100 per cent, but that is the collection of arrears as well as ongoing support. I can probably get a breakdown for you of those.

I think with respect to your specific questions about the number – was it the number of maintenance enforcement orders registered?

Ms Blakeman: Yeah.

Ms Redford: Okay. We will come back to those questions and see what we can do about that.

In terms of the tools I have not had that as a specific discussion with the maintenance enforcement program. I will ask for more information from them on what they are finding to be the two most effective tools in the program and provide that information to you.

9:30

The question of, sort of, the recalculation of interest we're quite optimistic about. I am hoping that we will see some great successes with that. I recall very often, when I was practising family law, hearing situations that were so bad that arguing over maintenance would lead to parents not even being able to talk about the care of their child. If this program can help to stop that, then it needs to, and it needs to be supported so that we can make sure that that doesn't happen. So I think your questions are quite specific, and I don't think I can give you those detailed answers tonight, but we will get them to you.

The Deputy Chair: The hon. member.

Ms Blakeman: Thank you. I'd also like to verify that there's been no change in the commitment to keep the issues of maintenance and access as separate issues. If I could get the minister to comment on that, please.

Ms Redford: Thank you for that question. I think about the time that I was practising family law and know that it was a frustrating experience for many people to see how the courts treated these two, sometimes pairing them and sometimes not pairing them. I understand that this has been part of discussions in the past, and it's something that we'll continue to look at.

The Deputy Chair: The hon. member.

Ms Blakeman: Well, thanks. I appreciate that, but I was really looking for the minister's take on this and what direction she is likely to be driving this. My concern is always that maintenance is about collection of money to help with the upbringing of a child, and as soon as we hook it to access, we're involving a whole other set of issues. So far the government has managed to maintain those two as separate issues. What I'm trying to find out is: given a new Minister of Justice, is that likely to keep going? Is that the minister's policy, to keep those unattached and separate? As soon as we allow people to start bartering those two things, we have created a whole third set of problems for ourselves. So I'm trying to determine where the minister is going to come down on this.

Ms Redford: Thank you for that question. Your question clarified, I will clarify. As you referred to the fact that I am a new minister, I can't say that I have been fully briefed on absolutely every issue up until this point. I know that it has been the government policy to keep those separate, and I don't see any reason to change that at this point in time.

Ms Blakeman: Okay. Good. Thank you.

The next place I'd like to go is around women and justice. If the minister was practising family law, then she's well aware of these issues. One of the things that happens that again creates an inequity for women in this province is that they often have fewer financial resources to be able to appear in court. Often a spouse, a husband, has more financial resources and just keeps taking them back to court over and over and over again on a number of issues, whether it's maintenance enforcement or access or custody or divorce proceedings, and the woman eventually is essentially denied justice because she can't afford to keep going to court. They give up whatever they give up there: they give up the fight for maintenance; they give up the custody; they give up the access; they give up on fighting for a share in divorce proceedings. They just don't have the resources to keep going.

Legal aid has never particularly been supportive in these cases. Given the number of changes that we're looking at around the safe communities and some changes in philosophy around how we approach justice issues, is there any kind of recognition here around special circumstances that women can find themselves in in that they get unequal access or an unequal benefit from the court because their financial position is often less than that of the men that are bringing them into court? Can you comment on that?

Ms Redford: Thank you for that question. I certainly know of what you speak. It is a situation that we need to find some solutions to. Some of what we need to be talking about is something that I've spoken about earlier tonight. I take the point about case law being made in court; however, there are an awful lot of family issues that, quite frankly, are not case law issues. They are not issues that are setting precedent. They are issues where people need to be well represented in a very difficult, emotional, and personal situation.

I want to say that the work that we have done around family justice initiatives and practice notes and encouraging lawyers and mediators and judges to deal with these situations in a way that is not going to put either party, although very often that is, as the hon. member has said, a woman, in a disadvantageous position, where she isn't able to litigate – we need to take some of the litigious element out of that. I'm not going step back from that approach. I think that's a very important part of the philosophy of what a justice system needs to be for people. I think that is very important.

We will certainly over the course of the next year be talking to people that are impacted adversely by some of these situations. It may very well be that we do come up with some opportunities to try to find some innovative ways to look at that. I am not in a position today to say that. It's certainly not something that I would exclude. I'd be quite prepared to have that discussion at a later time as part of what we do under the safe communities task force. It is something about creating a sense of security for people in the way that they live their lives and giving them some certainty.

Ms Blakeman: Yeah. It's just that there's an inequity in the system, and it's a gender-based inequity. I think we recognize that, but I want to make sure that the department continues to pursue trying to mitigate that inequity.

I'd like to direct your attention to page 8 of the Keeping Communities Safe report. Under Laws and the Courts under recommendation 7 it says, "clarify the rules and remove barriers to sharing essential information, including information about suspected criminal offences." Now, to my ear that starts to sound like it's going to run into personal information and protection of privacy issues. Can the minister expand on what she sees the ministry doing around that particular recommendation? It does fall under her department of law and the courts.

I'm also looking for some explanation around the next numbered recommendation 8, which is "develop, enact and enforce legislation allowing the province to seize money and property gained through the proceeds of crime and use those resources to fund victim compensation, crime prevention and crime remediation programs."

Now, I realize that the victims of crime fund falls under the Solicitor General, but I continue to have serious reservations in that there is a fund there that is now, I think, in the \$30 million range, yet there are excellent not-for-profit organizations working in the community trying to deliver services and there's a cap on how much money they can get. There's a restriction, they're not getting as much core funding as they need, there's immense pressure on their capacity, and there are huge volume increases that they are trying to serve, yet the victims of crime money that is sitting there is not being directed or loosened up. The caps are not being lifted to direct money to those organizations. So make a linkage for me between number 8 and what's, in fact, happening. I understand that you're not in charge of victims of crime, but it is mentioning that in this particular recommendation.

I'll leave those two with you. Thank you.

9:40

Ms Redford: Thank you for both of those questions. I want to go back for a minute, take a step back, because I find that when we have discussions about safe communities, I become fully engaged in this, which I think is a good thing. I think the hon. member is doing the same thing.

What we have in that report is a list of recommendations that the government has agreed to implement. They are also very short recommendations, in terms of being three or four sentences, so I think that at this point with some of the recommendations we can talk about the general philosophy of what we would like to do, but we still have to take some time to actually discuss how we're going to implement some of those recommendations. There will be some that will be a priority because we're ready to go on them, and there will be some that we may take some time to implement.

With respect to the sharing of information question, I want to emphasize that what we understand that recommendation to be about is the sharing of information between the investigative branch of government and the prosecutorial branch of government to ensure that we're not letting information that needs to be part of the investigative process and the prosecutorial process slip through the cracks, to make sure that the appropriate arms of government that are dealing with safe communities and justice issues, whether it be Justice and Solicitor General, are doing what they are supposed to do to make sure that there is proper communication and we are getting the most effective results.

The Deputy Chair: The hon. Member for Whitecourt-St. Anne.

Mr. VanderBurg: Thank you. Mr. Chairman, if we could just go back and forth and talk about a few issues. In Whitecourt-St. Anne I have the Alexis First Nation, and we have some opportunities for alternate types of systems that deal with, especially, youth crime. As well, we have some youth justice committees throughout the constituency. I know that in your budget there is some support, and I'm just wanting to know if there's additional support for youth justice committees and if you plan on having any expansion of this program in rural Alberta.

Ms Redford: Thank you for the question from the hon. member. Youth justice committees, as the hon. member has referred to, are, I think, a key element of what we need to do around the sort of

justice support for young people in communities and finding ways to ensure that we are appropriately dealing with the impact of crime on communities and also providing opportunities for young people to learn from their errors before it's too late. The nice thing about the YCJ committees is that they fully engage the community and respected members of the community in dealing with the issues and the impacts that they have.

Interestingly, I think that funding for those YCJs, I am advised, comes under the Department of the Solicitor General, so it's not something that's specifically set out in my estimates. My understanding from discussions that I've had is that those are areas that we are trying to ensure we continue to support in urban areas and in rural areas, to ensure that we are doing things besides simply prosecuting and putting people in jail.

The other thing that I would like to speak about for just a moment with respect to youth criminal justice committees is some of the work that we have now started to do through the safe communities task force that's going to lead to a pretty exciting meeting in Hobbema next week, where the Youth Secretariat and some of the people that are involved in the community have agreed to come together to talk about the possibility of implementing that kind of a plan in Hobbema. As we know, we've seen in the past months some terrible tragedies in that community. It's, I think, a great example of what the secretariat is going to do in terms of developing approaches that will be targeted and will respond to the community's needs.

I thank you for that question.

Mr. VanderBurg: The next thing I want to touch upon is the mediation process and the use of the mediation process. Court time is expensive both for the province and for the users. The mediation process that's been set up by your department I think has been a real success. It's too bad that it's only offered in the larger centres. So my ask to you is: is there any plan to move the mediation process out into rural Alberta? I think there's a willingness from a lot of the retired legal community and people that are experts that live in Alberta that have decided to come out to places in Whitecourt-Ste. Anne who would be willing to serve on this. I'm just wondering if this great service – and I've witnessed this great service and how well people can come together that have opposing views led by some trained people – could be offered out into rural Alberta.

Ms Redford: Well, thank you for that question. The work that we are doing in mediation, I think, is a true reflection of the evolution of the legal profession and the courts. The way that mediation will be included in some of the amendments to the *Rules of Court*, I think, will be quite interesting.

We currently offer civil mediation in five centres: Lethbridge, Grande Prairie, Red Deer, Edmonton, and Calgary, and we are looking at expanding that. I can't speak specifically to Whitecourt-Ste. Anne, but if there are some of those opportunities, then we certainly would look at that. Because the other thing is that when you're dealing with reaching out to rural communities where perhaps there isn't a courthouse right down the street, it gives you another opportunity to try to keep people not just out of the courts but in the same court building but completely outside the courthouse.

I think that's something we should be striving for because that's about community-based answers to problems. I think that in Alberta there's been a real tendency for us to forget where we've come from, and that there is a tendency to not rely on community and to take things out of community very quickly. I think it's important that we try to come back to some of those values. Mediation is a pretty basic value in community life. There are lots of places in the world that don't have court resources and don't have judges and don't have

lawyers, and they do very well with mediation. They solve a lot of very difficult issues. There are great examples of that. We need to do more.

The Deputy Chair: The hon. member.

Mr. VanderBurg: Thank you. I thank you for that answer, and I do hope that you consider the successful models that you've had and move them out into the smaller communities. I know many people think of Grande Prairie and Lethbridge as rural, but compared to my small, little courthouse in Mayerthorpe and in Whitecourt and in other centres, those are big cities. I do think we have the opportunity, and I would be willing to assist the minister in helping some pilot projects in some smaller areas because, like I say, I've witnessed it, and I think that it's worthy of pursuing. Again, that coming together of our communities where we can solve some problems within would be helpful.

The last point I wanted to touch upon was the recruitment of Crown prosecutors, especially those, again, that are willing to travel outside of Edmonton, outside of Calgary, outside of the larger centres. I'm wondering how we're doing and how the succession planning is going in attracting some younger Crown prosecutors to serve centres like Whitecourt-Ste. Anne.

Ms Redford: Thank you for that question. It's an important part of what we need to do throughout the system, but particularly in rural areas. I'm advised by my department that as part of our recruiting plan and our succession planning we've had good success in hiring young prosecutors that want to be out of the large urban centres like Grande Prairie and Lethbridge and that we are having a lot of luck in recruiting people that want to continue to stay in the service and also move to those areas, prosecutors that have experience that want to move to those areas. Thank you for that question.

Mr. VanderBurg: My last point, and I thank you for that answer. When the minister of tourism and parks comes travelling around with her boat in Whitecourt-Ste. Anne, I would encourage you to travel along and see parts of this great province that maybe you haven't had a chance to explore. Whether it is winter or summer, we can accommodate that. I know the minister is interested in ice fishing opportunities, and you'd be more than welcome to come along on those trips. Thank you so much.

9:50

Ms Redford: Well, thank you for that invitation. I actually am pretty excited to know that I'm going to be visiting locations very close to Whitecourt-Ste. Anne in the next 10 days or so and look forward to that opportunity. I would very much like to see the courthouse.

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

Ms Notley: Thank you. I don't believe I'll take the next 20 minutes. I suspect I'll probably take about 10, and we can move on.

I'm just wondering if I could get an opportunity to get an answer to the question that I ended with last time. That's all right; I will tell you. I barely remember. I can't imagine you would. On court services I understand there was about an 8 or 9 per cent increase in the budget. How much, if any, of that is anticipated to account for extra judges, extra courtrooms, extra prosecutions arising from our whole extra getting tough on crime thing? That was the first question.

Maybe I'll just go into my next set of questions and my next

issues, and then you can respond to all of them. These relate primarily to, I believe, recommendation 15 under the safe communities plan, which talks about dealing with family violence issues. I do understand that there is sort of a cross-ministry committee that's existed in one form or another for some time. I understand as well that after 2004 there were a series of recommendations by advocates from within the community who assist victims of family violence, asking for a more consolidated body within the government to co-ordinate the many, many different elements of government that are often working on issues of family violence.

I believe there was a recommendation that came from the Premier's round-table as well, and I know that there's a little cross-ministry committee right now, but I don't believe that really meets the same kind of objectives that had been advocated for. I'm wondering if, within that \$84 million of creative money, there's been any consideration of maybe consolidating some of those efforts and whether it would be done through your ministry or whatever other one.

Then on the same theme a couple of other issues that have been raised within that community. One relates to the whole issue of cross-training the various providers across government on issues relating to domestic violence and, in particular, going back into your ministry, the whole question of training court services, whether you're talking about judges, whether you're talking about court service workers, whether you're talking about the Crown, on issues of domestic violence and the complexity of them and how to deal with them.

In other jurisdictions I know that the Attorney General's ministry actually took responsibility for educating the police as well on these issues. I'm wondering if there's been any consideration there, just to make sure that the messaging and the ethos which is being communicated is consistent across the board, that protection of victim, for instance, is the critical component.

I note that there is reference in one of the documents related to the budget – and I can't remember which one now – to your ministry's commitment to continuing to remain involved with the provincial family violence treatment framework program. I understand that there have been some concerns raised that that particular body looks at perpetrators of domestic violence from almost a medical model, looking at treating the symptoms, I guess, and whether that's still an approach that you as a new minister would be approving of or whether you would be considering moving back towards a different model which acknowledges that it's not a medical issue; it's not a diagnostic issue. It's an anger management issue. It's a criminal issue, and it needs to be treated in that way.

My final line of questions on that particular area in terms of how it is that you may be following through on recommendation 15 relates to the way in which certain processes within the courts might be amended to more effectively address these issues. I'm throwing out here some things which can just be done by policy and some which might require legislation: for instance, everything from giving priority, legal aid priority, to unrepresented victims who are in the midst of family disputes but are also proven victims of domestic violence; whether there is discussion of giving priority in terms of courtroom access, again, to parties who are also victims of domestic violence; whether there is discussion of talking about risk assessments and whether that would be something that would be communicated very gently, I understand, with the judiciary about whether or not they would be looking at doing risk assessments prior to custodial awards or access awards in cases where allegations are being made about domestic violence; looking at things like presumptions against custodial awards, and I think this becomes legislative, or access awards in cases where domestic violence has been proven.

A lot of different things that I'm throwing all in, but they're all sort of, you know, court, judges, education, so I thought I'd throw it all in together, and you can let me know where you're at with those.

The Deputy Chair: The hon. minister.

Ms Redford: Thank you, Mr. Chair. Court, judges, and education. Yes. Some of those suggestions that you raised at the end, I think, are really interesting. I think this is exactly the kind of discussion that it's very fruitful to have not just in this Chamber but at other places as well. As I mentioned previously, we have a recommendation that is four lines, and now we need to really put some meat on those bones, and we need to talk to people that are thinking hard and have been thinking hard about some of these issues for a very long time. What the implementation of that recommendation turns into, I think, gives us some real opportunities to address some of these issues, which are very important.

I don't mean to say by that that we haven't achieved an awful lot in government on these issues. We have organizations like ARTAMI that deal with high-risk offenders. We certainly have within the Department of Justice joint training programs for police officers and prosecutors around domestic violence. We have extensive training for court clerks on these issues. That question of the ethos around how we treat this situation and the people that are victims of this is very key to the way that this department wants to deal with those issues and has dealt with those issues.

There have been cross-ministry committees that have taken various forms. I've met some people in the Department of Justice who have been working passionately on these issues for a long time, and some good work has been done. I think we need to continue to support that work, and we need to look at some of those recommendations and see ways that we can do that.

The last question, which then became the first question, which I will now answer lastly, really comes back to, as I think the hon. member knows, the relationship that we as Justice have with the courts. We appoint provincial court judges. The federal government appoints Queen's Bench judges. It is our responsibility to work with those judges and to maintain their independence but to also ensure that they have the administrative resources that they need to do their job. Next to that, we also need to look at the number of courtrooms that we have. This year in provincial court services we have 122 positions and we are adding three more, so we will have 125 positions in the provincial court after this year. Then we will need to work with judges to develop the appropriate support models for those, the court staff that they will need, and ensure that they have what they need to do their work. We work on a very co-operative basis with provincial court judges and with Queen's Bench judges to ensure that they are getting the resources that they need to continue to do their work. We do recognize that we need to have some more judges in the system right now, and we're addressing that.

10:00

The Deputy Chair: The hon. member.

Ms Notley: Thank you. Thank you for those answers. I think I have about three questions left, which are sort of a grab bag of different issues.

Recommendation 5 of the safe communities report talks about creating drug treatment courts, mental health courts, and specialized courts for domestic violence. I think my colleague over here is going to be asking you about mental health courts. What I'm just curious about – and this is not in any way a loaded question; I

honestly don't know the answer to this – is what the specialized courts for domestic violence are. I can see cases where if what you're talking about is enhancing access and the ease of disposition of these matters, then I could see the merits of them. I would, however, be concerned if the view of the offence was somehow modified in the same way that it is in the mental health courts or the drug courts or is somehow mitigated. That is a real concern that I would have about any kind of separation of domestic violence courts from any other criminal court that deals with assault and battery. I'm a little curious about what the intent is behind the domestic violence courts.

On a different topic, moving to recommendation 11 in the safe communities report, a recommendation that the government essentially engage in analysis of the outcomes around a number of different initiatives, including diversion, including restorative justice, including conditional sentencing, including a number of different, you know, bail hearings, all that kind of stuff. It appears in the report that this is only accepted in principle by the government as opposed to accepted. It would seem to me that we're embarking on – I believe the number was \$150 million in total this year and \$500 million over the next three. It would seem to me that it would be a very wise thing to build in these kinds of assessments in order to measure the effectiveness of this rather significant investment. I'm curious as to whether it still is a recommendation that remains only accepted in principle or whether you're planning on building in some evaluation strategies to the many different things that you've got on your list of considerations.

The third point that I want to make is really less of a question. It's just to say that I agree with everything that everyone has said about the Crown prosecutors, and I appreciate the number of times you've spoken highly of them. About two years ago in door-knocking – apparently, that's all I ever did – I ran into a young Crown prosecutor who at that point had not yet received the benefits of the changes to the compensation. So I'm really pleased to hear about those changes. I think that will help you quite a bit.

I have questions – and this is a little bit of my own hobby horse – about women in the justice system. In this case what I'm talking about is women who actually work in the justice system. I have questions about what the breakdown is between women and men who are Crown prosecutors, what the, sort of, general age group is of the women. I don't expect you to answer this right now. This is more of a suggestion. And whether or not there is consideration given to coming up with more creative work arrangements in order to enhance retention of these women prosecutors, frankly, to allow for a work-family balance. It's a bit of a hobby horse of mine, having been in the legal profession for some time and knowing that it's not a profession that really welcomes balance for its female participants. I'm suggesting that perhaps as a retention technique it's something that could be added to the increased compensation that was also thrown their way.

That's the end of my comments. Thank you.

The Deputy Chair: The hon. minister.

Ms Redford: Thank you. The first area that I would like to talk about is the family violence courts and to say that I take your point. We are not developing these courts to marginalize the issue or to specialize the issue or to segregate it from the criminal prosecutions, from the criminal courts. This is about, as the hon. member discussed, the ethos around this issue. It's very important as we deal with this that we are able to have specialized prosecutors that can deal with these cases, that we are able to have people who can

understand a lot of the underlying issues and can focus on the environment in these court situations so that we are not simply running a particular trial that's relating to domestic violence or family violence in the middle of five or six other charges in a preliminary hearing during the day. It's about treating the issue with enough detail and with enough severity that we're able to dedicate the resources and the attention that we need to ensure that victims are properly taken care of.

There is an element in that to dealing with recidivism, and I take your point that we are not talking here about approaching this from a clinical diagnosis but understanding that there are anger management issues and that there are opportunities to not divert but to treat and to provide programs and to ensure that there are resources available and that people are aware of some of the resources that may help them in these situations.

That is not to take away from what the purpose of these courts is, which is to prosecute people who have been involved in serious assaults. That is the underlying philosophy behind why we are doing this. But we believe that it is better to deal with this in a different environment so that we can more effectively address the cases and prosecute the cases.

Your second question? I'm so sorry.

Ms Notley: It was around recommendation 11, which had only been agreed to in principle.

Ms Redford: Yes. Thank you. That was about assessing a number of different options that should be part of everything that the safe communities task force is doing; for example, talking about bail and that sort of thing. I think in our discussion tonight a number of the issues that are listed in that recommendation have come up as being part of the policy considerations that we've already started to think about in terms of some of the pilot projects and the implementation of other recommendations that were part of that task force report.

I don't see the fact that that recommendation was accepted in principle as meaning that it's not something that has to be part of the conversations that we have about implementing a safe communities approach to justice. It's about taking those particular areas and integrating them into the other recommendations that we're doing. My understanding, my impression of that is that what I wouldn't want to see happen is that we simply fund a lot of reports that tell us probably a lot of the things we already know, and now we just have to fix some of this.

I think there was a third question, but I cannot remember. Oh, yes. It was the breakdown of prosecutors. Of course, I don't have that information, but I will provide that to you.

Thank you.

Ms Notley: I have no further questions.

The Deputy Chair: The hon. Member for Calgary-Buffalo.

Mr. Hehr: Thank you, Mr. Chairman. I have some more follow-up questions. I was just sort of wondering: on goal 2.11 it says, "Co-operate with stakeholders to develop a model for a Mental Health Court." I take your comments at face value that you guys are just getting this group together, but have you developed any sort of timelines when you might see a mental health court online and up and running in the community? What about an addictions court? I believe there's one already going. Is that true? If so, how much money is it getting? Can you describe more in depth, sort of, what you're doing across your ministries to support the people who are committing offences who are severely addicted to drugs?

10:10

Ms Redford: Thank you for those questions. I'm pretty pleased that part of what we were able to talk about today when we announced the leader of the Safe Communities Secretariat was the fact that we are working in partnership with the chief of the Edmonton city police to begin a pilot project that will lead to a mental health court being in place by, we hope, April 1 of next year, and it's a good example, I think, of something where the department has done some good work already. The city of Edmonton and the chief of police in Edmonton have done some very good work, and now we have the opportunity to implement that, so we are doing that.

There is also a small drug court in Calgary. The nature of it is slightly different. It's one of the areas that we will look at. We're working very closely with Chief Hanson on three or four different initiatives, and this may very well be one of them. It will depend partly on stakeholders' involvement. We're going to have to spend some time making sure that it is where we want to go in Calgary with that, but it's certainly something we're looking at.

Mr. Hehr: Thank you for those answers. I would just like to also ask: since people are spending quite a bit of time in remand and more people are going to remand – I've heard that conditions there are not the most pleasant, that in fact guards may be at risk – is there anything in this initiative to support both our criminals who are in remand as well as the people who look after these facilities to protect our citizens? Is there anything being done on that front?

Ms Redford: Thank you for that question. I can't say at the moment, from the discussions that I've had with the secretariat, that we have had a conversation along those lines. I can't say that we won't, but it hasn't happened yet.

The Deputy Chair: The hon. member.

Mr. Hehr: Thank you. I'm not sure if you're aware, but about last year Provincial Court Justice Vickery outlined a whole bunch of different recommendations for the ministry to follow up on, and at the time it was your predecessor who was in charge of that file. At that time there were many recommendations sort of saying that we have to have timelines in provincial court, when courts run overboard, to get those people back into trial as quickly as possible, that judges at the provincial court level need to have some sort of system in place to write their decisions and get them out quickly to the public so that they're not waiting one and two years for a judgment on decisions. Justice Vickery has that letter to you, and I believe your able assistants there have given you some information on that. I was wondering if you have done any work on sort of supporting our provincial court judges in that way and easing the system, moving people through the system in an easier fashion, where they can get justice swifter and more effectively.

Ms Redford: Thank you for that question. I've had the opportunity to meet with the Chief Judge of the Provincial Court and the associate Chief Judge as well, and it's been very interesting for me to learn what that relationship is between the department and the judges. The work that we do with provincial court judges is very much, as I referred to earlier, about finding ways to support what they want to do. It's really wonderful to be able to have conversations with a number of people who are sitting on the provincial court in various divisions, in criminal and family and civil, who are really coming to terms with some of the workload issues and how they can organize their work. We're now at the point where we're having

conversations with them about how we can help to support some of those changes for them.

In terms of how judges organize their work, it really is very much sort of an internal decision-making process for them, but once they've made that decision, we need to be there to support them with the resources. At the moment we have undertaken a needs assessment that we are doing jointly with the judges on the provincial court to talk about how we can implement some of these because the recommendations that were a part of that very much take us in the direction that the courts need to go. So it is a process. It certainly is a process, but we have begun to do that, and we will continue to do that. I'll, in fact, be meeting with the Chief Justice again on Friday to take that conversation further.

Mr. Hehr: Thank you very much. I appreciate all your answers to my questions tonight. I've been very well informed.

Thank you.

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

Ms Blakeman: Thank you very much. I'm pleased to get another shot at this. A couple more things that I wanted to follow up on that were coming out of the recommendations in Keeping Communities Safe. Under recommendation 14: "Ensure that schools have access to both a school resource officer and to adequate counselling services." Is the minister aware if the school resource officer is a police officer? I'm wondering what the thinking is behind that.

Under recommendation 15: "Expand provincial support for programs aimed at preventing domestic violence and providing support for families that are victims of domestic violence." I know that my colleague from Edmonton-Strathcona had raised a number of issues around that, but I'm wondering whether there is money attached to that particular recommendation, and if so, how much? If it's not in this minister's department, where could I find it? I would appreciate that.

Perhaps I could get answers to those two questions.

The Deputy Chair: The hon. minister.

Ms Redford: Thank you. I will answer the first question and then just beg your indulgence to repeat the second question after. Let me answer the first one first. The recommendation with respect to school resource officers is around working with police officers to find ways to have police officers in schools.

I had a very interesting conversation last Friday with Chief Hanson in Calgary. We had the opportunity to discuss some of the work that he would like to do around developing programs where police officers who are community-based police officers can work with social workers in schools to work on leadership programs, to develop information sessions for parents. We had a long conversation about how, you know, kids are growing up in a world today where parents are sometimes even surprised in terms of the risks that are out there. I think those are things that we know, but it's very interesting when you have conversations with police officers as to some of the very specific examples of some of those dangers. We had a long conversation about how the Calgary city police have started to do some work around developing teams who can work with parents and work with students and work with teachers not in terms of investigating and prosecuting but also not just being a police officer that walks into a school and says, "Hi, I'm here once a year to tell you not to break the law because that's a bad thing," but really developing relationships.

Now, that's the philosophy, I think, behind that. At this point it

is my understanding that that isn't one of the initiatives that is a priority this year for us, which I think means we will begin to have those discussions to see what opportunities might look like. Whether that recommendation translates directly into exactly the same activity, we'll see because what we want to do is going to be what's best for safe communities.

I'm sorry. If you could just repeat the second part. Thank you.

Ms Blakeman: Yeah. I'm still a bit uneasy about having police officers in our schools. That's a double-edged sword. But okay; I'll take your response.

My second question was around recommendation 15 and whether there was money allocated specifically to implementing that, which is about expanding provincial support for reducing domestic violence. So that was that second question. Then I'd like to go on to a different subject, so I'll just get the answer to that.

Ms Redford: Thank you for that. Again, as a recommendation we'll be starting to look at that. At this point we do not have specific funds allocated for implementation of that recommendation. There is work that's being done within a number of departments already, and it is good work. I mean, what we want to do with safe communities is to develop some targeted initiatives. So, in that sense, we don't have a targeted initiative that has funds attached to it, but we will be working toward that.

10:20

The Deputy Chair: The hon. member.

Ms Blakeman: Thank you. The next issue that I would like to explore with the minister is around surveillance of the general public, which is a public policy decision that keeps returning to us. There are debates and facts and figures available on both sides as to whether public surveillance – in other words, closed-captioned cameras, that sort of thing – are useful and effective or whether they are an unnecessary intrusion into people's expectation that they could conduct their business and live their lives without being scrutinized on a closed camera by somebody. I'm wondering what sort of policy the minister is looking at around this issue. Is she interested in pursuing more surveillance of the general public? Less? Does she think what we have right now is about right? How does she see this fitting into some of the other strategies and recommendations that the government is currently pursuing?

Ms Redford: Thank you for that question. It is an important area. I know that in parts of this province and around this world there are governments that have taken different approaches to this. As the hon. member stated, there is research to support different sides of the position. At this point as a government, which is how I have to speak and not in terms of what my personal opinion may or may not be, this is an area where we need to do some more work. I think it's an area that requires a very good policy discussion. We'll be undertaking that at some point.

Ms Blakeman: Well, you could send it to a policy field committee, which would be a useful place to put it because that would be all-party as compared to one of the MLA committees, which tend to be government MLAs only.

Finally, I have a couple of very specific questions. On page 299 under Support for Legal Aid, vote 4.0.1, I'm wondering if the increase there is related to a volume increase – in other words, there's higher demand for the legal aid services – or whether, in fact, there has been a change in the criteria so that it's more or less the

same number of people that are accessing it, but they're able to access larger amounts of money per case.

The second question appears on page 300 of the estimates book under 3.0.5, maintenance enforcement. This is voted equipment/inventory purchases. There's a sum there that looks like \$1.5 million. I'm wondering what this equipment is for under the maintenance enforcement program. There have been a number of challenges in that area over the past, and I'm under the impression that those were resolved, but I would like to know what that money is being used for. We did at one point have computers that didn't talk to each other and were also not able to calculate what we needed to do. So what is this additional money for? If it's IT support, I want to know what it's for exactly and break it down. There's a lot of money being spent on IT by this government, and I'm starting to get suspicious about whether everything actually talks to everything.

Finally, on page 306, FTEs. Full-time equivalents for the department, \$2,922,000. I'm wondering if I can get a detailed breakdown, please, of how those FTEs are allocated. You've mentioned some of them as you've gone through the evening. You probably have a breakdown available which you can send to me. If you would be so kind as to do that. I'm most particularly interested in the legal aid, the domestic violence, and the maintenance enforcement sections, but I'm sure you've got a breakdown that shows us where everybody is. If I could get a copy of that, I'd appreciate it.

On page 304 under Revenue there's other revenue showing \$114,350,000. Could you give me a breakdown of what that other revenue consists of, please?

I believe that that's the end of my questions. Thank you.

Ms Redford: Well, thank you for all of those questions. I am going to undertake to provide those to you. I'm sure the department will be very busy over the next short while, getting those back to you.

The Deputy Chair: The hon. member?

Ms Blakeman: No. Thank you. I will await getting them, and of course if I could get them within the two weeks, that would be very helpful. Thank you.

The Deputy Chair: Does anyone else wish to speak?

Ms Blakeman: I'm just picking up on the comments from the hon. Member for Airdrie-Chestermere, with his interest in CyberPol. The work that's being done there, is that looking at bringing back what was being proposed under Bill Pr. 1 from 2007, which was CyberPol – The Global Centre for Securing Cyberspace Act? Is that what the government is considering moving forward on; in other words, the same bill being brought back as a government bill? There were some fairly significant issues that were raised around this at the time that were unresolved. It ended up dying on the Order Paper last year and when the election was called. I'm curious as to what the government is looking to do in following up on CyberPol, or has that now become a catch-all word? It was quite specific what was being proposed in this bill, so I'd like to know where the government is going with this.

Thank you.

Ms Redford: Thank you for that question. I know of it in a general way. I don't know of it as a specific program or as a program related to previous legislation. At this point, I don't believe I said the government was going to do this. I believe I said that it was an interesting idea we're discussing. I think it might be as a general

principle something that we want to look at in terms of child exploitation. If we can find ways to deal with childhood exploitation on the Internet, then I want to look into those. I'm not exclusively looking at one or another right now, but I want to have conversations about it.

The Deputy Chair: The hon. member?

Ms Blakeman: I'm good. Thank you very much.

The Deputy Chair: Any other members wishing to speak?

If not, I'd like to invite the officials to leave the Assembly so the committee can rise and report progress.

The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Chairman. I would move that the committee now rise and report progress.

[Motion carried]

[Mr. Mitzel in the chair]

Mr. Doerksen: Mr. Speaker, the Committee of Supply has had under consideration certain resolutions for the departments of Tourism, Parks and Recreation and Justice relating to the 2008-2009 government estimates for the general revenue fund and lottery fund for the fiscal year ending March 31, 2009, reports progress, and requests leave to sit again.

The Acting Speaker: On the report as presented by the hon. Member for Strathmore-Brooks, does the Assembly concur with the report?

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.

Government Bills and Orders Second Reading

Bill 1 Trade, Investment and Labour Mobility Agreement Implementation Statutes Amendment Act, 2008

[Adjourned debate May 6: Mr. Horner]

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

Mr. Taylor: Thank you, Mr. Speaker. It is, I guess, a pleasure – it's hard to tell with TILMA – to rise and join second reading debate on Bill 1, the Trade, Investment and Labour Mobility Agreement Implementation Statutes Amendment Act, 2008. A colleague of mine the other day I thought put this very well: TILMA is using a sledgehammer to crush a walnut. It's overkill to the nth degree.

10:30

Here's what the average Albertan, I think, knows about free trade between Alberta and British Columbia. It's Friday of the May long weekend at the Alberta-B.C. line. It's not really a border. At the Alberta-B.C. line Mounties lurk, stopping cars with Alberta plates, searching for and seizing any liquor in the car bought in Alberta because British Columbia, goshdarnit, the self-proclaimed most beautiful place on earth, although that claim, obviously, in no way

extends to that dog's breakfast design of a licence plate that bears the slogan these days, welcomes Albertans once we've paid their taxes. Mr. Speaker, I think that is, basically, the extent of what the average Albertan knows about free trade between Alberta and British Columbia or – perhaps I should put it more correctly – cares about free trade between Alberta and British Columbia.

There's no evidence that we can find anywhere that the issue of interprovincial free trade or barriers to interprovincial trade is on any ordinary Albertan's agenda. It's probably not on any ordinary British Columbian's agenda either. We haven't looked as closely, but we haven't found any evidence of that either. It was on the agenda of the Premiers of Alberta and British Columbia back on April 28, 2006, when they signed TILMA. It was on the agenda of the government employees, the civil servants, the government officials who got together in a room and said: "Okay. What's not on the table?" British Columbia says: "Water's not on the table. We don't want that on the table." We basically said: "Energy's not on the table. Everything else is on the table." Not everything else but most things were on the table.

Out of that session behind closed doors, out of the sight and minds of the people of both our provinces, but I'm far more concerned about the people of Alberta, came this TILMA thing. Out of that comes this Bill 1 thing, which seeks to harmonize specific legislation as part of an ongoing effort to make all the relevant statutes and TILMA compliant by 2009. It kind of has two parts to it, one part to come into force on April 1, 2007, with a two-year implementation period before it's fully operational in April of 2009.

Mr. Speaker, I do not support TILMA. I don't think any of my colleagues support TILMA. We don't support TILMA. [interjection] I know you're terribly disappointed. The hon. Member for Calgary-Nose Hill is all tore up by the fact that I don't support TILMA.

Ms Blakeman: Is he atwitter?

Mr. Taylor: I don't know if he's twitterpated. Oh, did you say atwitter? I'm sorry. I thought you said twitterpated. I have no idea and no comment on that, but he does seem a little theatrically disappointed, shall I say. Well, get used to disappointment is all I can say.

We don't support TILMA. We don't support TILMA, because we don't see a need for it. We don't see a need for anything that is this far-reaching just to deal with what may be a few barriers to interprovincial trade, that we happen to believe could be far better dealt with specifically. Identify those barriers to interprovincial free trade, identify those barriers to interprovincial investment and mobility, and go specifically after them. You know, if it takes a little longer, it takes a little longer. But don't use a sledgehammer to crack a walnut. You don't need it. You're not going to have much left over but destruction when you're all done, whacking that nut with a sledgehammer.

TILMA certainly, from the way we interpret it, calls into question this government's and future governments' at the provincial and municipal and school board levels – and you can't really call them government but at the health authority level as well – abilities to run their own shows, to make their own decisions, their abilities to set public policy, their abilities to change public policy when public policy needs changing, when the public tells its government that public policy needs changing, and severely constrains the ability of governments to govern.

Now, I know that there are many people in this House, Mr. Speaker, who really, honestly, deep down in their heart of hearts, if they have one, believe that the government that governs least

governs best. I don't share their opinion, but I will defend to their death, if not mine, their right to hold that opinion. You get to do that in a free and democratic society. What underpins a free and democratic society, I think, is the ability of that ordinary citizens whose only daily routine, thought, or concern about interprovincial trade may be having to do with a six-pack of beer in the trunk of the minivan – well, I guess minivans don't really have a trunk – in the trunk of the car on the May long weekend as they scoot across the border into B.C. That person, that ordinary person needs to have the final say. If that ordinary person doesn't have the final say, the ultimate say, then we don't have democracy.

So let's fast-forward a little bit into the future, a future that's governed by TILMA, a future in which TILMA reconciles existing and future standards and regulations, where TILMA casts regulatory differences as barriers to trade and investment, goes beyond that to saying, essentially, that once existing regulations are reconciled, no new ones can be established if they in any way restrict or impair investment. Let's fast-forward to that future, which is not too far in the future, where individuals can challenge government decisions, public policy decisions, under TILMA and receive up to \$5 million each in compensation over any one violation of TILMA. Therefore, 30 people could challenge the same alleged violation, convince the panel that it is a violation, and suddenly our government or the government of British Columbia is on the hook for \$150 million in fines.

I think that puts a bit of a chilling effect even on this government, which could hardly be described as fiscally responsible with a \$37 billion budget that we are currently debating, which is 50 per cent larger than the first budget I debated after I was elected, the budget of fiscal 2005-2006. We've gone up 50 per cent in four fiscal years. You know, you start looking at that sort of thing and you come back to that ordinary average Joe or Jane Albertan. Now they can't get their government to do what they want them to do because their government is afraid to do what they want to do because they're afraid of getting fined big time, because they're afraid of doing their job. City hall is afraid of engaging in land-use planning to set aside space for parks or green space or to try and keep traffic down or the

noise down or the heights of buildings down or anything like that because TILMA says: if you do that, you're probably going to get in trouble.

What's that ordinary citizen supposed to do now? The ordinary citizen right now can complain to any one of us sitting here kind of nodding off because it's getting late at night. They can complain to any one of us. They can say: "Look. You're my representative. Do what I want." Of course, we don't have to do what they want, but there are consequences if we don't. In this brave new world of TILMA, I guess that Joe and Jane Average are left to go out and buy the company, buy a business. It won't be a mom-and-pop small business. It won't be Maggie's flower shop in Grande Prairie with the new branch office in Dawson Creek because Maggie won't be able to afford it either. They'll be running the show. Now, it's not particularly important to me, Mr. Speaker, whether I or my 82 colleagues in this House get to continue having a say in running the show. This is not about the power that accrues to us. This is about the power that goes back to the people who put us here. They are very poorly represented by TILMA. They are not represented by TILMA. Their best interests lie in the exact opposite direction of the interests of TILMA, I would say.

With that, I would like to adjourn debate. Thank you.

[Motion to adjourn debate carried]

10:40

The Acting Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. Yet another outstanding evening, mostly in the jurisdiction of Alberta Justice, but it's always enjoyable to have members participate.

On that cheery note, I would move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; at 10:41 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]

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