



Legislative Assembly of Alberta

The 27th Legislature  
Fourth Session

Standing Committee  
on  
Public Accounts

Justice and Attorney General

Wednesday, March 2, 2011  
8:30 a.m.

Transcript No. 27-4-2

**Legislative Assembly of Alberta**  
**The 27th Legislature**  
**Fourth Session**

**Standing Committee on Public Accounts**

MacDonald, Hugh, Edmonton-Gold Bar (AL), Chair  
Rodney, Dave, Calgary-Lougheed (PC), Deputy Chair

Allred, Ken, St. Albert (PC)  
Anderson, Rob, Airdrie-Chestermere (W)  
Benito, Carl, Edmonton-Mill Woods (PC)  
Calahasen, Pearl, Lesser Slave Lake (PC)  
Chase, Harry B., Calgary-Varsity (AL)  
Dallas, Cal, Red Deer-South (PC)  
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Fawcett, Kyle, Calgary-North Hill (PC)  
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Groeneveld, George, Highwood (PC)  
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Mason, Brian, Edmonton-Highlands-Norwood (ND)  
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Vicki Brandt	Assistant Deputy Minister, Court Services
Esther de Vos	Executive Director, Maintenance Enforcement
Bruce Perry	Assistant Deputy Minister, Client and Corporate Services
Shawkat Sabur	Executive Director/Senior Financial Officer, Financial Services
Kurt Sandstrom, QC	Assistant Deputy Minister, Safe Communities and Strategic Policy
Grant Sprague, QC	Assistant Deputy Minister, Legal Services

**Office of the Auditor General Participants**

Doug Wylie	Assistant Auditor General
Donna Banasch	Principal

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[Mr. MacDonald in the chair]

**The Chair:** Good morning, everyone. My name is Hugh MacDonald. I would like to call this Standing Committee on Public Accounts to order, please, and on behalf of all members of the committee welcome everyone in attendance this morning.

I would like to note that the meeting is recorded by *Hansard*, and the audio is streamed live on the Internet. We will quickly now, as is our tradition, go around and introduce ourselves. We will start with the vice-chair, please.

**Mr. Rodney:** Thank you, Mr. MacDonald. I want to thank you and the people of Edmonton for giving us a bit of a frosty, refreshing welcome. But that was outside. Inside it's nice and warm. Dave Rodney, Calgary-Lougheed.

**Dr. Massolin:** Good morning. I'm Philip Massolin, committee research co-ordinator, Legislative Assembly Office.

**Mr. Dallas:** Good morning, everyone. Cal Dallas, MLA, Red Deer-South.

**Mr. Mason:** Brian Mason, Edmonton-Highlands-Norwood. I note, Mr. Vice-chair, that yesterday the weather report showed Calgary was five degrees colder than Edmonton.

**Mr. Chase:** Harry Chase, Calgary-Varsity. No weather updates.

**Mr. Kang:** Good morning, everyone. Darshan Kang, Calgary-McCall. I think I'm putting up with this cold.

**Mr. Sandstrom:** I'm Kurt Sandstrom. I'm assistant deputy minister of safe communities with Alberta Justice.

**Mr. Sabur:** Good morning. I'm Shawkat Sabur. I'm the senior finance officer.

**Mr. Bodnarek:** Good morning. Ray Bodnarek, deputy, Justice.

**Mr. Perry:** Good morning. Bruce Perry. I'm the ADM of client and corporate services.

**Ms Brandt:** Good morning. I'm Vicki Brandt. I'm the ADM of court services, Alberta Justice.

**Mr. Sprague:** Good morning. I'm Grant Sprague. I'm the assistant deputy minister of legal services.

**Ms Banasch:** Good morning. I'm Donna Banasch, audit principal for the office of the Auditor General of Alberta.

**Mr. Wylie:** Good morning. Doug Wylie, Assistant Auditor General.

**Ms Calahasen:** Pearl Calahasen, Lesser Slave Lake.

**Mr. Elniski:** Doug Elniski, Edmonton-Calder.

**Ms Rempel:** Jody Rempel, committee clerk, Legislative Assembly Office.

**The Chair:** The chair would like to note Mr. Kyle Fawcett.

**Mr. Fawcett:** Hello.

**The Chair:** Yes. Thank you very much.

May I have approval of the agenda that was circulated earlier? Moved by Mr. Elniski that the agenda for the March 2, 2011, meeting be approved as distributed. All in favour? None opposed? Thank you.

Approval of the minutes from the February 23, 2011, meeting. Moved by Mr. Chase that the minutes for the February 23, 2011, Standing Committee on Public Accounts meeting be adopted as distributed. All those in favour? Thank you very much.

This, of course, comes to our meeting today with Alberta Justice and Attorney General. We will be dealing with the Auditor General of Alberta's reports from April and October 2010; the annual report of the government of Alberta 2009-10, which includes the consolidated financial statements; the Measuring Up document; and, of course, the annual report of Alberta Justice and Attorney General for 2009-10. I would again remind everyone of the briefing material prepared for the committee by the LAO research staff.

Now, at this time I would invite the deputy minister to make a brief opening statement on behalf of Alberta Justice and Attorney General. Please proceed, sir.

**Mr. Bodnarek:** Thank you very much, Mr. Chairman. I am very pleased to be here today to review the ministry's financial results for the '09-10 fiscal year. We have already introduced the people around the table here. I did want to just highlight that we have a few people in the back rows as well that we couldn't seat up front. We have Greg Lepp, our assistant deputy minister of criminal justice; Jody Korchinski, our director of communications; Renée Craig, our director of issues management in my office; Gerald Lamoureux, director of safe communities; Pam Livingston, executive assistant to the minister; Esther de Vos, executive director, maintenance enforcement; and Tracy Wyrstiuk, director of client and corporate services.

First, I will just touch on some of our achievements in this fiscal year, 2009-10. It was an exceptionally busy year for Alberta Justice, and we accomplished a great number of achievements. I will briefly touch on just a few highlights.

The ministry continued to lead one of the government's top five priorities, and that is to promote strong and vibrant communities and reduce crime so Albertans feel safe. The Safe Communities Secretariat is leading the development of Alberta's crime prevention framework to create innovative and integrated solutions to crime. Through the \$60 million safe communities innovation fund, which I'll refer to as SCIF from now on, 31 pilot projects were supported that reduce or prevent crime through community-based partnerships. After extensive consultations the Alberta gang reduction strategy was developed and launched to reduce gang activity and violence in the province.

Alberta Justice has also been working with the Alberta Solicitor General and Public Security to implement the priority public offender project, which is focused on curbing the criminal activities of persistent and prolific offenders. In '09-10 as well Alberta Justice championed a number of innovative legislative initiatives that will help reduce crime, particularly in the area of gang-related activity and organized crime.

Work continued to advance the Justice innovation and modernization of services initiative through our court case management project. Very briefly, the court case management project aims to increase accessibility to and fairness of the criminal justice system.

Considerable preparatory work was done in '09-10 to launch Alberta's new *Rules of Court*, that came into force in November 2010.

Last year as well Alberta Justice began work with four First Nations of Hobbema and other Justice and court stakeholders to establish a Provincial Court circuit point in Hobbema and a similar one in Standoff, Alberta.

Our maintenance enforcement program has been improved with the implementation of the child support recalculation program. The goal of the program is to help parents keep child support levels in line with income so that families can avoid the time and expense of asking the courts to review their child support orders.

Another role played by Alberta Justice was to assist other ministries in achieving their goals and strategic priorities by providing legal and related strategic services. In '09-10 we were able to assist in developing key initiatives in the ministries of Health and Wellness, Energy, Environment, and Sustainable Resource Development.

Our ministry was also able to effectively respond to recommendations made by the Auditor General, developing and implementing responses to four recommendations.

I credit our successes to the hard work of Alberta Justice staff, who achieved these results by astutely managing our resources. Evidence of this can be found as we go over the ministry's overall expenditures.

Moving on to expenditures, I refer you to schedule 5 of the financial statements on page 50 of the estimates. The authorized budget of Alberta Justice was \$487.6 million, consisting of \$489.3 million in approved business plan estimates less \$1.7 million for dedicated revenue shortfalls. Actual expenses for the ministry in '09-10 were \$452 million, which represents an underexpenditure of \$35.6 million, or 7.3 per cent. I'm happy to say that we achieved the \$35.6 million in savings by reducing spending in all programs without impacting the high-quality services we deliver to Albertans.

8:40

Statutory spending occurred in the following areas: \$24 million for the Motor Vehicle Accident Claims Act and \$5.1 million in valuation adjustments for the estimated future payment obligations for vacation pay and allowances.

Next I will speak to Alberta Justice operations and the information contained in pages 32 through 57 of the ministry annual report. First, with respect to program 1, ministry support services, this program provides support functions to the program areas of the ministry. Ministry support services program spending in '09-10 was \$19.6 million. Expenditures for the program were \$6.7 million, or 25.5 per cent, less than the authorized budget.

Program 2, our court services division, is a division that provides administrative, financial, and judicial support services to all courts in Alberta. This division manages the civil enforcement program and operates numerous law information centres that provide legal information to judges, Crown prosecutors, other lawyers, and the public. Spending in court services for '09-10 totalled \$175.5 million, which was under budget by \$6.3 million, or 3.5 per cent.

Program 3 included our legal services area. Under the legal services umbrella we have the Legislative Counsel office, which drafts all government public bills, regulations, and orders in council; the civil law division, which provides strategic and specialized legal advice and assistance to all government ministries; and the legislative reform branch, which provides advice on legislative policy.

Our criminal justice division is also part of program 3. Its principal function is the prosecution of all offences under the Criminal Code of Canada, the Youth Criminal Justice Act, and provincial statutes in all courts in the province. Criminal justice is also re-

sponsible for criminal appeals to the Court of Appeal and the Supreme Court of Canada and develops criminal law policy for the province and supports consultation on criminal justice issues with other jurisdictions.

The maintenance enforcement program is included under program 3. This area collects and disburses child and spousal support on behalf of Alberta families, effectively reducing social assistance costs and recouping social assistance and child welfare costs. All together, actual spending for this program was \$150.2 million for program 3. This amount was under budget by \$20.5 million, or 12 per cent.

Program 4 is support for legal aid. Alberta Justice provides a grant to the Legal Aid Society of Alberta, which improves access to justice by assisting individuals of modest means in obtaining legal representation in serious criminal and civil matters. Legal aid has begun a review of a number of pilot projects that were put in place to address the needs most identified by Albertans and help the legal aid program remain sustainable. Alberta Justice works closely with Legal Aid Alberta, and we look forward to discussing the results of the review once complete. In '09-10 the grant for the legal aid program from the Alberta government was \$53.8 million.

Program 5 refers to the office of the Public Trustee. The Public Trustee protects the financial interests of vulnerable Albertans by administering the estates of dependent adults, decedents, and minors when there is no one else to do so. In '09-10 the Public Trustee's office spent \$14.5 million, which was \$2.3 million, or 14 per cent, less than the authorized budget.

**The Chair:** Thank you very much. The 10 minutes for your brief overview have expired. I'm disappointed to tell you that, but we have to move on. There is a long list of members who have indicated an interest in questioning you and your department this morning, sir. We're going to hear briefly from the office of the Auditor General at this point.

Thank you.

**Mr. Wylie:** Mr. Chairman, the results of our audit work are included on pages 179 to 181 of our October 2010 report. We audited the financial statements of the ministry and the Department of Justice and Attorney General for the years ended March 31, 2010, and 2009. We also audited the financial statements of the office of the Public Trustee for the years ended March 31, 2009, and 2010 as well. We issued an unqualified auditor's opinion on these financial statements. We also issued an unqualified review engagement report on selected performance measures in the ministry's 2009-2010 annual report.

On page 179 of our October report we were pleased to report that a recommendation made in our October 2007 report for the department to improve security controls over its judicial information system, known as CASES, has been implemented. We further highlight on page 180 in our October report two new audit recommendations made to the office of the Public Trustee to improve controls over setting up new vendors and managing recurring vendor payments.

I also refer you to page 224, where we list two outstanding recommendations we reported to the department in our October 2009 report. Mr. Chair, in accordance with our practice we'll be following up on all outstanding recommendations.

That concludes my opening comments. Thank you.

**The Chair:** Thank you very much, Mr. Wylie.

Before we get to questions, the chair would like to recognize and welcome Mr. Benito this morning and Mr. Allred from St. Albert.

Please, members, we have a long list of people interested in asking questions today. If you could be concise in your questions, the chair would appreciate it.

We will proceed now with Mr. Chase, followed by Mr. Dallas.

**Mr. Chase:** Thank you. As to conciseness we start with a bad example.

My first question has to do with goal 4, to improve understanding of and confidence in the justice system. The federal government and, to a large extent, our provincial counterparts place a greater emphasis on getting tough on crime than preventing it in the first place. Given that incarceration appears to trump education, poverty reduction, and treatment programs, what percentage of your budget is spent on education and community prevention programs such as school resource officers in comparison to the cost of apprehension, prosecution, and incarceration?

**Mr. Bodnarek:** Thank you very much for that question. I would like to start by saying that through our safe communities initiative there has been a strong recognition that we cannot put all of our resources into enforcement. In fact, we have streamed significant dollars in the area of prevention and treatment. We alluded to the fact that we have a \$60 million safe communities innovation fund. The vast majority of the programs and projects that have been authorized under that program have had a prevention focus, working with communities and also with law enforcement on the prevention side. We believe that we are taking a balanced approach and that we are not enforcement biased. Certainly, enforcement is significant, and you have to have it as a foundation, but I believe that through our demonstrated spending in the area of safe communities, we have shown that we are very much focused on the prevention side.

Now, I'm going to turn it over as well to our assistant deputy minister of safe communities to supplement.

**Mr. Sandstrom:** Thank you, Ray. I would just point out that some of the key projects funded by the safe communities initiative concentrate directly on the prevention side of things because we realize that the solution is to be smart on crime and not tough on crime necessarily. As the deputy points out, we want a balanced approach, which means that it's enforcement but it's also prevention.

Some of the prevention initiatives that have been funded through the safe communities initiative include expanding mentoring opportunities with Children and Youth Services, expanding programs in the parent link centres to target parents and families of at-risk children, enhanced family violence programming, volunteer police information check programs, providing comprehensive addictions prevention in schools, establishing the SCIF, which does an awful lot of that prevention work, life skills, substance abuse prevention training with Health and Wellness, immigrant and refugee youth mental health, and priority projects such as the MAST project, that is demonstrating quite a bit of success. The initiative has focused very strongly on the prevention side of things because if we can get tough on the root causes of crime, we'll have a better track record.

8:50

**Mr. Chase:** Thank you. The annual report, page 23, provides a long list of ways in which Alberta Justice communicated information about its work to the public. There is a fine line between education and inspiring confidence, on the one hand, and mere public relations and self-promotion, on the other. Could you tell us how you measure the effectiveness of, for example, events to announce grant funding for projects and the use of social media?

**Mr. Bodnarek:** Let me start by speaking to our interface with the Alberta public. Certainly, the philosophy of the ministry is that for the public to have confidence in a justice system, we have to be open and transparent about how the criminal justice system is run. A big part of that is through education. I will just briefly indicate that we take that role very seriously because for those that don't have any understanding of the criminal justice system, it's difficult for them to have an appreciation and confidence in that system.

For example, we have recently gone out in collaboration with the Canadian Bar Association and hosted a number of town hall sessions. These town hall sessions were comprised of judges, Crown prosecutors, defence, bar. The whole purpose, I guess I would say, is to demystify the justice system and, in particular, the criminal justice system so that people can have confidence in our system. I'm happy to say that public confidence in the justice system in Alberta is high. Certainly, we exceeded our target on the public confidence side.

**The Chair:** Thank you very much.

Mr. Dallas, please, followed by Mr. Kang.

**Mr. Dallas:** Thanks, Mr. Chair. I'm looking at page 34 of the annual report, and on the expense line for ministry support services I'm noting that there was a substantial decrease there in terms of ministry support services, just under \$5 million. It's substantial in the sense that it's almost 20 per cent. I wonder if you can tell me what services weren't provided, what work was deferred to the coming year, how we could rationalize those savings.

**Mr. Bodnarek:** Okay. Well, I will start, and then I will turn it over to our senior financial officer. For ministry support services there was a reduction of \$4.8 million, or approximately 19.7 per cent. I can indicate that the savings in expenditures were in relation to \$2.8 million due to a freeze in expenditures related to replacement of computer equipment; \$1.3 million savings in discretionary and other nonessential spending as a result of spending restraints implemented in 2009-10, including contracted services, travel, and supplies; and then another \$0.9 million decrease in other information technology purchases. So that gives you a sense as to where the cuts were.

Shawkat, I don't know if you want to supplement.

**Mr. Sabur:** Basically, you've answered the question. I don't have anything more to add other than the fact that because of the economic downturn we were asked to cut down on all discretionary expenditures, and that's exactly what we did.

**Mr. Dallas:** Okay. As a supplemental, then, I note that you budgeted \$26,192,000 to do that. So you had no sense of that going in to create those budget numbers? Because there's a \$6.6 million discrepancy between actual and budget there. So was that planned after the budget was approved, then?

**Mr. Bodnarek:** Yeah. That's correct. There were a couple of intervening events during that fiscal year. We had the hiring freeze, which, when first implemented, was a hard freeze. There were literally no exceptions to the hiring freeze, meaning that with our considerable manpower budget we had to hold a higher vacancy rate. Then there was the implementation of some very stringent rules on discretionary spending. We really took those rules seriously and cut back significantly on areas like travel, education, and anything we viewed as nonessential for the delivery of core programs.

**Mr. Dallas:** Thank you.

**The Chair:** Thank you.

Mr. Kang, please, followed by Ms Calahasen.

**Mr. Kang:** Thank you, Mr. Chair. Justice's core business 1 is prosecution service, and goal 1, which does not seem to have much to do with the Crown prosecution, is to promote safe communities. The safe communities innovation fund funds community-based crime prevention and crime reduction pilot projects and plans. The Justice annual report, page 15, notes that 16 workshops were delivered and 30 pilot projects were funded in 2009-10. My question is: with government departments increasingly reporting on delivering workshops and funding local projects, can you explain how you match available funding to community needs in the area of crime prevention and crime reduction?

**Mr. Bodnarek:** Thank you very much for the question. I'll start and then, certainly, will ask our assistant deputy minister of safe communities to supplement. As we mentioned, the whole purpose of the safe communities innovation fund is to get money out into the communities and to promote partnerships between government, municipal governments, police, and other nongovernment agencies within communities. Part of the evaluation criteria for our safe communities innovation fund is around prevention: is there a demonstrated prevention component to the program? In general terms we are responding very seriously on the prevention side through SCIF.

I'll turn it over to Kurt to supplement.

**Mr. Sandstrom:** Just in terms of the SCIF funding streams, community police-based partnerships and community-based partnerships, we rely on applications being made that advance the SCIF criteria, which is to determine innovation on the prevention side of things. We've had a great uptake. The SCIF program is proving to be quite successful in terms of meeting community needs in terms of crime prevention. They all will be evaluated. We're looking to learn from those SCIF projects.

We also have a funding stream that deals with the preparation of crime reduction and prevention plans in communities, and that is another phase that safe communities will be pursuing in the future, working closer with communities to develop crime prevention plans and to ensure that their priorities and the government priorities are in alignment with respect to crime prevention.

**Mr. Kang:** Okay. My supplemental question is: what process is used to assess the success of the projects in terms of value for money?

**Mr. Bodnarek:** Well, let me start. We have built an evaluation component into all of our projects that are approved under our safe communities innovation fund.

I'll ask Kurt to speak a little bit more with respect to our evaluation.

**Mr. Sandstrom:** As Mr. Bodnarek indicated, all safe communities innovation fund grants are subject to a criteria for evaluation as they are accepted, and they will be evaluated. Although crime reduction and prevention efforts take time to show their effect on crime rates and other measures of community safety, they have an immediate effect on communities by providing programs for individuals at risk. This helps those individuals and also protects the general population.

Furthermore, the increased police presence provided by funding additional police officers has enabled police services to improve their enforcement activities and improve public safety.

As I indicated, all SCIF projects and all ministry-funded projects have been asked to identify outcomes and indicators to demonstrate their effectiveness over time. The social return-on-investment methodology is being piloted with SCIF projects. It's also being examined for our way forward with respect to the crime prevention framework. All first- and second-round SCIF projects have developed a forecast social return on investment. The first round of SCIF projects will be reporting their results at the end of their third year, in 2012.

The 24 ministry-funded projects were asked to provide a status report on their use of funds, their activities, and their results to date. I can give you some preliminary indication, should the committee wish, but I don't want to take up too much time on that. In any event, we do have a concrete evaluation process that we are working on together with our nine partnering ministries, and we expect to have the approval process of those indicators in the spring of this year, and then into the fall of 2011 we'll have a clear indication of how well we're doing in terms of those resources.

9:00

**The Chair:** Thank you. The chair would like at this time, before we proceed to Ms Calahasen, to welcome Mr. Anderson to the meeting this morning. Good morning, sir.

**Mr. Anderson:** Good morning.

**The Chair:** Please proceed, Ms Calahasen.

**Ms Calahasen:** Thank you. I'm going to ask about maintenance enforcement, and I'll refer to a number of pages. Maintenance enforcement is such a huge issue, usually, in small communities: how do you collect, and how do you make sure that kids are taken care of? My first question. On page 53, 3.0.5., you have an underexpenditure of \$873,000. I'm wondering: why would you have an underexpenditure in that specific program?

**Mr. Bodnarek:** That's a good question. I can say that the majority of this unexpended amount, as I referred to earlier, was due to our vacancy rate. We were in a hard hiring freeze during that time period. We simply were not able to fill positions at that time when people left, so a substantial part was in relation to the hiring freeze.

Bruce, did you have anything to add on maintenance enforcement?

**Mr. Perry:** No. That's correct.

**Ms Calahasen:** Then I look on page 12, your goal 3 on maintenance enforcement program. If you had an underexpenditure and the reason is because you had a vacancy rate, is that, then, indicative of the kind of results that you received from people relative to whether or not the program's compliance rate on cases enrolled by regular monthly payment was reflected in those percentages?

**Mr. Bodnarek:** I'll let Bruce speak to our performance results there, and then I'll supplement.

**Ms Calahasen:** That would be great. Thank you.

**Mr. Perry:** It's true that with maintenance enforcement there are about 230 staff, and a large part of their activity is collecting from debtors and paying out to creditors, the families and their children. The rate is really more of a reflection of the inflows on a monthly basis. So there is a correlation. Obviously, if you don't have full staffing, that makes it a bit more difficult, and collecting in this business is a challenge. While we would prefer to have a hundred

per cent staffing at all times, that is fairly unrealistic whether we have a hard hiring freeze or just in recruitment practices.

The slip in this is really due more to the economy. We were entering a period when it was much more difficult. People's salaries had changed; family situations had changed. So it really is a combination of several factors. Having full staff is just one of them.

**Mr. Bodnarek:** I guess I would just simply supplement by saying that our target was 68 per cent in terms of regularity of payment, and our actual result was 67 per cent. From a statistics perspective that is not a statistically significant deviation from our target.

**Ms Calahasen:** But 68 per cent is really low, I mean for a target. Why would you have a 68 per cent target when you should be looking at a 100 per cent target?

**Mr. Bodnarek:** Well, yeah, sure. Obviously, we would like to see 100 per cent, but you have to set targets based on some record of what you have been able to achieve over time. Moving to 100 per cent would presuppose that you will be able to collect from everybody all the time regardless of debtors' financial positions. That is not borne out in terms of our historical record. We just can't do that.

**Ms Calahasen:** Thank you.  
Sorry, Mr. Chair.

**The Chair:** That's okay. Thank you.  
Mr. Chase, please, followed by Mr. Elniski.

**Mr. Mason:** Mr. Chairman, I'm next.

**The Chair:** No, you're not.

**Mr. Mason:** Why not?

**The Chair:** You did not indicate to us that you were willing to be even on the list, Mr. Mason.

**Mr. Mason:** Yeah, I did.

**The Chair:** Did you?

**Mr. Mason:** You may have misinterpreted that, Mr. Chairman, but obviously at every meeting I ask questions, and we go in rotation through the opposition members.

**The Chair:** That's not necessarily true. Members, whether they're from the New Democrats or the Conservatives or any other caucus, indicate to the chair or the vice-chair that they want to ask a question. We cannot read your mind, Mr. Mason. Others may be able to. We cannot.

**Mr. Mason:** Mr. Chairman, I indicated that I wanted to ask a question.

**Mr. Rodney:** It wasn't clear to me. I know that you were attempting to determine that, but it didn't seem to be affirmative for sure. I think that's what you were looking for, Mr. Chair.

**The Chair:** And then you left.

**Mr. Mason:** I went to get a pen from my office.

**The Chair:** Okay. And Harry wouldn't give you one.

**Mr. Rodney:** But I'm sure we can put him on the list.

**The Chair:** Yeah. Proceed, but in the future please let us know, okay?

**Mr. Mason:** Oh, I'll be clear. I'll be very clear, Mr. Chairman.

**The Chair:** You know the rules as well as the rest of them. Proceed.

**Mr. Mason:** Thank you. I'm sorry that you misinterpreted my signal.

**The Chair:** I did not misinterpret your signal. I didn't see one.

**Mr. Mason:** Mr. Chairman, I want to ask a question about legal aid. In 2009-2010 there was actually a significant increase in the people being denied legal aid assistance; 36.5 per cent more applicants, or over 10,000 additional people, were refused. So a large number of clients were unable to obtain legal assistance. I notice that it's almost not mentioned in your 2009 annual report. There's a graph on page 26 which only deals with client satisfaction. Now, I'd like to know what the department's assessment is of the denial of legal aid services to large numbers of people and why that's not identified in your annual report.

**Mr. Bodnarek:** Well, first, let me start by saying that the legal aid program is an important program to the Alberta government. We are by far the biggest contributor to that program. As I mentioned, we were contributing in '09-10 \$53.8 million to the program. In contrast, the federal contribution was just over \$10 million. We held our funding as well; we did not cut legal aid.

We also worked very hard with Legal Aid. They run the program, obviously, but we are working very hard with the legal aid program to ensure that they have a sustainable program, and a sustainable program means pushing innovation and not just looking at providing full legal certificates on matters but providing people with other targeted forms of assistance to stretch those dollars.

They've launched a number of pilot projects in that regard, and in those pilot projects we have a number of things like enhanced duty counsel, unbundled legal services where people can get discrete forms of services that aren't sort of the full-meal deal. So they've been pushing innovation. We have been working with them. They have been doing an excellent job under difficult circumstances.

What we report in our annual report is a performance measure that they have set, and it's their client satisfaction survey. So anybody that comes into contact with the legal aid process gets surveyed whether they get legal support or not because the Legal Aid board wants to know how they were handled, how they were treated even if they didn't get legal services from legal aid.

So they set the target. That's their performance measure. We report on it as their measure because, obviously, we are a significant contributor to the program.

**Mr. Mason:** My supplemental on that, Mr. Chairman, is whether or not you track what happens to people who are denied legal aid, whether you are able to provide any estimates as to how many people are either wrongfully convicted or receive inappropriate sentences as a result and what the costs of that are to the taxpayer.

**9:10**

**Mr. Bodnarek:** Okay. First off, I guess there are some assumptions buried in that question that people are not given just results in the legal system, and I would challenge that assumption. I have no information with regard to that type of suggestion.

Secondly, this is a program that is managed and run through the Legal Aid board, which is a separate legal entity from government. They do their own statistical analysis. I cannot speak for the details in terms of what they're tracking, but I will turn it over to our assistant deputy minister of legal services, who is responsible for managing the relationship with the Legal Aid board, to supplement.

**Mr. Sprague:** Thank you. Mr. Mason, a couple of other pieces, I think, are important. The term "denial of legal aid" is always a loaded phrase. Again, specifically what is meant there – as the deputy referenced, there are a number of services that Legal Aid provides that are not based upon an income test or a review of that which are very substantial and significant, including, for example, duty counsel. That's available.

With reference to the statistics that are maintained by Legal Aid, they are, as the deputy indicated, the independent body that provides the legal aid program within the province of Alberta, and they may well keep some of the statistics you're inquiring about.

**Mr. Mason:** Thank you.

I'd like to be put on the list, Mr. Chairman.

**The Chair:** Certainly. That's much better, Mr. Mason.

Mr. Elniski, pleased, followed by Mr. Chase.

**Mr. Elniski:** Well, thank you very much, Mr. Chair. Good morning, ladies and gentlemen. I appreciate your being here this morning. I have a couple of questions with respect to page 12, your performance matrix. In particular, I just want to talk about one, I guess.

Let's talk about maintenance enforcement for a second. In 2008-2009 you were successful in achieving 69 per cent; presumably, that means the collection rate. This year your current target is actually down to 68 per cent, and you failed to achieve that. Actually, it wound up at 67 per cent. So I will make no comments about climbing down the ladder of success. However, my question is twofold. One is: why is there no client satisfaction matrix with respect to maintenance enforcement? My second question we'll get to after you answer the first one.

**Mr. Bodnarek:** I'm going to ask Bruce Perry to speak to your first question.

**Mr. Perry:** On the matter of the decline or resetting of the target we look at these targets in terms that, I think, were addressed earlier by the deputy on the question on maintenance enforcement. We look at the reasonable and achievable. They are stretched in a sense that in a perfect world we will meet those targets, but when we re-evaluate them down, we look at about a five-year historical average, and this one has been hovering between 67 per cent and 69 per cent.

Things changed radically with the economy starting in 2009 and continued for a couple of years. Recognizing that, we reset the target to 68 per cent. We have no plans to lower that. If we exceed it, which is always a good situation, or if we have a higher number in the upcoming year, we will then re-evaluate whether the target needs to be adjusted. So it's not a floating target. It's fairly within a range of 2 per cent.

The second question, about client satisfaction. We do have several client satisfaction – in fact, it's been pointed out in previous discussions that we have far too many client satisfactions. Our direction of the ministry is to move into more hard data, and I think that when we reappear in years to come, you'll see more substance around targets with achievable goals. It was mentioned

on the SafeCom that we are looking at targets that are a little bit more concrete than doing an annual public opinion.

We are in touch with the clients; with MEP, I should say. They contact us every day, so I think we can get a measure of their views and their attitudes. We just do not translate it into our annual report.

**Mr. Elniski:** Okay. Thank you very much. That's a very interesting response.

Now that we have broached the subject of hard data and given that your agency operates with levels of enforcement in collection that a private debt collector could only dream of, let me ask you a blunt question. How many times have your officers suggested to someone who is currently incarcerated for nonpayment of maintenance that they call their parents or family to get the money?

**Mr. Bodnarek:** I will call on our executive director of maintenance enforcement to speak to that issue, and she'll also just supplement on the client satisfaction piece.

**Mr. Elniski:** Thank you.

**Ms de Vos:** Thank you. Just to speak to the client satisfaction survey piece, we do and we have in the past performed client satisfaction from MEP clients. We also did a rather robust client survey in 2006, which is still published on our website in terms of the results and how they feel about not only working with our program but what they feel are the most effective tools and other things that we can do for them.

With respect to the questions about assisting we are very cognizant that economic pressures of this past fiscal year affected both our debtors as well as our creditors, who are, you know, doing as much as they can to make sure that they have their money for their families. Our staff, when speaking with debtors, are asking for any opportunity that they may have to find any available money to support their families in those cases, including any family or parental support.

**Mr. Elniski:** Okay. Thank you very much. My question is specifically related to those individuals, however, who are incarcerated and where your department has, in fact, a court reporter in the room at the same time. Could you please provide me with the number of times your officials have asked those individuals to contact either their friends or parents for the money necessary to pay off the debt?

**Ms de Vos:** I would have to return the question of the exact number. I'm sure the question has arisen in those circumstances.

**Mr. Elniski:** We know the question has arisen. We also know that it's court reported, so you would know.

**Ms de Vos:** I don't have the exact number for you right now, but I can return that.

**Mr. Elniski:** Thank you. When?

**The Chair:** If that information could be provided through the clerk to all members of the committee straightaway, we would appreciate it. Thank you.

Mr. Chase, please, followed by Mr. Fawcett.

**Mr. Chase:** Thank you very much. I'm following up on legal aid services questions. Goal 3: "provide access to Justice services for Albertans in need." The performance measure for client satisfaction with legal aid services, page 22 of the annual report, is



satisfaction with services received from Legal Aid Alberta. The percentage of respondents who were satisfied did not meet the target of 80 per cent. This is explained by the fact that those who didn't receive legal aid were satisfied in only 45 per cent of the cases. The decrease in recipients of legal aid is explained by the reduction in nongovernmental funding. What was done to mitigate the effect of this reduction in funding?

**Mr. Bodnarek:** Okay. Thank you for the question. I alluded to the fact that the Alberta government has been working with the Legal Aid board to help address the decreases to their nongovernment funding. That's primarily the decrease in their Alberta Law Foundation funding, which has dropped off significantly. As I referenced, the key to helping mitigate the reduction in funding was to look at new and innovative ways of delivering the services. Grant, our ADM, has spoken to some of those innovative pilot projects, so that has been a significant component in terms of mitigation.

I should also say that the other possible solution is to try very hard to get the federal government to come to the table and increase their contributions, which essentially have been flatlined for the last 10 years. We regularly, twice a year, speak to the federal government at the national table and explain the challenges to the legal aid program, the need for additional funding, and ask for a fair contribution from the federal government. So that's another response that we have.

I'll ask Grant if he'd like to supplement.

**Mr. Sprague:** Thank you, deputy. Mr. Chase, there are two pieces I would add. I think there was the great awareness in the beginning of '09 that there were concerns about the economy in general, and the minister of the day requested that we conduct a review with Legal Aid, the Law Society of Alberta, and Alberta Justice to look at what ways we could implement changes that would provide greater services to Albertans in need. A report was prepared and concluded in roughly August or October of 2009. That review included a review of the needs that Albertans were expressing together with some recommendations from the board as to how they thought they could undertake those changes.

9:20

As you know, following that, at the beginning of the 2010 fiscal year for government those changes were implemented and have been running now for almost a year. At the conclusion of this year there'll be an evaluation to assess which ones are beneficial and which ones perhaps aren't, and we can focus again on providing those services to Albertans that require those legal needs.

**Mr. Chase:** Thank you. While justice is blind, the quality of justice should not be determined by dollars or recessions.

Children and Youth Services is a major user of legal aid services, yet the individuals assigned don't necessarily have a background in child custody cases. The most recent case in point that has come to my attention is that of a one-month infant taken into custody by Children and Youth Services while the mother spent the night in remand due to unpaid LRT tickets. The mother's lawyer did not appear in court. I've provided the Solicitor General and CYS minister with the details. It is noted that applicants who would normally have been approved for legal aid were not approved in 2009-10. What is Justice doing to ensure a reasonably consistent level and, I'll add, qualified legal service for individuals who without legal aid will be denied access to justice?

**Mr. Bodnarek:** Go ahead, Grant.

**Mr. Sprague:** Thank you, Mr. Chase. Obviously, I can't speak to the specifics of the case you reference. The choice of counsel and the oversight of counsel who are provided to people who are eligible for legal aid is, again, a matter dealt with by the Legal Aid Society of Alberta. My understanding from that board is that they are very mindful of the qualifications of people who are providing advice pursuant to the legal aid program, so I would be very concerned and surprised if there was a circumstance where there was a nonqualified person assigned to a matter. I think the important thing is that the Legal Aid board is very mindful of ensuring that that service is provided. It's very difficult in the absence of details to perhaps respond more carefully to that.

The provision of legal aid, though, in matters that involve children and apprehension of children is a matter of great importance and one that Legal Aid does provide and is very mindful of the importance of that level of work, sir.

**The Chair:** Thank you.

**Mr. Bodnarek:** May I please add one supplement?

**The Chair:** Very quickly, please.

**Mr. Bodnarek:** Okay. Very quickly, just so you know as well, the issue of the supply of legal providers in the area of family- and children-related matters is a small pool, so whether you have legal aid funding or not, you're drawing from that same small pool, and we simply don't have, in my opinion, enough lawyers practising in the province in that area. Certainly, we're looking at ways to increase the supply of legal counsel generally.

**Mr. Chase:** That would be much appreciated.

**The Chair:** Mr. Fawcett, please, followed by Mr. Kang.

**Mr. Fawcett:** Thank you, Mr. Chair. On I guess it's page 34 of the annual report one of the line items in the budget is legal services. I believe the 2010 actual is approximately \$150 million. In your opening statements you mentioned that one of the divisions there is a division that gives advice to government departments. What percentage of that line item goes to that division?

**Mr. Bodnarek:** Shawkat, do you want to answer that one?

**Mr. Sabur:** Sorry. I didn't quite get the question.

**Mr. Fawcett:** Under the legal services line item in the financial statements one of the areas in the opening statement was a division that provides legal advice to all government departments. Out of the approximately \$150 million that is under that legal services line item, what percentage or how much actually goes to that division that provides advice to all departments?

**Mr. Sabur:** Forty million dollars of that goes to civil law.

**Mr. Fawcett:** Forty million dollars. Yeah. That's right, to civil law.

Mr. Chair, my supplemental would be: how is that determined? What sort of checks and balances does the department have to make sure that the advice that is given by this division is appropriate and that taxpayers are getting value for money when it comes to this area?

**Mr. Bodnarek:** I'll start, and then I will have a supplement from our assistant deputy minister of legal services, who's in charge of the legal services to government component.

First, in terms of accountability and responsibility for legal services to government, as you're probably aware, the Justice minister and Attorney General has a very specific role and responsibility. He is the legal advisor to government. That's recognized in the Government Organization Act. That responsibility is discharged through our office of the assistant deputy minister. All legal counsel that are providing advice to government are ultimately reporting through to Mr. Sprague and then ultimately to me and the minister.

We have a number of employees. We've got nearly 200 civil lawyers. In addition, there are some legally trained staff within ministries that also provide some legal advice. Those would be under our supervision, so we know what kind of advice is being provided. In addition, with respect to client ministries wanting to obtain outside counsel opinions, we are involved in both retaining outside counsel where warranted and monitoring and supervising the advice provided. It all comes through Grant's office, and I am aware of those items as well. So that's on the big responsibility and accountability piece.

On value for money I will certainly let Grant respond to that. We do the tracking on value for money.

**Mr. Sprague:** Thank you, deputy and Mr. Fawcett. As Ray has mentioned, most of the provision of legal services to government is done by in-house lawyers within the department through a number of means. For example, practice groups and oversight through our various directors, executive directors, and myself are aware of the quality of the advice that's being given. We also engage processes such as client satisfaction surveys, routine check-ins with our deputy with the various departments to assess whether or not they're getting the services that they need. As the deputy also mentioned, we do spend a great deal of time being very mindful when there is a request for outside counsel and ensuring that there's a need for that outside counsel and also ensuring that the advice that they are giving and the process that they are undertaking to provide that advice is consistent and has the quality elements that you were inquiring on.

**The Chair:** Thank you.

Mr. Kang, please, followed by Mr. Allred.

**Mr. Kang:** Thank you, Mr. Chair. The ministry's annual report, page 20, discusses various initiatives to increase compliance with maintenance orders. It says that collection action is taken earlier to reduce arrears and get debtors back on track earlier. What kinds of figures were involved here, for example? By what percentage were the total arrears reduced, and what portion of delinquent debtors got back on track with the regular payments following collection action?

**Ms de Vos:** Would you mind just repeating the first question first?

**Mr. Kang:** Okay. By what percentage were total arrears reduced after the action is taken?

**Ms de Vos:** It depends on each individual file because each file's circumstances are different in terms of the number of arrears, the payment arrangement that we can come to in terms of whether they pay off their arrears right away or if it takes a number of months for them to pay off their arrears.

**Mr. Kang:** So if we had \$100 owing, what per cent in total? Maybe 40 per cent, 30 per cent, 20 per cent?

**Ms de Vos:** I wouldn't want to give you a number right now be-

cause it wouldn't be an accurate number; for instance, depending on one debtor. Let's say that we have two debtors who both owe \$100. If one has \$50 of extra money towards their arrears and one has \$25, we're going to take \$50 from the one debtor who can afford \$50 and \$25 from the other. So it'll take two times for one person to pay off the \$100 of arrears and four times for the one who's paying \$25 per month towards the arrears.

9:30

**Mr. Kang:** You're adding on to my questions here.

The second one is: what percentage of delinquent debtors got back on track with regular payments following collection action?

**Ms de Vos:** Well, the regularity of payment rate shows, in terms of the number of files, the ones that get the money in the month in which it is due. So that's the number of debtors who are complying with either their orders in full or also in payment arrangements. But we have a number of debtors who stay in compliance for a couple of months and then go off compliance, so that number is a moving target almost every month.

**Mr. Kang:** Maybe on the first one could you please provide us something in writing through the chair?

**Ms de Vos:** Absolutely. We'll try and provide something a little bit more in writing with respect to your second question.

**Mr. Kang:** Thank you.

**The Chair:** Thank you.

**Mr. Kang:** That was my first question.

**The Chair:** No. We're moving on. I heard three questions there.

Mr. Allred, followed by Mr. Mason.

**Mr. Allred:** Well, thank you, Mr. Chair. Mr. Bodnarek, legal aid seems to be the shortest piece in your report, but you're getting a lot of questions on it. I have a lot of concerns with legal aid. Most of them are based on a background research report, which I presume you have a copy of. I note that there's about a 50 per cent increase in the number of assists in the past five years and there's more than double the cost to the province over that same five years. I understand the decrease or the flattening of funding from other agencies. I presume with the Alberta Law Foundation it's largely because of the decline in interest rates because I believe that's related to trust funds.

I guess I'm very concerned that perhaps your brethren in private practice are pricing themselves out of the market and that that's a lot of the reason for the increased cost. I wonder if it's a problem that fewer people can afford legal services. Perhaps the legal profession needs to take a larger responsibility for funding this function as opposed to the provincial government. Have you ever approached the Law Society or other legal organizations about assuming more responsibility for the cost of this program?

**Mr. Bodnarek:** That's an excellent question. The short answer is yes. I'm going to turn it over to Grant because he has been engaged in discussions with both the Legal Aid Society and the Law Society to talk about the issue of funding sources.

So I'll turn it over to Grant.

**Mr. Sprague:** Thank you, deputy. Mr. Allred, indeed, looking for other resources for legal aid is a very important piece. We've begun some conversations with the Law Society of Alberta and with Legal Aid, of course, to consider what other opportunities there

might be for increasing revenues from other sources. You're quite right that the province's contribution to legal aid over the last number of years has substantially increased; as the deputy mentioned earlier, the federal government's has remained the same. The Alberta Law Foundation, which provides money based on monies and interest that are accrued in trust accounts, is a variable, and we've seen that substantially fluctuate over the last number of years.

The amount of assists: again, I think it's very important to focus on what those mean. There's a series of kinds of assists that are done. One of the pieces that came from the report that was conducted in the '09-10 year was to think of how we provide assistance to Albertans. Historically it's been through, "We'll give you your own lawyer" process with a full certificate, and there's recognition that that system is very expensive but also may be more in some circumstances than is required. So Legal Aid, again as a consequence of the review, is considering other means to provide still quality legal services, be it through duty counsel, enhanced duty counsel. Or sometimes it's merely information that people need. How else can they do that? They've spent a great deal of time on that.

In terms of the certificates that have been issued for lawyers those numbers have remained relatively stagnant. In '04-05, for example, the number of certificates issued was 36,200. In the '09-10 year it was 38,700. So there's been an increase that we've seen along the line.

Taking a look at other sources is very important. But I think, as the minister indicated when we began the review with Legal Aid to the Law Society, we need to think about the sustainability of the entire system and think about the innovative ways that we can still provide what's a very important service to Albertans.

**Mr. Allred:** Okay. Thank you. I certainly appreciate the comments you've made, but I guess my thesis is that every cent that goes into legal aid ends up back in the pockets of the lawyers, so I therefore feel that it's their responsibility to take a larger share of this funding.

Just another comment. I think some of what you said reflects on the entire justice system that's getting bogged down with adjournments and delays and inefficiencies. I think we've really got to address that because that's really what's adding to the cost. With my limited experience in the courtroom – and I'm not a lawyer – I must say that it's very frustrating with all the adjournments and having to review your files every time you go back in, and of course that's all billable time. I really think the legal profession needs to take more responsibility, and I hope you'll really advance the discussions to that end.

**Mr. Bodnarek:** May I respond to that one?

**The Chair:** Yes, please.

**Mr. Bodnarek:** A couple of points on that. Just in terms of the response of the legal profession generally, there is an acknowledgment that there are gaps right now in terms of individuals requiring legal support and advice and those that are able to afford it or obtain it, and the profession more generally is responding. The Law Society in particular has been very active in promoting pro bono work. They have a very active pro bono roster of lawyers. They try to make it very easy for lawyers to do volunteer work by packaging work for them, saying, "You know, we need you for two hours to do this piece," doing the matching. It really encourages people to do the volunteer side. So that's a piece.

The other piece that's important is the question around whether you need to have lawyers providing all legal services in the prov-

ince. This is an area we are looking at and working with the Law Society around the paralegal profession, a profession that can provide limited forms of legal services, where they can be trained specifically to do that kind. Really, it increases the supply with a view that it can drive the legal costs down. So that's critical.

With regard to the issue around inefficiencies in the system – okay; I'm getting the hurry up here – two things. On the civil side I mentioned in our opening statement that we've introduced new civil *Rules of Court* designed to streamline, case manage, get rid of those unnecessary court appearances. With respect to the criminal side we've introduced our court case management project, again designed to cut down on the wasted appearances.

So just a couple of points.

**The Chair:** Thank you.

Mr. Mason, please, followed by Mr. Elniski.

**Mr. Mason:** Thanks very much, Mr. Chairman. I want to ask about excluding people on AISH from eligibility.

But first I'd like to make a comment about the usefulness of an annual report that doesn't deal with things like the number of people who receive legal aid, the number of people who are turned away, and so on. I think this is a tremendous lapse in this report.

The last I looked, people who are severely disabled and on the AISH program, which is an excellent program that the province of Alberta has – nevertheless, people on AISH live below the poverty line. I'd like to know what the basis is for excluding them from receiving legal aid on the assumption that they make too much money.

**Mr. Bodnarek:** I will start, and then I will get Grant to supplement. First, with regard to your comments on what we report in our annual report I would point out that . . .

**Mr. Mason:** You don't need to comment on that. That was my comment to you.

9:40

**Mr. Bodnarek:** Okay. Well, I would just respond by saying that if you want detail on the legal aid program, you would look at the legal aid board's annual report, and it would provide more detail on their program.

With regard to AISH, first off, the eligibility criteria are set by the legal aid board, so I would make that point. We do not set it. The government does not set the criteria.

I'll ask Grant to speak specifically to some of the financial eligibility criteria.

**Mr. Sprague:** Thank you, deputy. Mr. Mason, one of the challenges with the example of the AISH piece is that it presumes that that is the basis for the denial of certificate services. One of the common misunderstandings about legal aid is that it provides services for everybody about everything, and that is, of course, not so. The legal aid system provides, very importantly, criminal defence services where there is an indictable offence or where there are circumstances that could lead to a substantial likelihood of incarceration or loss of income. So it is very challenging to respond to the suggestion that an AISH person has been denied eligibility because of the financial guidelines. It seems that it could be one possibility, I suppose, but it's probably more likely that there are other aspects of that that actually would restrict their availability for that.

As the deputy has indicated, the financial eligibility guidelines have been established by the legal aid board. They have done that. They weren't happy to have had to make adjustments, not in the

'09-10 year but in the '10-11 year, but they recognize that there needs to be some limitations placed upon that system.

**Mr. Mason:** Thank you. A supplemental, Mr. Chairman. A recent letter from the president of the Medical Staff Association at Alberta Hospital Edmonton dealing with this issue, people with severe disabilities being forced to go to court without legal representation, characterized this as criminalization of the mentally ill. I want to sort of reiterate that the primary issue here is the financial status. I'm perfectly aware that people apply for legal aid predominantly because they are facing criminal charges. I guess the question is: were these changes made simply because the legal aid board didn't have a sufficient budget in order to accommodate all of the people, so they had to raise the bar, raise the financial bar?

**Mr. Sprague:** Thank you, Mr. Mason. The changes were made in the financial eligibility guidelines at the beginning of the '10-11 fiscal year, and that was due to the recognition by the legal aid board that they did not have all the funds that they wanted to continue on with the high level of services that they were providing across the board. So they were making some tough choices, and we commend them for grappling with that. It's certainly not something they were pleased to do, I can certainly assure you.

**Mr. Mason:** I appreciate the clarification on that. Thank you.

**The Chair:** Thank you.

Mr. Elniski, please, followed by Mr. Chase.

**Mr. Elniski:** Thank you very much. On page 46 of your ministry's annual report 2009-2010, maintenance enforcement program, revenues budget, actual \$13,552,000. On page 47, maintenance enforcement program, line item (d): "Maintenance Enforcement revenues represent deterrent penalties and service fees to promote timely payment of maintenance to improve and expand services available for clients," \$4,702,000, which works out, on a rounded basis, to 35 per cent. There are two questions that come to mind on this. The first one, of course, is that given that you are charging what appears to be a 35 per cent up-charge on your maintenance enforcement collections – and I'd like you to determine if that's correct – what benefits do the custodial and noncustodial parents enjoy for this \$4.7 million additional sum of money that flows through?

**Mr. Bodnarek:** We'll have our executive director of maintenance enforcement take that question.

**Mr. Elniski:** That would be fine.

**Ms de Vos:** Thank you. In the 1998 MLA review of the program it was recommended that the costs of enforcement be largely borne by those who are increasing the costs required by the program, and thus deterrent charges, notably the default penalties and the penalties for insufficient fund payments and also failing to return a statement of finance penalties, were introduced in late 2005. That has assisted the program in increasing its FTE count and also some of the collection activities available to it, including taking such action as asset seizure – that includes vehicles and homes – which do relate to getting large sums of money to be able to pay off arrears for those custodial parents.

One of the other things that we did in October 2008 is that we introduced interest charges. That is a charge that is paid by the debtor, and 80 per cent of that charge goes towards the custodial parent in addition to their maintenance if there are arrears.

**Mr. Elniski:** Wonderful. Thank you very much. My question,

however, was: what benefits do the custodial and noncustodial parents derive from the collection of an upcharge of 34.69 per cent, specifically, please?

**Ms de Vos:** I'm not sure if I would characterize it as an upcharge. That's where I guess I'm having difficulty.

**Mr. Elniski:** Okay. You collected \$13.5 million as a throughput for your organization and an additional \$5 million, so that means that in addition to what you collected, you collected another 35 per cent. Why?

**Ms de Vos:** Well, the default penalties, the \$4.7 million for dedicated revenue, go towards part of our manpower budget, including the child support recalculation program as well. So there is benefit that way in terms of adding on to the services that we can provide to clients.

**Mr. Elniski:** Okay. I'm not sure you're getting the point here, and that's fine. Thank you. We'll leave it there.

**The Chair:** Okay. Thank you very much.

Mr. Chase, followed by Ms Calahasen, please.

**Mr. Chase:** Thank you very much. Lest anyone leave today's committee meeting with the false impression that I am not supportive of the work done by Alberta Justice, I'd like to recognize the much-appreciated communicative efforts of David Specht in your maintenance enforcement program and the work of Calgary Police Chief Rick Hanson, who is seeking secure addiction and mental illness treatment facilities rather than just jails.

In the Auditor General's report of October 2010 motor vehicle accident program collections is listed as outstanding. In the Auditor General's 2009 report it was recommended that the department clarify the collection steps for judgments assigned to it under the motor vehicle accident program, page 293. This program allows an accident victim to obtain compensation for personal injury in a case where the driver responsible for the injury is uninsured. The department has told the Auditor General that his recommendation has been implemented.

My first question. There is about \$20 million in new judgments against uninsured drivers each year and \$9 million in writeoffs each year. Can you tell us what steps are now being taken before Justice writes off a judgment against an uninsured driver?

**Mr. Bodnarek:** Thank you. I'll start, and if anyone wants to supplement, they can. First off, I would like to say that we did in fact respond completely to the Auditor General recommendation with a set of procedures which were fully implemented as of June 2010. The following procedures with respect to writeoffs are now in place. We do bankruptcy checks, performed on every debtor. In conjunction with Alberta Transportation licence suspensions, deletions, and reinstatements are done through an automated process. If an electronic submission is rejected, the motor vehicle accident claims branch will be notified immediately. A checklist has been created for each collection officer to use when assessing whether a file should be classified as a pending writeoff. Lastly, detailed judgment renewal criteria and procedures have now been developed.

**Mr. Chase:** Thank you. You have partially addressed my supplemental question. Given the high proportion of judgments in the writeoff category at the time of the AG's original report \$67 million, or 42 per cent of the total, can you tell us whether implementing the AG's recommendations and the sort of processes that you've provided has resulted in a reduction in the

writeoffs and whether Justice has attempted to find any solutions other than having taxpayers pay the debts of uninsured drivers?

**Mr. Bodnarek:** Thank you. I'll turn this over to our assistant deputy minister of corporate and client services to answer.

9:50

**Mr. Perry:** What we're talking about this morning is the second part; it's accident recovery. We have the accident claim and the accident recovery. The timing difference is that the court order could have been seven years ago, and it takes a period of time to collect on the money. We believe that at the time the Auditor made this observation, we were collecting as best we could, and we were writing off the debts in a proper fashion. Since that recommendation what we've done is clarified what those steps are.

These are people who for whatever reason are no longer paying on these debts, and the decision has to be made at some point: do you keep chasing that dollar, or do you write it off? We believed up until that point and as of today that we are still doing everything we can to recover on these debts, but they're difficult to recover on. These are very difficult files. What the Auditor has pointed out is that we need to clarify before we get to the final stage, which is the writeoff.

**Mr. Chase:** Thank you.

**The Chair:** Thank you. Unfortunately, our time is now limited. I'm going to have to ask the members to read their questions into the record. Mr. Bodnarek, if your department could respond in a timely fashion in writing through the clerk, we would appreciate it.

We will start with Ms Calahasen, please, followed by Mr. Kang.

**Ms Calahasen:** Thank you. My question has to do with 2.1.6 under court services, the aboriginal court record program; however, it's not specific only to that. As you know, the number of aboriginal people in court or in jails is pretty high, and the result is from the fact that your department actually does the putting in jail. So when I look at how you have underexpended that money, yet there is such a high need for the aboriginal community to be worked with, I just want to know why you would have such an underexpenditure when the fact is that we don't have that relationship yet with the aboriginal community to be able to work with them in a court system. I'm wondering why you would have that amount.

The second question is to find out what it is that you are doing. I remember that last time there was a task force to be established to look at how we can begin to minimize that and help aboriginal people through the court system. I'm just wondering why that was not reported on. If you can do that, I'd really appreciate it.

Thank you.

**The Chair:** Mr. Kang, followed by Mr. Benito.

**Mr. Kang:** Thank you, Mr. Chair. On page 17 the 2009-10 annual report discusses the court case management program under goals 1 and 2. That is in connection with both managing Crown prosecutions and managing the court system. The court case management program was described in the 2008-09 report as a part of a larger justice information management system and as a quick win in implementing the larger system. The most recent report no longer refers to quick win but to significant progress.

IT projects have a way of ballooning. Could you tell us what the original budget and deadlines for completion of the court case

management program were and whether they have been met? The supplemental is that the project has some ambitious aims on which there was significant progress, and that's the bulleted list on page 17. Could you explain in a little more detail what progress was actually made?

**The Chair:** Thank you very much.

Mr. Benito, followed by Mr. Mason.

**Mr. Benito:** Thank you very much, Mr. Chair. My question is about legal services, civil law, page 53, reference 3.0.3. This is about the unexpended amount. Your 2009-10 report reported an underexpenditure of just over \$9 million. What caused this underexpenditure? The budget is over \$40 million. You only spent over \$31 million, and the unexpended amount of over \$9 million represents over 20 per cent. Why is that? Is this underexpenditure expected to continue in 2010-11? Basically, what do the expenses for this \$40 million civil law budget represent? I'm just curious.

The second main question that I would like to ask is about page 51. Element 2.1.5 shows an overexpenditure of \$1.5 million. What is the cause of this overexpenditure? And the supplemental question for that is also on page 51. Element 2.1.4 shows an overexpenditure of \$1.9 million. What is the cause of this overexpenditure?

Thank you very much, Mr. Chair.

**The Chair:** Thank you.

Mr. Mason, followed by Mr. Dallas.

**Mr. Mason:** Thank you, Mr. Chairman. My question is directed also at the Auditor General. I would like to know if there are measures that could be used to determine the impact on costs in the justice system and in the corrections system of reductions to legal aid, the elimination of the ability for prosecutors to have bail hearings before justices of the peace as a cost-cutting measure, and relatively low levels of funding for the aboriginal justice program.

I have sympathy for Mr. Allred's position that maybe the lawyers should step up to the plate here, but I think the best way, in my view, to save money is to keep people out of the justice system and out of the corrections system, like aboriginal people and others who shouldn't be there. So I'd like to know if there's a cost benefit that's done. When we cut these programs, do we end up incarcerating more people or using more court time, and do we measure those costs against the savings? I think we've got some real false economies here, Mr. Chairman, and I'd like that to be addressed.

Finally, I'd like to thank Dr. Massolin and his staff for excellent research with respect to this. This thing is very useful.

Thank you.

**The Chair:** Thank you very much.

Mr. Dallas, followed by Mr. Chase.

**Mr. Dallas:** Thanks, Mr. Chair. Page 50, schedule 5, voted expenses, reference number 2, court services, shows an overall underexpenditure of \$6.3 million. Can you provide information with respect to what this surplus consists of?

Also, on page 51, element 2.1.1, program support services expenditures are also underspent by \$1.3 million. What constitutes that underexpenditure?

**The Chair:** Thank you very much.

To conclude, Mr. Chase.

**Mr. Chase:** Thank you very much. Referencing the Auditor General's report, October 2010, IT access controls listed as outstanding, the Auditor General's last report identified one recommendation from October 2009 as outstanding and yet ready for a follow-up audit, page 224. That recommendation was that the department ensure that any organizations that have access to the Justice online information network, or JOIN, are following the Department's policies and procedures for gaining access. JOIN is used by police and the courts to track information on offender status and to record fines.

Number one, the information in JOIN is clearly sensitive. Could you tell us what the ministry has done to ensure that this information is not available to persons who do not have a business need for it and that access privileges are cancelled when access is no longer required? Secondly, JOIN is a justice network that is made available to police services. Does the memorandum of understanding with police services limit the use of information obtained from JOIN?

Thank you.

**The Chair:** Thank you very much.

Mr. Bodnarek, on behalf of the committee I would like to thank you and your officials for your time this morning, and we wish

you all the best. We have other items on our agenda to conclude, so please feel free to pack up.

**Mr. Bodnarek:** Thank you for having us.

**The Chair:** Yes. Thank you. Again, thank you for your time.

Item 5 on our agenda is other business, and last week we circulated the draft report of the Standing Committee on Public Accounts' 2010 activities. Any questions, comments? Okay. Can I have someone move that? Thank you. Moved by Mr. Elniski that the Standing Committee on Public Accounts approve the draft 2010 report of the Standing Committee on Public Accounts as distributed. All those in favour? Thank you very much.

We will get that into fine print form, maybe even in colour, and we will table it in the Assembly within the next week or so.

Item 6, the date of our next meeting, which is, of course, next Wednesday with Alberta Culture and Community Spirit. I'm sure we're all looking forward to it.

Okay. If there is no other business, may I have a motion to adjourn? Mr. Dallas. Moved by Mr. Dallas that the meeting be adjourned. All in favour? None opposed.

Thank you. Have a good week.

[The committee adjourned at 10 a.m.]



