



Legislative Assembly of Alberta

The 27th Legislature
First Session

Standing Committee
on
Public Safety and Services

Monday, October 20, 2008
9:02 a.m.

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Standing Committee on Public Safety and Services

VanderBurg, George, Whitecourt-Ste. Anne (PC), Chair
Kang, Darshan S., Calgary-McCall (L), Deputy Chair

Anderson, Rob, Airdrie-Chestermere (PC)
Brown, Dr. Neil, QC, Calgary-Nose Hill (PC)
Calahasen, Pearl, Lesser Slave Lake (PC)
Cao, Wayne C.N., Calgary-Fort (PC)
Jacobs, Broyce, Cardston-Taber-Warner (PC)
MacDonald, Hugh, Edmonton-Gold Bar (L)
Notley, Rachel, Edmonton-Strathcona (NDP)
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Bill 10 Sponsor

Anderson, Rob, Airdrie-Chestermere (PC)

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[Mr. VanderBurg in the chair]

The Chair: Good morning, everyone. We're going to get started. I know we all have busy schedules, and it's 9 o'clock. I'll call this meeting to order. I'd ask for an approval of the agenda for the October 20 meeting.

Dr. Brown: I would move adoption of the agenda.

The Chair: Moved by Dr. Brown. All those in favour? Carried.
We'll go around the table and introduce ourselves for the listening audience.

Dr. Brown: Neil Brown, Member for Calgary-Nose Hill.

Mr. Jacobs: Broyce Jacobs, Cardston-Taber-Warner.

Mr. Anderson: Rob Anderson, Airdrie-Chestermere.

Ms LeBlanc: Stephanie LeBlanc, legal research officer, Legislative Assembly Office.

The Chair: Stephanie, you're going to have to speak a little bit louder for the listening audience because I couldn't even hear you. Thank you.

Ms Friesacher: Melanie Friesacher, communications consultant, Legislative Assembly Office.

Mr. Reynolds: Rob Reynolds, Senior Parliamentary Counsel, Legislative Assembly.

Mr. Meade: Bill Meade, Solicitor General and Public Security.

Mr. Barker: Matt Barker, Solicitor General and Public Security.

Ms Calahasen: Pearl Calahasen, Lesser Slave Lake.

Ms Woo-Paw: Teresa Woo-Paw, Calgary-Mackay.

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

The Chair: George VanderBurg, MLA, Whitecourt-Ste. Anne, and chair.

We'll move on to item 3, the review and approval of the minutes from October 9. I'd ask for a motion to adopt the October 9 . . .

Mr. Jacobs: So moved.

The Chair: Broyce Jacobs. All those in favour? Carried.

Item 4 is the review of the draft report. Staff, well done. I think it accurately reflects the comments made at the last meeting. I'd ask for some comments from members just to make sure that I didn't miss anything. Dr. Brown.

Dr. Brown: Thank you, Mr. Chairman. I have reviewed the transcript from the last meeting, and I've also reviewed the draft report presented to us this morning. I think that the draft report clearly reflects the discussions of the last meeting. I think it accurately portrays the proposed amendments and those particular

items that were not proposed to be amended. I would move adoption of the draft report.

The Chair: Any other comments?

Coming in late is Mr. Wayne Cao from Calgary-Fort. Good morning, Wayne.

Mr. Cao: Sorry, Mr. Chairman. Good morning.

The Chair: We have a motion by Dr. Brown that we recommend Bill 10 and approve the committee's report outlining the committee's observations, opinions, and recommendations with respect to Bill 10.
All those in favour?

Hon. Members: Agreed.

The Chair: Carried unanimously.

Other Business. Members, I just want to have a little discussion about some of our options going forward. I have been in ongoing discussions with the Solicitor General and the Justice minister.

Sorry, Rob. Do you have something?

Mr. Reynolds: No.

The Chair: Okay.

Also, good morning, Hugh.

Mr. MacDonald: Good morning, Mr. Chairman.

The Chair: Hugh MacDonald, Edmonton-Gold Bar.

I've had some ongoing discussions with the Solicitor General and the Justice minister with regard to some of the frustration that MLAs and our constituents are feeling with safe communities. I think that with your permission I'd like to identify some items that maybe this committee could work on. You know, there's one thing to work on a bill that's in front of the Legislature, but I think there's an opportunity that an all-party committee can review some aspects, whether it's our justice system or the parole system or issues that are facing each and every one of us in our constituency. I'd like to get this committee working on those issues.

I had a good discussion last night with the co-chair. He couldn't be with us today for personal reasons, but he, too, agrees that an opportunity to do something other than reviewing a bill that's in front of the Legislature would be a little more rewarding and maybe could provide some good assistance for our ministers.

Some thoughts?

Dr. Brown: Mr. Chairman, I would concur with your observations. I think that there are a number of issues that one could see some profit in discussing at this time. We have heard a lot of controversy regarding the issue of criminal gangs and crimes committed by gangs, and I think that there probably is some scope for discussion within the jurisdiction of the provinces under the Constitution for delving into some responses to those concerns. I would be all in favour of discussing those and perhaps exploring in concert with the Ministry of Justice and Attorney General particular areas that we might look at.

The Chair: Member Sandhu, good morning.

Mr. Sandhu: Good morning, sir.

The Chair: Pearl, you had some comments.

Ms Calahasen: Well, I feel that it's a really opportune time for us to be able to explore other areas. I think that for us to be able to do that would help not only the ministry but also the other MLAs and most of us as MLAs as we deal with some of the issues.

One of the areas that I've always had concern over is the number of aboriginal people that are being incarcerated. I would like to see us do something in that vein, to be able to find out, you know, between the Attorney General and the justice system. I've spoken to both ministers in the past, and they seem amenable to it, but I think our group might have a better way of being able to deal with that. I think it might be one way for us to be able to explore that specific area.

There are other areas. I agree with the gang situation. There is, I think, a lot of gang activity that we haven't even touched the tip of the iceberg on.

If we begin to look at some of those meaty areas, I think that it will do us some good, to be able to come out with some ways of addressing them. It's an all-party committee, you know, so we have to be able to come to the table honestly and deal with any of these issues as best we can.

Mr. Anderson: Mr. Chair, I would agree with what has been said around the table. Specifically, there are a couple of things that I thought might be worth reviewing. One is the parole system. As we know, right now the federal parole system, obviously, is administered by the federal government, but my understanding is that in the past there have been agreements in place where the province has had some influence and, frankly, has basically run the parole system within the province of Alberta in varying degrees. That's kind of gone back and forth over the years, but when I see things like what happened a couple of weeks ago in the Edmonton area where those two young girls were attacked by that repeat offender and we weren't even told as a province that that individual was going to be in our communities, I think that's something that we need to take a look at, that we need to take a look at constitutionally. You know, what are our options there? That sort of thing.

9:10

Kind of on a larger area, I think there is a lot of grey area in the Constitution as to what provinces are permitted to delve into. I mean, obviously, we can't alter the Criminal Code, et cetera, but what we can do is: we have a lot of discretion with regard to property rights and also highway safety and such, so there are things we could do with regard to the ability to get a driver's licence, the ability to give out two-year sentences, which is our purview. If it falls within our jurisdiction, we can give out mandatory two-year sentences for things. Also, just the seizure of assets. I think that we need to start looking at what we can do rather than just come out with a recommendation that we need to all talk to our MPs and ask the federal government. We have to start taking some ownership on this issue, so I would like to get some constitutional experts in here to start delving a little bit into that issue.

Mr. Cao: I concur with the chair on working on safe communities initiatives and issues. My constituency is very, very concerned about gang violence in Calgary communities because of shootings and all of that. I think it's appropriate that our field committee should look into the subject matter.

The other thought is that last year the Minister of Justice with the Member for Calgary-Fish Creek, Heather Forsyth, did a review, a study and recommendations, so I could say that we probably will look into that and base on that and, you know, go further. There's ample information already in there.

My other thought is that in my constituency people complain about the kind of revolving door for people who have bad behaviour or are criminals. The catch-and-release type of method is not good at all, and that's a concern of my constituents and probably Albertans as well.

I also want to inject the idea that we cannot just isolate our province in dealing with criminals. They have no borders, really. They have no jurisdictions. Maybe they have gang turfs, but that's it. We need to look beyond our borders as well.

Thank you.

The Chair: Hugh MacDonald.

Mr. MacDonald: Yes. Thank you, Mr. Chairman. This is certainly an interesting conversation. As Public Accounts chairperson I was reviewing the information that's going to be discussed, hopefully, at Wednesday morning's meeting.

The Chair: Which meeting is that?

Mr. MacDonald: On Wednesday morning we're meeting with Alberta Justice, and I would encourage hon. members to have a look at some of the research that has been done on the crime rates in Alberta and in Canada and where we rank nationally and what should be done.

Hon. Member for Lesser Slave Lake, I couldn't agree with you more on your earlier comments. We certainly need to work at that, incarceration of First Nations people. Hopefully, this committee could do something in that regard.

I'm sitting here listening to this conversation about crime and police and the law in this province, and I'm reflecting back to earlier in the summer, when two members of this committee, the hon. Member for Lesser Slave Lake and the hon. Member for Cardston-Taber-Warner, put on the public record some of the issues around the sheriffs and the conduct of the sheriffs in their constituencies. I think it would be prudent if this committee were to look at the role of the sheriffs. We've increased their budget dramatically. We're increasing the number of sheriffs in this province. Are we getting value for money with that expenditure, and would we not be better off giving it to the municipal police forces or, perhaps, getting a deal with the RCMP to increase their resources?

Thank you.

The Chair: Good.

Well, I see wide support for the opportunity for this committee to maybe expand our limits or to find our limits as to what we can or cannot do. I think that there are so many issues when it comes to our safe communities. As we heard just around the table, here's a half-dozen good items for us to look into. So I will have a discussion with the co-chair and with the ministries involved.

Life is a ladder approach, a rung at a time. I think we take on an issue at a time. Go and learn about it, first of all. I think this is a way that we can actually make a difference rather than, let's say, meeting 10 times to review one bill.

Hugh MacDonald.

Mr. MacDonald: Yes. If I could just quickly remind the chair and other members of the committee that we also have the right under standing orders to review annual reports and specific budget items in those annual reports.

The Chair: Right.

Mr. MacDonald: So there are a lot of things that we can be doing to improve how money is spent to fight crime. Thank you.

The Chair: Thank you.

Ms Calahasen: I just want to make sure that I clarify the issue that the hon. member brought up. I appreciate the fact that you do support the idea that we do have to look at some of the areas of concern. When we discussed the conduct of the sheriffs, it wasn't to say that we were against them. It's just the fact that there are some that we have to be aware of. I think that to blanket it and say that we're against them is not true, in my view, so I just want to make sure that that's on the record.

Mr. MacDonald: I didn't say that. I clearly did not say that, hon. member. What I did say is that we are expanding the budget for the sheriffs, and we need to make darn sure that we're getting maximum benefit and value for the dollar for that budget.

Ms Calahasen: Thank you.

Mr. Cao: I think the subject matter, from my process of thinking, is: why do we need to do it, what can we do, and how are we going to do it? I think we need to have terms of reference in the subject matter that the chair comes up with with the ministry and so on. If we don't have that focus, hon. members, we'll just talk about more like public accounts issues, which is monies spent, value for the dollar, which is public. I'd rather see our attention on what to do and how to do it, implementation.

The Chair: Again, Member Cao, in a short few minutes we've identified half a dozen items. I mean, these are items that I can discuss with the co-chair and with the ministries involved and narrow down, and we'll have that discussion.

Mr. Anderson: Briefly, I just hope that we don't spend our time on issues that – I think Albertans want us to act and take some proactive measures with regard to justice issues in this province. I don't, frankly, see the point too much of discussing and going through the role of the sheriffs or: are we getting value for money? Well, we can have that discussion, but I don't know that Albertans are too interested in us having that discussion right now. What they want us to do is find ways that we can reduce crime now and stop this revolving-door justice system. I just hope we don't try to reinvent the wheel and waste our time in that regard, that we actually come up with some new ideas.

9:20

The Chair: Listen. I'll say it again. We've had the items discussed. I'll have an opportunity to discuss this with the ministries involved and all of you. We're in session now, so it's easy to communicate. Before we set the next meeting, we will have an item or two that we can work on. At the end of the day I think we want to see some meaningful result from the work that we do; otherwise, it's time not well spent.

Dr. Brown: Mr. Chairman, if I could. Regarding all of those issues that have been brought to the table today, I think at the outset of any such process it would be useful to have some clarification for the benefit of the members here on what exactly the interface is in a constitutional sense between the province and the federal government regarding areas of crime. There are certain areas in which those things may overlap, in which we can have some influence on

criminal matters, but as has been noted already, the criminal law is federal jurisdiction. Parole boards are federal jurisdiction. I think it would be useful for the committee, before embarking on a discussion of those, to look at those specific areas where we might have a possible role to play in terms of criminal justice.

The Chair: Rob, do you have some comments on that?

Mr. Reynolds: Just to follow up. That's an excellent suggestion just to perhaps refocus members' minds on this or to acquaint them with the distinctions. They're not easy. I mean, the dividing line is not always consistent, as it were, or easily identifiable. We could certainly prepare something on what Mr. Anderson mentioned, parole. We could prepare some comments on that and about the criminal law in general being under Parliament's jurisdiction. People may not know, for instance, that superior court judges are appointed by the federal government, but the courts are paid for by the provincial government. Not their salary but the facilities that are associated with the courts. Little things like that. Obviously, it's a very extensive topic, but we would prepare something to capture the highlights on a few pages if that's what you're looking for, Mr. Chair.

The Chair: Well, I think that's a good start. We need to know our parameters a bit as well, you know, how far we can push some of these issues. I'm happy with the discussion that we've had. I see a willingness from all members that we pursue this.

Before we go on any further, Melanie would like to talk to us about communications.

Ms Friesacher: Thank you, Mr. Chair. In terms of making this report public, it cannot be made public until after it's been tabled in the House. If the committee is in agreement, I can draft a news release just indicating that the committee has made recommendations based on feedback from stakeholders and discussion. That release will be issued once it's been tabled. At that point the report will also be posted online so people can go and view that report.

The Chair: Some good advice. Thanks, Melanie.

I guess I'll ask for a motion, then, at this time that Legislative Assembly Office communications services work with the chair and the deputy chair of the Standing Committee on Public Safety and Services on the media relations component of the release of the information on the committee's report on Bill 10.

Moved by Pearl. All those in favour? Those opposed? You don't like media relations?

Mr. MacDonald: I have my reasons, Mr. Chair, and I'm certainly entitled to them.

The Chair: Yes.

Mr. MacDonald: And I don't expect the chair to challenge my decision.

The Chair: Would you like to state them just for the purpose of the listening public?

Mr. MacDonald: I don't think our review has been complete and has addressed all the issues that were articulated earlier.

The Chair: Okay. Fair enough.

Mr. Anderson: I'd like to comment on that. This process has been set up, and I have noticed that the opposition has not been in attendance for any of the discussion that took place at the last committee, nor has it been in attendance for the first 10 minutes that we spent here discussing the draft report. I think it's a little bit hypocritical. We have a process set out. It was made so that we could include all parties in the process, and lo and behold those parties who complain relentlessly about the lack of democracy in this process don't show up. We went through every single recommendation made in those letters one by one, line by line. We talked about them. We debated them. We made a decision on them with no input from the opposition parties because they chose not to be here.

I just think that that should be put on the record because the next time in the House when I hear an opposition member get up and say that they have no input and there's a lack of democracy and all that fluff, I'm just going to point back to this committee as an opportune example of why that is not the case.

The Chair: First of all, I mean, everybody has a right to their opinion, but I have reported to this committee that the co-chair, Darshan Kang, and I have discussed each and every item thoroughly. Even though he's not able to make it here, he has been very involved with the process. When I've put up my hand, I've also put up my other hand on behalf of the co-chair. For personal reasons he has not been able to make the last two meetings, but he's been very involved. I wanted to let you know that that member of the opposition has relayed to his caucus. In fairness the co-chair has been very involved, and we've always set the dates and the times together.

Member MacDonald.

Mr. MacDonald: Yes, Mr. Chairman. In regard to what Mr. Anderson has just said, it's true that I missed the last meeting. It's the first one that I missed. I had a conflict in my schedule. The individuals that I worked with early in the summer, when they contacted other members of this committee who could not arrange their schedules to meet with them – and this is members from all across the province in the security industry. We had a meeting at West Edmonton Mall with perhaps 50 or 60 people in attendance. Some of those individuals have contacted me, and they are not satisfied that these recommendations meet their concerns. I see no

problem with that. I don't think it's undemocratic. Each and every one of us is going to miss the odd meeting. I think it's inappropriate, Mr. Anderson. If you would review the standing orders, which also apply to this committee, it is unparliamentary to tag one individual or another as being in attendance or not.

Thank you.

The Chair: Okay. Enough said on that. I think everybody has said their piece.

Mr. Cao: This is on a different subject, relating to communications. Now, we approved the release. I was wondering, Mr. Chair, how we incorporate this report into the Legislative Assembly process for Bill 10. Is there any clarification?

The Chair: Well, we will table the recommendations at the appropriate time, and Rob will help us set that time.

Ms Calahasen: The two chairs will both look at it.

The Chair: Yes, and I will present it in the Legislature.

Mr. Reynolds: Yes, Mr. Chair, it will be presented. There will be a motion of concurrence put in the report, and then it will proceed. I believe there was a motion during second reading to send this to the committee, so if the recommendations of the committee are accepted that the bill proceed, the bill will resume its place or will be called, presumably by the government, in second reading.

The Chair: Yes.

Mr. Reynolds: Then if the bill passes second reading, it would then go to committee, and presumably, based on the recommendations, there would be amendments forthcoming from the government, I would imagine.

The Chair: Thank you.

I'd ask for adjournment. Moved by Pearl. All those in favour? Those opposed? It's carried. Thank you.

[The committee adjourned at 9:29 a.m.]

