



Legislative Assembly of Alberta

The 27th Legislature  
Fifth Session

Standing Committee  
on  
Public Health and Safety

Department of Justice and Attorney General  
Consideration of Main Estimates

Tuesday, February 14, 2012  
6:30 p.m.

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Fifth Session**

**Standing Committee on Public Health and Safety**

Fritz, Yvonne, Calgary-Cross (PC), Chair  
Taft, Dr. Kevin, Edmonton-Riverview (AL), Deputy Chair

Anderson, Rob, Airdrie-Chestermere (W)\*  
Bhardwaj, Naresh, Edmonton-Ellerslie (PC)  
Blackett, Lindsay, Calgary-North West (PC)  
DeLong, Alana, Calgary-Bow (PC)  
Doerksen, Arno, Strathmore-Brooks (PC)  
Forsyth, Heather, Calgary-Fish Creek (W)  
Notley, Rachel, Edmonton-Strathcona (ND)  
Rodney, Dave, Calgary-Lougheed (PC)  
Rogers, George, Leduc-Beaumont-Devon (PC)  
Swann, Dr. David, Calgary-Mountain View (AL)  
Woo-Paw, Teresa, Calgary-Mackay (PC)

\* substitution for Heather Forsyth

**Department of Justice and Attorney General Participant**

Hon. Verlyn Olson, QC            Minister

**Also in Attendance**

MacDonald, Hugh, Edmonton-Gold Bar (AL)

**Support Staff**

W.J. David McNeil	Clerk
Shannon Dean	Senior Parliamentary Counsel/ Director of House Services
Robert H. Reynolds, QC	Law Clerk/Director of Interparliamentary Relations
Giovana Bianchi	Committee Clerk
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Karen Sawchuk	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications and Broadcast Services
Melanie Friesacher	Communications Consultant
Tracey Sales	Communications Consultant
Philip Massolin	Committee Research Co-ordinator
Stephanie LeBlanc	Legal Research Officer
Rachel Stein	Research Officer
Liz Sim	Managing Editor of <i>Alberta Hansard</i>

6:30 p.m.

Tuesday, February 14, 2012

[Mrs. Fritz in the chair]

**Department of Justice and Attorney General  
Consideration of Main Estimates**

**The Chair:** Good evening, everyone. I'm just going to call the meeting to order. It is 6:30, and we're going to be meeting tonight from 6:30 to 9:30 as this is the Standing Committee on Public Health and Safety. I'd like to welcome you all to the meeting.

As you know, we have hon. Minister Verlyn Olson here this evening as his estimates are under consideration. That's for the Department of Justice for the fiscal year ending March 31, 2013.

I'm going to begin the meeting by going around the table and asking that you please introduce yourselves for the record. Also, as people come in, we'll ask that they introduce themselves intermittently throughout the meeting. I'll do that, and then following that, Minister, I'm going to ask that you introduce your staff as well.

Thank you.

**Ms DeLong:** Alana DeLong, MLA for Calgary-Bow.

**Mr. Blackett:** Lindsay Blackett, MLA, Calgary-North West. Good evening.

**Ms Woo-Paw:** Good evening. Teresa Woo-Paw, Calgary-Mackay.

**Mr. MacDonald:** Good evening, everyone. Hugh MacDonald, Edmonton-Gold Bar.

**Mr. Doerksen:** Good evening. Arno Doerksen, Strathmore-Brooks.

**Mr. Rogers:** Good evening. George Rogers, Leduc-Beaumont-Devon.

**Mr. Bhardwaj:** Good evening. Naresh Bhardwaj, Edmonton-Ellerslie.

**Dr. Taft:** Hi. I'm Kevin Taft, MLA for Edmonton-Riverview, acting as vice-chair.

**The Chair:** Thank you.

Later on you'll see that Rob Anderson, MLA for Airdrie-Chestermere, is going to be here in place of Heather Forsyth, MLA for Calgary-Fish Creek.

Mr. Minister, could I ask that you introduce your staff as well, please.

**Mr. Olson:** Thank you, Madam Chair. Seated beside me to my right is Ray Bodnarek, my deputy minister; to my left, Bruce Perry, ADM, corporate services. Second to my right is Kurt Sandstrom, ADM, safe communities. Seated behind me we have the whole team. Maybe you can just give a wave as I call your names: Greg Lepp, ADM, criminal justice; Kim Armstrong, ADM, justice services; Lynn Varty, acting ADM, court services; Shawkat Sabur, senior financial officer; Gerald Lamoureux, director, safe communities; Ed Ricard, director of client services, maintenance enforcement program; Cassie Palamar, Human Rights Commission; David Dear, acting director of communications; Pam Livingston, my executive assistant; and Nick Harsulla, my special adviser.

It's my pleasure this evening to present the budget estimates for Alberta Justice.

**The Chair:** Thank you, Mr. Minister. I'm going to invite you to do that in just a moment, if that's okay. I know you're eager. You and all the staff were here long before we were. It's wonderful to meet your staff this evening.

I just wanted to go over the procedure for our meeting tonight. The speaking order for the estimates is as follows: for the first 10 minutes we'll have the minister, who will make opening comments; for the one hour that follows, members of the Official Opposition, and the minister may speak again at that time; for the next 20 minutes the members of the third party, and the minister may speak then as well; for the next 20 minutes following that, the members of the fourth party, and the minister may speak then as well. I see that you're going to be on a lot tonight, Mr. Minister. The next 20 minutes could be for independent members or other parties, but as we don't have that this evening, then I'd invite you, Mr. Minister, to use that full 20 minutes again yourself if you like, or I would begin then the questions from the opposition and from government members.

Just a reminder that the minister's staff and department officials may not address the committee during the estimates.

Now I'd like to invite you to begin.

**Mr. Olson:** Okay. Thank you, Madam Chair. I should just mention at the beginning, lest I forget later on . . .

**The Chair:** Sorry. I've been told by the clerk here that I have to read all of this into the record. So I hope you'll forgive me. I'm going to read this out to you because this is the first meeting, apparently.

Committee members, ministers, and other members who are not committee members may participate.

Department officials and members' staff may be present but may not address the committee.

Members may speak more than once; however, speaking time is limited to 10 minutes at a time.

A minister and a member may combine their time for a total of 20 minutes. Members are asked to advise the chair at the beginning of their speech if they plan to combine their time with the minister's time.

Three hours have been scheduled to consider the estimates of the Department of Justice. If debate is exhausted prior to three hours, the department's estimates are deemed to have been considered for the time allotted in the schedule and we will adjourn; otherwise, we will adjourn at 9:30 p.m.

Points of order will be dealt with as they arise, and the clock will continue to run.

The vote on the estimates is deferred until consideration of all department estimates has concluded and will occur in Committee of Supply on March 13, 2012, as per Government Motion 6.

An amendment to the estimates cannot seek to increase the amount of the estimates being considered, change the destination of a grant, or change the destination or purpose of a subsidy. An amendment may be proposed to reduce an estimate, but the amendment cannot propose to reduce the estimate by its full amount. The vote on amendments is deferred until Committee of Supply on March 13, 2012, Standing Order 59.01(6).

Okay. Here we go. We're looking forward to hearing you.

**Mr. Olson:** I was just about to say that before I forget, I wanted to acknowledge the work of all of my department staff who are here and many others who aren't here for their help in preparing me for this. I'll do my best to answer the questions that come from all hon. members, and I'll certainly rely on my departmental people

to help me, and to the extent that we can't give you the answers you're looking for tonight, we'll undertake to do so in due course.

Moving on with some opening comments, as the hon. members know, our Premier is committed to building and fostering safe communities and to empowering at-risk individuals to achieve a better quality of life. These are priorities tasked to Alberta Justice and ones we are proud to strive to achieve.

In our business plan the ministry is responsible for a number of core businesses that provide services to Albertans. These are to promote safe communities, provide prosecution services, provide accessible front-line justice services, provide court services, protect human rights, foster equality and reduce discrimination, and provide legal and strategic services to government. Our business plan supports our ministry's vision to lead the most innovative and accessible justice system in Canada and to ensure that our communities are among the safest in the world.

Our plan also supports goals 1 and 2 of the government of Alberta strategic plan. Those are to honour Alberta's communities and ensure that they are safe, prosperous, welcoming, and culturally diverse, and through the valuable work of the Alberta Human Rights Commission ensure that vulnerable Albertans are protected and supported so that they may reach their full potential.

As you go through the 2012-13 budget as it relates to Alberta Justice, I would like to explain the changes we made to the structure of our estimates. The changes were made primarily to make our estimates simpler, more informative, and to ensure that the right level of detail is reported on publicly recognizable programs. The most significant change was made to our court services program. Courts are now reported by the level of court instead of geographic location. Under the court services program court services delivers a number of programs to Albertans, including the aboriginal court worker program, civil mediation, Alberta law libraries, and self-represented litigant services. These programs are now reported under the courts program access to justice.

The ministry consolidated other programs designed to assist Albertans under a new division called justice services. This includes the office of the Public Trustee, the medical examiner, civil forfeiture office, and the maintenance enforcement program. Alberta Justice is also now pleased to include the Alberta Human Rights Commission, which just joined Justice as part of the reorganization late last year.

#### **6:40**

Now to the budget. The Alberta Justice budgeted operating expense for 2012-13 is \$498.3 million. This is an increase of \$35.1 million, or 7.6 per cent, over the 2011-12 budget and a \$7.1 million, or 1.4 per cent, increase from the 2011-12 forecast.

With over 3,000 employees working for Justice and 70 per cent of our budget going towards manpower, we are one of the largest people ministries in the province. The vast majority of our request is for higher manpower costs resulting from salary and benefits increases as well as to cover an increase to judicial compensation. In fact, over \$26 million is included in our budget to cover the cost of these manpower increases, and ongoing funding of \$8 million is included for judicial compensation.

The remaining \$1.3 million will be used for the safe communities program, to increase awareness about the impact of gangs on Alberta's communities. It will also focus on deglamorizing the gang lifestyle for Alberta's youth. This includes funding for new staff to work with communities and measure the impact of the strategy.

Our three main business plan goals for the ministry and, essentially, pillars in the delivery of our mandate are as follows:

access to justice, that Alberta's communities are safe, and that we lead an innovative, effective, and efficient justice system. Firstly, access to justice includes ensuring that there is a fair and accessible civil and criminal justice system for Albertans. In the last year Albertans have continued to access law information centres, located throughout the province, to assist them in understanding and navigating the justice system. During the fiscal year of 2011-12 between April and December there were over 73,300 visits to these centres. The new justice services division consolidates programs and services that have common goals, clients, approaches, and outcomes under one umbrella.

Access to justice will be additionally supported by the work of the Alberta Human Rights Commission. We will continue to ensure the human rights of Albertans are handled with the dignity and respect that they deserve. At the present time the commission has implemented a number of changes over the last few years aimed at streamlining processes and resolving complaints prior to tribunal stage. Additionally, in order to ensure we are appropriately meeting the needs of vulnerable Albertans, discussions will take place and are taking place with Legal Aid and the other funding partners about exploring alternative funding mechanisms and service delivery models.

To ensure the success of safe communities, Alberta has been addressing crime reduction through a balanced approach based on prevention, intervention, and enforcement with a firm commitment to partnerships. As a mandated commitment by the Premier our safe communities, or SafeCom, program is a crossministry body working to foster safe communities in Alberta. This year's operating budget for the division is \$20.2 million, which includes \$14 million for the safe communities innovation fund, or SCIF.

We have now funded 88 pilot projects through the \$60 million SCIF. We've seen some great innovative grassroots initiatives with strong community partnerships. Each project requires an outcome-based evaluation and social return on investment analysis. We are currently in the process of beginning evaluations of the first round of the pilot projects. While we are in that process, continued funding for some projects is a possibility we will continue to explore. Working with communities on continuity funding for promising crime prevention strategies is all part of the implementation of Alberta's crime prevention framework, which positions Alberta as an international leader in crime prevention. To make a real and long-term impact, early preventative measures will continue to be taken to address the underlying root causes of crime.

Thirdly, my ministry continues to ensure that Alberta has an innovative, effective, and efficient justice system. I'm pleased to highlight that the justice innovation and modernization of services project, or JIMS, is a major initiative that will make justice information more accessible and easier to use for Albertans. The approach is to address critical program areas such as scheduling court times and front-counter service, where there will be a noticeable improvement in efficiency and service delivery. Also, the court case management project, part of the JIMS initiative, involves a replacement or enhancement of a number of existing systems and processes to improve the efficient operation of adult criminal matters for the Crown and the Provincial Court.

In order to ensure our justice system continues to innovate, from the capital perspective almost \$7 million in capital investment for 2012-13 has been provided, including \$4.4 million in funding for the replacement of the Public Trustee's aging information technology system and with the remaining \$2.6 million for the maintenance of our existing information technology systems.

In conclusion, we all share an interest in an effective, efficient justice system. I'm very proud of the significant progress our ministry has made in promoting strong, safe communities and reducing crime so that Albertans feel safe.

Thank you for your attention. I'd be pleased to answer your questions.

**The Chair:** Thank you, Mr. Minister.

I'm going to invite Mr. MacDonald to begin and just ask if you'll be combining your time.

**Mr. MacDonald:** Could you explain that, Madam Chairman, please?

**The Chair:** Yes. As I had read into the record, you can have 10 minutes to speak, and then the minister can answer and then another 10 minutes and have the minister answer, or you can do a back and forth between yourself and the minister without your 10-minute allotment.

**Mr. MacDonald:** Let's go back and forth.

**The Chair:** Thank you.

**Mr. MacDonald:** Okay. Thank you very much. My first question in the time that we have would be that in the government estimates under the Provincial Court of Alberta, element 2.5, there is a forecast for 2011-12 of \$102 million, and the budget estimate for this year is \$88.3 million. Given that the performance measure under the ministry business plans indicates, and I'm going to pick both Edmonton and Calgary here, that the Provincial Court time to case disposition was 112 days – the target is 108 days, and then the following year, 2013-14, it is 105 days – how do you think this is going to be achieved when you have a substantial reduction from the forecast in the Provincial Court budget in 2011-12 until now? That drop is essentially \$14 million. How are you going to be able to meet that performance measure target when you are cutting the budget of the Provincial Court of Alberta by \$14 million?

**Mr. Olson:** I think what we're talking about, the reason for the difference, is because of the supplemental estimate with the increase in the compensation for the Provincial Court judiciary. That may be the factor that is making that number by comparison look out of whack.

**Mr. MacDonald:** So this entire change in the budget of \$14 million relates to the supplementary request for Provincial Court judges for an increase in salary and benefits?

**Mr. Olson:** Yeah. It was a one-time payment to catch up because, if you remember, it was retroactive to April 1, 2009. It was a one-time cost for that period from 2009 to 2011, but it happened in the last year because it was part of a supplemental estimate.

**Mr. MacDonald:** The actual increase, then, that we're looking at is going the other way from the budget of \$74 million for the Provincial Court in 2011-12, subtracting what the Provincial Court judges got in increases in salary and benefits. If you subtract that and you think of the \$88 million amount – that's \$14 million additional dollars – will that reduce the amount of time that people wait for Provincial Court time? You talked about: this has been a fair system. How is it fair when people have to wait so long?

6:50

**Mr. Olson:** Well, there is an additional \$8 million which is the judicial compensation. That's for 2012-13 and the out-years. That would account for \$8 million of the difference. Your question is about a \$14 million differential. The rest is staff salaries. Again, most of the increases within my departmental budget are the salary increases.

You know, to address your question, though, you asked about how we're going to manage a reduction in wait times and so on. In my opening comments I talked about innovations and new ways of doing things, and we're very enthusiastic about court case management. There are a number of initiatives that would fall within that description that already are having a positive impact.

This doesn't relate specifically to the Provincial Court, but I'll just relate a conversation I had yesterday with the Chief Justice of the Court of Queen's Bench. He was talking about what a difference the court case management system is having in terms of dealing with things like booking trials online, front-counter assistance, any number of initiatives like that that are making a difference. They don't necessarily mean we're spending more money. In fact, we may be saving money, and at the same time we are increasing efficiency and providing better access.

**Mr. MacDonald:** Okay. You indicated that 70 per cent of your budget was for personnel. That \$498 million: was that 70 per cent of the estimates?

**Mr. Olson:** Yes. If I could just comment, I think that out of the 3,000 or so employees, 577 are lawyers. It's a department that's highly trained and specialized. It's expensive to have a workforce like that, but it's also essential. Of course, speaking of highly specialized, we also pay the Provincial Court judges.

For those who may not be aware of this, we do not pay the judges of the Court of Appeal or the Court of Queen's Bench. They are federally appointed and paid for by the federal government, but we are responsible for the administration of justice, so we have to provide the courthouses, the court staff, and so on. That's all part of this budget, all the support for all three courts and payment of the salaries and benefits of the Provincial Court.

**Mr. MacDonald:** With all those lawyers you've got employed, we'd better be careful what we say.

**Mr. Olson:** Well, I feel as though I'm back amongst my people.

**Mr. MacDonald:** Okay. Now, could you explain in the fiscal plan: if 70 per cent of your budget of, we'll say, \$500 million is for personnel, that works out to \$350 million. That would include salaries, wages, and total benefits, correct?

**Mr. Olson:** Yes. I'll just mention to the hon. member that I'm getting some guidance from my staff beside me, so I'll stand to be corrected. If I misspeak, I will correct myself as quickly as I can.

**Mr. MacDonald:** Okay. Now, I'm looking at the fiscal plan on page 128, and it indicates for your department that the total expense is going to be \$537 million, not \$498 million. Can you explain why there is a larger number on page 128 of the fiscal plan under ministry expense by object?

**Mr. Olson:** I will momentarily.

Okay. The motor vehicle accident claims fund is in there, and that's a statutory fund. There's also the human rights fund. Those

are two funds that are outside of my budget but funds that we're responsible for.

**Mr. MacDonald:** Okay. Well, I find that quite a difference.

Now, according to the fiscal plan \$74 million of this \$537 million will be used for grants to others. Who is getting those grants and in what amounts, please?

**Mr. Olson:** Well, \$58 million of it is legal aid – \$58.3 million I think it is – and I'm guessing the others would be law reform, which is \$400,000, and the safe communities innovation fund, which is about \$14 million.

**Mr. MacDonald:** Seventy-six million is for supplies and services according to, again, page 128 of the fiscal plan. Could you provide me and the taxpayers, please, with a breakdown of this \$76 million allocation in supplies and services?

**Mr. Olson:** Hon. member, I could give you kind of a quick summary, but I think you may want something in more detail, so I can undertake to provide you with a more detailed answer. It would be things like contract lawyers, travel, supplies, things of that nature.

**Mr. MacDonald:** That's where I'm going with this. I realize you have many sharp legal minds that are employed in your department, but I do know from Public Accounts that on occasion you hire out legal counsel and seek advice from others, and I would be curious to know how much that is and who was getting that.

**Mr. Olson:** I think we can provide you with that information, yeah.

**Mr. MacDonald:** Okay. That would be great. You're a lot more gracious than Alberta Health Services. I suspect their legal budget is a lot larger than yours, and they're very reluctant to provide those numbers to not only myself but to taxpayers as well.

Perhaps we'll start with management information services, element 1.6 in your budget estimates. In 2010-11 the actual amount spent on management information services was \$2.6 million. It ballooned up the next year under the forecast to \$9.9 million, and this year you're asking in the budget estimates for \$11.8 million, so that's a \$9.1 million increase. Can you tell me: what is this program, management information services, and why is it necessary over a two-year period to see its budget increase by \$9.1 million?

**Mr. Olson:** One of the things I had mentioned in my comments, I believe, was the JIMS system. That's a management system, an information technology system which allows us to more efficiently deliver our services. The \$9 million increase from 2010-11 is due to a centralization of all those major information technology systems. I think that before we had a system that was not as well integrated and was aging, so there has been a concerted effort to update our information systems, and that's the reason for the spike in those years.

7:00

**Mr. MacDonald:** Well, I find it incredible that you would need that kind of money to fix this system when last year according to your annual report 2010-2011 on page 54 you left the amount of \$2.6 million unexpended in that program. I'm puzzled why last year you would have this surplus on a budget that was essentially \$4 million, but now you're claiming you need all this money suddenly to fix something. What's the difference between last

year, when you put \$2.6 million back on the table, and now, when you need \$11.8 million for this?

**Mr. Olson:** I'm advised that there was a change in the system design, and we actually didn't go ahead with some of the procurement contracts, which is why the money went back. Once we reoriented ourselves, we needed to move ahead, and that was the reason, then, for the request for additional money.

**Mr. MacDonald:** Okay. Thank you. I appreciate that.

Human resources, element 1.0.5. Again, two years ago, or 2010-11, the actual for human resources was \$3.6 million, yet you had another two-year credit, a modest amount unexpended of \$236,000, but now we find two years later that you're looking for an additional million dollars, to bring the total to \$4.6 million. Why the \$1 million increase in your budget for human resources over this two-year period?

**Mr. Olson:** We've added staff. We are one of the largest people ministries. We have not been at our full complement, and that has caused some stresses. When we can, we try to add people and put them in strategic positions which will allow us to do the job that we're there to do. Essentially, it's additional staff.

**Mr. MacDonald:** Okay. Now, I would like to go, please, to element 2.1.5, provincial civil claims. Could you give us a quick overview of exactly what happens with that money? You have a request for \$1.2 million, provincial civil claims.

**Mr. Olson:** Can I have you just move on to the next question, and I'll come back to that and provide you with the answer?

**Mr. MacDonald:** Sure.

My next question would be around ticket processing. My research indicates that the Ministry of Justice 2010-11 actual that you spent processing tickets – none of them for anyone around this table, I'm confident – was 30 and a half million dollars. That was overexpended by over \$2 million. Last year you needed to spend an additional \$2.1 million above budget to process tickets under the court services program. In this budget estimate for 2012-13 you are looking for \$29.9 million. Given that you had this additional need for over \$2 million to do your ticket processing last year, are you confident that the amount you are requesting in these estimates is adequate?

**Mr. Olson:** We're talking here about the revenue on ticket processing?

**Mr. MacDonald:** I'm talking about the actual money allocated in your budget for ticket processing. I'm not talking about the revenue generated. We might get to that later.

**Mr. Olson:** Well, normally we spend what we collect. I mean, there was a bit of an aberration in the last year because of, if you recall, the speed-on-green issue, and we suffered some, I guess you'd say, losses. Because of refunds on the speed-on-green issue there were \$13 million in refunds, which is a global amount that includes the city of Edmonton, I believe. So we had a portion of that \$13 million in refunds.

**Mr. MacDonald:** Okay. Now, getting back to my question: is \$29.9 million going to be adequate this year to meet the needs of your ministry?

**Mr. Olson:** Yeah. We have to live with what we get. We're satisfied that that will be sufficient.

**Mr. MacDonald:** Okay. I note with interest that the budget for the Chief Provincial Judge's office is not isolated or broken down in court services, but in your annual report last year it was. There was an overexpenditure last year of \$647,000, and the total budget was \$3.4 million. What is the budget for the Chief Provincial Judge's office in court services here, and why is it not a separate line item like it was in your annual report last year?

**Mr. Olson:** Again, I think part of your answer lies in my earlier comments about the way we restructured our presentation of the information. It was about \$6 million. The overexpenditure may refer to the supernumerary judges, judges who have retired who continue working. The budget amount was \$2.7 million. This was for the year ended March 31, 2011. We had a shortfall of \$647,000, and that was to pay for supernumerary judges.

**Mr. MacDonald:** Okay. What is the budget for the Chief Provincial Judge's office for this year?

**Mr. Olson:** It's \$3,191,000.

**Mr. MacDonald:** Okay. Thank you very much for that.

Now, could we go back to element 2.4 there, the provincial civil claims? What exactly is that program?

7:10

**Mr. Olson:** Well, that provides for the cost of processing civil claims which exceed \$7,500 in value in Provincial Court. The civil claims budget is \$1.2 million, and \$1 million of that is for manpower, and \$200,000 is for the operating budget for processing civil claims. The full-time equivalents associated with this budget are within the Provincial Court elements in Calgary, Edmonton, and all of the regional court operations.

**Mr. MacDonald:** Okay. The actual for that budget last year was \$2.1 million, an overexpended amount of just what you're requesting here this evening, \$1.2 million. Again, do you think that that \$1.2 million is going to be enough money to get the job done?

**Mr. Olson:** Yes.

**Mr. MacDonald:** Oh. That was a confident yes. Okay.

Before I go any further, Mr. Minister, talking about your court services, I must commend your staff. I heard through the grapevine that there was a tragic accident. A staff member from the courthouse was run over by a transit bus. She worked on the custodial staff. She was working hard to support her family. It was a tragedy. Everyone in that courthouse pitched in to try to help that person out, and that's a testament to the people that you employ in your ministry, sir.

**Mr. Olson:** Well, thank you so much for that, and thank you for putting it on the record. I will make sure that your kind comments are passed on to the courthouse staff.

**Mr. MacDonald:** What they did was commendable. That person really needed the community's help.

Okay. Now, we'll move on to criminal justice if you don't mind. Program 4.4, specialized prosecutions: that's going up by a little bit over two years. It's going up by \$1.6 million. Is this the program that looks after examinations of issues around Elections Alberta?

**Mr. Olson:** Actually, I'm told yes. But they're probably more busy with things such as commercial crime, environmental and

occupational health and safety cases, organized crime, technology, and Internet crime.

**Mr. MacDonald:** Well, that's good to know.

Now, do you have the legal resources to investigate or examine all the information regarding a prosecution that you or your officials may be interested in pursuing?

**Mr. Olson:** Well, we could always use more resources. I think any minister would tell you that he or she would love to have more resources to do the many things they are mandated to do. It's also very difficult to anticipate a year ahead of time what kind of resources you might need. I think this is, as is any budget, based on our best information and based on what we reasonably think we can use and will need. But, of course, if we had more, we could perhaps do more.

Specialized prosecutions are quite often high profile. So far as I'm concerned, we don't suffer from any deficiencies which don't allow those people to do their jobs.

**Mr. MacDonald:** Okay. Now, you have an additional amount of money from last year's forecast of over \$600,000. As I understand it, the Chief Electoral Officer must approve prosecutions under provincial election laws, but it is up to the ministry and yourself and Justice department officials to actually decide whether charges are going to proceed or not, so the buck stops on your desk.

Since returning to the Chief Electoral Officer's post in 2009, Mr. Fjeldheim, the current Elections Alberta officer, has not recommended any prosecutions. That's what I'm told. Now, charges were laid in five cases going back in time related to prohibited contributions made by organizations to the political process. Charges were laid in four of these five cases but were later dropped because of a technical error by the Royal Canadian Mounted Police. In another further nine cases, as I understand it, the Chief Electoral Officer at the time, Mr. Gibson, consented to prosecution, but deadlines elapsed in three of the nine cases, and the Justice department declined to press charges in the other six.

How is the public and how are the taxpayers to know, of this \$8.6 million that you are requesting – and last year you supposedly spent around \$8 million. Is it possible to get a breakdown of where you would anticipate that this money will be spent? It seems to me an issue of resources here.

**Mr. Olson:** Well, there are a lot of elements to your questions or comments. First of all, I'll just say that the prosecution makes the decision as to whether to go ahead with the charges or not. That kind of a discussion never finds its way to the minister's office. That's true not just of specialized prosecutions but any prosecution. That's always a decision of the prosecutors, which they actually guard very jealously. Not that I've ever tried or would, but I know that to be a fact. I'm told that there is no issue in terms of a lack of resources, and if charges were not laid, it would be because in their opinion the essential elements of the charge were not there.

For example, I think of an occupational health and safety investigation. There has to be evidence there that's sufficient to achieve a conviction, and in many prosecutions there has also got to be another element, which is: is it in the public interest? Those are determinations that are always made by the prosecutor. Every day they're making those decisions, and they don't ever call up the minister and ask me or anybody in my office what we think.

**Mr. MacDonald:** Okay. But in this case of the Justice department declining to press charges in six of these files, the public or the

taxpayers have no idea and no right to know how much time has been spent on these files and why no case has proceeded through the courts, right?

**Mr. Olson:** Well, again, that wouldn't be a question that I would ever even answer because it's something that the prosecution would make the decision on. You know, I think it's fairly common that a chief Crown prosecutor or a prosecutor would be answering questions saying: the evidence wasn't there. There wasn't enough to prove beyond a reasonable doubt, if that's the standard, that whatever the alleged infraction was has been committed. I'm sorry. To clarify, no reasonable likelihood of conviction is the standard that the prosecutor would be held to.

7:20

**Mr. MacDonald:** Okay. Now, I would like to move on in the time that I have left to talk about legal aid. This seems to be an issue every year. Support for legal aid is a request for \$58.8 million. My research indicates that legal aid last year was overexpended – I'm just going to find it here – I think it was by \$5 million. Yes. It was overexpended by \$5 million, which is a considerable amount. If you look at the percentage of the total budget, it's not quite 10 per cent, but it's close to it. Given that the budget last year was overexpended by \$5 million, why was support for legal aid not increased?

**Mr. Olson:** Well, last year there was an in-year increase of \$5 million, which was paid from surpluses. I wouldn't characterize it as an overspending on legal aid. It was an additional \$5 million that was transferred to legal aid.

Maybe just for the record I can explain that there are three funders of legal aid. There's the provincial government, the federal government, and the Alberta Law Foundation. One of the reasons for some of the stresses in the legal aid system in the last few years has been that the Alberta Law Foundation funding has dropped off. That's not in any way a criticism of the Alberta Law Foundation, but they pay a portion of the interest earned in lawyers' trust accounts to support legal aid.

If you think of the Alberta economy over the last few years, I think a few years ago there was a high of something like \$14 million that came from the Alberta Law Foundation which dropped down a year or two ago to somewhere between \$1 million and \$2 million, one and a half million dollars, something like that. That's a very significant drop. In fact, our government has increased our contribution to legal aid since 2005 by 84 per cent. During that time the federal government funding, which is around \$10 million, has been static.

This is an ongoing issue, not just in Alberta but across the country. A couple of weeks ago I was in Prince Edward Island at a meeting of federal-provincial-territorial ministers, and there was quite a bit of talk about the need for the federal government to revisit their funding of legal aid. I'm actually going to Ottawa in a few weeks, and I'm going to be speaking with Minister Nicholson about a number of issues, and certainly legal aid funding will be one of them.

The federal interest in supporting legal aid is more for the criminal side of it and immigration. We would be very happy if there would be an increase in support there.

I'll just say one more thing, and that is that we are looking at innovative ways of assisting people. A one-size-fits-all type of an approach may not be the most efficient or cost-effective because not everybody needs the full bundle of all services. The people that do need it, you know, we want them to get that assistance, but not everybody needs everything.

Finally, I'll just say that, of course, Legal Aid is an independent society. We provide funding as well as the federal government and

the foundation, but they, ultimately, make the decisions in consultation with us.

Here's one more little piece of information that may be of interest to you. The surplus – I said that money came from surplus – came from civil law because that year we spent less money than we had budgeted for on outside legal services.

**Mr. MacDonald:** Mr. Minister, speaking of the federal government, as the new federal criminal laws as proposed come into force, how will this affect the legal aid budget here? Do you anticipate more work with less money for the Legal Aid office?

**Mr. Olson:** Again, it seems like some people make bold predictions about what things are going to cost, what the price tag is going to be in relation to some particular piece of legislation. We prefer to wait and see the actual numbers before we react, so I don't think I would be predicting anything. I'm going to wait and see.

**Mr. MacDonald:** Okay. Well, I would like to point out that on page 112 of the fiscal plan, in the expense by ministry, investing in families and communities, the Ministry of Justice this year is dealing with a \$537 million estimate, but it's going up in the two successive years to \$557 million anticipated, and then the target in 2014-15 will be \$563 million, a \$26 million increase, from these estimates. Is that increase in line with the additional work that you will have in your ministry from the new federal criminal laws that will come into force?

**The Deputy Chair:** Mr. MacDonald, I hesitate to interrupt you, but I'm just letting you know that you only have 20 minutes left.

**Mr. MacDonald:** Okay. Is it 20 or 10?

**The Deputy Chair:** It's 20 combined.

**Mr. MacDonald:** Okay. If not, I was in trouble.

**Mr. Olson:** Those increases again relate primarily to wage increases. Again, we are not basing any budgeting decisions on, you know, some speculative thoughts about impacts of our legislation, federal legislation, whatnot. There are a few other provinces who do that. For example, Ontario and Quebec seem to know with great certainty exactly what Bill C-10 is going to cost them. I don't have a lot of confidence in those very bold predictions. Many other provinces take the same view as Alberta. For example, Saskatchewan, Manitoba, B.C. are taking a wait-and-see attitude. Also, I think we take a more holistic approach. Rather than trying to assign a dollar amount to a particular section of a particular piece of legislation, we would like to take a broader approach and think about overall impacts, overall challenges.

This is a long-winded answer to your question about whether there is something in this budget that is based on some thoughts about how the federal legislation is going to impact us. The answer is no.

**Mr. MacDonald:** Okay. I would like to talk for now about safe communities. Given what the city of Edmonton was through in the last calendar year with almost a homicide a week – that upset a lot of people. There are new strategies and initiatives being implemented, and hopefully we will see a change – I'm confident that we will – and see a significant reduction in the number of homicides not only in Edmonton but across the province.



7:30

Your safe communities budget, if you look at it over two years, took a significant hit, over 30 per cent from 2010-11, when \$31 million was actually spent, to now, when we're anticipating \$20.2 million. This safe communities fund is funding, among other things, gang reduction strategies, youth-at-risk strategies, restorative justice. It was hardly a year ago when that budget was cut, only to be reinstated. It was the right thing to do after tremendous public pressure last fall. Can you explain to us how you think you're going to be able to provide enough money to this very important initiative with a 30 per cent plus reduction in the budget from two years ago?

**Mr. Olson:** I think what you're probably referring to is the SCIF money, the safe communities innovation fund money. It started out as a three-year program, \$60 million, and we are now just at the end of the third year. About a third of the money, not quite, went out each year. These were pilot projects. In that three-year period 88 projects were funded around the province. It was well understood by all of the applicants at the time that these were pilot projects. No more new money is going out for new projects. For the existing projects, the first group, the first cohort has just reached the end of their three years or is about to. They have obligations in terms of providing evaluations, analysis, and so on, and that's what we're going to be up to for the next three years.

To the extent that no more new money is going out year after year because it was a three-year pilot, that would look like a drop-off in that budget amount. In fact, other than that grant money there is actually a \$1.3 million increase in safe communities funding. We have a gang reduction strategy that we're just in the process of launching. It's kind of early days for that in terms of operation, but we just announced a \$1 million fund that will be used to support gang reduction projects around the province. We just had a gang reduction symposium. There are lots of very interesting things being done, and certainly safe communities is a very key part of my mandate and a very key part of my ministry.

So there have not been the big, big reductions that might be suggested. It's just that we're seeing the safe communities innovation fund being paid out.

**Mr. MacDonald:** Okay. The Alberta Human Rights Commission has been moved into your ministry. Now, I understand there is an assessment going on right now. I'm looking at page 56 of the business plan. There is thought of amending or repealing section 3 of the Alberta Human Rights Act. Could you give us an update on that assessment, please?

**Mr. Olson:** Yes. That is in my mandate to investigate whether section 3 should be amended or repealed. As you know, previously the Human Rights Act was the responsibility of the department of culture and community spirit. It was only as of last October that my department became responsible for it, so again very early days. I've had a number of conversations with the chief commissioner and with his staff. There are many things that we want to talk about. Really, any discussion on what to do with section 3 is extremely preliminary, so certainly no decisions have been made. I think it's important that as we do move ahead in our work relating to the Human Rights Commission, we move cautiously and consult extensively.

Also, there is some litigation that's outstanding that would give us reason to want to not act quickly either. There is a Supreme Court of Canada decision that is being awaited. It's out of Saskatchewan, but it relates to very, very similar wording to that of section 3 under the Alberta legislation. There's also an Alberta

Court of Appeal case that's ongoing, and I had some conversations with some of my colleagues from other provinces about this, too, when I was in eastern Canada. You know, I think there are a number of ministers who are watching these court proceedings carefully to see where they're going to lead.

The combination of us just kind of coming on the scene and the ongoing court cases make it, I think, very sensible to just kind of move ahead cautiously and deliberately.

**Mr. MacDonald:** Thank you.

Now, Alberta human rights budget element 8.2, that \$1.7 million dollars. That comes from the lottery fund – right? – the assistance to the human rights education and multiculturalism fund.

**Mr. Olson:** That's a transfer from the department; in other words, a grant.

**Mr. MacDonald:** It's a grant, but it comes from the lottery?

**Mr. Olson:** From the general revenue fund. You'll see in a couple of places within the materials some small differentials from the fund, but those relate to some other sources of money. For example, somebody might in their estate leave money to the fund, or there would be a little bit of interest income and so on. My understanding is that the money essentially comes from the general revenue fund, page 206.

**Mr. MacDonald:** Okay. Thanks for that.

Now, speaking of other consultations or examinations, the legal framework for conducting gambling in Alberta is very complicated. Some people would describe it as ambiguous, archaic. A fundamental revamp or update of the Canadian Criminal Code provisions concerning gambling is by some suggestions needed. In this fiscal year is your department looking at any examination of the Canadian Criminal Code provisions concerning gambling?

7:40

**Mr. Olson:** Not as far as I know. As I've mentioned a couple of times, I've just come back from my first FPT meeting. There was nothing on the agenda at that meeting relating to that issue. As a matter of fact, we talked at some length about the need for ministers and their deputies and staff to make sure we keep track of all the issues that tend to be raised at these meetings. As a newcomer, you know, I was paying close attention to the issues that were being discussed, and I don't remember any discussion, even in the hallways, about that issue.

**Mr. MacDonald:** Okay. Is there a provision in the Criminal Code, that would apply here in Alberta, limiting the amount of gross profits a casino operation can take from a gambling activity? Is there a cap on that? Is it 90 per cent? Is it 10 per cent?

**Mr. Olson:** No. There's nothing in the Criminal Code, I'm advised.

**Mr. MacDonald:** There's nothing in the Criminal Code. So it's up to the operator and the licensing guidelines to determine what is appropriate to be taken by the house.

**Mr. Olson:** I'm a little bit beyond my scope here. It's not something our department has any involvement in. I imagine there could be some provincial regulation but nothing that Justice is involved in. You know, if there's nothing in the Criminal Code, then it wouldn't be anything that our prosecutors would be involved in either.

**Mr. MacDonald:** Now, this is an item that we've brought up in the past, the act of laundering money through criminal proceeds or criminal gain. What measures does the Ministry of Justice take to try to curtail or at least monitor this activity in Alberta casinos?

**Mr. Olson:** You know, we prosecute. We don't investigate. Somebody else does the investigation. If evidence is presented to the prosecutors and they feel that the evidence is there to support a conviction, then they'll proceed. But I can say with certainty that this department doesn't investigate.

**Mr. MacDonald:** Okay. Ticket processing. Here we go. The \$37 million in expenses funded by credit or recovery: \$29 million is for ticket processing, provincial civil claims is \$1.2 million, and maintenance enforcement is \$6.1 million. That's all recovery of funds, correct? That's – I'm sorry – on page 201 in the Justice estimates.

**Mr. Olson:** Will you indulge me and just go over that question again?

**Mr. MacDonald:** We were talking earlier about ticket processing and the \$29.9 million for that, right? We were looking at the civil claims of \$1.2 million and maintenance enforcement. Maintenance enforcement would be down in element 7.2, where there is an estimate of \$21.8 million, right? This is money that's recovered. Whether it's from delinquent parents, whether it be a husband or a wife or a former husband or former wife, that's an actual recovery, that \$37 million?

**Mr. Olson:** The whole of the \$37 million is recovery programs: \$29.9 million which is ticket processing; \$1.2 million which is the provincial civil claims, which I think we talked about before; and the maintenance enforcement, \$6.2 million. Penalties.

**Mr. MacDonald:** Okay. Now, the motor vehicle accident claim fees. We're looking, I think, here at \$22.1 million in premiums, fees, and licences. I'm on page 205, and this is under revenue. That's hardly changed from last year. It's changed by a little over \$300,000.

**Mr. Olson:** That's revenue we get from motor vehicle registrations, and about \$5 million of that includes recoveries of claims under the fund. The motor vehicle accident claims fund is for where an uninsured driver causes an accident. If you're hit by somebody who doesn't have insurance, you can make a claim against the fund. The money from the fund comes from registrations, and it's a self-sustaining fund.

**Mr. MacDonald:** Okay. Now, the throne speech included the following references.

**The Chair:** Mr. MacDonald, your time is finished for now.

**Mr. MacDonald:** Thank you very much.

**The Chair:** Thank you.

We're going to move on to Mr. Anderson. Your speaking time is for 20 minutes. Would you like it to be a back-and-forth exchange as well?

**Mr. Anderson:** Sure. That would be great. Thank you very much.

Hello, Minister. I only have 20 minutes, so I've got to move through this a little faster than my friend Mr. MacDonald did. He gets 60 minutes to poke around. I've got to keep this brief.

The first thing I want to talk to you about is something he touched on a little bit, and that's Elections Alberta and the amount of money that we give them every year. This year it's \$8.6 million, I believe. Now, you talked earlier about the independence necessary there, and I understand that. One of the things I'm a little worried about, though, is that obviously there's been this story out there in dozens of news media reports where Elections Alberta is investigating multiple constituency associations, not necessarily all from one party of course, but it's out there that dozens are being investigated for accepting or possibly soliciting illegal donations.

I want to make sure that Albertans, obviously, are getting value for the \$8.6 million. I'm curious. There was a change in the act last year or the year before – I can't remember; was it last year? – where essentially it seemed to keep the outcomes of these investigations secret so that the public wouldn't see those outcomes. Is that, in fact, true? Is the public not allowed? If Elections Alberta investigates and comes to an outcome, whether it's to exonerate the people under investigation or they've found something and decided not to press charges because it was resolved a different way, whatever the case, is there something there that's keeping the public from being able to access the outcome of these investigations?

7:50

**Mr. Olson:** I'll do my best to answer this question. After the last election there were numerous amendments made to the act. I'm not aware of anything that said that, you know, that type of information could not be made available. From the perspective of our prosecution service they don't know. I'll certainly undertake to check with the Chief Electoral Officer's office and ask them what their policy is on this.

I guess there may be some competing interests here. One interest would be the one that you refer to, you know, that people want to know: was there some sort of a cover-up or something? On the other hand, if the determination has been made that there is no evidence of any kind of wrongdoing beyond saying that we're not proceeding, it could be seen as unfair to the people whom allegations were made against. Honestly, I don't know what the policy is from the Chief Electoral Officer, but I'll certainly undertake to have a conversation with them and see what we can find out.

**Mr. Anderson:** Thank you for that. Would there be any plans in the future, understanding the competing interests that you just talked about because obviously we don't want every investigation – if someone writes an anonymous letter and says to investigate this person for whatever reason and there is no substance to it, then obviously, as you said, it doesn't make sense to tar those individuals or those constituency associations, et cetera, with that.

If there is an investigation, there is a difference between finding some wrongdoing and actually moving then to press some sort of charge under the act. If there is some wrongdoing found, even if it's minor, where they had to, say, issue a letter to that constituency association or that candidate or whatever to say, "This was wrong; you did this wrong; you need to fix it," of course, it wouldn't be charges being laid. But would your ministry be willing to look into, when wrongdoing is found, even if it's minor, making those things public? Obviously, there will be some mistakes made and so forth, but then at least everybody can look at all the information, can look where there are mistakes being made, and the public can judge for themselves whether or not those are things that would affect them in their voting pattern and so forth. Is that something that you'd be willing to look into?

**Mr. Olson:** Well, there are two reasons why I probably would be reluctant to give you an affirmative answer here. One, without putting too fine a point on it, is that I don't think it's related to my budget. Also, the Chief Electoral Officer is an officer of the Legislature. He doesn't work for me. I don't give him direction. He takes his direction from the Assembly. You know, I'm not saying that you don't have a right to ask the question, but I think I would decline to give any kind of an undertaking here.

**Mr. Anderson:** Okay. I guess the question I have, then, as a member of the opposition – and I realize the predicament that you might be in in trying to answer this. We spend a great deal of money on Elections Alberta. We want to make sure, obviously, that they're above reproach in every way because it's imperative to our democracy that it be so. If we're spending this kind of money on Elections Alberta – I don't know where else to ask this question. I guess the question I have is: can we not pass legislation or propose legislation that would at least make it incumbent on the Chief Electoral Officer, regardless of who they're investigating, if they do see some wrongdoing, that it be publicly reported? Would that not be something that would fall under your purview, to ask for that or to put that into the legislation? If not, where would we put that? I mean, there has to be something governing them.

**The Chair:** I'd like to caution you as well just to please relate to the budget. I don't know where this is going for relevance, but I'd certainly undertake to take your question – as the minister had indicated, it's a very good question, but I don't know if it's one that should be here at this table. I'd undertake as the chair to get back to you about where we could take that question to for you.

**Mr. Olson:** I was just going to say that it seems to me that all officers of the Legislature have to provide reporting to the Legislative Assembly. It would seem to me that that would be the more appropriate avenue to follow up on. But I did give an undertaking to get some information about the previous question, and certainly we'll do that.

**The Chair:** Thank you.

**Mr. Anderson:** Okay. I'll move on to the next section. This \$8.6 million to Elections Alberta is under this budget, so I think that it is important to see that we're getting value for money.

Next piece. I'd like to skip down to . . .

**Mr. Olson:** The \$8.6 million is not part of my departmental budget.

**Mr. Anderson:** Where does it come out of?

**Mr. Olson:** It's a Leg. Assembly budget, or the Chief Electoral Officer must have his own budget within the Leg. Offices budget.

**Mr. Anderson:** Okay. Fair enough.

Next question. I want to talk about the .05 legislation and the costs involved there. I don't know if this would come under Solicitor General or where this would come under, but somebody has obviously got to track the .05 infractions. Of course, if someone appeals those decisions that are made at the roadside, obviously there are going to be some legal costs involved. What part is your ministry responsible for, and how much will it cost?

**Mr. Olson:** We will do our part within our existing budget. We have not budgeted any additional cost. The Department of Transportation and the Solicitor General can certainly answer the same

question for themselves. There may be some additional cost there, but I won't presume to speak for them.

**Mr. Anderson:** So you'll do it within your own budget. Do you have any estimates as to how many hours of time this is going to take? For example, someone gets pulled over; they blow .05; they don't like that. I mean, obviously, they've had their vehicle seized already and so forth, but they want to fight it to get it expunged from their record or whatever it is. Have you made any kind of estimate as to how much that's going to cost your department?

**Mr. Olson:** Well, no, I don't think we have. I guess my answer is similar to the one I gave Mr. MacDonald earlier, that we don't try to budget based on a particular legislative initiative. You know, time will tell whether this costs money or saves money. Our decision to go ahead with that legislation was based on a principle and based on a desire to achieve more public safety. So that was the motivation. That was the reason we did it, and we'll see. I mean, there may in fact be some additional costs. Who knows? There may be some savings, too. For example, there could be some savings in terms of, you know, the courts, but that wasn't the reason we did it either. We did it because we believe that it's going to achieve greater safety on the highways.

**Mr. Anderson:** Yeah. That's certainly the intent. I guess my question is that if we're going to implement legislation, we need to understand the costs of implementing that legislation. I think for the Solicitor General that'll be a little bit more cut and dried, a little easier to figure out. For yourself, obviously, some of your legal beagles there are going to be in court doing this instead of doing something else. My worry is that we have to assess everything when you're doing a cost-benefit analysis. I would hope that you would undertake to at least estimate how many hours this is going to take away. I mean, we already have a manpower shortage in Justice anyway. So how many hours are we sacrificing for this?

8:00

**Mr. Olson:** Well, the ultimate goal is to get impaired drivers off the road, and if we could achieve that, there will be a savings, in fact. Right now 40 per cent of our prosecutors' time is taken prosecuting impaired driving charges. If we could get people to quit drinking and driving, there would be a huge saving to the system. I can't stress enough that money wasn't our motivation, but I'll just make an observation that the early experience from B.C. is a reduction of stresses on the courts. Traffic safety was their motivation, too, I'm sure. For what that's worth, you know, I think there are some indications that there may in fact be some savings.

**Mr. Anderson:** Thanks for that number of 40 per cent. So 40 per cent of your resources are being spent on prosecuting DUIs, which is good. The question I would have: is a portion of that resource, that 40 per cent which was being used to prosecute those over the .08 legal limit, now going to be going towards prosecuting or defending the government or backing, I guess, defending the roadside tests, et cetera? Is there going to be a percentage of that 40 per cent that is being used on the .05 to .08 folks rather than the folks that are really very dangerous, over .08?

**Mr. Olson:** It's a legitimate question, but I think our answer would be that those .05 to .08 people who end up involved in some further process will invariably end up in front of the traffic safety board, so Crown prosecutors there won't be taking up court time. I suppose there could be situations where there could be an

appeal from a traffic safety board decision. Again, if there are some challenges, we're prepared to meet them. We made our decision based on principles. I think that talking about costs is probably speculative, and we'd only be guessing anyway.

**Mr. Anderson:** All right. That's fair. Thanks for answering my questions.

How much time do I have left?

**The Chair:** Four minutes.

**Mr. Anderson:** Four minutes.

Another one. You talked about this earlier, but obviously this is an issue that you know I feel pretty passionate about, and that is the Human Rights Commission. Two questions. The first question is: why \$500,000? It seems that it has gone up to over \$6 million from \$5.6 million. Can you repeat for me why it's \$500,000 more from year to year on the Human Rights Commission?

**Mr. Olson:** If you'd just bear with me for a second, please.

As with every other department within my ministry the salary increases are a big, big factor there. I think that's essentially the answer. Of the \$527,000, 93 per cent is operating budget for manpower. The other 7 per cent is for supplies and services.

**Mr. Anderson:** Okay. How much is the salary increase for these folks? What's the percentage?

**Mr. Olson:** I think that's 4.0, which is the same as all government employees received. That is, again, by far the biggest portion of the increase in my budget this year.

**Mr. Anderson:** What contract are they under? Are they under a separate contract? Are they unionized, or what are they?

**Mr. Olson:** There are 52 full-time equivalents. Two are appointed by order in council. The rest are either management or AUPE.

**Mr. Anderson:** Okay. All right.

Lastly, what is the delay on section 3? I mean, I know we had conversations before on this in caucus while I was still there, and obviously that was out in the media, so it's no secret. I understand, you know, we want to be careful and all that, but at the same time this has been debated to death. Section 3 clearly is problematic. How much longer do we need to wait before we take care of this issue and start protecting people's, well, frankly, freedom of speech and freedom of religion? It's been a problem.

**Mr. Olson:** Again, I'll just repeat a few things. I've only just become responsible for the Human Rights Commission a few months ago. It is true that my mandate does instruct me to investigate whether we should repeal or amend. There are decisions that are being waited for from both the Supreme Court of Canada and the Alberta Court of Appeal that could touch directly on this issue.

I'm told by the Human Rights Commission that less than 1 per cent of the complaints that come to them relate to this section. This is a very emotional provision for many people. As with many things that relate to human rights, it's about balance and balancing interests. Frankly, I would be reluctant at the best of times to go charging ahead to do anything without a really full consultation, but added to that are the facts that I want to take time to get to know the commission as the minister responsible, and there are these outstanding Supreme Court decisions that I think could impact on whatever we decide.

**Mr. Anderson:** Thanks, Minister.

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

I'm going to call a six-minute break. When we come back, we'll begin with Ms Notley. Just to let you know, the clock continues to run even through this break. It doesn't take away from your time. It's at the end of it. We still adjourn at 9:30 is the point.

[The committee adjourned from 8:07 p.m. to 8:13 p.m.]

**The Chair:** I'm going to call the meeting back to order.

Ms Notley, if you'd begin. Thank you.

**Ms Notley:** Thank you. I haven't been that entirely well, so excuse me if I start coughing in the middle of this. Hopefully, we won't take too much time off of my time when that happens.

It's a pleasure to be here. Thank you to your staff for being here.

In the break I was looking through the note that you provided me yesterday. I appreciate that. Thank you for that. It does actually link up with the first question that I was going to ask, which is that we had a number of questions outstanding from our last set of estimates, none of which appeared to have been tabled in the Legislature after our last set of estimates prior to a vote on the budget. I could be wrong. I had our staff looking for it, but I'm not sure if we're incorrect. I'm wondering, if it was tabled and my staff was incorrect and it's there, if you could forward it to me. If it wasn't tabled, could we start tonight by getting a specific commitment that we will receive information back from you before we're asked to vote on the estimates?

**Mr. Olson:** Certainly. I'm concerned that there would be – you're talking about something outstanding from a year ago?

**Ms Notley:** Right. Trust me; your ministry's not the only one. It's quite common for ministers to not respond to questions in estimates or have them tabled before the estimate vote occurs. Maybe that's not what your ministry did. It might be an error on the part of our staff. He just looked through the tablings and was unable to find anything.

**Mr. Olson:** First of all, if that happened I'll apologize, and I'll certainly give you my undertaking that you'll have whatever information – I mean, unless you're going to spend the next 20 minutes asking me 3,000 questions, subject to that I'd be happy to provide you with whatever information, then, before the vote.

**Ms Notley:** No, no. I have a few specific questions but not that kind.

Related to just that last set of questions from last year, one outstanding question that I did have was that I had been looking for an interjurisdictional comparison with respect to global legal aid funding. It is something, of course, that I perceive as being quite relevant to your role in part because last time you also referred to the role of the federal government. I think that the arrangements from province to province differ in terms of the percentage of legal aid that is paid by provincial governments versus the federal government, so while we're looking at the federal government, we need to have a sense of where people in Alberta are. That was one of the things that I'd asked for in the last set of estimates, so I'd appreciate it if we could get that this time. I'm renewing that request.

**Mr. Olson:** If I could just interject there, one of the things that I'm interested in is that I think the per capita funding for Alberta on legal aid is different than other jurisdictions. That's my understanding. It's kind of a similar issue to the health care

transfers. I'll just say that it's a question that's on my mind, and I'm interested in gathering more information about it.

**Ms Notley:** Right. Well, you raise, actually, an interesting question because what I was looking for was the global per capita payment on legal aid regardless of the source of funding and then your interjurisdictional comparison. Now that you raise it, if there's a different per capita formula for Alberta that puts us at a disadvantage, then that's certainly also important for us to know for the purposes of budgeting. So I'll look forward to that.

I wanted to start there, on legal aid, because I don't have a lot of time. Given that it's the most glaring crisis area in your ministry, it's what I believe requires the most attention in the very limited time that this particular process provides to us. I see that this year we have not increased the planned expenditure, the \$58 million, although I understand from you in your answers to the Member for Edmonton-Gold Bar that there was an in-year allocation. I see that, nonetheless, you're still budgeting to maintain the same amount of funding as had been in place last year and that you're looking forward to doing that next year.

Before we get into a discussion about that, bearing in mind, of course, that all of this discussion is geared towards our decision on whether we can support this part of the estimates, I was looking through the Legal Aid annual report and noted that between 2009 and 2010, 9,000 fewer Albertans received legal aid assistance. Because we are so close to the end of the year, March 31, and certainly we'll be very close to that by the time we get to the vote on this, I'm hoping you can either provide for me now or before we vote the most up-to-date number that you can around the number of certificates issued by Legal Aid in this year, for 2011. Well, I guess it's for 2011, so really that information should be available now. It just wouldn't necessarily be published in Legal Aid's annual report, but I'm presuming that as overseers of a significant portion of their budget we would be reasonably entitled to those numbers, notwithstanding the fact that the annual report hasn't been published yet.

8:20

**Mr. Olson:** I would say that yes, I'll certainly give you my undertaking to ask Legal Aid to provide us with that information. It's not our information; it's their information. I see no reason why that wouldn't be available, so we'll certainly make that ask. Whatever they give us we'll give to you.

**Ms Notley:** Okay. I'd appreciate that.

Lined up with that is a question that I typically ask most years, which is information on how many requests were turned down. How many requests for legal assistance were turned down last year, in 2011? That's the key issue.

Now, before I get into, I guess, some of my slightly more argumentative or provocative questions on this issue, I want to tell you a little bit about a story I heard from a constituent in my office very recently. There's this fellow who had worked with a large employer for over 20 years. Then, as often happens when you're working in the trades and that kind of thing – and that's, of course, something that many Albertans are building their careers and their lives around – he injured his back and briefly received compensation and was told that he could go back to work but that it was unlikely he'd be able to engage in the same level of physical activity. So he went back to work and was told that he'd get, you know, two weeks of modified duties, and otherwise that was it.

It was a big employer. If that employer's size and ability to accommodate him were ever subjected to legal scrutiny, there's no question that that employer would have been compelled to engage

in a reasonable accommodation. What they said instead was no. So he filed a human rights complaint. In response to his filing the human rights complaint he was fired. Twenty years, a 20-year employee. He went off and found alternative employment at about half the salary that he had.

He's a parent of two or three children. One of them is autistic. He receives funding for the child who is autistic from the government of Alberta. When he went to seek out legal aid, he was told that the funding he receives for his autistic child counted against his income and that he was not eligible for any legal aid. Now, as it turned out, even without the funding for autism he still wouldn't have been eligible for legal aid. He went back to his employer to try and negotiate, and his employer said to him: "We know we're wrong. You're probably right. We did breach the Human Rights Act, and we breached your rights, but we know you don't have a hope in hell of suing us, so suck it up and carry on."

Now, we compare that to the stories that we heard just today in the newspaper about how a very large rental company conglomerate took the time and the money to go to the Court of Queen's Bench and then the Court of Appeal to contest the fact that the government was suggesting that every rental apartment bedroom ought to have a window that would allow people to get out of it in case of fire. That major wealthy player went all the way to the Court of Appeal to argue that case, but this fellow cannot get into the Court of Queen's Bench unless he represents himself to sue on what is clearly a good case. He can't go to small claims because it's probably worth \$100,000. So he can't deal with it there. He can't get there, so he's done.

This story replays itself over and over and over and over in Alberta. My question to you is: if we're not prepared to deal with access to justice, should we be starting to consider not funding the civil side of our court system and, instead, simply imposing user fees and making it user pay for that small portion of the population that can actually get access to our justice system?

**Mr. Olson:** Well, it feels like we had this discussion a year ago, and I acknowledge your comments and your passion about this issue. The fact is that legal aid is about 10 per cent of my total budget. We have lots of things that we're responsible for. You know, we are interested in maximizing what we can do for vulnerable Albertans. It's hard to respond to a situation like you just described for me. As I say, I acknowledge that those types of situations exist, but when I look at what Legal Aid is doing, I think they're doing a fantastic job with the resources that they have. They're also very open to innovation, to new ways of doing things.

I'll relate a discussion that I had with judges of the Court of Queen's Bench as recently as yesterday but also on previous occasions, and that is about the challenges that they have with self-represented litigants. One of the things that I had never really thought about is the fact that they say that there are a lot of self-represented litigants out there who really don't want to have a lawyer. This isn't me saying this. This isn't my department saying this. These are the judges who are saying this based on their observations in the courtroom. There is a burgeoning group of self-represented litigants.

Again, I'm not passing off your concern by saying that nobody wants to have a lawyer, that nobody wants to go to Legal Aid. I acknowledge that there always could be more done for people who have needs. What it does do is illustrate that we have kind of a changing world out there. Maybe there are things that we can do to take the pressure off so that resources can be focused more on those people who do need the type of assistance that you're talking about.

**Ms Notley:** Well, perhaps the pressure could be taken off by telling Boardwalk that they shouldn't waste our courts' time to go all the way to the Court of Appeal to appeal the notion of safe construction standards. Of course, you as a lawyer would say automatically: well, that's ridiculous; they deserve their day in court. And they do because that's what our justice system is premised on, but the reality is that the vast majority of Albertans no longer get their day in court.

The court system is a playground – I don't want to say "playground." That's not fair to the people that are there. It is a forum for the wealthy and the empowered, and it is a forum for an increasingly narrow sector of our community and of our province, so it's going to become less relevant. I'm not just talking to you about the person who holds the very, very thin purse strings to legal aid. I'm also talking to you about the person who is responsible for our justice system. At a certain point our justice system becomes irrelevant if the vast majority of Albertans cannot gain access to it, and that's the system that is developing here. Then what happens is that it becomes a forum for very entitled individuals to litigate specific teeny little bits that interfere with their profit motive. When somebody loses a job that they've had for 20 years and there is no forum for them in this province, then you're going to have a problem going forward.

You talked last time about talking to the feds, and you mentioned again that you were looking forward to a meeting where you're talking to the feds. Have you made any formal or specific representations to the federal government that you can share with us since you talked about that in this very room 12 months ago?

**Mr. Olson:** Yes. Several weeks ago at a first ministers' conference myself and virtually every other minister from across the country made the same plea to the federal government, that we all need more help when it comes to legal aid. I don't know if this was before you came in the door or not, but my sense is that the federal government is unenthusiastic about civil legal aid. They seem to be at least willing to listen when it comes to criminal legal aid and, in particular, support for immigration issues and so on.

They're in the midst of a budget process. I'm not naive. You know, I don't think that there are going to be wheelbarrows of money coming our way, but my intention is to pursue that discussion with Minister Nicholson when I have the opportunity to meet with him in a couple of weeks.

8:30

**Ms Notley:** We also have a situation where we've had a significant – I think it's about 30 per cent; I don't have the figures right in front of me – reduction in the number of certificates issued with respect to criminal justice matters in the province, and of course we have a federal government that is planning to profoundly change our criminal justice system in a way that is going to force people to go to court if they want to secure their person in any fashion. Why is it that in your capacity as Attorney General, given that we do not currently have the capacity to fund the legal aid requirements that go along with the draconian changes being proposed by the federal government, are you not making public representations to them that this is an irresponsible move to go forward?

We're not funding our criminal justice legal aid system adequately now. If we raise the stakes so that people have their liberty curtailed significantly, as they will under this new bill – why are we not talking about that in a public forum so that all Canadians can talk about the kinds of public policy decisions that are being made?

**Mr. Olson:** Well, I guess I'll leave it to others to judge whether my style, which is maybe not the same style that you would prefer to employ, is going to yield results. I don't think that my having a press conference and attacking the federal minister is necessarily going to dispose him towards seeing things my way.

**Ms Notley:** Well, then my concern is that I think ultimately you have a responsibility to build a case, and we don't even have a budget here that reflects that growing pressure, that anticipated pressure. You talked earlier about how you don't want to anticipate changes, you don't want to talk about the pressures that will arise from that bill. Then, among other things, legal aid is where it's going to start. We don't have a budget that reflects that growing thing so that you can point to the federal government and say: just to maintain the grossly inadequate legal aid system we have right now, we need to increase it by X or Y amount. We're actually reducing the amount of criminal representation that we provide to people.

**Mr. Olson:** The figure that I've used a number of times, and I'll use it again, is that we actually have increased our funding for legal aid since 2005 by 84 per cent. You shake your head . . .

**Ms Notley:** The overall funding to legal aid has dropped dramatically, and the number of people who can get access to legal aid in this province, you know full well, has gone down by about 40 per cent in the last three years. It's in incredible crisis.

**The Chair:** Ms Notley, would you mind letting the minister finish before you begin answering back? I know, back and forth you can get into quite the conversation, but the last couple of back and forth – if the minister could just finish his answer.

**Mr. Olson:** The funding for legal aid, as you well know, comes from three sources.

**Ms Notley:** We've heard that tonight three times.

**Mr. Olson:** If I can finish. It comes from three sources. We are one source. As one source we have increased our funding by 84 per cent since 2005. I'll say it again: 84 per cent since 2005. We have two other partners. One of them has actually increased their funding now, as you probably well know. The Alberta Law Foundation has been good enough to increase their funding to 25 per cent of their interest income or \$5.5 million, whichever is the greater, for this year and the next two years. That's a significant contribution. The other funder, the federal government, we're working on.

**The Chair:** Thank you.

**Mr. Blakett:** Mr. Minister, thank you for being here tonight. I wanted to talk to you about one of the issues – and I will not bring up the Human Rights Commission at this particular point in time – the safe communities innovation fund, or the SCIF, that you referred to before. The safe communities innovation fund was established three years ago to provide funding to pilot projects in support of safe and strong communities. Page 198 of the estimates indicates that \$14 million in funding is maintained for the safe communities innovation fund for 2012-13. The first question I have is: what is the status of the safe communities innovation fund pilot projects that have been funded to date? I'm not sure if I remember correctly. You mentioned there were 88 projects, but I'm not sure if they were all pilot projects.

**Mr. Olson:** Yes. There are 88 that have been funded in the last three years. They are, again, pilot projects. I actually have somewhere here a long list of all 88 of them. It's actually an interesting read. I would say that probably 40 to 50 per cent of them, anyway, relate to preventative types of approaches to crime reduction and safe communities. That's extremely important to us.

The whole safe communities initiative in our crime prevention framework is based on that concept. You know, enforcement is important – it always has been; it always will be – but that is not the answer alone. As our former Solicitor General used to say often, he cannot arrest his way out of a crime problem. There is a big investment here in early prevention, and of these projects some of them will probably be more successful than others. We're just at the end of the third year, so the money, essentially, has all gone out. Now we are going to be waiting to see how successful these pilots are.

As part of their funding agreement they had to undertake to provide information which would allow us to do an outcomes-based, results-based measure. I think they have to do that within 90 days of the end of their funding period. One of the things that that exercise will do will be to prepare them for the next step. You know, that is going to be the big question: where do they go from here? If they have a successful program, then they should be able to show those results, those real measures of outcomes, to other potential funders besides ourselves moving forward, so we will have some sustainable programs moving forward. It is too early to tell how many there are going to be.

**Mr. Blackett:** Okay. If there are 88 over three years, some could be in their second year or third year and some will be just getting started. Do they all have the same amount of time that the pilot consists of? Is it a year? Is it three years?

**Mr. Olson:** Yes. They all have three years. So the people who, you know, just got money six months ago, say, have got two and a half years left before they're complete. It's obviously going to be a while before we can do any kind of analysis on the success of that program. The ones that got the money early, like three years ago, are very close now to having to take the next step and do that follow-up.

**Mr. Blackett:** Right. You had mentioned, if I'm not mistaken, that there's an evaluation process that they have to go through.

**Mr. Olson:** Yes.

**Mr. Blackett:** I guess upon completion of filing, 90 days after the pilot goes through.

**Mr. Olson:** Yeah.

**Mr. Blackett:** What will happen to these pilot projects once the funding through the safe communities innovation fund is no longer available?

**Mr. Olson:** Well, the one thing – and I guess this is something I'm probably going to be repeating a lot of times to a lot of people – is that they were pilot projects. It was well understood by the applicants that there was no guarantee of funding beyond the three years.

Now, having said that, we are open to the discussion about, you know, how a successful program continues on, but no decisions have been made. We have to work within the budget that is before you. Some of those 88, I'm sure, will be and are successful programs that will continue and maybe be supported by their

communities and by other potential funders whereas other ones maybe gave it their best shot, but it was something that was deemed not to be needed or will be deemed not to be necessary in the community or for whatever other reasons won't continue.

8:40

**Mr. Blackett:** Mr. Minister, I know it's a very successful program, and one of the greatest parts of its success is the fact that you have other ministries as part of the safe communities initiative. Is there a chance that you might be able to work with other departments to be able to use some of those funds? I think of Culture and Community Services, for instance, that might, if there's a program that you deem is a priority for government – we all advocate for stronger and safer communities – and they have some access to funds, as some other departments do, be able to look at that going forward to help support of these pilots and move them forward.

**Mr. Olson:** Absolutely, and I thank you for raising that. That's an excellent point, which I don't think I've made yet, that the safe communities initiative is a partnership of – is it 11 different government ministries? That in itself is extremely significant. I think we've all heard about siloing in government and how one department doesn't know what the other department is doing, so this initiative is very significant for that reason alone. The whole safe communities initiative, I believe, in this year's budget is something like \$158 million; \$58 million of that comes to my department, which is the lead department. About \$51 million goes to the Solicitor General's department. Alberta Health and Wellness, I think, gets about \$40 million, and then it goes from there.

You're absolutely right; those departments all have money in their budgets that can be used for safe communities initiative projects and undertakings. We also, as you will know, have organized government recently in pods, where if I can call them the social ministries get together and talk about issues of common concern. I think that's another place where these types of discussions can take place moving forward and where we can maximize the investment in safe communities and avoid duplication and so on.

**Mr. Blackett:** I'll try to leave this as my last question. We're three years into it. I think it's very successful. Obviously the performance measures and the results thereof will determine how much there is there. Is there any thought of increasing this program for an additional three years and trying an additional three years of different pilots or adding another year or two and allowing some of those other ones to continue?

**Mr. Olson:** As of right now I'd have to say no. It's certainly not part of this budget or any out-year budget projections. I'd be delighted if whatever additional resources might be available. I know that I have any number of things that we could do in my department. Safe communities, obviously, would be one on them, but whether it would be a safe communities innovation fund or whether it would be some other initiative I don't know. For example, we're just in the process of making operational the gang reduction strategy. That would be one that we have gotten some additional money for in this year's budget, I think about \$1.3 million. If somebody wanted to give me 10 times that much, I'm sure I could find something good to do with it.

**Mr. Blackett:** Thank you for your time.

**The Chair:** Thank you.  
Mr. MacDonald.

**Mr. MacDonald:** Yes. Thank you very much. Now, we've heard a lot about the increases in your budget, and we've heard of a lot of fine programs that are going to be increased for any number of reasons according to your estimates. But when I look at the operating expense for Alberta Justice in the fiscal plan, again, the estimate for operating expense – and this excludes debt-servicing costs, capital grants, and other support – we're looking at \$531 million, a forecast increase of \$12 million over the \$519 million. That's the forecast for this current year. The main reason for the change is salary, wage, and employee benefit adjustments. Am I right in my assessment that regardless of which part of this program we go through from element 1 down to 8.2, which is assistance to human rights education and multicultural fund . . .

**Mr. Olson:** What page?

**Mr. MacDonald:** Pages 198 and 199 of your government estimates and page 129 of the fiscal plan.

Looking at the 2012-13 operating expense, is the entire change in the budget, the increase of 2.4 per cent, just strictly for salary, wage, and employee benefit adjustments? Earlier we talked about an increase in this program and a decrease in that program. Am I to conclude that there's no change essentially in this budget other than salary and benefit adjustments for your staff?

**Mr. Olson:** So \$26 million for salary, \$8 million for the judges, and \$1.3 million for safe communities, which is what I was just referring to with Mr. Blackett. The \$1.3 million for safe communities includes \$1 million dollars for the awareness campaign and \$300,000 for staffing. That \$1.3 million is the part that would be over and above the other staffing increases that you were asking about.

**Mr. MacDonald:** So essentially it's business as usual with the exception of a modest increase in the number of full-time employees and the salaries and benefits.

**Mr. Olson:** That's right. I consider this budget to be one that is modest in terms of making demands for more money. I'm very confident that my department is committed to maximizing what we can do with the money we have.

**Mr. MacDonald:** Okay. Now, we got a chance to talk earlier about this, but I certainly would like to ask some more questions on this. As I see this budget, there is essentially no new money in the budget to accommodate the federal legislative changes. I think your partner there, the Solicitor General, has seen an increase of \$75 million or more. I don't see why we couldn't have both departments together and one less minister and a lot less deputy ministers. We could save a few dollars that way. That's happened in the past, and it seemed to work. I don't know why we can't do that. Specifically, we're going to see an increase, I think, in the need for correctional services, and I don't know how we're going to cover these costs.

Now, you were anticipating a transfer from the government of Canada – and this is on page 205 – of a little bit more than \$13 million. There's not a lot of detail on this. What will these transfers from the federal government be used for within your department?

**Mr. Olson:** First of all, your point about getting rid of one minister. I hope you don't mean me.

**Mr. MacDonald:** No, I don't mean you.

**Mr. Olson:** With all due respect to my colleague the Solicitor General.

**Mr. MacDonald:** You're the lawyer with experience. You stay.

**8:50**

**Mr. Olson:** You know, again referring to the FPT meeting in Charlottetown, there was an interesting mix of ministers, and many provinces have two ministers. The odd province or territory has only one, and it was interesting to see what kind of responsibilities some of those single ministers had. It could be manpower, all kinds of things that don't really relate to justice. So there's an interesting hodgepodge from across the country. In any event, I'm afraid that that is a decision that will be made by somebody other than me. Certainly, I have no control over that.

To your question about the \$13 million and change, most of that by far is a legal aid transfer from the federal government. I'm thinking it's between \$10 million and \$11 million, somewhere around \$11 million. The rest of it is money for the aboriginal court worker program that comes from the federal government, and I might say, again just for your information, that there was a significant amount of discussion in Charlottetown about aboriginal issues and the need to do more, I think.

Another thing I'll mention that I'm actually very proud of because Alberta had a lead role in this is issues relating to mental health and the criminal justice system and a strong recognition from across the country and the federal government that we need to deal with people who are having mental health issues in a different way and get them out of our traditional criminal justice system.

**Mr. MacDonald:** Okay. Do you anticipate that the changes that are being made at the federal level by Mr. Nicholson and others will likely lead to even longer delays than we're already looking at in our court system?

**Mr. Olson:** Again, I'm inclined not to speculate. You know, there could be some cases where that might happen, but there could be other cases where the opposite could be true, you know, perhaps more guilty pleas or other factors that come into play.

In talking to our policy people, I think they agree that this is all very speculative. I'll just say, too, that if you analyze the critique of the federal legislation and if you take the position that some other jurisdictions do, that if you write this in legislation, then you have to pay X number of dollars, there is a risk there that the federal government may say: "Well, okay. We'll write a one-time cheque to be divided amongst the provinces, and there you have it. We've done our part."

I'm reluctant to get into that kind of a conversation. I would far rather engage in a conversation with the federal government about how they should on a continuing basis support legal aid to a higher level, perhaps support the drug courts to a higher level, national policing, those types of ongoing initiatives that are very, very important and that we need the federal government to support.

**Mr. MacDonald:** Okay. Now, going back to, I think, our \$498 million estimate for your programs, I understand there are sort of two functions. One is protection of persons and property in the ministry, and the other is social services. Of that \$498 million what percentage is spent on social services and what percentage is spent on protection of persons and property?

**Mr. Olson:** The information in our last year's annual report – and I'm advised that there has really been no change – is 83 per cent



for protection of persons and property and 17 per cent for social services.

**Mr. MacDonald:** Okay. Getting back to legal aid, Ms Notley certainly asked some interesting questions, and I would not disagree with her. I know citizens from our constituency who have had a great deal of frustration with legal aid. Ms Notley is absolutely right; money buys justice in this province. It's unfortunate, but it's reality. There are many people who are seeking justice, but it's denied. How many files are you aware of, or how many people do approach Legal Aid and are rejected for one reason or another in a year?

**Mr. Olson:** I think Ms Notley asked me that exact question, and I believe we undertook to ask the Legal Aid people for that information. It's not information that is within my ministry, but certainly we would be happy to ask the Legal Aid people. If we can get it for Ms Notley, we would certainly be happy to pass it on to you as well.

**Mr. MacDonald:** Well, there is an application process for legal aid. Surely that information must be available.

**Mr. Olson:** I would agree with you, but we are not the keepers of that. We don't administer it. We don't keep track of the applications that go to Legal Aid. Legal Aid is a separate entity from us. We as well as the other two funders provide money. We certainly consult and collaborate with them, but they are a separate, stand-alone organization with their own directors and their own staff. We are happy to ask them for the information and pass on whatever we can get from them.

**Mr. MacDonald:** Okay. The sheriffs. I on occasion go to the courthouse, and the sheriffs do a thorough job of searching everyone. Am I correct in assuming that that budget is all in the Department of Solicitor General? Court services: they provide that, correct?

**Mr. Olson:** You are correct that the Solicitor General is responsible for the sheriffs, and it would be within his budget. The courthouses are our responsibility, so when it comes to staffing the courthouses, building courthouses, we certainly have a role, obviously, when it comes to identifying needs and so on, but the actual capital budget for, say, building a courthouse is within the Department of Infrastructure.

**Mr. MacDonald:** I'm glad you brought that issue up. My next question was on the Edmonton courthouse. I'm sure you've had a chance in your life to travel through northern France and see some of the pillboxes that are still a tourist attraction left over from the Second World War. With no disrespect to those inside, that courthouse in Edmonton does not look much different than a pillbox overlooking the English Channel from the Normandy side.

**Mr. Olson:** It puts you in mind of the Maginot line?

**Mr. MacDonald:** What consultations are under way with Infrastructure to perhaps contemplate building a new courthouse similar to the one that was built in Calgary at considerable public expense when your former colleague Mr. Stevens was Minister of Justice?

**Mr. Olson:** As you can see, it's not in our estimates. Again, I'll let the Minister of Infrastructure answer for himself. I'll just say that we have all kinds of needs in terms of courthouses in the province. The Edmonton courthouse is certainly on our radar. We

have regular conversations with members of the judiciary, the chief justices, and the chief judge about their needs. I've got a list from around the province. We have a priority list. Number 1 on our priority list is Sherwood Park. Sherwood Park 30 years ago moved into a temporary location, and they're still there. The Edmonton courthouse is number 4 on our list. We also have Red Deer, Fort McMurray, the Calgary Court of Appeal, and a long list of others. I will say that the Minister of Infrastructure has been very open to listening to us, and he's been with me in a number of locations around the province to see what the needs are.

**9:00**

**Mr. MacDonald:** Okay. While we're on that subject now, justices and judges do routine duty in rural and isolated communities, particularly on the weekend, to assist police in carrying out their work or the function of their work. Is it difficult for the police to access a justice on the weekends to have a warrant signed?

**Mr. Olson:** I'll answer the question, and I'll ask my staff to help me out if I'm off base here. One of the things that has made a huge difference is technology. It is now possible to make these kinds of applications by closed-circuit TV in many, many cases, and in a lot of ways it's revolutionized the way we operate. It's saving on having to move prisoners around in a lot of cases. When the new Edmonton Remand Centre opens next year – is it next year?

**Mr. MacDonald:** Yeah, I think so.

**Mr. Olson:** That's going to make a big difference because that place will have a lot of capacity for what we call CCTV, and we have made some improvements to the Edmonton courthouse to accommodate that. The Calgary Courts Centre has a lot of that capacity, and it's something I'm very interested in in terms of future innovations with the court. We have justices of the peace who cover evenings and weekends, which brings us back in answer to your question.

**Mr. MacDonald:** Yes. My view of this – and correct me if I'm wrong – is that we have increased significantly the role or the responsibility of the justice of the peace, which I would disagree with. Now, was that done as a result of police forces not being able to access judges or justices in a timely fashion whenever they were trying to do their work, particularly in isolated rural areas?

**Mr. Olson:** There have been some changes relating to justices of the peace, and actually I think of a conversation I have had with one or two people who used to be justices of the peace but no longer are. We've really beefed up the training and the qualifications for a justice of the peace. They're now all lawyers, so they have legal training. You know, there was a time in Alberta, especially in remote areas, where a justice of the peace may well be somebody who didn't even necessarily have any legal training.

**Mr. MacDonald:** Where in your budget . . .

**The Chair:** Mr. MacDonald, sorry; the time is complete.

**Mr. MacDonald:** Okay. Thanks.

**The Chair:** I'm now going to move on to Mr. Bhardwaj.

**Mr. Bhardwaj:** Thank you very much, and thank you very much, Minister. I've got questions regarding Alberta's gang reduction strategy, an area I'm quite passionate about myself. The Alberta

gang reduction strategy was announced back in December 2010 and arose from recommendations of the Crime Reduction and Safe Communities Task Force report. It forms an important part of Alberta's crime prevention framework and directly supports a key government priority to promote strong and vibrant communities and reduce crime so that Albertans feel safe.

Priority initiative 1.2 in the ministry business plan talks about the department's role in leading the implementation of Alberta's gang reduction strategy to "suppress and counter the threat of gangs and gang activity." Minister, my question to you is: to date what work has been done in Alberta's gang reduction strategy?

**Mr. Olson:** Well, thanks for the question. I also like talking about the gang reduction strategy. I think this is a great initiative of our government, and it's really going to make a difference in many communities. It's a multifaceted approach; it's not just one thing. For example, I'll just point out a number of things that in one way or another are part of the gang reduction strategy. That would be putting more police officers on the street, enhanced funding to the ALERT teams, the Alberta law enforcement response teams. That's having a significant impact around the province, I would say.

Here's an interesting statistic. Gang-motivated homicides in Alberta have been reduced from 35 in 2008 – and if you remember back, in some of those years there was a lot of front-page news about gang activity and gang homicides – to 11 in 2010.

I think I talked earlier about the fact that the whole safe communities initiative involves both enforcement and early intervention and so on. On the enforcement side the civil forfeiture office and that whole program have made a significant difference, too. Since its inception there have been something like 500 cases. This is where we go after the proceeds of crime: money, houses, fancy cars, that type of thing. Since its inception we've restrained some \$25 million in assets. Now, you have to keep in mind that

that's a gross number, and by that I mean that if you take a house, there could well be a mortgage against it, many mortgages against it. Kind of the rule of thumb is that the net equity in these types of assets is about 10 per cent, so \$1.8 million in net proceeds have been distributed.

The thing that's very exciting about the whole civil forfeiture program is that we latch onto these proceeds of crime and then turn around and reinvest them in communities, so \$800,000 supporting programs working with youth at risk. Throughout the SCIF program and other programs we've granted more than \$16.1 million to 28 different projects, again for youth at risk of criminal involvement. You know, there are lots of good things being done in the gang reduction strategy.

**Mr. Bhardwaj:** I have no other questions. Thank you.

**The Chair:** Thank you.

Are there any other questions by the committee? Otherwise, we'll adjourn.

Seeing no further questions, I just have something I need to read into the record as we adjourn this meeting.

Pursuant to Standing Order 59.01(5) the estimates of the Department of Justice are deemed to have been considered for the time allotted in the schedule.

I'd like to remind the committee members that we are scheduled to meet next on Tuesday, February 21, 2012, to consider the estimates of the Department of Seniors.

I'd like to thank you, Mr. Minister, for the questions that you've answered quite fully this evening. I know that you will be getting back in writing on questions that had remained unanswered, and I'll just leave that on the record.

Thank you, everyone. Thank you, committee. I look forward to seeing you at the next meeting.

[The committee adjourned at 9:10 p.m.]



