



Legislative Assembly of Alberta

The 27th Legislature
Second Session

Standing Committee
on
Public Safety and Services

Department of Justice and Attorney General
Consideration of Main Estimates

Wednesday, April 22, 2009
6:30 p.m.

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Standing Committee on Public Safety and Services

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[Mr. VanderBurg in the chair]

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

The Chair: Good evening, ladies and gentlemen. At this time I will note for the listening public that this evening we're going to review the estimates for Justice and Attorney General.

As well, colleagues, just on a personal note, I want to thank the co-chair for taking charge last week and all of you that have sent such kind notes and messages and e-mails and cookies and cards and flowers. Thank you so much. It sure helped me get through this last week. The strength from all of you has helped me. Thank you to all of you.

At this time we'll go around the table and introduce ourselves.

Mr. Kang: Darshan Kang, MLA for Calgary-McCall.

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

Mr. Anderson: Rob Anderson, Airdrie-Chestermere.

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

Ms Notley: Rachel Notley, Edmonton-Strathcona.

Mr. Hehr: Kent Hehr, Calgary-Buffalo.

Ms Hookenson: Barb Hookenson, ADM, court services, Justice.

Mr. Bodnarek: Ray Bodnarek, deputy minister, Justice.

Ms Redford: Alison Redford, Minister of Justice and Attorney General.

Mr. Sabur: Shawkat Sabur, SFO for Justice.

Ms Calahasen: Pearl Calahasen, Lesser Slave Lake.

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

Mr. Sandhu: Good evening. Peter Sandhu, Edmonton-Manning.

The Chair: And I'm George VanderBurg, the MLA for Whitecourt-Ste. Anne.

Minister, we have an opportunity for you to make some opening comments. I think everyone understands the standing orders by now and the procedures used. You have 10 minutes, Minister.

Ms Redford: Thank you, Mr. Chairman. It's my pleasure this evening to present the budget and estimates for Alberta Justice and Attorney General. I'd like to take a moment to introduce my senior departmental staff who are here with me this evening. You've already been introduced to Ray Bodnarek, deputy minister; Barb Hookenson, ADM, court services; and Shawkat Sabur, senior financial officer. Also with us tonight are Bruce Perry, assistant deputy minister, corporate services; Cindy Bentz, the Public Trustee; Esther deVos, assistant director of maintenance enforcement; Grant Sprague, assistant deputy minister, civil law; Peter Teasdale, sitting in for Greg Lepp, ADM, criminal; and Kurt Sandstrom, who is the director of our Safe Communities Secretariat.

As you all know, one of the Premier's top priorities is to ensure that Albertans have a safe place to live, work, and raise families. This priority has and will take a tremendous amount of work and resources. We have to remember that the safe communities initiative is the biggest anticrime project in this country. As we continue with safe communities strategies, our focus will be on the underlying factors that lead to criminal activity, which I will refer to in a few minutes.

I am very pleased that our department will be funded appropriately this year so that we can properly respond to these demands. The Alberta Justice budget to be voted for the 2009-10 fiscal year is \$461.6 million. That is an increase of \$31.6 million, or 7.3 per cent, over the previous year's forecast. This increase is mainly due to program expenses.

Our overall budgetary commitment to our safe communities initiative has not changed. Overall government funding of \$468 million over three years has been provided for the safe communities initiative. It has been earmarked for the second year to continue to address priority recommendations identified by the task force and accepted by government. One hundred fifty six million dollars has been allocated to the seven SafeCom partner ministries, with \$58 million of that going to the Department of Justice.

As I just mentioned, Justice's funding allocation for safe communities is \$58 million. Increased funding has been allocated to enhance the levels of court and prosecution services by hiring additional prosecutors and court staff. The funding is reflected in the court services and criminal justice budgets, which I will be referring to later. The \$8.2 million of the Justice budget is allocated toward safe communities and related to some initiatives, including \$1.8 million which has been allocated to improve bail hearings to ensure our goal of having Crown prosecutors rather than police involved in bail applications. Having Crown prosecutors present at bail applications will result in more appropriate detention orders and releases and ensure that those who should be in jail remain in jail and that those who should be released are released with appropriate conditions. This will also allow police officers to focus on policing priorities. Our overall objective is to increase public confidence in the criminal justice system.

One point one million dollars has been allocated to develop a long-term crime reduction and prevention strategy to address the approved recommendations from the task force report. An important piece of this will involve working with partnering ministries, policing agencies, and other stakeholders to finalize the Alberta gang suppression strategy to reduce the ever-growing problem of gang activity and violence in our province. We need to address this province's gang problem head on and prevent our children from getting caught up in substance abuse, violence, and gang activity. The Alberta gang suppression initiative is a cross-ministry initiative to counter this growing threat of gangs in our province. We recognize that partnerships between communities, community agencies, educational institutions, police, and government are necessary parts of how we can reduce gang-related crime in this province.

SafeCom will also champion innovative community crime prevention strategies through the safe community innovation fund. Announced last fall, this fund was created to strengthen and develop community-based projects and innovative community-police partnerships. This fund is a vital part of our strategy, and it is a way to get Albertans engaged in addressing crime-related issues in their own backyards. Last year the safe communities initiative focused on strengthening the ranks of our police, probation officers, and prosecutors; changing the way we conduct bail hearings; and

introducing a new way to track repeat offenders. New legislation was implemented to target both the profits and properties used in crime.

This year safe communities will focus on the underlying factors that lead to criminal activity. Addiction and mental health problems are at the root of many criminal offences. Safe communities will be working closely with Health and Wellness and other partnering ministries to develop pilot services for individuals suffering from mental illness.

Last September the civil forfeiture office was established to handle cases under the Victims Restitution and Compensation Payment Act. The act allows the seizure and sale of the proceeds and instruments of crime. One million dollars has been allocated for the implementation of the amended act and will fund lawyers, paralegals, and asset management staff. To date police from all corners of the province and the federal government have been referring files to our civil forfeiture office. The recent Chatterjee decision from the Supreme Court of Canada validates this legislation. Since January we have disrupted over \$4.6 million of illegal profits connected to seized property. We have seized 15 vehicles that were used to transport drugs and guns and buildings used to house more than \$2 million worth of marijuana.

6:40

I'd like to turn now for a moment to court services. This year's operating budget for court services is \$181 million, an increase of \$5.3 million, or 3 per cent. One point two million dollars of that increase will support the department's dedicated revenue ticket processing program, that deals with higher ticket volumes due to increased enforcement. Last October we announced the latest phase of the traffic fines enforcement initiative. We sent 30,000 letters to drivers who committed traffic offences requesting payment of their overdue traffic tickets. These drivers were also registered with the federal refund set-off program, so their income tax refunds could be intercepted.

This enhanced enforcement effort requires manpower to both initiate collection action and handle the downstream payment volumes. An additional \$1.5 million of the increase has been allocated to enhance the level of court services. Such increases for the court transcriptionist program in the provincial court have been necessary. This includes a fee increase for transcriptionists, who have not had an increase since 1994. This increase will also provide additional resources for the provincial court.

Alberta Justice will develop a framework for a conflict resolution environment. To increase access to court services across the province, Alberta Justice will work with the four First Nations of Hobbema and other Justice and court stakeholders to establish a provincial court circuit point for family court in Hobbema. In order to streamline court services the justice information management system will develop more efficient business practices supported by modern technology but will allow the sharing of information between stakeholders and the justice system. Alberta Justice will collaborate with members of the judiciary, Crown, and defence to implement the provincial court case management project in Edmonton and Calgary. The aim of this project is to more effectively manage cases in adult provincial court, maximize the amount of time that provincial court judges spend on meaningful events, and reduce the length of time required to conclude criminal cases. In turn, this will increase confidence in the justice system.

The criminal justice branch promotes safe communities by effectively conducting criminal prosecutions. This year's operating budget for the division is \$76.8 million, an increase of \$4.6 million, or 6.4 per cent. This year 35 prosecution resources will be added,

including 21 prosecutors and 14 prosecution support staff. Of the 21 Crowns, seven will be allocated to Edmonton, 10 to Calgary, and four to rural areas.

The criminal justice division has the responsibility to advance federal criminal law reform and to harmonize provincial legislative initiatives relating to organized crime. Our hard work is paying off. Recently the federal government introduced proposed legislation that will eliminate the ability of judges to reduce an offender's sentence based on the time they spend in jail while awaiting trial. Some of the other key issues Alberta Justice will work on with our partners is to improve the Criminal Code of Canada, fight organized crime, modernize criminal proceedings, and strengthen provisions relating to child pornography.

The legal services division provides effective legal services to government. The operating budget for civil law is \$40.6 million, an increase of \$4.8 million, or 13.5 per cent. The civil law branch provides legal and related strategic advice to all government ministries and represents them in matters before courts and tribunals.

We've also made improvements to maintenance enforcement with a 13.7 per cent increase in the budget. We have an increase of \$1 million, or 7.4 per cent, for the Public Trustee's office.

The medical examiner's office will receive an increase of \$4.1 million, or 52.2 per cent this year.

In conclusion, Mr. Chairman, I'd like to say that we all share an interest in an effective, efficient justice system. We must promote strong, safe communities. I thank you for your attention, and I look forward to the discussion this evening.

The Chair: Thank you, Minister.

For the listening audience the votes on the estimates this evening will not be done until May 7 in the Legislature. As well, the votes on any amendments that may appear tonight will be done at that time.

The next hour is to the Official Opposition, MLA Kent Hehr. We can go back and forth as well.

Mr. Hehr: I think that's what we'll do, and we'll do the best we can from that.

The Chair: You'll have lots of time this evening.

Mr. Hehr: Thank you very much for your comments, Minister. I really appreciate your first year in office and commend you on numerous things you've done. For instance, the proceeds of crime legislation has been very good, very successful, and I was very happy to see that the Supreme Court sort of verified what we did here in Alberta. I really appreciate your leadership on that issue.

Another thing you can be congratulated on is getting rid of the two-for-one sentencing and your advocacy on the part of the Alberta citizens to the federal government and whatever role that may have played in those decisions. I think it was important that you were voicing Albertans' concerns in that debate and bringing it forward on behalf of Albertans. There's no doubt that they were in support of that move, and you voiced those opinions very well.

At the same time, you know, we have some issues here. Some of them are inherited by you from a previous system, but they are now your troubles and burdens to bear, I guess, is sort of what they are. Those would primarily be that we see a society that's changed in the last year, year and a half, where we've had more gun and gang violence that has been cropping up. It might just be more visible. We have had a drop in the crime rate and all that sort of stuff, but then again this influx of crime has happened primarily because we have large cities now, and with large cities come large troubles.

One of the things that I know the Minister of Justice is responsible for, not our federal government, is actually the waiting times for trial. It sticks out like a sore thumb here in Alberta, our waiting times for trial. I think it was reported by StatsCan on May 20, 2008, that the average person spends 270 days in our justice system. I know it's easy in the press to blame things on the feds and all that sort of stuff, but if we have criminals or people who would be guilty and people who would be innocent in that process for 270 days, that's far too long. I know that B.C. is at 190 days, and other jurisdictions are much lower than us. I'm extremely worried about that. I guess, on that front, do you see that 270 days as having come down through some of the moves you've made, some of the hirings you've made and that sort of stuff? If you could comment.

Ms Redford: Sure. Thank you. I appreciate your comments with respect to Bill 50 and 2 for 1. I would note that when Bill 50 passed the House, there was unanimous consent for that legislation. I think that speaks to everyone in the House understanding the challenges that we face as a province and how important it is for us to represent our constituents and ensure that we reflect the values and the concerns of the people that voted for us.

I think that with respect to gangs, which we may talk about a little bit more later, I'd certainly acknowledge that it seems to me that in the past year times have changed significantly. When I spend time travelling the province, speaking to communities, I think that although there is perhaps more discussion about it and some of the rates have dropped, there is a concern and some reality to the fact that there has been an increase in some of the violent crime and that some of the activities that are taking place are more overt.

With respect to lead times I think that is something that we consider to be a measure in the long term of whether or not changes that we are proposing to make to the justice system will be successful. I recall a number of times in the past year speaking to different ministers across provinces. I think it's an important measure of what our ultimate performance measurement frameworks will look like. We have introduced some initiatives in this province that I think will assist. They are newer initiatives, and we will now have to measure to see whether or not there has been an increase in efficiency in the system.

You'll have noted from my opening comments that we've increased the number of Crowns, and I think that's important when we think about the discussions that many of us in the public and around this table will have had with Crown prosecutors over the past couple of years, where we have Crowns who are very busy, who have a number of files on their plate, who are dealing on a daily basis with different files, and who pass files on a daily basis to whoever the assigned Crown might be in the court.

6:50

One of the projects that we have just introduced and will see some success with this year, I believe, will be our file ownership project, where we change the way that Crown prosecutors will work. As opposed to what happens now, where Crown prosecutors are assigned to a court on a day, in the new system they will be assigned a file, so there will be continuity in managing that file. I think that that just makes sense to people. If you think about the way that you live your life and do your work, if every single day you're opening up a new file and having to familiarize yourself with the full history of that file, some of which can be quite significant and some of which require some level of subtle understanding, to have a Crown who is able to deal with the same defence counsel on a consistent basis over the full period that the file is conducted will make it easier for Crowns to do their jobs and, I believe, will make for a more efficient and effective system.

We have seen some lead times increasing. One of the causes of these changes is that we have seen more charges commenced under the Youth Criminal Justice Act. We've also seen an increase in charges of municipal offences. Charges increased from 71,500 charges in 2007 to 76,000 up until February 2009. The lead time in Court of Queen's Bench criminal has decreased, from an average time of 27.9 weeks in February 2007 to 27.6 weeks in 2009, which is a decrease of 1.1 per cent. There has been some increase in provincial court, from 21 weeks in February 2007 to 21.6 weeks in February 2009, which is an increase of 2.9 per cent. In youth court we have seen an increase of 11.5 per cent, which represents a difference of approximately 6 days.

One of the things that we have spent a fair amount of time doing in our court services division is working with provincial court judges, who are responsible for assigning cases within the system. They have agreed both in Edmonton and Calgary to work very closely with the Crown to develop what we are now calling a court case management project, which will allow for us to reduce the length of time that is required to conclude cases. We believe that one of the ways that we can deal with these issues is not just to improve the quality of the work the Crowns are doing through file management but also to have the people who are sitting in the courts and working in the courts on a daily basis come together to identify the problems that they see impacting the system.

The goal of the court case management program is to make more efficient and effective use of our court services, of Crown, of defence counsel, to make sure that people aren't coming to court and simply adjourning, which can sometimes take up a full half-day of court scheduling time, but dealing with these issues before they come to court. That benefits everyone. It benefits defence counsel, it benefits Crowns, and it benefits the judges. It is expected that not only will this reduce the length of time required to conclude cases, but it will also reduce the number of appearances per case. It should increase the number of cases that are processed to an acceptable level in that all parties are satisfied with the result, and it should maximize the amount of time that provincial court judges spend on meaningful events.

In the short term the expected outcomes of the program will include maximized utilization of finite court time, streamlined criminal justice processes, and in the long term increased public confidence in the system. The fact is that at the moment, if we look at the number of courtrooms in the province, we have to create a system where mathematically we can process as much as possible through those courtrooms. When we have counsel, both Crowns and defence, not communicating on a regular basis ahead of the scheduled court appearances, we end up wasting time in the system. It's something that we think will improve over the next year. We are confident that as we deal more effectively with pretrial applications and some of the court efficiency pieces, we'll see some success with respect to that.

Mr. Hehr: That's a lot of stuff you've got going on there. The thing from StatsCan. I guess you're pretty confident by that answer that when StatsCan does this thing four years from now, we're going to be down from 270 days. Is it reasonable to say 220 days?

Ms Redford: I don't know what that number will be. It's our objective to reduce that number. We've seen some successes in particular courts. The statistics that I gave to you were overall for the province. We've seen some very good success in Calgary in provincial court, criminal division, where I think we've seen a decrease of 6 per cent, but what we need to do is actually implement those programs right across the province. So it is my hope that we'll have a decrease.

Mr. Hehr: That's great. I guess moving on, then. With your continued vigilance in hiring prosecutors and hiring police and all that stuff, that will inevitably lead, hopefully, to more convictions and, hopefully, to more people spending time in jail, which leads me to the reason for the 2 for 1 and 3 for 1 sentencing.

I think we recognize the fact that many judges and, in fact, many criminals will acknowledge that spending time in precustody is worse than actually spending time in jail. I've never been a criminal, but that's, at least, the word on the street. I'm just wondering, since that was the reason for the recognition of 2 for 1 trials – and I guess I've also been told that our remand centres are pretty full right now. There are one, two, or three individuals often sharing a cell, especially in pretrial situations. With us moving away from this sentencing, which apparently was a recognition of these abhorrent conditions, are you working closely with the Solicitor General in getting more correction facilities?

Ms Redford: Well, I'll let the Solicitor General speak more specifically to the facilities that he's building, but you will know that there is a new remand centre coming on stream in Edmonton, not immediately, but it will be there.

I think it is important that when we talk about the work that the police will be doing, you know, more police officers, more Crowns, we will perhaps see an increase in people that are brought into the justice system. It would be my hope that with some of the other initiatives that we're involved in with respect to bail reform, we may actually see more clarity from the bench with respect to conditional release and what the standards might be for conditional release. I think there is a sense in the public and I've certainly said publicly myself that we need to look seriously at who is kept in jail that doesn't need to be kept in jail, even in remand, and who does need to be kept in remand. I think the work that we are trying to undertake with the federal government with respect to bail reform is an important piece of bringing some clarity to that.

Part of the safe communities initiative, that we have discussed quite extensively – and we'll be doing a fair amount of work on that this year – where we've seen some successes are what are currently called diversion courts. I also refer to them as specialized courts, where we're actually putting in place systems within court administration where we're able to identify people who will benefit from programs but don't need to be in custody. I think that's an important piece of where we go this year.

When you look at what happens to many people that come into the provincial court, criminal division, almost 90 per cent of those people suffer from some form of an addiction. In many cases it's the reason that they're committing crimes. But if you look to the underlying causes, that addiction may very well be caused by a mental illness. It might be caused by very difficult family situations. What we need as we're moving forward with what I hope will be wholesale changes in the justice system is to be able at an earlier stage to direct more appropriately the people that need to be in remand to remand and other people to treatment, to diversion into programs.

Now, I think that if we look at the conditions in remand, remand was not designed for long-term stays, which does lead back to the discussion around lead times. What I do know is that when I talk to police officers and probation officers, there is no doubt that some of the initiatives that we are involved in as a provincial government that are impacting the business of organized crime are keeping people who are involved in the business of making money through organized crime off the streets. What I am told is that for a person who is involved in that sort of activity and who gets detained and ends up in custody, their first objective is to get back on the street as

soon as they can because that's where they do their business. Now, there are a number of ways that they can do that. One, of course, is to successfully apply for conditional release. The other, honestly, is that under the two-for-one system spending time in remand was much more beneficial than spending time postsentence.

7:00

I've had some very particular conversations with people that work in the corrections system where it has been very obvious to me that people understand calendars specifically enough that they know when they should plead not guilty and on what day they should plead guilty in order to be able to calculate their release date. Now, I don't think that that's a tactic that everyone uses, and I don't think that that's a way to dismiss what we need to do with our remand centres. But I do think that if we increase our capacity in the remand centres and we take on some of these other pieces, which is keeping people out of the remand centres that don't need to be there and putting them into other programs, we'll address part of that problem.

Mr. Hehr: Well, I do realize that some people who are in gangs may wish to get out, but I don't think the vast majority of people in our remand centres are gang members. I think many of them may actually just be people who are there who maybe are more likely to be suffering from addiction, homelessness, and/or something else. So to paint it in that light is one thing. I agree with you that maybe some of these are gang members. That was a good sound bite, but I don't know if we really looked at what is actually happening in the remand sort of thing. Anyway, that's just sort of where we are.

Let's just move on to addictions treatment facilities, which you were talking about. I, too, agree with you that they are very important things and some things that have been falling off the map here. If we look at this, I think \$40 million is again being included in the 2009-2012 capital plan. I could be wrong. I'll just read off some questions. When will some of these dollars translate into treatment spaces and that sort of thing? When can we open up more beds? That's more what I'm looking at turning to.

Ms Redford: I'd speak specifically to some of the beds that we've already opened up in Calgary, Edmonton, and Grande Prairie with respect to treatment. I think that just in this past year, in terms of funding community-based partnerships for treatment in those cities, we've opened approximately 85 beds. In addition to that, I think that if we look at the \$42 million that we will be providing, it will deal with treatment, it will deal with education, and it will focus on particular populations that are vulnerable.

I think that as we move forward and look at the allocation within Safe Communities, over the next two years we have approximately \$30 million set aside. Part of that money will be used not to open new beds within medical facilities but to support treatment programs already in existence and to make sure that community-based organizations that are doing that addiction treatment will be able to continue to do that. We've opened, I think, 18 beds in Calgary just in the last month that will support aboriginal women between the ages of 18 and 24. It's an important piece of what we do in terms of providing money not just to operate existing beds but to support community-based programs.

I can't tell you today, since we've spread that money over two years, particularly how many beds will be opened. I expect that it will be somewhere along the lines of 40 new treatment beds that would be residential treatment beds over the next year and 40 that are additional mental health beds. So I guess that would speak to operating pieces.

Another important piece of what we do – and I want to speak to this because it's around the approach to mental illness. We've taken

an approach with some community-based organizations that it's not only about treatment beds in either a community-based environment or an institutional environment, but we've supported programs like Pathways in Calgary. As you've referred to, we know that there are people in the criminal justice system that don't need to be in that system. Once they're taken out of that system either through conditional release or because they've finished their time in either remand or in sentences, they've been placed in Pathways. Pathways will provide them with a housing-first approach so that they're given housing, so that they're given a wraparound team of support, and the work that Pam Thompson in Calgary does is so important for that. I believe that that is a different approach than we've taken in the past.

One of our challenges in safe communities is that when we take on a program like that, it is difficult at the very beginning to see what the cost-benefit analysis of it is. That's one of the challenges of trying to move large institutions, like government departments, into thinking differently about how we do some of this work. For example, we have funded Pathways for a three-year period at a level of \$750,000 a year, and I can say that at the beginning of that program that will fund 10 to 15 spaces per year. What I also want to be able to determine – and I'm not able to do that yet – is what the long-term impact of those sorts of programs is on the operational budgets in the future. My inherent belief is that funding those sorts of programs is not only better for the people that need support but in the long run will be better in terms of where we spend our money and how much money we have to spend. That is a piece of what we're doing right now in the Safe Communities Secretariat in terms of being able to cost out what some of the preventative pieces are and whether or not it will be less expensive to do things in a different way and I think a better way for people that need the support.

Mr. Hehr: I agree with you. I know we're both caught in the same boxes. We both have to sound tougher than heck on crime, yet no one really understands that some of this stuff is probably better. I understand a little bit of the challenge that you face. Many times this type of – like you say, the 10 to 15 spaces you're able to afford in Pathways, I assume it will have success, where, I guess, people in society can recognize that this is value for dollars spent. But, again, that's not the zeitgeist of our time. Hopefully, this plan that we've got now will prove that it is essentially better to try and deal with these wraparound services. Anyway, that was my plug for what you are doing there, in case you missed it.

If we can move to something a little more contentious. It's not really that contentious; it's just that I've been asking about it in question period. I realize that this is just one of those things. I know that \$170 million has been announced for legal services, and that's to provide funding for among other things Crown prosecutors, support staff, et cetera. Will any of these new prosecutors be deployed to, I guess, prosecute wrongdoing that is brought up by whoever the new Chief Electoral Officer is?

Ms Redford: Yeah, I think that's an interesting discussion. You know, I guess the great challenge of question period is that there's never much time to have a full discussion about these issues. I think that as this issue has been raised in question period and as I have reviewed the files that the Chief Electoral Officer brought forward and that were included in his report, it's been quite interesting to me – I have to say this from the very beginning – to see how the Chief Electoral Officer views his position in the context of this big piece of work called government.

The Chief Electoral Officer's job is to run the election. The Chief Electoral Officer's job is to identify if there have been breaches to the rules. It is his or her job to then advise the prosecution service of those breaches. Ultimately, at the end of the day it is the job and the responsibility of the prosecutor to determine whether or not to prosecute. Usually that's where our discussion ends in question period.

7:10

I think it's very important to not only look at the factors that a prosecutor takes into account. The most important thing, I believe, is to prosecute in the public interest. So what is the public interest? I believe that the public interest is to ensure that the laws and the rules that we set down, that we expect people to conduct themselves by, are followed. I also know as a lawyer that unless you're dealing with summary convictions, it's important to be able to prove not just the act but also the intent. Now, it is clear that when the prosecutors have made their decisions with respect to whether or not to proceed with these prosecutions, one of the pieces of information – and this is information that was provided to the Chief Electoral Officer – was whether or not, when people were advised that they had breached a rule, they corrected the problem.

In my review of information that has been provided to the Chief Electoral Officer, we see instances where people made honest mistakes. We have one instance where a residential manager of an apartment honestly believed that they weren't supposed to let campaign workers come into the apartment building. Now, that's not true. The police were called. The rule was explained, and everything went on. Now, I submit that the prosecutors made the right decision with respect to not prosecuting in that case.

There were other cases, that I won't get into the specifics of, that involved a myriad of parties. In the Chief Electoral Officer's report he referred to some of those cases and the fact that some of them involved overcontributions. Under the law people can contribute only \$1,000 per person, and in some cases people honestly contributed more. In all of those cases – and the Chief Electoral Officer was advised of this – the money was paid back. The campaigns paid back the money. So I would submit that the prosecutors made the right decision in not wasting public funds to prosecute simply because a rule was inadvertently broken.

Mr. Hehr: I'm not accusing anyone of wrongdoing. I'm sure the prosecutor did his job, all that stuff here. But what we're talking about here are election violations. I think that what this has highlighted and what is highlighted in question period is that maybe a process has to be put in place to isolate your department, that when the Chief Electoral Officer recommends these things to be prosecuted, it goes into a third-party vacuum, much like is done in B.C. and other areas, and you say: hey, hands off.

One of the things we have to protect is democracy. To a certain extent people out there rightly or wrongly think that we're all crooks in this room. Okay? The politicians here, anyway; everyone else is excluded. By us doing this, we're trying to alleviate a misconception; that is, Overtime crept into the lexicon. And I don't think it's fair. Probably, prosecuting those individuals would have been even worse for us in this room – no doubt, I'd probably thank the other people for not making it an issue – but just to protect that political process, that it be seen to be done if there is an election violation. You know, then if that process is set up, they go to these honest mistakes, clarify them – great – whatever it is, or prosecute it, whatever it is. There's got to be a process devised to keep the political apparatus out of the government apparatus. I don't see this happening right now. At least, that's from my narrow perspective.

Ms Redford: Well, with respect, it's fine for you to say that you respect what the prosecutors have done and you think they've acted independently, but then the next five minutes of your comments suggest that there was political interference in their decision as to whether or not to prosecute. What I would submit to you and what I emphasized in my answer was that in every case the prosecutors provided the information back to the Chief Electoral Officer, who is not appointed by the government. The Chief Electoral Officer, before they prepared their report to the Legislature, were fully aware of the facts with respect to those prosecutions. I would suggest that a person who has been appointed by the Legislature to conduct the elections should also consider truly whether or not there was actually an intent to violate the act and that it's part of that person's responsibility to give a full picture of the actual circumstances with respect to each of the charges.

Mr. Hehr: I think both our arguments are circular again, and we'll chase each other's tail on this and keep going round and round. Nonetheless, that's my opinion. I think other jurisdictions would follow. I think we'd be well followed. You can say it again here, but we'll move on and agree to disagree. We'll go on from there.

I've also heard from time to time that your department will be giving legal advice, I guess, to other departments. Do you advise them, then, on different things that are going on or if they come to you with questions on – well, let's cut to the chase here, Kent, quit beating around the bush here. Let's talk about the environmental offences that are going on. I once did hear you talk about it on CBC radio. Again, this is not question period. What we're talking about: do you have any plans or have you worked with the Environment minister on maybe increasing those fines or anything to that measure? Or is that something separate and apart from what you do on a daily basis?

Ms Redford: I guess the way that I would describe the work that we do in Justice is that we are essentially the law firm for the government. Each government department does their business, and within that department they have a group of lawyers who are experts in the topic or the areas of specialty that the department works on. Then within our department we have directors of legal services under our civil law section that co-ordinate the work of those departments.

So within our department, the Department of Justice, we have a section of lawyers that deals, for example, with constitutional law. The lawyers that would be experts in environmental regulation would be more likely on a regular basis to be housed within the Department of Environment. Those two groups of lawyers work together with respect to legal decisions that need to be made. My understanding is that when you deal with something like the decisions with respect to environmental prosecutions that you have referred to, there are a number of people involved in those over the period of time where those investigations are undertaken. Those are investigators within the department who intimately understand the regulatory issue. They are also lawyers who understand the laws; in some cases they are special prosecutors who are housed either in my department or housed in some cases within the line ministry.

Now, decisions that are made with respect to those prosecutions are made by those individuals. The ultimate decision as to how to proceed will be based on legal advice to the responsible minister of the department that's involved in those regulatory matters. If the minister responsible wants to make decisions with respect to changing the legislation that would deal with the penalties involved in those regulations, then it is the decision of that minister to do it. As Minister of Justice I would only be involved if that minister decided to discuss with me my views on that. At that point I would

then, rightly I think, ask for legal advice directly from the Department of Justice, and I would expect that that advice would be consistent with the legal advice that that minister was being given since the same lawyers are involved in the issues. So it would not be within my purview to make a policy decision with respect to increasing or decreasing penalties with respect to regulatory offences. It would be the responsibility of the line minister to make those decisions.

7:20

Mr. Hehr: Thank you. I know we've talked about this previously, but we now have Crown prosecutors who do every single bail application that is out there.

Ms Redford: That's right. We have a bail project that was just implemented two months ago. We're having some success.

Mr. Hehr: Okay. Some success, I guess. Let me just read out a few things on this. I'm just wondering: have you kept statistics on the difference between the incarceration rates, or the you kept them in jail rates, as compared to when just the rank-and-file police officers did it? Are there any performance measures or cost-success rate analyses, anything of that nature going on?

Ms Redford: I'm not sure that we would consider that to be a performance measure, but I'm just going to turn to my deputy minister on that. Really, it's not about statistically how many people are in or out. It's making sure that we're making effective bail applications to keep in jail the people that we think need to be in jail.

Mr. Hehr: Then why aren't we just selectively using Crown prosecutors when you see a case come up for bail? Can you guys streamline the process to do that? Why are we having them do every single one? It seems that this may actually just be more of a cost to the system. Can the system not be streamlined enough to where you know when the prosecutor has to be there?

Ms Redford: Well, I think that if we look at how bail is done now in the two major cities, not so much in the smaller communities but it's starting to happen that way, we're seeing, for example in Calgary, 24-hour bail court. Traditionally police have done much of that work, and at night JPs have been involved in many of those applications. We have had a lot of discussions this year with respect to how important bail is to the impression that people have of their confidence in the justice system.

I believe that it's very important for us to be able to be making arguments of a very high level and very important legal arguments with respect to bail tests right now. I'll tell you that at 2 o'clock in the morning when a person is brought in and a bail argument is made, the general consensus seems to be that if a person comes in and is able to get their defence counsel there at 2 o'clock in the morning to speak to bail, I would rather have a Crown prosecutor who is fully versed on the latest developments in bail tests making those arguments than a police officer, although I would say that in the past there were some very qualified police officers making some very effective arguments with respect to bail.

I would submit that it's part of my responsibility to hold that system to a higher standard and that one of the ways that we do that is by having Crown prosecutors making those arguments to make sure that the right arguments are being made.

Mr. Hehr: I agree with your proposition that the public right now is probably demanding that higher standard. At some point in time

I question whether we need every Crown prosecutor, just a question that's going to the cost-benefit analysis that sometimes might weigh into my thinking. In times of maybe tightening resources, you know, I know it's difficult to cut and do all those things. I was just wondering if any of that analysis had been done, but I understand your position.

Ms Redford: Well, it was a consideration, but one of the difficulties is that we really can't predict who the police are going to arrest or what time they're going to arrest them.

Mr. Hehr: Now, I also know that the one thing that has come up, I guess, with some people I've talked to is with Crown prosecutors now being present for every bail hearing. It's caused more use of the legal aid system, and it has considerably stretched their resources. I couldn't tell you what percentage of resources went to hiring more Crown prosecutors. One has to assume quite a bit if they're doing it 24 hours. You can see that this puts significant stress on the legal aid system, especially for their people who are doing that good work. Do you have any plans to sort of correct that imbalance if it exists?

Ms Redford: Well, we've had discussions with some of the people that are very involved in those cases. You know, about two-thirds of our legal aid funding at the moment goes to criminal defence work, and a significant amount of that, I think approximately 45 per cent, is adult criminal defence work; 17 or 18 per cent is youth.

The models that are used for providing criminal legal aid vary depending on who you are defending. There are certificates that are provided by Legal Aid, and there are also youth criminal defence offices. We have had a number of discussions with the Law Society, with the Legal Aid board, and with the youth criminal defence offices as to how we can most effectively support them in the work that they do.

You will know that we haven't seen an increase in federal funding for legal aid for the past four or five years. In fact, there has been – I don't know – a \$100,000 or \$200,000 decrease in their funding. We spend approximately \$58 million a year on legal aid, and one of the things that we are involved in discussions about right now is whether or not that money is being used as effectively as it can be because one of the challenges that we have, just being a growing province, is that that need continues to grow. It continues to grow with respect to family law as well.

We are at the moment involved in discussions with the Legal Aid board about whether or not in the upcoming years we could be looking at reorganizing the business of legal aid to more of a mixed system, where you have both clinics and certificates available. We think that there will continue to be a need for criminal defence work. We have not been told by the Legal Aid board that we're seeing any increase in their demand because of the fact that we have prosecutors doing the bail hearings, but I expect that as we face the challenges of a growing population and a changing justice system, which is really quite erratic sometimes in terms of not knowing exactly where the need will be, we're going to have to address that. But we want to do it in a different way than simply continuing to put more money into the existing legal aid system, so we are discussing the possibility of a mixed model or another model that would provide for a different approach to providing those services to people.

Mr. Hehr: Okay. I just have some follow-up questions here on the law centres and how they're working. Maybe I'll rattle some of these off into the record, and then we can get to them. You can handle them in a general way, and maybe I can get more specifics.

I think line 2.1.8 on page 294 of the book shows an increase from \$761,000 in 2008-2009 to \$863,000 for law information centres. Is this just in their use? Do we have more of them going up?

Ms Redford: We have more of them. We've been growing, I think, by one or two per year. Calgary was opened approximately two or three months ago. We now have four legal information centres across the province, and it's our plan to continue to expand those. We think they're important because we think they provide an alternative point for access to justice. Very often when I talk to people that are working in those centres – people are able to find resolution to their matters without going to court or without having to access lawyers. Essentially, the increase is a continuing expansion of the service throughout the province.

Mr. Hehr: So when you say who works in these centres, I guess that it's not lawyers.

Ms Redford: It's not lawyers. It's people who are community resource officers. There are some paralegals that work in those centres. They have access to lawyers if they need them. There might be – sorry, there is one lawyer in each centre, but the idea is that the law information centre should be able to help people ahead of time organize themselves to think about where they need to go next.

7:30

Mr. Hehr: So there's no real description of the law there. They're saying: if you have an issue that's under \$25,000, you go to X court; if for better or for worse you want to leave your significant other, you go to this court. Is it more just directing traffic, or are they filing a statement of claim?

Ms Redford: It's not. It's not directing traffic. Very often we will have people who come into those centres who have just gone through a very difficult situation, and they don't know what to do next. So as opposed to going to a lawyer to get legal advice and to start down, perhaps, the litigation path, they're coming to see what their options are so that they can then make choices about what to do next. I guess the distinction would be that we're providing information in those centres; we're not providing advice. They are an opportunity for people very often to decide how they want to proceed with the next steps.

Some of the work that we get involved with could be residential tenancy disputes, could be family law issues, could refer people to legal aid, could in some cases provide documentation to people so they know what steps to take next. I would say that in the discussions I've had with people who have been clients of the centre and with the staff of the centre, what we find is that very often when people have been through these very traumatic personal experiences, that have really impacted their life, one of the things they want to be able to do is to have some control over what happens next. Quite honestly, when you go to see a lawyer, that doesn't always happen. All of a sudden you're into a system, and you're not sure what questions to ask; you're not sure when you can start the process or when you can stop the process.

There was a wonderful example, I thought, of a case that I heard about out of Grande Prairie, a woman who, over the Christmas period, had to deal with an access issue. Her partner had an access visit and decided to take their child across the border to the United States. He was apprehended independently. She was contacted and told where her child was. This was all in the course of 24 hours, when he had access. She was told that she needed to get to the

United States so that she could attend at the custody hearing so that her child wouldn't be turned over to the state and become a ward of the state in the United States.

Well, she didn't have a passport, so she came to the law information centre to find out what to do next. She didn't know if she was asking for legal advice. She didn't know how she was going to get to the States. The practical advice that she was given was, "At the moment in order to cross the border, if you go by vehicle, you still don't need a passport, so get on the bus and go," which sounds simplistic, but this woman had no idea what to do. I could see very easily and I know people who would think that the only alternative would be to wait until a Monday morning to go see a lawyer, begin some sort of cross-border application. God knows what would be involved.

Very often it's trying to find the appropriate solution for the problem.

Mr. Hehr: I thank you for that anecdote. This is some serious advice sometimes that people are coming to them for. What are the qualifications of the people who work there? Do they have to have a university degree? Do they have to have some sort of training from your department? Do we have any measures that sort of recognize the success or failure? Are people getting steered down the wrong path here? I think it's a great opportunity for us to fly the flag and sort of have people come in and get a basic question asked. I'm just a little nervous as to what actual advice is being given there.

Ms Redford: No advice is being given. They're law information centres, and information is provided.

Mr. Hehr: Okay. Again, I guess that's why I went back to the start. If people come in and ask them a question, is it basically directing traffic? Is it where to go? Is it how to run their life? Sort of like they educate their kids . . .

Ms Redford: You know, first of all . . .

Mr. Hehr: Now, just wait a second here if we could. I think that was some serious advice that person gave that individual with regard to getting back their child, and I'm glad it worked out for her. However, I'm worried about law centres, you know, about who we're hiring there. It's great to say that I loved that story, but what is happening at these centres? I think I'm just a little worried about that.

Ms Redford: Well, I don't think you have to be worried. I'll reassure you of that. I think that if we look at how information has been provided to Albertans with respect to legal advice, we have law lines that have lawyers on those lines. We have opportunities in the system to provide people with help with respect to mediation. We have clerks in courts who provide a lot of advice to people who have walked in off the street.

What we saw in our system was that there was no co-ordinated point where a person could walk in and get the information that they needed. We thought – and we found it to be effective – that it's better to have a place where people can come in, tell their story, and be given advice as to what to do next. The reason I wanted to interrupt you is that I think it's simplistic to dismiss it as directing traffic.

The way that we are going to make justice accessible to people is to make sure that they understand the system and that they understand where they have choices, and the legal information centres and the people who are in those centres know how to do that. They are

staff who have been court administrators and court clerks for most of their career. They're people who've worked closely with judges. They understand the role of the courts. They understand the role of social services. They understand the role of community-based organizations.

When I think about the kind of discussions that we normally have in the House and the kind of discussions that we all have with community-based organizations that are involved in helping people, there are always people who are involved in providing advice and direction to people. This is an added service that gives people another alternative. It also, quite honestly, being based in the courthouse, provides a tremendous opportunity.

We know that there are a number of people who come to court who are unrepresented litigants, and there are a number of cases where those unrepresented litigants go into court, speak to the judge, get an order, and don't have a piece of paper that represents what that order is. Now, you're a lawyer and I'm a lawyer, and we know that when we go to court, even if we don't have a written order, we can go back to our office, type up the order, take it back to court, and get the judge to sign it. Well, a lot of people who are unrepresented litigants don't know that they can do that, but they can walk down to the law information centre and say: "This is what just happened. How can you help me?" The law information centre can help them to prepare that order and in some cases even take it back up to the judge to get it signed.

So to simply say that these people are directing traffic, I think, does them a great disservice.

Mr. Hehr: Then I guess the follow-up question I have is: so these people do have qualifications to enable them to adequately handle these things, and they've had lots of or some experience in courthouse matters?

Ms Redford: I believe I just answered that question.

Mr. Hehr: Thank you. That was the long answer. You know, I got a long answer from you. That's all I'm saying.

If we can go to a few more things here that are still on my list. Well, I guess one thing is on self-represented litigants. Does the number continue to rise in our courthouse? Besides funding legal aid and the law centres, are we looking at any other alternatives?

Ms Redford: Yes, self-represented litigants have continued to rise. It's a reality in the system. When we talk to people who are involved in courthouse management and case management, they're very aware of that problem. One of the challenges that we face is trying to create a system where people who want to represent themselves are given sufficient time to do it. You know, previously, we'd have situations where you'd have, say, morning chambers applications and have the first matter be amongst lawyers, the second matter be self-represented. We had tremendous challenges in trying to keep the system flowing, so there has been a lot of work done under the case management program in trying to assign files appropriately.

There's also a lot of work that judges are doing in terms of pretrial mediation. You will know that it is now mandatory for people to be involved in mediation before a family application goes to court. That's an important part of what we have introduced through the family mediation service program.

7:40

We also think it's important that we find ways to ensure into the future that in order for people to access justice appropriately, they

are able to access paralegals. We're having discussions with the Law Society with respect to the regulation of paralegals and also the unbundling of services. Of course, when people go to see a lawyer right now, the professional obligation of a lawyer is the complete responsibility to that client. There are models in other parts of the world where you will see lawyers who will take on, essentially, a specific retainer on a specific piece of an action, and the Law Society is very committed to working with that. We know that lawyers are sometimes prohibitively costly for some people, so we need to find alternative methods to help them access justice.

Mr. Hehr: Just a few questions here that I want to read into the record.

The Chair: You have three minutes, just to let you know.

Mr. Hehr: Okay. Just sort of the exact number of current Crown prosecutors that are handling files. How many prosecutors retired or left their position in the last year? How many and what percentage of lawyers working for the Crown are women? How many and what percentage of Crown lawyers are disabled? That might just be for my own personal information that I'm looking for that. Sorry to the Alberta public. What is the ministry doing to increase the participation of women within the Crown's office? Is any thought being given to revising the department's position relative to maternity benefits in order to remain competitive with private firms and improve access to, I guess, long legal careers for women, which is sometimes a difficult challenge in that field?

Ms Redford: Well, I will get you the specific numerical responses that you want so that we don't take up that time.

I have been quite preoccupied with the question of whether or not women are attracted to the Department of Justice. I can't give you the statistic right now. What I can tell you is that in discussions with my senior management, they have told me very specifically that the A-level women who are coming out of law school are choosing to come to the provincial Department of Justice.

I think that whenever a person decides to take on a job, it's a big part of their life. Some of the things that we offer in the department are job security, an important quality of work, an important piece of input into public policy, and very strong individuals in a pretty respectful environment. I think that from the women I've spoken to in the department, those are all pieces that are important to them in terms of giving them the opportunity to continue to practise law throughout their lives. I think that's an important piece of why we are able to attract so many strong, skilled women to the Department of Justice.

Mr. Hehr: I know we did have a lot of the Crowns leaving the profession. Has that continued to occur over the last year, or has that abated? Do you have any comment on that?

Ms Redford: My deputy minister tells me it has abated. I will tell you that we have a number of new Crowns that have come to our department, of course, because of the increased levels of FTEs that we have. Notably, many of those Crowns have come from the federal Crown. They are attracted by the work that we are doing and seem to be very happy, so we continue to attract a number of prosecutors of a very high standard, who have been well placed in our special prosecutions branch.

Mr. Hehr: I guess the one nice thing about being a government employer right now is that many large legal firms may be trimming

their numbers, and a position in your department would be – you know what I'm saying – good.

Ms Redford: Absolutely.

The Chair: Well, thank you.

MLA Hehr, you'll have an opportunity later on in the evening to speak. You can just notify, and we'll put you down on the speaking list.

At this time we'll go to the third party. Rachel Notley, would you like to go back and forth with the minister?

Ms Notley: Yeah.

The Chair: It's your turn.

Ms Notley: Thanks. It seems like we were just doing this about, you know, three weeks ago, in fact, as opposed to a year ago. Yes. As I've said before, this is now, I think, my fifth set of estimates debates, and one of the things that happens over and over is that I run out of time very quickly. Just to emphasize, I do want to try and go back and forth. Really, I'll try and keep my questions brief, and if you can keep your answers brief so that I can get in as much as I can before the 20 minutes runs out, that would be great.

I thought that maybe I would just start really quickly with the legal services issue. I think I know the answer, but I just wanted to double-check 3.0.3, the civil law. You mentioned that that was a 13.5 per cent increase. I know you talked previously about adding more Crown prosecutors. I'm assuming that that's on a different line item. I'm just curious as to what the background is for the increase in the civil law line item area.

Ms Redford: In the 2008-2009 budget we see an increase in salary and benefits, increases for legal officer compensation. Last year in the civil law section we had forecast for the need to provide legal advice to client departments, particularly Aboriginal Relations, and work that would be done with respect to advice on P3 agreements. That work was not undertaken last year, so that money was brought forward to this year.

Ms Notley: Okay. That's great. Right. As I'm looking at that, your actual budget line item from budget to budget is not up that much. It's just from forecast to budget that it's up.

I've asked some questions about this before as well in the Legislature, but I'm trying to get at some of the answer, if not all of the answer, from a different angle. I'm wondering: what is the amount of that line item that is spent on contracted counsel that are not direct employees?

Ms Redford: We in Justice retain lawyers that we pay outside fees to of somewhere in the range of 3 and a half million dollars to 4 and a half million dollars a year. I'm not sure how that works out to be a percentage. Those are circumstances where we believe that there would be a conflict of interest if we were to proceed and act. The other piece of that would be to retain counsel where we believe that they have a particular expertise that isn't available in-house, and it usually involves highly specialized counsel.

Ms Notley: I know when I'd asked you this question before about the rate of pay, the hourly rate that is dedicated to the counsel that is hired by the government to I think in your words act as the members of the government's law firm, you said there was no ability to come up with an average amount. But it occurs to me that there must be

some type of internal policy that governs and directs how these contracts are negotiated and whether there's probably some, you know, minimum and maximum amounts in there. I'm wondering if you could tell me if there's a minimum or maximum and if you could tell me what that is right now. If not, could you provide me with that information or both, actually?

Ms Redford: The minimum is \$90 an hour, and the maximum is \$250 an hour. The rates are negotiated independently with the firm, through the lawyers at the time, depending on the nature of the work.

Ms Notley: Okay. Your staff are still saying that of that 3 and a half million dollars to 4 million dollars it's not possible to get some sort of median or average amount that's actually spent hourly?

Ms Redford: No, it's really not.

Ms Notley: You'd think that it wouldn't be that hard to find out what your range is that you're paying to people.

Ms Redford: The range is \$90 to \$250.

Ms Notley: Sorry. No. What the average is.

Ms Redford: Well, it depends on the file. It depends on the amount of work that's done on the file. It depends on whether senior counsel or junior counsel are involved in the file. So I think it is very difficult to do that, and we don't do that.

Ms Notley: I'm sure there's a qualitative difference in terms of what you get for your hourly rate, but it would seem to me that somewhere you'd probably have access to the number of hours that are paid out. If your contract specifies an hourly rate, you must have a global number of hours that are paid out and then the global amount. Then from that you could come up with – and I appreciate that that number would not reflect the qualitative differences between the type of services that were paid for, but you would still come up with some range.

7:50

Ms Redford: Well, I always joke that I'm a lawyer and not a doctor, so I'm not good at math. Honestly, when I think about the kind of retainer agreements that we sign and the way that we would do it, I cannot see how we would be able to do that.

Ms Notley: Okay. Well, I mean, this is budget estimates, and I have to say that I'm a little concerned about that ability to do that, that when the government hires outside counsel, we're not able to have a clear idea of what it is we're paying people.

Ms Redford: We have a clear idea because we negotiate a rate with them before they start the work.

Ms Notley: Right. But, then, I guess I'd like a way to find out myself, you know. I don't want each individual contract given to me. That's not the kind of information that I want. I would like to know a bit more about what we're paying for contracted-out services and what the overall cost is on a comparative level. Right now what I'm getting is that we get a range from \$90 to \$250 an hour, and it's between 3 and a half million dollars and 4 million dollars. It seems to me that if I were the Auditor General, I'd be asking for more detailed information than that and for you to have the capacity to provide more detailed information than that.

Ms Redford: Well, we do not calculate an hourly rate for the work. When you say, "On a comparative basis," then you're starting to get into the qualitative piece. I think that the information we've provided is the information that we're able to provide.

Ms Notley: Okay. Well, I think we'll probably have to agree to disagree on that one for now, but I would appreciate it if I could be provided with a copy of the policy that you do have with respect to the contracting out of those services.

Now, obviously, that leads to the next question, which, as you know, when I was first asking this question, was around the whole issue of legal aid and the fact, of course, that I've heard from a number of constituents in the justice community who are deeply concerned about the rate. I just want to confirm: is it still \$85 an hour?

Ms Redford: I think it's \$84 an hour.

Ms Notley: Is it \$84 an hour? So that hasn't been increased. I know it was increased last year, but it remains at \$84?

Ms Redford: That's right.

Ms Notley: Okay. I had asked in another written question – and to be quite honest, I haven't had a chance to flip through all my documents although it looks like I was probably doing nothing but for the last hour, but I couldn't find this. I can't remember if it was accepted or not – if it wasn't, that's fine; I don't want to have that debate all over again – the one where we had asked about the number of occasions where legal aid certificates were not actually paid out due to unavailability of counsel. There was a written question that we had put forward on that, and I don't remember debating it. I have the impression that it was accepted.

Ms Redford: I have to say that I don't recall that question, so I'm just turning to my department to see if they do. No one who is here tonight recalls that question, and I honestly can't say that I recall it.

Ms Notley: Okay. Well, maybe if I get another chance, I'll try to go through *Hansard* to find it.

Ms Redford: Okay. I'm advised that we didn't accept it, but I truly don't recall it.

Ms Notley: Okay. Well, what we were getting at again, of course, is that we have heard from constituents within the community that people have on occasion, particularly in rural areas and regional areas, been unable to secure legal counsel, notwithstanding that they've received a certificate or approval for it from legal aid. They've basically been unable to find somebody to do that work for them. That is the issue that I'm trying to get at. I'm trying to find out the degree to which that's a common problem across the board or if you're aware of that occurring in any place. The context within which I heard it was in the area of family law in particular regions of the province. Are you aware of that problem, or have you heard of that before?

Ms Redford: I can't say that I am aware of that problem. I will say, though, that I think it speaks to the discussion that I referred to earlier with respect to models of delivery for legal aid. I think it's important for us in the next short while to have those discussions with the Legal Aid board.

It also speaks, I think, to the wider issue of access to justice for individuals and whether or not they can get appropriate legal advice when they need it and whether or not that always has to be provided by a lawyer, which takes me back to the earlier reference I made to a discussion with respect to the training and the regulation of paralegals.

Also, I believe that it's important to look to that question of limited retainers and the unbundling of services. The Law Society has discussed with us the fact – well, we discussed it with them, and they agreed – that it was something that they needed to look at. You know, in law firms in some of the large cities we have situations where they refer to issues such as family law as personal law, and as a policy they simply do not do personal law. I think that speaks to the availability of legal advice for people that sometimes need very immediate and very specific and expert advice.

Ms Notley: I mean, I will probably embark on a little bit of a rant about legal aid in a moment, but I will say that I'm pleased to hear that you're talking about the clinic model. In fact, I'd like to put it out there right now. I think we maybe talked about this in the past, that in my ever-so-brief legal career and in my legal education my focus was on poverty law. I worked in the community legal aid clinic, and I have some very strong opinions on that. I've always thought that was something that Alberta was not doing a good job on in terms of investigating the opportunities that exist through the clinic legal aid model. Agreeing with you there, there's no question that in certain cases paralegals can play an incredibly important role in those contexts because you develop the expertise in certain areas of admin law, so you can get a lot done that way and really expand what you're offering. I think it can in some cases be a really positive thing. Certainly, if you move forward on that, I'd be really happy to be involved in any discussions around that because I think it can work.

Having said that, I go back to the concern I have around the budget line item. I see that it hasn't gone up from last year and that, in fact, your business plan anticipates it not going up until 2012. It keeps us all the way through. As I've constantly reiterated in every set of estimates, the finance minister stated that between population increase and the cost of living you need to increase by 3.7 per cent just to stay current. I would suggest in this case that because the average wage price index is going up so much, you probably need to do more than that. Really, what's happening is that we're reducing legal aid. We're not actually keeping up with the cost of providing it. We're reducing the service, and we're planning to do that for the next three years, which is very concerning.

I want to go back to the \$85-an-hour issue – because that's what we're dealing with right now – and just tell you an ever-brief anecdotal piece that I'm going to try very hard to say so that it's not identifying. Well, it won't be identifying. I was approached by a constituent. Their son was involved with the justice system on a criminal matter and received legal aid. In that particular case he'd been charged with a very serious offence – very serious – but also had incredibly mitigating circumstances. You know, we can all say, "Oh, everyone has mitigating circumstances," blah, blah, blah, but in this particular case there were very mitigating circumstances.

He used the legal aid lawyer, went into court. The legal aid lawyer did not investigate those mitigating circumstances, did not present them to the court, and that person has been in custody now for nine or 10 months. What happened was that mom took her very modest condominium, mortgaged it to the max, and went out and hired a lawyer at \$250 an hour, who then dug up the mitigating stuff, which had always been there – all they had to do was spend a couple

of hours on the phone – took it back, and now the son is no longer in the remand centre. But that's nine months of incarceration.

We all know that all lawyers are not created equal, so you have to account for that. But a lawyer who can only be paid \$85 an hour versus a lawyer who can be paid \$250 an hour is not equal, and we don't have equal justice. We don't have access to equal justice in this province. We don't have access to equal justice in this country. It's not just an Alberta problem; it's an everywhere problem. We don't have equal access to justice. You know, the \$85-an-hour thing; we can talk to the Law Society all we want about them acting better, but it's not happening. While the consideration of community legal clinics is a great thing, I'm really very concerned that this government does not see fit – and I'm sure it's not the minister. I know you don't make these decisions ultimately. I would certainly prefer to have seen more significant investment in legal aid. What we've got so far is nothing but a reduction.

You don't have to answer if you don't want to. I'll move on to a new topic unless you'd like to.

8:00

Ms Redford: I won't answer. Actually, what I will say is that, you know, one of the things that's very challenging with respect to legal reform is trying to change the way that people think about what we do. I think that probably with all reform that's the case. I think with justice reform and with law reform that's more the case. I would say that, as you said, all lawyers aren't created equal. But the skill of a lawyer will not be determined always by the fee that they charge.

There is no doubt that we need to take a serious look at whether or not the model that we have for legal aid is sustainable. I would suggest that the model that we have now is not sustainable. It's one of the reasons that if we look at the business plan for the next years, we have not made the presumption that the model that we currently have will be the complete model that we will have into the future. As we begin to explore, particularly in these very difficult economic times, what options we have with respect to alternative systems, we should be able to provide a more effective quality of legal service.

I think, based on a note that I just received, if you look at the budget, there was an \$8 million increase from 2007-2008. Now, that would be – what? – a 7 or 8 per cent increase.

Ms Notley: No. I'm aware of the previous increases, and that's fine, but that's because Alberta was so dreadfully behind. It brought us close to the standard, which is fine, but it's still not good enough.

Ms Redford: It's been very interesting to talk to the Law Society. I don't think that the debate is about the fee. I think that the debate is about the way that we deliver the model. That's where we're going to take the discussion. It's not about what our values are in terms of whether or not people should be entitled to equal access to justice; it's about whether or not the current model is capable of providing that into the future, and I don't believe that it is.

It will take some discussion, but it's something that in this current economic climate we are pursuing vigorously. I think that in the long run we will be able to provide a more effective level of service for people across the board.

Ms Notley: I hope so. This has been a problem for many, many years and, as I say, not just here. It's been worse here. We're now up to where everyone else is. It's actually a problem across the board, as you know. It's been discussed in many circles within the legal community for a long time.

I'd like to move to the safe communities initiative. I actually do have some straight-up questions here because I have been really

struggling to sort of follow the bouncing ball on this one, and I know that that is a good deal because there is a cross-ministry investment with all this. My understanding is that about a year ago, plus or minus, roughly \$500 million was announced for safe communities across government over three years, I believe.

Ms Redford: Right.

Ms Notley: This year, \$158 million, according to your introduction, which was helpful, found its way into the budget globally, and \$58 million of that found its way into your budget in particular. I know it's . . . [Ms Notley's speaking time expired] Okay. I'll just see if I can get back on.

The Chair: Thank you. You will have the opportunity later on in the agenda. I'll mark it down right now if you'd like.

We'll go to MLA Neil Brown.

Dr. Brown: Thank you, Mr. Chairman. I could pool my time with the minister if that's agreeable, Mr. Chairman.

Ms Redford: Sure.

The Chair: Yes. Go ahead.

Dr. Brown: I'll start off by asking, Minister, about the Alberta gang crime suppression initiative. I'm wondering whether or not the specific elements of that strategy are being funded in this year's budget. Are there also initiatives that you would want to fund out of that initiative that are not provided for in the budget, that you don't have adequate resources for? I guess also I'd be interested in knowing what elements of that cross-ministry initiative still have to be finalized.

Ms Redford: Thank you. I think this is a very exciting initiative for us. It demonstrates, I think, some of the great successes that we've been able to have so far in the Safe Communities Secretariat. When we started this work a year ago, one of the recommendations from the task force was to create a gang suppression strategy. One of the first things I have to say is that as a government we have been involved in a number of pieces of work that have addressed gangs and organized crime in some way.

However, what we have not done in the past is developed an integrated strategy. At the moment the Safe Communities Secretariat has been working to co-ordinate that strategy. The strategy has been led and developed by a person who is from the Department of the Solicitor General. The intent of that strategy is to create something long term that deals with the full spectrum of how we need to suppress gangs in this province. We deal with awareness, education, diversion, and then the enforcement and the prosecution pieces.

There's no doubt that in the first year of the safe communities initiative we focused on the policing and the prosecution pieces and finding innovative ways for the police and the prosecution to work together to deal effectively with organized crime. As we move forward, many of the resources that we're putting into that area this year will deal with work that has been done through four subcommittees that are putting together a long-term initiative that will then be consulted with stakeholders, which is going on right now. That will take place over a five-week period. That information will then be fed into a gang summit that will be held in Calgary at Mount Royal College on June 25 and 26.

The Premier has asked for that summit because what he wants us to do is to take those stakeholder meetings that are taking place

across the province, bring that information together, and come forward with a set of recommendations that will cover a number of ministries, which we will then be able to implement in the long term to deal with gangs. Some of the work that we've started to see through these stakeholder groups involves better co-ordination between Children and Youth Services and municipal policing forces around gang awareness to try to identify populations and families that might be at risk of having their children go into gangs.

We're also looking at developing plans that will ensure that we understand from a sociological level how people end up in gangs. There's a lot of research that's been done in the United States, which I'm told does not reflect the reality of Canada. So we'll do a little bit of research around this as well to ensure that we're targeting vulnerable populations and making sure that people are no longer involved or do not get into gang activity.

Dr. Brown: Just to follow up on the point about whether or not all of those implements or aspects of the gang suppression initiative are adequately resourced in your budget.

Ms Redford: Well, for the moment they are. You know, the purpose of the safe communities initiative money was to begin to develop some of these processes. My expectation is that the recommendations that we see this year will probably recommend more than simply the reorganization of resources. That will be part of it. Part of these recommendations will tell government how things could be done differently to more effectively deal with gangs. But I think that coming out the end of this year, we'll probably also see some recommendations for new initiatives. It's my expectation that we will be able to work on some of those initiatives in the short term, but in the long term I'd expect that we'd want to take a look at providing new resources to those initiatives.

8:10

Dr. Brown: Minister, in Quebec we've seen in the last couple of weeks some pretty amazing crackdowns on biker gangs. Quebec seems to have an expertise in that that stems back to their long history of dealing with the Mafia and the underground and organized crime in general down there. I'm wondering whether or not Quebec has some lessons that we can learn. Are there some techniques or methods or policies that Quebec uses in order to infiltrate these gangs and to do long-term police investigative work that seems to be extremely successful in dealing with organized crime? Are there some lessons that we can learn there in terms of dealing with criminal gang operations here in Alberta?

Ms Redford: I think that is the case, and it's been quite interesting. You know, very often when ministers go to federal-provincial meetings, we talk about co-operation amongst provinces. Sometimes it works very well, and sometimes it doesn't. I would say that with respect to organized crime, we have learned a lot from Quebec. We have had very good discussions with Quebec in relation to some of the legislation that they have put forward. They've also been very strong allies for us with respect to amendments to the Criminal Code – I won't get into those amendments right now; I might come back to them later – some of which the federal government has introduced, and we're pleased to see them. We think they could introduce more.

In terms of the work that they have been able to do around investigations, it seems to me from discussions with them that one of the most important pieces is an integrated and real-time intelligence-gathering system so that you have policing agencies across the province being able to access real-time information with

respect to criminal activity. So much of what I am now learning about how police agencies deal with gangs is building those files over such a long period of time to make sure that that spider's web of organization is fully connected and the organogram, if you will, of the organization is complete enough that when you actually go out to arrest people that are involved in the organization, you're not leaving parts of it whole. You've got to be able to dismantle it when you do that. It's what policing agencies in Alberta have told us.

One of the things we need to do in order to ensure that we are able to do that is to ensure that we have an enhanced intelligence-gathering system. One of the differences between Quebec and Alberta, of course, is the size of the population. It's also the geographic area. What we find in western Canada is that we see cross-border activity taking place between gangs in B.C., Alberta, Saskatchewan, and somewhat Manitoba. So one of the things that we have been able to learn is that with respect to intelligence gathering, it has to be much more integrated within Alberta, and the municipal policing agencies are very good at that. The RCMP also has a role in that, and I would encourage them to take a greater role. I do believe that the information sharing between provinces is important. We have decided amongst western ministers that we need to make a commitment to enhance our interprovincial intelligence gathering with respect to gangs.

Dr. Brown: Well, one last question, Minister, with respect to the gangs, and I guess I would address the general state of the law. Recognizing that the criminal law is the domain of the Parliament of Canada, are there any initiatives under way co-operatively between the provinces and the federal Department of Justice to overhaul the Criminal Code to make it an offence to belong to or associate with or conspire in these criminal organizations; in other words, rather than waiting for a particular individual to be caught in the specific act of creating one of our current crimes, make the participation in a criminal organization an offence? I believe that the United States has some laws that go back to the 1930s, when they were fighting Al Capone and his cohort.

Are there other tools that we need to have in the tool box here to shut down the gangs or participation at all or membership in a criminal organization? We know that the Hells Angels are not a friendly biker group that goes out on the weekends and enjoys motorcycle sports. We know that these individuals are heavily involved in trafficking drugs and prostitution and all manner of evil. Why can't we stop these people when we catch them in their clubhouses and we know that they're associating and conspiring to commit crimes?

Ms Redford: Well, I guess, with respect to the second half of your comments I heartily agree with you. We've seen some very difficult situations in the past year where police have been involved in very detailed investigations, particularly in British Columbia, where they have worked for years at trying to establish the nature of the criminal organizations and they have brought to bear tremendous resources to arrest people and to have them proven to be a part of gangs. Under the current law we see a number of those people not convicted. The federal-provincial-territorial ministers have had on the agenda for some time now recommendations with respect to membership in a criminal organization actually being a criminal act.

We, I believe, are making some progress. I think that the nature of the challenge that we face as provincial governments has changed tremendously in the last year and a half, and we've seen that reflected in some of our national discussions. As provinces we have brought these matters to the federal government. We have urged them to introduce amendments to the Criminal Code. It is quite

frustrating to me that they have not yet gone as far as I think they need to go with respect to criminal organizations. We have made some very specific recommendations with respect to wearing of colours, associated groups, locations of activity, and we are expecting that in the next year we will change the structure of the work that we do under policy to make it possible to more effectively prosecute these with amendments to the Criminal Code.

I do think that one of the pieces of work that we should be very proud of in Alberta is that just in the past six months we have seen members of the Calgary Police Service who have now been recognized as experts in specific gangs so that they're able to go to court and speak to whether or not people are involved in gang activity or criminal organizations. As long as we can then prove membership in those organizations, we can get some sort of a conviction. The challenge has been to know who is an authority on these gangs. We have I think seen the courts now begin to recognize that there is enough criminal activity going on in this province that there are people who understand it well enough to be experts in individual gangs. But we need to do more, and the challenge we face, as you've rightly pointed out, is that we need to amend the Criminal Code to make it more difficult to conduct this business.

Dr. Brown: Minister, I want to change gears a little bit here, and I want to talk a little bit about the reported crime rates. In particular, Statistics Canada just came out in the last week with a new police-reported crime severity index. That shows a downward trend in crime in Canada every year since 1998 with the exception of 2003, when robberies and break-ins surged. It's down 20 per cent overall.

In Alberta while we're still above the national average, we're certainly well below the other three western provinces, yet the perception in the public is the opposite; it's antithetical to that. The perception is that crime rates are going up, and particularly severe crime is going up. Both of those are, interestingly, false.

If one of the objectives in the performance measures in our justice system is to make people feel safe in their homes and in their communities, is there not a danger in not communicating some messages there that are antithetical to the news media, which always sensationalize? I mean, they want to sell advertising, and of course crime is a big seller. Is there not a danger in not communicating some of the contextual information to show that, in fact, Albertans are relatively safe in their homes and in their communities?

8:20

Ms Redford: Well, you know, that's an interesting point. As you've said, the reality is that we're not in the situation that some people in the public think that we are. People feel vulnerable at the moment. I'll speak in the context of safe communities. When I think about the work that I've done across the province talking to people, I think that people feel vulnerable because the world is changing. I think that there's a piece of them that wants to make sure that as the world changes, government and community approaches to what's going on are understanding those changes and that we're able to have dialogue about what that means and that we're able to decide what our values will be into the future and what kind of a future we want to have in our province. You know, some of the projections for population, that the population of Alberta will double by 2020, are very daunting to people.

There's no doubt that what we hear in the press with respect to crime is making people uncomfortable, but I also think that it has prompted a really important discussion. I think that it has been a long time in Alberta since we have had that talk about what we want our province to look like, what our values are, how we want our justice system to work, how we want our justice system to respond

to issues that we're facing. All of those pieces, where we talk about education and awareness and diversion, I think are very important pieces.

I would say, not even anecdotally, that in a conversation that I had with a staff sergeant from Calgary who went to a conference in Washington, DC, he spoke to someone who was involved in organized crime in Virginia. They said that 10 years ago if you had asked them if they had an organized crime problem, they would've said no. They can now track 2,000 gang members in their state.

I'm not trying to be a harbinger of doom, but I'm trying to be a realist. This province is going through profound change. People feel nervous. They want to make sure that government is showing leadership about what that change looks like and that we're having a discussion about what our shared values are and that we're going to make sure that the government approach and the justice system will be able to respond to the significant change that's coming.

Dr. Brown: Well, thank you for your answer. I certainly agree. I'm not trying to minimize in any way the fact that we shouldn't be stopping crime in every way that we have at our disposal. The point that I'm trying to make is that I think there needs to be some balance. In a performance measure, as I said, one of the objectives is to have people feel safe in their communities. If you look at Edmonton, for example, it seems to be dragging down Alberta's index of crime severity. It's up there at 131 while Calgary is only at 92. But if you look at a city like Toronto, a huge metropolitan area, at only 65, they're far lower than either Calgary or Edmonton. So it's not really the size that matters; it's really, you know, the rate of severe crime.

Ms Redford: Well, you know, when I took this job on, I had some really interesting discussions with the chiefs of police in Calgary and Edmonton. What struck me as interesting was how well they knew their cities. They talked about what was going on in the downtown core. I would venture to guess that if you talked to the staff sergeants who are involved in the districts that represent the downtown cores in both cities, they could identify for you not only the people who are on the streets downtown, for example, but also their histories. That's a really important part of what we're trying to do under safe communities.

When I said that we're trying to address the problem, I should probably have clarified that we have more than one way to address the fact that people don't feel safe. First of all, we need to deal with enforcement. We need to put people who should be in jail in jail. But as I think I said earlier, one of the things that we know from what the police have told us is that there are a number of people who are vulnerable, who are down in the streets, who need to have help, and they don't need to be in the criminal justice system. So we need to be developing programs that help those people so that they feel safe, that they're getting the help that they need, so that people feel that they're living in a community that cares about people that need support.

The Chair: Thank you, Minister.

We'll move on to MLA Kent Hehr, followed by MLA Anderson.

Mr. Hehr: Well, thank you very much, Mr. Chair. I'd just sort of like to continue on, and we'll play it back and forth. I'm going to jump all over the place, but that's sort of how I'm going to roll with the rest of this, and we'll see how it goes.

I'm just trying to follow the bouncing ball that the member from the third party left and sort of try to clarify that. It was \$158 million in total that was granted to the safe communities initiative, and \$58 million of that came to your department. Is that right?

Ms Redford: Yes.

Mr. Hehr: Okay. Then, I guess, what departments are getting the other monies, and what is it to be used for?

Ms Redford: There'll be money that goes to health, \$52 million; Solicitor General will receive \$39 million; Children and Youth Services, \$3 million; housing, \$2 million; \$1 million for Aboriginal Relations; and \$1 million for Culture and Community Spirit. There are a number of programs within those departments. I can speak to some quite specifically if you would like.

Mr. Hehr: I know a few of them that are going on, but it's just good to get a handle on it. Probably a little later on in my other questions you'll be able to direct me on what that's covering under health.

Ms Redford: Okay.

Mr. Hehr: Now, there's also what's called the safe communities initiative fund, which doesn't appear to be within that \$158 million. Is it outside of that?

Ms Redford: The safe communities innovation fund will be a \$60 million fund, and \$20 million will be paid out every year. The \$20 million fits within the \$156 million that's allocated annually. It's within the \$58 million in my department.

Mr. Hehr: It's within the \$58 million, and last year was the first year of that money?

Ms Redford: That's right.

Mr. Hehr: Do you want to just list off quickly some of the programs you guys did for that \$20 million?

Ms Redford: I think we approved 17 projects. They're throughout the province. There are some in Grande Prairie, Fort McMurray, Brooks. We funded school resource officers in some places. We funded very specific projects around sometimes partnerships between police and social workers in leadership programs in schools, after school care. In Brooks we've provided money to an organization that's involved in providing education to families that are made up of new immigrants. We've supported community policing partnerships in some Métis settlements in the north. We've provided some resource officers for family and parenting projects in Hobbema, and a few projects in Calgary and Edmonton that are related to housing and wrap-around services.

Mr. Hehr: I guess the goal in this year is to do another \$20 million, and then next year \$20 million more. Were these funds just sort of for one-year agreements, two-year agreements?

Ms Redford: They're actually projects that are funded over a three-year period. There's a set of published criteria. There are, of course, evaluation grids that we use to ensure that we've funded these projects in accordance with the objectives of the safe communities program. It's also important to us that half of those projects are partnerships between the community and the police, and the other half are partnerships amongst community agencies. But it's key that they don't go to just one agency; they have to be partnerships within the community.

Mr. Hehr: Are those reported? Can you make those available?

Ms Redford: Yes. I believe they'll be reported now that we have a new program, but we can make them available, certainly.

Mr. Hehr: Okay. That would be great.

I guess, just sort of moving on, I want to revisit it a little bit. You were fairly clear, but I'm just trying to clear this up. We talked a little bit, I believe, that other initiatives are going to come on stream. We're going to get into it later, hopefully, and the mental health court. We can discuss that briefly in a bit and all that other good stuff.

8:30

Until such time, I really see that with our growing population and with increased diligence of our police officers as well as our bail hearings, yada yada yada, I believe we'll have more people behind bars. Besides the Edmonton Remand Centre going up in 2012, do we have any other plans? Will the Edmonton Remand Centre, when it comes online, be enough? Let's be blunt here. What is the situation like at our remand centre? I'm hearing not good. Maybe you'd like to clarify or at least give me more direction than not good.

Ms Redford: Well, I guess what I'd do with that – I'm sorry to say this – is that I'd direct you to speak to the Solicitor General about that in terms of the details. I'm confident that the system that we have in place will ensure that people are treated appropriately and fairly. I think that's perhaps a discussion more for the Solicitor General than for me.

Mr. Hehr: That's fair enough. I guess just a couple of other questions. Calgary and Edmonton currently have drug courts. Currently is all the funding coming from the federal government, or is some of that coming from your department as well?

Ms Redford: Well, it's an interesting mix. The original Edmonton drug court was part of a federal pilot project, so they were initially funded by the federal government. The drug treatment court in Calgary, which is a slightly different model, was not funded through the federal pilot project; it was funded partly by the city of Calgary and partly by the provincial government. That funding came to an end at the end of 2008-2009.

The safe communities initiative believed that it was important to keep the Calgary drug treatment court in operation, so we are now funding the Calgary drug treatment court so that it can continue to do its work. Now, the reason that's important is because the Edmonton drug treatment court is now coming to the end of its operation as a pilot project, and the federal government is doing a review of the pilot projects across the country. We believe that it will demonstrate, in terms of the model that they've used, some strengths and some weaknesses.

We have a commitment into the future – and it's one of the recommendations from the Safe Communities Secretariat – to build specialized courts or diversion courts. What we are doing as a provincial government is supporting the Calgary model. We are also supplementing some work that the Edmonton drug treatment court would like to do, so they're receiving primarily federal funding but some provincial funding. What we've said, going forward, to both courts is that we want them both to be able to come to the table and discuss with us the policy and the approach to what specialized courts look like in the future.

Mr. Hehr: Well, I think that is good news. I'm glad to hear that, Minister, because I've seen the work they're doing and read some of

the literature of the Toronto courts, and I believe that's a good direction and a good investment of our tax dollars into those programs.

Moving on, a little more along that same line: how is your progress coming on mental health courts? Are we near to establishing any of these? Is there some model going to come into play here in the near future? I guess if you'd just update us on this.

Ms Redford: Well, there's a little bit of work being done in Calgary. I would like to see more done in the future. I guess I'd like to just take the opportunity for a minute to speak to what we want to do as a safe communities initiative that ties into the administration of justice.

You were talking about the successes of the drug treatment courts, and there have been some successes, but the current models are very expensive. Whether we're talking about domestic violence courts, mental health courts, or drug treatment courts, I think one of the challenges is that they are so specialized and there are so many resources that need to be devoted to them to keep them operating as a system that we need very soon as a provincial government, which has responsibility for the management of courts and the administration of justice, to say, "Look, we need to develop a court system that allows on an overall basis for specialized treatment of people who are coming through the courts" so that we will not have a mental health court that is managed by one judge but that a mental health court will be part of the court system.

We need to ensure that that is all integrated into our overall plan for court administration and the assignment of judges and the assignment of prosecutors, where appropriate, or caseworkers or defence counsel or assigned defence counsel, legal aid defence, so that we're actually treating everyone who comes through appropriately for the circumstances that are bringing them to court.

Now, that is certainly a long-term plan, but that is where we're going.

Mr. Hehr: I know you can't get it overnight, but it should be incorporated within our regular court system, some sort of model along that line which recognizes that a large portion of people who are recurring in our justice system are mental health problems, drug addicted, what have you, that need help and wraparound services that you've been talking about all evening. I understand that.

I guess, then, as part of the other half of what you would call the wraparound services and more to the safe communities initiative, can you speak a bit on the 2005 McDermott report, that said that Alberta had .45 mental health hospital beds for every thousand, well below the national average of 1.9 beds per thousand? I was wondering if you could comment on whether you had that information on the overall numbers, whether we're catching up, whether some more of this new initiative money – you've commented on some of the beds, but how we're doing on that overall number, catching up to what would be average. Whether average is correct, I don't know either. All I know is that we're low and that people have been yelling about it, so why not ask you about whether this is being accomplished.

Ms Redford: I think that's a question that you really need to ask the Minister of Health and Wellness. I would just say that it's an important part of where we want to go with safe communities and that we have been working in co-operation with Health and Wellness with respect to the funding that they're receiving through safe communities.

The important part is that we're not just simply transferring money to Health and Wellness to say: go and put the money into

mental health beds. We're saying that they need to connect into the justice system. I don't mean by that that we need to have mental health beds for people that are convicted. What we need to do is find innovative ways to treat people so that they don't end up in the justice system.

Mr. Hehr: I understand. Just a couple more questions. Do you guys have statistics there when a person does get legal aid? I believe you already answered this, but I wasn't following along. You don't keep track of statistics for if they've received legal aid and are unable to get a lawyer, or do you?

Ms Redford: Well, actually, someone from my office has found the written question that we were discussing earlier. We are accepting the question. The response hasn't been tabled in the House, but I'll just read it here, which is that Alberta Justice does not have that information. Legal Aid Alberta has advised that there were no occasions in the fiscal years 2004-2005 to 2007-2008 where approved legal services were not provided due to the unavailability of legal counsel.

Mr. Hehr: That's fair enough. You've done your due diligence on the question, and we'll go from there.

Just some more things, and this is more for your staff than you. How many applications for legal aid have we had in the last three years? I guess you could just provide that in writing. How many applications were approved? How many applications were denied by reason of financial criteria? How many applications were denied by reasons of the substantive criteria and the criteria around whether it was part of the scope of the coverage? Just some of those general questions that I'm sure your staff will be much more able to dig up. If they're unable to, well, do your level best. That's all I can ask.

Those are all my questions right now. I'll turn it over to somebody else.

The Chair: Well, thank you.

We'll move on to MLA Anderson, followed by MLA Notley.

Mr. Anderson: Thank you, Mr. Chair. I was pleased to see that the Member for Edmonton-Strathcona talked about access to justice. I think that's an important subject. Unfortunately, I completely disagree with her view on how to address the problem of access to justice, which is not a surprise.

I don't know, Minister, if you had a chance to – there was a series of articles in *Maclean's* over the last couple of months on access to justice in Canada. It specifically went through our justice system, and it detailed several troubling parts of our justice system, meaning the Canadian justice system. One of the things it talked about and noted was that we have one of the poorest lawyer-to-population ratios in industrialized countries.

8:40

Now, of course, many will say that that's probably moving in the right direction, especially this hon. member, but the problem is, of course, where there is a shortage of lawyers, like anything else, it's a supply-and-demand issue. With a shortage of lawyers, you have higher lawyers' fees, so we see that we also have some of the highest fees in the western world with regard to legal fees.

I see the number – it is \$54 million that's being estimated this year for legal aid – and I'm not going to take issue with that number because these things don't change overnight. If that's what's needed, that's what's needed for now. I guess my question is that, like so many things, if we would just get out of the way and let the

market correct itself on issues like this, it wouldn't cost us a dime. We would create a lot of new professional positions for people who would pay taxes and contribute to society. Is there a plan to increase the amount of lawyers in the system and thereby decrease the legal fees that people have to pay?

Ms Redford: Thank you for that question. I think that's an important point to consider. At the moment, when we look at the number of lawyers that are graduating within the province or come into the province, what we are told by law firms in terms of, I guess, what I'd say the legal economy is that right now this province is fairly well balanced. It's quite interesting to talk to law firms or to the Law Society here about the kind of work, honestly, that is usually done by lawyers that are prepared to take on clients that require legal aid. We see a lot of continual criminal work. We see fairly immediate and crisis-based sort of family issues.

One of the things that lawyers say to us that they are concerned about is not so much the number of lawyers in the profession but the work that they want to do themselves on instilling some of the values toward community service in the profession and understanding that there's this wide range of services that people need.

I have to say that I haven't quite ever taken that perspective on the issue, and I wouldn't mind thinking a little more about that. I think that it's pretty expensive to educate a lawyer. I don't know what the financial model would look like around that. It could be part of the puzzle. I would suggest that it's probably not the whole piece, but I don't really have enough information to suggest that it wouldn't be a good idea. It could very well be something that we could look at and factor in. I have never even honestly thought of having a conversation with the Law Society about that. I would say that it's probably a perfect example of what I'd said earlier, which was that in order to make institutional change, you need to think outside the box, which lawyers aren't always very good at doing.

I've also never had a conversation with the minister of advanced education about this. My guess would be that if he had to contemplate at the moment creating a new law school, it would probably be a pretty expensive proposition, and it might not be something that he was prepared to contemplate right now. But I think it's an interesting idea.

Mr. Anderson: Well, I appreciate that. It would obviously have to be almost a cost recovery, and the need might be to increase the actual enrolments in existing law schools first.

The series of articles on this – there were three or four of them in *Maclean's*. They specifically went through it and compared the different countries, and there was, actually, quite a distinct correlation between how many lawyers there were per person in the population and the legal fees. The more there were, the better the ratio, the lower the legal fees were. That, I think, is just one way. Frankly, if you look at the amount we spend on legal aid, not just legal aid but all these kinds of access-to-justice issues that we try to work on, I think that there might be a case for cost savings if we looked at the model, at least looked at it further.

Ms Redford: You know, the other piece that will be interesting to watch around that issue is whether or not TILMA will make a difference. The tradition of the legal profession is to protect the practice of law within each province and to control that population, and the spirit of TILMA is completely the opposite. Of course, under TILMA lawyers can move between provinces now to practise law without having to go through really onerous requalification provisions. There are hardly any now as long as they are, you know,

able to prove that they've conducted themselves appropriately in their home jurisdiction. So you might see a little bit of professional movement.

It'll be interesting to see what comes of that and whether or not that makes a difference because that could give us an indication. I think that there are a lot of people who have probably in their lives contemplated moving to Alberta but didn't want to requalify to do it, and we may see an even bigger influx of lawyers now. It would be interesting to look at that. I really had never thought much about it.

Mr. Anderson: Yeah. It's interesting, too, because there are some – I never want to accuse lawyers of ever being self-interested, but there is, you know, a line of thinking that law schools, actually, in this province have wanted to put in some more spots, but the law societies not just in this province but across the country have pushed back on that for whatever reason, whether because that would decrease the value of their services or possibly other reasons, whatever that reason is. I'm not accusing anyone of anything. It's, I think, access to justice for the average person.

An Hon. Member: It's supply management.

Mr. Anderson: Yeah, exactly. Supply management. Anyway, I'm glad that you'll look into it.

Ms Redford: You know, it's interesting to talk about that because law societies across the country have come together a number of times to talk about the image of lawyers and to acknowledge that there is a lot of work that law societies need to do to communicate to the public the kind of work that they do and the fact that there is a role for them with respect to access to justice. We're having very interesting discussions with the Law Society now. We've seen a real transition in the last two or three years with respect to these issues. So worth looking at.

The Chair: Thank you.

We'll move on to Rachel Notley, followed by Teresa Woo-Paw.

Ms Notley: Thank you. I have to start by saying – and I'm sure that the Member for Airdrie-Chestermere will take this in the tone that it's meant given that I, too, also went to law school and wrote all the exams and all that kind of stuff. I really do challenge him to make that a key platform plank in the next election: the need to deal with the lawyer shortage. I'll be paying more attention to his constituency as a result, I'm sure. Certainly, while perhaps our means are very different, the objectives are the same.

I'd like to go back to where I left off with the questions around the safe communities initiative. I know the Member for Calgary-Buffalo did touch on it. I'm going to try to not ask for the same information again. Just to go back to where we were, we've got \$158 million, \$156 million this year, \$58 million in the department. The safe communities innovation fund is being rolled out over three years. The first rollout, 20 some million dollars, is being administered through this ministry and comprises part of that \$58 million.

8:50

Just to start, perhaps, with the point ended on by the Member for Calgary-Buffalo, I sat through the estimates for the Ministry of Culture and Community Spirit, and we talked about some of the different granting programs that they have there. I know that in those cases it is possible to have each program which is funded listed on a website for the amount of money as well as what the program

is. I was on the secretariat website today trying to get a sense of what's going on and who's doing what. I would suggest that if you're creating a \$60 million fund, there needs to be some more reporting on the specifics – the details, the locations, and the programs that are being funded – since in some cases they are partnerships, I believe. They're all in response to requests, I believe – right? – from the community.

Ms Redford: Yeah. We have a request for proposals in place. I think the request for submissions went out in January. The evaluation process took place through February and March. We have, I think, now just finished advising the partners as to who has been funded and who hasn't. As we move forward, we'll certainly be doing that reporting. We are in real time just getting to the point where those decisions have been made, but we're not, of course, adverse to that at all.

In fact, I'd go further than that and say that we will celebrate these because what these are are models and examples of ways that communities are dealing with the work that they want to do, and I hope that in the future we'll be able to replicate that work. So not only will we be very widely communicating what those programs are, but I expect – and it's one of my plans – at the end of this year to begin a process of workshopping and sharing around those pieces so that we're continuing to build our community capacity with respect to that in terms of techniques and the mistakes as well.

Ms Notley: Just to go back, then, that's, I believe, roughly \$20 million?

Ms Redford: Yes. Per year.

Ms Notley: I'm looking at line item 3.0.6. Is that where you find the \$20 million?

Ms Redford: Yes.

Ms Notley: Then I'm trying to find where exactly that other \$38 million lives in your budget. I know you've talked about some of the programs, but I'm really trying to get a sense of tracking where it's spent.

Ms Redford: A big piece of it for us is our new prosecutors. It's also some of the new projects.

Ms Notley: Could you tell me exactly in terms of which line item it's in and what the exact amount is of that \$38 million?

Ms Redford: It's in 3.0.4 under Criminal Justice.

Ms Notley: And how much there?

Ms Redford: It's \$4.1 million.

Ms Notley: Okay. Then I've got about \$13 million, so that leaves – whatever 38 minus 13 is – about \$25 million. So where is the remaining \$25 million?

Ms Redford: Out of the \$58 million?

Ms Notley: Yeah.

Ms Redford: In Justice.

Ms Notley: For the safe communities initiative.

Ms Redford: I'm going to give you a breakdown after this.

Ms Notley: Can you?

Ms Redford: I can't give that to you right now, but I'll give it to you after this.

Ms Notley: Okay. I'd appreciate that because we are having a lot of talking as, again, I'm trying to track where those dollars actually are.

Ms Redford: We'll give you a list.

Ms Notley: Okay. I think the Member for Calgary-Buffalo did touch on this – I just perked up right as, I think, you guys were ending that exchange – the \$52 million that went to health this year. Now, I know the health minister spoke about 80 beds, and I believe those were talked about for last year. Or are those for this year?

Ms Redford: This year. Those are the ones I referred to in my comments at the beginning.

Ms Notley: Right. And those are the 20 addiction beds and the 60 with the pathways program? Is that it?

Ms Redford: No.

Ms Notley: I misunderstood.

Ms Redford: It's 40. I've got to go back and find my note. Do you want to ask your next question, and we'll look for that, please?

Ms Notley: Sure. I know you had started to talk about this.

Meanwhile, we're talking about diversion courts and mental health courts. My question is: to what extent is your ministry relying on those beds to be available for people being diverted out of the justice system as opposed to being immediately filled up by the people in the rest of the community who've not yet come into contact with the justice system but are in dire need of addiction and mental health support?

Ms Redford: Yeah. That goes to why you made the presumption about pathways. What we're doing with Health and Wellness is saying that we need to fund those new beds in existing programs.

Hang on. I'll just read this: 40 new residential treatment beds for young adults plus extended stay at residential centres. What I would say there is, for example, that some of those programs are community-based partnerships that are already connected with the justice system. I spoke earlier about I think it's called Aventa out of Calgary, which has a partner institution in Edmonton, that works with the court system to provide treatment to aboriginal women between the ages of 18 and 24.

Ms Notley: Right. So this is 40 new beds to that organization?

Ms Redford: Forty new beds to existing programs that are already connected to the justice system and provide services.

Ms Notley: Then the other 40?

Ms Redford: The other 40 will be additional mental health beds, which includes beds for individuals with concurrent disorders. Remember that these are beds that we are now beginning to bring on

stream. One of the things that we need to determine – and it's one of the reasons that we're doing this now in the second year and didn't do it immediately in the first year – is that we want to ensure that when we do that, we're going to be able to connect them to the justice system. So your question about simply passing money over and having it sort of, you know, disappear in the health budget is exactly what we don't want to have happen. I can't tell you specifically where that will be, but I can tell you that that is exactly our concern.

We need to make sure that as these beds are either created or funded, they are connected to the work that we're doing within safe communities. For example, there is work right now that the Edmonton and the Calgary police services are doing in identifying people who are on the streets who have committed a number of violations of bylaws and who we really want to divert out of the justice system. Now, some of those are going to pathways. More of those could go to pathways.

Ms Notley: Now, is pathways separate from the 40 and 40 that you're talking about now?

Ms Redford: Yeah. I'm using that as an example. Pathways isn't part of these 40 and 40, but as an example, if we are not able to ensure that the second 40 beds will be able to be committed to a safe communities piece, then I'd rather use them to fund existing programs that are connected to the justice system. I don't have an answer for you yet on that. I can only tell you that we are tracking that, and until we know that we can do that, we're not going to be fully engaging with those 40 beds.

Ms Notley: Then could I get from the minister a breakdown in terms of the current status with respect to the 40 and the 40, where the first 40 are?

Ms Redford: Sure.

Ms Notley: And when they are expected to be online if they're not already?

Ms Redford: Yeah.

Ms Notley: Then the status of the other 40 as it is now?

Ms Redford: Okay.

Ms Notley: And any asterisks beside them with additional information that you want to provide if you can.

Ms Redford: Yeah. Sure.

Ms Notley: That would be helpful because, as you know, there is a larger debate going on about the availability of mental health services to the nonforensic, whatever the characterization is, population. I just want to make sure that we're not promising the same bed to six different people.

Ms Redford: I'm not.

Ms Notley: Are you suggesting that perhaps someone else might be?

Ms Redford: No. I'm just telling you tonight that I'm not.

Ms Notley: Okay.

Ms Redford: And I wouldn't make that suggestion at all about the Minister of Health and Wellness.

Ms Notley: I was just kidding. Truly, I'm not going to rush out and do a press release on it, I don't think. Anyway, that's very helpful.

My final question is with respect to the secretariat. Is it under your ministry?

9:00

Ms Redford: Yes.

Ms Notley: Is there a line item for it?

Ms Redford: We have a line item for that, and I'm going to tell you what that line item is in just a moment.

Ms Notley: Could I suggest for next year's budget that you break that one out a bit more?

Ms Redford: It's line 3.0.6.

Ms Notley: Oh, it's in the safe communities, so it's part of the cost of the Safe Communities Secretariat, that additional \$9 million. What is the cost of the secretariat itself?

Ms Redford: We'll find out for you.

Ms Notley: Okay. That would be great.

I have my final question on safe communities. It may well be that I'm just not reading this properly. The budgeted amount last year was the \$84 million, and the actual spent amount was the \$21 million. What happened to the \$63 million that was unexpended?

Ms Redford: We had allocated the money equally over the three years and in the first year decided to identify the priorities that we could under the recommendations. We had surplus money in the first year, which will now be redeployed into the third year.

Ms Notley: So the third year, then. We can expect that the third year would be a \$60 million line item.

Ms Redford: Sorry. It'll be redeployed over two years. There was a decrease of \$55 million due to the transfer of \$60 million to partnering ministries to support their priority initiatives.

Ms Notley: Okay. You can understand why I am confused by the safe communities initiative now, eh? It's kind of hard to track. Basically, we'll actually see the \$60 million that was not spent last year in other line items in other estimates for other ministries. Can you tell us which ministries, where we should look for it?

Ms Redford: It's the same ministries: health, Sol Gen, children and youth, housing, Aboriginal Relations, and culture.

Ms Notley: So we'll actually see additional monies reported in these estimates in those section?

Ms Redford: Yes.

Ms Notley: Okay. I don't have that in front of me, so I'll assume that's the case, and we'll check later. If it turns out that I'm misinterpreting, please let me know. Thanks.

Just a few questions, then, to follow up on, again, some of the questions from the Member for Calgary-Buffalo. We were talking

about either the wait time for trial or the lead time, whatever it's called. I'm assuming it's the same language. You'd given some stats very quickly. You'd said that the youth court lead time was up, and you gave me a percentage amount. What's the actual number of weeks of that increase and the absolute number?

Ms Redford: It's 17.9 weeks from 15.4. That's where I said that it was an increase of about nine days or something.

Ms Notley: Eleven. Yes, that's right.

You'd mentioned your concern about inmates manipulating the two-for-one system to stay in the remand and all that. Do you have an estimate in terms of the percentage of the remand population which is there because of a desire to get two-for-one service?

Ms Redford: No. I did say it was anecdotal.

Ms Notley: Oh, it's anecdotal. Sorry. I missed the anecdotal part.

Ms Redford: I have no way of determining why someone may or may not make an application.

Ms Notley: Okay. I've got a note here: \$30 million. Sorry. Again I'm back to the safe communities. I had other notes, and I'm trying to figure out if I'd figured the answer out or not. I think we've gone through that.

I guess the final thing is one that the Member for Calgary-Buffalo had mentioned but, as you know, I had actually brought up outside of question period before that, which is the issue of the special prosecutor. I don't want to get into a debate about the specifics around the CEO recommendations. I think we'll have to sort of agree to disagree in terms of the impression.

I had sent to you some copies of the policies from Manitoba and B.C. which outlined the issue. I thought that in both cases they were quite clear that it wasn't necessarily the case that you had to be accusing anybody of actually politically exploiting the system or anything like that. Rather, the criteria was that it was a question of the perception, the degree to which the interests being potentially prosecuted could be perceived to be linked to people either making decisions or subject to people making decisions.

The issue really wasn't whether it was happening or not happening; no one is suggesting that. It was about the public – you know, justice must not only be done but must be seen to be done – and the idea of removing any possible impression of a conflict. That was a criteria, I believe, in both of the policies, and there was a very, I thought, intelligent analysis of the issue in the Manitoba documents. They'd actually had somebody come in and consider the whole issue and all the different examples. Just from that perspective have you given any consideration not so much in terms of the CEO issue but just generally on a go-forward basis to some of the what I thought were compelling arguments that underlay the decision in both B.C. and Manitoba to adopt that policy?

Ms Redford: Well, we do have a series of policies in place that are available on three different websites that set out our policies, so it's not the case that we haven't turned our mind to it. We have a specific set of criteria that we would use to determine in certain cases whether or not we should have a special prosecutor who's independent from the system. I don't have those websites at my fingertips, but I'll provide them to you. I don't want to get into a debate as to whether or not B.C. or Manitoba is better, but in terms of the fundamental principle we agree, and we think that our policies reflect that.

Ms Notley: Well, I'm pleased to hear it because – I'll be honest – I mean, I did quite a search trying to find if there was a policy. When I heard back from you, I didn't get a copy of the policy, so I'd be very appreciative of getting a copy of the policy, if we do have one, about the appointment of a special prosecutor.

Ms Redford: We'll send you the websites.

Ms Notley: The document itself would be preferable. Thank you. Those are all my questions right now.

Ms Redford: Okay. Thank you.

The Chair: Thank you. That was your 20 minutes as well. Teresa Woo-Paw and move to Darshan Kang.

Ms Woo-Paw: Thank you, Mr. Chair. My first question is around the maintenance enforcement program. Will there be additional initiatives implemented to increase the regularity of maintenance payments?

Could I ask all three questions around this program?

Ms Redford: Sure.

Ms Woo-Paw: Also, my colleague just shared with me a specific case of an Alberta woman who has been collecting the MEP for 14 years, and then her payment just stopped at the beginning of 2009. So my last question on the MEP is whether there has been a change of practice or key personnel that stopped her payment. She knows that the ministry continues to collect the money on her behalf and her son's behalf, but she has not been receiving payments since the beginning of 2009. The general question is whether there has been a change of practice or personnel and if there will be an additional initiative to increase the regularity of maintenance payments.

Ms Redford: You said that you had three questions. Is there another one?

Ms Woo-Paw: No. Two.

9:10

Ms Redford: Okay. Two questions.

Right now maintenance enforcement has a pretty extensive slate of tools that they use. I guess I'd start with saying that they will file writs under the personal property registry. They will register against real property. They will file wage support deduction notices, nonwage support deduction notices, federal support deduction notices. They will follow up on credit bureau reporting. They will pursue hunting and fishing licence restrictions, federal licence denials, financial examination hearings, default hearings, asset seizure if necessary.

You will know that we have just passed legislation with respect to the recalculation formula which I think is very important. From my own experience practising family law, I think it's probably one of the most effective tools that maintenance enforcement will have because so often we find that once an order has been filed, people who are supposed to pay will simply let that order continue to stand and not file appropriate update information with respect to their income, knowing that if they were to do that or if a variation order was sought, they would end up paying an increased level of child support. You will know that the legislation that we have just passed puts in an automatic recalculation formula where the income will be presumed to increase every year unless the payer provides information to the contrary and that that increase can continue until it

reaches a 25 per cent increase in the income of the payer. I think that's a key piece in terms of ensuring that people are providing relevant information to maintenance enforcement not only with respect to their income but also with respect to where their money is held.

In addition to that, the second question. I won't speak to the specifics of a case. There's certainly no doubt that in a system where you're dealing with as many files as we are, sometimes there are breakdowns in the system. What I would say and what I'd like to compliment the maintenance enforcement program staff on is that when we do have these situations, I find that they have been very responsive. Of course, you will know that there are a number of situations that can happen. There are a number of people involved. Usually people who have files with maintenance enforcement deal directly with individuals, so if there is an individual with changes on the file, it is possible that there could have been a delay. I'd certainly encourage the person to contact the department.

In terms of a change in policy, there hasn't been. We're very proud of the work that maintenance enforcement is able to do. I think that in terms of regularity of payment – I'll go back to that – there's a greater emphasis on putting files in place correctly at the early stages of default. There is increasing compliance with requests for statements of finance, and there's greater targeting of default debtors with equity and real property, which I know is a change since I used to practice.

In terms of individual files it is certainly the case that these things do happen, and we'll try to address those as quickly as we can. I really do want to compliment the staff for responding as well as they do to these situations.

Ms Woo-Paw: Thank you. My second question is around the Public Trustee. I see that there are several substantial increases to Public Trustee. Could you speak to that?

Ms Redford: I will speak to that. The Public Trustee, as you know, deals with a number of people who are dependent adults who don't have anyone who can take care of their affairs. Specifically, this year they will be receiving an increase. There'll be \$1.6 million increase for staffing and salary, there'll be \$700,000 for the children in care program, and there'll be a \$300,000 increase for professional services that they're required to contract in order to undertake their duties correctly as a Public Trustee. I believe also that there will be improvements in some of their technology, but those increases come from the dedicated revenue. The Public Trustee does charge a fee on the estates that they manage. Because of that, they are able to supplement some of the work that they need to do, particularly in the area of technology.

Ms Woo-Paw: My third question is around access to the justice system. Access for immigrants was mentioned in terms of demographic change. Then when I move to page 204, where the business plan speaks more specifically to strategies to address or increase access to justice for the various groups, there was no strategy identified for ensuring that immigrants have equitable access.

When we talk about ensuring access to justice, whether it's for aboriginal communities or people of a certain socioeconomic level, people with different disabilities, or cultural and linguistic barriers, I think you talk about the importance of putting the structures and process in place. You certainly have put aside resources and supports to address that. I guess what seems to be missing for me is ensuring that people in the system have the people skills to deal with these different populations.

One of things that I'm making reference to is cultural competency. Cultural competency is not just to address issues of language or

culture but also socioeconomics, age, abilities, or disabilities. Can you speak to where we will see the support that your ministry has allocated for the processes and services to ensure access for this population? I'm interested in, you know, addressing immigrant issues in the budget.

Ms Redford: I know from your history in the House that it's something that you're very passionate about. I think it's a challenge for us in Justice. No matter what Albertans we're talking about, access to justice can be challenging for people who are vulnerable in the community in terms of understanding a system that is very complicated, a system that is governed by tradition, that's governed by a very particular, even cultural, structure. I mean, we come from a British common law system. A lot of the work that we need to do around justice reform is breaking down the approaches that we take to the justice system to ensure that wherever possible the system is approachable for people who for whatever reason may not understand the system. It could be cultural. It could be language. It could be their socioeconomic background.

There are a number of pieces to that. We've spoken a bit tonight about legal aid and funding for legal aid. I would say, first of all, about that, although I don't think that's the ultimate answer, that in the context of immigrant populations a lot of the work that Justice does is translated into a number of languages. I can't tell you tonight how many of those languages that work is translated into, but in terms of publicizing to the communities that may need that help, there is a system available; there is legal aid available. That's important.

The conversation we had earlier with respect to law information centres: I was a little disappointed with the tack that it took. I see these as a tremendous value to the community. I don't see them as replacing legal advice, but I really do believe that they provide an important set of resources to people so that they can understand what is happening to them in the justice system. I don't think I expressed that clearly enough in my comments. First of all, the people who work in these centres are tremendously experienced. They are compassionate people. They understand the system, but they are not people that cannot connect to the community. They have an empathy for what is happening to people. In many cases that is why they are working at these centres. One of the things that they can do is refer people out to agencies that can serve their needs in a different way than, perhaps, the traditional legal system can or the law information centres can. I'm a little disappointed.

That was one anecdotal story that I told. It actually touched me very deeply, and I certainly wouldn't want it to be dismissed, but I would say that when I've had the opportunity to talk to people in those centres about the work that they do, they are passionate and proud and very rarely could tell me a story without crying because of the way that they impact people's lives. So whether we're talking about a specific group such as new immigrants to Canada or other groups that really need to have a different experience in the legal system, I think they're an important tool. They're something that I think as Albertans we should be very proud of because they help people to understand the system.

9:20

I think also that we need to ensure – and I think we can always do more around this – that people that are new to Canada understand what resources are available not just in the justice system but in the whole safe communities piece. We've had some very good discussions with the community in terms of creating partnerships between, you know, agencies that are involved in the justice system but also police and making sure that people understand how the system works and, I think, from what I've heard from new immi-

grant families, in many cases helping parents be advocates for their children in the system, which I think has been a bit of a weakness in the past.

Those are some of my thoughts. I think we do some of that, I think we can always do more, and I think it's a very good thing to be reminded of. Thank you.

Ms Woo-Paw: I think you spoke to institutional change, and I think that when we address these kinds of issues, we have to take an integrated approach, and they have to be congruent so it's not an add-on just at one part of the organization.

I agree with you: access to information and education is very important. I certainly did identify that as an area to ensure that there's cultural competency as well as appropriate dispute resolution efforts and workforce to improve service quality. I think we need to look at all of those areas.

My last question is on hate crime. I guess my question to you would be: do you think addressing hate crime falls within the responsibility of your ministry? I was told by groups that work on hate crime in the province of Alberta – they actually have produced a report, and they are in the process of accessing federal grants to pilot a program – that no provincial body wanted to house this kind of initiative or address this kind of issue.

Ms Redford: Well, I can't speak to that. You know, as Minister of Justice I have a number of different jobs. One of my jobs is to ensure that justice is administered well and efficiently to everyone's benefit. The safe communities piece, I think, speaks a little bit to what you're talking about in terms of education and awareness and the enforcement of the laws that we have in place.

The other piece that is very important is that as Attorney General I am the head prosecutor in the province, and I can say that in cases where those issues come up, I've never had any indication from the prosecutors that work in my department that there's any aversion or decision not to prosecute those cases. Prosecutors certainly act independently, but I have to say that there has not been an incident that has ever arisen that has caused me concern. Perhaps this is a discussion to have more with the Minister of Culture and Community Spirit, but in terms of funding initiatives I would say that within Justice we don't have a natural place for that. We have a natural place for community partnerships around dealing with issues that might result or could lead to those situations where a hate crime could be committed. So we're talking about intercultural understanding and community partnerships and that sort of thing.

In terms of pure research I would say just from previous experiences I've had in my life that something like the Human Rights Education Advisory Board – and I don't know how it works so much anymore; I used to sit on it as a member many years ago – might be an opportunity for funding. It's certainly not something that we avoid. I think it's an important piece of ensuring that we live in a safe place, and it's very important that everyone who lives in Alberta feels safe, yeah.

Ms Woo-Paw: Thank you.

The Chair: Thank you.

We'll move on to Veerji Kang.

Mr. Kang: Thank you, Mr. Chair. First of all, I'd like to thank the minister for being here three hours although you sound sick and you're pretty sick. You know, we appreciate that. [interjections] I know that. She sounds good, but under the circumstances she is definitely pushing herself.

First of all, I would like to move an amendment if I could, please. I have this amendment here. I have one for myself, and I'll wait.

The Chair: Go ahead.

Mr. Kang: Thank you, Mr. Chairman. I will read this into the record now. I move that

the estimates for corporate services under reference 1.0.4 at page 294 of the 2009-2010 main estimates of the Department of Justice be reduced by \$15,000 [for hosting expenses] so that the amount to be voted at page 291 for expense and equipment/inventory purchases is \$461,638,000.

Thank you, Mr. Chair.

The Chair: Members, the votes on the estimates will be deferred until the Committee of Supply on May 7 as well as the amendments. So that'll be the end of this. Thank you.

Do you have other questions?

Mr. Kang: I think that will be it, Mr. Chair. Thank you very much.

The Chair: We'll move on to Member Calahasen.

Ms Calahasen: Well, thank you very much, Mr. Chair. Just a few questions, more noticing the performance measures. You know, it appears that in most of the performance measures that you have, the last actual is higher than the target, so I'd like to know why you'd want to decrease that target instead of increasing it so that you can even get better and better. That's for almost all of the performance measures. That's number 1.

I'll just go through my questions, and then you can answer them. There appears to be a substantial increase in the legal services. The question that I'm wanting to ask is: are we becoming more litigious, or are we just being prepared? What are we doing relative to the increases in the legal services?

The third question. You talk about justice services to all Albertans. This is core business 3. I think that core business is a really good core business. As you know, aboriginal Canadians and aboriginal Albertans really make up a lot of the people who are in jails. I'd like to know whether or not there is going to be a kind of co-operation with the Solicitor General to be able to see how we can lower that. I know that you've been working on many things like that, so I want to encourage you to continue to do that.

Those are my three.

Ms Redford: Okay. Thank you very much for those questions.

The Chair: You have one minute.

Ms Redford: Oh, gosh. Okay. Quickly, performance measurement frameworks. It's something, I will tell you honestly, that I have been working on extensively with my department for the past year. It's something that's important to me. I'm not sure, honestly, that as lawyers we have targeted those as specifically as we need to do to truly reflect the plan, and I think you see that in the results that we have with respect to performance measurement frameworks or results within the PMF. So we are working now to next year bring forward a revised set of performance measurement frameworks that we think more accurately reflect some of the safe communities principles, which I think is an important part of what Justice needs to do.

On legal services I wouldn't say that we are more litigious, but because we are lawyers for government, if other people are more litigious, we must respond. That is a very big piece because a big part of the legal services piece is the civil lawyers that provide advice to government departments.

With respect to the work that we must do with people that are aboriginal in Alberta, recommendation 31 of the Safe Communities Secretariat said that we needed to do more work on that. We are doing work with many members of the Métis community. We are doing work with Hobbema. We are doing work in a number of different partnerships. We do need to do more. We need to look within the corrections piece at that whole discussion around diversion because as with any other Albertan that is in the correction system, it is very likely that there are many people within that system who need other kinds of help.

The Chair: Thank you, Minister. That was 125 exchanges, 250 back-and-forths. So congratulations. To top that off, with six minutes left in the second period, it's 4 to 2 for Calgary.

We will now move to adjourn this. I would like to remind the committee members that the next meeting is on Tuesday, April 28, the estimates of the Treasury Board.

Thank you so much, everyone, for your co-operation. Thank you to the staff from the Leg. Assembly. *Hansard*, thank you; well done once again. Minister, to you and your staff, well done. Good evening, everyone.

[The committee adjourned at 9:30 p.m.]

