



Legislative Assembly of Alberta

The 27th Legislature
Third Session

Standing Committee
on
Public Safety and Services

Department of Justice and Attorney General
Consideration of Main Estimates

Wednesday, February 24, 2010
6:30 p.m.

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Third Session

Standing Committee on Public Safety and Services

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Hon. Alison Redford Minister

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[Mr. Drysdale in the chair]

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

The Chair: Okay. I guess we can call the meeting to order. It's 6:30. Welcome to the meeting, everyone. The committee has under consideration the estimates of the Department of Justice and Attorney General for the fiscal year ending March 31, 2011.

I'd like to go around the table now and do introductions. We'll start with the minister, and you can introduce the staff at the table, please.

Ms Redford: Thank you. I'm Alison Redford, Minister of Justice and Attorney General and MLA for Calgary-Elbow. With me today, to my right, is Bruce Perry, ADM, corporate services; my deputy minister, Ray Bodnarek; and Lynn Varty, who is the acting assistant deputy minister, court services.

The Chair: Thank you.

We can go around the table and introduce ourselves.

Mrs. Forsyth: I'm Heather Forsyth, Calgary-Fish Creek.

Mr. Xiao: David Xiao, MLA for Edmonton-McClung.

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

Mr. Hehr: Kent Hehr, MLA, Calgary-Buffalo.

Mr. Kang: Darshan Kang, Calgary-McCall.

The Chair: Wayne Drysdale, Grande Prairie-Wapiti.

Mr. Sandhu: Peter Sandhu, MLA, Edmonton-Manning.

Ms Calahasen: Pearl Calahasen, Lesser Slave Lake.

Mr. Rogers: George Rogers, Leduc-Beaumont-Devon.

Mr. Elniski: Doug Elniski, Edmonton-Calder.

Ms Notley: Rachel Notley, Edmonton-Strathcona.

The Chair: Thank you. Pursuant to Standing Order 56(2.1) to (2.3) Doug Elniski will be substituting for Doug Griffiths tonight.

I'm just going to review the process for tonight. Standing Order 59.01(4) prescribes the sequence as follows:

- (a) The Minister, or the member of the Executive Council acting on the Minister's behalf, may make opening comments not to exceed 10 minutes,
- (b) for the hour that follows, members of the Official Opposition and the Minister, or the member of the Executive Council acting on the Minister's behalf, may speak,
- (c) for the next 20 minutes, the members of the third party [Wildrose Alliance], if any, and the Minister or the member of the Executive Council acting on the Minister's behalf, may speak, and
- (d) any Member may speak thereafter.

With the concurrence of the committee the chair will recognize the member of the fourth party, the NDP, if any, following the members of the third party, and for the next 20 minutes the member

of the fourth party and the minister or the member of the Executive Council acting on the minister's behalf may speak.

Do I have concurrence of the committee to allow that?

Hon. Members: Agreed.

The Chair: Opposed? Thank you.

I will call a five-minute break following the Official Opposition's time, at approximately 7:45 p.m.

Committee members, ministers, and other members who are not committee members may participate. Department officials and members' staff may be present but may not address the committee.

Members may speak more than once; however, speaking time is limited to 10 minutes at a time. A minister and member may combine their time for a total of 20 minutes. Members are asked to advise the chair at the beginning of their speech if they plan to combine their time with the minister's time.

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

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

The vote on the estimates is deferred until Committee of Supply on March 18, 2010.

An amendment to the estimates cannot seek to increase the amount of the estimates being considered, change the destination of a grant, or change the destination or purpose of a subsidy. An amendment may be proposed to reduce the estimate, but the amendment cannot propose to reduce the estimate by its full amount. The vote on amendments is also deferred until Committee of Supply on March 18, 2010.

Written amendments must be reviewed by Parliamentary Counsel no later than 6 p.m. on the day they are to be moved. Seventeen copies of the amendments must be provided at the meeting for committee members and staff.

A written response by the office of the Minister of Justice and Attorney General to questions deferred during the course of this meeting can be tabled in the Assembly by the minister or through the Clerk of the Legislative Assembly for the benefit of all MLAs. A copy to the committee clerk would also be appreciated.

At this time I would like to invite the Minister of Justice and Attorney General to begin her remarks. Thank you.

Ms Redford: Thank you, Mr. Chairman. I'd like to introduce the balance of officials that are with me today. Shawkat Sabur is our senior finance officer, Gerald Lamoureux is the assistant executive leader of Safe Communities Secretariat, and Jay O'Neill is my director of communications.

It's my pleasure to be here this evening to present the budget estimates for Alberta Justice. The Alberta Justice budgeted program expense for 2010-11 is \$478.6 million. This is an increase of \$11.7 million, or 2.5 per cent, from the 2009-10 forecast. Of the \$478.6 million, \$451.1 million is for voted program expenses, and \$27.5 million is for statutory expenses. This is mainly due to a one-time surplus in 2009-10. These savings were achieved by the hiring freeze and reductions in discretionary and nonessential spending.

As you will know, one of the Premier's top priorities is to ensure Albertans have a safe place to live, work, and raise their families. The safe communities initiative is the biggest anticrime project in this country, and I am happy that our department will be funded appropriately this year so that we can properly respond to these demands.

The total budgeted program expenses in government for safe communities projects is \$148 million, and it has been allocated to seven ministries, including \$51.4 million to Justice; \$48.3 million to Solicitor General and Public Security, including funding for another 100 front-line police officers in 2010-11; \$42 million to Health and Wellness; \$2.8 million to Children and Youth Services; \$2.5 million to Housing and Urban Affairs; \$0.8 million to Culture and Community Spirit; and \$0.6 million to Aboriginal Relations.

First, I'll deal with the funding that's gone to Justice. Of the \$51.4 million Justice funding, \$18.5 million is allocated under the SafeCom budget, and the remainder is included in the program budgets. Justice's allocation of safe communities funding will enhance court and prosecution service levels. These resources will address workload issues and support the implementation of the court case management project.

The \$14 million will go to grants to promote innovative crime prevention and reduction initiatives and community partnerships under the safe communities innovation fund. Originally we had targeted \$20 million annually for SCIF over three years, but we have reprofiled this, reducing the annual allocation but extending the program so that we will still spend the same amount of money. This allows us to contribute to the reduction of the provincial deficit while maintaining our funding commitment to communities through the SCIF program. By extending the program, we also provide Alberta communities more time to develop and launch or enhance crime prevention pilot projects.

Three point five million dollars is allocated for the operation of the Safe Communities Secretariat and other priorities, including the Alberta gang reduction crime strategy, developing the long-term crime prevention and reduction framework, and implementing new legislation to address gangs.

Two million dollars will go for safe communities initiatives, including the operation of the civil forfeiture office. To date the office has seized over 60 cars used in crimes and has also restrained nearly \$1 million in cash from illegal activities.

Another initiative SafeCom will be pursuing is the integrated justice services project arising from the work of the Justice Policy Advisory Committee. This project will scope out a potential pilot project or projects aimed at integrating wraparound services for those in the justice system suffering from addiction and mental health issues. This will ensure that these people get the treatment and services that they need to exit the criminal justice system and reduce their likelihood of re-entering it.

Alberta Justice is also active in planning for a proposed national symposium on mental health and the justice system. This is a challenging, multifaceted issue in reducing crime and promoting healthy, strong, and safe communities.

I'd like to turn now to the court services division. This year's operating budget for the division is \$182.3 million. Alberta Justice is developing an overarching policy framework for resolution options in the justice system, including adversarial court processes, specialized court processes, and programs and services. Court services will also be focusing on the court case management program, which will more effectively manage cases in the Edmonton and Calgary adult provincial courts. The program includes a Crown file ownership component that assigns a single prosecutor to a matter throughout the life of the case.

6:40

With respect to criminal justice, the criminal justice branch promotes safe communities by effectively conducting criminal prosecutions. This year's operating budget for the division is \$79.5 million. This year the ministry will be introducing legislation to

create a provincial witness security program that will give police and prosecutors an important tool to obtain witness testimony in serious criminal cases.

Also, phase 1 of the priority prolific offender program is currently being implemented. It involves a central team made up of police members, probation officers, a crime analyst, and other dedicated staff who monitor and track a group of 60 prolific offenders as they progress through the system. Work on phase 2 has begun, which gives offenders opportunities to seek the help they need in order to turn their lives around.

We're also hosting this year the 2010 Alberta criminal law symposium on justice effectiveness in collaboration with the provincial court. The symposium will focus on concrete steps that could be taken within a realistic time frame which, if implemented, would address some of the systemic problems that currently exist in the criminal justice system in Alberta.

With respect to legal services or the civil law branch of our department, the legal services division provides effective legal services to government to help them achieve their corporate goals. The operating budget for civil law is \$42.5 million.

With respect to legal aid, Alberta Justice helps to fund the legal services that are provided by the Legal Aid Society of Alberta. This year's budget to support legal aid is \$53.8 million, which is the same level it was at last year. At my request Legal Aid Alberta conducted a review of legal aid in the province last year and completed a report which outlined many recommendations with regard to changing legal aid. As it stood, the legal aid plan was not sustainable in its present form.

The review report, which has been developed in partnership between the department, Legal Aid Alberta, and the Law Society of Alberta, will be very helpful to both Legal Aid Alberta's board and myself in addressing the issues of how the legal aid plan should be changed and what financial resources will be needed in the future to operate it. We are currently discussing the results of the review in detail with Legal Aid Alberta to determine what changes should be made. We expect by the end of March that a joint announcement will be made with Legal Aid Alberta and Justice as to which recommendations will be put in place.

With respect to the maintenance enforcement program this year's operating budget is \$22.6 million. This year an additional \$0.3 million funding is provided to the maintenance enforcement program's dedicated revenue program to support the child support recalculation program.

Capital funding of \$50 million has been committed to the justice innovation and modernization of services initiatives.

This year's operating budget for the Public Trustee is \$14.8 million. This was a slight decrease this year due to an adjustment in the level of funding required to support the redevelopment of their information systems.

The medical examiner's office investigates all sudden or unexplained deaths in Alberta, and this year's operating budget is \$12.2 million.

There are no reductions to the number of positions for Justice this year; however, like other departments, we have implemented other cost-saving actions that impact staff, including the hiring freeze, suspension of the achievement bonus program, a salary freeze for non-union employees, and the suspension of the learning and wellness accounts. These cost savings are expected to have minimal impact on the services that we provide.

In conclusion, Mr. Chairman, we all share an interest in an effective, efficient justice system that promotes strong, safe communities and reduces crime so that Albertans feel safe.

Thank you for your attention.

The Chair: Thank you, Minister.

At this time I'd like to for the record recognize that we were joined by Mr. Cao as well.

It's Mr. Hehr and the minister for the next hour. Do you wish to go back and forth for the full hour?

Mr. Hehr: I think that'll be fine.

I'd just like to thank the minister and her staff for coming tonight and fielding some of my questions and, hopefully, clarifying some of the things I have here. Some of them are, obviously, small questions that maybe only need a short answer; some of them are more detailed. But I know that even your opening comments have alerted me to things I didn't think about, and I'm glad of that.

I think I'm just going to start off on one thing that caught my attention. I forgot that we do have a hiring freeze here in Alberta and at Alberta Justice. How has that affected your prosecutors? Have you had some retirements, people leaving the office that you haven't been able to replace as a result of that, and if so, how many?

Ms Redford: In our prosecution service we have 40 positions. Approximately half of them are prosecutors, and half of them are support staff that we have not been able to fill as a result of the hiring freeze. However, we have also been aggressively pursuing exemptions where necessary. We have been very careful to make sure and have not noted any significant reduction in our ability to prosecute. There is certainly a lot more pressure being put on the staff not only in the criminal justice division but, I'd say, very particularly in the court services division.

You know, we as a department have more personnel in our department than any other department of government that are direct employees of the government. The amount of pressure that they are under as a result of these circumstances certainly does make their jobs more difficult, particularly because they are so often dealing with people's emotions and a lot of tense situations and sometimes adversarial situations.

Thank you for raising that because I'd like to actually just pay tribute to them for the work that they're doing.

Mr. Hehr: I understand that they have a difficult job. I, too, commend them on the work they're doing.

What was the initial blueprint – if you could just remind me of that – to hire how many prosecutors back when the safe communities report first came?

Ms Redford: Under the safe communities report?

Mr. Hehr: Was it a hundred? That's what's going through my mind.

Ms Redford: We'll come back to you in just a moment on that if we can keep that conversation going.

Mr. Hehr: There we go. We might as well get to this right away. With more people entering the criminal justice system, has this caused an even greater backlog on your court numbers? What is the sense of your lead time and, I guess, your median time, which may be impacting here what's been going on?

Ms Redford: Our lead times and our number of applications in order to resolve the matter have actually gone down this year. We've had good results with those statistics. I can give you a lot more detail on that now, if you like, or later on as well.

Mr. Hehr: I'll get that, actually, later on. I think I have some numbers scribbled down here that a little bit later may be able to help us go from here.

If we could just talk about your core business plan and some of your goals and the promote safe communities report and, I guess, your objective 1.1. It mentions in there that you wanted to break down, almost, the comprehensive, long-term crime reduction and prevention framework and sort of compile it in a fashion that would have been, what I understand, more easily understandable. Is this sort of a framework available? Is it a blueprint for action that your ministry has, and would it be available for people to see?

Ms Redford: It's one of the recommendations that came out of the safe communities task force report. It's one of the recommendations that we accepted. There are a number of ways that we have begun to work on that. The first is to implement the recommendations in the safe communities task force report through the secretariat which was established in Justice. The first pieces of that, the most obvious pieces are some of the pieces that we were able to announce quite quickly around increased prosecutors and increased police officers, the hiring of more probation officers.

While we have been doing that, the second piece of work, that we think is just as important, is not only to do the work but to actually build a policy framework that we'll be able to point to. The work has been ongoing on that, and we expect that by the end of the summer, we will have that done.

Mr. Hehr: The framework?

Ms Redford: The framework.

Mr. Hehr: Okay. Well, thank you. You're obviously going to make that available to the general public and all the stakeholders?

Ms Redford: Absolutely. And that's a very important part of what the Safe Communities Secretariat needs to be about. It's about changing the way that we as communities think about what needs to happen, what government has to do to support that, how government needs to work differently to ensure that we are delivering on those commitments. You can't do that without proper public conversation.

Mr. Hehr: I understand. Do you want to just list off – are you consulting with community groups, police officers, police groups? Do you want to just name some of them?

6:50

Ms Redford: Well, I could name some of them; I won't be able to name all of them. Just as a start we'd say that we're consulting with the Law Society, with different groups of lawyers, whether it's criminal defense lawyers or even civil lawyers. We're dealing with the Canadian Bar Association. We're dealing with almost any public forum where we're able to talk about safe communities. We're also dealing right across the country, through the work that we've done in the gang reduction strategy, with small-town community agencies, with United Way, with Big Brothers Big Sisters, the Alberta Urban Municipalities Association, the Alberta Association of Municipal Districts and Counties.

Mr. Hehr: You know what actually might just be easier? This might seem a little bit redundant, but it may help us out and maybe give you some ideas as to some people you haven't – could we just get a list of those groups?

Ms Redford: A list of people we haven't met with?

Mr. Hehr: That you have consulted.

Ms Redford: I really think that it's such a comprehensive list that it would be a bit difficult. I'm not trying to be facetious about this, but in our day-to-day work we work with such a number of people. I mean, the Safe Communities Secretariat represents nine ministries that are all sitting within the Safe Communities Secretariat, and there are meaningful conversations taking place eight hours a day with government departments, with community agencies.

Mr. Hehr: Fair enough. You've convinced me. I do not need that list. Okay. There we go.

How many outstanding recommendations would still be left incomplete from the safe communities task force, if any?

Ms Redford: Well, of the 31 recommendations that were made, two were not accepted, and one of those that weren't accepted was implemented in a different way. We have made progress on, I will say, 30 of those. We have been able to fully implement many of those recommendations, and we are continuing to work on those.

Mr. Hehr: Could we get a list of the ones you've completed and the ones you're continuing to work on?

Ms Redford: Certainly. I'll provide that to you.

Mr. Hehr: Thank you. That'd be great.

Strategy 1.2 is to champion and encourage Alberta municipalities to develop and implement innovative community crime prevention strategies. I believe you said earlier that initially there was \$20 million budgeted for this year or initially in the report. We've now gone to \$14 million because of the economic times, and you want to extend it out through the length of the program. All probably laudable ideas at this time. Nevertheless, have you decided what community groups will be receiving the \$14 million? Is that already allocated for this year? Are you looking at where they are?

Ms Redford: On an annual basis we have had essentially \$20 million available through something called the safe communities innovation fund, which is on our safe communities website. All projects that we have funded through the safe communities innovation fund are on that website.

I would make a distinction. Your reference to the strategy had to do with implementing community-based crime prevention strategies through municipalities. I would say that we are doing a number of pieces of work with municipalities, with local policing agencies, in partnership with the government of Alberta with community agencies and with municipal governments. Some of those are covered by the safe communities innovation fund, but there are others that are part of our ongoing work.

For example, we have had the opportunity to fund projects outside of SCIF that have created partnerships between the Calgary Police Service's social workers, who can work in schools with respect to identifying kids at risk. So there's a whole variety of programs, some within that \$20 million SCIF fund and some outside of it.

Mr. Hehr: So I can get all the information of where these projects have gone and where they're going.

Ms Redford: That's right.

Mr. Hehr: Does it say what communities they're in, too?

Ms Redford: Yes. It's a very interesting website.

Mr. Hehr: Perfect. Then I will not ask you for the list of those either. Who knew? I've got to spend more time on the website, I guess. There you go.

You were mentioning community-based crime prevention strategies that receive funding. Are they all on the website as well?

Ms Redford: That's right.

Mr. Hehr: Okay. I'll check for them there.

Do you have a maximum grant application that can go out?

Ms Redford: Yes, we do. The maximum grant application is \$500,000 over three years.

Mr. Hehr: Have you guys had any that reached that limit?

Ms Redford: It's \$500,000 per year, and we have had some that have met that.

Mr. Hehr: You know, now that there is funding attached to some of these programs, can I get a list and the amount of funding that was attached to the list. I doubt that would be on the website.

Ms Redford: I don't know if that's on the website or not. [interjection] It is on the website.

Mr. Hehr: If it's not, can I get that information of what and how much they received? And if it is, I will go take a look.

Ms Redford: Sure.

Mr. Hehr: How many requests in total do you receive from the broader public on these types of initiatives?

Ms Redford: Well, on our last round of submissions, I think – let me just check – we received 129 applications, and we funded approximately 30 of those.

Mr. Hehr: I just ask this question because it was asked to the Minister of Culture and Community Spirit: did you guys ever have to send any letters out to any MLAs or anything saying there is funding available through this or there was more money involved in the kitty or anything like that? Were any of those letters sent out from your department?

Ms Redford: Sorry. I don't understand what you're saying.

Mr. Hehr: There was a suggestion or, actually, there was a question given in estimates with the Minister of Culture and Community Spirit, and the question was: in terms of lottery grants did some MLAs receive letters saying, "Hey, there is this money available, so why don't you apply for this type of funding?"

Ms Redford: No. We publicly announced it. We put it on the website. We talked to community agencies about it. We advertised it widely. I understand the point you're getting at. That was not an approach that we took with this fund.

Mr. Hehr: Okay. Fair enough.

Ms Redford: I should also say that even though there were 129 applications, sometimes even though the applications were submitted, they didn't meet some of our criteria. We would have liked to have funded more but obviously couldn't. It wasn't only a matter of financial limitations. We wanted to encourage partnerships, innovative ideas, pilot projects, and things that hadn't been tried in communities before. That was sort of the terms that we were trying to follow.

Mr. Hehr: I guess a follow-up question: was your granting of these dollars somewhat connected to, say, communities that had higher crime rates or where you thought the money could be most effective? Did any of that thinking come into play?

Ms Redford: Well, no, it didn't because we didn't take a statistical approach to it. Well, we'll probably get into the crime severity index later, but what we did do with it was that we went to the communities because, as you've heard me say before, I think that very often communities understand what they need. We weren't looking to only fund projects that would reduce crime statistics sort of on the ground. We've been looking at preventative projects: education projects, mentoring projects. So we did not target them to what I guess you might call high crime areas. We really took an approach that we believe that community building had to happen right across the province. So we were much more interested in funding projects where we could see a demonstrated need and the community understood where they could best use that project to meet that need, but we asked them to define their needs.

Mr. Hehr: I understand that there is an ebb and flow to this. I think that maybe one thing that the minister could consider – let's face it, I'm using, maybe, an extreme example. Probably Mount Royal doesn't need as big a crime fighting program as, say, another community in town that maybe doesn't have the community organizations up and running. What does the minister think of her department maybe taking a more activist role and selecting some of these communities that could possibly use one?

Ms Redford: I wouldn't suggest that we are passive at all. I would say that it's not as if there is a program that we fund that is the same everywhere. We have a number of people who work in the Safe Communities Secretariat dedicated to the safe communities innovation fund, and part of what they do is that when the applications come in, they call the people who have made these applications and try to get an understanding from them as to what is going on in the community, who is involved.

7:00

I also wouldn't want to leave you with the impression that these are funds that are going to, for example, a municipal community association that has a community clubhouse or something. We are very likely to fund partnerships between, you know, after school groups in northeast Calgary working with the police and teachers. We're just as likely to fund a mentoring program in Drayton Valley that is supported partly by the local municipality. There's a great variety to the programs, but what we have done according to a fairly particular set of criteria is to ensure that they are building on some sort of community initiative that really is identifying where there's a gap in the community.

Mr. Hehr: Okay. That's a fair response.

Now, has any of this funding been dedicated to crime prevention in any of Alberta's aboriginal communities?

Ms Redford: Yes. I believe that of our – I'm estimating on numbers – about 40 projects that are currently under way, there are three or four that have been targeted particularly to aboriginal communities. We have done extensive work through the safe communities innovation fund and through other work in safe communities around Hobbema. We've also funded mentoring projects in different communities both on reserve and off reserve around the city of Edmonton and not so much in southern Alberta. That's not where the applications came from, to my recollection.

Mr. Hehr: Well, thank you very much, Minister.

Ms Redford: Apparently, it's closer to 12 projects.

Mr. Hehr: Okay. If we look at, I guess, strategy 1.3, and that is: "Work with partnering ministries, policing agencies, other partners and stakeholders to implement the Alberta Gang Reduction strategy [obviously] to reduce gang activity and related violence in the province." That's from page 198 of the ministry business plan. Again, your listing of police agency and partners and stakeholders group must be fairly large.

Ms Redford: Actually, one of the things that you may already have a copy of is the work that we did last summer on the Alberta gang summit. That was a very good report not only in terms of our process for developing the strategy but also the groups and organizations that we have partnered with throughout that year as we've been building that strategy, starting with meetings in communities that have brought together stakeholders, usually 50 or 60 people at a time; networking those groups together to keep working on the policy and give us advice; and then, as you said, also partnering with government departments and with our municipal policing partners as well.

It's a pretty good reflection, actually, of the development of the gang reduction strategy, and it's proceeding very well. We have one more round of consultations to conclude with stakeholders. It's a pretty exciting piece of work because it's not only a strategy. It's really sort of, as you said earlier, a bit of a blueprint and a call to action. It's a way to think differently about what we do and why we do it and how we do it.

Mr. Hehr: Now, just speaking of gangs and their continued presence in our community, how many prosecutions of known gang associates actually took place in Alberta last year? Do we know?

Ms Redford: No. I don't have that statistic. I'm not sure that's a statistic you can define. It depends on the nature of the prosecution, whether it is prosecuted that way. That isn't a statistic that we would gather, and I don't think that there's a way to assess it from the information that we have.

The Chair: That's the first 20 minutes.

Mr. Hehr: Do you know how much of your department money is being spent on, I guess, gang prosecuting?

Ms Redford: On the prosecution of gang members?

Mr. Hehr: On gang members, gang-related crime. Do you have any idea how much that is costing your department?

Ms Redford: I can't answer that question, and I don't know how I would answer that question. So the answer is no.

Mr. Hehr: Okay. Fair enough.

Let's talk a little bit about the Alberta witness security program that is coming up this year. Obviously, I think it's probably a pretty good idea, and I've said so. Has this been called for by police groups?

Ms Redford: Well, the only existing witness protection program available to law enforcement agencies in Alberta right now is the federal witness protection program. That is a program that is more often used to relocate someone on a permanent basis or a very long-term basis.

In our discussions with law enforcement agencies across the province in the past year they identified the fact that very often in situations where there has been a great deal of violent activity, very often around organized crime and gang issues, there is a real nervousness during the investigations to witnesses coming forward and feeling safe enough to provide information in the investigation and to feel that they would be safe until the prosecution. We have determined that establishing legislation that sets out clear criteria and administrative procedures and a governance model for this program is a useful and, we think, responsible way to address the fact that the police are currently involved in this sort of thing, but we think it needs to have some parameters around it so that everyone understands what the terms are. So I've said and you've commented on, we are intending to introduce legislation this spring to that effect.

Mr. Hehr: Yeah. That sounds like a good and probably a well-needed plan.

Obviously, these things have expected costs. Now, what is budgeted for this program? What do you see on how much this program is going to cost once it is up and running?

Ms Redford: As I said, one of the things that happens now – I may not have said it, so I'll say it now – is that very often on an informal basis police will be involved in this in some way. So there are already within municipal policing agencies and within our departmental operations funds that are available to implement some of this. What this legislation will do is ensure that there is a governance model in place so that we're clear on exactly what the reason for the program is, how people will be brought into the program, what their rights are when they're in the program, how to terminate their participation in the program. The police have said that because most of the costs associated with it are around protection and they are doing some of this already, they are prepared to absorb the costs.

Mr. Hehr: Okay. Well, thank you.

I guess before I move topics a little bit, can you talk to me about the crime index you mentioned earlier, what that's about and how it's assisting Alberta and what the costs are, and bring me up to speed?

Ms Redford: Yeah. Well, the crime severity index is an index that has been in existence in Canada for some time. It's managed and researched by the National Crime Prevention Centre. The index used to statistically look at the number of crimes that took place in a province and rank provinces accordingly. Last year they changed the metrics so that they are not only looking statistically at the amount of criminal activity but the nature of the activity. So the statistic is now based on both the nature of the crime and the number of crimes. We are currently seventh out of 13 on that index. Your goal is to be 13th, to be at the bottom. Seventh out of 13 is consistent with where we have been over the past three years, I believe. Even though the metric has changed, we are still very much in the middle of the pack.

Mr. Hehr: These are based on the various jurisdictions in Canada?

Ms Redford: That's right, provinces and territories.

Mr. Hehr: Okay. Well, thank you.

I guess, you guys, if we can turn to strategy 1.6, where you're working with federal, provincial, and territorial partners and doing all sorts of stuff on the legal front, what law reform members have you and your other partners identified for fast-tracking this year?

7:10

Ms Redford: This has been a very interesting process. I think last year when I was here, I would have spoken a little bit to the federal-provincial-territorial process and the number of initiatives that are part of that. The process in the past has always been that if a government comes to the table with an issue that they want to discuss, they simply add it to the list. When there is time to deal with that issue, when the officials that are dealing with federal-provincial issues have some extra time to deal with it, then those issues get dealt with. What seemed to be happening was that there were issues that were on the table coming to federal and provincial ministers that were not, essentially, priorities anymore because of the fact that so much time had passed between the time that they were brought to the table the first time and then they were developed through the process.

So last year it was one of Alberta's successes to introduce and to have accepted a fast-track process that would allow governments to come to the table and to deal with issues on a priority basis. We were very fortunate last year not only to introduce the process but to bring with it some particular priorities. You may recall that there was a meeting of western ministers last year, and we identified as priorities legislation around updating our wiretap legislation, bail reform, and white-collar crime provisions.

Now, of course, we'd also identified two-for-one credit as something that we wanted to get done, and we've had some success with that, but those for this year will be our priority items.

Mr. Hehr: Okay. Now let's just talk wiretapping. Would it make it easier? What's the general goal here?

Ms Redford: Well, the Criminal Code legislation is fairly outdated with respect to how warrants are obtained but also what you can obtain a warrant for. For example, very often in organized crime initiatives now it's very easy to sort of go to the 7-Eleven and buy a disposable cellphone, use it for the purpose of the criminal enterprise, and then throw it away. A lot of the work that we will be doing will be around trying to find ways to ensure that we can obtain warrants in a timely fashion and, of course, dealing with IT, the Web, all of those pieces. Those are all pieces that we really need to update because it's been many years since the Criminal Code was updated with respect to those.

Mr. Hehr: On that measure how much of your budget, then, is devoted to travelling for you and your staff to this type of stuff?

Ms Redford: Well, ministers attend once a year. Deputy ministers attend twice a year. Our deputy this year is chair of the deputies group, which is very important for us in advancing our criminal reform agenda, so there may be a little more travel.

Now, we also have a few officials that work on this but not on a full-time basis. We have one lawyer out of Calgary, Josh Hawkes, who is superb and manages this process for us in a very timely fashion. He is excellent. He travels a fair amount, much more than

I would expect him to, and works very hard. I can provide you with some percentage number. It's not a very large part of our budget at all.

Mr. Hehr: On the changes you forecast on the reverse bail provisions, has there been a percentage that Alberta's correctional population would increase by implementing those?

Ms Redford: You mean in terms of if we were able to actually go forward with those provisions?

Mr. Hehr: Yeah.

Ms Redford: Not at this point in time. We're not far enough along on that yet.

Mr. Hehr: Okay. That helps. Perfect.

Do we have a total amount spent by Alberta Justice on initiatives related to the safe communities task force since 2007?

Ms Redford: Well, our budgeted amount is \$148 million a year. We have maintained that funding, and we have spent that. We intend to do that.

Mr. Hehr: Okay. We're on goal 2, promoting a fair and accessible criminal justice system. If we could talk about that for a little bit, that would be helpful for me. Do you see any needs that the court services unit has that have been presented to the ministry, and can you identify those?

Ms Redford: Needs?

Mr. Hehr: The needs of the court services. What sorts of needs do you identify that are out there? Are there any things that have to be implemented?

Ms Redford: Okay. Let me offer a few thoughts. You know, the justice system is a pretty complicated business, even for lawyers, and for a lot of people that enter the system, it's a very confusing place, so we have taken as one of our goals to try to find ways to make that system more accessible for people. Now, obviously, there are many people that can afford to hire lawyers to help them navigate the system. We think it's important to fund legal aid because that's not always the case. We think that it's important to provide services that are user friendly to people.

We have implemented now five law information centres around the province, where people can walk through the front doors of a courthouse and go and ask someone for advice about where to go and what to do and get some fairly sensible, practical advice and legal advice on where they may be in the system and what they need to do about it. We also have invested a fair amount of time and effort in our processes, ensuring that our forms are more easily understood. We think that it's important to ensure that the *Rules of Court* are written in plain language and that they are comprehensive, so we've undertaken a complete rewriting of the *Rules of Court* in partnership with our stakeholders.

We are trying to take a number of steps to ensure that we can keep people informed about the court system, to understand what it is. Of course, all the work that we do around alternative dispute resolution, mediation services, trying to keep issues out of an adversarial forum, is important. I think that sort of speaks to the basic philosophies behind what we are trying to do in court services besides the obvious piece, which is just running the day-to-day operations of the court.

Mr. Hehr: Now, do we have a total cost idea of the JIMS initiative?

Ms Redford: The justice information management system is a long-term project. We have allocated this year \$50 million in capital funding for that project, and we will have to assess at the end of the year whether or not we are in a position to move forward at the speed that we anticipate to with that. This year we'll probably spend \$8.5 million in operating funds in terms of implementing that.

JIMS, as you know, is sort of an umbrella program that will actually change the justice system delivery model in the province. Within that, there are unique pieces of work that need to be changed, things like the universal transcript format, changing the way that court reporters record court proceedings, that sort of thing, replacing the existing information management system at provincial court, which is called JOIN, which is a fairly ambitious process on its own. We also have introduced the court case management project as part of that and also file ownership as part of that.

Mr. Hehr: Okay. Is your suspicion that this will continue after this round of budgets?

Ms Redford: Oh, absolutely. It's our priority, and it must be done. It does speak to that second goal, which is to make sure that the system is operating in a way so that people can access it when they need to.

Mr. Hehr: Okay. Law libraries have cost the province roughly \$4 million annually for several years now. Do we have a targeted amount for savings with regard to this expense? Is it necessary? Is it ongoing?

7:20

Ms Redford: We are not changing our funding commitment to that. We believe that that's an important part of what needs to happen. Of course, the Internet has had some impact on that, but in terms of the usefulness of being able to sit down with the books, we think that still matters. We won't be phasing out the existence of law libraries, and of course we work in partnership with the Law Society on those. What we have done in some of our smaller courthouses is worked with judges and lawyers on how they use the law library and tried to combine their resources so that we're not necessarily funding two identical law libraries in one building.

Mr. Hehr: Or maybe one centre could have a large central unit. I don't know. There are a whole bunch of different ways you can play with this. I think that with the advent of technology probably your staff has a much better idea than what I'm talking about now.

Ms Redford: One thing I do want to say – and we do have to be careful with this – is that, as you know, in the job that I have, it's not always up to me to exclusively make these decisions on my own. You know, if we are going to do anything that might impact the position of the judiciary, then we must consult with the judiciary on that. I'm not suggesting that this is an issue where they're not prepared to work with us – as I said, in some places they have – but it does add another factor to how we make some of our decisions, particularly in court services.

Mr. Hehr: Thanks.

Have other Canadian jurisdictions gone to these law information centres?

Ms Redford: I think there are different examples in different

provinces. B.C. calls them kiosks. Ontario, I think, has similar services, but they haven't sort of branded them as a piece. We've taken it on as a fairly serious initiative in terms of ensuring that when a person walks into a law information centre, they are able to get access to some fairly straightforward legal advice but also sometimes to other services that they might need. The people who manage these centres are very often people that are very experienced managers in our social agency departments. If a person comes in and needs to be talking to Children and Youth Services or something like that, needs to get help with an addiction program, something like that, then we'll also provide those sorts of connections so that there's a central resource point for people.

Mr. Hehr: There are five of those in the province right now?

Ms Redford: I'm sorry. Four.

Mr. Hehr: Four. Where are they located?

Ms Redford: Calgary, Edmonton, Grande Prairie, and Red Deer.

Mr. Hehr: Do we have any numbers on how many people use them or on successful use or any sort of tracking of that?

Ms Redford: We do have that, and I'll get that statistic for you and give it to you. We'll have to provide that to you.

Mr. Hehr: Are these providing value? Are they worth while? Are they an experiment that didn't work?

Ms Redford: They've been a great success, and we're happy to provide you with information on that on a statistical basis.

Mr. Hehr: That's good to hear.

Ms Redford: In our performance measures we have, just purely on client satisfaction surveys, a 95 per cent response in favour of them. That's the objective of them, for people to feel that they're being useful to them and that they're able to access the system when they need to.

Mr. Hehr: Is there any indication on whether it's saving the court system time or anything of that nature?

Ms Redford: We can provide you a little more of that analysis. There have been 200,000 people that have walked through the doors since they opened, and the system has been going now for about 18 months to two years.

Mr. Hehr: If you could provide it for me, I might as well learn about it. Does that sound all right?

Ms Redford: We will.

Mr. Hehr: Perfect.

What was the total cost to establish these law information centres? Do we have a cost factor on those? If there is, if you could just provide it to me.

Ms Redford: We will.

Mr. Hehr: How much does it cost to run one of those centres per year?

Ms Redford: We'll provide that to you.

The Chair: Twenty minutes remain.

Mr. Hehr: Okay. Perfect.

Do these people fill out just a client satisfaction card? How are you getting this data that you're finding?

Ms Redford: I think they're filling out forms as they leave. Anyone that has had more than 15 minutes of service from a centre is asked to fill out a comment card.

I'm told that the annual budget for law information centres is \$857,000 for all four centres each year.

You had asked earlier about Crown prosecutors. We've created 143 positions since September 2007.

Mr. Hehr: Okay. Can you please tell me whether line item 2.1.8 – I think it's on page 290 of government estimates – which is an expense of \$857,000 listed as self-represented litigant services, is exclusively budgeted towards the law information centres?

Ms Redford: It's the law information centres.

Mr. Hehr: That's the amount. Thanks.

Now, at these law information centres are people assisted with getting information on legal aid if they need it?

Ms Redford: One of the services offered through the law information centre is that the people in the centre can arrange for consultations with lawyers who are on the legal aid roster at the time they are in the law information centres, and that's direct advice between a solicitor and client.

Mr. Hehr: So they almost know the cut-offs right away and say, "You qualify" or "No; don't waste your time there."

Ms Redford: No, no. This is to get actual legal advice about their situation. No, it's not access to legal aid. It's access to a lawyer, and at that point, then, it would be the same as, you know, when you and I were practising. If a client came through and you had a conversation with them and suggested that they needed further representation, then you may have the conversation about how they go about getting legal aid, and then they have a legal resource available to them to do that.

Mr. Hehr: To get it, then?

Ms Redford: Yeah.

Mr. Hehr: Okay. Goal 3, again, to provide access to justice services for Albertans in need. Obviously, that continues to be a challenge not only here but in other jurisdictions. It says here at 3.3: "Continue strategies to further increase the regularity of maintenance payments during a period of economic uncertainty." What are these strategies mentioned in 3.3?

Ms Redford: Well, it's been quite an interesting thing to learn about how maintenance enforcement works. As you know from last year, we have had a tremendous success in collections. In fact, the statistics are that we collect more than a hundred per cent because of arrears and that sort of thing. What we know is the fact that we have not had to reduce our staffing and that our staff are able to continue to manage the files that they have continued to manage.

We are very aware of where we have payers who are getting into trouble. You'll know we also have the child support recalculation program, which is something that can allow for child support recalculation through the program but without having to go back to court. What we have seen is that in these economic times people's circumstances are changing to the point where it's worth having a conversation with payers and saying: you know, we need to take a look at this. The objective is to keep the funds flowing for the benefit of the children, and the strategies are to work with the people who are our clients on how best to do that. It's one-to-one work, and it just depends on the particular circumstances.

Mr. Hehr: This is just a comment. You still see many people that come into my office who either don't want to get their maintenance or updated maintenance or find it too much of a hassle even though I explain this to them. It's just one of those continued education pieces where I think the Alberta government, Justice, have to sort of keep saying: that money should be available to you and your children. I'd just offer that more as a comment.

Ms Redford: Well, I'll go further than that and tell you that you'll be seeing a very interesting ad campaign in the next two or three months that doesn't focus on the recipient as much as it does on the community at large. One of the points that we're trying to make through that is that, you know, if you're obligated to make payments and child support, that's got to be your priority. If people aren't making their child support payments, then we need to understand as a community that that isn't acceptable, and we need to encourage people to take the responsibility seriously. We'll have a fairly aggressive ad campaign in the next two or three months on that issue.

7:30

Mr. Hehr: Sounds like a very progressive idea. I think that honestly sounds like a pretty good advertisement that should be out there. I actually look forward to it.

What was the total cost to set up the website that provides the list of individuals who have chosen not to pay their maintenance? Were there costs there? Is there a regular maintenance fee? What is that? Is that doing any good?

Ms Redford: I'll provide that to you. I know that the names do change on that, but I'll get you that detail on the budgeting.

Mr. Hehr: Do people check it? Do we check whether people are actually checking on that list?

Ms Redford: Sorry, do we check?

Mr. Hehr: Do we monitor statistics, whether people are actually checking into that thing? Is it working as a tool of public shame?

Ms Redford: Oh, I see what you're saying. Sort of like the number of hits on it or something like that.

Mr. Hehr: Yeah.

Ms Redford: Yeah. We'll provide all that to you. I can't do that now, but we will provide it.

Mr. Hehr: Yeah. If no one is going to it, it's not serving the purpose it was there for.

Your goal at 3.5 is to oversee legal aid in Alberta and implement

the recommendations of the legal aid review. I guess you probably won't have these numbers, but if we could get them from your staff, how many legal aid applications were received in the last three years? How many applications were approved? How many applications were denied strictly because of financial criteria? Just sort of on those three things if we can get that information.

Ms Redford: Yeah. I can probably provide some of that to you now. Percentage of certificates issued by legal aid – this is just percentages – 57 per cent adult criminal, 13 per cent youth criminal, and 30 per cent civil. But I don't have the total number here, so I'll get that total number for you.

I was reminded that the first day that the website went up on maintenance enforcement, we had 10,000 hits, and it actually crashed. So it's been quite a success.

Mr. Hehr: Really? Well, who knows? How much did it cost to fix the website that day? There you go.

Ms Redford: Well, the website was developed internally, so it was all part of regular operating costs.

Mr. Hehr: Okay. Now, let's face it here: on the surface those statistics you gave me, those numbers that you just read out to me, weren't very good on the ability to fund legal aid.

Ms Redford: Those aren't the numbers that I'll provide to you. I just thought I'd have them at the time. That's just the breakdown of what percentage of the budget goes to each category.

Mr. Hehr: Oh. Okay. Sorry about that. I thought those were numbers you were able to actually support on the applications.

Ms Redford: No, no. Those were the numbers I was able to find in my binder, but others will be provided to you.

Mr. Hehr: There we go. I'm often confused, and that happened to be one of those moments where you caught me. I'll try to hide it better than that.

Funding support for legal aid has remained at \$54 million for several years. Let's face it. We know that almost as much money as you put into that can and will be used, and I think it would serve a good purpose in that. Nevertheless, what are your thoughts on that sort of just being the base? We don't seem to be moving in the direction that – well, let me back up the bus here. We're having a very difficult time here finding access to lawyers, legal aid, what have you. People are being charged in the criminal justice system whether they need some advice regarding their landlords, regarding family law issues, what have you. Clearly \$54 million does not really represent what could be provided.

I fully understand that we're in a time of fiscal restraint; nevertheless, at the beginning of this budget cycle, the three-year cycle, we weren't, and we were still at \$54 million. I'm just wondering whether the minister has comments on that. Where would she like to see legal aid go? Does this have a place for it? You know, I was at that conference where you said that legal aid was unsustainable. Maybe it is; maybe it isn't. But there has to be some way to get people some of the basic supports they need.

I'll turn the floor over to you. Where do you want to take this? What do you think should be provided by governments? What shouldn't? Where should we go? What should we do?

Ms Redford: Well, I actually think we've made some really good

progress this past year with respect to legal aid. When we were here last year and we talked about legal aid, we were having exactly this conversation. At that point I said that I didn't think it was sustainable.

What we did coming out of the end of last fiscal year is that we sat down with the Legal Aid board, who also themselves identify some of these challenges. We said: look, we think that we need to try to discuss the model in terms of whether or not a pure certificate system is the way to proceed. You know, we're not a small province anymore. The legal issues are becoming more complicated. There are different levels of sophistication amongst clients and also different levels of legal advice that are needed with respect to certain claims.

So we agreed at that time, probably in April or May, to begin a principled approach review of the legal aid system to see whether or not the way that we were delivering legal aid was the right way to deliver legal aid. Within about two months of that I received a call from the president of the Legal Aid board, advising that the portion of their funding which is normally funded by the Alberta Law Foundation to the tune of approximately \$10 million, they had just been advised, was going to be zero for that year because there was no investment income coming out of the Alberta Law Foundation investments. I said: well, I guess it's a good thing we started this process because even in good fiscal times it would have been difficult for us to come up with the shortfall, but in these times it's not going to be possible.

We have been working very hard on this report in partnership between Justice, the Law Society, and the Legal Aid board and consulting the bench to try to come up with a range of options that we could agree to support jointly. That report is available on their website. It's a really good document, both in terms of the research that has been done and what the reviews have been by members of the legal community and also by stakeholders and clients of legal aid.

I would say that I have not personally entered into the details of that discussion because it's not really the process that we have going on right now. It will be for the Legal Aid board to decide in partnership with all of the other partners – and we're one of those partners – exactly how this could be delivered in the future. I think there will be some changes. They have suggested some changes, possibly a clinic model, possibly providing different levels of coverage with different seniorities of lawyers, depending on the issues. There's also a lot of other work that's being done with respect to the unbundling of services so that it might be possible in the future for us to work with paralegals in a different way than we do now.

These are, as you can imagine, not issues that are easily introduced into a profession that has some fairly established approaches to the way that they do their work, but we have had some really good success this past year, and I'm very optimistic about where we're going.

Mr. Hehr: Numerous recommendations have come out on the report, I'm assuming.

Ms Redford: Yes, that's right.

Mr. Hehr: And you have neither endorsed nor said . . .

Ms Redford: That's right.

Mr. Hehr: So do you plan on getting involved with this report this year?

Ms Redford: Well, as I said in my opening comments, I think by March they expect to have had an opportunity to fully consult with everyone that they would like to consult with. At that point, we'll then have a discussion about that.

Mr. Hehr: Well, say, if they get what they're asking for in the report, is there going to be a call for more government money into legal aid?

7:40

Ms Redford: You know, I'd encourage you to look at the report because it's not a report saying: okay, we need to do these 30 things, and this is how much it's going to cost. It really does balance the options. I think that what we'll have to do at that point is see how far we can go with what we have, and if we can get there, then that's fine. We are partners in this discussion. We are not sitting separately or above. We're trying to come to a fixable solution, and if we need to reconsider the funding models, we will.

I mean, we've had absolutely no success in convincing the federal government to put any money into civil legal aid for, my gosh, six, seven years now. That is another issue that we need to have a conversation about. There is no doubt that we will be at the table trying to figure this out in a way that will meet the needs of as many Albertans as we can.

Mr. Hehr: You're aware the Canadian Bar Association talked about having universal legal care. I have no idea what that would look like or how it would be provided, but I'm sure whatever is being thought of tries to encompass as many Albertans and, hopefully, many people who cannot afford legal services, which I think you and I would both agree is a large percentage right now.

Ms Redford: That's an important piece. That was the Canadian Bar Association's, sort of, main agenda item for last year, when the previous president was the president, and they have been advocating that quite heavily although it doesn't have a lot of detail behind it. I mean, you'll know that within the legal profession when we sit down with the Legal Aid board, Canadian Bar Association members are often part of that, so that's been part of the discussions. You know, the practical problem is that we have to implement these programs at a provincial level and everyone does it slightly differently, so it's a bit of a patchwork at the moment.

Mr. Hehr: So you guys haven't taken a position on this with the CBA or anything. It's just in the discussion stages.

Ms Redford: Well, we haven't discussed this directly with the CBA. That's the policy proposal that they've put forward. We have taken the approach that we've taken in working with the Legal Aid board, who are actually people on the ground who are dealing with basically the business of delivering legal aid, which is where we think the conversation has to take place, the function of delivering legal aid, not the business.

Mr. Hehr: Now, has Legal Aid made any recommendations to the ministry on financial eligibility guidelines?

Ms Redford: They've discussed it as an issue in their report. I don't think they've come down on a percentage, but they realize that's one of the pieces that we have to figure out.

Mr. Hehr: What that percentage is going to be.

Ms Redford: What that percentage will be.

Mr. Hehr: Okay.

Ms Redford: Well, it may not change. It may be that that's one of the pieces we don't have to figure out, but it's in the mix right now as one of the factors.

Mr. Hehr: Well, would they want you to pick up more?

Ms Redford: It's been quite interesting to have the conversations because they're not advocating that it must be something. They're really working with us to try to figure out what the right formula is for all of this, and it's a pretty wide-scoped document in terms of what the factors are.

Mr. Hehr: Maybe these are questions you can't – maybe I should know these. Maybe I don't know. If you can tell me what they are or your staff can tell me what they are, that would be a great piece for me. What is the net cut-off level right now for a single adult, say, to get legal aid? I'll put out some examples: a single adult, a two-person household, a family and a single child, and a family with two children. Do we have different scenarios of what the cut-off is?

The Chair: Sorry, your time is up.

Mr. Hehr: I'll come back on the list.

Ms Redford: Okay. We'll come back to those. We'll answer those for you.

The Chair: We'll take a five-minute break now and, hopefully, be back here about 10 to.

[The committee adjourned from 7:44 p.m. to 7:53 p.m.]

The Chair: We'll call the meeting back to order. We do have a quorum here.

We'll start with Mrs. Forsyth.

Mrs. Forsyth: Well, thank you, Mr. Chair. Minister, thanks for being here.

The Chair: I assume you'll go back and forth.

Mrs. Forsyth: I'm going to leave that up to the minister's discretion because time is valuable.

I want to first of all thank the minister, and I want to thank her staff. I know how hard they work putting those binders together and all the paper that's going back and forth, so thank you so much.

I want to start off if I can, please, in your Budget 2010, page 193. Under shifting social trends you talk about: "The Aboriginal population continues to be the youngest and fastest growing segment of the population and is significantly over-represented in the justice system as victims and offenders." I'd like to hear what your strategy is on that because it's not anything new. Maybe you can explain from a Justice perspective how you're dealing with that, and then I'd like to tie that into what's happening under the SafeCom initiatives.

Ms Redford: Well, you're right. It is an ongoing challenge for us. There's no doubt that as we do our work around trying to find principled approaches to dispute resolution in the justice system, a very important part of that is finding mechanisms within the court

systems and outside of traditional court systems that will deal with people that are currently in the system who are aboriginal. We have done a fair amount of work in the past two years, since I became minister, with the Minister of Aboriginal Relations, also with elders in Alberta, around the traditional court models.

You'll know – and it sounds not like a significant thing – that in the new courthouse we do have a room that is dedicated to dispute resolution according to aboriginal traditions and models, that we work in supporting an aboriginal court process at Tsuu T'ina, that we have a number of provincial court judges who are presiding over matters in communities that have very large aboriginal populations that are both trained and experienced in working with those communities to try to find alternative models, to try to find community sentencing approaches, to use sentencing circles, and to try to find ways to ensure that the aboriginal communities are involved in the work that we do around restorative justice.

The piece that I think matters the most, whether you're talking about people who are aboriginal or people who are not, is to really look at the preventative side. Under the safe communities work that we're doing, we are spending a fair amount of time partnering with Aboriginal Relations on specific projects in Métis settlements with respect to community-building initiatives and mentoring projects. Then, under the safe communities innovation fund we are supporting a number of community projects that deal with different aspects of preventative work.

Mrs. Forsyth: Thank you, Minister. We know a percentage of the population that's overrepresented in the justice system are aboriginal. What percentage of the dollars in SafeCom are going to aboriginal? You wouldn't expect it to be 20 per cent for aboriginal and 80 per cent for the rest. Have we got a balance going as far as initiatives from the money that's going into SafeCom, whether it's grants or . . .

Ms Redford: Well, it depends on what part of safe communities you're talking about because the funding that we have in safe communities is funding, some of it, that goes to particular community initiatives such as grants. There are other pieces of that funding that have gone directly to departments to do work. So, for example, as I said in my opening comments, part of that money is going to fund police officers. There's also money that goes to Children and Youth Services and to Health. We don't have a tracking system that could tell me what percentage of the money that we're spending is being spent on services that are directly targeted to an aboriginal population.

Mrs. Forsyth: But you would know how many grants you're giving and the percentage of grants under the SafeCom initiative that would be going to kind of aboriginal projects. You don't need to give me that answer right now. If you can just let me know, I'm okay with that.

Ms Redford: Okay. That's fine. So that would be the number of projects and the dollar amounts under the safe communities innovation fund, which is where we grant.

Mrs. Forsyth: Well, I mean, you don't want to be unrealistic. What I'm suggesting is that we know we've got a high population of aboriginals. So of the percentage of the grants that SafeCom is putting out, there's a percentage of that going out in grants so that they're not missing out on getting some of that money.

Ms Redford: Okay.

Mrs. Forsyth: On the SafeCom you said that the whole initiative was \$148 million, and that hadn't changed.

Ms Redford: It's \$148 million per year.

Mrs. Forsyth: Right. If I go under 3.0.6, I see there's a decrease. Have you taken a decrease in the SafeCom, then?

Ms Redford: Let me just check the line.

Mrs. Forsyth: It's 3.0.6. If you go to your '10-11, it's \$18.513 million.

Ms Redford: That's a reduction of \$5 million. You'll recall that in my opening comments I talked about how we were going to have to reduce the safe communities innovation fund for this year but that we would extend the projects to outer years. That money will still be spent, but it won't be spent this year.

8:00

Mrs. Forsyth: Okay. The safe communities: you said that was \$148 million per year. That's in total, right?

Ms Redford: Yes.

Mrs. Forsyth: I'm assuming that that \$148 million is all the money under SafeCom that can go to, like, children's services, aboriginals?

Ms Redford: That's right. Oh, I see. You're saying: why is there \$18 million there and not \$148 million? Is that your question?

Mrs. Forsyth: What I'm saying is: why are you taking a decrease in Justice when I understood that \$148 million was the same from year to year in the total budget?

Ms Redford: Right. It is the total budget, but the safe communities innovation fund is housed in Justice. The Safe Communities Secretariat manages and disburses that fund.

Mrs. Forsyth: Okay. I got it. Sorry. I'm slow some days.

I want to talk to you about the specialized court processes and where we are on this. One of the recommendations in the task force report was about domestic violence courts, drug treatment courts, and mental health courts. You know, I'm hearing great successes on that. Are you going to continue to support those?

Ms Redford: We are going to do what I hope is even more than continue to support them. We will continue to support them in their present form. We have done even more than we had anticipated with respect to some of the courts. With respect to the domestic violence court in Calgary we have not only provided funding through Justice. We've also worked with them on a safe communities innovation fund project, that has been funded by SCIF, to do some interesting partnering work with the Calgary Police Service that they weren't able to do with their operational budget.

I want to speak for a minute – and I'll come to this – about the drug treatment courts. You will know that the drug treatment court in Edmonton is funded as part of the federal pilot project on drug treatment courts. The drug treatment court in Calgary was not included in that pilot project, which we think was a mistake. Nonetheless, we have funded that court so that it has been able to continue to operate after the city of Calgary reduced their funding to the court approximately 15 months ago.

One of my concerns about alternative courts at the moment is that while they are continuing to do very good work, I think there is much more opportunity to use them. Some of what we are starting to do now is to work on a process where we not only have dedicated courts that will deal with these issues within the justice system, but we also need to begin to build the capacity within what we think of as the more traditional court system to deal with these issues like this all the time as they come up. We've started an initiative called a principle-based approach to dispute resolution, which will begin the conversation with stakeholders on how we can take some of the principles that are in those courts and introduce them into the justice system more fully.

Mrs. Forsyth: Thank you. If I may, Chair. I only have, I understand, 20 minutes, so if I could just throw some questions at you. If you wouldn't mind just maybe providing them in writing. Sorry; this is no criticism of you, Minister.

I just want to follow up on what the Member for Calgary-Buffalo said. You indicated you would provide more on where we are on all the recommendations under safer communities, so I appreciate that. I want to ask you about goal 1 under Justice, that you continue to lead the cross-government safer communities initiative and talk about how "the framework will incorporate existing strategies that prevent and reduce family violence." How can you do that when under children's services they've reduced the family violence budget? That's one of my concerns. You have it in yours as one of your number one priorities, strategic priorities, yet if you go to children's services, we have the highest domestic violence in the country, and I know you know that as the minister. Yet the minister of children's services has reduced that budget. I guess that maybe, working with your SafeCom and your ministry, you can ask, maybe find out about that.

Ms Redford: So you want me to get you more information on that? I'm happy to do that.

Mrs. Forsyth: I want to ask you what your long-term, comprehensive crime reduction/prevention strategy is if I can, and that comes out of SafeCom.

Ms Redford: Well, as I said, we'll be releasing that in the fall.

Mrs. Forsyth: Under Public Trustee there is a huge increase in that, and I'm wondering why. If you go under the department summary of voted expenses and equipment/inventory, under Public Trustee there is a significant increase. I'm wondering what that has to do with, the increase to \$2,240,000.

Ms Redford: Okay. The increase is from the 2009-10 budget forecast from the third quarter, so it's not actually an increase. It's an increase in what the forecast was in the third quarter of last year. I'll write an answer to you on that.

Mrs. Forsyth: Okay. Thank you.

Then I'm going to ask you about the criminal justice estimates 2010-11. They have increased despite the fact that the criminal justice forecast is down. Maybe you can do the same thing for me because we're getting into some pretty technical things.

Under new technology I found it very interesting. If you go to page 195, the first paragraph:

Automate processes and make services and information easier to access. Some jurisdictions have used technology to allow police to electronically request a warrant from an on-call judge who instantly

reviews the warrant application and approves, denies, or whatever. How well is that working and where?

Ms Redford: This is a piece around general principles as to where we're trying to get to. This is not our jurisdiction that is currently doing this. These are other jurisdictions that are doing it, and we're thinking about how we could do this as part of our change in operational ethos, I would say.

Mrs. Forsyth: Okay. Number 4, efficiency in the justice system. You talk about using resources efficiently in support of the minister's mandate through the justice innovation and modernization of services initiative, JIMS, the court case management program. I think that's something you alluded to when I was asking you in question period. I'd like it if you could please provide me with some information on that versus what the recommendations in the task force were because I think we're talking about two different things. You don't have to answer right away. I'm fine with you letting me know.

Ms Redford: All right.

Mrs. Forsyth: Let's skip to the minister's office for a minute and to your budgets. Congratulations on taking a decrease in the minister's office, the deputy's office, communications, corporate services, human resources, and management information services. What did you do in your office to decrease?

Ms Redford: What did I physically do in my office? Well, we're very aware right now, quite honestly, of some pretty practical things like expenses around hosting. For example, if we have meetings, we try to ensure that we're not having them over mealtimes. It sounds like a small thing, but in fact if you think of the number of meetings that you have on an ongoing basis – it is that. It's those sorts of pieces.

Mrs. Forsyth: Well, it's nice to see, when you're reducing some of the budget areas, that the minister shows an example, and I think that's very good.

I want to go back to the Alberta witness security program. You talked about establishing the legislation. On the budget you had no real answers because of the fact that you said that the police will probably absorb the costs.

Ms Redford: No. That was a real answer. This has been particularly discussed with Justice, with Solicitor General, with municipal policing agencies. As I said, they informally do a lot of this work now. What the legislation will do is put regulations around the governance piece to this.

Mrs. Forsyth: Physically the police will pay for it?

Ms Redford: Yes. But that is an answer.

Mrs. Forsyth: Okay. I realize that, but what I am getting to is that if the police are going to pay for it, the money that the police get still comes from the taxpayers of Alberta, whether it's from the Solicitor General or if it comes from the city of Calgary. I guess that question would then go to the Solicitor General: who's going to be paying for this? You know, I support it, but it would be nice to try and figure what the cost is. When I was the Solicitor General and we had witness protection – it's not a cheap program. I think it's important to understand. You're setting the legislation.

8:10

Ms Redford: We have costed this out in co-operation with the police. We're just not paying for it. Justice isn't paying for it.

Mrs. Forsyth: Okay. We'll just take that and ask the Solicitor General what he feels the costs are. You're providing the legislation, and they're going to absorb the costs under the Solicitor General through the policing.

Ms Redford: Municipal policing agencies are absorbing the cost, not the Solicitor General.

Mrs. Forsyth: But the municipal policing grants come from the Solicitor General, the majority of them, except some of it that comes from the city of Calgary. They have some money, and we have municipal policing grants that come from the Solicitor General.

Ms Redford: Okay. But it's not a program that will be paid for out of the Department of the Solicitor General as a program in the way that I understand provincial government departments pay for programs. It may very well come out of the municipal policing grant. That will be a decision that municipal policing agencies will make in terms of how they fund the program.

Mrs. Forsyth: Okay. I want to go to goal 2 and strategy 2.1: "Implement new Rules of Court and monitor their use and impact on making the civil justice system more fair and accessible." How are you going to do that?

Ms Redford: Well, we've just gone through a 10-year process of rewriting the *Rules of Court*. It's a process that involves the Alberta Law Reform Institute, the bench, lawyers. It's the first time the rules have been rewritten in 40 years. The way that the rules of court have been developed in many jurisdictions is to simply make amendments as needed and then provide supplementary rules.

This has been a process of developing a completely integrated and up-to-date set of rules that are working to ensure that there is less adversarial opportunity in the system, that the rules around providing evidence are clearer, that there is more of an emphasis on using alternative dispute resolution models ahead of time. What we will probably find as a result of this – and it was the intention going into it – is that the process would become less adversarial, therefore more approachable and less costly, and those rules will be introduced in November 2010.

Mrs. Forsyth: Thank you.

The Chair: Mrs. Forsyth, the time has expired.

The next 20 minutes will go to Ms Notley and the fourth party. Would you like to go back and forth with the minister for 20 minutes?

Ms Notley: Absolutely. That would be great. Thank you. Again, thank you to everybody who is here tonight and who has undoubtedly done a great deal of work in preparation for this. Thank you for all of that work.

Just as a starting thing, because I have so little time to go through these things, there may be the occasion when, even though you're talking about something that's really important, I'm seeing a shiny object and I'm less interested in that particular issue and want to move on to something else before I run out of time. I just want to put it out there that I'm not actually interrupting you. Well, actually, I will be interrupting you, but I will be doing it with the greatest of

respect just to move on to another issue if I'm concerned about the amount of time that I have. So I'd just like to put that out there at the outset.

I'd like to just start by going to the issue of the safe communities. I think you have potentially gone over this in answer to all the various questions, but because it's sometimes hard to keep track of, I'm going to ask you four questions and see if you can give me a quick summary of what you've probably already discussed.

The first one is: what is the total amount of money budgeted for safe communities? The second one is: over how many years originally and now? The third one is: for this year into which ministries has money been sent or allocated from that fund, and how much for each ministry in this year? Then the fourth question: in which line items would I find the safe communities funding which has been allocated to your budget this year?

Ms Redford: Okay. I'll start with the first three.

Ms Notley: Thank you.

Ms Redford: There's \$148 million per year for three years. The only exception to that will be this year, where we will extend out the spending of \$5 million from the safe communities innovation fund into next year. Also, we may this year not have the opportunity or the ability to spend all of the \$148 million, or the part that's been allocated to Justice, because of the hiring freeze. If any of our initiatives involve hiring people, then we won't be able to fill those positions, and I expect that that would be the case for other government departments as well.

Your third question, quickly: Justice was \$51.4 million; Solicitor General, \$48.4 million; Health and Wellness, \$42.1 million; Children and Youth Services, \$2.8 million; Housing and Urban Affairs, \$2.5 million; and \$1.4 million to Culture and Community Spirit and to Aboriginal Relations essentially equally, I think approximately \$700,000 each.

The line items for SafeCom are 3.03, 3.04, and 3.06.

Ms Notley: Thank you very much. Excellent.

Okay. If I could, then, just do a quick comparison with last year's budget from this year's budget. On page 291 in this year's estimates on line 3.0.6 we have allocated \$25.6 million. I'm just trying to get this clear in my head. In this year's budget document you note that the 2009-10 budget allocation was \$25.6 million, but in the budget document from last year it is actually \$29.3 million. I'm wondering what the reason is for this \$3.7 million discrepancy in the reported budget items.

Ms Redford: It was moved to 3.0.4 to hire Crown prosecutors.

Ms Notley: Okay. Then I'll just go directly to the Crown prosecutors issue. I know that you did indicate that there were roughly 140 hired since 2007.

Ms Redford: Sorry. No. I'm reading my note here, and it's 143 positions, but that also includes support staff. I should make that point. I'm just reading my note here: 83 prosecutors.

Mr. Hehr, when I answered your question, I said 143 prosecutors since 2007. That was including support staff, so it's 83 prosecutors since 2007.

Ms Notley: I have notes – and I think it might have been arising from our estimates last year – that the plan was, potentially, to hire about 25 last year. What was the plan, when we spoke last year, to hire last year? How many new ones last year?

Ms Redford: Eleven, I think. It was 11 for safe communities last year.

Ms Notley: Right. Then we have roughly 20 unfilled vacancies at this point. So what's our net this year for prosecutors?

Ms Redford: Our net?

Ms Notley: You have roughly 20, I believe, unfilled vacancies.

Ms Redford: Yeah. Right.

Ms Notley: Which I presume became vacant since the hiring freeze, over different periods of time over the course of the last 12 months.

Ms Redford: Through attrition.

Ms Notley: Then in the meantime there was a plan to hire 11, which I'm assuming were hired before the hiring freeze, or were they not?

Ms Redford: Not all of them were hired.

Ms Notley: My question is: what is the net increase or decrease of Crown prosecutors between this time last year and now?

Ms Redford: We'll tell you that.

8:20

Ms Notley: Okay. Of course, that then goes to the question: if that \$3.7 million was moved to a different line item, what happened to it if we actually lost prosecutors?

Then the other question that I have is that in last year's estimates the '08-09 forecast was that for '08-09 there would be a spending of \$21.1 million on safe communities, but this year's document shows that in '08-09 the actual was only roughly \$11 million, so we seem to have a \$10 million shortfall. Was that moved to a different line item somewhere?

Ms Redford: I think I'll give you a written answer to that. That will probably be a little more informative than this process.

Ms Notley: Okay. I'd be looking forward to a written answer for that since safe communities is one of those things that we do hear a great deal about, and we want to be able to sort of follow that money a little bit.

Okay. Then for the safe communities initiative fund, that's \$60 million over three years. Is that the deal?

Ms Redford: That's right.

Ms Notley: Okay. Last year we spent roughly the \$20 million that we planned to.

Ms Redford: That's right.

Ms Notley: Okay. On that one, our note, having looked at the stuff on the website about what was allocated, was that there were roughly 7 of the 40 projects which related to aboriginal interests, shall we say. I guess my concern is: given what you so clearly identify at the very outset of your budget plan and the challenges that the aboriginal community faces, why would we only be having 7 out of roughly 40 applications dealing specifically with that issue, which appears to be the dominant area requiring prevention and support and all those kinds of things?

Ms Redford: Well, one of the approaches that we've taken with that fund is that we do need to work with communities that define projects. We do not and have not with that fund as a practice developed projects for communities. We believe that there are a number of opportunities for communities to come to work with us on those projects, and we certainly at every opportunity include very senior leaders from social justice programming within the aboriginal community in our discussions, whether it's JPAC or the gang reduction strategy, that sort of thing, and in those discussions have the opportunity to talk to them about the fund, about what a project might look like. We've been, I think, really fortunate to have received some very good projects that we've funded, but we have not set quotas on that fund, and we don't intend to.

Ms Notley: See, my concern would be that if you have, as identified within your budget document, a clear community which is in need and is clearly suffering from some marginalization, in whatever capacity – we've got these situations where they are so overrepresented both in the corrections system as well as in the justice system – are we not sort of enhancing systemically that marginalization by saying to them that you only get the money if you can show up with your plan and all this kind of stuff, all this expertise that needs to be in place in a particular community in order to write the grant requests and formulate the grant requests and put together all that kind of support to make that money work for you? Are we not structuring this in a way to potentially exclude the very communities which the money is, theoretically, designed to provide support to?

Ms Redford: Well, the money is designed to deal with a lot of different communities. I would disagree with your characterization of the discussions that we might have with any communities that might be interested in those funds.

The safe communities innovation fund is one piece of the work that we do in Justice around safe communities. We also directly fund Métis settlements. We have been doing a great deal of work within the normal core of our Justice business around Hobbema and putting alternative court models in place there. We've dedicated both experienced prosecutors, judges, and probation officers to that system, where we have tried to develop and have had some success in building almost a community court model. So there are a number of different initiatives that take place where we are trying to address issues as they come up. The other piece is that there are a number of programs that are funded through SCIF that identify kids at risk in general. To presume that the only way to deal with a particular issue might be to fund an organization that is aboriginal in nature I don't think is the only way to deal with this issue, and it's not the only way that we are dealing with it. It's one tool in our tool box.

Ms Notley: Right. I mean, I'm just looking through. The seven that I identified weren't seven aboriginal organizations. They just happen to be seven organizations that identified aboriginal people as being the primary beneficiaries of the program, so I think we're kind of covering that off there. I guess I'll leave that point on the record, that I am a little concerned that that model is not necessarily going to be the best model to get the money where it needs to go the most, and since we're always talking about targeting our funds and making the dollar go as far as it can in the place that it's most needed, I'm just putting that out there as something that needs to be considered.

I would like to just talk a little bit about the beds, the treatment beds. I'm wondering if I can get an update from you with respect to what beds, either mental health or addictions based and/or a combination of the two, have been funded through safe communities in the last 12 months and through which ministries they were funded.

Ms Redford: Okay. Now, just give me a minute because I've got two different pieces of information. One is fuller than the other, and I want to make sure that I use the right one. Okay. Here we are. Eighty treatment beds have now been opened out of SafeCom money: eight at Aventa in Calgary, 22 at Poundmaker's Lodge, 10 opened at Enviros Wilderness School with an additional five to be opened once renovations are completed at Shunda Creek, nine beds at the Southern Alberta Forensic Psychiatry Centre, 25 concurrent beds at the Centennial Centre for Mental Health and Brain Injury, and six complex intervention beds at the Peter Lougheed Centre.

Ms Notley: To get access to these beds, just to be clear, are these people that are involved with the justice system? I mean, how do they get to these beds?

Ms Redford: It depends on which program the beds are in.

Ms Notley: How about Aventa?

Ms Redford: At Aventa they are addiction treatment beds that are used as part of conditions of release. That's what they are.

Ms Notley: Okay. And Poundmaker's?

Ms Redford: Is the same.

Ms Notley: And Enviros?

Ms Redford: With Enviros I'm not sure.

Ms Notley: Can you let me know?

Ms Redford: I'll get you the answer to that.

Ms Notley: The one after Enviros, with nine, which I didn't write down.

Ms Redford: The Southern Alberta Forensic Psychiatry Centre.

Ms Notley: So that would make obvious sense.

Ms Redford: That's right.

Ms Notley: The centennial centre?

Ms Redford: I will get you that answer. And the intervention beds are the same as the forensic psychiatry beds.

Ms Notley: Okay. That's helpful to have that laid out.

I'm going to move really quickly to the issue of legal aid and self-represented litigants just while I have the time. We have already canvassed some of the stuff that was discussed in the legal aid review. First of all, they talked, as you mentioned, about basically an annual shortfall of about \$20 million a year. Before we get into sort of these bigger issues of long-term sustainability and how we can restructure legal aid around that issue, it seems to me that there is a more emergent issue, that this year they've got a \$20 million shortfall. What is the plan with this ministry with respect to that \$20 million shortfall that's facing everybody head-on at this point?

8:30

Ms Redford: Well, we're also facing the same challenge. When they came to us with that issue, we talked to them about what we were able to provide, and we've been told that even though their

anticipated budget had included an extra \$20 million, because of the way that they've been able to manage their operations and their certificate dispersal, they will be able to meet their obligations in their business plan with the funds that we've provided.

Ms Notley: That's roughly a 30 per cent reduction in what they would have been budgeting for.

Ms Redford: And I've been advised that they have a \$20 million surplus they're drawing down right now as well.

Ms Notley: Okay. That's for this year. How much are they drawing down that surplus?

Ms Redford: Over three years.

Ms Notley: Okay. Then we'd still be looking at about a 20 per cent reduction in their global budget at this point. While I've read the report and I understand there are some changes proposed there, certainly a number of those changes are not changes that are going to bring about cost savings within the next 12 months. So can you tell us what the expectation is in terms of what services are going to be affected by that roughly 20 per cent cut in their budget?

Ms Redford: I'm not sure they've advised us of that because the conversation didn't go in that direction. It was that we had money available to them, that they were going to work with us on changing their business models. I would not make an assumption that they won't be able to realize some sort of cost savings in the next 12 months.

This piece of work that we are doing has been a tremendous amount of work, and it's been done on a priority basis because of exactly the fiscal situation that we face. We've been very clear with them that we are not in a position to be able to increase our funding to them. Therefore, we are all working very hard to try to find ways to do the best we can with what we have.

Ms Notley: Well, that's fine, but I guess, you know, we know that there are a lot of problems with legal aid. There already were problems with legal aid. We already had the number of applications going up. We already had cost pressures there such that as it was structured and as it is currently structured, it was unsustainable. And then you add to that roughly a 20 per cent cut.

I'm looking at their proposal, and it seems to me the only one of these proposals that is going to be able to address a 20 per cent cut quickly enough, within eight months or nine months, depending on how far into the cycle they make the decision, maybe 12 if they make it in March, is to go for the 50 per cent restriction in eligibility, to bring about that level of a cut in terms of your eligibility levels. Is that what you anticipate happening?

Ms Redford: I don't anticipate that at all. By the end of March we'll have come to a decision on exactly what we can deliver and how much money we have to do it, and I haven't gone any further than that.

The Chair: Thank you, Ms Notley. I guess the time allotted is up. We'll move to the speakers list now. We start with Mr. Xiao, followed by Mr. Hehr. You have 20 minutes. You can go back and forth.

Mr. Xiao: Well, good evening, everybody. I have, basically, two related questions. I look at your budget on page 291. Kent asked about legal aid. I also want the minister to give us a little bit further

deliberation about this legal aid issue. I look at the budget, like I say, from 2008-09 to 2010-11. It seems that legal aid remains the same, right?

Ms Redford: That's right.

Mr. Xiao: Right. It's about \$53,810,000. Yeah. We all know that it's a fact that the population has grown in Alberta considerably in the last few years, and we are expecting further growth with unchanged funding to legal aid. What concrete measures have you taken or are you planning to take to make sure that the people who are really in need can have access to this financial assistance?

Especially in this economic downturn, you know, my constituency office has been dealing with quite a few cases. In some cases, especially in this economic situation, small businesses laid off some workers without giving them fair treatment or fair compensation, and those workers don't have the financial means to sue their employers. They really need somebody to help them to get the compensation they deserve.

We also have a lot of foreign workers, especially temporary foreign workers. The Canadian employers brought them over and promised them, you know, at least two years of work opportunity, but when the economic situation changes, then some employers tend to try to abandon them, and that really put them in a very vulnerable situation because they are not Canadian citizens, so there are a lot of programs they're not eligible for. At the same time they want to have justice in this country. How are we going to help those people? These are the issues I have been dealing with since last spring, I would say, in 2009.

I want the Minister to just talk about, if you want, your plan. How are you going to tackle the issue? We're not going to get any more money, but especially in this economic situation probably the demand, you know, the need for the legal aid, has been increasing. So how are we going to manage this situation?

Ms Redford: Yeah. Thank you. You know, I think, particularly, the two situations you've described are situations where it's a civil matter that needs to be resolved. There's no doubt that because of the lack of funding from the federal government, which has just refused to fund civil legal aid, as well as the fact that we're in these very difficult economic circumstances, there has been a tremendous priority put on criminal defence work and also on family law matters, and there are a number of people who have those sorts of situations who – you're right – aren't able to hire a lawyer at this time. That's exactly the reason that we wanted to basically change the system and try to find a way where with some of these matters you might find a community clinic model where a group of people could come together and get legal advice from a lawyer who's an expert in the area but does not necessarily need to be retained 10 times by 10 different clients to deal with the same issue.

There are a number of inefficiencies in the system. I mean, as we know, in an ideal world or when these systems were started, we didn't have the size of population that we do. We didn't have the same sorts of legal issues coming before the court, you know, constitutional challenges and that sort of thing. The reality is that the system that we have isn't a system that can address, I think, the needs of the community at the time but also doesn't really allow government to be able to provide the services that it needs to for communities and for individuals in the community. So we are pretty optimistic that we have been able to bring along as part of the conversation everyone that needs to be at the table to talk about a new approach to legal aid, and I think that the work that we're doing will lead to some pretty positive results.

8:40

I would even suggest that it's not going to look the same across the whole province, that we might find different delivery models that work more effectively in some communities than in others. We could end up with a hybrid system in many ways. Until we come to terms with the fact that there needs to be a change and that we need to meet some of these needs differently, we're going to continue to be faced with people that aren't able to get the legal services that they need.

I'd like to move off of legal aid for a moment because there's also some very good work that's being done between Alberta Justice and the Law Society around the development of new regulations for paralegals as well as what we're calling the unbundling of services. You know, traditionally in the law, a lawyer's approach was that when a client came to them, they needed to deal with all pieces of the file, and that if they didn't deal with all pieces of the file, they would somehow not be fulfilling their professional obligations. So lawyers ended up taking on pieces of work, when people could afford to pay them, that were quite large. And they may not have needed help right from beginning to end on the file. They might have needed help with one or two pieces in the middle.

There's a lot of discussion right now in Alberta about what we call the unbundling of services, where you could actually take a piece of work that a lawyer traditionally does and say: okay; we think that these four steps in the process are steps that lawyers actually need to participate in. They may not all be together. They might not all be concurrent steps.

If we can find a way to unbundle those services so that the lawyer can do those four steps when they need to but then step out of the file and allow other people or allow the client to do those pieces of work, then the client is still able to get good legal advice and good legal representation when they need it, the lawyer is protected in terms of their professional liability, and the cost of legal services is much less expensive. That's another approach to something that we're doing which we think will be quite successful.

Mr. Xiao: Yeah. That sounds to me like it might be a very good solution to that. At the same time, there are a lot of volunteer organizations that also offer a certain degree of legal services.

Ms Redford: That's right. The profession does provide those.

Mr. Xiao: My question to you would be: how can your department work with, for example, the community spirit department to fund those community, volunteer-based initiatives. That also can help us to tackle this very same issue.

Ms Redford: A lot of the volunteer-based initiatives are organized by the profession themselves. There's a very good initiative that has been undertaken by the Law Society called pro bono Alberta. Pro bono Alberta is a program where lawyers provide volunteer services on particular sorts of cases. Honestly, we don't have to fund them. They're there as volunteers to do that work.

What we have done, which I think is interesting, is that we have taken the opportunity that there are certain groups of lawyers that are prepared to provide legal services, and we have partnered with them through the safe community innovation fund so that there are legal services available for free to clients of agencies who may be involved in other work.

For example, in Calgary there's a project called Pathways to Housing, which is a wonderful program that works with people who have been living on the street, chronically homeless people. It's a wraparound approach to helping people in the community. There

are teams of experts that work with these people – nurses, social workers, counsellors, and now lawyers – who are coming together to try to sort of figure out where this person needs support and help and guidance so that they're able to transition from being chronically homeless to living in circumstances where they have a roof over their head and they're able to begin to re-enter society. We've had some very good initiatives where we support those partnerships.

We also as part of that have very good relationships with the municipal police services, who have identified particular areas where they think that people who, for example, are chronically homeless and in some cases part of this Pathways program might find that because they haven't had the money to pay bylaw enforcement tickets, they're ending up with bench warrants against them. We're having pro bono law, and our prosecutors and the police work with Pathways to try to remove some of these barriers so that we are able to move these people along faster and in a cleaner, clearer way through the program to success on the other end.

Mr. Xiao: Actually, this leads to my next question, which is about the strategy you talk about in the budget, to promote fair access to our justice system. In terms of having fair access, you've got to remove the barriers, financial barriers and geographical barriers, in order to achieve that. You know, can you talk in some specific terms about what other measures you have taken to achieve that goal?

Ms Redford: Well, I think that when we talk about access to justice, there are financial barriers, geographic barriers. We have just come through a pretty difficult budget planning process. We were very fortunate as a department. Because of the investment that this government has made in safe communities, both a financial investment and a moral investment, we were very well served in the budget process, and even though we weren't in a position this year to increase funding to a lot of programs, we are in the fortunate position this year of not having to cut funding to programs. I just need to put that on the record because we tend very quickly to start talking about how there isn't more money, and there isn't, but we have been able to maintain our existing programs.

I'll tell you that that is a much more fortunate position to be in than where we were last summer, where we were trying to figure out whether or not we could keep courtrooms open all day. If we had had to begin to cut back on our budget, we would have then been in a situation where access to justice would just have been fundamentally curtailed because we would have had difficulty keeping all of the doors open to all of the courthouses across the province.

We started back at the fundamentals, which is to ensure that people can get to the system and can understand the system once they're there. You know, through the law information centres we have the ability to provide services in different languages. We have the ability to provide people with phone numbers and contacts to community resources that they need. That's a very important part of what a lot of people need to find their way through the system.

I will recall that last year when I was here and I talked about the law information centres, there was a little bit of sort of jovial work about: what people need is lawyers, and maybe they don't just need a cup of coffee and a phone call. But I'll tell you that one of the approaches that we take to access to justice is that very often we have individuals who end up in the justice system because we haven't had an opportunity as a government to help them through other parts of the system, and therefore they end up in an unfortunate situation where they're at risk and they're in the court system. So we even see the work that we do at the law information centres as preventative as well as helping self-represented litigants through the system.

Mr. Xiao: Also, probably my last question. In looking on the same page, page 291, it seems that the budget for some regional provincial courts has been reduced, not significantly but slightly. Still, I'm concerned that there might be an impact to those regional courts for them to deliver the priority services. You know, from the department's point of view do you see some impacts? Will there be some impacts, and in what areas?

8:50

Ms Redford: Well, as I said at the beginning, you know, we are the department with the most personnel in government, and what you see in those reductions in regional courts is a reflection of reductions in some of the benefit plans for employees. Our employees work hard, they're under tremendous pressure, and some of their benefits have been reduced so that we are able to continue to provide service. I think it has had an impact on our staff, but it has not had an impact on our ability to serve the public.

Mr. Xiao: Okay. Thank you.

The Chair: Thank you, Mr. Xiao.

Next is Mr. Hehr, followed by Mr. Sandhu.

Mr. Hehr: Well, thank you very much. I think we just finished off when I asked about the income cut-off levels. Can you provide those for me? You wouldn't happen to have an easy comparison in your office of the cut-off rates of other provinces? Would you guys have that information?

Ms Redford: I don't know. If we do, we'll provide it to you.

Mr. Hehr: If you do, that would be easier.

Another thing. I guess that if we're talking about legal aid, how many lawyers across this province are currently accepting files from Legal Aid? Do we know?

Ms Redford: I don't know the answer to that. If we have that, we'll find it for you.

Mr. Hehr: Do you know if this number has been declining? Would you guys have that information available?

Ms Redford: We may. What I will do is speak to the people in the department who have been dealing with the report, and if that's available, we'll provide it to you.

Mr. Hehr: I caught part of the conversation earlier between you and the member from the fourth party. If I can put in a little plug, it does sound like there may be a budget shortfall at Legal Aid. If there's something you can possibly do about that later on in the year, if that exists and those streamlinings do not quite work out the way you think, maybe we could look at trying to find some of that money if that's possible. I realize that's just a plug because sometimes it's difficult.

If we could sort of move on here. Let's just ask a question: is case management still currently being used in Calgary?

Ms Redford: It is.

Let me just go back to the lawyers in legal aid. In 2005 there were 902 active lawyers, which means lawyers who have been issued a legal aid certificate during the fiscal year, and in 2009 that number was 742, so from 902 to 742.

Mr. Hehr: Just another question. I believe it's still mandatory in Alberta for all prosecutors to be at bail hearings. Is that correct?

Ms Redford: Yes.

Mr. Hehr: With us being through that process now for a couple of years, is that still deemed necessary? Is there a way that they've sort of said: well, maybe there's 10 per cent of these situations that you see where this is redundant? Is it still necessary to have a prosecutor at every single one?

Ms Redford: We still have in Calgary and Edmonton police that are involved in doing bail hearings. Our expectation through the bail project will be that eventually prosecutors will end up doing all of the bail hearings. We're not in a situation yet where we can assess the success of that because we're still in transition with respect to that.

I'm sorry. Your first question was?

Mr. Hehr: Case management.

Ms Redford: Case management. Yes, court case management is still being implemented, and it's being implemented more fully now than it has been. There is a new court case management project which has been launched out of Edmonton first. The court case management project has been a tremendous amount of work to implement. It's got an implementation committee that includes the bench, the defence bar, prosecutors. It's not just one piece of sort of administrative change to the system. We've introduced technologies for remote booking of court cases. We've changed lawyers' ability to complete documentation and file it remotely. We've included file ownership for the Crowns in that project. There's quite an extensive list of activities that are involved. We're phasing that in over the next year and a half. I can provide you with a little more information on that.

Mr. Hehr: Perfect.

Can we just jump to sort of median and mean times? I know that we report median times in this province, and I think that according to your ministry it's 108 days. I think that's below, actually, the national average. I know that there's some discrepancy here. I'm not sure if you guys have it, but our mean time – that means average time between first and last appearance – in Edmonton, at least, appears to be 293 days and a staggering 363 days in Calgary. Is that information correct?

Ms Redford: I won't speak to the accuracy of that right now because I don't have those same statistics in front of me. I can't find those mean-time statistics.

Mr. Hehr: Okay.

Ms Redford: All right. Sorry. Yes, we can have this conversation now, I think.

Mr. Hehr: Okay. Well, what are the times you have?

Ms Redford: In Edmonton cases mean times, as you described it, are 293 days. That was 2006-2007. In Calgary it was 363 days. Again, that's 2006-2007. Those are the last statistics that we have, the actuals.

Mr. Hehr: The last actuals?

Ms Redford: Right.

Mr. Hehr: Okay. I realize you inherited those problems. Those

seem to be rather large numbers to me and are somewhat alarming to a person who has been tried and wants to go through the whole process here in Alberta.

Ms Redford: Well, I don't think you can make that assumption. We've had a discussion before with respect to why some of these times may be what they are, and you cannot attribute that only to, as I think you're suggesting, backlogs in the system. I mean, there are many reasons why trials can be complicated and take a long period of time. There are many opportunities for interim applications and interlocutory applications to take place. There are times when witnesses may not be available. There are times when counsel may not be available. Although that may not be a number that you're comfortable with, I wouldn't want you to suggest that there is only one reason that those numbers are what they are.

Mr. Hehr: Okay. Well, then, let me frame this in a slightly different way. My information – and correct me if I'm wrong – is that mean times are shorter than ours in many jurisdictions, in fact in most jurisdictions in Canada. I am assuming that for the criminal element the talent of the legal practitioner is equally as fine, is equally as adept at interlocutory motions, all those things you just said, yet our time is longer. In comparison to these other jurisdictions, these seem to be very large numbers and very concerning numbers to me. Do you share those concerns?

Ms Redford: Well, I'm not prepared to say that everyone in the country is better than us. Some are longer and some are shorter. There's always room for improvement, certainly.

Mr. Hehr: Okay. Well, I believe we're in the bottom two or three on this number. Do you see this number, when the reports come out in two years, coming down? Do we see that being there or probably not?

Ms Redford: Well, I think that anecdotally we've already seen a reduction in the number of applications that it takes to get to disposition. That may not even be anecdotally. We have, for example, in provincial court, criminal, median elapsed time from first to last appearance of 108 days, with the Canadian median being 122 days, also from 2006 and 2007.

To go to your question, I think that we know that we've reduced the number of interim applications by .78 in the last year, so that takes one appearance off, and I expect that the numbers will improve over the next two years as we start to see these statistics. We think that court case management will probably go a long way to what I think is one of the biggest challenges, which is making the most effective use of court time that we can.

9:00

Mr. Hehr: That's fair. I guess if we can go to goal 5, assisting ministries to achieve their objectives. Does this entail an overhaul regarding how information is shared with the public or disclosed to individuals making claims under the FOIP Act? Do you guys do any support of that?

Ms Redford: The administration of that act is done by Service Alberta, not by us.

Mr. Hehr: Okay. Would you guys be able to break down for me how much it cost you on that Tran case, to defend the Tran decision?

Ms Redford: I think it depends which piece of it.

Mr. Hehr: Give me the whole. [interjection] No. The recent decision on the Edmonton Remand Centre.

Ms Redford: Oh, not Tran.

Mr. Hehr: Sorry.

Ms Redford: Okay. That's in the Solicitor General's department.

Mr. Hehr: Okay. I'll try and remember.

Just wait. I've got a few other questions here. Do we have money from your department going to the changes in the electoral districts?

Ms Redford: No. That's a committee of the Legislature.

Mr. Hehr: I've learned that. I've learned that. There we go.

So, really, nothing comes out of your ministry on democratic reform? Nothing out of the budgets on that?

Ms Redford: We administer justice.

Mr. Hehr: Yes. I hear you. Okay. None of that.

Ms Redford: None of that is in our budget.

Mr. Hehr: Nothing comes out of your budget on that sort of stuff. Okay.

That sounds good. Oh, just wait. I think my learned friend has asked these questions. We asked about the treatment beds already?

Ms Redford: Yes.

Mr. Hehr: Could I get that exact same information sent over to me so I don't have to now go through and re-ask those questions?

Ms Redford: Well, I actually answered it on the record with the exception of how three groups are able to get access to those beds.

Mr. Hehr: Okay. If you'd just get me that information, too. I'm all right. I'm good.

The Chair: Thank you, Mr. Hehr.

The next speaker is Mr. Sandhu, followed by Ms Notley.

Mr. Sandhu: Thank you, Mr. Chair. Thank you, Madam Minister and your staff. I've got a question around safe communities. I'll ask you four or five questions, quick ones. When will the Alberta gang reduction strategy be finalized? What are the key elements of the strategy so far?

Ms Redford: Sorry. Of the gang strategy?

Mr. Sandhu: Yes, please.

Ms Redford: Okay. The Alberta gang reduction strategy was launched partly as a result of recommendations that were accepted from the task force report, so over a year ago we decided to launch into a consultative process with communities to talk to them about what they thought the most important pieces of work needed to be around reducing gang activity in Alberta. We had that work culminate in a gang summit in Calgary, where we worked through over four days and in discussion groups a number of key recommendations that we've since worked on in consultation with those same stakeholders to develop a gang reduction strategy that will have four

pillars: awareness, prevention, enforcement, and prosecution.

Under each of those pillars we have identified initiatives that can be taken by communities, by government departments, new ways that government departments can do things, and new ways that government departments can partner with each other and with communities to implement particular approaches. They range from providing better information to public health nurses when they make their first visits to new parents to dealing with the integration of collecting information on gang investigations throughout the province. So there's quite a variation in the sorts of recommendations that are made.

Our intention is that when this document is released, which we have advised stakeholders will be within a year of the gang summit, this will provide the opportunity for interested participants, including government, to take pieces of that and implement it over time. Of course, in this current fiscal climate the pieces that will be most attractive to people will be the ones that require different ways of doing things or a reprofiling of funds as opposed to putting new money into projects. As I said, we expect that to be in place within a year's anniversary of the summit, and we're really pleased with not just the results that we're getting but the process to get there.

Mr. Sandhu: Another one: is there a gang prevention framework in place, and who is it targeting?

Ms Redford: Pardon me?

Mr. Sandhu: Is any gang prevention framework in place?

Ms Redford: Right. Yeah. There is a gang prevention framework in place. I'll speak to it a little bit. It's part of the work that is being done out of the department of the Solicitor General, and it's also part of the gang reduction strategy, so a lot of these issues overlap. The gang reduction framework is a wider piece of work that deals more with the work across ministries and also across jurisdictions because we think that it has to have a balanced approach. We think that if we can deal with early intervention programs as well as enforcement at the same time, we'll probably have a greater effect. So we will have a number of actions as part of that framework, but the key element of it has been to try to identify kids who are at risk of possibly becoming members of gangs. It's all around prevention and early, early identification of opportunities to provide different sorts of programming to kids that might be at risk.

Mr. Sandhu: Another one is: have you worked with the other provinces to develop any long-term planning?

Ms Redford: I referred to this a bit earlier. It's been a very interesting exercise to go through this process and compare notes with other jurisdictions, and we are having some tremendous success around this issue at the federal-provincial table. One of the reasons for that is that we're able to share our experiences as western provinces because, of course, we have gangs in Alberta who have ties to British Columbia and to Saskatchewan. So apart from the law enforcement sharing of information, the fact that we as ministries can sit down and co-operate around different pieces of programming and legislation that we might put in place has been very useful.

It's also given us the opportunity to speak with one voice at the federal table, and that has really made a difference in terms of getting our agenda items onto the fast-track process that I talked about earlier. So we, I think, are working in very good collaboration with our western counterparts and, in fact, will very often share technical knowledge and put together meetings between our technical experts to build on strategies.

9:10

Mr. Sandhu: The last one, Madam Minister. You talked about the federal government, and it reminded me of something. Last week a constituent came to my office. She was assaulted by her landlord. According to her the person who assaulted her: she said that he's here on a work permit. My question to you – I don't know how it's going to work with Immigration Canada. When a person does that kind of crime and he's just here on a work permit, why do we need this kind of person filling up our jails? A person like that should get a one-way ticket to wherever they came from.

Ms Redford: Well, I guess we've had a recent experience – and I don't know what the particular status of the individual that you're talking about might be. Of course, if there is a person who does have less than citizenship in Canada and they are charged and convicted of criminal offences, it doesn't even depend, really, on the status of their documentation in Canada. There are, as we've seen in a couple of cases in the past year, some fairly extensive administrative processes that they get to appeal through before we're finally allowed to deport them from the country. I guess the most infamous case of that was the Jackie Tran case, which finally came to an end this week.

I know that at the federal-provincial table there has been some discussion around that, both at our table and also at the Employment and Immigration table because there is some concern about the costs that are involved in, as you said, not only perhaps these people being here after they've been charged and convicted but also the process that needs to be paid for before we're allowed to deport them.

I can't report any particular progress on that right now, but it is something that we have begun to explore. Now, of course, it is, as you said, in federal jurisdiction, so we do not have a big role in that, but we're certainly interested parties.

Mr. Sandhu: Thank you.

The Chair: Thank you, Mr. Sandhu.

Next, Ms Notley, followed by Mr. Elniski.

Ms Notley: Thank you. Okay. Well, I think I've got a number of questions still left. I guess I'll go back to where I left off and try to get through that really quickly. Again, just going back to this issue of the situation with legal aid, I have to say that it's one of those things – I mean, I sat in on Employment and Immigration estimates last week and saw a budget that projected something like a \$20 million cut in a line item that had to be paid if the demand was there. It was quite frustrating because you knew that that line item was not going to unfold the way it was projected in the budget. The same thing had happened the year before, and just today we discussed the request for an extra \$120 million for that particular line item because it had been underbudgeted, notwithstanding that there was a rational discussion about pressures that were going to push that line item up.

That's sort of how I feel with this conversation here. We have Legal Aid Alberta basically spending roughly \$65 million a year. We have them telling you that they have about a \$20 million shortfall. Even with them accessing a surplus that they would spread over two or three years, we also have a document that they've attached that says: well, if we implement this strategy, we can cut this much, and if we implement that strategy, we can cut that much.

I go back to the question that I had before. Most of the strategies they're talking about here, including things like what you were talking about with respect to unbundling services and things like that – they don't know how much money that will save, and of course that's something that won't happen tomorrow even if you decide to

embark upon it tomorrow. They have a line item, you know: enhance duty counsel. Well, I can see that saving some money, but it's not going to save money right away. You've got to put that plan in place. You've got to introduce it. You've got to get people using it, all that kind of stuff.

Really, it goes back to the fact that the only place in their plan that I can see them dealing with this cost pressure is by significantly changing the eligibility and reducing the eligibility very dramatically for legal aid. That's the only way. The only other alternative is that they're going to come to us with a deficit at the end of the year, and they're going to come to this ministry with a deficit at the end of the year. I don't know what the position of the ministry is on letting legal aid run deficits. It happens in other provinces, I know, but it's not something that people are happy with.

I guess I'd just go back to my original question. It seems to me that you have a cost that is not reflected in your budget right now or, alternatively, that you're looking at allowing them to recommend – however you frame it, it doesn't really matter – a very substantial reduction in services in legal aid in terms of, like, a 30 per cent reduction in the eligibility levels. I'd just ask, again, whether there's any consideration to putting aside more money to deal with this problem.

Ms Redford: Well, I don't know what the result of our discussions with Legal Aid will be, and I'm not going to presuppose the outcome. You know, Justice is a pretty challenging department. As I said earlier, we have been fortunate to not have to take a cut in our budget this year. I will tell you, as you can appreciate, that anyone who needs to balance a budget needs to make choices. I'll tell you that under a number of scenarios where we had to look at reducing expenses, one of our priorities was to not cut the legal aid budget. We haven't had to do that, and we're very glad that we haven't had to do that because we take the responsibility seriously.

However, if I look at the full budget that we have in the Department of Justice, legal aid is a very compelling piece of work that needs to be done. So is keeping courtrooms open; so is hiring prosecutors. I mean, at some point in this department we need to make choices, and what we're trying to do through these difficult fiscal times is to keep everything running as well as they possibly can so that the justice system continues to remain intact and people can continue to have confidence in it.

Will it be perfect? Will there be challenges? Of course, there will be challenges. We will make it as perfect as we can, but we certainly are facing difficult decisions. Legal Aid is as aware of that as we are, and we are working with them in the most constructive way that we can – and it has been constructive – to try to resolve the issues. There has not been discussion with Legal Aid about running a deficit. They have not asked us if they can run a deficit, and if they did ask us if they could run a deficit, my answer would be that we can't be at all held to dealing with that deficit at the end of the year. This is the money that we have available.

Ms Notley: So, then, we're basically in a position where we're probably looking at some cuts in services.

Ms Redford: I will not presuppose it until the discussion is done, and then we'll see.

Ms Notley: Well, it's there, and we're budgeting. That's what the point of this is, to look for it and look at what we can anticipate based on what's in front of us. I would just suggest that based on a lot of the discussions that are inherent in that review, the whole issue of keeping the justice system intact and keeping confidence in the justice system becomes something that is itself in question in terms

of how our legal aid is provided not just in this province but across the country. I think you know and I think the judiciary has commented on the growing challenge with respect to the accessibility of our justice system and, in particular, with respect to legal aid. So rolling back is going to be a problem, and what I'm talking about is rolling back in the ultimate service.

Now, on that issue we talked a little bit last year about sort of the differences between what we fund for legal aid and what we as a government pay lawyers otherwise. You did provide that information to me after our last round of estimates, which I do appreciate and thank you for. Of course, it does raise the question. Legal aid at this point pays \$84 an hour. If the government has to hire a lawyer, say, for instance, in a children and families dispute, particularly outside of the major centres, and if they end up hiring, say, somebody with 10 years' experience at the bar, not an incredibly experienced lawyer but certainly not inexperienced, then they're going to spend about \$190 an hour, so more than twice what is paid in legal aid. Is that not sort of an implicit assumption that the \$84 an hour is not really a realistic tool for low-income Albertans to get access to legal aid?

Ms Redford: Well, you know what? We can't sit here and have a conversation about legal aid and how important legal aid is and how we need to put more money into legal aid and then say that on top of that we're going to have to now pay lawyers more money. I mean, we have a real challenge right now.

Ms Notley: I think we can, actually. If you don't get lawyers to accept the legal aid pay, that's ultimately what you have to do. I mean, you and I have talked before. I'm a huge fan of the clinic model. I'm a huge fan, and I will always support that. But until we get to that, if we're only paying \$84 an hour through legal aid but the government itself has identified the need to pay \$190 dollars an hour when it hires a lawyer not through legal aid but for its own work . . .

9:20

Ms Redford: Well, our hourly rates can range anywhere from \$90 to \$250 depending on the nature of the work and the skill level that's required. You cannot generalize that all lawyers are paid \$190 an hour, first of all.

Ms Notley: I didn't. I just said that your information says a lawyer with 10 years' experience at the bar will receive \$190 an hour and a legal aid lawyer, even if they have 20 years at the bar, will only receive \$85 an hour.

Ms Redford: And your argument is what?

Ms Notley: That the way legal aid is structured right now is designed – well, it's not designed but inadvertently results in the fact that there's not going to be enough high-quality or enough available lawyers for legal aid.

Ms Redford: Well, Legal Aid hasn't told us that they need more lawyers. They've told us that they need more money.

Ms Notley: Indeed, they have. They've asked to be able to pay lawyers more.

Ms Redford: But that's a separate question from whether or not they have been able to issue certificates, and they have been able to issue certificates to lawyers. You were tying the two issues, and it's fine if you want to do that. But I'm the one having the discussions, my department, with Legal Aid, and what I'm telling you is that

they're not telling us right now that they need more lawyers. Yes, they would like to see an increase in the tariff. But I think that if you think about the discussion that Legal Aid is having with respect to the challenges in their budget right now, what they are mostly concerned about is trying to maintain the services that they're able to provide right now. They're having to make tough decisions, and so are we.

Ms Notley: I mean, that's all good, but just as an aside, I'm not necessarily going to take sort of legal aid as the be-all and end-all answer for: are we providing access to justice to low-income Albertans?

Ms Redford: I didn't say that was the only answer.

Ms Notley: No. But every time I suggest that we're not doing it, you say: well, Legal Aid doesn't ask for it. Therefore, my point is simply that whether they ask for it or not . . .

Ms Redford: I thought we were having a conversation about legal aid.

Ms Notley: We are and whether or not we're providing it well to low-income Albertans. Legal Aid's opinion, the organization's opinion on that issue is, of course, very critical to that issue, but at the end of the day that's not the only issue. The question is whether or not we're able to provide accessible, high-quality, equitable legal services to low-income Albertans. I think that there's a problem when low-income Albertans can only receive assistance from a lawyer who will receive \$85 an hour when we know that that's about half of the going rate.

Ms Redford: Well, my understanding is that there are a lot of lawyers who do legal aid work because they feel a professional obligation and a moral obligation or a personal obligation to do it. I happen to know that there are many lawyers who are highly skilled who accept an \$84 hourly rate because they see it as part of the work that they want to do in their career. I know you're not suggesting that they're not qualified to represent people.

Ms Notley: I'm not suggesting they're not qualified to represent people. What I'm suggesting is that we have a system that is, ultimately, inherently designed to result in a lower quality of legal assistance for low-income Albertans, generally speaking. If the maximum a low-income Albertan can pay to a lawyer is \$85 an hour and the government itself acknowledges that the going rate is quite a bit more than that, then we are going to systemically have a problem in terms of access.

Ms Redford: That's why we're doing this review. Very clearly – and I said this at estimates last year, and I made the point today – we did not undertake this review because of a fiscal restraint issue; we undertook it because we think that we can improve the legal aid system. That's why we're doing this.

Ms Notley: Absolutely. But we're going to have to increase the fiscal investment. We simply are. That's my point.

Ms Redford: We will see if that is the result of the discussion. I'm not going to concede that point to you tonight.

Ms Notley: Well, you may not. I think we'll have to agree to disagree.

Ms Redford: All right.

Ms Notley: With respect to self-represented litigants, we also, of course, have the indication that the number of self-represented litigants is going up, that the demand on legal aid is going up, and we've actually seen a slight cut in that budget line item.

Ms Redford: A cut in self-represented litigants?

Ms Notley: Yes.

Ms Redford: That line item reduction is a result of a reduction in the learning and wellness account for staff in the law information centres. It is not a reduction in service. It is a reduction based on our current fiscal climate.

Ms Notley: Okay. Those staff aren't unionized?

Ms Redford: Well, we can have another discussion about that another time, I guess. It's not part of their union benefits.

Ms Notley: Oh, it's the health and wellness, right. Everyone got that cut. Fair enough.

But we didn't increase that line item to account for the pressures.

Ms Redford: No, we didn't. But we're one of eight departments in government that didn't get a cut this year.

Ms Notley: I know. Listen, my view is that we don't need to give away \$5 billion a year to a flat tax. As far as I'm concerned, there are ways to deal with this that are different than how they're being dealt with.

I'd like to talk just quickly about the issue of the Crown prosecutors at bail hearings. With the net loss of Crowns, the slight loss because of the hiring freeze, was that particular initiative able to go forward?

Ms Redford: We were proceeding with that and had discussions with the chiefs of police in both cities as well as with the courts and with Crown prosecutors and made a decision that we wouldn't implement it fully this spring. It wasn't because of a lack of personnel. It was simply that because we were dealing with court case management/file ownership issues, we thought that we were introducing enough changes at one time to the branch, to the criminal division branch. It's still our intention to proceed with that, and I expect that as we hire more Crowns and we bring them on, that would be the logical time to do it. But the consideration to not proceed with it fully didn't have to do with a reduction in prosecutors. It had to do with the other pieces of work that we were asking prosecutors to change while they were doing that. We made that decision in consultation with stakeholders – police, defence counsel, and the Crown – in November of last year.

Ms Notley: Do you have a clearer sense of when you might go forward with that now?

Ms Redford: Well, I think that since then, since we're now in this hiring freeze, we're going to have to wait until we come out of it and then reassess where we are.

Ms Notley: Was there a line item or a dollar amount attached to that when we talked about it last year? I can't remember.

Ms Redford: I can't recall either. If there was, I'll let you know what that was.

Ms Notley: And, more importantly, where it went.

Ms Redford: My guess is not because all we were doing was reassigning.

Ms Notley: It was probably just attached to the extra Crown, I suspect.

Ms Redford: Yeah. Assigning prosecutors to do the work, but it was within the budget. But if there was something attached to it, I'll let you know.

Ms Notley: Okay. I'll stop. Someone can go for two minutes.

The Chair: Thank you, Ms Notley.
Next is Mr. Elniski.

Mr. Elniski: Thank you, Mr. Chairman. I'll try to keep this very brief.

Minister, I'll focus on one issue, really, and one issue only, and that has to do with your core business 3, justice services to Albertans. I'm concerned, frankly, that the emphasis or the lack of emphasis that's been placed on the maintenance enforcement program is not an indication, in my mind, of what I'm hearing from my constituents. With respect to the targeted items here, you have

3.3 Continue strategies to further increase the regularity of maintenance payments . . .

Okay. That's fine.

3.4 Champion the Maintenance Enforcement Program's communications strategy focusing on the importance of paying maintenance.

Then finally:

3.8 Explore options for improving efficiencies and increasing revenue for the Maintenance Enforcement Program while maintaining service levels to Albertans.

My questions are: how have we determined that, in fact, we need to have a strategy around the importance of making payments? I think that most people understand that. Second of all, what revenue

format are we talking about? Thirdly, if I may, is under performance measures: 3(a) talks to client satisfaction, 3(c) talks to client satisfaction, yet 3(b) talks to regularity of payment. Is it possible to have a client satisfaction metric for maintenance enforcement?

Those are my three questions. I know you only have 30 seconds.

Ms Redford: Well, if I don't answer them, I'll get to them. First of all, one of the reasons we need to have a communications strategy is because we're still trying to achieve higher targets than 70 per cent on our regularity of payment rate. There is still, I think, a bit of a philosophical issue out there. There are some people that choose not to do it and suffer the consequences. So we'll continue to do that.

Mr. Elniski: Oh, yeah. I understand that.

Ms Redford: Is there a metric? I'm not understanding that question. Let's leave that one, and we'll have that conversation another time because I'm not understanding that question. I think those are quite good metrics.

Mr. Elniski: Well, two of the three of them are around client satisfaction, but we don't have a client satisfaction metric around maintenance enforcement. I have complaints not only from those who choose not to pay, but I also have complaints on file from those who are on the receiving end. I get them from both the custodial parent and the noncustodial parent.

Ms Redford: Okay.

The Chair: Thank you, everyone. I apologize for the interruption, but I must advise the committee that the time allocated for this item of business has concluded. Thank you, everyone.

I'd like to remind committee members that we are scheduled to meet next on Tuesday, March 9, to consider the estimates of the Department of the Treasury Board.

Pursuant to Standing Order 59.01(2)(a) the meeting is adjourned.

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

