



Legislative Assembly of Alberta

The 27th Legislature
Fourth Session

Standing Committee
on
Public Safety and Services

Department of Justice and Attorney General
Consideration of Main Estimates

Tuesday, March 22, 2011
6:50 p.m.

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Fourth Session**

Standing Committee on Public Safety and Services

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Tuesday, March 22, 2011

[Mr. Drysdale in the chair]

Department of Justice and Attorney General
Consideration of Main Estimates

The Chair: Welcome, everyone. We'll call the meeting to order. I'd like to remind everyone that the usual rules regarding electronic devices, food, and beverages in the Chamber continue to apply.

Members and staff should be aware that all proceedings of the policy field committees in their consideration of the budget estimates are being video streamed. The minister whose department's estimates are under review is seated in the designated location, and all other members wishing to speak must do so from their assigned seat in the Chamber. Any official or staff member seated in the chair of a member must yield the seat immediately should a member wish to occupy his or her seat. Members are reminded to stand when speaking.

Note that the committee has under consideration the estimates of the Department of Justice and Attorney General for the fiscal year ending March 31, 2012. I'll just note for the record that pursuant to Standing Order 56 Mr. Dallas is substituting for Mr. Xiao, and Mr. Lindsay is substituting for Mr. Johnson.

The speaking order and times are prescribed by the standing orders and Government Motion 5, passed on February 23, 2011, and are as follows: the minister or a member of the Executive Council acting on the minister's behalf may make opening comments not to exceed 10 minutes; for the hour that follows, members of the Official Opposition and the minister may speak; for the next 20 minutes the members of the third party, if any, and minister may speak; and for the next 20 minutes members of the fourth party, if any, and the minister may speak; for the next 20 minutes the members of any other party represented in the Assembly and any independent members and the minister may speak; any member may speak thereafter. Within this sequence members may speak more than once; however, speaking time is limited to 10 minutes at a time.

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

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.

Three hours have been scheduled to consider the estimates of the Department of Justice and Attorney General. If debate is exhausted prior to three hours, the department's estimates are deemed to have been considered for the time allotted in the schedule, and we will adjourn; otherwise, we will adjourn at 9:50 p.m.

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

Vote on the estimates is deferred until Committee of Supply on April 20, 2011.

Written amendments must be reviewed by Parliamentary Counsel no later than 6 p.m. on the day they are to be moved. An amendment to the estimates cannot seek to increase the amount of the estimates being considered, change the destination of a grant, or change the destination or purpose of a subsidy. An amendment may be proposed to reduce an estimate, but the amendment cannot propose to reduce the estimate by its full amount. The vote on amendments is also deferred until Committee of Supply, April 20,

2011. Twenty-five copies of amendments must be provided at the meeting for committee members and staff.

Written responses 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.

Now I would like to invite the minister of the Department of Justice and Attorney General to begin his remarks.

Mr. Olson: Thank you, Mr. Chairman. It's my pleasure to rise this evening to present the budget estimates for Alberta Justice. Before I present our business plan and budget details, I'd like to introduce my senior officials here with me. On the floor I'm joined by Ray Bodnarek, my deputy minister; Bruce Perry, ADM, client and corporate services; Shawkat Sabur, senior financial officer; Grant Sprague, ADM, legal services; Kurt Sandstrom, ADM, safe communities; and over here Christine Myatt from the government members' office.

In the members' gallery the following individuals are seated: Vicki Brandt, ADM, court services; Greg Lepp, ADM, criminal justice; Jody Korchinski, director, communications; Esther de Vos, executive director, maintenance enforcement program; and from my office my executive assistant Pam Livingston and my special assistant Ryan Barberio.

As you know, one of our government's top priorities is to ensure Albertans have a safe place to live, work, and raise their families, and I'm pleased to say that we are successfully delivering on that commitment. In terms of our business plan the ministry is responsible for a number of core businesses, including prosecutions, courts, justice services to Albertans, and legal and strategic services to government.

Our business plan supports goal 3 in the government of Alberta's strategic plan, and that is to promote strong and vibrant communities and reduce crime so Albertans feel safe. In addition, we are keeping focused on our ministry's vision to ensure that we lead the most innovative and accessible justice system in Canada and that our communities are among the safest in the world.

The budgeted program expense for the ministry is \$452 million in 2011-12. This is a \$3.9 million, or less than 1 per cent, reduction from the 2010-11 forecast.

The budgeted program expense for safe communities projects is approximately \$151 million per year for the next three years. This is a slight increase over 2010-11 and will be used to continue to implement safe communities projects. The \$151 million has been allocated to seven government ministries, including \$50.4 million to Solicitor General and Public Security, \$42.1 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, \$0.6 million to Aboriginal Relations, and \$51.5 million has been allocated to my department, Alberta Justice.

The funding allocated to Justice for safe communities includes \$31.9 million to enhance court and prosecution services. These resources will address workload issues and support the implementation of the court case management project. Fourteen million will go to grants to promote innovative crime prevention and reduction initiatives under the safe communities innovation fund, or SCIF as we will refer to it throughout the evening. To date 88 innovative, evidence-based pilot projects have been funded through SCIF. Four point seven million is for the operation of the Safe Communities Secretariat and other priority initiatives, and \$2 million is for the operation of the civil forfeiture office. Since 2008 the civil forfeiture office has restrained upwards of \$20 million worth of property and assets tied to crime. To date we've announced \$850,000 in grants for victims and crime prevention programs. A

further \$1.5 million has been accrued and earmarked for future distribution.

I'd like to turn now to the court services and criminal justice divisions. This year's voted operating budget for the court services division is \$177.1 million. This budget will allow the division to continue to provide administrative, financial, and judicial support services to all courts in Alberta. The criminal justice division promotes safe communities by effectively conducting criminal prosecutions. This year's voted operating budget for the division is \$79.6 million. The criminal justice and court services divisions along with the Provincial Court continue to work collaboratively on the court case management project.

In addition, our three-year project to enhance the Crown prosecution service is complete. Since January 2008 criminal justice has added more than 150 positions, including 60 prosecutors.

Legal services provides effective legal services to government to help achieve its corporate goals. The voted operating budget for legal services is \$45.7 million.

Alberta Justice helps fund the legal services provided by the Legal Aid Society of Alberta so that low-income Albertans have access to legal services that they otherwise would not be able to obtain. This year's budget to support legal aid is \$58.8 million, which is an increase of \$5 million. This increase will help legal aid to continue to provide quality services to vulnerable Albertans.

7:00

Now I'd like to move on to the maintenance enforcement program, or MEP. MEP works to provide responsive and effective services to help client families achieve compliance with payments in terms of maintenance. This year's operating budget for the division is \$21.1 million. The increase will primarily support MEP's child support recalculation program. The program annually adjusts existing child support payments in eligible court orders based on changes in parents' incomes rather than requiring the parties to return to court for a new order. This ensures the child support payment amounts are appropriate for the debtor's income.

In terms of the Public Trustee this year's operating budget is \$15.2 million. In this fiscal year the Public Trustee's office will continue with the redevelopment of its information systems.

The medical examiner's office investigates all sudden or unexplained deaths in Alberta, and this year's operating budget is \$11.9 million. In this budget three additional forensic pathologists will be hired for the office.

Ministry support services provides strategic and corporate services necessary to carry out Justice's mission and support our core businesses. This year's operating budget for the ministry support services is \$24 million.

Alberta Justice is a manpower department. By that, I mean it employs many highly trained individuals. This year Alberta Justice will continue to rely on its nearly 3,000 employees to provide services directly to Albertans. Like other departments Alberta Justice has implemented cost-savings actions that impact staff such as the hiring freeze, the salary freeze for non-union employees, and the suspension of learning and wellness accounts. There are no reductions in the number of positions for Justice this year, though. These cost-savings actions are expected to have minimal impact on the services we provide to Albertans.

In conclusion, Mr. Chairman, we're very proud of the work we do to provide safe communities for Albertans.

Thank you for your attention, and I'd be pleased to answer any questions at this point. I think I should also say for the record, though, that since I'm rather new in this job, I will endeavour to do my best to answer questions clearly and concisely. If there is

any deficiency, the deficiencies are mine and not those of my department.

Thank you.

The Chair: Thank you, Minister.

For the hour that follows, members of the Official Opposition and the minister may speak. I assume that's Mr. MacDonald. You'll share your time back and forth?

Mr. MacDonald: Yes. Thank you very much, Mr. Chairman. Just to get this straight, is it possible to ask a question and get a response or an answer from the hon. minister? Is that what you would like to do?

Mr. Olson: Sure.

Mr. MacDonald: Okay. I would like to thank the minister and wish him the very best in his new role. Certainly, it is an interesting time in the department. I would like to offer my congratulations to the member for his appointment as Minister of Justice. I had the opportunity to run into one of his former classmates on an airplane earlier this winter, and that individual was questioning me on the hon. member. I said publicly that I thought at that point, Mr. Chairman, he should be in cabinet, and lo and behold, two weeks later there he was. That classmate suggested to me that you were a thorough, fair individual, and I would certainly agree with that assessment. I wish you the very best with all your endeavours, sir.

I'm puzzled, and I have to say this before the hon. Member for Edmonton-Strathcona does. I'm curious why the department would be organized so the men are in these front benches with you, and the females in your staff are either over there or up there.

Mr. Rogers: Yeah. What's up with that?

Mr. MacDonald: Yeah. I would like to know. That's my first question. What's up with that? I'm just teasing you.

In the time that I have, I have some priorities. I have a lot of questions, and I don't know if we're going to have time to get them all on the record. I would like to start with questions that we get at our constituency office and certainly at our office on the 2nd floor of the Annex, and that's around legal aid and the support for legal aid. Support for legal aid was \$53.8 million in 2009-10, the same in 2010-11. The program was underfunded last year because of the drop in interest income in the Alberta Law Foundation, which normally supplies 25 per cent of the funding.

Legal aid is down 20 per cent in total funding in two years, but if you go back a number of years, you can see where there has been a substantial increase in legal aid funding from this department, whether it be 2003 or 2007, if you compare it to now. The government funding is up, as I see it in this estimate, from \$58.8 million. There is an increase of 9 per cent here, I believe.

There is a constitutional requirement to provide some level of legal aid to ensure access to justice. The Law Society of Alberta suggested that financial eligibility guidelines for legal aid were inadequate. The Assistant Chief Judge of the Provincial Court stated that student legal services and law information centres can't handle the demands caused by the cuts to legal aid.

Legal aid is certainly an important issue not only to members of this Assembly but also to Albertans. I counted four questions from question period in the last sitting that dealt with this matter. Legal Aid Alberta conducted a review of the legal aid program in 2009-10. This report concluded that the traditional method of providing legal aid services may no longer be sustainable.

Now, the 2010 annual report of Legal Aid Alberta reported – and this is, I believe, on page 6 – that seven priority recommendations for addressing funding issues had been turned into pilot initiatives that will be evaluated next month, I believe.

My first question would be: what input has Alberta Justice had into the evaluation process?

Thank you.

Mr. Olson: Thank you, Mr. Chair, and thank you to the hon. member for his kind words. Legal aid is a subject in my three-week tenure that has been a topic of constant discussion, so I'm learning a lot about it as I go along. Just for the record I'll mention that there are three sources of funding for legal aid. One is the Alberta government, one is the federal government, and one is the Alberta Law Foundation.

The member referred to 25 per cent funding coming from the Alberta Law Foundation. What that refers to is interest income from general trust accounts of lawyers in Alberta that is paid by banks to the Alberta Law Foundation, and 25 per cent of that money has been dedicated to legal aid. In other provinces I understand similar arrangements are made, but it's not always 25 per cent. This is one of the questions that I'm interested in pursuing just to see how we compare to other provinces.

That is the variable. That is the big variable. I think, as the hon. member mentioned, legal aid funding coming from the Alberta Law Foundation in recent years has been as high as \$14 million, but more recently, last year because of the downturn in the economy, I think we were more in the \$1 million range. Even though the Alberta government has maintained or increased its funding towards legal aid in recent years, unfortunately the funding, through no fault of the Law Society or the Alberta Law Foundation, has diminished because of the downturn in the economy.

The federal government during the same time, and even maybe going further back, has remained stable. It has remained static. So this is another area that I would like to pursue, talking to our federal counterparts about what their commitment might be to increasing legal aid funding.

7:10

I think we all agree that this is a very important component of the justice system and that it needs stable funding. That is one of the issues right now as it has been somewhat unpredictable. But we have increased, as the hon. member mentioned, our funding by approximately 9 per cent in this budget. I'm trying to remember the percentages over recent years but a very significant increase.

Mr. MacDonald: Almost doubled.

Mr. Olson: Yeah. The hon. member indicates that the number has almost doubled. I think that speaks to our government's commitment and this department's commitment.

In terms of how the money is then distributed to support low-income people, this department does not have any direct say in that. Legal Aid Alberta is a separate entity. They deliver the services, and they make the decision as to financial eligibility and so on. Obviously, those decisions are impacted by the funding that they receive because they don't have internally any ability to receive funding other than the rather nominal amounts that might be paid by the clients.

In terms of the pilot projects my understanding is that because of the obvious need for an assessment of how the services are being delivered and how effectively they're being delivered, there was a review that was done. Coming out of that review were a number of pilot projects. I could refer to some of them here just for information and to provide some context. They have estab-

lished legal service centres throughout Alberta to provide improved intake and assessment of client needs; expanded criminal duty counsel in Edmonton, Calgary, Red Deer, and Lethbridge; developed and expanded family mediation services; resolution tools for resolving family law disputes in Edmonton and Calgary; extended family duty counsel services in Provincial Court and Court of Queen's Bench. I could go on listing a whole array of services that have been provided.

Many of these are making a difference to people, but some of them are new and haven't really been assessed yet, as the member indicates. My understanding is that those assessments will not be completed until the end of this year, and at that point in time there will be a review and a further assessment done to see what's working and what's not.

One of the initiatives that I was interested in was an unbundling of services so that we don't use a cookie-cutter approach, where everybody gets the same bundle of services whether they need them all or not, because they may not actually need all of those services. We're trying to be in partnership with the Legal Aid Society and the Alberta Law Society and other stakeholders. We're trying to be efficient and get the best bang for our buck.

Mr. MacDonald: Thank you very much. In preparing for the debate tonight, I had a look through previous annual reports from Alberta Justice. I believe it's fair to say – and I'm looking at 2003 – that the actual spent on legal aid was a little better than \$28 million. In 2007 it had gone up to an actual of \$43 million. Now we're up to the total of \$58.8 million. Certainly, there has been an increase. I believe I read somewhere where there was a 43 per cent increase in activity in that time frame. There certainly is a need for a well-funded and a well-managed legal aid system.

Now, your report indicates that in the review of the needs assessment completed by Legal Aid Alberta, the legal problems most frequently experienced by low-income persons were identified as: consumer money debt, housing, employment, family law and relationship breakdown, income assistance, health, and estates.

You've sort of explained the pilot initiatives, and I appreciate that. Hopefully, these initiatives will make the system sustainable going into not only this fiscal year but well into the future. I can understand, you know, why you established this review and what you're trying to achieve from it.

My next question would be on financial eligibility. Under the current guidelines a single person is ineligible if his or her family income is over \$1,750 a month. I would like to know if the hon. minister thinks this is a reasonable level at which to deny assistance to an individual that's charged with an offence that could result in a prison sentence or an individual facing the prospect of losing custody of a child or perhaps even facing eviction from his or her home.

Thank you.

Mr. Olson: Well, the short answer, Mr. Chair, is that our department does not set the financial eligibility guidelines. I don't want that to sound like a cop-out, but it is a fact that the Legal Aid Society sets the guidelines based on the funding that they have. I suppose they have some difficult decisions to make in terms of how many people they want to try to support compared to how much they want to provide in terms of support. The more they provide to one individual, the fewer people across the board they can support. Those types of decisions are not made by this department; they are made by Legal Aid Alberta. Having said that, I will also say that our department speaks regularly with Legal Aid

Alberta and the Law Society about these issues, so I think my department is well aware of what the challenges are.

I'll just mention something that maybe comes into play here. The hon. member mentioned one of the examples being a low-income person who is having landlord-tenant problems, that type of thing. My understanding is that the federal government's focus in terms of legal aid funding has been for criminal matters. Legal Aid Alberta supports not just criminal issues but also civil issues. I will stand to be corrected on this and apologize ahead of time to our federal counterparts if I'm wrong on this, but my understanding is that we get no money from the federal government, or very little money, for civil matters. As the hon. member points out, people who have issues other than criminal are also often in need of legal assistance.

Mr. MacDonald: Thank you. Now, my next question would be: at what point does the right to be heard become too expensive for Albertans with modest or limited financial means?

Mr. Olson: Well, again, my department does not make that decision. Legal Aid Alberta makes the decision as to what the threshold is for the people who need that assistance.

Mr. MacDonald: Okay. I was getting some very interesting information from not only the executive summary of your legal aid report but the entire report. Can the minister please tell us where Alberta is placed in relation to other Canadian provinces whenever it comes to an eligibility bar or mark to obtain legal aid services and support?

Thank you.

7:20

Mr. Olson: I have two points I would like to make, Mr. Chair. First is that the member is referring to the Legal Aid Alberta annual report. I just need to make sure it's understood that that is not the report from Alberta Justice and Attorney General. Alberta Justice and Attorney General provides funding to Legal Aid Alberta. They deliver the services, they make the decisions on financial eligibility, and they issue an annual report, which is separate from any report that we would issue.

The other point I would like to make is that even in my relatively recent involvement in these issues it is very difficult to make comparisons from one jurisdiction to another. If a person is going to do that, you can't just look at the dollars that go to legal aid; you have to look at all of the other programs that are provided. We provide many other programs that may not be available in other jurisdictions. We provide legal service centres. Some of the things that I've already mentioned, some of these pilot projects and so on, wouldn't necessarily be available in other jurisdictions. I wish I did have the ability to make those comparisons because I think we would compare quite favourably when you look at all of the additional things that are provided. Unfortunately, I'm not aware of any such comparison in the country.

Mr. MacDonald: Thank you. I'm surprised there wouldn't be a comparison available.

Now, you know, we can talk about Legal Aid Alberta, and we can say they have a report, which is fair, but this ministry sets the budget. The golden rule: the person with the gold makes the rules most times. So I think that so much of this originates with the Ministry of Justice.

I'm looking at the business plan. On page 86 the ministry's business plan goal 3 is: a fair and accessible civil and criminal justice system for Albertans. The word "all" isn't in there. I would almost think that the word "all" should be in there, but it's not. A

fair and accessible civil and criminal justice system for Albertans: we'll live with. Now, where does providing a legal aid service to the most financially disadvantaged Albertans fit into the strategies for achieving this goal in the business plan?

Mr. Olson: Well, I think the theme of my answer will be . . . [A timer sounded]

The Chair: That just indicates the first 20 minutes out of the 60, so just keep going.

Mr. Olson: Okay. I see.

I think there will be a continuing theme here. I'd like to refer to some of the things that Alberta Justice does in terms of supporting access to justice as a fundamental right for all Albertans. Some of these have a direct impact, some of them may be more subtle, but they certainly all answer the question.

For example, new rules of court came into force November 1, 2010. This has been a major project that's been in the works for a number of years. These rules are clearer, more usable, more user friendly, easier for self-represented individuals to use. There has been assistance for self-represented individuals by way of law information centres in Calgary, Edmonton, Red Deer, Grande Prairie, the family law information centres in Edmonton, Calgary, Grande Prairie, Lethbridge, and Red Deer.

We've implemented a court case management system in Edmonton and Calgary which more effectively manages criminal cases and improves timely access to justice. Court services are being used for online dispute resolution, providing mediation services, civil claims mediation programs, family mediation province-wide for families who are considering commencing actions or have commenced actions in Provincial Court or Court of Queen's Bench, child protection and intervention mediation programs in contested family court applications, dispute resolution officers, child support resolution programs, case flow conferences – these are all initiatives that are being provided at the expense of the Alberta taxpayer to support access to justice for people who might not otherwise be able to afford them – information about out of court settlements, which would relate, of course, to civil law, assistance completing court forms, education services, parenting after separation, parenting after separation for high conflict families, focus on communication in separation, more mediation, high conflict assessment services, and so on.

Mr. MacDonald: Thank you. Now, in the 2010 annual report on page 23 goal 4 – and it's quite lengthy – is to improve understanding of and confidence in the justice system. This is no longer an explicit goal in 2011-12, but perhaps it is a worthy objective nonetheless. In the big picture what contribution does a well-funded legal aid program make to improve or instill confidence in our justice system? Unfortunately, there's a perception not only in this province but I think across the country that the deeper the pocket the more confidence one can have in the justice system. I don't think that is fair or right, but that's the perception.

Mr. Olson: We have performance measures that we monitor constantly. If I can just have a moment to refer to them here. "Public confidence in the justice system: the percentage of Albertans who report 'some confidence' to 'a lot of confidence' in the justice system in Alberta." I note that in 2009-10 that percentage was 81 per cent, and that had been trending upwards. So I think there is evidence here that Albertans do have confidence in the justice system. I think part of my answer would also be some of the many things I noted in my last answer in terms of this being a holistic approach to supporting people who are in the justice system. It's

not just about writing a cheque to pay for a lawyer, period. There's a whole array of services that are being supported by Alberta Justice and by the government of Alberta to support people who are involved in the judicial system.

Mr. MacDonald: Well, the performance measure for client satisfaction with legal aid services: I can't find it. I'm under the impression that it has been dropped for 2011-12. The closest new measure of satisfaction is with legal information services. Can you please explain why this change was made? What is the meaning of this change?

Mr. Olson: I'm sorry. Just to clarify, you're asking about the change in . . .

Mr. MacDonald: In the performance measures.

Mr. Olson: I'll ask my staff here to assist me. I may have to provide you with some follow-up. If the hon. member would like to go on with another question.

Mr. MacDonald: Thank you. My next question would be on balance. How does providing funding for legal aid with, say, funding for safe community initiatives – how is each budget determined?

7:30

Mr. Olson: I will try to answer your earlier question first, hon. member. My understanding is that this is simply a question of the length of the business plan that we were allowed to produce; therefore, some of the measures that had previously been in had to be dropped to fit the profile of the business plan. I understand that information is still available, so we should be able to get that for you.

I'm sorry. I've forgotten your next question. Oh, it was a question of balance and how . . .

Mr. MacDonald: Safe communities.

Mr. Olson: Safe communities. I'll talk while my staff maybe put together some information for me here. I guess I would say that one of the things that comes to my mind, just based on my short experience, is that there is a very significant overlap in what happens in safe communities and what happens in other initiatives to support the justice system. Again, I suppose it speaks to the holistic approach. For example, the safe communities innovation fund, SCIF, is a fund that a number of initiatives are supported by financially, which certainly assists people who are vulnerable: low-income people, youth at risk, and so on. They are complementary. Legal aid is an ongoing program. Safe communities is a time-limited initiative. Now, we'll see where that takes us. I'd be happy to talk more about safe communities, but in the short term, anyway, it has an end date.

Safe community funding is for crime prevention and is more to address the roots of crime, where at least the criminal aspect of legal aid is dealing not so much with prevention, of course, but with people who are actually in trouble with the law. It's hard to draw a line and put them in a box and say that safe communities money is only for one purpose, and the legal aid money is only for another purpose. They very much complement each other.

Mr. MacDonald: Thank you. I appreciate the information that you have provided on legal aid. Now, I would like to go on, in the time that we have, to some other matters, please. The first question I have centres around the format or the layout of this year's estimates for this department. I'm looking at last year's estimates. There is quite a bit of difference in how they're set out. For in-

stance, legal services would give you a breakdown of law reform, Legislative Counsel, civil law, criminal justice, maintenance enforcement, and safe communities. Now, this year you have it grouped separately. This is last year's budget estimates. With the elements as you have them this year, you seemed to give more of a breakdown last year with court services. I would be curious to know why the department felt it necessary to change that format. Usually there's a template from one year of budget estimates to the next. I'm just curious why it was changed this year.

Mr. Olson: I may have to ask my colleagues here to help me with some more supplemental information. My understanding is that what you have in this year's format reflects the divisions that we are currently using. Court services reflects the various regional courts. I'm not sure if that actually answers your question.

Mr. MacDonald: No.

Mr. Olson: You're looking for a comparison between the previous year – I'm sorry. I don't have the previous year in front of me here, so I'm not exactly sure how they look different. We can work on that and try to get you an answer.

Mr. MacDonald: Okay. I appreciate that because there is a difference. I don't know why other than that it is harder to track, particularly with court services, what money is going where for even things like Legislative Counsel in the legal services budget. My understanding of legal services is that it's a service that your department provides to all the other ministries.

While I'm at it, I'll ask you this question. The legal services budget has gone up by \$10 million in two years, which is a significant amount. Support for legal aid has gone up by \$5 million in two years. Why would there be a \$10 million increase for a smaller budget?

Mr. Olson: My understanding is that for the previous year, if you're looking at the same line I am, it looks like a significant jump, but that was an actual number, which was considerably under the budgeted number because of some quite significant underspending that year on things such as contracted legal services, outside counsel, and so on. So that's an actual that you're looking at that's the low number. The budgeted number was significantly higher.

Mr. MacDonald: Yes. Well, I was specific. I was looking at the actual from 2009-10, which is really two years, but that's fine. I do know that last year – and I should remember but I can't – Alberta Justice left a significant amount of money unexpended at the end of the year for the size of the department.

Now, we have heard so much in these recessionary times about the government focusing on its core businesses such as Crown prosecutions, court services, maintenance enforcement, and legal aid. These are just some examples. Is this the time to be funding so many different community initiatives? I don't have the breakdown of them here, but every couple of weeks there seems to be a press release going out.

I don't know whether you're trying to compete with the feds to be tough on crime or not, but these community initiatives, from mentor-connector response teams for at-risk families to culturally compatible substance abuse prevention and life skills programs and other programs, may be worthy but are perhaps not core programs and services. When we look at these community initiatives, some may ask if these are government priorities. Are some communities being better served by the distribution of funding than others? Is there a case for defining the most needed services as

well as the level of need in different communities and delivering the services more evenly across the entire province?

Mr. Olson: Thank you for that question. It's a fair question. I think, you know, many people would ask that question. What I want to say is that I feel that our government is taking a modern approach to issues of justice. I've mentioned already a holistic approach. We're talking about getting at the roots of crime. Again, our mandate is to make Albertans feel safe and make them safe in their communities.

7:40

You mentioned other levels of government. Some might say that the focus there could be, you know, spending more money on enforcement, more money on jails, and so on. We do not believe that we can arrest our way out of criminal problems. We feel that we have to get at the roots, and in large part that's what safe communities does. It's a modern, holistic approach that talks about prevention, early intervention, and things that will have a permanent impact on safe communities. It is a value decision about how much money gets spent on something like that. I will be the first to admit that significant resources are being committed by our government to those initiatives, but I also believe that they will have a very significant positive impact.

I will give you an example. You mentioned handing out money and so on. Well, I had the good fortune today to be down in Calgary at the drug court. Having never been there before but having heard about it, intellectually I knew that this was a good thing that we were doing because it was providing people with support after they'd been arrested and diverting them out of the jails. That was really brought home when two of the graduates of the program, with tears running down their cheeks, talked about how it probably had saved their lives, talked about how they have a new lease on life. They've got hope. They're people who are now contributing to society.

One of these graduates talked about the amount of money that society is saving through this program because of not incarcerating him. He'd spent 15 years of his life in jail. Now he's out of jail, he's contributing, he's working, he's got two businesses, and so on. So we're saving money on police, on prosecutors, and on courts. We're also saving money on things like property crime and so on. It's an investment; it's not just an expenditure. I guess if there are those who would criticize programs that are, in my mind, innovative, I'm prepared to take that criticism because I think it's worth while.

Now, of course, we have to be conservative in our spending, so it's always top of mind: how much can we afford? But that certainly is what motivates us. We believe that this actually will make a difference.

Mr. MacDonald: Yes. I appreciate that. Certainly, other jurisdictions have tried other ways to get tough with crime and criminals. The state of California certainly comes to mind. Build lots of jails, fill them up, crime rates haven't gone down, and we still have budget issues around how we have operating funding for those jails. I appreciate your comments on that. I really do, sir.

Another concern that comes up with grant programs, especially in areas related to the justice system, is again that there are always the questions. Did the right funding go to the right agency? Can the minister please tell us how the grants are distributed by types of agencies? For example, how many go to municipalities, First Nations organizations, or other nonprofit groups?

Thank you.

Mr. Olson: I will just start out by saying I can give you some information about distribution of funds. For example, in 2008-2009, the first year of the safe communities innovation fund, the split was about 6 and a half million dollars into Edmonton projects, \$6.4 million to Calgary projects, and about \$6.8 million around the rest of the province. In the next year, 2009-10, it was about \$5,800,000 in Edmonton, \$6,100,000 in Calgary, and \$7,800,000 around the rest of the province; last year \$5.9 million in Edmonton, \$5.9 million in Calgary, and \$8 million in the rest of the province. You can see that there is a pretty even distribution geographically around the province.

Now, in terms of programs and what the money is for, the \$151 million that is in this year's budget would be broken down into three categories: prevention, treatment, and enforcement. Again, we can provide more information about the types of projects.

Prevention: \$23.7 million for things like mentoring; school-based, culturally compatible substance abuse prevention and life skills programs for First Nations communities and Métis settlements; aboriginal and immigrant family violence victim support; positive parenting programs in the 46 parent link centres across the province; and then various other grants. So that's prevention.

Treatment: \$42 million. That's a provincial diversion program which diverts low-risk offenders with minor offences from the criminal justice system to the mental health system; piloting police and crisis teams in Calgary and Grande Prairie provides integrated community-based services to individuals experiencing a mental health crisis by partnering them with police and health professionals; 80 additional treatment beds, including 25 beds at the Centennial Centre for Mental Health and Brain Injury that have been opened using SafeCom funding; Pathways to Housing project in Calgary for accommodation. So that's the second piece, treatment.

Enforcement. That's \$84.9 million to support ongoing enforcement commitments: front-line police officers, Crown prosecutors, community corrections and probation officers; police resources targeting gangs and drugs; SCAN units that investigate complaints about properties linked to drugs; a sheriffs' surveillance unit which supports enhanced supervision and monitoring of priority repeat offenders; and the civil forfeiture office, seizure of criminal property.

The breakdown, again: about \$23 million to prevention, \$42 million to treatment, and \$84 million to enforcement.

Mr. MacDonald: Okay. If I'm looking at the safe communities budget, the secretariat and the innovation fund, it's \$18.6 million. You noted, I think, \$146 million. Is that buried in court services or in ministry support services, or does some of that come from other ministries such as the Solicitor General? I'm a little confused by that number.

Mr. Olson: I'm sorry. I may have inadvertently misled you. I kind of wandered into the safe communities spending, that involves all of government. I may not have mentioned before that the safe communities money is allocated – I think I did, actually, in my opening comments – to seven different government departments. Yes, this money would be supporting activities not just in Justice but in other government departments as well.

Mr. MacDonald: Okay. Then it would be safe for me to assume that when you do a Justice annual report, the expense by function would have that complete amount of \$146 million incorporated into the total of the money that is spent for the protection of persons and property.

Mr. Olson: Yeah. The total safe communities budget is \$151 million, but Justice's share is \$51 million, so that pie chart would account for our \$51 million.

Mr. MacDonald: Okay. I would like to note, Mr. Chairman, that for last year's annual report the actual expense for the protection of persons and properties was \$450 million. I often wondered: as a percentage of the total government budget what would that be over a period of time? Maybe during our break coming up, I'll have a look at that.

7:50

I would like to note that on page 23 of the annual report we see again a long list of ways in which Alberta Justice communicated information about its work to the public. There is a fine line in my view between educating and inspiring confidence, on the one hand, and mere public relations and self-promotion, on the other. Can the minister please tell us how the department measures the effectiveness, for example, of events to announce grant funding for projects and the use of social media in meeting the objective of celebrating the achievements and progress made by the funded projects?

Mr. Olson: Well, I may have to ask my colleagues to help me again although I will just relate this information to the hon. member. Outcomes, performance indicators, and data collection processes have been developed, and we have an assurance unit that tracks outcomes, indicators, and results for these projects. Some of the measures that we use are – now, this is specific to safe communities – mentoring, the increase in the number of children and youth being mentored; pathways to housing, we use percentage of clients achieving partial or full remission of their substance use since program entry; civil forfeiture office, the value of assets seized and redistributed to crime prevention and victims programs. We only have preliminary results for about half of these projects because we're only a few years in. It's early days in terms of being able to assess some of these activities and measure the results.

Now, how a decision is made in terms of communicating our activities: this is where, I'm afraid, my lack of experience probably shows. I can say that, generally speaking, it's a good way of generating public confidence by telling good-news stories. Safe communities projects are all good-news stories. It inspires people to get involved in their community. It inspires people to speak up on justice issues. It inspires people to come forward with innovative ideas to make their communities safer. I have seen no evidence of any untoward use of funds to promote these projects or to tell the story of what's being done with safe communities. We also have a website which has stories with this information, and I think that's also been a very valuable asset for us and probably one that will be used more and more in the future.

Mr. MacDonald: Thank you. I have some questions now on court services, and to elaborate a little bit, the differences between last year's budget estimates and this year's budget estimates, sort of the highlights for Calgary court operations, Edmonton court operations, regional court operations. That being said, that portion of last year's estimates was easy to read and understand, but I would say that it is an improvement this year to start with the budget actual from two years ago, '09-10, and go from left to right, with the estimate on the right-hand side of the page, and you can just follow it across. It was reversed in previous estimates. So that's something. I know it's just a housekeeping matter, but someone thought about it and did it for whatever reason, and we don't have time to ask.

Certainly, we can see that there is a difference here in how court services data are presented. I guess it's not significant. I would like to ask, please – all the amounts for family justice services are up in 2010-11 and are up again in '11-12 by an average of 17 per cent, my math indicates, 17 per cent since 2009-10. Can the minister please explain why these costs are increasing by 17 per cent when the average increase for court services overall is 5 per cent?

Mr. Olson: The information that I have, Mr. Chair, is that that activity in that area is up. I suppose one shouldn't be surprised about that given the economic environment that we've had in the last year or two. I think tough economic times are tough on families, and I think we've seen in a number of areas evidence that there's been an uptick in activity in the area of domestic relations and family issues probably because of that.

Mr. MacDonald: Thank you very much. I don't mean to be stuck on page 23 of your annual report from 2009-10, but another service offered by Justice which is no doubt extremely worthwhile is highlighted on page 23. It's the parenting after separation program offered through court services. This is a free six-hour workshop given at 21 sites, as I understand it, across the province. This course is well regarded and is mandatory for, I think, some proceedings, if not all proceedings, in the Court of Queen's Bench. We don't normally think of the courts providing educational programming. Can the minister explain, please, how this multicentre program fits into the business plan for court services?

Thank you.

Mr. Olson: Well, first of all, I think I would like to talk about – and perhaps the hon. member is framing his question in a way that he's thinking about our budget estimates for the coming year. Obviously, that's why I'm here tonight, to focus on the coming year's budget. In that context, I would say that, once again, all of these elements provide support to the administration of justice. The justice system has become much more than just showing up at court without all the support that goes with it.

We have, as I mentioned earlier, an array of programs that support families and the resolution of family issues. I wouldn't think that the hon. member would be suggesting that we should be getting rid of some of these although he may raise the point that because we have such an array of these programs, it's logical that we would be reviewing them and trying to make sure that they are all being delivered in the most streamlined way possible. We actually have been doing that. There is a project that is just about to end that's been under way for several years that talks about the streamlining of all these programs.

So I'll take the hon. member's point that in the context of our future work this is something that we should be looking at and, in fact, we are looking at.

Mr. MacDonald: Okay. At no point did I say, you know, that I didn't think it was useful. In fact, I said that there's no doubt that it's extremely worth while.

Now, the program is evaluated using participant surveys and seems to be popular among those that attend. How does the ministry evaluate the program in terms of achieving the priority objectives of the department or the Ministry of Justice?

8:00

Mr. Olson: The primary source of feedback that we get is client satisfaction information in this particular area. In some other areas we use a combination of more statistical hard data and also even national surveys and that type of thing.

When we're talking about family justice services, typically the information we get would be from the people who have been participants. A large percentage of parenting-after-separation participants, for example, rate the seminar topics as good or very good.

Mr. MacDonald: Okay. In the time I have left, I would like to ask some questions regarding element 5, safe communities, the secretariat and the innovation fund. The secretariat receives \$4.7 million, up 3.5 per cent from 4 and a half million dollars in 2010-11. It's up from \$3.3 million, or 41 per cent, from the actual 2009-10. Why has the secretariat budget increased again this year?

Thank you.

Mr. Olson: We have merged in the last year the Safe Communities Secretariat and our corporate policy unit into one, so the budgets of those two have been merged, and that's why the increased number.

Mr. MacDonald: Now the innovation fund. The innovation fund receives \$14 million, the same as the budget for 2010-11, but that figure was overspent, my research indicates, by 90 per cent or a little better than 90 per cent during the year. My first question is: was it unrealistic to reduce the budget by 21 per cent from 2010-11? Why was the budget overspent 91 per cent last year? I'm going to ask three questions if you don't mind. How will the ministry avoid overspending in 2011-12?

Thanks.

Mr. Olson: Originally \$60 million was allocated for this innovation fund, and it was to be spent over 3 years, so it was going to be \$20 million a year. I think part of the reason why it wasn't all spent and why there was some reduction down to \$14 million was . . .

The Chair: That's the end of the time allotted for this segment.

For the next 20 minutes the members of the third party, if any, and the minister may speak. Seeing no one here from the Wildrose Alliance Party, we'll move on.

For the next 20 minutes the members of the fourth party, if any, and the minister may speak. I assume that's Ms Notley. Would you like to go back and forth?

Ms Notley: Yeah. That's fine. That's what I'll do. It's a pleasure to be able to get up to begin participation in this debate. Of course, I'd like to join the Member for Edmonton-Gold Bar in congratulating the minister on his new position. It's always exciting, I think, when you get to be a minister for the first time. I wouldn't know, of course, but maybe someday – you never know – it could happen. Congratulations to you for that. I do think that you're probably quite well suited to take on this role, so congratulations to you.

I'm going to start by talking a little bit about legal aid because that's an area that is very near and dear to my heart. I listened with some interest to the exchange between the minister and the Member for Edmonton-Gold Bar. I have to say that I was a little bit disappointed in terms of your first outing into this area because I don't know that I was particularly satisfied with the answers that were given in response to the concerns that were raised by the Member for Edmonton-Gold Bar.

I'm just going to start talking a bit about this because I really want to enforce how important this issue is to me. I, too, like the minister, have legal training, and in fact I chose to go to Osgoode Hall Law School specifically because it had a poverty law pro-

gram. I specialized in my law career on issues of how people of low income accessed and related to our legal system in Canada.

As a young student coming back here in the summers during my legal education, one summer, in fact, I had the opportunity to come and work as a researcher for the then Official Opposition and did research for the Attorney General critic. I was appalled, absolutely appalled, when I got back to Alberta, to look at what we were doing in this province and compare it to what was happening in other provinces across the country in terms of legal aid. I was desperately, very deeply disappointed. I remember the then Member for Edmonton-Strathcona, Gordon Wright, raising issues around the desperate state of our legal aid system in Alberta in the late '80s. Really, there have only been, I would suggest, moderate improvements in that regard ever since.

As you probably know, I also had the opportunity to work in the office of the Attorney General in B.C. At that time legal aid was a very hotly contested and discussed issue because when it was the NDP government, when we were in government, the Liberal government at the time had decided to significantly slash their funding for legal aid support, so the Attorney General was tasked with the job of going to his cabinet and convincing the cabinet to maintain or backfill that funding to ensure that legal aid continued.

I'm very aware of the issues, I'm aware of the relationship between the minister and the Legal Aid Society, and I'm aware of those dynamics. When I hear you simply say, "Well, the Legal Aid Society makes those decisions; that's the Legal Aid Society's issue," Mr. Minister, with all due respect, it absolutely is not their issue. The access to legal aid, the access to justice, the very integrity of our legal system in this province is your job. The very integrity of our legal aid system is at risk because of the crisis in our legal aid system.

I want to just put on the record that I anticipate receiving in writing after this process the information about where Alberta stands in relation to other jurisdictions. The notion that you're unable to provide that information I think is also deeply troubling. I suspect that your officials, upon reconsideration, will understand that the notion that they're not able to provide you with advice on where we rank on an interjurisdictional basis in terms of legal aid funding is not acceptable and that you as the minister must be able to provide that information, ought to be here with that at your fingertips, and will obviously be able to provide Members of the Legislative Assembly with that information because it's a reasonable request. It's a common element of the debate in other jurisdictions.

I would also suggest to you that I'm also a little concerned when I hear: well, we're dealing with the access to justice issue through other means, through revising the new rules of court. I mean, come on. Come on. How many self-represented litigants in Alberta walk in with the revised or the unrevised *Rules of Court* and are able to access those in a functional way that allows them to participate in anything bordering on equality within that system? None.

To suggest that with the rules of court, something that law students spend a whole year learning about and then taking more courses on in their bar admission and then learning about through practice, an unrepresented litigant can possibly find the more simplistic language in the *Rules of Court* an assistance to their unrepresented progress through the court system is, I think, the kind of comment that demonstrates a profound disregard for the realities and the challenges and suffering that people are exposed to as a result of not being able to get access to legal aid in this province.

8:10

The other thing is the law information centres. That might be the one place where there's a slight assistance to the profoundly imbalanced level of fair access to justice that exists right now. With respect to the rest of them – parenting after separation, all the mediation programs you listed – those are programs designed to limit the pressure on the courts and the amount of time and money spent on judges and courtrooms and fully litigated processes. Those are not programs designed to assist the unrepresented litigant. Most people who access, say, for instance, the mediation programs do so with representation. The quality of the outcome that they enjoy is directly linked to the quality of representation that they receive in those mediation processes. So to suggest that those are somehow avenues for addressing the profound inequality that exists in this province because of the failure to properly fund legal aid is again to misunderstand the challenges that so many Albertans face.

I knew I was going to get to some questions on this. I'm sorry, but it's an issue that I'm deeply, deeply concerned about. I remember having this conversation with the former Attorney General and at that time having the legal aid report in front of us and saying to her: you know, you're not giving us any answers, and you're ultimately going to have to cut eligibility by 30 per cent. Sure enough, that's exactly what happened, but she wouldn't acknowledge that that was going to happen. She wouldn't have a conversation about what the implications of that were the last time we had this discussion, yet that's exactly what ended up happening. These are implications that this government has to take into account.

I have received, as I'm sure you have, advice and representations from people within the community, first of all from people involved with mental health suggesting that we are criminalizing the mentally ill through their inability to get access to legal aid. What are your comments in that regard?

As well, we have heard from the Law Society that the very objectives that you've so eloquently talked about with respect to the safe communities initiatives are being undermined by the increase in the number of self-represented litigants and the fact that most people cannot get access to legal aid. Where they should be diverting into prevention programs, where they should be getting access to the kind of support that would stop their criminal behaviour in its tracks and divert them away from greater levels of criminal behaviour, for instance, they're not getting access to lawyers at all. Their behaviours are becoming crystallized and exaggerated through exposure to a system which is not designed to deal with the unrepresented litigant. Of course, as the previous member has acknowledged, the Chief Justice also pointed out that there were significant problems in Alberta as a result of access to justice.

Knowing that at the end of the day the provincial government has the capacity to fund this so that these profound threats to the absolute, overall integrity of our justice system can be limited and ultimately resolved, I'd like to know what the minister has to say about future plans. Are we simply going to continue to hide behind what I would say is a paper-thin – paper-thin – shield around, "Well, it's the Legal Aid board, and we have nothing to do with it," notwithstanding the fact that provincial governments take greater and lesser ownership over this issue, depending on their commitment to the issue of access to justice and the integrity of the overall system across the country? What are your future plans with respect to that?

Thanks.

Mr. Olson: I'd like to thank the hon. member for her comments. I've certainly noted them and note her passion for this issue. I want to say that perhaps she put, I would say, the worst possible construction on a few of the things I said. I would have hoped to have gotten the benefit of the doubt on a couple of things. For example, I don't think that I dismissed the issue about who makes the decision regarding financial eligibility and so on by passing it off to say: well, Legal Aid does that. I said it is a fact – and it is a fact – that they are the ones that determine financial eligibility guidelines. I think I also said that my department is in constant contact with Legal Aid Alberta.

In terms of what plans we have for the future, I will say that I happen to be meeting tomorrow with representatives from the Law Society. I have had telephone conversations with the head of the Legal Aid Society. We have talked about these issues. I see us as having a lot of common ground here because we all have the same interests.

I also want to talk to the federal government. I want to find out – you know, again, we're one of the sources of funding, and I suppose you might suggest that we should be the only source of funding, but this is a partnership between three different funders, and we are the only funder who has rather significantly increased our funding in the last number of years, again, close to 10 per cent in this budget. Ten per cent is a pretty significant increase considering what some other departments may be facing and some other programs may be facing.

So I take the hon. member's point. I understand her passion. I am working on this issue and would be happy to talk with her from time to time and let her know what I'm up to.

Ms Notley: Okay. Well, I guess my question, then, just on more particular things, is if I could be provided with some commentary on, for instance, the issue that was raised with respect to access to legal aid by people with mental health issues. The matter was raised in relation to Alberta Hospital. Of course, the irony is that's just the tip of the iceberg because, you know, Alberta Hospital has its hundred forensic beds, and then it probably has some more beds with some other people as well that have involvement with the criminal justice system, but often those people are the ones that have actually succeeded.

The ones that are really in trouble are the ones who need a lawyer, who have mental health issues, who are rotting in the remand centre without access to mental health support. That is happening in particular with respect to people who can't get access to proper legal aid. I'm sure the minister knows that, you know, for every forensic client at Alberta Hospital that's being assessed, there are probably five more that are in the remand centre not getting the support that they need. So I'm wondering if the minister can provide some feedback about how he sees his ministry responding to that in light of the fact that there's so much less legal representation available for those people.

I'll link it at this point, just so that you can try and end on a positive front, to the issue of SafeCom. There was discussion last year of the work of the Justice Policy Advisory Committee and a project that they were engaging in that would look at potential pilot projects that were, quote, aimed at integrating wraparound services for those in the justice system suffering from addiction and mental health issues. My questions for you would be: has that happened, and how much money has been allocated to it, and what does it look like?

Then in relation to some of your performance measures perhaps you could advise me – I believe that one of the recommendations under SafeCom was to significantly increase the number of treat-

ment beds for alcoholism, drug addiction, and the dual diagnoses of both mental illness and drug addiction. I understand that last year there were roughly about 80 beds. Last year. So my question then is: how many more have been added this year? As I'm sure you're aware, the NDP opposition has previously released documentation to show that we are probably short at least about 1,500 mental health beds in this province. If we're going to make headway with that issue, there needs to be a lot more work done there.

So perhaps you could answer some of those questions.

8:20

Mr. Olson: Thank you, and my apologies for not answering the question about mental health in the last answer because I think the hon. member had asked me that question. I will try to address a number of her questions here.

Firstly, I'll just provide a little bit of information about the safe communities initiative and funding that is going to Alberta Health and Wellness. There is a total of \$151 million in safe communities; \$42.1 million, or 28 per cent of that, is going to Alberta Health and Wellness. The allocation is \$16.5 million for mental health beds in Ponoka and Calgary and enhanced mental health and addiction services for incarcerated inmates; \$12.9 million for increased residential addiction treatment beds – Aventa, Shunda Creek, and Poundmaker's – increased length of stay and enhanced aftercare, enhanced mobile outreach, and street intervention teams. Four full-time counselling positions are in place, two each in Calgary and Edmonton; counsellors to provide direct service delivery from a variety of sites; community agencies that have agreed to work with the initiative; counsellors who also work collaboratively with community agencies in program and service development; addiction prevention in schools operational in Edmonton, Calgary, Lethbridge, Wainwright, Red Deer, and Grande Prairie.

Now, that does not answer the hon. member's questions in terms of specific support for people with mental health issues on legal aid. My understanding is that Legal Aid doesn't differentiate between their clients in that way, so at least at present I don't have any information on that.

The hon. member also mentioned the integrated justice services project. That is this new concept that we are working on. It is not up and running. About \$300,000 has been spent, invested in some policy analysis, and the next step would be to develop a pilot project. The idea is to integrate a number of services. You know, maybe this is a bad parallel, but I like to think of it in terms of a primary care network, a holistic approach, a team approach to providing people with assistance. This would work very nicely for people with mental health issues because it would provide them with support, but it could work for people with other issues as well. The underlying risk factors that we would be looking at probably would be criminal history, history of aggression and violence, addiction and mental health needs. Maybe parenting skills would come into play, income, education, employment and training needs, housing needs, and so on. We do see this as the way of the future, but it's in a developmental stage right now.

There are some elements of these types of things that are already at work but not as part of this project. When I was answering questions earlier, I talked about my visit down to the Calgary drug court today. I think that's an example of the type of holistic approach that could be taken.

In the development of this integrated justice services project – I'm still having trouble with titles and acronyms – there has been work done in terms of talking to people in the community, talking to potential partners. There were 45 organizations around the table

just this last December, and a lot of good ideas were exchanged at that point.

The Chair: Thank you, Minister.

That's the end of the time allocated for this section. For the next 20 minutes the members of any other party represented in the Assembly and any independent members and the minister may speak. Seeing as there are none that fit that, any member may speak hereafter.

First on the list is Ms Calahasen, followed by Mr. MacDonald.

Ms Calahasen: Thank you very much, Mr. Chairman. Congratulations, first of all, to the minister on his appointment. I know you will bring a different perspective to this portfolio, and I look forward to seeing that occur. I have a number of questions in different areas, so we can go back and forth if you'd like. That's fine with me.

On line 2.6, page 234 of your estimates, the aboriginal court worker program has increased. My point is: could you tell me where the increase would be and where it is that the program affects most of the people? I'm not exactly sure if it's north, south, east, west or who would be the people who would be delivering that program. So can I have that information, if you could? That would be excellent.

Mr. Olson: Thank you to the hon. member. I'm advised that we do not have the geographic information for you right now, but I'll certainly undertake to provide that to you.

Ms Calahasen: Thank you. Also on page 234 I see that we have the court systems like Lethbridge, Red Deer, Grande Prairie, Peace River, Wetaskiwin, Fort McMurray, St. Paul, Drumheller, Medicine Hat, and the regional provincial courts. Every single one of those except two, which are Peace River as well as the Medicine Hat courts, have been lowered in terms of their estimates. Could you tell me why that would be? Was there an increase in the other areas or a decrease in those specific areas for court services?

Mr. Olson: The hon. member has stumped me again, so I'm going to have to undertake to provide you with that answer, too.

Ms Calahasen: I really don't mean to stump you. I was just looking for some information. I know you will provide that. You've got great staff that will be able to provide us with the information.

My other question has to do with the MEP. The questions that I have are: what additional initiatives will be implemented to increase the regularity of maintenance payments, and what current initiatives are there?

Mr. Olson: I think this one I can provide some answers to. There are a whole array of tools that are available in terms of the MEP, which is the maintenance enforcement program. I'll just provide some of them. As the default on a file becomes more serious, so do the enforcement actions. Enforcement actions include things like filing a writ at a personal property registry, a registration against real property – that's land – wage support deduction notices, nonwage support deduction notices, federal support deduction notices, credit bureau reporting, motor vehicle restrictions, driver's licence suspensions, recreational hunting and fishing licence restrictions, federal licence denials, financial examinations and hearings, default hearings, and asset seizures. I actually just had the experience recently where action was taken to seize a passport, too.

So there are some very significant tools that can be taken. Obviously, one doesn't use a sledgehammer at the beginning of the process. It's an application of increasing amounts of enforcement to motivate the person to pay.

Ms Calahasen: That's good to hear because I think sometimes we forget that there are children in need in situations like this.

However, there are also some cases where the fathers sometimes are taken to task on other issues. Sometimes when their licence is taken away, that doesn't allow them to go out and work. I think sometimes we have to be able to use common sense as well, so I would suggest that we should be able to put that somewhere in the measure.

8:30

I want to talk about the measure. Your last actual measure is 3 per cent below target. It's on page 86 of your accountability statement in the business plan. How do you intend to improve that performance in order to meet your target of 70 per cent?

Mr. Olson: Well, actually, these measures have been fairly consistent over the last few years. It is true that we are 3 per cent below the target, I think, most recently. Again, it relates to an answer that I had given earlier on to one of the hon. members, that it is a little bit of a sign of the times in that as people have economic difficulties, perhaps lose jobs and so on, it may be tougher for them to keep up, and that manifests itself, I think, in some of these lower measures.

Ms Calahasen: I want to move on now to another question. When you look at the information on JIMS, what benefits are expected to be realized by justice innovation and modernization of services? Have they actually been realized yet?

Mr. Olson: Well, the justice innovation and modernization of services: it's not fully implemented. There are elements of the program that have been implemented; for example, the court case management program, which just a little bit over a year ago was initiated in Edmonton and Calgary. It allows for the more effective management of criminal cases, thereby improving timely access to justice.

Ms Calahasen: Having said that, then, what are the costs of the system? Do you see long-term cost savings with this program at all? If you can provide me with that information, I'd really appreciate that.

Mr. Olson: As I mentioned, the whole system has not been implemented. The overall costs are estimated by the end of it to be the sum of \$124 million in capital costs. Fifty million dollars has been approved by Treasury Board, and the balance will have to be approved at some point in the future in order to complete the program. But for the time being, the system is just being developed. There are some estimates of cost savings once the program is fully implemented, and based on those estimates, potential savings relative to the project costs range between 4 and 11 per cent annually, which would be between \$5 million and \$13.6 million annually.

Ms Calahasen: Thank you. Now I'm going to move on to the next one, which is the medical examiner's office. The medical examiner's budget increased by \$3 million, or 34.7 per cent, from the actual for 2009-10. Can you provide an explanation of what this increase was for?

Mr. Olson: Well, the \$3 million increase was primarily due to underexpenditure, actually, in 2009-10 in contracted services.

Ms Calahasen: Moving on, let me ask another question, then. How does the ministry plan to enhance the capacity of the medical examiner's office? Will this include funding to further increase the capacity?

Mr. Olson: Thank you, hon. member. Before I answer that question, I'll get back to an earlier question that you had asked, which was the issue about regional courts and budget increases. This is a bit of a quirk because in 2009-10 court services received a million dollars to help fund manpower increases to the bargaining unit for the whole division. It was initially distributed between Edmonton and Calgary only because it was too late in the budget process to fully distribute the funds in that fiscal year. The appropriate funding has now been distributed for the 2011-12 year throughout the division. That's what caused that disparity that you were referring to between the courts. So that is addressing your earlier question.

Now, your question regarding the medical examiner's office right now. We have had three medical examiners in the Calgary office and four in the Edmonton office. You may have heard that one examiner left Calgary a couple of months ago, and we have now received information that two other examiners in Calgary have given their notice that they will be leaving. They haven't left yet; they're still there. But we were very conscious of the fact that all of our medical examiners are working to a very high capacity. They need help, so we have been working on a business plan which would allow us to add three more. We would have a total of 10 medical examiners. That's what we have now done. We will be going to 10 medical examiners. We are in the process of recruiting, and I am told that the recruiting is actually going very well. There is a high degree of interest, and we are very confident that we are going to be able to add some highly qualified people in the near future.

Ms Calahasen: Thank you. Now I'm going to safe communities. Thank you very much, first of all, for the focus on helping communities and the fact that I know that you are providing dollars for all communities in northern Alberta. I want to ask a question on this issue. Could you identify how many communities in northern Alberta you are providing dollars for for these great projects?

The other question I want to ask is: how are you going to know if you have achieved your goal of crime reduction in the next year? How will we know when you have done that?

Mr. Olson: Perhaps I'll have to supplement some of this information after the fact, but I can tell the hon. member that the safe communities projects are really spread out geographically across the province. I'll just mention for this past year some of the communities where safe communities money has gone: Siksika First Nation, Wabasca, Cardston, Pincher Creek, Crowsnest, Piikani, Kainai, Cold Lake, Athabasca, Barrhead, Westlock, Enoch, Whitecourt, Grande Prairie and area, Wetaskiwin and region, Okotoks, Assumption, Chateh, Rainbow Lake, Fort McMurray, and High Prairie.

Now, some of the specific projects I can mention are a Circle of Courage youth intervention program, the Kainai Community Corrections Society, \$443,000 over three years; Stoney Nation Music Factory, \$150,000 over three years; Cold Lake Music Factory, \$150,000 over three years; Eden Valley crime prevention youth empowerment strategy, \$278,000 over three years; High Level Domestic Violence Response Unit, \$1,780,000 over three years; Maskwacis Family Violence Unit, \$489,000 over three years;

Reclaiming Our Youth with Hope – that’s near Stony Plain – \$338,000 over three years. I could continue on, but it’s a long list.

On performance measures – I did make reference to this in an earlier question – the outcomes and performance indicators and data collection processes have been developed, and they’re in the process of being finalized and will be finalized this spring for ministry-funded projects. A performance measurement inventory has been created by our SafeCom assurance unit to track outcomes. Some of the indicators are things like mentoring, which is a percentage increase in the number of children and youth being mentored; Pathways to Housing, the percentage of clients achieving partial or full remission in their use since program entry; the civil forfeiture office, the value of assets seized and redistributed to crime prevention and victims units.

Once again, I would just say to the hon. member that these projects are all works in progress. They’re not complete. They’re three-year projects. In terms of measuring their actual effectiveness, we’ll obviously have to wait until they are fully complete.

8:40

Ms Calahasen: Thank you. Now I’m going to aboriginal litigation. When you look at your budget, you have \$126 million for criminal justice and legal services, \$184 million for court services. It appears that there’s been an increase from ’09-10 in all those program services, which is good because I think that now we can do some really great things with the system.

Many years ago, when I was first elected, we had a policy of negotiation versus litigation relative to the aboriginal people of this province, whether it’s First Nations or Métis. I get excited because I see the increase and what you’re trying to do here. Could you tell me what we’re going to do to work with the aboriginal communities so that we can also eliminate the numbers that are in the jails? The justice system is what puts them in there. What kind of work is going to happen relative to working with the Solicitor General to see this happen? When I look at your expense program, you could do some great things. I want to encourage you to continue to do that.

Mr. Olson: I’ll try to answer the hon. member’s question by saying that some of the programs in Justice are specifically targeted to aboriginal issues and aboriginal programs. Many others are directed at all Albertans. Of course, aboriginal people are Albertans and are very much entitled to those same programs. I think that that always needs to be kept in mind. We do believe in a balanced approach.

I don’t think I have anything more to add right now, but if I come up with some further information, I’ll certainly pass it on to you.

Ms Calahasen: Great. Thank you.

Thank you very much, Mr. Chair. Those are my questions.

The Chair: Okay. Thank you.

Next on the speakers list is Ms Notley, followed by Mr. Anderson.

Ms Notley: Thank you very much. I’ll just sort of carry on, I guess, from where we were before. I want to talk a little bit about line item 2.8, the self-represented litigant services, a \$10,000 increase over the 2010 budget and forecast but still down from the 2009 actual of \$876,000. Generally speaking, compared to 2009, we’re still down. I’m just wondering if you could provide me with an update on the number of people who are using the centres and for each centre the actual number of clients. Has that increased

this year? If you can’t provide it to me now, you can certainly do it in writing later. I’m happy to receive that.

As well, I’m wondering if you could provide some sense of what type of performance measures you’re using with those centres as well. I don’t know. I mean, I suspect the range of service and the range of advice offered to somebody in those centres varies greatly. Then, of course, if it is the case that they’ve got more people coming to them, it may well be that the range of service is limited. I don’t know exactly how it is you identify consistent performance measures, but I’d like to hear a little bit about that.

I know that the previous member spoke about maintenance enforcement. I just had a quick question about that. She did cover much of what I was asking about, but one question I did not hear, and I apologize if I missed it. It looks as though the target was 80 per cent with respect to the performance measures in the annual report on page 12, but now we see the target being lowered to 70 per cent. I’m wondering why it is that there was a decrease in the compliance rate as a target by 10 per cent. That seems to me to not be going in the right direction. Basically, the annual report on page 12 identifies the target compliance rate at 80 per cent, and then your business plan on page 86 indicates that the target is being lowered to 70 per cent, so that’s where I see the change in targets. I’m wondering why that would have occurred, if that is accurate?

Maybe we can just start with those three questions.

Mr. Olson: I’ll try to answer those questions. I may have to supplement them. Now, in terms of the activity level my understanding is that it is increasing. It tends to be an upward trend. I think the most recent information we have is about 200,000 assists for the last year, I assume. We will endeavour to get you more specific information just to make sure that we’re accurate.

In terms of performance measures it’s basically done by client satisfaction. As people use the system, they are asked, you know, what their satisfaction level is. So I think we can also probably provide you with that information.

I’m not sure I can answer this question about the target because the information I have is that we haven’t changed our target. I don’t know if we’ve got a problem there in terms of those two documents, one of them being just wrong or what, but I’m advised by my staff that the target has been 70 per cent and hasn’t changed. So we’ll look into that and see if we can clarify that as well.

Ms Notley: Okay. Thank you for that. Yes. It could be an error on our part, but certainly the citation is that it was the annual report that suggested the 80 per cent previously.

I want to go back to the issue of beds. You had talked about the \$42 million roughly going to health, then you talked about the amount that went to mental health beds or residential beds. What I would really like to hear is the actual number of beds? In the reply that we received – I think it was a written reply last year from estimates – we were given a list of about 80 treatment beds that were opened out of the safe communities money last year. So what I would be asking for this year is an update on additional beds opened with respect to the safe communities money, again with sort of the notation: are they adult, are they child, for lack of a better term, are they mental health, or are they addiction, and then whether they require involvement in the justice system in order to access them?

There was some confusion around that last year. I think in estimates the minister had advised that the 80 or so beds were beds that you would access as part of a diversion program, something

like that, or conversely a release, you know, whatever you call it. I can't remember the correct terminology. When someone leaves prison or as part of a probationary process, the beds would be that, but they had to be engaged with the justice system in some fashion. Subsequently, I believe there was some clarification suggesting that not all of them required the users of the beds to be engaged with the justice system. So if there could just be clarification with respect to that, that would be helpful.

The Alberta crime prevention framework: in last year's estimates debates the Justice minister said that she expected the framework to be completed by the summer. The annual report says that the crime prevention framework is on target to go to cabinet by the fall of 2010. So I'm just wondering if the framework has been completed, has it gone to cabinet, and has it been released? If it has been released and I missed it, I apologize. If it has not been released, if you could provide for me your expectation as to when it will be publicly released.

8:50

Mr. Olson: First of all, I'd like to go back to an earlier question about the activity levels at the LInC centres, legal information centres, in Edmonton, Calgary, Grande Prairie, and Red Deer. These are the stats which include visits of both under and over 15 minutes, telephone, and e-mail: in 2007-08 there were 33,393 visits; 2008-09 there were 73,706; 2009-10 there were 112,918; 2010-11, year-to-date, that's April 2010 to February 2011, 169,344. So there certainly is a trend up. Obviously, people are valuing the information that they're getting at those centres.

In terms of the number of beds this is one of the quirks, I suppose you'd say, of the way the safe communities initiative is set up. It is a multiministry undertaking. I don't have the information about some of the things that the hon. member is referring to in terms of the breakdown between what kinds of beds and so on because that money goes to the Department of Health and Wellness, and the Department of Health and Wellness allocates that money. To the extent that I can provide some information, I will, but the question may be better asked of the Department of Health and Wellness.

I'm sorry. There was another question, and now I'm not remembering what it was. The crime prevention framework. Right. I'm just learning about that framework. I can tell the hon. member that it is something that is definitely on my agenda, but it hasn't finished going through the formal process internally within government. My understanding is that we are going to be ready to be doing that this spring. I don't have a whole lot of detail I can offer at this point because it's still a work in progress. I take the hon. member's point. I think it was indicated somewhere that it was going to be done before now, and I can't give her reasons as to why it hasn't other than, as the hon. member will appreciate, sometimes things take longer than first anticipated.

Ms Notley: Okay. Just if we could bounce back really quickly to the issue of the information centres. I appreciate the information about the visits. Did the minister suggest that they were broken down between less than 15 minutes and more than 15 minutes? They weren't?

Mr. Olson: My understanding, hon. member, is that they do break them down, but these numbers are both under 15 minutes and over 15 minutes.

Ms Notley: I'd appreciate it if you could provide us with the breakdown because, of course, it would give us a sense of some insight into the type of interaction that they're receiving.

My other question is whether your stats also identify repeat visits, so whether you've got 160,000 separate individuals being seen or whether you've actually got 40,000 people going back four times, and whether that trending is changing. That would be helpful as well to get access to that information.

If I could go back to the bed question, I'm just going to push you a little bit on this because we tend to have a little bit of a problem with the, "Well, no; this isn't my ministry; that's your ministry; that's his ministry, so talk to them," all that kind of stuff. The thing of it is that we've been told over and over that while the funding does go to other ministries, safe communities is ultimately an initiative of the Attorney General's ministry, that your ministry is the lead in it. In the past I did receive information about these beds. As you can imagine, sort of the placement and following of mental health and addiction treatment beds is sometimes a very frustrating thing for members of the public.

We so often have one ministry announcing something with grand fanfare, and then they'll announce that they're going to open some, and then they'll announce that they have opened some, and then someone else will announce the same beds again three days later. So it's really important for us to get as much clarity in terms of which beds are new beds, which beds were announced last year, you know, all that kind of stuff. I'm going to hold you to your lead role in the safe communities initiatives and ask that you do see if you can press your staff to press Health for answers to those questions around the beds since it is so fundamental to the work that you're doing through safe communities.

I want to just bounce really quickly back to my favourite thing, legal aid, to another piece on the legal aid thing, which I did discuss with the minister last year. Since you're a new minister, I will throw this one out at you as well, which is the rate at which we compensate lawyers for legal aid work. Over the course of three years we have managed to extract from various sources the fact that for a 10-year lawyer who is working for the government as the government's lawyer – say the government contracts a lawyer to provide assistance with child protection cases, for instance, in some of the regions; you know, there's a broad range of reasons why the government could contract legal services – the rough hourly rate, the average, is \$190 an hour.

Of course, if you then compare that to the \$84 an hour that legal aid recipients are able to offer to their lawyers, should they be lucky enough to actually get some kind of funding, you can see that there is a huge disparity in terms of the amount of money that is being paid to those two different lawyers. And I know that \$190 an hour is not actually that rich. There are a lot of lawyers out there that charge much, much more than that. But the fact that the government, on average, would pay \$190 an hour for a 10-year lawyer raises this very real question about the relative quality of legal services being enjoyed by a person who is compelled to rely on legal aid.

It gets back to this question of access to justice. I've sat in the position of being an adjudicator on issues, and I have watched with great distress two lawyers with widely varying skill levels, one for a very well-appointed client and one for a very financially challenged client. I've watched as the system has not worked in the way that we have been led to believe it works at its best in theory.

The minister previously, just so you know, had suggested: well, you know, this isn't really a problem because we have all these generous lawyers out there who just volunteer, and we can always be sure that a legal aid client will get the same quality of representation because there are a lot of lawyers out there who do legal aid work for \$84 an hour. In effect, what's happening is that it's the noblesse oblige of some in the legal community that ensures equal

access to justice. I'm going to tell you that I don't buy that argument. But I'm wondering if the Justice minister has any observations on that apparent inequity in the availability of quality legal services depending on income.

Mr. Olson: Well, first, I'll address the hon. member's comments about beds and Alberta Health and Wellness. I did notice in my reading of last year's estimates that there was a discussion between my predecessor and the hon. member on the question of bed numbers and so on. Given that, I will give my undertaking to see what we can get from Alberta Health and Wellness and provide the hon. member with the breakdowns that she has mentioned. I trust that my staff noted that, but it will be available anyway in *Hansard*.

9:00

In terms of the hon. member's comments regarding hourly rates I guess the first thing I would want to say is that regardless of whether a lawyer is paid \$84 an hour, \$150 an hour, or \$250 an hour, I want to assume that all lawyers are qualified. We all know of situations where somebody might be charging more than others, but it doesn't necessarily speak to the qualifications of the lawyer. In fact, I would acknowledge that lawyers who do legal aid work are special people. There is an element of noblesse oblige. There is an element of doing service for one's community. Now, should the expectation be that those lawyers have to provide that sacrifice? I guess I struggle with that, too. I am not a lawyer myself who ever did legal aid work. In fact, most of the time when I was practising, I'm not sure they had legal aid for civil issues. It tended to be just for criminal issues.

You know, there has been an evolution and an expansion of the types of services that are available, and I suppose that has been one of the things that has put some stress on the system, too. I think I mentioned in an earlier set of comments that I think one of the things we struggle with is that, as far as I know, the federal government by and large is not prepared to put money into support of civil legal aid.

I can only give my undertaking to the hon. member to do my best to work with all of the funding partners to see how we can best support legal aid. You'll get no argument from me that legal aid is crucial to the administration of justice. Again, I want to defend what this department has done because we're the only stable funder of the three.

The Chair: Thank you very much. The time is expired for that round.

Next up is Mr. Anderson, please.

Mr. Anderson: Thank you, Mr. Chair. I'd like to thank the hon. Member for Edmonton-Gold Bar and thank the hon. Member for Edmonton-Strathcona for allowing us to have the opportunity to come in. I myself was a few minutes late, so it's good to be here and to be able to talk about this project and about the Justice budget. I also want to congratulate the minister for his appointment. We were elected together in 2008, and there are, I would say, few people more qualified or deserving to be Justice minister than he. It's great to see him there; that is for sure. There are not too many ministers on that side that get my praise, Minister, so that's true.

I first want to talk about workplace safety prosecutions. It's kind of an odd topic to start out with, I guess, but I was reading a 2010 article in the *Calgary Herald*, and it was a piece on the lack of prosecution for workplace safety violations in Alberta. There were many civil servants who were expressing in the article frustration that they often found workplace safety violations and

prosecutions that were declined to prosecute despite ample evidence. The column actually won a couple of awards. I don't know if you've seen it or not.

There was an additional concern about the use of creative sentencing. In other words, companies sometimes would be sentenced, for example, to pay their fines into charities or something, and sometimes there was no tracking system. It was alleged, anyway, that there was no tracking system for these payments. Often the convicted company would have more to say about where the money would go than the family of the victim. In some cases scholarships have been named after these companies. Of course, I'm taking that directly from the article; I'm not making these allegations.

A couple of things stood out for me in the article. One of the things was that it was stated in the article that Saskatchewan prosecutes four times as many cases as Alberta under workplace safety. Four times as many are prosecuted in Saskatchewan even though it has about one quarter of our population. This is disconcerting to me because I would actually assume that Alberta might have a higher incidence of workplace safety issues just because of the oil sands, and the nature of our business is such that there would seem to be more incidences of workplace safety.

So to have only a quarter of the workforce in Alberta that Saskatchewan has, yet they prosecute four times more seems like a pretty serious indictment that workplace safety violations are not being taken seriously by this government. Clearly, this was before the current minister's time in office under the former Minister of Justice, one of the PC leadership candidates, in fact. I would like to know if you're aware of the situation, and if so, what are you in your department going to do to help boost that number of convictions and prosecutions in that regard?

Mr. Olson: Mr. Chair, I'd like to thank the hon. member for his kind comments. I'll do my best to answer his questions. I know he's a tenacious questioner, and I hope I can answer the questions. The issue of workplace safety is one that I'll say frankly hadn't occupied a lot of my time until I took this job three weeks ago. I have become aware of some of these issues, and I will provide some information here that I hope will be at least somewhat helpful.

On the question of tracking the hon. member mentioned creative sentencing and tracking. I think there was an issue at one time in terms of who was keeping track. Was there a system to keep track and so on? I understand that my ministry has taken over that function and is doing that now. So that is something that wasn't always there but I think we can now say is being done. Some of the types of creative sentences are requiring an employer to pay into some sort of a workplace safety program, to contribute to scholarships that might, you know, support education in connection with workplace safety, and so on.

In terms of the prosecutions themselves there's a two-part test for the prosecution. Of course, my department doesn't do the investigation. The investigation is done by the Department of Employment and Immigration and their occupational health and safety people. At some point the results of the investigation are turned over to prosecutors in my department. The two-point test that they look at is: is there a reasonable likelihood of conviction, and is it in the public interest to go ahead with the prosecution? The hon. member won't be surprised to hear me say that the minister does not get involved in telling his prosecutors how they should do their work. In fact, prosecutors would react very negatively to that kind of political interference. So those rules apply in every case, and all investigation reports that come from occupational health and safety go through that filter.

9:10

Now, I am aware, too, of this differential in the number of prosecutions between Saskatchewan and Alberta, but there are some other interesting differences between Saskatchewan and Alberta of which I've also become aware, and I think they are important. I don't have the exact numbers, but the average penalty, the average fine in Saskatchewan for breach is, I believe, under \$5,000. The average fine in Alberta is well over \$100,000. In terms of deterrence, you know, I think there is some significant weight behind the penalties in Alberta. This is an issue that is on my radar. As a matter of fact, the Minister of Employment and Immigration and I have had a brief chat, and we are going to continue. I believe, in fact, I have a meeting with him tomorrow to discuss this and other issues that are of common interest to our departments.

Mr. Anderson: Excellent. Thank you for those answers, and I trust you'll undertake to look into that a little further.

I guess one of the things that it also mentioned in the article is that there have been 85 families – I've forgotten the year. I'll have to look that up again. I didn't write that part down. There are 85 families that were mentioned for whom, essentially, there has been no successful prosecution for them. There have been some fines, but no one has ever been jailed for these workplace safety violations even though there were 85 families who had had a loved one die during the time that they had talked about.

Obviously, there are accidents, and I understand that, but these were situations where the government investigators had identified workplace safety problems or infractions during the course of this, so I do think it's worth looking into. I mean, I don't want to go around, you know, seeing people thrown in jail for honest accidents, but when people lose their lives because of someone's negligence, there needs to be punishment. So I hope that you would undertake to look into that inequity.

The next area was legal aid. You did talk about it earlier. The reason this one is near and dear to my heart is that I have a constituent. You and I have probably both done pro bono work, you probably far more than I have. I will say that it is very gratifying, but it is also very difficult because the challenge is always, of course, to make a living and so forth. It can be tough. We do have this legal aid program, and it's just so critical because I think, personally, that there is nothing more grievous, there's nothing that brings the justice system into more disrepute than when somebody of lower means can't defend themselves in our system or loses their child, for example, in a custody battle or whatever because they couldn't afford a decent lawyer but the other side could or whatever the case may be. People just throw their arms up in the air and say what a complete farce of a justice system we have. I don't think that happens in all cases, but I do think it's happening a lot. As MLAs I know that you've probably seen the same injustices as I have.

One of the ones that blew me away: I have a constituent living in Irricana who's on AISH. She and a male friend – they were not romantically involved – decided to move in together in order to share rental cost of their little apartment. There was a legal issue that he had. It wasn't a big deal, but it was something. I forget what it was, but it was serious enough. It could have been a DUI or something like that. The point is that this person could not get access to legal aid even though he made something like \$15,000 a year, something ridiculously low. He could not get access to it because he lived in the same house with this other AISH recipient, and their combined total put them over the limit. There was an investigator who came in and said, "Sorry; you're living in the same place; we're going to have you as cohabiting" or whatever.

He didn't qualify for the legal aid. That was devastating for them because, you know, they were in this rental arrangement because they were trying to be good with their money and so forth.

I've paid close attention to this issue, read several articles on it over the last few years. There was an article in late fall last year talking about how the qualifications for legal aid were actually going to be tightened even further, and that was going to drop another 6,000 people who otherwise would have qualified last year off the list of being able to qualify. I'm worried because, frankly, legal aid is a preventative program, in my view. I think that when people can't defend themselves properly, it leads to more expensive societal problems down the road. As they get frustrated, they lash out or they're incarcerated unnecessarily or whatever. There are more issues that happen if people can't defend themselves properly in a very complicated system.

Although I do know there's been a slight increase in this last budget and going forward, it is very slight. I mean, if anything, the threshold for where someone qualifies for legal aid needs to be going up, not down. It's already incredibly low. You essentially are way below the poverty line and still might not qualify for the full amount. You may partially qualify for some of it and so on. Could you please put my mind at ease and look at ways that you focus more of your resources, perhaps, away from bureaucracy and other things that are less needed and more into legal aid funding?

Mr. Olson: Thank you. I will maybe just review a couple of things that I said earlier. As the hon. member, I'm sure, knows, there are three sources of funding for legal aid: the federal government, our government, and the Alberta Law Foundation. The Law Foundation funding comes from the lawyers' general trust accounts. Twenty-five per cent of the money from the foundation goes towards legal aid. That's the big variable. A couple of years ago that money in a buoyant economy was something like \$14 million. Last year I think it was a little over a million dollars. In the same time period the federal government over the past number of years has been funding legal aid to the tune of about \$10 million. There's been very little increase, virtually static. Throughout that time, our government's increases have been double-digit increases. Thirty-six per cent sticks in my mind, 36 per cent to 40 per cent, I think, since 2007 or something like that. This year, in this budget, it's close to a 10 per cent increase again.

Now, it is a partnership of funders who provide the money to Legal Aid, and Legal Aid ultimately determines the financial eligibility guidelines. I don't want to be accused of copping out, saying: it's not our problem; it's Legal Aid's problem. Of course, they get the funding from the funders. But at the end of the day they do have a significant say. I suppose the more you fund an individual person, the fewer people you fund. That's kind of the very difficult choice the Legal Aid people have to make.

My department does work closely with them. They're in constant contact with them. I had also mentioned earlier that I'm very anxious to talk to all of the players just to see how we can stabilize the funding further. Of course, I suppose if you have three funders, they'd all like to point the finger at the other guy and say: well, you're the one who should pay more.

9:20

I would like to explore some of the possibilities and just talk about, you know, some of the models. For example, if one wanted to be quite provocative, I suppose we could say: we're going to just provide staff lawyers for everybody, and we won't use the bar anymore. I can see by your reaction, and I would have the same, that a lot of lawyers would recoil at that suggestion. I'm prepared

to have a discussion about what models are out there and have an open mind. I'm certainly not promoting that as an option, but I'm prepared to talk and listen. I think a blended model would make a lot of sense. That may be a possibility.

So far I haven't had, really, any opportunity in my short tenure to talk to anybody at the federal level. I do have meetings scheduled with the Law Society, and I've just had telephone contact with the Legal Aid Society, but I want to talk to them some more, too. Of course, they're the experts. They're the people on the front line.

The hon. member mentioned a specific case. I'm somewhat hesitant to get into a specific. I appreciate that it was an example of the kind of questions that we as MLAs face. One thing I do know – and I'm not saying that it's the case in this situation – is that even in the Legal Aid reports they indicate that a fairly significant number of applications are rejected more for substantive reasons rather than for financial reasons. We always want to be careful that when we hear somebody was rejected by Legal Aid, it wasn't necessarily because of, you know, falling into or not falling into some financial guideline but that perhaps they just didn't fit. I think my staff here could probably give me some examples of some of the substantive guidelines that sometimes apply.

Mr. Anderson: If I could just ask real quick because I know I'm going to run out of time here. [A timer sounded] Shoot. I'll ask him after. He's very approachable.

The Chair: I hate to interrupt, but our next speaker is Mr. MacDonald, followed by Mr. Sandhu.

Mr. MacDonald: Thank you very much, Mr. Chairman. I was listening with interest to the questions from the hon. Member for Airdrie-Chestermere. There's one I would like to follow up on, information that I have going back a couple of years regarding prosecution services. When we looked at the ministry's overall expenses of \$450 million, to put this in perspective, in 2008-09 \$74 million was spent on prosecution services. In 2009-10 it increased by 4 and a half million dollars to \$78.9 million.

I'm puzzled, too, when you see that modest increase, as to why there were no efforts made to increase enforcement of occupational health and safety laws through the courts. Citizens were astonished in this province to learn that there seemed to be a reluctance in the Department of Justice to vigorously enforce occupational health and safety laws through the courts. My question is: is there a lack of funding in prosecution services that would prevent such initiatives?

Mr. Olson: This is a question that I have discussed with my department, and I'm advised that there is no funding issue. It is an issue of meeting the tests, and the tests, again, are: is there a likelihood of a conviction, and is it in the public interest? I could probably come up with examples of where it may not be in the public interest. For example, if somebody is on their deathbed dying of cancer and they were implicated in some sort of a workplace incident, it may not be in the public interest to pursue that. I just throw that out as an example from the top of my mind. So any information that I have from my department is that it is not purely a question of resources. We could add 40 more investigators and 40 more prosecutors, but it wouldn't necessarily result in any more charges being laid.

Mr. MacDonald: Okay. That being said, there are three types of occupational health and safety deaths. There are motor vehicle accidents, there are job site accidents, and there would be occupational disease, which would be like a cancer of some type,

particularly of the lungs. It surprised me to learn that there seemed to be this culture within the department of not proceeding with violations, not even on a test basis, through the courts.

We looked at the number of people who were being killed through the daily course of their work in this province, and again it's gone way up this year. It's well over a hundred, I believe. Nothing else seems to be working. We have tried in the past to have more random inspections by more inspectors done in the province. There are any number of initiatives. There are stop-work orders. There are other ways to try to improve job safety. They don't seem to work. I think we're going to have to take people through the court system, let the process work itself out, and let's see if through vigorous enforcement of the law through the court system we can reverse the trend. I think we can do better.

The hon. member talked about other provinces and what they do. We're just not, in my view, doing enough. If it's not a budget issue, I'm pleased to hear that. I would certainly urge this minister to consider vigorously enforcing the law through the courts, and let the justices decide themselves who's right and who's wrong.

Now, I still had other questions regarding safe communities. I and other members have had a lot of time on this, but in light of the time that I have left, I would like to get some questions on the record regarding the Law Society of Alberta. The hon. minister has brought it up many times. I note in supplies and services, capital assets, and others from last year the Department of Justice spent \$1.2 million. The Law Society had \$1.4 million worth of work, shall I say, from the government. The majority of that was from Justice, which is natural; \$1.2 million came from Justice. Can the minister tell us why that expenditure is necessary and where in the program line that amount would be? Would it be in corporate services? Would it be in management information services? Where would that money be coming from, please?

Mr. Olson: Thank you, Mr. Chair. I want to make some comments about the issue of occupational health and safety prosecutions. Maybe while I'm doing that, my staff here can address the last question that the hon. member asked, but I think we're scratching our heads here a little bit. We may need to ask for a little bit of clarification. Sorry. Maybe we were distracted, but would you mind just restating that last question so we can work on that while I make my comments?

9:30

Mr. MacDonald: Yes. In the public accounts from last year, 2009-10, on page 375 under supplies and services, capital assets and other, the Law Society received in total from the government \$1.4 million; \$1.2 million of that was from Justice. I would like to know: is that memberships in the Law Society for all the staff, all the lawyers? What is this amount? It's in last year's public accounts. If that sort of payment is an annual payment, where would it be in the voted expenses by program in the Justice estimates on page 234?

Mr. Olson: Okay. I think I'll try to answer the last question first while it's fresh in my mind here. We will work to give you a final answer on this, but we think it's one of two things. Either it's a contract payment to the Law Society for work they did on unbundling of legal services involving the Legal Aid Society. But there are over 500 lawyers in this department, and we have to pay dues, so it's also very possible that it could be Law Society dues. We'll work on that. If we can't clarify that tonight, we'll certainly undertake to provide you with that information.

Now, I'd also like to just respond to some of the comments regarding investigations and prosecutions for occupational health

and safety. I think I want to give a firm response that there is no culture of being timid amongst these prosecutors. They, I think, would take that quite personally. The tests that are applied here are not province of Alberta tests. They're not legislated tests. They are common law tests that are used across the country in all jurisdictions.

Again, the prosecutions in, for example, Saskatchewan don't yield the kind of results that prosecutions in Alberta yield. Somewhere here I have the exact numbers now. In 2010 there were nine prosecutions in Alberta resulting in convictions and 40 in Saskatchewan, so there is a disparity there. The average penalty in Alberta was \$125,166. The average penalty in Saskatchewan was \$3,534.

I guess the question is: what is the right percentage of prosecutions? I'm not so sure that one can look at some sort of a mathematical formula for that. Our prosecutors take the cards that they're dealt, and they apply the legal tests, and they're not timid about prosecuting. Now, having said all of that, because the issue has been brought up several times, even though I've only been in the job a short time, I've already had a discussion with the Minister of Employment and Immigration about this. We've agreed we want to get together and talk more about it, just to make sure that we're not leaving any stone unturned here. But I'm quite satisfied that our prosecutors are acting properly and aren't ducking. There would be no reason for them to be ducking legitimate prosecution of these offences if there are any.

Mr. MacDonald: Thank you. I would like to note that it was disclosed publicly that sometimes there was no effort made to ensure that the fines, whether they were from creative sentencing or whatever, were being collected or used for the purpose that was initially intended. You know, before we compare ourselves to Saskatchewan and we talk about the amounts that were collected or supposedly collected in this province, we'd better be careful. There wasn't a very good track record for the collection of those monies, as I recall.

I would like to ask about the Auditor. It's a shame the Treasury Board president is not here. Last fall the Auditor had some things to say about the department, and he noted that the Auditor's opinions on the financial statements of the ministry in the Department of Justice and Attorney General for the years March 31, 2010, and 2009 were unqualified. That seems to be a benchmark of the President of the Treasury Board and minister of finance. The Auditor notes in recommendations around the office of the Public Trustee that there could be improvements in controls for issuing and stopping recurring payments. That, I'm sure, is something that will be looked after by your staff.

I would like to ask how contracts are given. I just pulled up a couple, and Justice did over \$700,000 worth of business with an outfit called Tri-global Solutions Group Inc. and close to \$400,000 with Sapphire Technologies Canada. I am curious again: what element in the voted expenses by program on page 234 would these monies for contracts of this nature be under? Would they be under corporate services? Would they be under communications? Would they be under the court system? Where would one keep that money?

Mr. Olson: Responding first to, again, the question of Employment and Immigration, occupational health and safety, my understanding is that even at the time when we had a lack of an effective system for tracking payment and penalties, the sense was that we had a strong collection rate, a high collection rate. We now have a system that is tracking this, and I think it's been very effective. I've received no information that we're not enforcing those and that we're not collecting them aggressively.

Now, I'm not sure which document the hon. member was referring to when he mentioned several specific organizations. Again, I don't think that's in our estimates anywhere. That may be more of a retrospective . . .

Mr. MacDonald: Where would you find it in the estimates?

Mr. Olson: Well, it wouldn't be in the estimates. If that's the question – what are those types of services for, and where would one see them in the estimates – my understanding is they would be probably for something like our JIMS system, the justice information management system, or our PTIS system, which is the Public Trustee information system. So very likely what you were referring to is one or the other of those. I would also note that the Public Trustee system is being worked on and upgraded, so I believe we've got some budgeted expense for that. As a matter of fact, if I'm not mistaken, that's where our only capital expense is in the estimate, about \$2.5 million.

9:40

Mr. MacDonald: Okay. Thank you. Within each line item you would find in the details the budget for these sorts of invoices during the year.

You mentioned management information services. In the last two years – this would be in program 1.6 – from 2009-10 actual with a \$3 million expenditure this year we're looking at well over a hundred per cent increase to \$6.9 million. Why do we need this additional money in the management information services within your ministry support services? Why this big increase?

Mr. Olson: I think the hon. member had referred earlier on to the fact that we in the 2009-10 year had underspent and had actually underspent rather significantly. As I read through a lot of this information, these types of questions came to me fairly often. I would look for an explanation, and the explanation was that what looks like an increase – I guess what actually is an increase – is there in the estimate because of an underspend in the 2009-10 actual. If in 2009-10 a noticeable amount of money was not spent that had been budgeted, then when you compare that actual to this estimate, it looks like a big kick up in expenditure. That would be the explanation for the question that you just asked.

Mr. MacDonald: Well, I don't know if I can accept that.

The Chair: Sorry, gentlemen. Your time is expired.

Next on the list is Mr. Sandhu.

Mr. Sandhu: Thank you, Mr. Chairman, and thank you, Mr. Minister. You've been doing a good job for the last couple of hours answering all the questions. Thank you.

Mr. Minister, you know, B.C. is next door to Alberta. We've all heard about a lot of gang wars going on there, and now they're moving into Alberta in the last couple of years. I'd like to know when the Alberta gang reduction strategy is finalizing. When will be the full implementation of this strategy?

Mr. Olson: Thank you, hon. member, for the question. The gang reduction strategy is something that is part of our safe communities strategy, and it was effectively commenced by an announcement of this government just this last December, December 2010. We've been working on 28 actions under that strategy, and there is a cross-ministry transition committee that's working on developing an implementation plan for the strategy. Through the safe communities innovation fund and the civil forfeiture office \$8.2 million and \$800,000 respectively have been invested in projects supporting gang prevention and intervention.

I wanted to just say a few words about the civil forfeiture office because I think it's a brilliant example of what's being done to attack crime in Alberta in an innovative way. The civil forfeiture office has been running for a couple of years now, and what it does is attack the profits from crime, takes the profit out of crime and gang activity by seizure of property which is either the proceeds of crime or used in crime. In just a fairly short period of time something like just over \$20 million has been seized. A lot of that money, actually, is still in the process, but something like \$850,000 has been paid out. For example, I was up in Slave Lake a little over a week ago, and there was an announcement made that a shelter up there was going to receive money through the civil forfeiture program to support the operation of the shelter. As I say, I think it's a great example of what's being done to attack gang activity.

There are many other parts of the program. There are four key areas to the gang reduction strategy. There's awareness, which involves building community capacity through awareness of problems associated with gang crime.

Intervention. This is a very important one, and I know because in my own constituency I've been involved in some discussions in Hobbema talking about gang activity. One of the things that is prominent in the discussion is: how do you provide an exit strategy for gang members? A lot of young people in gangs are not necessarily there because they want to be part of a gang. It's just that it's their only support network, and once they're in, they don't leave very easily. So the intervention part of it and providing exit strategies to leave the gang lifestyle is a very important aspect of our gang reduction framework.

Enforcement, obviously, is very important, and that's things like the civil forfeiture, that I mentioned. It's innovative, and it's based on integration and the use of new legal tools.

Prevention, of course, is also very important. Early childhood development and early intervention and prevention strategies are an important part of that pillar.

I could go on, but that describes some of the activities that we're involved in in reducing gang activity.

Mr. Sandhu: Thank you, Mr. Minister. I've got a supplementary question. Is there a gang prevention framework in place, and if so, who is it targeting?

Mr. Olson: Well, the gang reduction strategy, obviously, is targeting youth largely but not entirely. We have a number of activities, but we are targeting populations that range from, actually, pre-conception to age six all the way to young adults and even adults aged 25 to 30 years old. We're, as I said, taking action on the prevention side, and we really start with very young children. That would be an example of the safe communities innovation fund targeting gang activity, too, by using SCIF money to support programs which strengthen communities, keep kids active, keep them involved in a positive environment, and encourage their parents to be responsible in raising their children. It really is a multifaceted approach.

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.

I would like to remind committee members that we are scheduled to meet next on April 11, 2011, to consider the estimates of the Department of the Solicitor General and Public Security.

Pursuant to Government Motion 5 the meeting is adjourned.

[The committee adjourned at 9:50 p.m.]

