

Legislative Assembly of Alberta

Title: **Wednesday, October 13, 1993**

8:00 p.m.

Date: 93/10/13

head: **Committee of Supply**

[Mr. Tannas in the Chair]

MR. CHAIRMAN: I'd like to call the committee to order. The Committee of Supply tonight is going to consider for a second time the estimates of the Department of Justice.

For the benefit of all members standing or sitting, we would say to the people who are in the gallery that this is the informal session of the Legislature, which is the nemesis of every chairman to try and keep in order, that allows people to have coffee or juice, allows people to move around, and requires people to whisper in hushed tones or to leave the Chamber and engage in vigorous debate outside.

head: **Main Estimates 1993-94**

Justice and Attorney General

MR. CHAIRMAN: With those admonitions, I would welcome the comments, then, of the Minister of Justice.

MR. ROSTAD: Thank you, Mr. Chairman. As you mentioned, this is the second session for the estimates of the Justice department. I gave an undertaking the last time to provide answers to all questions that were asked that I was not able to answer that evening not realizing I would be up as early as this. The answers are ready but not prepared yet in the form that I can table them. That hopefully will be done tomorrow or, if not, certainly by Monday. So rather than try and read them into the record tonight, I'll provide them.

I described an outline of what the department is mandated to do. Frankly, bar none of the other 16 departments in the government, which are certainly important, I don't think there's any that's more important than the Justice department. We're also a volume-driven department: a department that frankly does not have control of its destiny in the broader sense because we don't know who will be arrested, what the disposition of the case will be, how many there are, whether it's adult or youth. We're mandated to provide the court services. Once they have been put through that process, if there is a disposition of incarceration either open or secure, we then pick that up and are charged with holding them, treating them in whatever form the sentence indicated. Of course, an adjunct to both of those is the policing, which we're mandated to provide to make sure that there's law and order in our society. Those are the three main components of the Justice department.

This year we had a 4.6 percent or 4.3 percent decrease; I don't have the papers right in front of me. We're also now in October, well into the year, and because of the election we're in kind of an odd year for putting together budgets. We're now commencing putting together the '93-94 budget.

I welcome anybody's comments or questions as they relate to the estimates before us, but also tonight for a change I would invite the opposition and the government side to give me an indication of where you think the importance or the priorities are for Justice from your perception or from those of your constituents or interest groups in your constituencies. That might be helpful as we start, as a department, putting together our budget. I will welcome those kinds of comments. If you ask specific questions on tonight's supply that were not asked previously, again I will undertake to get you the answers if they're not provided tonight.

I actually look forward to your input on where you think Justice stands in priorities to other departments and also on where frankly you think Justice or the components of Justice stand in what should get the emphasis for money and what shouldn't.

With that, Mr. Chairman, I welcome conversation.

MR. CHAIRMAN: Okay. Thank you.
Calgary-*Buffalo*.

MR. DICKSON: Thank you very much, Mr. Chairman. I listened with interest to the minister's invitation. In my comments when we were last here on September 20, I had attempted to indicate the particular importance that I attach to this department. What I propose to do is attempt to cover some areas that I didn't get to on September 20. I'll attempt to be reasonably brief. I know last time we had, I think, some 10 different speakers in addition to the minister, and I expect there to be a number of members that will wish to participate in this discussion tonight again.

I want to start off, Mr. Minister. I'm interested in what studies have been done looking at a unified family court in this jurisdiction. We certainly have the experience both in Manitoba and Ontario looking at unified family courts . . .

MR. CHAIRMAN: Could we have order, please. We've invited those who wish to engage in conversation to go to the lounges. Meanwhile, we'd like to hear from Calgary-*Buffalo*.

MR. DICKSON: Thanks very much, Mr. Chairman. As I was saying, I'm interested in what studies have been done looking at a unified family court in this jurisdiction. Now, I understand that some studies were undertaken a number of years ago. This isn't a radical concept or a new concept. I'd like to know what the current position is of this minister with respect to trying to sort out and simplify for the consumers' advantage the plethora of courts and so on, many of which have overlapping, concurrent jurisdictions now in the family law area. I think we've got 104 provincial court judges, 11 supernumeraries, as well as the chief and eight associate judges. We've got 58 Queen's Bench justices, 11 supernumeraries, the chief and the associate chief justices.

I know that people looking for a speedy remedy, if they have a problem with access, if they have a problem with child support, often find it sometimes overwhelming to find out that, yes, they have certain remedies they can get under the Domestic Relations Act. Maybe they can go to the provincial court, or maybe they have to go to Queen's Bench under the same Act, or maybe they should be under federal legislation and going into the Court of Queen's Bench. I've often thought that if we put ourselves in the position of that Albertan who simply has a specific problem in terms of looking for an access order or a custody order or a child support order - I want to make sure that we make it as accessible, as easy as possible for those individual Albertans to be able to get to the right place to get the remedy they need in as speedy a fashion as they can and in as inexpensive a fashion as they can. I just find that Alberta with the kind of overlapping jurisdictions we have makes it tougher than we ought to, tougher than it has to be for individual Albertans to get redress.

I'd like an update from the minister on CAP, the court automation project. This was a network that had been introduced. Now, I understand this is supposed to provide, Mr. Chairman, a case control and tracking system. What I'd like to know from the minister, I guess overall in terms of how CAP is working in this jurisdiction, is the cost to his department to rent time. I understand that what happens is that the department rents time on a computer owned by the provincial government. I'd like to know

what the cost is of those rental fees. I'd like to know if this is strictly on a cost-recovery basis, or is there some other component to it? I'd also be interested in particulars of contracts that may exist for both software and the service to see this CAP running on an ongoing basis.

8:10

Speaking of information management systems, I'm also interested in an update on CASES. That's the civil and sheriff entry system for tracking civil cases. It's not that I'm some kind of an information junkie, Mr. Chairman, but I'm particularly concerned with backlogs in our civil courts, in the time it takes for a civil action from the time of commencement of the action until there's a formal adjudication and a judicial determination. When I hear about this CASES system – I don't know very much about it – I wonder if that allows us to go with a full-blown case management system, not on an intermittent, infrequent basis, which is now the case certainly in the Calgary judicial district, but doing this on a more frequent basis. I've had experience and I know many lawyers have had the benefit of having a supervising judge who takes a particular interest in a difficult case and basically does all kinds of creative things to accelerate, to expedite the processing of a particular civil case through to conclusion. I think more cases could benefit from that type of management. I'm interested in terms of whether this CASES gives us some capability we didn't have before and then, secondly, whether we're fully exploiting that, whether we're taking full advantage of it.

I'm also interested in knowing whether some regard has been given to increasing the \$4,000 ceiling for Provincial Court, civil division. It seems that the demand for a summary adjudication seems to keep on outstripping the system's demand to be able to provide a judge and a courtroom for those litigants. So I'm interested in whether there's something we can do by way of increasing that ceiling. If there are good reasons why that ought not to be done, I'd like to have the minister share that with us.

A particular concern of mine, Mr. Chairman, is community sentencing panels. These are the device which are enabled or authorized by section 69 of the Young Offenders Act. I don't think we got to this when we last were sitting in committee dealing with Justice estimates. Despite the long time that the Young Offenders Act has been in place, it seems to me that we've made disappointingly little use of community sentencing panels in this jurisdiction. From having had the benefit of traveling to Slave Lake and meeting with the civilian members who sit on that sentencing panel there, from having had a chance to talk to RCMP representatives from most detachments in the northern part of our province, I'm convinced that there is a tremendous advantage that exists for Albertans if we're able to utilize these community sentencing panels.

I know that finally in the spring of 1993 we saw the department putting together something of a checklist or I think a bit of a kit to go out to municipalities or to send out to groups that were interested in sponsoring a youth justice committee, a sentencing panel, but I still think there's more we could do. If I didn't say it last time, my suggestion to the minister would be that he put together a kit explaining how a community sentencing panel works and to make sure that every municipal council, every town council in this province receives that and understands how it can go about setting up one of these community sentencing panels and then make sure that the minister's department provides the backup in an expeditious way.

Moving on to the Law Society. I have a particular concern that the Law Society is dealing with a proposed code of conduct that has been shopped around extensively among the practising bar in this jurisdiction, but I don't think that's good enough. Mr.

Chairman, because of the unique role that the legal profession has in being self-governing and the huge stake that individual Albertans have in making sure that they have the best possible legal system, I think there should be public hearings to give members of the public who may be interested in making submissions that opportunity to make representations on this code of professional conduct. I've made some representations to the Law Society of this province in that respect. I'd like to ask the minister, firstly, whether he agrees that there should be public hearings held with respect this important issue and, secondly, whether he will also make representations to the president of the Law Society to that effect.

I'm also concerned – and I'm now shifting direction again – that we do not have in this jurisdiction a director of public prosecutions. The need for it may have been somewhat less when we had one minister responsible for the department of the solicitor general and a separate minister responsible for Justice, or Attorney General, but since we've integrated those two portfolios – and I say parenthetically that I agree with the integration of those portfolios; that was a positive step – I'm concerned now that you create a clear conflict because your top law enforcement official in the province also happens to be the man responsible for the judicial system. If we're going to integrate, as we have, solicitor general and Attorney General, I think there's a compelling need to create a position of director of public prosecutions to ensure that you, Mr. Minister, are divorced to the fullest extent possible from at least the ostensible control over day-to-day prosecutions in our courts. I think that with the young offender pilot project in Edmonton and Calgary you now have people going into court one on each side. You've got the public defender in youth court and the agent of the Attorney General both with the same master, the same boss. I think that creates some conflicts that should be addressed.

DR. WEST: What do you think of boot camp?

MR. DICKSON: I'm glad that the Minister of Municipal Affairs is here because he reminded me of something very important that I probably wouldn't have gotten to in my notes, and that was the proposal that has been much in the media recently about representatives from your department, Mr. Minister, going to Montana and looking at a particular experiment there. I can say that I think we certainly have a large need for creative, imaginative approaches to dealing with crime in our communities, and I have no problem with examining a whole range of options. I think it's particularly important, Mr. Chairman, that when we look at these things, there has to be some better reason than just wanting to appear like we're getting tough on criminals. I think what people want is, firstly, safer streets and safer communities, and they want that in a cost-effective way. I'd ask the minister to confirm that in any alternatives we look at in terms of dealing with offenders, foremost among the criteria will be: firstly, is it going to make our community safer, is it going to make our streets safer, and, secondly, is it cost-effective? I'm not very much interested in political symbolism. I'm interested in getting the best protection we can for every tax dollar that we spend in this area. So I'm interested in your thoughts in that regard, Mr. Minister.

I also wanted to deal with a major concern in downtown Calgary. In my constituency and in large urban areas we have a problem with juvenile prostitution. I understand that at the municipal level people are looking at it, but I think, Mr. Minister, there's a role that you and your department can play in terms of assisting communities in dealing with this.

If you haven't read it yet, I incorporate by reference today and refer you to a debate on a private member's motion in the May 11,

1993, *Hansard*, page 2689. There was a motion brought by the current Speaker, the Member for Drumheller, on behalf of the member for what was then Calgary-Millican. At that time the Member for Calgary-Millican represented that part of Calgary that had most of the strolls. As a result of redistribution, they're now located in Calgary-*Buffalo*. I think there's been a large concern. I get a lot of calls from constituents concerned not simply about street prostitution but particularly with juvenile prostitution, a particularly insidious form of child abuse, Mr. Minister. I think this is a problem that's been studied to death. The Badgely report, the Fraser commission report: there have been plenty of studies, but I think what my constituents are looking for is some action.

8:20

Mr. Minister, I know that after the Supreme Court of Canada decision in 1983 from the city of Calgary municipal bylaw and the Westendorp case, there's a conventional wisdom, a prevailing view that municipalities simply can't deal with street prostitution. I suppose I had fallen into that view as well, but I've had some second thoughts. It's largely because, Mr. Chairman, I had the chance to see a thoughtful presentation that had been done by Student Legal Services attached to the University of Alberta. What they've done is made what I think is a fairly cogent – I shouldn't say "fairly"; I shouldn't qualify it – a cogent case for municipalities dealing with at least the nuisance aspects of street prostitution perhaps in one of two ways: firstly, a prescriptive nuisance bylaw and, secondly, a regulatory bylaw that would deal with street vending of all kinds, including street prostitution.

I'm wondering whether the minister would be prepared to designate a senior person in his department to meet specifically with representatives of the Edmonton and Calgary task forces or police commissions or police forces to see if, firstly, there is a possibility of the major centres in this province having another go at municipal control of street prostitution, and if it requires amendment to the Municipal Government Act, whether he will seek input from his colleague the minister responsible for that. This is an ongoing concern, and I think it's something that with some creativity in Alberta we can stop studying the matter to death and look for some concrete ways to try and deal with this problem. I think young people in this province deserve no lesser commitment from members in this Assembly.

[Mr. Clegg in the Chair]

I also want to ask the minister a question I've put to different colleagues of his when we've been in Committee of Supply. I want to know whether his department is ready for access to information. I have said perhaps naively and perhaps a little boastfully that of all the departments of this government I would expect the Justice department would be the one with the most sophisticated information management system and the department best equipped to speedily introduce access to information. Mr. Minister, tell me it's so; tell me that I haven't been labouring under a delusion. I would expect that the department that's responsible for giving birth to this important piece of legislation would have seen coming for a long time the kinds of issues involved in information management. With all of the very impressive sounding software and computer management systems that have been utilized, I'm interested in a bit of a status report from the minister in terms of what further has to be done to be able to accommodate access to information legislation.

I think that covers the main points I wanted to deal with now. I'll sit down and allow other members to put questions to the minister.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you, hon. member.
The hon. Member for Wainwright.

MR. FISCHER: Thank you very much, Mr. Chairman. I'd first of all like to compliment the minister and his department for the good work they have done in their department. I have a few questions tonight, and they are related a fair bit to the federal system. Certainly we have to work hand in hand with the federal government on a lot of our justice issues.

Of course, we've all heard a lot about the Young Offenders Act and the lack of it. I would like to ask the minister what Alberta has done regarding the Young Offenders Act. We certainly – and I can speak for my Wainwright constituency – are feeling that the Young Offenders Act needs to be strengthened tremendously. Last week a policeman lost his life from a young offender, and I think we do not have the legal power to do what needs to be done to help stop these kinds of issues from happening.

Now, our Young Offenders Act does put our young people in jail. It does do some things with them to help what we think is a deterrent for them. Certainly when you take a 16-year-old that a parent has really been trying to control – and sometimes it is difficult – and put them in jail, what do they learn in there? They learn for sure how to do things better. Also, you have almost taken that child out of the hands of the parent, because all of a sudden that's a grown-up experience to go there, and I don't think we're teaching them the right things when they get there. I know that we're not in the teaching business, but we put them in an environment that is very detrimental to our society.

I know there are other ways of disciplining these young people depending on the age of the students. I can recall even in my own hometown where kids have been fairly mischievous and done some things and got caught. What happened was they made them go out in front of all of the townsfolk and fix what they wrecked. They had to do it in the middle of the day, and they had a crowd around them, and it was very embarrassing to them. I think we should have more of those styles of disciplines for our young people. I know there are kids now that are 10, 11, 12 years old that learn how to beat the system, that know they don't have to abide by our rules, that wreck things. If you happened to be somebody that was the owner of one of the shops or one of the vehicles or whatever, if you charge them, you are absolutely sure that you get nothing back. If you catch those kids and take the law into your own hands, sometimes you can get something back. Now, surely we can get a better system in place than that.

8:30

One of the things I think is really, really negative – and it may come as a surprise and a bit of a disappointment to our legal people. We're spending \$25.96 million on legal aid. When we talk to our young offenders and give them all of their rights, we're teaching them exactly what they can do and what they can't do, and many of those people learn very quickly. I don't think we should be spending those kinds of dollars to teach that, and I truly believe we don't need to spend \$25 million on that issue.

I guess while I'm at it, as soon as our young offenders get to be 18 – we carry it right through to my capital punishment motion. I have put a motion in place. I know it's a federal issue again, but I believe that Alberta should develop a position that lets the federal government know where we stand, lets our MPs know where we stand, and maybe we can encourage other provinces to make their stand and let the federal government have a referendum or have a free vote, one of those famous free votes, on something that is very, very important to society.

I don't know when we in Alberta or the federal government are going to protect the rights of the innocent. Nobody seems to care about all of the victims and their families. All of a sudden, as soon as a murder takes place, we all run out and see how much protection we can give to the criminal. When we go with the victims, we don't seem to care. We seem to think that we can go the funeral, and that's all there is to it. This Assembly could start, and I believe it can go with both sides of this House. We can make a stand on that. I believe pretty strongly in that issue.

I've got another question that I'd like to ask you. It's about the Strathmore centre closure and what happened to the inmates at that centre. We did close it down, and we haven't heard very much since that closure came about.

Federal gun control is another question. What effect has it had on Alberta, and have they paid any money towards the policing of that? I'd like your opinion on that particular issue.

With that, I'll sit down and look forward to your answers. Thank you.

MR. DEPUTY CHAIRMAN: Thank you, hon. member.

The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Mr. Chairman. Since I come from a constituency that has a large section with inner-city characteristics, many of the people in my constituency have a great interest in the application of the law. While I don't have any questions for the minister tonight, I'd like to make a few statements on some social justice issues that are connected with the law.

I'd like to talk a little bit about the effect that the justice system has and how we apply it as far as the social development of people go. On average, Canada's justice system is one that we can be really proud of. The laws are generally fair, and they can be updated or changed if we need reform. In Alberta most of us can access legal counsel with our own resources or through legal aid or through student legal services.

Both criminal and civil law are what come to mind when we think about the justice system. I think there is another kind of less obvious sphere of justice that we tend to forget, and that's social justice and the link between social justice and the application of the legal system. The opportunities available are markedly lower than average for those who are not as literate or as well spoken or well dressed. That's just always been the case with people of lower economics and lower education trying to access the system. At times we are inclined to assume guilt rather than offer assistance when someone is different and they're in trouble as the result of some behaviour. The response of the justice system even for first-time, nonviolent offenders is likely to favour incarceration when the offender is poor and uneducated. The public response to high crime rates frequently calls for more money for police, more money for courts and for corrections rather than funding for crime prevention through social development.

People with mental health problems run into a lot of trouble. The shortage of mental health treatment both in institutions and in the community often results in criminal responses to what are really health problems. It's well known that many people with chronic mental health disorders are left untreated or they are discharged from hospital with no place to go, no community support in place. Instead of day programs and halfway houses with appropriate therapy and treatment, people all too often end up alone without any family and vulnerable to anyone who wants to take advantage. There are lots of those people around in a big city. The result is often alcoholism, violence, crime, victimization, whatever.

Another issue in the cities and perhaps in smaller centres is that too many teenagers end up in the malls, sometimes actually living there, and on the streets of inner cities after running away from home and often from a violent home situation. Once they get in there, they get trapped, and they can't see a way out of the lifestyle. Those kids for whom going home is not an option are at real risk of resorting to criminal behaviour because they don't see that they have a choice and they often don't have a choice. Things like prostitution and shoplifting are all too common among homeless youths. It's a very difficult issue for the legal system. I realize that, but I would hope that we could start to look at that segment of kids, because there seems to be more homeless children in Edmonton, at any rate, than there have been before.

I think that community policing and a gradually changing public attitude towards dysfunctional families and abused children are making progress, but we really still have a long way to go. As the previous speaker said, history has shown us that incarceration, particularly for first-time, nonviolent offenders, generally produces a hardened criminal a few years down the road. Inappropriate treatment programs for both adults and young offenders reflect a shortsighted view from both the human and an economic perspective. We know that in the long run the costs are going to be a lot higher if we continue to go along in the same old way.

The justice system evolved partly out of the need to protect human beings from each other and from the larger society. As our population increases and our world becomes more complex, so does the role of each of us in our community. We know, I think, that if we are going to enjoy sustained prosperity, we must develop a confident, self-reliant, educated, and less violent populous. I believe that the time has come for us to acknowledge and think about the link between legal policy and social policy.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you, hon. member.

The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Chairman. I would just like to address a couple of the issues this evening that have kind of popped up on a regular basis when I deal with people in Lethbridge-East and then also one of the issues that applies to my critic area relating to agriculture.

The one that we seem to be getting a lot of calls for in our constituency office deals with the idea of maintenance enforcement, and I see that listed under your 3.5 category. There seems to be some concern among the people in the communities that what we're ending up with is that there's too much opportunity for people to deal with ways to get out of the system. We've had cases of people that cross jurisdictional boundaries. Are there programs that are being put in place that can in essence track people across Canada or as they move from one legal jurisdiction to another to be able to put their concerns to rest in terms of things like putting a garnishee on a wage? What about people who transfer their assets into another ownership to get out of the idea of these being able to be collected as a basis for paying maintenance, the idea that many of the women involved in this are locally restricted in their movement because of their children? They're tied potentially to other family members in the community. They can't pursue the spouse that's left, whether it's a man or a woman.

8:40

I notice in your maintenance enforcement allocation that effectively there's a reduction of almost \$500,000 from last year's actual expenditure to the budget for next year. I would like some

ideas of what you're planning to do that would maintain the programs, maintain the access of the maintenance recipients in these kinds of programs under different scenarios when we see that much money being taken out of the enforcement type of process there. This causes quite a concern for a number of the people.

The other area that has come up a little bit in terms of dealing with issues is the public trustee's office and how estates and wills get handled through public trustees. It seems that a lot of people are looking to issues here of how much of this falls back to the estate or how much of it is being subsidized, in essence, by a government that's operating the management and trust prospects for either a child or an estate after a death. The problem that comes up there is that there seems to be an issue of whether or not all of the people that are involved in trusts get treated equally or whether some of them end up, in essence, utilizing a government program in terms of the amount of money that is available through the Justice department to support trust management. There were some concerns raised in those areas.

One of the other areas I noticed in terms of Fatality Inquiries. This is something I just noticed looking through the numbers. Maybe you can help explain why it is that the head office of the medical examiner requires so much more money than the actual operational offices in Calgary and Edmonton in terms of capital expenditures. What is it that the head office uses in terms of equipment or materials that wouldn't be required in the local offices as they undertake the operation of actually performing the autopsy or the examination? It seems like a computer to keep track of records would be the extent, yet each year we see a massive expenditure in the head office but very little amounts in the actual applied areas in the field in Edmonton and Calgary.

The final issue that I'd like to just address very briefly deals with your participation in the Alberta Racing Commission. What we see is basically a continual funding here, but there's a lot of concern in the agricultural community now that as the video lotteries take on the disposable income and the, quote, risk expenditures that the people of the province are letting out of their pockets, they're not going to the race track quite as much as they used to. The purse of the people involved in either the harness racing or the thoroughbred racing is so much a function of the amount that's bet on the races, and what we see now is that a large amount of this is being drawn off in people spending their money in a risk situation in other areas.

Are there programs, possibly, that you are considering to actually help support this industry? We've heard a lot of discussion from the minister of agriculture in terms of the focus that the government wants to put on value added in the agriculture industry. Well, here's another industry that basically uses grain; it uses all of the aspects of the agriculture sector and adds on to them in terms of another activity that is supported by the agricultural community. So is there a program that's being looked at, either through the actual Racing Commission or other aspects of the area, to maintain the support for the horse racing industry? These areas seem to be that some kind of commitment by the public has been made where transfers go out of other budget items to support the exhibition boards who then are, as part of their mandate, asked to support the racing industry. Yet it seems that some of these moneys get diverted into major functions at the exhibition boards that don't directly contribute to support of the racing industry. This raised a number of concerns by the people that are involved.

I guess that basically covered the three areas that I had notified I'd wanted to address.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you, hon. member.

The hon. Member for Calgary-Currie.

MRS. BURGNER: Thank you, Mr. Chairman. I appreciate the opportunity to speak to the Minister of Justice this evening. I think at this point now when I speak in Committee of Supply, people get the sense of the kind of philosophy I bring to this process, because I do believe it's a chance to discuss a little more than the dollars but to also have an emphasis on some of the philosophy and some of the understanding that I want to bring back to my constituents about the department.

I guess one of the more serious concerns I have I take beyond just the Young Offenders Act. I take it back to the actual issue of our Charter of Rights and Freedoms, that milestone that occurred in Canadian history. Many of us are just coming to have a fuller understanding of its implications. How I see it translating in a very unfortunate way is not the protection of rights and freedoms for individuals but a situation now wherein when young people are confronted with a difficulty, their reaction is, "So sue me," or "We'll sue them."

Excuse me, Mr. Chairman. Could I ask for some order? I can't hear myself.

Chairman's Ruling Decorum

MR. DEPUTY CHAIRMAN: Thank you, hon. member. Would all the people standing in the back take your seat. If you want to talk to somebody, take a seat and sit beside them and talk quietly. [interjections] Order.

MRS. BURGNER: I can't speak from that side, thank you.

Debate Continued

MRS. BURGNER: I go back to my comment. Thank you, Mr. Chairman. I have a concern that we have set up a legal framework wherein our young people don't see justice in the light of what it actually produces within society; they see it as a means to an end. I'm very concerned about a legalistic-based and a litigation-based society that we are now involved in, so I have a concern from a philosophical point of view as to how the Minister of Justice plans to deal with this growing element within our community. My question goes to the point of suggesting: as part of our education process, do we have a sense of what it means to have laws in our country? Have we actually articulated back through our educational institutions what it means to be involved in litigation and how it is not necessarily a means to an end on its own but it has to do with justice and it has to do with rights and privilege? I'm afraid that at this point it's very much lost.

I take it to the fact that we have the Young Offenders Act, which I appreciate is a piece of legislation which originates at a federal level. It articulates the freedoms of the individuals who because of their choices in society penalize the community at large. I give the example that I've raised before in that we have school situations wherein the students and the school community are the victims and we have no recourse to protect them because of the silence of the law on behalf of the young offender. I do believe that as we are looking at changes and progress in law reform, somehow we have to start looking at the community. I know there are opportunities to deal with that. I know there are sentences that are out there within the Young Offenders Act that have not been utilized. I know there are processes of incarceration which we fail to put our young people through because of the fact that our prison system is geared to adults and it is not geared to young offenders. So I am concerned that we have to have

some focus on reviewing those elements of our justice system in the light of these issues.

8:50

We have the same problem with young mothers who are in prison. We have yet to deal with an appropriate way to deal with them as young offenders. I am hoping that at some point we will see a shift not to simply protecting the young offender from continuing in a criminal-like behaviour but giving equal balance to this community and this society, which is also suffering from a lack of justice, if you will.

I take it another step further, and I talk on the issue of pornography. I am very concerned at the very mild level, if pornography can ever be given that kind of a position, that we have in place in our supermarkets, a vast array of magazine material and literature that is not suitable for families or for young people. When I have dealt with those kinds of issues in my professional life prior to becoming a politician, we had to go back and say: "Well, do you have local ordinances? Is there some way you can deal with this in a local level?" I am concerned, though, that we don't as a province encourage our local municipalities with legislation and bylaws that will deal with issues affecting pornography, even if you can give it the issue of soft porn.

I am concerned that we have not yet dealt with in an aggressive way the issue of video stores carrying material that's totally abhorrent to society. We can't confront it because we have this wonderful concept of individual rights. While I'm not suggesting that those should be tampered with, I am very concerned that we have shifted our balance from the protection of the individual, and it's working against the common goals of the community. I don't really believe we're going to be able to have the fundamental changes in our society that reflect the goals of education, the goals of law-abiding citizens, without some revisiting of these issues through the justice system.

I have concerns on a totally different level about the role of professional associations and the legislation that governs them. I have a constituent right now with a concern about a particular issue. He happens to practise architecture. He has a situation wherein a building is having some difficulty after over close to two decades of occupation. We have legislation that does not adequately protect an individual practising in that profession. We have to look at some of our legislation, because I don't know many laws that are retroactive to the original construction of a building. It's just one example, but I don't know that we are creative enough or up to speed with some of the changes in technology. We're maybe not addressing some of the issues with respect to professional associations. If we take it to the issue of malpractice suits for the medical profession, I don't know, and I don't know where you see that ongoing revisiting of legislation. While I appreciate those associations are self-policing, if you will, and they do have their own bylaws, et cetera, I do believe that we have a responsibility overall as a government to be bringing forth guidelines and recommendations to allow them to function.

We have gone through a phenomenal review of legislation with respect to environmental concerns. There is no doubt in my mind that at this point it is a very difficult and onerous task for anyone to be involved in construction or be involved in development or recreational activities because of the phenomenal impact of the environmental review that's gone on. I'm concerned that we have maybe taken away some of the individual rights and perhaps opportunities that inherently belong to individuals in the light of that recent legislation. I say this not in an alarmist way. I'm just trying to highlight areas where I believe that in the scope of

legislation and in the scope of justice we have lost sight of an individual who may be working with a number of issues.

I would also like to speak briefly on the issues affecting seniors. Having participated in the roundtables, a number of points were made, and I would be interested to hear some thoughts on their concerns. One has to do with the office of the public guardian. I refer to Mrs. Bowker's report, page 16. They talk about this particular service which assists seniors or individuals who may not be able to act on their own behalf, so we use the public guardian office. The phenomenal cost of that department as it impacted on seniors was raised as a concern. I don't know whether or not that is because the cost of lawyers is just so formidable or whether or not the seniors utilize it at a high rate, but the numbers would indicate that the public guardian currently handles 588 seniors at a cost of \$950,000 out of a total budget of \$2.3 million. If seniors are in a situation where they have to access the offices of the public guardian, I'm wondering if there is not some thought to be given to what is and what can be charged, whether they are able to use a sliding scale, or whether they have to pay the current rate for legal fees. I'm concerned because, as I say, it is the public guardian; therefore, it is an office of the Crown. Somehow I would think that we wouldn't be taking advantage of seniors at this point when they need to utilize that office.

Another issue that came out had to do with the Alberta widows' pension – by its very title it sets a discriminatory pattern – and the fact that these women and men who have no other visible means of income are entitled to \$810 a month. I will just back up and say that this particular grant program reflects the phenomenon of our seniors who perhaps stayed at home and had no opportunity for working. However, I have a number of constituents who are divorced or single who have no opportunity for work, who are 55 years of age, and quite clearly it's the fact of their marital status alone that separates them from this assistance by the government. If the seniors themselves call this discriminatory, as they do on page 14 of Mrs. Bowker's report, and certainly we hear it as we're talking to them locally, I am wondering whether or not any consideration will be given to revisit that particular program not in the light of its merit to assist seniors but in the light of its description as being discriminatory.

I guess in conclusion I would like to just indicate that I have a concern not that our laws are not too progressive but that perhaps we've lost sight of who it is we're trying to protect. I would like to suggest that as you revisit your mandate in light of the budget and the three-year business plan, somewhere along the line we could look at the effect of having a society which has as its core of decision-making what is resolved in the courts, because quite clearly there are a number of other ways in which we should be able to make decisions. I am concerned that we continue in this vein that is not the most healthy environment in which to (a) make decisions or (b) live with the results.

I thank you for your interest.

MR. DEPUTY CHAIRMAN: Thank you, hon. member.

The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Deputy Chairman. I will start my questions off tonight in a follow-up from the hon. Member for Lac La Biche-St. Paul. He spoke the other night about native justice. We all are aware that in fact there are too many native and Metis people, unfortunately, incarcerated, and it would seem that the system we have in place certainly doesn't accommodate or address their special needs. He alluded to the fact that we probably should have a native justice system or a variation thereof

in place to deal with it. I wonder, in fact, if we have explored that extensively and whether we have some options available.

I guess we would expound a bit on the idea that the hon. Member for Calgary-Buffalo mentioned. That was the community sentencing panel or the youth justice system, some version or model such as that, whereby those in the community have the opportunity to address those that are convicted of some crimes; I wouldn't indicate all. I think that it has some potential to deal with a special and unique situation, and in fact if the department has the opportunity or benefit, it would be my suggestion it proceed along that way.

9:00

Also to follow up on Calgary-Buffalo's comments in regard to the community sentencing panel, or as it's referred to, a variation of the youth justice system, I know it's in place in some communities. I certainly think that it has the tendency to alleviate some of the concern with backlog in the court system today. I think I see some merit in it. I would suggest that the communities probably could embrace it. I would have only one caution on the aspect. Before I go into that caution, just thinking of the youth justice system itself, I think what we'd do by implementing a variation thereof is bring those that have committed the crime to, generally speaking, people in the community as opposed to often a faceless or nameless judge. I think that itself has some impact. I think the responsibility is driven home a little more so.

The cautionary I alluded to is the fact that I think, particularly with young offenders, it has to be restricted to dealing with the alternative measures program presently. When I say that, I would suggest that if in fact we had that particular sort of panel sentencing, some of the young offenders in the community – and generally speaking, a lot of them are property crimes, if I could use an example, like tearing up a golf course in the community. Those people sitting on that panel probably would have a tendency to introduce an emotional aspect to the sentencing, and I do think there has to be objectivity. That's why I issue the cautionary that it probably should be to the alternative measures aspect.

Along the lines of the young offenders, and we've heard much chat about young offenders in this particular Assembly, it seems that too often we're isolating the young offenders and their crimes as something that stands alone in the community. I think we have to look at society as a whole, and I think Calgary-Currie alluded to that. Certainly when we look at the pressures that our young offenders deal with today, when we look at the influences in our homes that we can't control in a lot of cases, through TV and the likes of that, when we look at two working parents more often than not, there are many, many influences, I would suggest, that have caused us to arrive at the situation we're at today. I think rather than attempting to treat just the end result, we certainly have to look at some of those symptoms, and our programs have to be broad ranging without a doubt. I would ask, of course, that the Justice department see if we can't explore some very wide and probably innovative and very broad approaches to this particular problem.

When we look at young offenders again and even in the case of adult offenders, I am a little alarmed when the stats and the figures tell us that open custody is somewhat less expensive than closed custody. Yet we cut back, as one of the members indicated, the Strathmore young offenders centre. I think when we look at young offenders, often many didn't intend to be there. In open custody certainly they are more accessible to the counseling that's available in the community, and I think open custody, as I indicated, is less expensive in the long term than closed custody. I think that's an area I would like to see the hon. minister revisit.

I know that we certainly are in a situation of limited dollars, but I think in the long term that is the better approach to take. As I indicated, it's certainly less expensive to keep them in open custody as opposed to closed.

There was a comment earlier about legal aid, I believe from Wainwright. Legal aid certainly is a must, I would suggest. There are those that cannot afford the legal fees associated with it. I am a little alarmed and wonder if the minister could provide some sort of explanation as to why Calgary would seem to demand more legal aid than the city of Edmonton. When I say that, I think of Calgary as being more affluent than Edmonton. Why would that anomaly be there? I think we've all read some stories recently in the newspapers concerning some of the charges levied by some of the lawyers in the legal profession as far as legal aid's concerned. Some of the top charges of the system were well over \$200,000. I wonder if we have a program in place to ensure that there's some accuracy there or, in fact, that there's no distortion that exists.

We look at the government of the day suggesting that most sectors, such as health care – and it's rumoured that we'll be into Education – are looking at 5 percent cutbacks to attempt to deal with the deficit. I wonder if this particular mind-set will be broached with the judges and their benefits as well, if they are expected to buy into this particular program.

I look at the \$80 million that we spend on contract placing to the RCMP in this province. I wonder if the province hasn't arrived at the point where we have to seriously explore, much along the concept and idea of Ontario and Quebec, our own police force. Are we arriving at a threshold there where it may be less expensive for us to function as our own policing aspect?

There was some chat also about the maintenance enforcement program. I would confess that I'm not terribly familiar with it. I hope I don't have to get into it. It could be costly, I understand. I wonder, in fact, with a user-pay concept in mind, particularly if we look at delinquent fathers or spouses that we have to track extensively to actually have them buy into the program, whether we can look at some sort of fee, such as a court fee, that could be applied in an attempt to recover some of the costs of administration of this – and certainly they must be large – along the way.

I would dare tread where most politicians are a little apprehensive to. I know that one area that demands a lot of police force time and a lot of dollars associated with it is prostitution. I would ask and probably leave the thought: are we at the stage in this society where we should no longer bury our head in the sand and deal with it in an up-front way and actually start gaining some revenues from it like those that practise it as often as they do?

One other area of concern that I had, and I don't come to it with a lot of knowledge, is the victim surcharge. I know there was a program in place some two or three years ago whereby there was a surcharge associated with some of the offences and some of the fines. As I understand it, today that victim's surcharge has some mounting dollars in it, dollars that aren't being directed back into the system presently. I could stand corrected on that, but that's my understanding. If there are dollars coming in through that particular program, I would think that some of the deficiencies or some of the areas that so many hon. members have pointed out here should be recipients of some of those particular dollars, particularly if there's a surplus.

I think overall most areas have been covered. There certainly is a large concern, undoubtedly, with the justice system, as to where it's going. I would indicate that I have one large concern, and I guess that is the ability to tie some accuracy particularly to program 2 and the associated costs. In a lot of those instances there seems to be a reduced amount of dollars. In today's world,

I would suggest, the economic climate is not as healthy as we would like to see it. We know that there's a relative increase in crimes during times such as this, yet more often than not we show a decrease in the costs associated with administering justice. I wonder how comfortable the hon. minister is with that particular aspect and whether, in fact, he is confident we will remain within the projected dollar figure that we're looking at.

That's the end of my questions. Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Thank you, hon. member.

The hon. Member for Edmonton-Strathcona.

9:10

MR. ZARIWNY: Thank you, Mr. Chairman. Like my colleague for Edmonton-Highlands-Beverly, I'd like to address my questions to the minister on policy matters, not specific budgetary items. I think I don't have to tell the minister that essentially a policy is a position that requires an allocation of money. In some cases the policy becomes law. In other cases the policy remains as it is, allowing a government some flexibility, at least considerably more flexibility than would laws. In most instances the value system of Albertans, be it continuous and changing, modern or developing, can be broken down into two general categories. The values in this case are either values of change or values of order.

In the former category there are values of Albertans which we can consider as modern and liberal, and within the latter category, traditional or conservative. Now, Alberta encourages change, as witnessed, for example, in the astonishing technological accomplishments in the telecommunications and transportation fields as a result of the initiatives taken by Albertans. There is a challenge and a purpose to a variety of the policies and laws to be found in the midst of our value system. For example, there's the challenge posed to effect social, economic, and political change without jeopardizing the principles of democracy and justice. Our Alberta society demands, for example, the retention of cherished institutions and historical practices, the social institution of the family unit. On the other hand, technological communication and transportation achievements have been characterized by massive quantum leaps.

My first question to the minister then. I want to understand better how your department treats such achievements from a regulatory and legal perspective. Perhaps new regulatory mechanisms need to be developed and existing systems redesigned. Does your department budget for such changes?

I would also like to understand better how your department is going to be dealing with the growing legal and moral concerns that Albertans have with genetic engineering and the increasing importance placed on the sanctity of life and the family. Now, my constituents have told me that they understand very well the need and the desire to be actively involved in defining social guidelines and improving the laws, for example, in the areas of education and health. The question that I have of the minister here is: has his department allocated any moneys in the budget to cover the cost of the legal drafting of the laws that might result from the roundtable discussions?

I believe, Mr. Minister, that at the beginning of your opening remarks this evening you said that your department is volume driven. I think this characterization probably can be applied to the internal operations of the government as a whole, that they drive your department. Does your department set aside moneys to allow for the review of policies developed by other departments to ascertain how they affect the laws of Alberta?

I believe that generally speaking, the values of my constituents can be described as a strong belief in a competitive, healthy

economy and a belief that the provincial government has certain social responsibilities that it is obligated to carry out and, furthermore, that government needs to allow the individual initiative and opportunity and the enjoyment of rewards for honest and hard work. My constituents have told me that they become very concerned when these principles are replaced by excessive provincial government laws and intervention in the economy, and what happens is less recognition of individual rights and initiative and restricted opportunities. My question to the minister in this case is: where does his department reflect these values in the budgetary objectives that have been set within the department?

The other area that I would like to ask the minister on is - I guess the best way that I can describe this is by saying computer application of laws in Alberta. I'll just explain what I mean by that. My colleague from Calgary had indicated in his opening remarks a certain part of this problem. Lawyers, judges, and people on the street are confronted on a daily basis with a huge amount of information, including legislation and policies, that normally are written in a complex phraseology. Does the Department of Justice have any budgetary plans to assist lawyers, law reformers, and the public by encouraging and financially supporting easier and greater access of these people to the law through computers?

This also leads me to another question that I have, and that is: what type of budgeting system does the department use? Is it a budgeting system called zero-based budgeting, which I understand his colleague the minister of advanced education uses, or is it management by objectives, or is it PPBS? I think this is very important, because then it allows us to understand who assigns priorities and how they're assigned within the department itself when it comes to budgeting matters. It'll allow us to understand better as well what weighing system is used in terms of which programs receive what cuts, which ones are reduced, and which ones are increased.

My colleague from Leduc had mentioned native justice. I would like to spend a little time on that as well. My question here is: what studies has the minister conducted regarding native justice and how native justice is applied in other countries? An example that comes to my mind and one which I studied and would very much be prepared to share the results of with the minister is the justice system in Greenland. Greenlanders, who are native people like our Inuits in the north and our Indians in southern Canada, have their own system of justice which parallels the Danish system up to a certain level. Their justice is decided on by lay Greenlanders. These are the lay judges. They don't have basic legal training like most judges do by becoming lawyers and then becoming justices. They have a basic understanding of law. This system works, and I'd encourage the minister to review it, since it's been in place for many, many years.

Lastly, I'd like to devote some time of my presentation to questions regarding law reform. As the minister will agree, law reform is simply not just law. It has also a social element and a moral element to it. Reform of laws cannot occur unless the laws are tested to see if they are serving the needs of Albertans. Here the matter of time element becomes very important. We need to understand the laws, and we need to assess the laws before we can reform them. Law reform, in my estimation, cannot be accomplished unless there are various bodies that are brought together, which include judges, government, lawyers, and the public. Laws, like our values, also change. My question to the minister is: has his department set aside on a regular basis and, if not, does the present budget provide for the reviewing of Alberta's laws with a view of identifying redundant, useless laws and reforming other laws which require a change to meet the changing values of

Albertans? Has the minister given any thought to setting up a separate department that will repeal obsolete and unnecessary laws? The approach in matters such as these, I think he will agree with me, is to request a plan for law reform and then develop a detailed set of proposals.

In conclusion, I believe the minister will agree with me when I say that reform of Alberta's laws on the lines I've just described is vital. If his budget does not deal with this matter this year, will he maintain an open mind on this subject in the ensuing years?

That is the conclusion of my presentation, Mr. Chairman. Thank you.

MR. DEPUTY CHAIRMAN: Thank you, hon. member.

Hon. Member for Fort McMurray.

9:20

MR. GERMAIN: I don't know, Mr. Chairman, what constitutes the worst cruel and unusual punishment: subjecting the members to listening to another one of my speeches or actually giving one in the Assembly, but I am going to press on.

I want to first of all congratulate the Minister of Justice on his reappointment to that portfolio. He was Minister of Justice historically, as the House is aware, filled that role with pride and distinguished courage, and frankly I'm anticipating and I'm sure many members of this House are that he will again do that. I want to make some wide-ranging comments this evening, but rather than indicate in advance the numbers that I will make, which would create an expectation of conclusion as I reach the end, I will just blast on in a nonnumbered way, if I might.

Mr. Chairman, you're aware that the Provincial Court of Alberta provides a significant entry level into the administration of justice in this particular province. Some statistics indicate that in fact 95 percent of the public of Alberta see only a Provincial Court judge, and the face of justice in this particular province is indeed for those people the Provincial Court of Alberta. Particularly in rural Alberta where the Court of Queen's Bench travels out of Edmonton, out of Calgary, out of Lethbridge, and out of Red Deer on circuit, the Provincial Court is certainly the court that most individuals identify with when they talk about justice.

[Mr. Tannas in the Chair]

So against that backdrop and against the importance of that court in the judicial scheme of things, I want to suggest to the minister, through the Chair, that the time has come in this province when we completely depoliticize the manner in which Provincial Court judges are appointed in this province. There is a Provincial Court that exists in this province that is of high quality with high-calibre judges. I know that both the good men and women that sit in that court rankle when it is suggested to them that their appointment is as a result of some form of political process. As I travel through the province and have the opportunity to appear in front of some of those judges from time to time, I'm impressed by the quality of the appointments. I suggest that the Provincial Court could stand on their own feet anywhere against any measure. It is time in my respectful estimation, I suggest to the minister, that the method of appointment of Provincial Court judges be completely depoliticized, that the selection process and the screening process be cranked up to the point where it has at least the equivalent, if not greater, scrutiny than even that given to the Court of Queen's Bench. The appointment process, I suggest to the minister, would be a good starting point in his review of the issues relating to justice this evening.

The next area of concern that I have, Mr. Chairman, is a certain amount of expanded role that the Provincial Court of Alberta could play in the system of justice in this province. For example, the Minister of Justice presently appoints judicial officers in the Court of Queen's Bench called masters. Those masters are located, however, only in the larger cities. It seems to me to be a reasonable extension for the Minister of Justice to consider a dual-role appointment for some of the Provincial Court judges in rural Alberta so that the services of the Court of Queen's Bench that are provided by masters in the large cities can be provided in rural Alberta as well. After all, isn't one of our fundamentals of justice that the equality of it must be seen as well as be done, and having one-stop shopping at the local courthouse in Medicine Hat or the local courthouse in Drumheller or the local courthouse in St. Paul, Alberta, or Grande Prairie would all be useful expansions of the role of the Provincial Court. I would, of course, suggest that the minister would want quite properly to consult with the other judicial officers at all levels in Alberta, but assuming that he received no adverse commentary, the expansion of the Provincial Court into a role as master of the Court of Queen's Bench seems to me to be an area where there can be real cash savings to the government in the payment for all of these judicial services.

The third issue of concern that I want to raise about the Provincial Court – and I believe the court from time to time has that same concern, and I'm sure the Minister of Justice has this concern as well, Mr. Chairman, because he himself is a rural member – is the issue of whether or not it is appropriate for Provincial Court judges to become ensconced in a community for so long that they know the father, the grandfather, the children, and even the grandchildren of a family in attendance at the courthouse, if I could use that phrase for want of a more crude phrase. Sometimes in small-town Alberta a person's name travels farther and faster than the rest of their reputation, whether good or bad, and it seems to me that a program of rotation of the Provincial Court judges might enhance the impression that people have concerning the administration of justice.

Another area that is of concern to many Albertans who take the time to address their mind to this concern is the fact that it has become very, very popular these days to talk about consolidation of services and streamlining of services and let's cut out duplication. Have we heard the word "duplication" in this House? Only a million times since we started here in the new Legislature on August 30. Well, there is a duplication that goes on between the way in which crimes are prosecuted in this province. The federal government appoints prosecutors for their particular bailiwick, often the narcotics control prosecutions, and of course the minister has a major, major entourage of highly trained prosecutors. After all, you'll recall, Mr. Chairman, that the minister spends about \$19 million a year on that function alone. He has a highly trained army of prosecutors, and I'm wondering if that might be an area for the minister to look at the consolidation of service and the avoiding of duplication.

Another area that is of concern to rural Alberta is the disproportionate and unequal facilities for female offenders. Now, I find myself oddly standing up here in the House as a male advocate for social justice and talking about the lack of women's facilities across Alberta, but I think it is clear and I think it is admitted and I think it is a given that there are more places to spend time in a lockup courtesy of the government in Alberta if you are a male than there are if you are a female. As a result, Mr. Chairman, it is of concern to the women of Fort Chipewyan and the women of Chip Lake and the women of the northwest portion of the province that if they are sentenced to do 90 or 180 days in jail, a very short sentence can have a tremendous disruption on their family because

they are carted out of their community and moved elsewhere. I would ask the Minister of Justice to consider the unequal deployment of lockup facilities for women in this province.

Maintenance recovery has been batted about tonight by several individuals. At the risk of taking the words out of anybody's mouth – and of course taking those words out of their mouths would be unsanitary – I want to say that maintenance recovery needs a little bit of help, but the help can be easily given by the minister. The help that I would suggest the minister consider giving to maintenance recovery is a faster turnaround in the distribution of funds. Women who are on support payments from their husbands, Mr. Chairman, need the money today. Maintenance recovery is extremely conservative in the manner in which they process their payments, so of course if a company sends in a \$980 cheque that hubby has to pay for maintenance, maintenance recovery will work that cheque around the banking system for a couple of weeks before they pay out the money. There's a cost to that. The maintenance recovery legislation could in my estimation, on consultation with employers in Alberta, be altered to see if it would really be any costlier for an employer to mail the cheque out directly – boom; out it goes to the wife – instead of running it through maintenance enforcement and having it swirl around in the miasma of the banking industry for a couple of weeks and then fire itself out the other end two weeks late. I suggest that to the minister to deal with some of the social concerns he has been getting about maintenance recovery.

The other interesting thing is that there is no other debt in the province, Mr. Chairman, where people forget about interest. You know, if you buy a suit on credit – I don't know if any of the members have credit at any haberdashery store, but if you are fortunate and you have credit, you get a bill. They charge you interest. They say right there that 30 days later they'll charge you interest. Some members on this side of the House I know pay a lot of interest perhaps in their haberdashery. I don't know; I've heard that. Child support never attracts any interest. If as a putative father you are late in your maintenance payments, I suggest the minister bring about some form of regime where the cost of collection and interest is passed on to the defaulting parent.

9:30

The last thing that I want to suggest to the minister by way of quick fixes in the area of maintenance recovery that will save the government money – and I think the government is interested in saving money – is that the maintenance recovery people have powers of collection that go beyond the power of collection that a woman has if she wants to just use her own small-town lawyer to collect maintenance. One example, Mr. Chairman – there are hundreds; I'll only give you one tonight – the department can send out what they call a continuing attachment, a continuing garnishee, where it fires, it comes in like a big scud missile, and it attaches today's paycheque and every paycheque into the future. That particular strategy, that particular ammunition, that scud missile, if I could use that phrase, is missing in any of the private collection of maintenance. We must ask why. If we were able to do some of those types of collections for and on behalf of clients, perhaps they would not go to maintenance recovery as often, and perhaps the cost of that program would plummet.

I want to move on to the issue of the Public Trustee's office. I noticed with interest, Mr. Chairman, that the budget for the Public Trustee's office continues to drop. We should never lose sight of who it is the Public Trustee protects. The Public Trustee protects in this province infants, any money that infants have, and the money and assets of those people who are no longer mentally able to look after themselves. As a result, it is a workload-driven

budget. It seems to me that before the Public Trustee's budget is chopped, one has to give some serious consideration to whom that department is really looking after. Now, if the Public Trustee's office was charging regular administration fees for the handling of money and those administration fees were passed along to people who have to pay money for wrongdoings that they do to minors and infants, then perhaps the government would recover some of their operational costs for the Public Trustee's office and not undermine this very important organization that looks after those people in our society who most need looking after.

A recent and interesting case occurred in the province of British Columbia, Mr. Chairman, that I'm sure the Minister of Justice is aware of. The Public Trustee, which is a government agency in that province, had to pay government funds out to a child for whom the court said that the Public Trustee's office was not vigilant enough in protecting their assets and protecting their right of action against someone who had injured them. It is better, in my estimation, that the Public Trustee's office be given sufficient funds to look after the children and those that need help than have those children later coming back to claim large sums of money from the government on an allegation that the government has failed because of underbudgeted Public Trustee staff.

The next area that I want to comment on is the Crimes Compensation Board. I notice that there is a million and a half dollars budgeted for that, and I'm curious as to whether that is the operational expenses only or whether it is the operational expenses coupled with the payouts to the Crimes Compensation Board. I know the minister in due course will answer that.

Finally, Mr. Chairman, the issue of federal gun control continues to be an area that is always perplexing to Albertans. We spend half a million dollars regulating and controlling who has guns in this province. Constitutionally and so far legislatively Albertans do have the right in certain circumstances, if not to bear arms like our American counterparts, at least the right to own arms and take them out once a week or once a month and clean them with gun grease on their kitchen table. It seems to me that spending \$450,000 to regulate and supervise the documentary paper flow of gun regulation in this province is a cost that should be borne by the federal government. Indeed, I suspect that there is a lot of duplication there, and that is a cost-saving area that the minister may be able to look at.

That, Mr. Chairman, concludes my comments for this evening. I thank you.

MR. CHAIRMAN: Edmonton-Centre.

MR. HENRY: Thank you, Mr. Chairman. I have a few comments and observations that I'd like to bring to the attention of the minister specifically related to some policy issues and more reflective of issues that are of concern to residents of my constituency of Edmonton-Centre. First, I want to echo the comments by the Member for Fort McMurray with regard to maintenance enforcement. I can't believe, frankly, that in this day and age we are not on top of the whole issue of maintenance enforcement both in terms of ensuring that if men are going to become fathers, they take financial responsibility for that, making sure those payments are made, and also that there isn't a hardship on the children and the parents. It affects many people in my constituency, and we have story after story after story about delays in payments, about people having trouble making ends meet because somebody's mad at somebody over something else, and the children get punished for it. I think that's a crime, and I think that should be dealt with severely.

A major issue that I'd like to bring to the minister's attention, Mr. Chairman, in my constituency, which is downtown Edmonton, is safety in the streets. In terms of violence we have a problem in the streets, we have a problem in our schools, and we have a problem domestically as well. It has been creeping and creeping in the last few years. In my constituency of Edmonton-Centre, it wasn't that long ago that you just went to what was seen as the less desirable parts of my constituency, and that's where you started to see the violence, and that's where you started to see the muggings. We've now had in very affluent, very clean, very well-lit areas of my constituency 70- and 80-year-old women in the middle of the day, in broad daylight, being attacked for their purses. In fact, as we sit here, we are in fact in the centre of Edmonton-Centre constituency, and right on our Legislature Grounds about three weeks ago one of our employees was attacked in broad daylight, again for her purse. Luckily she was able to get away without being harmed. I'm not sure what the answer is. I bring it to the attention of the minister. I know the minister represents the area around Camrose, and I would suggest that there are some similarities, but there are more acute problems downtown, and we're not doing enough about it.

I note the Justice minister has been in contact with the two cities in a safer cities initiatives, and I would urge him to become an advocate for creating safer cities, advocating through Municipal Affairs and planning, so that we plan our cities and our communities better, ensuring that both in Health and in Family and Social Services we pay more attention to these issues. I'll talk about those in a couple of minutes.

Again, we need to send a very clear message out that violence in our communities will not be tolerated, that violence will be dealt with very severely by the policing forces and by the justice system. I find myself in a very interesting situation, not being what one might call a hard-liner in terms of the criminal justice system. I find myself coming to the point in the last couple of years with regard to violence that we have to become hard-line. We have to draw the line and say that violence will not be tolerated; that if you're going to beat up a 75-year-old woman on 117th Street and Jasper Avenue in Edmonton, if you're going to beat a woman or a child in your home, or if you're going to mug somebody down on the strip, that's not going to be tolerated. We need to do something more about that: again, in planning our communities, in policing, but also making sure that when people are charged, when people are convicted, we ask for the stiffest sentencing possible.

That brings me to the second issue I'd like to raise, which is young offenders, specifically with the court system. In my experience, having worked in family services for a number of years, one of the major problems with the young offenders justice system is the fact that there seems to be quite often – and I know there are exceptions – a major delay between the time the offence is committed, the person is apprehended, until the time they are actually dealt with in the court system. I can cite several examples that I was involved with where it will be up to a year before a final sentence will be made even if the person is pleading guilty. I notice there have been some reductions in funding to the Family and Youth Court. If the problem is that we don't have enough court space, then I'd like to see that addressed, which means an increase in funding in those areas.

9:40

We all know that for any person, especially a young person, the closer the consequence is in time to the actual event the more impact it's going to have. What we're finding more and more is that by the time a person actually gets dealt with by the youth

justice system, they've reoffended three or four or five more times, and then we have a real problem. When we're dealing with young offenders, let's deal with them quickly. Let's ensure there's proper justice, ensure their rights are looked after, but let's not delay. I believe there have been unreasonable delays.

One of the other members on this side of the House raised the issue of prostitution. If I had to single out one issue in my constituency that I get the most calls on, it is the prostitution issue. About three weeks ago I participated in a march with people in my community whom I've worked with and lived with for a number of years. We call ourselves the communities for controlled prostitution. We have a problem, and the minister has acknowledged this in the House. This is not just a provincial problem. There are federal legislative problems here, and there is a provincial component, but there's a local enforcement component as well. All we are doing – and my constituency is the classic example – is moving the problem from my neighbourhood over to the 107th Avenue neighbourhood, and when people there scream enough, then we move it back to Boyle Street.

Mr. Chairman, during the last provincial election I finally drew the line when I took an evening off to spend with my children. I was walking in the alley towards our local playground, and my two-year-old saw something and went to pick it up. It was a used, a fairly recently used condom. That shouldn't have to happen in my alley, and we need to do something about that.

The federal people want to say it's somebody else's problem, the provincial people want to say it's somebody else's problem, or the municipal people. I would like to see some leadership, and I'm asking the minister to provide some leadership, to bring the three levels of government together and say we have a problem. Whether we're talking about legalizing it and taxing it, whether we're talking about other measures, we have to do something, and we have to do something soon. It is a growing problem. It is associated very clearly with drug abuse. It's associated with abuse of young men and young women, and we have to do something about it. Communities shouldn't have to put up with it. Whether you live in Slave Lake, whether you live in Lacombe, or whether you live in downtown Edmonton, you have a right to live in a safe community. You have a right to live in a community where you are not harassed by johns and by prostitutes.

People are talking about very drastic action. People are talking about finding the addresses of johns who are convicted and going to their communities in the suburbs or out of town. Many are from out of town and many are from places like many of the communities around Edmonton – if I could say Camrose, Wetaskiwin – who are coming in for the evening and picking somebody up and messing up our streets and going home. What people in my community are talking about now is that maybe we need to find out the names of convicted johns, go into their neighbourhoods, and tell their neighbours and their families. I find that distasteful. I don't think that the families and the communities of those people are responsible for their actions, and I don't think the children of those johns should have to pay. I'm raising this because I want to point out how desperate people in the community are. People are trying to raise families in these communities. They are trying to build good communities and safe communities. There is lots of support. The Edmonton city police have been heroic – if I can use that word – in their efforts to help the community. But shifting the problem from one community to the other community and back and forth and back and forth – and I know the same problem is up in Montrose and in Calgary-East as well – doesn't solve the problem.

We have to get the three levels of government together. We have to solve this problem. I would ask the minister – I know

there isn't an easy solution, but we need somebody to provide some leadership and take the federal, municipal, and provincial people by the collar and sit down and say, "This is a problem we have to solve."

I'd like to raise the issue of incarceration. I had an experience not many years ago of having spent some time, luckily as a visitor, in the Grande Cache institution. I was there training some of the staff. One of the things that amazed me and that I wouldn't have known if I had not experienced being there for a fairly extended period of time was how difficult it is to work there, how stressful it is on the workers, and how much we as a society ask of the workers to constantly be around people who are potentially violent, people who have broken the norms of behaviour in our society. I know that there have been cutbacks in staff. I know from staff at the Edmonton Remand Centre that we have a problem. We can't keep cutting back. The solution is not always more money. I would suggest that the minister perhaps needs to talk to some of his colleagues along the front bench. I notice the Minister of Health here tonight, and one of the problems in terms of overcrowding at the remand centre is directly related to the Minister of Health's department. That has to do with – and I'm drawing from personal and professional experience here – the severe cutbacks over time, not just with the current government but over the last 15 years or so, of services to people who are mentally ill.

When I was a director of the Canadian Mental Health Association in this city and northern Alberta, it was very, very commonly known that if somebody was not certifiable, if you couldn't get them into Alberta Hospital because they were not certifiable, and you needed to do something, well, you talked to the local beat policeman, and we could find a way into the remand centre, at least to get them cleaned up, checked by a doctor, fed properly. That's an inappropriate use of our resources, and it's happening. It continues to happen. Those people should be in community treatment facilities or should be in community support facilities where there is somebody monitoring to make sure they are taking their medication, if that's required, make sure they are being fed, if they are going to be in the community. I would ask the minister to discuss that with the Minister of Health and press that we need to make sure there are adequate services in the inner city so that we're not having these people ending up in the criminal justice system when they don't belong there. These people are victims, victims more than any other group of people that I might know. We need to provide treatment, not incarceration for these people.

Mr. Chairman, I also recognize that there's been a reduction in funding for legal aid. That concerns me for several of the reasons that have been raised, but it also concerns me – I was involved in lobbying very heavily in the Lougheed years to ensure that we get changes to the Mental Health Act to ensure that the rights of people who are certified, who do need to be in Alberta Hospital against their will, are protected, that we don't have people abusing that system. The vast majority of people will not abuse that system, but we have to have the safeguards in there. We have to ensure that when people are up for review panels, they have access to legal counsel, that when their certification is up for renewal, they have access to counsel. The reality is that the vast majority of people who are in Alberta Hospital do not have the funds to hire legal counsel, and, number two, most often or quite often certainly they have very little familial or other community support because the nature of their illnesses often drives families away and drives other community people away. So we need to ensure that there are checks and balances in the system. My experience with several lawyers – and I'm speaking specifically of the Edmonton area – is that the legal aid stipend for dealing with review cases

at Alberta Hospital barely covered overhead of anything. They were willing to do that, but we need to make sure the funding is available for them.

Again, child abuse. One of the issues that concerns me and my constituents to a great extent – and I touched on it earlier – is child abuse. We need to be tougher on people. We need to go into court asking for the maximum sentence. We need to send a very clear message that if you beat up on children, if you harm children in our society, as a society we will stand up and protect those children. Those children's rights are important. The children are our future. The children are the most vulnerable. They have a right to expect that we will stand up and protect them, and we need to ensure that the resources are there to do that. We also need to ensure that the motivation is there, not only in educating judges but ensuring that the prosecution asks for maximum sentences. Some of the movements I've seen in the court system I frankly like, but I'd like to see more.

9:50

Two other quick issues that I would like to raise, and I know the hour is late. One is the Gaming Commission, which I understand is under the Department of Justice. Mr. Chairman, I have raised this before, and I will raise it again and again and again. We are expanding dramatically the level of gaming, of gambling in our province, and we are slipping into something without having a public discussion about it. If the minister is responsible for gaming in our province, I would like to see us have a moratorium on the expansion of gaming, whether it be video lottery terminals or other kinds of gaming, just to . . .

MR. CHAIRMAN: The sound level is getting so competitive. I know we're for competition, but please not with the speaker.

MR. HENRY: Thank you, Mr. Chairman. I'm assured by the Minister for Health that she's listening to every word.

MR. CARDINAL: There's no competition in this House.

MR. HENRY: Thank you, Minister of Family and Social Services.

I raise the issue of gambling because I think it's dangerous for our province to slip into a mode where we are increasing the availability and incidence of gambling and gaming without thinking of the consequences of that. I believe we should have a moratorium on the expansion of gaming in our province, and let us take a step back, whether it be through public hearings, whether it be through an all-party committee, to look at what level of gambling we want. What level of gaming do we want? Maybe we do want more. Maybe we want it controlled in a different way. Maybe we want to have in Edmonton and Calgary strips that are Las Vegas style strips. Maybe we want those kinds of casinos. Geographically maybe we want to restrict the kinds, but we are slowly slipping into more and more gambling, and I think that kind of decision – it is a decision, and we're not making the decision. It is a slide. It is not decision to do this, and that worries me.

The other. I note that the Alberta Racing Commission – that's a controlled development of horse racing – has 7 and a half million dollars. Now, I understand some of that money or most of that money, if not all, is raised through fees and whatnot. Mr. Chairman, we are in a very, very tight economic time in our government. We hear over and over and over again the need to set priorities, and if we can't reduce expenditures and maintain the revenue from horse racing and if that cannot be considered a low

priority, then we have a real problem in setting our priorities in this province. If anything, we should be cutting taxpayer money. We should be cutting any subsidization to horse racing to a minimum. We should ensure that if we're going to have to make cuts, let's start setting priorities and let's start using horse racing as a revenue source, like we do all sorts of other luxury forms of entertainment or gambling. Let's start using that to help fund some of the things that we know we need in health care and in Family and Social Services and in Justice and other ways.

Mr. Chairman, I recognize the hour. As I said, I've tried to raise some of the issues that are important in my community. I know that there are not simple, easy answers, and I hope that if I ever jump up and get a quick and dirty solution that is exactly that, that somebody stops me and makes sure that we address problems in a full and meaningful manner. These are problems in my constituency that need to be raised, and I place them on the minister's table and ask him over the next year to see if he can find ways to address those issues and provide some leadership.

Thank you.

MR. CHAIRMAN: The Minister of Justice.

MR. ROSTAD: Thank you, Mr. Chairman. Indeed, there have been some good questions and some good thought-provoking discussion.

I might mention first of all, because it's raised in a couple of instances, that the Racing Commission is at no cost to the taxpayer in the sense that we tax. It's money raised right through the racing, through the pari-mutuel betting that is funded and the purses.

The issue of prostitution, too, I can broadly speak to. There's no doubt that it comes under the Criminal Code or the jurisdiction of the federal government. That does not mean you close your eyes and try and dream up municipal permutations of bylaws such that you can do something about it. I think perhaps the Member for Leduc has the approach. There isn't a profession known to man or woman that's older than the profession of prostitution, and I've not known of any means of preventing it. There are means, I think, that have been successful in controlling it. I think Holland probably has one of the better systems, and perhaps that's what we have to look at, getting aside from the moral issue of whether you agree with the practice or not. I think by criminalizing it again we're just doing the revolving door and adding to the cost. Perhaps we should make some money on it as society rather than just spending money to try and eradicate it.

As I mentioned, I will ensure that questions are answered specifically. The first batch will be done either tomorrow or Monday at the latest. I'll flick through some of these. Calgary-Buffalo was referring to a unified family court. We were at one time entertaining the attorneys general of New Brunswick, Ontario, and British Columbia. They came to visit Alberta because from a federal/provincial meeting there was some interest in pursuing Ontario's instance where you not only unify the family court, you unify the courts generally, so that you have a provincial court, criminal, and they've now gone the general. I'm the only one left, so I'm not so sure whether you touch something like that and you're automatically gone or whatever, but we are looking at that. There have been numerous studies, as you've mentioned. One of the biggest problems is the courts themselves. What we have to do is not only get the federal government but the court itself willing to lose some of their jurisdiction and give it to the provincial court. I think as we work with less money, those issues become a little bit more resolvable. We are continuing to work on that.

The question on the update on the CAP system. I will get you a more detailed thing. I can't answer that tonight. The same with CASES, which I'll answer.

As I mentioned, juvenile prostitution is probably the worst element of it, because they're usually not there, maybe none of them are, voluntarily. It's circumstances or whatever. Certainly from a juvenile part they're rarely ever there because they want to be, and that has to be addressed. I'm not so sure if we can address it without Edmonton-Centre's idea, perhaps, of the three levels of government sitting down and trying to figure it out. I'm again not so sure that criminalizing it or setting up a myriad of bylaws will ever solve that problem.

Access to information. I can speak for our department. I wouldn't say that we're ready tomorrow, but we're fairly ready. You are on the committee. From the time we pass the law in the spring there will be a time gap as we get a system. Frankly, my colleague to the left here, the Minister of Public Works, Supply and Services, will probably be the department that takes over the operation of the freedom of information, because they are now the centralized bureau of information as it exists: computer, archives, whatever. You need a centralized system and a system compatible to everybody so that you can have easy access as we computerize more. Yes, from my incarnation as AG before, we were working with that department and with other departments telling them to get ready, what they should expect, what other people have, so we are in fact proceeding down that track.

I'll just flick through some of the others. The \$4,000 limit on small claims. I can be very frank and open with you that when I brought the amendment through to raise it to \$4,000, I wanted it at \$10,000, and my best advice was that that would be unconstitutional. We'd be in a whale of a war because we'd be overstepping our jurisdiction, obviously not because other jurisdictions have already got to 10,000. I think we should raise it, although I think you have to address whether you are removing something from Queen's Bench that will actually load up more work on your Provincial Court. Where's it best to have it?

10:00

We're also looking at putting commissioners in the civil division of the Provincial Court the same as we have traffic court judges. We're trying to devise a system. Is there a certain limit they can go up to, or do they have a broad limit and we remove the judges as we know them from that court completely?

The Law Society code of conduct. The code of conduct is theirs. It's the Law Society regulating. Frankly, I have no problem with there being public hearings if the Law Society wants to have the public hearings, if enough members want it, and if frankly they are going to fund it themselves. I don't think it is the responsibility of the Justice department to in fact have those hearings. There are a couple of instances in the code that I have a definite interest in and have made very vocal representations to the benchers. One is that the Crown prerogative should not be abrogated and put into the bailiwick of the Law Society.

There was a question on the closing of Strathmore in a couple of instances. Frankly, there are more facilities for male young offenders than there are for female young offenders. I think that's been a tradition. The female young offender is a growing component and of course now has to be addressed in a different manner. The placement of those people has not been affected by the closure of Strathmore. In fact, when Strathmore closed, the young offenders that were in there were accommodated within other facilities. There is an issue as to whether some of our facilities meet a recent Supreme Court case that says that you can't have the three stages - open, closed, and remand - all in one

facility. We're looking at that to find out whether we are meeting the effects of that case and where that will take us.

Lethbridge-East asked a question under Fatality Inquiries, the medical examiner's office, and why head office gets the money and the branches don't. Frankly, there are only Calgary and Edmonton examiners' offices. They're equal in what they can do and in equipment, and the dollars, although it looks like it's centralized, are just for toxicology equipment that is being put into the facilities. It doesn't put more in one than the other, and it isn't head office over the other. The chief medical examiner used to be in Calgary and presently is here, but that has nothing to do with head office.

In terms of the Racing Commission, whether VLTs are taking away the excitement of going to racing and doing your pari-mutuel bet is certainly an issue that the Racing Commission has raised. In fact, in Lethbridge, your home, there was a recent test case where the VLTs were in fact put into the exhibition when the Racing Commission was holding races. I don't have the results on whether they were successful or not. The Racing Commission is going to be undertaking a strategy for racing as a whole and where it should be going in the long term and look forward to that.

In Maintenance Enforcement the decrease in the money is related to the voluntary severance agreements with staff. Also, that program is frankly a collection agency in its purity. The government of the day decided that they would take over this collection rather than people who are creditors through maintenance agreements doing it on their own. The Member for Fort McMurray is absolutely correct that there are some powers given there that private collection agencies don't have and maybe should have. That can be debated but not in terms of maintenance, because our program is designed so that everybody registers. If you want to opt out after you register, you can opt out, and you can come back in if you so wish. I don't think there's any need for a private collection on maintenance as against this system, because in fact there are more mechanisms available under this system.

I guess you can't design a law to guarantee that you're going to collect, because there are some wily debtors, female or male, that know how to make themselves judgment-proof, how to skip from one jurisdiction to the other, although we have reciprocal enforcement agreements with other provinces and we register them. Once they're into that province and they're registered in that province, they then are under their jurisdiction, their rules, and whatever mechanisms they have rather than our own. It's a growing thing.

As I mentioned the last time, I think there's perhaps one thing that we're looking at that California has in effect and Maine is putting into effect. Maybe some other jurisdictions have it as well. We don't have an analysis yet as to how successful they are, because some of them haven't been running long enough. That is preventing you from renewing your driver's licence or hunting licence or whatever if in fact you are in arrears. Educating as best we can people who have changed their circumstances

such that they say, "I can't pay," that they go to court and in fact get the court to look at their circumstances and judge whether they can't pay: maintenance enforcement can't in fact do that.

There has to be an initial responsibility aside from the very, very important aspect of getting maintenance for the spouse and/or children. In many instances these people have in fact been on social assistance because they haven't been getting their money for whatever reason, and we're interested in collecting for the spouse but also on a subrogated claim for the government. Since the program came into being in 1986, there have been \$279 million collected, so it's not a small operation.

Calgary-Currie brought up widows' pensions and the public guardian's office, and in fact both of those are not under the jurisdiction of the Minister of Justice. The public guardian's office is under social services, and I think widows' pensions are there or in culture under women's issues. I understand the context they were brought up in was in the wider policy agreement, but they aren't there.

Leduc had maintenance enforcement as well.

Victim surcharge: there is a victim surcharge. In fact, there is a fund there now, and there is a Victims' Program Assistance Committee that takes applications. I can't speak for why there was a lull for a while when they weren't hearing applications, but they're back in operation right now. This money does not go to victims themselves. It goes to groups that are set up to actually advocate or do research on how victims in fact can be helped as a group.

Perhaps in the interest of time I'll cease now and ensure that all the questions are answered in writing very, very quickly.

Thank you.

10:10

MR. CHAIRMAN: The hon. Deputy Government House Leader.

MR. EVANS: Thank you very much, Mr. Chairman. In view of the hour I would move that the committee now rise and report.

[Motion carried]

[Mr. Clegg in the Chair]

MR. TANNAS: Mr. Speaker, the Committee of Supply has had under consideration certain resolutions of the Department of Justice, reports progress thereon, and requests leave to sit again.

MR. ACTING DEPUTY SPEAKER: Thank you. All in favour of that report?

HON. MEMBERS: Agreed.

MR. ACTING DEPUTY SPEAKER: Opposed, if any? Carried.

[At 10:12 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]