

Legislative Assembly of Alberta

Title: **Thursday, May 1, 2003**

1:30 p.m.

Date: 2003/05/01

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon.

Let us pray. Our divine Father, as we conclude for this week our work in this Assembly, we renew our thanks and ask that we may continue our work under Your guidance. Amen.

Please be seated.

head: **Introduction of Guests**

The Speaker: The hon. Deputy Premier.

Mrs. McClellan: Thank you. Mr. Speaker, I'm pleased to introduce to you and through you to members of the Assembly seven constituents from the Cereal-Acadia Valley area of my constituency. Six of these members are members of the C.J. Peacock school parent council. They're in Edmonton today along with the chairman of the Prairie Rose board to visit with our minister of education and talk about the opportunities of continuing delivering quality education to our rural communities. I would ask them to stand as I call their names and to remain standing. We have Maxine Girtetz, Pam Kulyk, Shari and Stephen Muzyka, Debbie Salik, Marian Peers, and a special person to me – these are all special people – the last one I'll introduce, my brother John Peacock. Please give them a very warm welcome.

The Speaker: The hon. Member for Whitecourt-St. Anne.

Mr. VanderBurg: Thank you, Mr. Speaker. On your behalf I'd like to introduce to you and through you 19 grade 6 students from the Busby school, which is located in the Barrhead-Westlock constituency. They are accompanied this afternoon by teacher Nancy Zeise, parents Claire Stitsen, Ken Mead, Shirley Mead, and Marie Bourque. They are seated in the gallery this afternoon. I'd ask them to please rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Member for Calgary-East.

Mr. Amery: Thank you, Mr. Speaker. It's indeed a pleasure today to rise and introduce to you and through you to members of the Assembly 37 visitors from the Islamic school of Calgary. The Islamic school is located in my constituency, the constituency of Calgary-East. We have 31 bright, intelligent, and well-behaved grade 6 students. Along with the students there are two teachers, Mrs. Angela Mentis and Miss Rychelle Gibson, and four parent helpers: Mrs. Nahda Thraya, Mrs. Amina Hassan, Mr. Ryan Katchur, and Mr. Said. I say to them [remarks in Lebanese]. They are seated in the public gallery. I would ask them to rise and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Member for Little-Bow.

Mr. McFarland: Thank you, Mr. Speaker. I'm indeed honoured today to introduce to you and through you to members of this Assembly for at least the 12th consecutive year Vauxhall elementary school. They've come all the way up, probably left around 6:30 this morning. They came up with a number of teachers and parents that I would like to introduce. I want to thank them for taking the time

and effort to be involved in coming up here each and every year to show the young students the Legislative Assembly and the building and the things that you have to offer them, what is available to them. We have Mrs. Lori Jo Plotzki; Ms. Trina Mantler; Mr. Terry Olfert, who's been up with the group as long as I can remember; principal Dale Cummings; mom and dads Mrs. Paula Olfert, Mr. Harold Unruh, Mr. Cliff Meier, and Mr. Robert Kress; as well as all the students from grade 6 at Vauxhall elementary. I'd ask that they please stand, receive the warm welcome of the Assembly, and have a good trip.

The Speaker: The hon. Member for St. Albert.

Mrs. O'Neill: Thank you very much, Mr. Speaker. It's an honour for me today to introduce to you and through you to members of this Assembly five people who are seated in the public gallery. I'm going to mention their names, and I'd ask them each to stand, and then I'll tell you why they are such valued guests for us today. First of all, I'd like to introduce Ji Hyun Park and Elly Dalmaijer and Jack Dalmaijer, who are the hosts of George Zondervan and Betty Zondervan. George Zondervan is walking across Canada from Vancouver to Halifax, began on March 29, and he's doing it to create awareness for the problem of world hunger. They are standing in the public gallery, and I would ask everyone to extend to them the warm welcome of this Assembly.

The Speaker: The hon. Minister of Learning.

Dr. Oberg: Thank you very much, Mr. Speaker. Today I'd like to introduce to you and through you to the members of the Assembly three guests who are in the Assembly: first of all, Louise Papaiani – her significance will become evident very soon – as well as her boyfriend, Ian Manyfingers, and Pam Sparklingeyes, who is the project manager for Edmonton Catholic schools. I would ask them all to rise and receive the warm welcome of the Legislative Assembly.

head: **Ministerial Statements**

The Speaker: The hon. Minister of Learning.

Aboriginal Educational Programs

Dr. Oberg: Thank you very much, Mr. Speaker. Today I rise to read a speech that Louise Papaiani gave yesterday at the Edmonton Catholic school Rainbow Spirit project, and I will read this speech verbatim.

Good Morning! . . . My name is Louise Papaiani . . . and I am 18 years old. I just completed my first year in the School of Native Studies at the University of Alberta. I was born and raised here in Edmonton. My mother is from Frog Lake Cree First Nation and my father is from Calabria, Cosenza, Italy. I am honored to be here today and to speak on behalf of Urban Aboriginal Students. This morning, I would like to speak about the importance of Aboriginal education and the building of cultural identity as part of the contemporary educational system.

For myself, Aboriginal education and cultural identity began in my grade seven year. Before then, I felt deprived of a belief system that I craved for. The only Aboriginal people I saw were my mother and other family members. From kindergarten to grade six, I had two or three other Aboriginal classmates. Being a minority is difficult, and being a minority, as an Aboriginal person seems even more challenging because of the stereotypes we face. As a child, I didn't really know my culture. I became stuck, between craving the knowledge of my culture and being shameful, because of the

stereotypes that come along with being an Indian, or Native person. As I experienced the oppression of being an Aboriginal person, my strength in my heritage became stronger and stronger, as I learned about who I was.

In grade seven, I attended Ben Calf Robe here in Edmonton. The school had an Aboriginal educational based system, cultural access and cultural development. In this school, my classmates, mentors and many teachers were Aboriginal. The opportunity to learn from these people opened a door to a belief in a higher power and a strong cultural identity for myself. Cultural identity such as learning my Cree language, experiencing and learning the concepts of pow-wow dancing, listening to Aboriginal elders, and attending sweats and sharing circles. These new learning opportunities not only allowed me to experience what I was thirsting for, but introduced me to a world where I was free to find myself and learn to believe in the Creator, the great grandmothers and grandfathers. And finally, I built a strong sense of pride and identity in myself.

In high school, I attended St. Joseph. The Aboriginal education and cultural components were integrated and offered to Aboriginal and non-Aboriginal students. Educating non-Aboriginal people about Aboriginal history and culture builds tolerance and understanding between nations, thereby creating a better society for all. Building cultural identity in schools is important to the spiritual care and education of Urban Aboriginal Students. Cultural identity for Urban Aboriginal Students gives self-determination, confidence, and a reminder that we belong to a strong, surviving culture. A culture once known and lived by our ancestors, now passed on to us. As the Aboriginal author Esther Supernault says, "We can't understand where we are going until we know where we came from!" In today's school system, having access to learning the Cree language . . . and cultural teachings gave me a sense of belonging to what my grandparents and ancestors knew. Cultural access offers a sense of hope, courage and determination to face the future.

Over a hundred years ago, when the treaties were signed, our ancestors thought about our future. Today, let us think about the future of our Urban Aboriginal Students. There are many successful Aboriginal people and leaders in our communities. To make a difference and to strive for excellence, we must also acknowledge the social problems. Our Aboriginal communities are rampant with alcohol, drugs, gangs, crime and abuse. These problems cannot be ignored. For Aboriginal students in a school setting, cultural access offers learning and experience, but most importantly [it] offers identity, pride and healing. Healing is the solution that gives direction to overcome the social problems that rob and swallow our Aboriginal people. It is not easy living or leaving a life rampant with negative behaviour. Knowing there are people and guidance through these cultural programs offers direction for Urban Aboriginal Students. To be offered a comforting place to identify with and belong to, the journey of healing does not become easy, but becomes possible.

Access to cultural teachings in our contemporary school systems offers education and a fulfilling experience. Cultural development offers strength and determination for healing and facing the future. We must believe in the power of our Creator and prepare the world for our future Aboriginal children and students by integrating the best of both worlds. Success today means having the education needed to survive and the belief instilled to strive.

Thank you.

1:40

The Speaker: The hon. Member for Edmonton-Mill Woods.

Dr. Massey: Thank you, Mr. Speaker. On behalf of the Official Opposition I am pleased to respond to the minister's statement. We offer our congratulations to the Edmonton Catholic school board for responding to the learning needs of urban aboriginal children with the Rainbow Spirit project at St. Francis Xavier school. May I compliment Louise for her powerful story, for it is in the stories of

people like Louise that we find both the need, the inspiration, and the direction for future action.

The paper presented to the council of ministers addressed the education gap between aboriginal people and the general population. Closing that gap

requires sensitivity to the relationships among cultures, education systems and the social context in which schooling is situated . . .

While unique cultural resources are important to the education of Aboriginal students, Aboriginal people also wish to be equipped with knowledge and skills required for success by conventional standards. Fulfillment of these objectives requires a combination of basic and special initiatives.

The president of the Saskatchewan Indian Federated College framed the problem this way.

Historically, First Nations' people have viewed education as a lifelong learning process that prepared individuals for their responsibilities and roles in life. While there were no physical buildings, education was based on learning from example, from . . . experiences and from Elders.

Across the country we see projects, big and small, designed to address the special case of aboriginal learning. The Ontario aboriginal education and training strategy saw \$34 million invested to respond to the need to increase aboriginal student access and retention to universities and colleges in that province. In Saskatchewan the elders envisioned building a postsecondary institution that combined cultural traditions and teachings with education and technology relevant to the global economy. Working with the University of Regina, the Saskatchewan Indian Federated College was created.

The Edmonton Catholic school board, too, has recognized the unique nature of aboriginal education with ongoing programs at St. Joseph's and now the Rainbow Spirit project. The project is recognition that local school boards are in the best position to recognize local needs. We are pleased that the province, too, has used its position to best advantage by providing financial resources for the board to carry out their mandate.

Thank you, Mr. Speaker.

The Speaker: Hon. members, the hon. Member for Edmonton-Strathcona would like to participate but will require unanimous consent. Will it be given?

[Unanimous consent granted]

The Speaker: The hon. member.

Dr. Pannu: Thank you very much, Mr. Speaker. I want to thank members for the opportunity for me to participate and respond to the ministerial statement.

First of all, let me add my thanks to Louise Papaiani for her heartfelt and inspiring statement. I wish to echo Louise in her belief that pride in aboriginal culture and identity is fundamental to ensuring future success for aboriginal children and youth in the learning system. As a society we are still scarred by the history of residential schools and similar attempts to force aboriginal peoples to give up their language and culture. These failed policies had disastrous consequences for aboriginal peoples and left a terrible legacy of injustice, abuse, and broken lives. I therefore commend the minister for the decision to provide continued funding to the Rainbow Spirit project. I echo the minister in his hope that initiatives like these will lead to increased academic success for our aboriginal youth and students.

In conclusion, Mr. Speaker, I once again thank and applaud Louise for her inspiring words and the minister for sharing them with this Assembly. Thank you.

The Speaker: Louise, you've moved pretty dramatically 83 rather wonderful people from throughout the province of Alberta in this Assembly. You've also moved everybody in the galleries and everybody listening to this question period this afternoon. Would you stand again and take another bow with our appreciation. [applause]

The Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes, Mr. Speaker. I would like to rise on a point of personal privilege. Thank you.

The Speaker: The hon. Member for Edmonton-Gold Bar advised me a few minutes ago that he would like to do such. I will recognize him at the conclusion of the Routine this afternoon as well as recognizing the hon. Member for Edmonton-Glenora.

head: **Oral Question Period**

Education Funding

Dr. Nicol: Mr. Speaker, the chairman of the Calgary board of education is warning that next Tuesday's budget will lead to significant staffing cuts. He says that if the current funding pattern continues, the Calgary board will become, and I quote: a system for the disadvantaged. The chairman talks about how public schools might soon be used only by special-needs children or by children from families with financial difficulties while anyone wanting a well-rounded education will have to go to a private or charter school. My question is to the Minister of Learning. Why hasn't your government fully funded the teachers' arbitrated settlement so that Calgary's public schools do not have to lay off teachers this year?

The Speaker: The hon. minister.

Dr. Oberg: Well, thank you, Mr. Speaker. First of all, the arbitration settlement that was brought in in June of last year has been fully funded. There was \$298 million that was made available for the funding of \$260 million. The other issue that we did for Calgary public is we also provided an extra \$7 million as they had an arbitration agreement that gave them a clause and a condition that no other school board in the province had. So we did fund them with \$7 million.

Mr. Speaker, I understand that Calgary public will be bringing out a budget next week that will potentially show a deficit. We are looking at how we can work with them. We're looking at where exactly that is. Included in the budget this year was an increase of \$17 million for Calgary public. This is very interesting because they are predicting anywhere from 700 to 1,000 fewer students than they had last year yet an increase of \$17 million as well as a considerable amount on top of that. So we are going to have to see exactly what's going on. Calgary public in the past has been extremely good to work with and extremely forthcoming. So we will be contacting them and seeing exactly what is going on there.

The Speaker: The hon. leader.

Dr. Nicol: Thank you, Mr. Speaker. To the Minister of Human Resources and Employment: what are you doing to make sure that your government fully funds its own arbitrated settlement?

Mr. Dunford: I believe that the hon. Minister of Learning has already answered that question.

Dr. Nicol: To the Minister of Learning: how many teachers is the minister prepared to see laid off in Calgary before he does something to fully fund the arbitrated settlement for the teachers in this province?

Dr. Oberg: Well, Mr. Speaker, I have fully funded the arbitration settlement. I will say that the arbitration settlement was higher than what we initially anticipated. Fourteen percent is a significant amount. Teachers in Alberta are now being paid approximately 8 to 10 percent higher than any place else across Canada. There's been a huge amount of money put into the system, and we certainly will work with our school boards. We will certainly work with the Calgary public to see exactly where these dollars are spent, and we're hoping that everything will work out for them.

1:50

Infrastructure Funding

Dr. Nicol: Mr. Speaker, years of government stop-and-go infrastructure funding have taken their toll on Alberta's economy. Government policy is contributing to an overheated economy. As a result, Petro-Canada has hit the brakes on its \$5 billion oil sands expansion in Fort McMurray. To the Minister of Infrastructure: will the minister finally admit that his government's use of stop-and-go infrastructure funding has made it impossible for businesses to plan capital projects on an ongoing basis?

The Speaker: The hon. minister.

Mr. Lund: Thank you, Mr. Speaker. I think it's a huge leap to suggest that because we are not spending an equal amount of money annually for capital projects in Infrastructure somehow that is having such a major impact on the private sector that they cannot continue to go ahead with projects. It certainly is our desire to have a more even flow of capital funds for the infrastructure that we're responsible for, and certainly with the new capital fund plus a sustainability fund that is currently being set up, we are very hopeful that will address this issue of having an uneven amount of dollars to spend on various years.

The Speaker: The hon. leader.

Dr. Nicol: Thank you. To the Minister of Finance: have industry consultations been done to determine how to manage the capital fund to make sure that we're working publicly and privately for the best interests of growth in the province?

Mrs. Nelson: Well, Mr. Speaker, one of the key elements of this year's budget plan that was presented is the new fiscal framework. It's one that provides for predictability and sustainability. It provides an opportunity also for planning to take place at the local level whether it's in the municipality or even with the road builders so that they can predict when to let contracts or bid on contracts, et cetera.

The other thing that's very important, which I think the hon. member opposite should always remember when he's thinking of the new plan, is that we've done one key thing. We've allowed capital to be carried over from year to year. So if, in fact, it's not the right time to move forward on a project, the dollars can be moved to the subsequent year, so you're not hitting on a time frame that didn't have reality built into it. In other words, on March 31 everything doesn't stop and then start again. So we've carried it so that you can go from year to year and do better planning and better predictability. We consulted with the various construction people prior to putting

this plan in place, and they thought it was going to be beneficial not only for government but for the industry as a whole. So I think we've moved in the right direction, and we've put the right balance in place.

Let's be very clear, Mr. Speaker. We've put forward a plan that is quite aggressive. It's a plan that will see \$5.5 billion of capital investment come into this province from government funding over the next three years. That's a very aggressive capital plan, but it's one that we need and one that I think will be beneficial to all from every part of this province.

Dr. Nicol: To the Minister of Human Resources and Employment: what steps has the government taken to increase construction capacity, especially in the area of qualified workforce, to prevent more delays in economic growth in Alberta?

Mr. Dunford: This is an excellent question, and of course it brings the opportunity to start to talk in this province about a skills deficit. One of the things that we find with this government is that we're very good at dealing with deficits as they present themselves to us. Those of us that were elected in 1993 were presented with a financial deficit, and we worked very hard to overcome that and, of course, were successful. Later on what has taken place to some extent, Mr. Speaker, was a recognition that perhaps there was an infrastructure deficit, and now this government in this last budget has responded very, very well to that infrastructure deficit, and I think that if I'm not mistaken, we have something in the order of \$5.5 billion that are now recognized and will move into that particular area.

So now the deficit that we're concerned with, Mr. Speaker – and I think the hon. member has quite rightly recognized this – is the skills deficit, and we're going to have to be as astute and as energetic in overcoming that deficit as well.

The Speaker: Third Official Opposition main question. The hon. Member for Edmonton-Riverview.

Toxic Mold in Foothills Medical Centre

Dr. Taft: Thank you, Mr. Speaker. Let me begin by congratulating the Minister of Health and Wellness for canceling a trip to Ottawa to ensure that the issue of toxic mold at the Foothills hospital that has been raised in this Assembly is properly managed. About 65 registered nurses, roughly two-thirds of the total, and a large number of support staff at the renal unit at the Foothills have registered health complaints that are consistent with toxic mold contamination. To the Minister of Health and Wellness: since the government's position has been that these symptoms are not a result of toxic molds, can the minister give a different explanation for so many people getting ill? Is it psychological, or is there some other problem at the Foothills?

Mr. Mar: Mr. Speaker, a committee of workforce, safety, and union representatives has been called, and they will be conducting their own independent test. Each representative – for example, on behalf of the union – will be able to call their own expert to review the situation with respect to the presence of these molds in the affected area, and I think that the regional health authority has taken the right steps from the very outset to look at this and treat it seriously.

I remind the hon. member and all members of the Assembly that the level of mold that was found in the particular area under question here, unit 27 at the Foothills hospital, was below Health Canada recommended safety levels. Notwithstanding that it was below the safety levels established by Health Canada, the regional health

authority took the appropriate steps to remove the drywall, the cabinetry, and the sink areas where this mold was present.

Now, I should note that no patients have indicated any indications or complaints of mold associated with this, and my understanding is that the nurses who made the complaints, in fact, were from the unit that was adjacent to and not part of the area that had the mold, but again the regional health authority is working with its staff to resolve this in an appropriate way.

Dr. Taft: Given that equipment is due to be transferred from the Foothills to other facilities in Calgary and that this equipment has not been tested for mold contamination, will the minister – and I want to be very clear here – ensure that the equipment itself is thoroughly tested for toxic molds before it is transferred?

Mr. Mar: Mr. Speaker, I would refer to the expertise of the people who work within the facility and for the regional health authority. Again, I'm not a microbiologist. I'm not an expert on the subject matter of infection prevention and control, but Dr. Tom Louie, who is the medical director, a physician trained in these matters, has been the adviser to this committee on appropriate steps to be taken. I'm certain that Dr. Louie and the regional health authority would take the necessary steps to ensure that any risk associated with mold in the movement of this equipment would be taken. Again, though, as I said earlier this week, Dr. Louie has indicated that the risk associated with the mold in this particular unit is very, very low.

Dr. Taft: Given his interest in the issue, I assume that the minister is aware of an incident of flooding or plumbing damage in March, so my question finally is: has the mold found in March at the Foothills been tested, and if so, will the minister immediately make those test results public?

2:00

Mr. Mar: Mr. Speaker, one of the reasons why the issue of mold arising from October of last year was not brought to my attention was because it was an incident that was dealt with within the regional health authority. Again, Dr. Louie indicated that the risk was low and that the level of mold was below Health Canada standards. That is not something that would ordinarily come to the attention of the minister of health, nor would it perhaps even come to the attention of the chief executive officer of the regional health authority. There are experts within the regional health authority who make their evaluations and have their expert opinions. It would not be for the minister of health to displace the judgment of such an individual. That is the case here.

I know that on previous occasions, Mr. Speaker, when there have been molds in health facilities in this province, sometimes the risk associated with it was higher and wards have been closed down as a consequence of it until it could be rectified. But, again, in this case, whether it's the March incident or the October incident of last year, which also was the result of water leaking from an area that was being renovated, I think that the regional health authority has demonstrated that they take all the proper steps because patient safety and staff safety are the number one concern.

The Speaker: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Olds-Didsbury-Three Hills.

Postsecondary Education

Dr. Pannu: Thank you, Mr. Speaker. Two separate reports from institutions at opposite ends of the political spectrum have come to exactly the same conclusion: Alberta needs to provide more support

for postsecondary education. The Canadian Centre for Policy Alternatives has joined TD Economics in raising serious concerns about the accessibility of postsecondary education in Alberta. Specifically, the CCPA ranked Alberta dead last for accessibility, affordability, and opportunity because of high tuition fees and low and declining participation rates. To the Minister of Learning: in light of what these two studies conclude about Alberta, what steps does the minister propose to take to improve accessibility, affordability, and opportunity for postsecondary education in this province?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. I'll just make a couple of comments, if I can, about tuition. First of all, the report that came out today showed that we were number 6 out of 10 on the province side when it came to the tuition amount. When you actually look at the individual institutions, the University of Alberta is 25th out of 53 institutions, the University of Calgary is 23rd, and the University of Lethbridge is 16th, having the lowest tuition.

The other really interesting point, though, is when you start looking at participation rates, because under the tuition amount the lowest province in Canada is Quebec, and the reason it is the lowest is because they have taken the tack of actually subsidizing their tuition for their own students within their province. The tuition for people from outside of Quebec is significantly higher and, indeed, is the average of all the other provinces. The interesting point: if tuition was the main reason why students did not go to university, what you would expect to see is a much higher rate of actual university participation in Quebec, but what you in reality see is that the university participation rate in Quebec for 18 to 21 year olds is 12 percent. In Alberta it is 15 percent.

An Hon. Member: CEGEPs?

Dr. Oberg: CEGEPs are not university.

In Canada the average is 17 percent. So is tuition important? Yeah, absolutely tuition is important; affordability is important. But is it the only reason? Is it causally related? The answer is no.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. Alberta's participation rates remain lower than the national average. Why doesn't the minister and this government make the same commitment as the provinces of Newfoundland, Manitoba, and Quebec to lower tuition fees and increase accessibility and thereby prevent the loss of comparative-ness of Alberta and provide opportunity to young Albertans who otherwise can't go to school?

Dr. Oberg: Mr. Speaker, I'm glad the hon. member has raised those three examples. First of all, in Newfoundland something very interesting is happening. This will be the first year in Newfoundland that there are actually more spaces available than there are students willing to go into their universities, and for that reason they are going far and wide, around the world, to attempt to get students to come to their universities in Newfoundland because their participation rates are going down dramatically. Before anyone jumps on me, a lot of it is because their number of students – their number of students – has gone down by very close to 20 percent over the last four years. So there are very significant problems that are occurring in Newfoundland.

In Manitoba they have announced that they have frozen tuition.

I do not have the absolute participation rates right now at my fingertips, but again I'll reiterate that the participation rate in Quebec, which has the lowest tuition fees, is actually significantly lower than in Alberta.

The Speaker: The hon. leader.

Dr. Pannu: Thank you, Mr. Speaker. My last question to the minister: what action or actions is the minister proposing to take to increase university participation rates among youths aged 18 to 24 in Alberta, which are well below the national average and declining according to these studies?

Dr. Oberg: Mr. Speaker, the hon. member has raised an excellent issue. What we do see is that our participation rates are lower than the national average, and I think there are a lot of reasons for that. First of all, what we're seeing is an economy where there are a lot of jobs available. In talking to the students, what is happening is that a lot of students coming out of high school have chosen to work for a year or two and then go back to school because the jobs are available now. Another thing that we're seeing is a huge participation rate in apprenticeship programs. We're up to 40,000, which is significantly higher than anywhere else across Canada. That being said, we still want more and more students to go into postsecondary education, and that is the thrust of our department.

One of the things that we did in this budget, for example, is announce a \$10 million access fund. It is something that we're going to increase. We're going to be pushing forward. We have to make more communication to the high schools to let the high schools know exactly what the benefits of a postsecondary education are, and we're doing that at this moment.

The Speaker: The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Gold Bar.

Farm Income Disaster Program

Mr. Marz: Thank you, Mr. Speaker. Many hog producers, who have been experiencing high energy costs along with increased feed costs and the current low commodity prices, are again applying for assistance through the farm income disaster program. They're concerned that the highest reference years used in the payment calculations will be disregarded if it's been used before. This would result in a decreased payment. My question is to the Minister of Agriculture, Food and Rural Development. What would be the benefits to producers if the cap were removed for reference margin calculations?

Mrs. McClellan: Mr. Speaker, explaining the farm income disaster program would not be easy in the time we have allowed. To try to just outline the issue around the reference margin, I want to start by saying that the reference margin that we use in Alberta in the FIDP program is the most producer-friendly program in Canada, and indeed I would say the world. The World Trade Organization requires a reference margin system to use Olympic margins, which means the average of five years, dropping the highest and lowest years, or just simply the last three years. Our reference margins are a very broad interpretation of the WTO rules.

I do want to clear up one misconception that seems to be there in the industry, and I think this is an important point. After the highest margin year has been used for a prior FIDP claim, the margin year is not dropped. It is capped at the level of the next highest margin. That has been a concern that's been raised to the hon. member, I am

sure by his question, and certainly has come to my office and to other members who have hog producers in their area.

The Speaker: The hon. member.

Mr. Marz: Thank you, Mr. Speaker. Again to the same minister: what would be the cost to the province if the reference margin cap were eliminated?

Mrs. McClellan: Mr. Speaker, my department did a sample study. As I've indicated in the House, we've had two excellent meetings with the hog producers in this province to look at solutions to their issues. One was a commitment to look at changing the cap and just simply using five years or the best of seven. It made, I would say, almost an insignificant difference to those producers, and hence changing the margin would have to happen across the whole industry. Our look at that is that it would have an effect of about 2.5 percent.

Of more concern, Mr. Speaker, is that if we were to change those reference years, in today's trade climate we would stand a very good chance of a challenge, and I think that that would be a very, very huge detriment to the industry compared to the minimal amount of increased income they could receive.

2:10

The Speaker: The hon. member.

Mr. Marz: Thank you, Mr. Speaker. My final question to the same minister: what resources are available to producers who want to pursue a FIDP application this year?

Mrs. McClellan: Mr. Speaker, I certainly recommend to all members who have queries in this area and to producers that might be listening today to contact Ag Financial Services. They can find them on the web site at www.afsc.ca.

We have made some changes in our farm disaster loan program. We've extended it to two years. We've increased the cash call from \$20,000 to \$50,000, and that is available on a personal guarantee rather than going through the rather lengthy process of a term loan or a longer term loan.

I do want to point out that although the issue that's raised here today, Mr. Speaker, is of the hog industry, our farm income disaster loan program, our FIDP program, is applicable to all our farm commodities.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Calgary-Currie.

Electricity Billing

Mr. MacDonald: Thank you, Mr. Speaker. Right from the get-go this government's energy deregulation scheme was a failure as the government was forced to cap the price of electricity to prevent it from spiraling out of control. Albertans are still literally paying the price for this mistake through shortfall charges which make costly energy bills even more expensive. Yesterday the Alberta Energy and Utilities Board announced that EPCOR would refund \$12.8 million to customers whose shortfall charges were not properly collected. To the Minister of Energy: will the government investigate rate rider collection in other areas of the province as well to make sure that other Albertans are not paying for costly mistakes given that government policy created the rate rider in the first place?

Mr. Smith: No, Mr. Speaker, we will not. The EUB has clearly

defined its role in the examination of this issue and has, as it has on many other occasions, reflected the decisions in the public interest to benefit consumers, all consumers of Alberta.

Mr. MacDonald: Again to the same minister: will the minister now require energy firms to display all the information necessary for consumers to calculate shortfall charges on monthly bills so that consumers can protect themselves against future errors?

Mr. Smith: Mr. Speaker, the EUB is known as one of the most adversarial systems in Canada for rate action. It has a reputation of having fair, open, transparent, scripted hearings. All records are in the public domain. We would invite the hon. member or any other Albertan to attend hearings, appear at hearings, intervene in hearings, read the record, and see an open, transparent process.

Mr. MacDonald: Again to the same minister, Mr. Speaker: why didn't this government's electricity billing task force, which examined billing accuracy, include this problem in the report presented last fall?

Mr. Smith: Mr. Speaker, in the collection of bills – and this is another benefit of the new competitive market structure – no longer do electricity companies and transmission companies have a convenient ability of allocating charges in certain unreported files. In fact, what comes forward is accurate load settlement.

Now, clearly load settlement is an important issue, and it's the commercial errors of the past 20 months of these two companies involved, that had adequate and ample prior advance notice and warning to take commercially corrective actions to settle this. This is not an issue of a competitive market structure. This is an issue of commercial shortcomings.

The Speaker: The hon. Member for Calgary-Currie, followed by the hon. Member for Edmonton-Centre.

Energy Conservation Initiatives

Mr. Lord: Thank you, Mr. Speaker. The Minister of Municipal Affairs has proposed yet another excellent idea to encourage municipalities throughout the province to undertake energy efficiency retrofits in municipal infrastructure through the mechanism of an interest-free AMFC loan. My question is to the Minister of Municipal Affairs. Is it proposed that municipalities will be able to access this pool of funds to initiate energy conservation programs of their own; for example, in partnerships with community associations or other nonprofit groups, the recreational centres, ice arenas, and so on?

The Speaker: The hon. minister.

Mr. Boutilier: Thank you, Mr. Speaker. I want to just clarify for the hon. member. As much as I would love to be able to take credit for this idea, it wasn't my idea. In actual fact, it is an important partner of our government; it's the Alberta Urban Municipalities Association. The president, George Rogers, presented his team of people, and they presented to our government. I might also add that the Minister of Finance, of course, under whose purview falls the Alberta finance corporation, in which the proposal and the idea, which is what it is at this point – at this point I would ask the Minister of Finance if she may want to supplement on the initiative, but I can say that it's certainly received a positive response.

The Speaker: The hon. member.

Mr. Lord: Thank you. To the same minister. I'm wondering about the potential savings in dollars as well as greenhouse gas credits. How would these savings be tracked? Do we have any sort of ballpark figures as to what they might amount to?

The Speaker: The hon. minister.

Mr. Boutilier: Thank you, Mr. Speaker. As well, not only the Minister of Finance and the Minister of Energy, but also the Minister of Environment was there, and of course under his purview is Climate Change Central, where we did discuss that initiative, which the Premier initiated under his leadership over four years ago. I'll ask the Minister of Environment to supplement on this specific question.

Dr. Taylor: Mr. Speaker, I'm very pleased to supplement. Let me congratulate the Minister of Municipal Affairs. Just several weeks ago he made a massive financial commitment in the press to this program, and it was very good to hear that. In terms of measuring – the program is not in effect yet – certainly Climate Change Central would be in the position as an independent body to both measure and track the reductions in greenhouse gas emissions. You know, it's an organization that's partially funded by government, but for every dollar that we give them, they get between \$4 and \$10 from the private sector. So Climate Change Central would be the ideal organization to monitor this situation.

The Speaker: The hon. member.

Mr. Lord: Thank you, Mr. Speaker. My final question again to the Minister of Municipal Affairs: what I'm wondering is who would own the greenhouse gas credits that could be potentially generated under this program and those credits which could be of significant financial benefit in light of the Kyoto situation?

Mr. Boutilier: Well, my initial response would be that certainly I believe the people of Alberta would own the credits because it is their initiative in working with the partnerships from municipalities. That is yet to be determined, but I can say that the idea is an Alberta idea through the AUMA. Like any new idea it's like a newborn child. We've got to feed it. We've got to nurture it. We've got to protect it and allow it an opportunity to grow. I'm pleased to say that the Minister of Finance is allowing it to grow from the meeting that we had, and I know it's going to be a positive one.

The Speaker: The hon. Member for Edmonton-Centre, followed by the hon. Member for Innisfail-Sylvan Lake.

Health Care Funding

Ms Blakeman: Mr. Speaker, every Thursday the Alberta Liberals will ask a question that a member of the public has asked us to pose. Today Edmonton senior Don Perdue wants to ask questions about his seven-month wait for an MRI, three-month wait to see a surgeon, and the estimated wait of four months to try the recommended cortisone injections for a pinched nerve in his back. This is the result of what he calls mangled medicare. So on behalf of Mr. Perdue I ask the Minister of Health and Wellness: is it true that medicare is being slow in delivery to seniors in the hope that they will pass away?

The Speaker: I'm sorry; that's not a question. Next question.

Ms Blakeman: Fine. Again on behalf of Mr. Perdue I ask the Minister of Health and Wellness: where is all the money being spent that's paid into the medical system? How much is bureaucracy, and how much goes toward patient care?

Mr. Mar: Let me say, first of all, that I'm not interested in speaking to an individual case, although the member opposite has suggested that there has been reportedly some permission to ask such a question on behalf of this individual. It would not be appropriate for reasons relating to personal privacy to address questions of an individual nature on the floor of the Legislature. But, Mr. Speaker, we do have significant amounts of money that go into our health care system, and the hon. member was present and would know that in the budget that was approved earlier this week is \$7.35 billion for the current fiscal year.

2:20

Mr. Speaker, I've spoken much in the Assembly earlier this week during estimates talking about where that money goes, and certainly if the hon. member would like to review *Hansard* to see that the majority of money goes to, really, three main areas. One, regional health authorities received some 6.1 percent average increase this year. Roughly \$3.8 billion went to regional health authorities, and they're involved in patient care. Another significant amount of money – and the exact figure escapes me – something in the magnitude of \$1.3 billion goes to physician services. Those are the services that are provided to individuals when they see their doctors or their specialists. The other large area is in the area of pharmaceuticals. So, clearly, the overwhelming majority of the amount of money that is spent on health care is spent specifically where it should be spent, and that is with respect to patient care.

The Speaker: The hon. member.

Ms Blakeman: Thank you, Mr. Speaker. Again on behalf of Mr. Perdue, and his final question to the Minister of Health and Wellness: is the government making policy choices so that private health care becomes more viable?

Mr. Mar: Mr. Speaker, the answer is yes. We think that there is a role for the private sector to be providing services under contract to the public service.

Now, let me say, Mr. Speaker, that there is a vision that the hon. member should be aware of, and that is that we want a publicly paid for, publicly administered, high-quality, accessible health care service that gives Albertans the services that they need when they need them in the most accountable, efficient way possible. Part of that vision may be that in some cases there may be a role for the private sector to be providing services to the public health system, as they do now.

So, for example, in the case of physicians who set up their own offices, these offices generally are not owned by regional health authorities or by the province of Alberta. They are independent businesses set up by physicians that provide services that are paid for by the public system. That, Mr. Speaker, ought not come as any surprise to anyone. Most of us who would attend our own physician's offices or attend a medi-centre, for example – those are privately owned, but they deliver services to the public system. Is our policy to allow that? The answer is categorically yes.

The Speaker: The hon. Member for Innisfail-Sylvan Lake, followed by the hon. Member for Edmonton-Mill Woods.

Alberta SuperNet

Mr. Ouellette: Thank you, Mr. Speaker. I am very pleased and thankful to hear that the Sylvan Lake SuperNet connection has been completed. However, recently I have received many calls from other areas in my constituency and in the province not yet connected. They need this connection to give them the same opportunities as urban areas. My question is to the Minister of Innovation and Science. When will the SuperNet be available to the small more out of the way rural areas?

Mr. Doerksen: Well, Mr. Speaker, the member raises a very important question, and the recent TD Economics report on the Edmonton/Red Deer/Calgary corridor talked in glowing terms about the economy in that area of the province. We all know that all of Alberta contributes, and the rollout of the Alberta SuperNet will enable the rural communities and, in fact, all people of Alberta to participate in the knowledge economy. That SuperNet will be substantially completed to all schools, all hospitals, all libraries, all government buildings by the end of 2004.

The Speaker: The hon. member.

Mr. Ouellette: Thank you. Mr. Speaker, my next question to the same minister: what is being done now to ensure that the network is built by the deadline?

Mr. Doerksen: Well, Mr. Speaker, as previously disclosed in the Assembly, it's no secret that there was a commercial dispute that was in place. We also informed the Assembly that this dispute had been resolved a number of weeks ago. I'm pleased to announce that since that time there have been a number of significant developments, not the least a 3,000 kilometre fibre purchase from Telus, and it's important to note here that the contract that we signed stipulated that wherever possible we would use existing infrastructure, and this is an important step forward, that Telus has in fact co-operated in the sale of this infrastructure which will accelerate and allow the rollout of Alberta's SuperNet to take place in a more expeditious fashion.

Mr. Ouellette: Mr. Speaker, to the same minister. I've had some people calling, asking me if we were building a white elephant because of the cost of our connection. What is the comparison of the cost to connect to the Alberta SuperNet versus high-speed connection through Telus or Shaw?

Mr. Doerksen: Well, in fact, Mr. Speaker, the member answered his own question in the preamble to the first question, where he talks about the people that are asking for this connection to come to their communities. As the member full well knows, as does the Member for Wainwright, who is involved in the rural economic development committee, the rural electrification was important in the advent of private telephones, and they would not wish to see that disappear. Furthermore, the important point here is that the Alberta SuperNet provides the infrastructure, the main pipeline for the services to be delivered, and any Internet service provider or operator can purchase access to the infrastructure at wholesale prices. The wholesale prices are the exact same wholesale prices that can be purchased anywhere in the province. From there they can then distribute it out to all of the other people that want to participate at rates that will be competitive.

The Speaker: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Edmonton-Highlands.

Education Funding (continued)

Dr. Massey: Thank you, Mr. Speaker. Albertans watched as the government sleepwalked into the first provincewide teachers' strike, and now as school board after school board raises a red flag, the government seems to be in a similar trance. My first questions are to the Minister of Learning. How many more school program cuts for September must be planned before the minister takes action?

Dr. Oberg: Well, Mr. Speaker, the insinuation there is that we have not been taking action. I will say that we have examined several budgets directly. We just did the operational review on Edmonton public. Yesterday I had the opportunity of meeting with Greater St. Albert Catholic. We talked about their budget, and we certainly looked at everything that they had been doing. In about 10 minutes I will be talking to the chairman of Calgary public, so we certainly are working with our school boards. Again, I will say that the arbitration settlement was significantly higher than what we had anticipated, but we are working with them, and I'm hoping that there will be no program cuts.

Dr. Massey: Again to the same minister: how many more students must be added to September classes before the minister takes action? It's being done now.

Dr. Oberg: Well, Mr. Speaker, one of the issues that occurred with some of the school boards was that the 3 percent and 3 and a half percent that were set aside were utilized in the classroom. They were utilized to hire more teachers, et cetera. This is where a lot of the money has gone. One of the issues, for example, in Edmonton public is that they hired 82 teachers for a net increase of 300 students, a net increase of 82 teachers. So we are looking at it. Again, we are working closely with our school boards to ensure that things will be fine for next year.

Dr. Massey: Again to the same minister, Mr. Speaker: how many more teaching positions for September must be eliminated before the minister takes the needed action?

Dr. Oberg: Again, Mr. Speaker, I will reiterate that we are working with them, but there's a very interesting thing that's happened in Edmonton, for example. On one hand, we have the Edmonton public school board who has a lot of issues with their budget. On the other hand, we have Edmonton Catholic, who is perfectly fine with their budget, so there are some significant issues around the province. Again, I'll reiterate that we are working with them, and we hope that everything will be worked out by the time September rolls around.

The Speaker: The hon. Member for Edmonton-Highlands, followed by the hon. Member for Drayton Valley-Calmar.

2:30

Natural Gas Prices

Mr. Mason: Thank you very much, Mr. Speaker. Albertans are getting tired of increases in their energy bills, Albertans are getting tired of repeated increases in electricity bills, and they are getting tired of paying through the nose for wildly fluctuating natural gas prices. ATCO Pipelines is adding insult to injury by proposing to add yet another \$2 per month to customer bills by hiking their transmission costs. My question is to the Minister of Energy. When is the nickel-and-diming of the consumers of this province on energy prices going to stop, and when will this minister do something about these repeated increases in natural gas?

Mr. Smith: Well, Mr. Speaker, today would be a good day to start. In fact, the EUB has tabled ATCO's prices today that indicate a 40 percent drop – 40 percent drop – in the price of natural gas to be charged to consumers next month. Of course, it's not entirely surprising that neither opposition group brought that up. Not surprising.

Mr. Speaker, we have seen now that prices have abated. We've seen the actions of a commodity in a North American market work. It's a commodity that's not unlike canola, that's not unlike wheat, that's not unlike propane, that's not unlike the products and commodities Albertans work and trade with every day. What Bill 3 and Bill 19 have done is bring some order and some templates into the marketplace that Alberta customers will be able to use to determine what price their natural gas can be purchased at for their home consumption or their business consumption in the next year, what price electricity they would like to choose from, and whom they would like to choose to supply them with electricity.

So, Mr. Speaker, progress is being made on a daily basis, and I would encourage the member, particularly on a spring day that's as warm and as nice as this, to step outside the Assembly, read a couple of press releases, and get up to date.

The Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. Well, given that the weather is warming up, won't the minister simply admit that these are cyclical changes in the price of natural gas, and won't he answer the question about the increase in transmission costs?

Mr. Smith: Well, you know, Mr. Speaker, yes, the member is correct when he refers to cyclical changes, seasonal changes in the commodity. We've just talked about commodity pricing. That's how a commodity behaves. It also behaves on supply and demand.

Mr. Speaker, I met yesterday with one of the largest natural gas producers in Alberta, BP Amoco. Everybody I talk to in the oil and gas industry indicates that there is increased pressure on the price of this commodity. Storage of natural gas is at some of its lowest historical levels. People are using natural gas for more and more purposes than ever before. The western Canadian sedimentary basin is not producing a great deal more gas. Last year in August the price of gas was \$1.84 an mcf. Drilling did not pick up based on that price signal. This year, 2003, because of the price increases, drilling has picked up. Hopefully, we'll be fortunate enough to find natural gas supplies that will help the supply side of the commodity.

Now, Mr. Speaker, with respect to the devices, the infrastructure that moves our electricity and our natural gas throughout this great province and allows this province to be the number one exporter of energy products in Canada to the United States, this structure is a dynamic structure. It depreciates. It gets older each year, just as the member gets older, just as I get older. It requires some changes, new markets to hook up from new connections, and all of this is embodied in an amount of information put forward by proponents for rate changes delivered to the EUB. I won't repeat what the EUB does, because I have covered that in an earlier question.

I would again invite the member to attend that to hear what happens with transmission, what happens with natural gas infrastructure. Mr. Speaker, we've got the best natural gas and electricity infrastructure in Canada, and it is the intention of this government to keep it that way not only for today's Albertans but for tomorrow's Albertans.

The Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. We appreciate that the minister is depreciating.

Why has the government through its disastrous deregulation scheme turned a formerly integrated system into an unbundled mess where gas production, transmission . . .

The Speaker: Hon. member, the last time you asked two questions. The minister answered them. We've now gone six minutes in this set of questions, and that's disproportionate.

You're only answering one question this time, Minister. Okay?

Mr. Smith: Mr. Speaker, it is not an unbundled mess.

The Speaker: The hon. Member for Drayton Valley-Calmar, followed by the hon. Member for Edmonton-Glenarry.

Propane Prices

Rev. Abbott: Thank you, Mr. Speaker. Many of my constituents are concerned about the consistently high price of propane, especially when gasoline prices fluctuate. Gasoline has recently decreased in price while propane remains high. My first question is to the Minister of Energy. Hon. minister, is there price-fixing going on, or what determines propane prices?

Mr. Smith: Well, Mr. Speaker, a cleverly crafted question that in fact asks the same point twice, and I would give the member full marks for his careful construction.

Mr. Speaker, let me just say that gasoline is traded at the New York Mercantile Exchange, the NYMEX marketplace. It's traded as a commodity, and commodities in fact trade up and down depending on the driving season. In the United States there are over 88 boutique fuels. Those inventories must be emptied before new summer fuel can fill the pipeline. So there is no price-fixing, nor has there been any price-fixing found by the Competition Bureau of Canada with respect to gasoline prices. They are unregulated; they are not regulated by this government at all.

Now, propane for use inside that vehicle is a much different market. It is tied to natural gas. It has in fact increased as natural gas prices have increased, and we have seen that not only is propane used for vehicles, but it is used for space heating, petrochemical feedstock, grain drying, and of course in vehicles. So, Mr. Speaker, it too has its own price track as a naturally traded commodity.

The Speaker: The hon. member.

Rev. Abbott: Thank you, Mr. Speaker. My first supplemental is to the Minister of Revenue. Given that some propane is used for home heating and other is used for road vehicles, how does this province determine the provincial tax on propane, and how is it determined when that tax is applied?

The Speaker: The hon. minister.

Mr. Melchin: Thank you, Mr. Speaker. I'd first like to report that I'm pleased to say that propane taxes in this province have not been raised in over 12 years. They remain even at this stage at only 6.5 cents per litre. Part of the Alberta advantage is to ensure that we see that continues.

He is correct in stating that there are some exemptions to the propane fuel tax. Not all users have to have it. For example, those that would buy propane at a dispensing station for commercial, industrial, or recreational use would not be taxed, nor for home

heating. So in those instances, there are no taxes at all applied to propane.

The Speaker: The hon. member.

Rev. Abbott: Thank you, Mr. Speaker. My final question is for the Minister of Agriculture, Food and Rural Development. Given that propane is the main fuel source for many farms in Alberta, what is your department doing to help producers who use propane in their operations and are facing rising costs?

Mrs. McClellan: Mr. Speaker, I would clarify that in the general scope of things not a large number of agricultural operations use propane. It is primarily used for grain drying in some areas and for heating in some hog barns with limited use in some other areas. However, to those who do use it, this is an important subject.

I would first indicate that people who use propane for farm consumption are exempted from the 6.5 cents a litre tax. I think that's significant. Lastly, I would say that I'll continue as will my fellow ministers to lobby the federal government – the federal government – to remove their excise tax on farm fuel, which would, if they did that, Mr. Speaker, amount to over \$50 million to the agricultural community in this province.

2:40head: Members' Statements

The Speaker: The hon. Member for Highwood.

Allegorical Statement

Mr. Tannas: Thank you, Mr. Speaker. Today I'd like to recite from one of the most well-known speeches in English literature, when Mark Antony gave his eulogy on the death of Julius Caesar.

Friends, Romans, countrymen, lend me your ears;
I come to bury Caesar, not to praise him.
The evil that men do lives after them;
The good is oft interred with their bones;
So let it be with Caesar. The noble Brutus
Hath told you Caesar was ambitious:
If it were so, it was a grievous fault,
And grievously hath Caesar answer'd it.
Here, under leave of Brutus and the rest –
For Brutus is an honourable man;
So are they all, all honourable men –
Come I to speak in Caesar's funeral.
He was my friend, faithful and just to me:
But Brutus says he was ambitious;
And Brutus is an honourable man.
He hath brought many captives home to Rome
Whose ransoms did the general coffers fill:
Did this in Caesar seem ambitious?
When that the poor have cried, Caesar hath wept:
Ambition should be made of sterner stuff:
Yet Brutus says he was ambitious;
And Brutus is an honourable man.

Although this was written by William Shakespeare some 400 years ago, Mr. Speaker, I think it has some meaning today. In his speech Mark Antony said that he was not going to praise Caesar, but he did. He said that Brutus was an honourable man, but the speech by inference and innuendo clearly condemned Brutus. Finally, who benefited from this speech? You guessed it. Mark Antony. Is this an allegorical tragedy?

Thank you.

The Speaker: The hon. Member for Edmonton-Glenarry.

Alternative Financing

Mr. Bonner: Thank you, Mr. Speaker. On numerous occasions I've asked the Minister of Infrastructure a question about this government's alternative financing plan to fund infrastructure. The question was: why is this government willing to borrow money and incur interest costs when it routinely generates multibillion-dollar surpluses? Albertans are still waiting for a straightforward answer to this question. One thing, however, is clear. Strategies like alternative financing are going to lead our province back into debt.

Every homeowner knows that it is cheaper to buy a house outright than to take out a mortgage. By paying the money up front, you avoid paying interest and financing fees, which every homeowner knows can be very substantial. In other words, when you finance your home out of pocket, you get the same home but at less cost than if you borrowed the money.

Buying a home is analogous to our province investing in infrastructure. If we pay for it out of pocket, it comes cheaper than if we borrow the money to do it. It has just been demonstrated that it's more expensive to borrow money, or alternately finance as the government puts it, than to just pay for infrastructure out of the money we already have. The only question is: do we have the money to pay for infrastructure projects without borrowing? The answer to this question should be obvious to all members. Our province has been blessed with substantial surpluses for nearly a decade, and now that our debt is nearly eliminated, we can afford to spend this money on programs like infrastructure.

Quite frankly, I can't see any reason at present to borrow money for infrastructure projects. This isn't complex financial analysis we're talking about here; it's simply common sense. Just ask any homeowner.

The Speaker: The hon. Member for Calgary-Fort.

Asian Heritage Month

Mr. Cao: Thank you, Mr. Speaker. Albertans keep enriching our society with their valuable diverse backgrounds, experiences, and global connections. All of us living here today have historical roots either in faraway lands or in other locations in our large nation. Regardless of where we came from, we all seek to make a better life for ourselves and our families, for our fellow citizens, and for the world in many cases.

Our multicultural Alberta Legislature exemplifies what honour and respect truly are. It's a beacon of democracy with strong principles of parliamentary traditions and rules. It is my distinct honour to be part of the Alberta Legislature along with members representing various world heritages. It's my great privilege to serve my diverse constituents in our multicultural government caucus.

Mr. Speaker, today I want to speak particularly about Canada's Asian Heritage Month. Asian Heritage Month has been celebrated in the U.S.A. since 1979. In 2001 the Senate of Canada passed a motion officially designating May as Canada's Asian Heritage Month.

The Asian continent is very diverse in itself with a long history of human civilization and richness in culture. It is where many philosophies of life and major world religions have their roots. Geographically Asia stretches from the Mediterranean coast of the Middle East to the coast of the Black Sea and all the way to the Bering Sea, from the north Arctic land to the South Pacific islands.

Asian Heritage Month is for all Canadians to celebrate the beauty and wisdom of various Asian cultures. It acknowledges the contribution of Asian Canadians, from the historical railroad construction and forestry development to the scientific discoveries and global

economic development in our current times and from artistic endeavour to living moral values.

Tonight the Minister of Community Development and I will join to start the Asian Heritage Month celebrations in Calgary. The Calgary Philharmonic Orchestra will host the entertainment, performing various selections of music from Asian cultures.

So let us share and enjoy our diverse Canadian culture and be a model for our world. Thank you.

Holocaust Memorial Monument

Dr. Taft: Mr. Speaker, Holocaust Memorial Day is a time to reflect on the Holocaust and remember the nearly 6 million Jews and the millions of others who perished in death camps during the Second World War. However, the Holocaust is not something that should be remembered only once during the year. It is a tragedy which must remain forever in our hearts and minds so that we may do our best to prevent its repetition.

To ensure that Edmontonians don't forget, Edmonton's Jewish community unveiled a memorial monument to the 6 million Jews who died. That monument, Mr. Speaker, now sits on the Legislature Grounds. This sculpture is a fitting monument.

Through the prayer cup, which makes up the bulk of the sculpture, the artist has symbolized not only the Jewish faith but also the celebration of life and hope that the prayer cup represents. Out of the cup rise branches, wire, and copper to signify the flames of the Holocaust and the sacrifice made by millions of Jews. The prayer cup is cracked, fractured, and entwined with pieces of barbed wire, chain, and railroad track. This symbolizes the attack made on the Jewish faith and the brutality that the Jewish people have endured, but despite this attack the prayer cup, like the Jewish faith, remains firm. It has been battered, it has been bruised, but it has persevered. Around the prayer cup on the base of the sculpture are three symbols that used to be found on ancient Jewish tombstones. The first, a broken branch, is used to signify a life cut short. The second is a menorah, symbolizing hope, and the last is a butterfly, symbolizing metamorphosis and the changing of one life into another.

Mr. Speaker, thousands of Albertans come to the Legislature Grounds every year. This sculpture will ensure that the Holocaust is remembered not just one day of the year but every day. In remembering the Holocaust, it is hoped that we will each do our part to fight intolerance, hatred, and racism whenever and wherever it rises.

head: **Notices of Motions**

The Speaker: The hon. Minister of Community Development.

Mr. Zwozdesky: Thank you, Mr. Speaker. Normally at this time I would be moving a motion respecting that written questions and motions for returns would stand and retain their places, but there are none on the Order Paper, so no motion in advance is necessary.

head: **Tabling Returns and Reports**

Dr. Nicol: Mr. Speaker, I rise today to table five copies of a document provided to me from a constituent, Mr. Mants. He's asked that I send this to the Minister of Finance. It's his ideas on how to improve retirement planning for Albertans, and I've already sent her a copy through the mail.

Thank you.

The Speaker: The hon. Member for Edmonton-Riverview.

Dr. Taft: Thank you, Mr. Speaker. I rise with even more tablings, postcards concerning education. The first one, with permission, is

from a Mike Norris, who is expressing concern about the current situation regarding the funding of public schools in Edmonton.

The second is from Emily Stryker, who is raising concerns about classroom crowding.

Thank you.

2:50

The Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I've got two tablings today. The first one is the relevant pages from the report that I quoted from in asking my questions this afternoon. I'm tabling relevant pages from the Canadian Centre for Policy Alternatives report titled *Missing Pieces IV: An Alternative Guide to Canadian Post-Secondary Education*, released this morning.

The second tabling, Mr. Speaker: appropriate copies of 136 cards signed by University of Alberta students underlining to the Minister of Learning the grave concerns that they have with respect to the rising tuition fees and their negative impact on postsecondary education accessibility.

Thank you, Mr. Speaker.

The Speaker: Others?

head: **Projected Government Business**

The Speaker: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much. If I could now ask the House leader for the government side to please provide us with information on projected government business for next week.

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. For the week of May 5 to May 8 we anticipate on Monday, May 5, at 9 p.m. under Government Bills and Orders, Committee of the Whole for Bill 18, Energy Statutes Amendment Act, 2003, and Bill 32, Income and Employment Supports Act, and third reading of bills 5, 7, 4, 9, 11, 8, and as per the Order Paper.

On Tuesday, May 6, in the afternoon under Government Bills and Orders, of course, in Committee of Supply the designated Department of Energy. At 8 p.m. under Committee of Supply the Department of Community Development and then Committee of the Whole for bills 16, 18, 32, 29, and as per the Order Paper.

On Wednesday, May 7, under Government Bills and Orders in the afternoon the designated department of agriculture and at 8 p.m. in Committee of Supply the Department of International and Intergovernmental Relations and then Committee of the Whole for bills 28, 34, 35, third reading for bills 5, 7, 4, 9, 11, 8, and as per the Order Paper.

On Thursday, May 8, in the afternoon under Government Bills and Orders in Committee of Supply the designated Department of Sustainable Resource Development.

The Speaker: The hon. Member for Edmonton-Gold Bar.

Privilege

Member's Apology

Mr. MacDonald: Thank you, Mr. Speaker. Upon reflection last night I would like to make a sincere, categorical, and unconditional apology to the hon. Member for Edmonton-Glenora for associating him with any form of repugnant materials which have been circulating in the precincts of this Legislature. I have the highest regard for

this member, and I know that he would not be party to such materials, and I unconditionally withdraw any of my words which brought the hon. member's name into association with these materials.

Thank you.

The Speaker: The hon. Member for Edmonton-Glenora.

Mr. Hutton: Thank you, Mr. Speaker. To you and through you to this member, I will accept the hon. Member for Edmonton-Gold Bar's complete and sincere apology and retraction today. I want to thank the member on behalf of my constituents, my family, and myself for doing the honourable thing and restoring my good name in this very precious and democratic Assembly.

Thank you, Mr. Speaker.

The Speaker: Hon. Government House Leader, we have by erratum under Orders of the Day in the Order Paper a government motion known as Motion 20, and then an addendum paper, an errata paper, was put out earlier today clarifying this. Would you have a comment with respect to this?

Mr. Hancock: Thank you, Mr. Speaker. I wish to withdraw from the Order Paper the motion under Standing Order 15(6) in my name.

The Speaker: Hon. members, thank you for enduring this week. As we leave, let's return here on Monday with a positive attitude of what it is to be a parliamentarian, one of the highest esteemed and one of the highest callings that we all have. It's a unique responsibility, and with it comes the privilege of absolute, total, professional responsibility.

head: **Orders of the Day**

head: **Committee of Supply**

[Mr. Tannas in the chair]

The Chair: I'd like to now call the Committee of Supply to order.

head: **Main Estimates 2003-04**

Justice

The Chair: Are there any comments or questions to be offered with respect to these estimates? The hon. Minister of Justice and Attorney General.

Mr. Hancock: Well, thank you, Mr. Chairman. I'm pleased today in Committee of Supply to present Alberta Justice's 2003-06 business plan and estimates. I'd like to start, as many of my colleagues have done, by introducing members of the executive management committee and senior officials for the department who are meeting with us here today, in fact in the members' gallery. I'd like particularly to introduce them to the House because this is the team of people who do all the work to make sure that our department works smoothly, that the services that Albertans require in the area of justice are provided, and who really give their all and then some to make Alberta a better place. I'd ask that you rise when I call your name and remain standing, if you would.

Terry Matchett, the deputy minister. I've worked with Terry now for several years, and I can assure members of this House that as deputy minister he has done yeoman's service to improve morale in the department, to make sure that every employee in the Department of Justice knows that they're valued and that they make a powerful contribution to our community. I'd just like to say publicly on the

record thank you for the work you've done in the past years in service. Previous to being deputy minister, he of course was the ADM for criminal prosecutions and has provided yeoman's service over the years to Albertans.

Peggy Hartman, who is our assistant deputy minister in the legal services division, has again worked very hard to create a corporate culture in that department, which provides services to all departments of government, to make sure that they have the type of legal advice that they need at an appropriate time so that they can understand the risks and make appropriate decisions conscious of those risks. She provides legal advice when required when departments have problems and generally leads a team of people who are second to none, I would suggest, in this country in terms of their ability and competency and the types of advice that they provide to us in many, many areas of importance to Albertans, not just providing advice on day-to-day matters to government departments but helping in policy development by understanding risks, by leading a team of constitutional lawyers which, I would suggest, is second to none in any law firm or government across this country. She will be helping with the aboriginal policy initiative process and does yeoman's work in the area of aboriginal policy and many, many other areas. Thanks to Peggy for the work that she and her team do for Albertans and for Alberta.

Ken Tjosvold is our assistant deputy minister of the criminal justice division. That's the division which includes all of our Crown prosecutors. The Crown prosecutors, as everyone knows, are the people who go to court on a day-to-day basis to prosecute people who have been accused of crime, but I would want to say that it's a much larger role than people imagine. It's not only providing their expertise in court. It's providing their expertise in the community to help deal with issues like domestic violence, issues like fetal alcohol syndrome, working on committees to find better ways to deal with the issues of the public so that the public could feel safer because we're dealing with the root causes of crime and not just dealing with the crime itself. So I'd like to thank Ken for the work that he's done since taking over as assistant deputy minister and for the team that he leads on behalf of Albertans.

3:00

Dan Mercer is the assistant deputy minister of strategic services division, and Shawkat Sabur is the SFO, which I guess probably means senior financial officer, and executive director of financial services, two people who at this time of year particularly but throughout the year provide services not only to the Department of Justice but to the Department of the Solicitor General – advice, direction on financial matters, on technology matters, and on a wide range of issues – and generally have to know the department just as well as the deputy minister or myself or anyone else needs to know it. They provide the advice and direction with respect to financial services and, again, lead a team of dedicated people who work day and night on this business. At this time of year I can assure you that it is day and night. Thank you very much for the work that you do.

Bart Johnson, director of communications. The communications department has really changed direction dramatically under Bart's leadership. So we no longer wait to explain what's happening after it's happened but have taken a very proactive approach so that the public of Alberta can have a better understanding of the courts, of the judicial system, of Justice and what our department does. I'd like to thank Bart for the work that he's done with his communications department not only in communication but also with our education officer to bring the whole scope of Justice into our school system and to provide more of an education and learning process through our web site and many other ways to improve public access to and

understanding of the justice system. So I would like to thank Bart and his team for the work that they do.

Manuel da Costa, the director of maintenance enforcement. Manuel has probably one of the most unenviable jobs in government because he leads the process called maintenance enforcement. For many Albertans that's a debt collection job, and nobody likes the debt collector. But I can tell you that through the process of time that I've been associated with maintenance enforcement and with Manuel da Costa, we've come through a process of making sure that maintenance enforcement personnel understand that all Albertans are to be treated with respect and dignity notwithstanding their place or position, but they are to be treated with firmness with respect to living up to their obligations to children and making their maintenance payments. I have to commend Manuel and his whole team for the work that they've put in to make sure that the maintenance enforcement program is fair but effective. They've done that in a great way.

Betty Ann Hicks as well is with us. Betty Ann Hicks is my executive assistant. Nothing actually gets done in my office without Betty Ann actually doing it or arranging for somebody to do it, and I could tell you that with all the things that go on on a day-to-day basis that we as legislators do – running from one committee to another or working on a variety of issues at a variety of times – there is nothing more important to me in terms of the work that I do than to make sure that I have the right file at the right time and understand what topic we're on and where we're going. So I'd like to thank Betty Ann. [some applause] Mr. Chairman, you can tell from the response from MLAs here that Betty Ann is also the person in my office who makes sure that queries from members get answered promptly and that if they have an issue, it gets dealt with, that the department is made aware of it and often without even my knowledge of it or only peripheral knowledge of it. So I'd like to thank Betty Ann and through Betty Ann all the staff in my office, because they do yeoman's service. As I go in and listen from time to time to the phone calls that are being taken, sometimes not polite ones from people who have a grievance or aggravation or just want to vent to somebody, the whole staff in my office does yeoman's service for the people of Alberta in that context. So through Betty Ann I'd like to thank the staff.

We have a couple of members that I'd like to mention who haven't been able to join us today: Jack Janssen in my office, who deals with communication issues and shares, I think, in the comments that I just made about Betty Ann and the minister's office; the Public Trustee, Jack Klinck, who leads a public trustee system which provides services to Albertans in need and leads a whole team in that area; our medical examiner, Graeme Dowling. I can't speak more highly of our medical examiner service. In fact, we have medical examiners in our province who are taking leadership roles among medical examiners in North America, who have been to the former Yugoslavia to help with the work that was needed there, who have gone beyond our province because of their expertise and knowledge both to help others with their knowledge but also to gain more knowledge and bring it back. And, of course, our ADM of human resources, Shirley Perras, who, as I mentioned earlier, with our deputy minister, Terry Matchett, has worked so hard to make sure that every Department of Justice employee knows that they have a role to play in making Alberta a safe place and that they are valued for the role that they play in that process.

I've taken a little bit of time to introduce and to thank all the members of the executive team and through them the members of the department, because I can't say strongly enough – it's probably the most important thing I could say this afternoon in terms of the estimates. The team that we have helping Albertans and being part

of the justice system is a team that we can be immensely proud of. They provide great service. They often go above and beyond the call of duty, and they're doing yeoman's service to make our community a safer place. After all, that's what it's about. So thank you.

I want to take a few minutes at the end to respond to questions. I may run out of time because I've taken that time, but I'll come back and add on later, and I will be happy to of course answer any questions in writing that I don't get to this afternoon.

There's a trend, Mr. Chairman, and I think a very positive and valuable trend in the Alberta government to move away from a pure service delivery model to a policy-focused role. It's been something that I advocate. I firmly believe that the government's job is to set the policy, to set the direction after consultation with Albertans, and then to find the most effective way to deliver, whether that's the public sector, the private sector, or nongovernmental organizations, and then of course to audit that delivery to ensure that we're achieving the policy objectives that we set. So as we move into the 2003-2006 cycle, we're also setting a policy-driven course rooted in research and analysis and one that's guided by best practices and lessons learned, one that provides policy advice and recommendations not just to our own department but, as I indicated earlier in talking about the civil law branch, right across government.

While we are to a certain extent a policy-governed organization already, we need to go further so that a policy focus is culturally embedded into the department. We are well on our way with this transformation with the development of a policy secretariat, whose roles and responsibilities include the co-ordination of policy resources and divisional expertise to develop the departmental policy framework. From this foundation we can focus on the outcomes of all the programs and services that we provide.

One area that we will continue to develop in future business plans is the definition of our core businesses and goals. Our efforts continue to be guided by the results of the 1999 justice summit, which helps us to ensure that everything we do is based on the priorities of Albertans. Through this year's strategic planning activities we've revised our goals and included a new goal 6, that directly reflects one of the summit's themes. At the same time, our business plan reflects our ongoing partnerships with the Solicitor General, Health and Wellness, Children's Services, Aboriginal Affairs, and all other ministries to achieve our goals not only in our business plan but also in cross-ministry priority policy initiatives.

Ensuring that Alberta communities are safe places to live and raise families is a governmentwide goal and a priority that requires efforts from all of us. In particular, we continue to work closely with the ministry of the Solicitor General in terms of our business planning process, environmental scanning, and the many joint initiatives that are currently under way and highlighted in our business plan for 2003-2006.

3:10

I'll briefly outline our core businesses. We will prosecute criminal and other offences, giving priority to the prosecution of serious and violent crime. That is \$41 million of our budget, 16 percent. We'll provide Albertans access to the courts and other dispute resolution processes: \$116 million, or 44 percent of our budget. Alberta Justice will work to provide excellent corporate advice and legal services to government ministries: \$23 million, 9 percent of our budget. The ministry will provide support and protection to some of the province's most vulnerable citizens such as families who depend on court-ordered maintenance, individuals unable to protect their financial interests, and individuals who cannot afford legal counsel: \$82.5 million, 31 percent of our budget.

I know that members have had an opportunity to review the six

key goals in the business plan, so I won't go into them in detail. Instead, I'd like to highlight a few of the strategic directions that we're pursuing over the next three years. First is our organization renewal project. As I mentioned, we're moving toward a more formal policy function within the department. As the first step towards this formalization the department has undertaken a multiyear organizational renewal project.

It just occurs to me in saying that, Mr. Chairman, that I don't think I introduced Rod Wacowich. I didn't. That was a key oversight on my part, and I must stop what I'm doing and go back and introduce Rod Wacowich, who's our assistant deputy minister of court services. Rod Wacowich has had a wonderful year this year with many projects on his table, projects such as working with our Calgary court strategy, which I'm sure I'll get to sometime in my remarks, if not in my first 20 minutes then the second part. He's been working with the Provincial Court on many initiatives that have been taken, including some of the initiatives which, again, I'll mention later. He's working on bringing in electronic filing and electronic processing and using technology. There are many, many areas that are happening in court services. Rod's job this year has not been an easy one, but he too works with a phenomenal team of people. I do apologize for not mentioning that with the other group at the beginning, Rod. It was an oversight. Thank you for the work that you're doing and the work that your team is doing. This year has been a very exciting one in that area.

So I was mentioning that we were undertaking organization renewal, which is what reminded me. The focus of the project is to identify, develop, and complete initiatives that will improve the workplace environment, improve the effectiveness and efficiency of our day-to-day operations, build organizational capacity and improve service delivery, and ensure the long-term sustainability of the department. Many of these initiatives are incorporated into our 2003-2006 business plan.

Early case resolution continues to be one of our important priorities in this business plan. We're working to resolve criminal cases at the earliest possible time, saving court and prosecutors' time as well as reducing unnecessary court attendance for witnesses, victims, and police. Mr. Chairman, this has a real impact for witnesses, and it has an enormous benefit for victims of crime, for families and friends of the victims, for the accused, and for legal counsel. We have also expanded services in mediation and alternative dispute resolution over the past year to improve access to our courts and provide efficient forums for resolving disputes. I'm pleased to say that both of these initiatives have had a tremendous benefit in making our courts more efficient.

Public education and information about the justice system continues to be a key strategy for 2003-2006, and this is the focus of our new goal 6. Improving public knowledge, education, and awareness was a key theme from the justice summit, and we'll be working to identify and respond to gaps in current resources and programs aimed at helping Albertans better understand and access the justice system. Technology such as the Internet can assist us in this area, and we will continue to integrate web-based technology into our day-to-day businesses.

This brings me to information management. We will continue to explore the use of technology in a number of other areas both to improve access to justice as well as to improve the efficiency of our programs and services. For example, through initiatives such as videoconferencing we can enhance access to justice in remote communities.

We also heard a great deal at the justice summit about the need to simplify the justice system, and we've begun implementing a number of strategies to do just that. As was announced last week, an

implementation committee has been struck, chaired by our own Member for Calgary-Lougheed, to establish a unified family court in Alberta and to improve access and provide a more positive experience for families involved in family law litigation. I believe that the unified family court is an important initiative that will both benefit Albertans involved in the family court system and improve our efficiency. In addition, we are looking at the feasibility of a unified or a single trial court, which will also lead to improved efficiency in the future.

Strong partnerships, Mr. Chairman, are necessary to build a strong justice system, so an important component of this year's business plan is our continued work with community organizations, local government, the judiciary, other government departments, and our partners and stakeholders in policing and the legal community. Our business plan contains a number of initiatives that will be implemented in partnership with Alberta's Solicitor General, including our work on the serious and violent crime strategy, the provincial impaired driving enforcement strategy, community justice initiatives, and court initiatives to address domestic violence.

This year our goals have been updated to better reflect the core businesses of Alberta Justice. As part of these changes the wording of goal 4 now includes the concept of fairness as well as access to the justice system. In goal 5 the wording has been changed to more specifically focus on providing strategic corporate advice that assists other ministries in achieving their policy objectives. Additionally, the new goal 6 has been developed to focus on the ministry's public education and information strategies and highlight the need to co-ordinate initiatives and ensure effective communication to the public.

The financial content of our business plan reflects Treasury Board approvals over the past year, federally funded programs, and funds for continuing initiatives. The spending profile on the last page of the business plans shows our spending targets of \$262.5 million, \$261.1 million, and \$262.9 million over the next three years. The 2003-2004 budget of \$262.5 million represents a \$23.3 million increase over last year's budget.

A substantial portion of this amount is related to recent salary increases. For example, from 2002 to 2003 program expenses included an increase of \$8.5 million in general manpower expenses and an increase of \$5.8 million in justice of the peace and hearing officer compensation.

Mr. Chairman, there is just so much more activity in this department to be spoken about, but I hope I'll be able to answer the questions from members of the House this afternoon and provide even more detail.

The Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Chairman. I'd like to start out by acknowledging the staff from the Department of Justice as well. I have to say that every time I have approached staff, they have been without exception helpful, responsive, and most interestingly of all, speaking as an opposition member, unflaggingly pleasant, and I would like to thank them for that. It's a real joy to work with them, and I appreciate their commitment.

Now, this afternoon the first hour is always set aside for questions from the opposition. I understand that the third party will not have any questions today. I have a series of themes, if you like, and according to the signs that the minister gives me, I will either do 20 minutes and then the minister can respond to whatever I get through, or I can cluster these. The clusters are maintenance enforcement, issues around justices of the peace, adult interdependent relationship proclamations, the Calgary courthouse and the Calgary court strategy, court resources, a group that is just sort of one or two

questions each around the diversion projects, matrimonial property, and conditional sentences – that's one – restorative justice, performance measures, medical examiner, and then some odds and ends around the justice summit recommendations, early case resolutions, single court.

Mr. Hancock: By theme.

Ms Blakeman: By theme? Okay. I think what I'll do, then, is the maintenance enforcement first. I'll just go in the order, more or less, that I gave you.

For some time I've been asking about the integration of the computer programs. We had a situation at the time that the maintenance enforcement review was done in '98 where it was pointed out that the computers that existed in the department were of differing brand names. They had different programs on them. They weren't able to interface and speak to one another in computer language. There were a number of different databases, it seemed, and all of this was to come into one. I've been inquiring throughout the years through the use of written questions and motions for returns to check the progress of this and also, of course, using the budget debates. So I'm wondering if the minister can tell me exactly where we are with the progress of this. When I was looking for equipment and inventory purchases, I'm actually seeing decreases in different areas, so I'm wondering exactly how much money has been set aside and where we are with the integration of these new computer systems and all the databases that go along with them.

3:20

This is important for a number of reasons, but it certainly affects, probably still disproportionately, women who are heads of families and who are the recipients of court orders against the noncustodial parent, still disproportionately the father, to receive court payments for the support and maintenance of the children. We've had some issues noted by the Auditor General where there was a lag in payments where the government continued to draw payments from the noncustodial parent and was keeping them because the amounts were subrogated to the government, while the custodial parent, usually the mother, was on welfare or supports for independence. The government, of course, keeps those payments, but where we had situations where the custodial parent was moving off supports for independence, the government wasn't sending the money on to them at that point. So I'd like an update on whether that's been addressed and how it was addressed and the time lines that it took to do it.

In the ministry business plan on page 285, goal 3.3.5, it says, "Identify opportunities to share MEP file information with the ministries of Children's Services and Human Resources and Employment to increase administrative fairness." This was in the business plan last year as well. So I'm wondering if I can get an update on the status of that.

Now, when I look at the ministry's annual report from last year, I'm looking under goal 3, "Provide access to justice services for Albertans in need." A key measure was the amount collected on the maintenance enforcement program files, and I'm noting very particularly the methodology, which I will read out and put on record for you: "Collections per file are derived by dividing the amount collected by the file volume." Now, I'm looking for clarification here, but I'm pretty sure that the method that I have been repeatedly advocating for is not what's being described here.

Just briefly, the situation is that if you have a court order that there should be \$300 a month paid over and there's, let's say, \$5 paid over, when you go to look at your success in collection, what I want to see the department look at is what percentage of the actual court-

ordered payment is being collected, that \$5 out of the \$300. What I see repeatedly is some other measurement used; you know, \$5 collected against a thousand case files, which seems to be what's being discussed here.

So is the minister not going to investigate other performance measurements? Is he satisfied with the information he's getting on this performance measurement, and why? I'd like to hear the reasoning behind why he will not move to the performance measurement that I've been advocating for. Maybe he has and the language doesn't come off the page for me, but I'm pretty sure he has not. So, once again, that's a question of the percentage collected against the amount ordered as compared to the per file, dividing the amount collected by the file volume. I think those are two different things.

Those are the issues around the maintenance enforcement program, and I'll take my seat and allow the minister to answer that first cluster.

The Chair: The hon. Minister of Justice.

Mr. Hancock: Thank you, Mr. Chairman. I should start by saying that I was praising my office for the good work they do keeping me on track, and I had no sooner sat down than I got a note saying that I had missed Rod. So the proof is in the pudding. I'd like to start by just reversing it a little bit and asking a question of the Member for Edmonton-Centre as to whether she intended the comment about the Department of Justice's personnel being unflaggingly pleasant to include the minister.

I go on to the comments that were raised with respect to the MIMS, the maintenance information management system, that we have been developing and has taken some time to develop in the maintenance enforcement area. The project is on budget. It is on time, and it will be up and running in the fall of 2004. Some modules have been completed and are going through the rigorous testing process. It is a complex design, I'm told. I don't know about computer design, but I'm told that speeding the process up would not be helpful and that it would raise the margin of error in terms of whether the process actually does the job it's intended to do at the end of the game. I'm satisfied with that, so I'm satisfied that we will continue on the scale that we have.

There's \$1.75 million in the budget this year to do this year's portion of the development, which should bring it almost to completion, because that takes us up to April 1 of next year. The overall project cost has been about \$6.75 million, so it's a considerable investment in the structure. It will take us off a mainframe system and into a server-based system, which will provide, as I understand it, a great deal more flexibility in how we manage the data and the type of management information that we can get from the system, which is not available to us now.

This goes some way to addressing the other question which was raised by the hon. member, with respect to performance measures. You have to be able to bring out the data in a reliable way, to exhibit that. I'm confident that once we have the MIMS in place, we can look at our whole reporting system to determine what's the most effective way of measuring based on the information that we can actually pull out of the computer.

So I wish to assure the member that the project is ongoing. Testing is happening in those areas that are ready for testing. The interesting part about the process, of course, is that I continue to make the department's life miserable. As we move forward, we're always looking at new and better ways of doing things and new and different opportunities, and sometimes that then has to be taken back to test against what we're actually building in the computer system to see whether or not it will be capable of handling the new things that we're adding to it.

Issues that we may be exploring through the course of this year in maintenance enforcement in terms of how to improve the system so that we can collect larger amounts of money on each file and know that we're collecting the maximum possible on each file will be coming forward through the course of this year. We've been doing a review of the Maintenance Enforcement Act to see whether there are other ways that we can improve it, and we'll have the opportunity to have policy discussions as we go forward this year on issues of whether we should be collecting interest on late payments, how we measure that, under what circumstances we should be able to waive interest payments if people are prepared to bring their arrears up to date, and those types of issues.

I think that goes some way to address the issues that were raised. The only one that I think I haven't touched on is the question of the Auditor General's concerns about when the program was continuing to collect payments when people had gone off SFI and caught them and delivered them to government on a subrogated basis. I'm comfortable assuring the hon. member that that has been dealt with. The Auditor General had reported about a \$1.4 million liability in support payments that should have been forwarded to creditors. We engaged over the past year or so in a complete review first of all of active files – we were able to get the information from the department – and then historical files. We were able to get a flat file of data from the department of human resources so that we could check against our database and make sure that we knew who fell into that category and then quantify how much and then make sure that those moneys were returned to the people that ought to have them. One point two million dollars of incorrectly subrogated funds have been withdrawn from the Crown and have been paid out to clients. As well, we now have better information sharing so that we can make sure that this type of problem is not recurring in the future.

I think that addresses the questions you've raised.

3:30

The Chair: Edmonton-Centre.

Ms Blakeman: Thanks. Okay. I'm interested in the review, that seems to be an internal department review at this point, and I'm certainly interested in any findings that come out of that, and if the minister would be willing to share them with me, I'd appreciate it. I must say that actually all of the changes that were implemented as a result of the review in 1998 I think have been very helpful, particularly the ones that gave the director more flexibility around things like lifting the driver's licence immediately or upon the discretion of the director. Before, it used to be only when the licence was renewed. Now it can be done as the director feels appropriate, and that kind of flexibility has really helped to get people to understand how important it is that they honour their court-ordered maintenance payments. So thank you for that.

Moving on to the issue of the justices of the peace. Our justices of the peace preside over issues of provincial jurisdiction, including the Highway Traffic Act, bail hearings, search warrants, emergency protection orders under the Protection Against Family Violence Act. The government established an independent Judicial Compensation Commission, which presented recommendations in February of 2000, and this commission was to make recommendations around salaries and benefits for Alberta justices of the peace. The government responded with OC 174/2000, which modified the recommendations for the annual increases in salaries for the full-time justices of the peace so that their increase was \$15,000 to \$20,000 less than was recommended by the commission and also for the part-time justices of the peace.

Since then, there have been additional legal proceedings, the most

recent being a decision by Hon. Madam Justice Paperny in which she notes:

(4) In reasons dated November 22, 2002, this Court dismissed the appeal, agreeing with the conclusions of the learned chambers judge that the reasons offered by the government to reject the Commission's recommendations failed to meet the constitutional standard of justification.

(5) As a result, the government owes the justices of the peace the recommended increase from April 1, 1998 until March 31, 2003 totaling \$3.29 million.

Now, I'm very interested in the discussion from the minister about the choices the department has made on this one.

I'm also interested in: if the department is considering additional legal challenges, how much money has it budgeted for taking this case further along, or what are the anticipated additional legal costs of doing that? How much money, for example, has the department set aside for a Supreme Court challenge, if that's where they're going to go with it?

I am most interested to know whether the department has budgeted for a settlement in this budget. As well, did the department budget for interest on money that was unpaid and accruing? Has that interest money been budgeted as well? Part of the exchange going on was that the government couldn't pay this or wasn't in a position to pay it, because in fact it wasn't budgeted. Well, we're in a new fiscal year. We have a budget in front of us. I'd like to know if the increase for the justices of the peace is in fact budgeted here.

I would also like to know if there's a new agreement that would be starting this year with those justices of the peace. What process is being followed, or in fact has there been a new agreement? That's the cluster of questions around the justices of the peace.

The Chair: The hon. minister.

Mr. Hancock: Thank you, Mr. Chairman. There are a number of questions there, but I think they revolve around the whole issue of the compensation equation with respect to justices of the peace.

I'd like to just briefly to the extent that it is possible touch on the court challenge that we currently have an application for leave to the Supreme Court on. Obviously, I can't get into the details of the court case as it still is before the court, but I certainly have no problem talking about why.

The hon. member indicated quite rightly that there was a Justice of the Peace Compensation Commission which came down with some recommendations. We then went forward and varied those recommendations through the order in council, as is the process that we understood and understand to be available to government in terms of being the protector of the public's resources and making appropriate determinations.

The member will know that there have been a series of court cases over the years since the concept of judicial compensation commissions came into being as a result of the Supreme Court of Canada decision. I think the root decision in that actually came out of Alberta in *R. vs. Wickman*. But since that time there has been, I think the Supreme Court has called it in other cases, the dialogue between the courts and the governments with respect to what the law means and what the law is. It's very important for governments to know what constitutes their ability to vary a judicial compensation commission's report and what types of reasons are appropriate. Unfortunately, from our perspective the decisions have become more and more narrowing over time to the extent where if one leaves it in the situation it is now, one could see that nothing short of an earthquake and a whirlwind together would allow government to vary a compensation commission report. It is important to delineate that and to understand.

It is, of course, our viewpoint as a government and I think one shared by all governments across the country that in allocating resources, not dealing with any specific individual affected but in dealing with the whole group and in allocating resources to a whole system, the protection of and the priority for and the utilization of the public's resources are in the government's hands and ought to be in the government's hands. So it's very important to find out where that line is with respect to: what are the powers and authorities of a judicial compensation commission, and under what circumstances can they be varied? It is for that reason that we continue to pursue the case at hand to the Supreme Court, if we're allowed to do so, so that we can deal with that issue.

It should be said that there's no shortage of people who apply for and would like to have the position of a justice of the peace. In looking at a number of factors at the time – and this is now some time ago – we made the determination that the award by the Justice of the Peace Compensation Commission was outside what we felt was appropriate, given the resources of the department and the government at the time and for the reasons that we explained at the time, and settled on a number close to \$85,000 rather than \$110,000. I think in that range at least.

So we are proceeding to request leave and to proceed to the Supreme Court on that case. I can't advise the member of a specific line item relative to the amount that that appeal will cost or what's been budgeted for it. I can in response to her question indicate that should we be unsuccessful in that process, we have made provision in the budget for payment of any and all liabilities that we might have arising out of the decisions in that case.

3:40

With respect to new process, effective April 1 we're into a new process for the next three years, a new three-year Judicial Compensation Commission, both for the justices of the peace and for the Provincial Court. We're in the process of determining the criteria mandate for those, and we'll move on immediately to appointments of personnel and moving into that new process.

Ms Blakeman: That was a very interesting exchange. I'm going to probe a little bit here. The minister is not one to throw phrases about wildly – and I'm pretty sure I heard him say this; of course I don't have the benefit of the Blues – but I'm just wondering how I am to take the comment about there's no shortage of people applying for the position of justice of the peace. Is this an attempt at a judicial version of "if they don't like it, there are plenty more justice of the peace fish in the sea"? I'm hoping that I'm misunderstanding him about that.

In addition – and some of my questions around this weren't answered, so I'm assuming that he's going to get this out of *Hansard* and answer them – I heard him answer the question about: was the funding for the Supreme Court challenge budgeted? But I didn't hear whether the actual salary increase or supposed designated amount was budgeted. Part of the justice's comments at the time was that she felt she couldn't continue, because the minister had indicated that if money was going to be used to pay the justices, it would have to be taken out of other court operations, and she felt that that tied her hands to make a decision. So I'm looking for clarification on those two subjects, around the no shortage of people applying for the position and around whether the payments would indeed come out of other areas of funding for court processes and access to justice and therefore not have a zero-out effect. You know, you want the same amount of funding going into the court structure. If you're going to be paying this money owed, we don't want to see it coming out of other court services. So I'm just looking for clarification on that.

The Chair: The hon. minister.

Mr. Hancock: Thank you, Mr. Chairman. I'm pleased to have the opportunity to clarify those areas.

First of all, I had absolutely no intention of suggesting what the hon. member has interpreted it to mean at all. I should've anticipated that in her unflaggingly pleasant demeanour she would've taken it in that direction and made sure that it didn't. My comment was simply that in determining how much is appropriate in terms of compensation, one of the criteria ought to be whether people are wanting the job. In the justice of the peace case it should be perfectly clear that once appointed, people have the job for the term and in the case of a Provincial Court until age 70 or up to 75 in certain circumstances.

So there is no and can be no and ought to be no insinuation or any other interpretation which suggests that we would want to in any manner interfere with the ability of those people to do their jobs and their independence to do their jobs. That ought to be fully and completely on the record and understood by every member of this House and all members of the public. Judicial independence is a very, very important concept. We cannot interfere with their independence and do not wish to interfere with their judicial independence. We may sometimes discuss whether judicial independence is caught up with the question of judicial compensation and to what effect the two are intertwined. I think that that's certainly in our purview because we are the ones who are responsible for accountability to the public for the public purse. So that's entirely appropriate. I want to make it perfectly clear on that point.

Seeing as the member has again raised the reasons given in court just recently, I want to be perfectly clear. First of all, she indicated that the minister had indicated – and it's got to be perfectly clear on the record that I was not in that courtroom either personally or by affidavit, so the minister did not indicate anything. But in making submissions to the court, presumably comments were put into affidavit evidence.

It should be perfectly clear to all Albertans that the Department of Justice in no way intimidates the court – in no way intimidates the court – that we have utmost respect for the courts' function and for their independence, that we have also utmost respect for the public's dollar. We have an absolute need to make sure that the public's dollar is used wisely, allocated appropriately, and we don't spend it when we don't have the authority to do so.

So in making submission to the court, it was entirely appropriate for a member going into court to indicate that we did not have the authority. That was one of the things that was put forward with respect to a stay application on that matter because the matter is still before the courts, and usually those matters are determined on the balance of convenience, I believe. However, maybe I should steer clear of that because I haven't practised in that area for a long time.

It should be on the record and it should be clear that the Department of Justice, the government of Alberta, does not intend to, did not intend to, has no intention of attempting to intimidate the court in any way through the use of resources. It is always our function to try and provide the best access to justice possible. Now, does that mean that we can provide all the resources that every branch of the Department of Justice would like to have and perhaps even ought to have to pursue very worthwhile opportunities? No. We can't. We're like everyone else. We have to fit into priorities. The public wants a priority on health and education. The government uses the public resources in that area. We get our share of resources, and then we have to make use of those resources most efficiently. But in no way should that be interpreted as being intimidating toward the court.

I'll reiterate what I said before: we have enough budgeted in this budget to cover all the liabilities of government with respect to that matter.

Ms Blakeman: Good. Thanks for the clarification.

The next was the proclamation of the Adult Interdependent Relationships Act, as the minister knows, a piece of legislation very important to me. I notice that some of the sections are not going to be proclaimed, and I'm wondering if we can get some discussion from the minister as to why they're not being proclaimed. I'm sorry; the order in council came out within the last couple of days, and I don't have it with me. What I have is a notation about what's not being proclaimed, and that would include income tax amendment, Conflicts of Interest Act, local elections authority, Métis settlement, motor vehicle registration, municipal government, the School Act, the School Trustee Statutes Amendment Act, Social Development Act, and 83(2), coming-into-force provisions.

I'm wondering why these sections are not able to be proclaimed at this time. He may wish to give me this in writing afterwards because it's fairly detailed, and I can pass it on to the people that are interested. I am interested in the specific reasons why that's not possible.

That was a short one and so I'll – oh, no. He's going to answer it. Okay. Go.

The Chair: The hon. minister.

Mr. Hancock: Thank you, Mr. Chairman. Yes. If the hon. member peruses most of the sections that she referred to, such as the Conflicts of Interest Act, the Local Authorities Election Act, the School Act, those acts will determine that those are provisions which provide for essentially disclosure provisions or conflict of interest provisions. We've said from the beginning that we don't anticipate making those conflict provisions apply to people who had not bargained for them, and therefore those come into effect when the next elections are held rather than immediately. For example, a member of the Legislature – I don't know if we're covered by those. A member of a school board who did not want to make a disclosure with respect to the assets or liabilities of an adult interdependent partner would not be forced to do so simply because this act came into effect now and there's another two years or another year before the election. That's true of the Metis Settlements Act as well. Those all have to do with offices and people and the requirement of people to make disclosures of some nature.

3:50

The motor vehicle act is a question of registry capacity. It is a technology issue. I believe that one comes into effect January 1, 2004, but we can get you the details of all of those. That's really just a question of how it can be accommodated on the computer in terms of registration of it.

[Mr. Klapstein in the chair]

The Social Development Act. We have before the House right now the Income and Employment Supports Act, which in essence will replace that act, and rather than have the confusion of a series of jurisdictions, it would be our intention to have the provisions come into effect through the Income and Employment Supports Act when that comes into effect rather than having a two-stage process and the change of forms and processes and those sorts of things.

I think that deals with most of the ones raised, but I can certainly provide detail on any of the acts in writing.

Income tax. Most of the income tax provisions are not covered under the general definition of adult interdependent partner, because they have to comply with the federal definitions, and the federal definition is not quite as broad as our provincial definition. I'll have to get back to you on what the issue is with respect to the coming into force.

The Acting Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much. Next section: Calgary courthouse. In January of 2002 the Court of Appeal in Calgary was closed due to the presence of – dare I say it? – toxic molds, and there were also concerns expressed at the same time about appropriate space for staff in the facility. We had a number of staff and judges complaining of being sick. The process for establishing a new courthouse, perhaps in a consolidated model to house the provincial, the QB, and the appeal courts in the same building, has been under way for some time. I think that's what the minister refers to as the Calgary courthouse strategy. I'm under the understanding that the government is going to build this courthouse under a P3 model. So there are a couple of issues there.

I'm probing the ministry's philosophy or ideology around their interest in participating in a P3. I'm wondering if other models were examined or any other suggestions were entertained, other ways of coming up with a new courthouse. I've heard from people – so I'm sure the minister has – with different cost analyses about whether the P3 is the best deal, you know, between the P3 and a government-owned building. So if there's a cost analysis that's been done on this – I don't think so; it's pretty early in the game to have done that. I'm hoping that the ministry would be doing it, and I'd like the minister's commitment that he would table that analysis in the Assembly. I'm wondering: has there been a budget set aside for investigation into this, either some sort of an investigation or a cost-benefit analysis?

Two remaining questions around the Calgary courthouse. I've been approached by some members of the legal profession who feel quite strongly that a courthouse is more than the facility where trials take place. They feel that it is a symbol of access to justice and the upholding of justice in a given area. Not that there aren't innovative ways to include symbols or institutions that are symbolic inside of new buildings, but I'm wondering if the ministry has considered this. When you visit certain cities or you go to a new city, you go and look at the legislative building, you look at the town hall, and you look at the courthouse. As a piece of architecture it's important in what it says in being a courthouse. So there's some concern that if our courthouse is, you know, floors 16 through 25 in some glass cube downtown, it doesn't have the same effect.

Not that I'm proposing that we would spend a lot of money for effect, but there's a larger question here around what a courthouse looks like, not just what its function is. I'd like to hear the minister's thoughts on that or if there's been any discussion in the department around it, if there's anything being considered around it, if there are any provisos being put into any RFPs, requests for proposals, that have to incorporate that. Or, you know, do we just have floors 16 through 25 in some glass/concrete building in downtown Calgary, and that's justice in Alberta?

Actually, it was interesting because when I raised that whole subject with the Minister of Infrastructure, his reaction was swift and condemnatory. He did not see any place for talking about the importance of a symbol of a building along with this discussion at all. So very interesting to see his reaction to that. I'm interested in this minister's reaction to that. It is important not only to people in the legal profession but to many others who may never even go inside of a courtroom, but to them it says justice in Alberta.

The last piece of that is that the Court of Appeal is temporarily in the TransCanada Pipelines building. There have been some concerns that the cost of using this temporary facility for an extended period of time could meet or even exceed establishing a new court facility. Could I get some facts and figures around that from the minister?

Thanks.

The Acting Chair: The hon. minister.

Mr. Hancock: Well, thank you, Mr. Chairman. Most of the questions that the hon. member raises are more appropriately raised in the Infrastructure estimates because building of government facilities are Infrastructure. But I'm happy to have the opportunity to discuss one of my favourite topics, the Calgary courthouse and the Calgary court strategy.

We have in Calgary right now six or seven locations where court is held depending on the court and the division of the court. That involves people who want to access the court needing to know which court to go to at what particular time for what particular matter, so there's confusion, I think, for the public. It involves the legal community moving back and forth between the two, and that causes cost in terms of lost time, but also it causes problems where people have to be in two places more or less at the same time. Getting back and forth is a problem. Prisoner movement has to go to various facilities. So there's a lot to be said operationally for consolidating all of the courts into one building and the better use of resources in terms of the better ability to allocate personnel, to operate the administration of the process, to handle prisoners, the better access for the public in terms of knowing where to go and being able to move back and forth.

For those and just countless other reasons, the question of a Calgary court strategy has been the topic of conversation and discussion and in-depth analysis for some 20 years, with varying solutions. But for the past four years that I've been in this department, we have made a focus the question of finding a resolution, getting a resolution to this issue, and building an appropriate facility.

So the question is then: what is that facility? I think an appropriate question to raise as to whether or not in this day and age building of the classic courthouse as a centrepiece of the downtown area in a town is still something that we should be looking for. Of course, I have often said: thank goodness for an era of grandeur. We have some wonderful buildings that have been built in times past for various purposes, including this building.

The most important thing from my perspective is to get the facility built, whatever it ends up looking like. Obviously, it can't be just anything. It has to fit within appropriate parameters. It has to have, as one justice said to me, the appropriate gravitas for a court, and those are certainly things that anybody involved in the project I think understands, that there does have to be an appropriate ability for the public to recognize the facility as a court facility, as a justice facility, as a place where they go for justice and as a symbol of justice.

4:00

That does not necessarily mean that it has to be exclusive to the courts, because there are many services that people in need of access to justice want to have access to, whether that's family court mediation services or whether it's information centres which assist them in their use and access of the courts, whether it's access to prosecutors in order to obtain disclosure on their file so that they can know what they're facing in terms of the evidentiary burden, whether it's access to legal aid, whether it's attending a family law clinic. I mean, the question then becomes: to what extent should those types

of services, those types of associated justice matters that people also want to access and also associate with the delivery of justice in their community and that also perhaps are even more important to them sometimes than the court itself – and where are they located? Is there room in a justice facility or court facility for these types of associated services?

One also might look to the question of whether there might be appropriate associated business services. You have, for example, people using more technology in the courts, and I mentioned earlier about e-filing and technology, and that's certainly one of my favourite topics. Certainly, if this facility is built, it will have to have access to the best technology. But sometimes people still need a hard copy, so if you're in court and you want to download something and get a printed copy of it, what do you do? Well, maybe you need to have access to a facility nearby where you can print that out. The questions of how that's provided or if that's provided or whether it should be or ought to be in a facility are open for discussion, all the time respecting the fact that whatever we end up with has to be a symbol to the community of being the centre of justice.

I don't think we need close our minds to what is appropriately juxtaposed with the courts in a justice facility which serves the public and provides them the best access to the services that they need in order to have the complete range in order to pursue a solution to their problems. Mediation services. Do we make a distinction between publicly funded mediation services and private mediation services or arbitration services? Those are issues that need to be dealt with.

There's another issue which needs to be dealt with in the context of a building and space, and that is: how do you build a building, which is a substantial commitment in capital and space, but you want it to survive for a 35- to 50-year time frame? What do you do? Do you build the whole thing and keep the space empty, or do you build it in some manner in which you can accommodate alternate uses of space until you need them, or do you build it in such a manner that you can build additional space when you need it? Those are appropriate questions to be asked.

If one of the answers is that it makes more sense to make maximum use of the land to build the maximum capacity or at least to maximize the effective use of the capacity of the land, you may end up actually wanting to build a larger building than you need, and then you have to answer questions as to: how do you appropriately use the other space? Now, I would ask that people not prejudge that question but rather look at the designs that come forward and say: does this work? Obviously, you're not going to put a massage parlour next to the judges' office or perhaps even anywhere near the building, hopefully. Of any type. I don't mean to disparage any type of massage parlour in that. It's just that none of them of whatever type ought to be in a justice building, because they're not associated with justice. But there may be a design which allows you to use the extra space which might otherwise be termed commercial space until it's needed and to take it over in an appropriate fashion when it is needed.

So you come to the question then of: is a triple P, or public/private partnership, the most appropriate methodology? Well, quite frankly, my first priority is to build the building, to get the courts together. I will promote getting them together in whatever way accomplishes that result and is appropriate.

Now, is direct financing available? Well, capital priorities tend to be difficult to meet. When you have huge amounts of capital priorities – we're a growing province, and we have a huge increase in our population, increase in business; we have roads to resources to build so that we can drive the economy; we have to provide schools and hospitals – getting a sufficient amount of money in the capital budget to build a facility of this size can be difficult.

[Mr. Tannas in the chair]

So one ought to look at the other ways of accomplishing the same goal. In looking at it, we've pushed and said: we should look at the question of whether the private sector can do this better than government. That means that you have to understand what it would cost government to do it and have something to test it against. You can look to the private sector to bring some ingenuity to the project, some private-sector ideas, the question of whether or not they can get long-term financing at competitive rates, recognizing it's going to be very difficult for them to compete with government. There are some long-term pension funds and other investment funds that are looking for a stable home and can come fairly close to competing with government, particularly if there's some ingenuity with respect to what the tax structure that they have is.

So I would suggest that people who say that the private sector can't compete with government haven't sat down and looked at all the permutations and combinations. I'm not going to sit down and look at all the permutations and combinations, but I think a private sector coming to the table, wanting to make a proposal, and hoping to be able to build it will put forward those sorts of suggestions. If they work and if they make sense and if they can deliver what we want and if they can assure the quality and if they will take some of the risk and all sorts of other things, if it makes sense, then we ought to do it that way. We ought not to step back and say: "No. That's abhorrent. We won't consider that type of ownership."

In the final analysis it doesn't really matter who builds it. What matters is that it's built right, that it is providing the right service, that it's properly located, that it's doing the job that it's intended to do, that we have the ability to control the maintenance and operation, and that we can make sure that the quality of delivery and the quality standards are upheld.

The question about being able to see justice in your community is very important, but as important as being able to see justice in your community through the symbol of the courthouse is being able to access justice in all of its dimensions in a reasonable way. So I don't shy away from the discussion of what justice services ought to be or could be appropriately associated with a court facility.

I hope that goes some way to addressing the question of philosophy and analysis. As I say, the actual concept of whether or not we proceed that way is a question for Infrastructure. The analysis as to whether or not it's the most cost-effective and fits all the criteria is an analysis which will be conducted through Infrastructure with the assistance, of course, of Justice and many other people.

We've heard incessantly in the House through question period and otherwise about the open analysis processes which will be available on any public/private partnership which proceeds, but I can tell the hon. member that I'm absolutely delighted that we have been moving through this process. We've set some time frames for us. We've gone out to a request for qualification process. We had a large number of groups with good qualifications and good talents that have been brought to the table to show that they can do a project of this nature. A request for qualification was done, shortlisted to three that had brought the combination of talent, expertise, and financial wherewithal to the table to be actually able to accommodate it. It's now gone out to an RFP, and we hope to hear back by June 20, I think it is, but some time in that time frame with respect to proposals.

I'm very eager to look at those proposals to see whether they have understood the project and understood some of the intricacies of the issues that we're talking about and have designed a project which will work for Alberta and for Calgarians and people in the Calgary vicinity so that they will not only see justice in their community;

they will have access to justice in their community, they will know where they need to go to get it, and they will be able to be accommodated appropriately.

4:10

The Chair: Edmonton-Centre.

Ms Blakeman: Thank you. That was worthwhile and what I wanted to get. Thank you.

Okay. Court resources. I was struggling to remember whether I had brought this quote forward last year, because the document was written in late February 2002 but I think I didn't receive it to be able to incorporate it into the discussion last year. We're talking about court resources, and I'm just going to put this quote to sort of bookend what I'm looking for. This is directed toward the Premier from the Canadian Bar Association, Alberta branch.

We are witnessing a deterioration of our system: fewer people can be accommodated in the court system, services have eroded, and it takes more time to get routine matters heard.

The reason is simple: this government has chosen to cut judicial administration to the bone. There is a restriction on the hiring of necessary staff, clerks and assistants resulting in a serious shortage of staff; there is a desperate need for computerization; support is so inadequate that there are only 2.5 judicial assistants to 19 judges on the Provincial Court, Edmonton Criminal Division; and in Queen's Bench, there is such a shortage of clerks that Trials sometimes do not go ahead even though there is a Courtroom, a judge, clients and lawyers. Further, desk divorces and probates now take 8-10 weeks even though four years ago, they took far less time.

Now, there is a significant increase in the line item here for court services, so I'm probing what that is, what the minister anticipates that's going to cover.

I also want to go back, and one of the issues that I have followed for some time is around Crown prosecutors: how many of them, their pay, and their workload. So what is the status of the caseload for the Crown prosecutors? What is the average caseload this year compared to last year? What's in this budget? Is the minister trying to bring it down to 400 cases for each Crown prosecutor from where it was last year and where it was the year before? Can I get those numbers, please? If it's the reverse, if it's actually going up and the caseload is getting heavier, then I'd want to know that too.

I'm also interested in what was happening with the salaries, because we had a couple of things there. There are different grids about starting salaries and number of years of experience, et cetera, et cetera. But then there's also, you know, the number of years you've been there; you start to move through a pay grid. There was very little movement in a number of those, and that was causing some experienced Crown prosecutors to leave, in some cases literally to walk across the street to the feds. In 2001 it was announced that Crown prosecutors would be receiving anywhere between a 5 and 22 percent increase in salary, but that still left us behind the pack or particularly behind Ontario, which is the major comparison. So I'm wondering where we're at for that grid and where we're at with the other issues that came up around Crown prosecutor salaries. I don't have to detail all of that. The minister is very aware of it, I'm sure.

I notice that there are 42 new FTEs. Where are those FTEs being distributed? I sort of picked it up as I was searching to see what the status of Crown prosecutors was and picked up those 42 new FTEs, so I'm just wondering where they are.

Now, I read you the quote from the Bar Association with the lack of staffing resources, clerks, assistants to the courts. With the increase that I'm seeing in the budget, exactly how are all of these concerns being addressed? What's the increase for? How's it being divided out between the different courts? Will there be new staff

brought in or better payment for the existing staff or a move to technology? I don't want to take up a lot of time by giving the minister a million questions to dig out all the details on this. I know he knows what I'm looking for here, so if he can just tell us what they are anticipating with that. I'll leave that for him to answer, and then I can go on to the other ones.

Thank you.

The Chair: The hon. minister.

Mr. Hancock: Thank you, Mr. Chairman. I think the quote that the hon. member raised was from a letter which came to us – and I stand to be corrected on this – I believe during a time when there were freezes on government hiring, freezes being particularly difficult to manage, particularly in markets that are volatile, and as a result there were some problems that we had to deal with. When I talk about volatile markets, I talk about Calgary, where pay scales were going up, and we were not paying judicial clerks, for example, at a level commensurate with what they could achieve in the private sector, so people were leaving. That was a problem. We were in a position where we couldn't fill the positions, and we were in a bit of a budget crunch, so that caused some service delivery problems, which we worked very, very hard and worked with the courts to try and improve.

I'm pleased to say that those service problems have been improved, and in fact I'm quite confident in saying – I stand to be corrected – that service delivery times in terms of turnaround for deaths, divorces, for estates, and those sorts of things are within reasonable parameters, within the expectations of Albertans. While we do not have the luxury of unlimited personnel, the changes that were made over the course of the last two years as a result of the improved compensation have gone a significant way to allowing us to restructure the way we compensate in the department to deal with some of the longstanding issues, again, particularly with judicial clerks and others, and put us into a competitive mode where we can actually retain experienced personnel. So I'm very satisfied with the management the department has put in place, that we've really achieved some good progress in those areas.

We have, as the member will know, a justice renewal strategy, which I mentioned briefly in my opening remarks, and the root of that was started when we were talking about dealing with the concern of Crown prosecutors with respect to both workload and pay. At that time, we sat down with the Crown prosecutors to talk about how we could appropriately deal with the circumstance, and we set up a committee. It included prosecutors, it included lawyers from civil division, it included our human resources department, and it included some outside people so that we could look at how we could best deal with the appropriate use of our resources, given that we had finite resources, and accommodate some of the issues that were causing problems, in fact, causing huge morale problems in the department and costing us some of our experienced people that we could not well afford to lose. I asked that committee to make one promise, and that was to not just come back and say: well, the solution to this is more money. In fact, they came back and said: before we can get on to the other solutions, the solution is more money. Part of the justice renewal strategy was to go back to Treasury Board and say: there is a problem that needs to be addressed. And it was addressed. It met the expectations of all involved in terms of a three-year strategy to hire more Crown prosecutors, to pay Crown prosecutors better, to deal with the workload issues.

Now, I'm not going to provide details of the workload issues today. We can get you that kind of detail in writing, but I can say

that from my perspective and from the feedback that I've been getting, morale in the department and particularly among prosecutors is high, that people are generally satisfied that we've met the commitment we made when we embarked on the justice renewal project in terms of hiring more people, in terms of making sure that the workloads were manageable, in terms of addressing the pay scale issues and the issue of people being able to progress through the pay scales. While issues of pay and workload are never finite – they're never done – we've certainly developed a spirit of co-operation and collaboration within the department to address these issues and have achieved success in turning that around substantially so that we can focus on the true issues, which are providing better access to justice and helping to create safe communities.

4:20

I'm really quite delighted that the hon. member asked that question because the good work of – again, I alluded to it in the introduction of the deputy minister, who's put heart and soul into this justice renewal project to make sure that not just the Crown prosecutors but all those people who work within the department are valued, are paid at appropriate levels. It's been a struggle because the increase of five and four over the last two years as a general rule across government translated to a much larger increase in the department, and that meant we had to find those resources from the various corners. That's not an easy thing to do. I think the management team of the department are to be commended for the work that they've done to not just say, "well, we need more," but not to be afraid to say, "we need more when it is appropriate" and to make do with what we have and to request more funds where they are needed. We've been able to achieve that I think in a stellar form.

We can provide any detail that you might need with respect to loads and that sort of thing at a later date.

The Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you. Okay. Those were the larger clusters that I had. I'm now going to move into a series of smaller ones where I will group some of them together.

[Mr. Lougheed in the chair]

First category is diversion projects. I hope I'm wrong on this, but as far as I can tell, there are two kinds of diversion projects that are running right now. One is the aboriginal diversion project where cases of minor infractions are diverted before they reach the court system and are dealt with outside of the court. What's the status of the aboriginal diversion project? What's the analysis of it? Has it been successful? Is there any written analysis that's been done that could be tabled in the House or provided to me? Will this program be changed from where it currently is? Will it be expanded if it's successful? Is there a restraint on the amount of money available so that there would in fact be – not expanded, not shrunk – less of it? Sorry, I'm getting tired here.

The second diversion project. I had asked this question to the Solicitor General, who I thought was the lead on the mental health diversion project, but I'm getting the feeling that perhaps she's not the lead, because I'm not getting much information there. So I'm trying again with the Minister of Justice. This is the diversion project where if police officers or, frankly, street workers, social workers, et cetera come into contact with individuals who have committed some kind of crime but there's a great case presented that there is a mental illness issue present that may have in fact caused the commission of this crime or contributed to it in a major way, the

thought is that locking a person up isn't going to get us any further ahead here. The person actually needs treatment.

[Mr. Tannas in the chair]

So, again, they are assessed, and if they are a good candidate for the project, they are diverted away from the court system. A plan is worked out with the individual about, you know, getting treatment, staying on their medication, changing where they live. Some concrete step is taken to get the person in a better position of health, particularly better position of mental health, and of course the agreement is sealed in court in front of the judge saying: okay; do you understand that if you do not follow through on all of these things, you will in fact be brought before this court to go through the whole process on whatever is the crime that you were charged with?

We had a pilot project that was, probably still is, running in Calgary. I think there was a smaller and slightly different pilot project that ran in Edmonton. Where does the buck stop? I want to know whether this project has been deemed successful. Is it going to be implemented? Where is it going to be implemented? Of all the departments that are involved in this, I can't quite find out where the buck stops, so I'm trying again with the Minister of Justice to see if I can get an answer here. It's Solicitor General, Health, Justice, social services. There are a number of possibilities, and I'm just trying to find someone that can answer the question for me.

So I'm looking for: what's the status of it? Can it move into a full-fledged project? Where would it be implemented? It may not be possible to implement this in some of the smaller centres – there just may not be the additional support services that could supervise and assist an individual – but perhaps in some of the larger centres that we have, the metropolitan areas. Plus, centres like Grande Prairie and Lethbridge and Fort McMurray and Red Deer could certainly handle that kind of thing. So I'm just looking for some sort of status, update, direction on that one.

The next question around the issue of matrimonial property on death has been around for a while. Recent court decisions have stalled the process. The Member for Calgary-Lougheed in fact had two bills, I think, brought forward over the last couple of years regarding division of property on death. This was supported by the Alberta Law Reform Institute. I don't see the bill coming this time. Changes would involve updating existing statutes so that surviving spouses would receive the same allotment of property that they would have under circumstances of divorce. My question here is: will we see this come forward again? Are we expecting it again, or has there been a decision to try doing this another way? Is someone else sponsoring it? Are we looking at next year? Where is this? It sort of disappeared off the radar screen, and I'm wondering what happened to it.

The final one that I'll add to this particular grouping is around conditional sentencing. Now, under the Criminal Code of Canada there are provisions to allow judges to sentence a person convicted of a crime to serve their time in a community as long as they follow outlined conditions. This is becoming increasingly popular with judges, and I think it could be argued as now being applied to persons that are convicted of more serious offences. The minister has commented with vigour on this issue, and he's talked about addressing it with the feds. I'm wondering where we are at with this whole issue. Part of the issue around this, I think, is that we want to get best value for money.

Do we really want to be putting people in jail? That costs taxpayers a certain amount of money. Are we getting the best resolution on behalf of society if we put them in jail? On the other hand, there's also a group of people out there that are going: "This

government is soft on crime. They don't put people in jail. I see so-and-so go forward, the judge says 'blah, blah,' and the person is walking away that day. They're going home to have supper, and I don't get to go home to my lost family member or lost property or whatever."

It's an interesting dilemma. What's happening in provision of what? Provision of justice? Provision of punishment? Provision of rehabilitation? I'm interested in the philosophy, again, of what arguments the department has looked at, the minister has looked at with where we think this is going to go. I know that he has strong feelings on it. It does affect the way justice is provided in this province. It does affect the way money is spent on the provision of justice, and frankly it obviously affects the Solicitor General's budget with whether we're going to lock people up or we're going to put a little electronic bracelet on them or whether we're going to have them involved in some sort of justice circle or have some other kind of justice put in place. So it's quite a large discussion. I'm not asking the minister to hold that discussion here, but I am asking for the record and for those that follow and read *Hansard* to get some indication of where this issue is headed.

So those are the three that I'm kind of clustering this time. Following this, probably just one more to talk about. Well, you could even include restorative justice in this conversation. But performance measurements, mediation, medical examiner, justice summit, early case resolution, and single courts are still to come.

Thanks.

4:30

The Chair: The hon. Minister of Justice.

Mr. Hancock: Thank you, Mr. Chairman. A number of interesting questions there with respect to diversion. Diversion is a very important part of the justice system, and my comments on this might well come full circle to the comments on the last question with respect to restorative justice initiatives and when it's appropriate to use jail versus other methods of dealing with offenders or alleged offenders. Diversion has always been part of the system. Police make determination early on in some cases whether or not a charge would be appropriate or whether there's another way to deal with the matter, whether to call the parents and ask them to come pick up the kid. Historically, in many cases parents were asked to be the diversion model; in other words, take the child home and administer the appropriate admonitions.

You know, we've moved further in the process now so that we have in our system and particularly under the new Youth Criminal Justice Act more ways of using diversion in the system, and that's whether it's aboriginal or nonaboriginal. The whole concept of sentencing circles or community conferencing or other ways of bringing an offender and a victim together to achieve closure and to find some way of both accepting responsibility and atoning for action are important parts of the system.

Specifically relative to aboriginal diversion I'm not aware, off the top of my head – and maybe I ought to be – of a specific aboriginal diversion project. However, we do have various mechanisms, aboriginal courts in the province; for example, the Tsuu T'ina court, which has caseworkers and processes and ways of dealing with things. The Provincial Court has been very innovative over the years in terms of how it's approached providing court on various reserves, First Nations, and how it's worked with the community to find appropriate ways to deal with issues. I guess at the root of this is the necessity not just to convict and punish but to deal with the root causes of crime so that one can reduce the recidivism and the cycle of people coming back and back. It's a question of getting into some

of the issues like fetal alcohol syndrome and issues of how to deal with children that are involved with the law for the first time and the second time and what can be done to divert them through a process which will teach them not to come back as opposed to introducing them to people who will teach them more about how to do it better.

The mental health diversion project specifically is a very important project, and I think the hon. member is looking for Alberta Health and particularly the Mental Health Board in terms of taking some initiative with the Solicitor General and Alberta Justice and others to make a true cross-government initiative work. This is the type of project which is extremely important. I don't know the exact number, but I think it's probably safe to say that 65 to 70 percent of the people who are incarcerated at any given time or come into contact with the law have either a mental health or an addiction problem, a drug or alcohol problem. So we need to deal with some of those root causes, or you're going to continue to use the system, use resources, and not achieve what has to be at the root of what we're trying to achieve, and that is creating safe communities. The community may be safer if you lock somebody up for 45 or 65 days or whatever, but it's not safer in the long term, so we have to make more effective use of our resources.

I'm glad that the member mentioned the issue of how you look like you're not being hard on crime if you're not locking people up, because it really comes to this whole question of how you deal with people. Obviously, the public wants the justice system to deal with people who are engaged in serious and violent crime in a very serious way. People who are incorrigible, who are recidivists, who will not understand that they can't break society's rules with respect to serious and violent crime have to be dealt with in that context, and imprisonment is an appropriate way to make the community safer.

But for those people who are not serious and violent criminals and are going to learn and are not going to be incarcerated for any lengthy period of time, if you want to make the community safer, you have to actually deal with the root cause. You have to have diversion programs. You have to be able to deal with the mental health issues. You have to be able to deal with the drug addictions and the alcohol addictions, and that's not to say that people ought not to be held accountable for their actions. That's not to say that they ought not atone for their actions, and that's not to say that victims' rights and victims' feelings ought not to be taken into account. If we truly want to make our communities safer, we have to deal with those root causes.

The mental health diversion project has been piloted in Calgary, as the member mentioned. It seems to be anecdotally very successful with community partnerships engaged in making sure that mental health programs are delivered. These sorts of projects have to be piloted to determine whether they actually achieve the outcomes desired because they do require a commitment of resources. To expand it across the province will require us to find resources. Whether they're found in the mental health budget or they're found in the health budget or they're found in the Justice budget really is immaterial. It's all public money, and it has to be found if you're going to expand these programs, but the first thing is to test to make sure that what you're doing achieves the outcome or the desire that you want. I think it makes sense. We expect that it will in this case. All the expectations are that they're there.

I might just take the opportunity to mention the Calgary Home Front project because it's one of my favourites. It deals with domestic violence, and it deals with domestic violence from the context of domestic violence involving a mental health problem. It's been anecdotally very successful. There's an analysis happening now, a review of it to determine how successful and whether it should be expanded and carried on in other areas. One of the real

successes of that project is that it started as a community-driven project by people coming together and saying: domestic violence is a problem in our community; we need to deal with its root causes. Its root causes tend to be in many cases mental health issues, and to the extent that those mental health issues can be dealt with, you can help families over the long term.

That's far better than the process that we had with charges laid, and six months later or whenever it happens to come to court, the wounds have been healed and you end up essentially reopening up old wounds and doing all sorts of things and not getting the acceptance of responsibility and the ability or agreement to atone with responsibility and you're not getting the treatment which is necessary to make sure that there's an ongoing improvement in the health and safety of the family and the health and safety of the community.

So diversion projects: very important. The mental health project in Calgary, the pilot project, I think is a very important project. The other ones like the domestic violence project, Home Front, very important. You can't take a cookie-cutter approach, but the various initiatives on aboriginal justice: there have been great successes in those areas. We have to be open to alternative measures, open to diversion, open to dealing with the root causes of crime, and in many cases we have to work very hard to find the resources necessary to provide the mental treatment or the drug and alcohol addiction treatment or in other ways deal with the root causes.

I want to end where I started by saying that that doesn't mean we're not hard on crime. We have to be hard on crime by making our communities safer as an outcome, which means dealing with root causes where we can but coming down hard on people who won't follow the rules or who are recidivists or who are engaged in serious and violent crime, which brings me to conditional sentences.

Since the *R. versus Proulx* decision from the Supreme Court there has been a proliferation of conditional sentences and I think a sense in the community that conditional sentences are being used in areas where the community would rather they were not: in more serious cases. We've had that discussion as justice ministers across the country over the course of the last couple of years, and I'm proud to say that since I've been Justice minister, at least, and I'm sure before that, Alberta has taken a leading role in talking about appropriate sentencing, including conditional sentences and intermittent sentences, which do have a huge impact on the Solicitor General's budget, obviously, but also are very important for the public's faith in the justice system, because they want to know that people are being dealt with appropriately in the justice system and that the community is being made safer. They want to know that sex offenders are not being sent home on conditional sentences, that people who are engaged in violence are not being sent home on conditional sentences.

The fact that the Criminal Code says that you can get a sentence of less than two years for an offence does not mean that all offences that have the availability of a sentence of less than two years ought to be open to conditional sentences. So we've been in that discussion, leading that discussion, working with other partners in the justice system across the country to try and raise the desire for us to put limitations around that use, because when conditional sentences were put in the Criminal Code, it is our submission that it was never intended to be a wide-open thing.

4:40

Now, it's a difficult issue because there are circumstances where conditional sentences are appropriate. There may even be circumstances in some of those offences where you might not normally think conditional sentences are appropriate where you'd want the courts to have the latitude, given the circumstances before them, to

use a conditional sentence. So making a change is not as easy as it sounds and hence the reason why we haven't been totally successful in convincing all jurisdictions to change the Criminal Code to limit and delimit and set out the specific criteria as to where conditional sentences ought to be used.

That I think deals with most of the issues except matrimonial property on death. The hon. member will know that over the past year we've been dealing with two major items – well, many more major items but two particularly on the legislative front. One is the family law review. I hope we will be introducing a bill in the House within the next two weeks and holding it over until the fall session so that people can have a look at it. It brings together a lot of family law into one statute and hopefully makes it simpler and easier for people to understand how family law applies to them. The other one, of course, is the Adult Interdependent Relationships Act, which the member mentioned earlier. One can only really carry on a number of major projects at a time.

In the context of the Adult Interdependent Relationships Act we specifically did not deal with the Matrimonial Property Act because there were issues before the Supreme Court at that time, and the decision came down in December. I think the decision that came down in December essentially confirmed that it was a good idea for us not to have rolled that one in, but now we have to decide what if anything we ought to do with the Matrimonial Property Act. Of course, the hon. member has mentioned that the Member for Calgary-Lougheed has brought forward this whole issue of matrimonial property division on death.

Now, I can say that from a personal perspective I don't understand the logic of requiring somebody to file a divorce action before your spouse dies so that you get your share of the family assets rather than waiting until death and taking a chance. But, again, it's an issue that doesn't have an easy resolution. The Law Reform Commission had a look at it. There are issues as to if you are to provide for a split of matrimonial property on death, then do you preclude access to the Family Relief Act? Do you preclude other avenues that a spouse might utilize in order to assert a claim to an estate? Again, it's an easy one conceptually to say, "Well, a spouse ought to be dealt with fairly," but when you bring into play all the various statutes by which a spouse may go to the courts to ensure that they've been dealt with fairly, then you have to make sure that they're not stacked inappropriately.

So that's the issue around the Matrimonial Property Act and one which is still the subject of discussion and needs, I think, a wider consultation before it can actually be concluded whether or not we can do something appropriate with that. Having said that, I wouldn't be surprised if we were to see another version of a private member's bill on that subject, and I think that would be a good place to start to get the issue out on the table for discussion. In any event, I think we need to get it on the table for discussion over the course of the next year at least.

I think that deals in general terms with most of the questions that were raised.

Mr. Cao: Minister, I must commend you and your department on maintaining a safe community in Alberta and a high quality of life in our society here. I also commend you on the notion of prevention at the front end of all the problems and also the effort on mediation of conflicts. Those are the things that my constituents appreciate a lot.

I also commend you on the foresight of providing translation and interpretation court services. This is a very good notion. As we move into the global scene, people are born outside of Canada – and particularly in Alberta it's ranging up to 25 percent in some locations

– so providing translation and interpretation is very, very good. In fact, I commend you for the foresight on that.

I also want to bring up the point that the courts are not only the place to administer justice but also a place where we can educate people about the law of our land. The language subject is quite important, because to me language is the means to convey a certain message and to be understood. So I'll just come to the point that I have raised in the past regarding the rate of fee or the pay for the court translators and interpreters. I found that some attention needs to be put into that effort. Particularly, I was told that nothing has been touched or changed in the rate for 18 years.

Rev. Abbott: How long?

Mr. Cao: Eighteen years. Relative to other jurisdictions in our province, even an organization like the WCB or the RCMP or even the city of Calgary, I learned that they were paid at higher rates than the provincial rate.

My concern is not just the dollars and cents but the quality of the people doing such work and the service they can provide. To be an interpreter at court, it's not just knowing the language, but you have to know the procedure, the legal matters. Those are people who have very high skills. It's not just conversational English or other languages. They have to learn the procedures and legalese, I should say. Some of those I talked to know more about that than I do. I would just like to draw your attention to somehow look at that situation and put some action to it.

Thank you.

The Chair: The hon. minister.

Mr. Hancock: Thank you, Mr. Chairman. I appreciate the comments from Calgary-Fort with respect to the focus on prevention. Every fall I sponsor a golf tournament for Success by Six which raises some money for a very important organization to help children get ready for success, but more important than the money is raising the profile and attracting new people to a network to understand that Success by Six is there and operating but, more importantly, that children need to be successful. Successful children is truly a justice prevention program. If children have good health, if they have a good education, if they have a good start in life, then hopefully in the future the provision of court services and the provision of supervision under the Solicitor General's department and diversion programs and all those things will be diminished.

I do believe very strongly that prevention is important, that we need to look to the front end, that we need to look to the root causes, and we need to be able to deal with, for example, the prevalence of fetal alcohol syndrome, which is causing so many problems in our society and with so many costs. Whether you measure it on a loss of human resources basis, a quality of life basis, an economic basis, a fiscal basis – it doesn't really matter how you measure it. It's important that we get control of those problems and that we deal with those issues up front, because otherwise we're going to lose the human potential, most importantly, but we're going to spend a lot of resources on courts and justice systems, which are really the acute care side. So I appreciate those comments and that support for the manner in which we've engaged in preventative justice.

I also appreciate your continuing to highlight the need for all of the people who participate in our justice system to be appropriately valued and to be paid appropriately. That's not to say that we don't struggle from time to time with the allocation of resources and how we make the best use of the resources we have available. It would be great to be able to say that we're in a process of increasing all the

fees. All I can really say is that we're very cognizant of the issue, that we've been trying to find the resources to deal with that issue, and we will try to make a priority on finding resources, because it is important not only to have translators but to have the best translators in court processes.

4:50

The Chair: The hon. Member for Edmonton-Riverview.

Dr. Taft: Thank you, Mr. Chairman. I've got two sets of questions. I'm asking one set on behalf of the hon. Member for Edmonton-Centre right now. They have to do with issues of restorative justice. The first one is: what's going to be done to support existing organizations that deal with restorative justice issues? My understanding is that organizations working in this field have been anticipating some funding or resources coming their way, and they are starting to pull out of that activity or change their focus in anticipation that some kind of government funding may be starting soon.

On a related issue, questions are coming up around the community justice policy initiative grant, which seems to have been an on-again, off-again, on-again grant. This is the one that provides money for groups dealing with restorative justice issues. So what's happened to that grant? Will the money be there? If it will be, when?

In that same bundle of questions. Certainly, we've seen youth as part of the restorative justice programs through the youth criminal court, but what's on the agenda for adults in this area? So that's one set of questions.

My other set of questions has to do with the comments made by the minister in his opening remarks about a shift to an approach that is policy driven as opposed to service delivery driven. I'm capturing the notion there that perhaps the Department of Justice is first and foremost a policymaking vehicle, and whether or not it actually delivers services is open for review. I have three particular questions on that. The minister's comments on the underlying theory of that approach, if I can put it in those kinds of academic terms, would be interesting. I don't want this focused on, for example, the Calgary courthouse issue, which you talked about earlier, but more general. Is this the way that you see your department going? Is this the way that you see justice most effectively delivered, and why? What's the theory there?

Related to that, then, how does that translate into actual activities? What does this mean when you get this off the paper and into the organization and the budget? When you talk about reviewing the department's role in service delivery, translate it into real terms for me. Related to this, how much of the budget of the department is outsourced, to use the terminology, whether that's for legal work or other work, and what's the long-term trend in that?

So what are the principles? What's the theory we're dealing with here? What does that mean in real activities, and related to that, what does that mean in terms of resources? How much of your budget is now outsourced?

The Chair: The hon. minister.

Mr. Hancock: Thank you, Mr. Chairman. I appreciate the questions, because they perhaps allow me to make clearer some of the remarks that I made earlier.

First of all, restorative justice. I dealt with that somewhat in the answers to the earlier question. The member ought to be aware that we work collaboratively with other departments, in this case the Solicitor General's department because the whole question of incarceration and probation and programs of that nature, including

crime prevention programs and most of the granting programs, actually fall within the Department of Solicitor General. We don't have a significant granting budget in the Department of Justice. Working with those organizations, I can say with some confidence – and the Solicitor General may wish to correct me at some date – that through the Youth Criminal Justice Act, for example, the youth justice committees across the province have been involved in doing more learning towards the conferencing processes. They've been involved in the restorative justice process, so there's a great engagement in that area. But those are areas that are really more within the area of the Solicitor General than our area.

Our approach to those areas is really our commitment through Crown prosecutors and through working with the courts, working in collaboration to find new and better ways to deal with issues as they come forward to achieve effective results. I go back to use the Home Front project in Calgary as an example where the courts, the Department of Justice through prosecutors and others, the Solicitor General, and the police have all come to the same table to help make that work.

So we're committed to those areas, but as in so many of the areas that we deal with, they're not exclusive to Justice. They require working in collaboration and partnership with Health through mental health, with the Solicitor General particularly, with Children's Services most particularly, with Aboriginal Affairs, and with many other government departments but then also with the community, the police, and other institutions.

Personally, I'm very highly committed to the concepts of restorative justice. I think there are community organizations that do valuable work. The Community Conferencing society in Edmonton is one that I've had something to do with over the last number of years, and I have a high regard for the individuals involved and for the work that can be done through those sorts of processes. I have certainly encouraged them, too, and I'm delighted with what they've been doing with the Edmonton public school system, for example, in providing conferencing in that area. We have to find ways to work with groups like that to make sure that they're appropriately resourced so that they continue their good work. Having said that, it's not my budget. It's somebody else's budget. We provide some moral commitment to the concept of finding better ways to achieve the outcomes, which takes me into the second part of your question.

What does it mean to be a policy-driven organization? I didn't mean in my opening remarks to suggest that we were going to be privatizing Justice, if that's your concern, or even turning it over to nongovernmental organizations. There is certainly a service delivery component in the Justice department which will always be there, whether it's the provision of Crown prosecution services, or at least the vast majority of them because some of them are done by agents, or whether it's the administration and operation of the courts. There's a lot of service delivery that the Department of Justice is going to do, and I'm by no means suggesting that we ought to move into that mode.

What I was suggesting in my remarks is that when we look with respect to the policymaking and then the service delivery, we're generally overarching relative to government itself. But when it comes to the Department of Justice and when I talk about being a policy-driven organization, what I'm really talking about is that every employee of the Department of Justice ought to be able to see in themselves how they affect the outcomes that we're trying to achieve. They ought to be able to come to work every day and say: what am I doing to make communities a safer place? Our object ought not to be simply to move from A to B on a given day, although that might be what we actually do to accomplish it, but we ought to be able to see ourselves in the policy results that we're trying to

achieve. Those policy results that we're trying to achieve ought to be measurable in terms of outcomes, not simply in terms of those things that we can count but in terms of the effect that we're having on the community to meet the goal of making our community a safer place.

It's my view that in government when we're looking at how we set up government, how we determine our department processes, and how we operate, we need to have operational plans, we need to have service delivery models, and we need to make sure that we make efficient and effective use of resources, but we always ought to do it in the context of what outcomes we're trying to achieve for society and where we're trying to go in the long term. So we ought to be looking at an outcomes-based process and have our eye on what we're doing on a daily basis to achieve a safer community.

How does that drive into the practical operation of the department? Well, my favourite example, although I'm not sure they like it, is in the prosecution service. Historically – I'm not picking on the Alberta prosecution service here – as a prosecutor your job was seen, I think, to be to take a file, to review it, to go to court, and to achieve a conviction if it was appropriate to do so. So you'd done your job. If you took your pile of files and you worked through them and you got as many convictions as possible, you had achieved your result. In a policy-driven organization you ought to be able to look at your files and say: what is the best outcome to achieve a safer community? So you've got somebody that you're dealing with. First of all, there's a victim involved. What do we have to do to make sure the victim gets closure? How can we minimize the impact on the victim of the court process so they don't get revictimized through the process itself? How can they be safe in their communities and feel safe when they go home? How do they get closure on that basis? So you have to take into account the impact on the victim. You have to take a look at the accused and say: is getting a conviction and a jail sentence going to be the way we make our community safer?

5:00

Now, in some cases it's important to achieve a result, a very strong result, in order to say to society: these are types of offences that we find reprehensible. Therefore, the primary goal here is to achieve a strong sentence and a long period of incarceration so that it can be very clear to everybody that murder, that violence, that sexual offences, whatever, are not permitted in our society. That may be the primary goal that you want to achieve. In other cases you might want to look at it and say: well, this is a person who has fetal alcohol syndrome, and no matter what we do, they're not going to understand it; they are not going to appreciate that they need to take responsibility for their actions. The fact that we put them through the process and we take them off the street for a period of time will make our community safer for the period of time that we've taken them off the street, but it doesn't deal with the issue on a long-term basis.

In a policy-driven organization a prosecutor would look at the file and look at it from the context of: what's the societal outcome that we want to achieve in terms of creating a safer community, and how can I play my part with respect to this file to achieve that societal outcome? So now we have prosecutors who are working on domestic violence projects in Lethbridge, in Lloydminster, in Calgary. We have Crown prosecutors who are working on fetal alcohol syndrome projects across the province. We have Crown prosecutors who as part of their job and part of their commitment to their community – because oftentimes they're donating their time – are working extra hours to work with community groups to achieve some successes which they wouldn't achieve if they simply adhered to the old paradigm of: pick up your file, look at it, and achieve the

conviction. I hope that goes some way to explain what I mean by a policy-driven organization and its outcomes.

The Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you. I understand that we've probably got about seven minutes left. I'll just put a number of questions on the record for the minister to answer. I think my colleague from Edmonton-Riverview might, if I leave him enough time, be up to follow through on his question. Yeah; I'm right on that. Okay. A couple of questions then.

Financial questions. A standard question I'm asking everyone: are the minister's offices being renovated this year? There's also \$350,000 going to a policy secretariat. This looks to be a new project. I'm wondering what it's for.

I already asked the minister about the 42 additional FTEs and specifics about what that is.

The communications budget of the department is up by \$9,000. Could I get a breakdown, please, of how that money is being spent?

The performance measurements. Looking at the '01-02 annual report, the ministry did not meet the target for the number of eligible persons receiving legal aid services. If we can get a description of what was the problem and whether it's been addressed and how that appears in this year's performance measurements.

Client satisfaction with legal services. This target was also not met.

Finally, according to the discussion paper recently released for the single trial court, 18 percent of Albertans had very little confidence in this system and 60 percent had only some confidence in the system. I'm interested in what the minister is doing. I'm not keen and I'm on the record often about these sorts of popularity polls, these customer satisfaction polls. I'm very cautious around them. Nonetheless, it seems to have led through to the larger discussion that the minister is holding on the single trial court. So is there an anticipation of a performance measurement being included around that?

Mediation. I'm wondering if the minister is looking at increasing the payments to mediators that are available around the court system. That had traditionally been lawyers, and increasingly we're training people through a fairly rigorous system, I might add, to become mediators and arbitrators and do interest-based negotiation without the benefit of a legal degree. So that's good. We've got laypeople doing this. But the amounts that are offered are really low. Like, we're talking 50 bucks I think in a number of cases, which is very poor compensation for people who are expected to spend a fair amount of time preparing for the actual mediation outside of the time that they spend with the client. I'm looking for what's being anticipated there and whether there's any long-term idea to increase that amount of money.

The medical examiner's office. There was a capital budget that seems to have completely disappeared, and I'm wondering: was that a special project that's now been completed and has disappeared? I think it was \$109 million possibly. Anyway, if you can find it and respond to me in writing.

I also wanted to make a point of congratulations to the medical examiner for going the extra mile to incorporate additional information that people had given around gambling and whether gambling influenced a death, which has allowed us to start to take a wider look at the issue of gambling in society, and that was pretty prescient of them to start including that in the notes. [interjection]

A hundred and nine thousand. That's the one. It was in there last year and has completely disappeared, and it did exist prior to that as well, I think. So I'm just wondering what happened there.

The minister referred to the justice summit in his opening comments. I'm wondering how many of the recommendations that originally came out of the justice summit are still waiting to be dealt with or have some action taken on them. Where are we with that sort of checklist? Additionally, where are we with the recommendations that came out of the all-party committee that traveled about over one summer? I think it was chaired by the Member for Calgary-North Hill. There were a number of recommendations that came out of that. Where are we on that checklist as well?

The single court. Again this is a longer discussion. I did read the documents, but this is interesting because all of the discussion that had taken place was around the unified family court system. I don't recall anything that I had seen – now, I'm not privy to everything; I'm actually privy to very little. Why the investigating to move beyond the unified family court system to moving to a complete single court system? Do we not stand to lose some of our provincial autonomy? I'm very surprised to see this move coming out of this particular government given its ideology of, you know, fire walls and we want to do more in Alberta. A single court system I think – now, correct me if I'm wrong – is going to end up having to deal on a higher court than a lower court, so I'm interested in those choices. I'm also interested in what resources are being committed to the study or committee or whatever's going on here and whether these resources appear under the three-year rolling budget. What's in there? How do I pull it out? What resources exactly have been contributed to that?

So I think I've left about two minutes for my colleague, and I'll turn it over to him. Thank you.

The Chair: The hon. Member for Edmonton-Riverview.

Dr. Taft: Thanks, Mr. Chairman. I'll take the same approach with two or three questions here. If you could indicate to us how much of the budget is outsourced, as it were, to legal firms and for what kind of activities. Maybe some agents, prosecutions, legal advice, that sort of thing. Are we talking how many dollars are going to law firms?

5:10

The second question is on page 264 of estimates, line 2.1.5. Provincial civil claims is a very significant increase from last year, well over doubling of that line item. Some explanation would be helpful there.

Last but not least is communications, page 263 of estimates, line 1.0.3. Communications expenditures by the department, \$356,000. It's not a huge amount, but I'd just be interested to know: what's that going to? Is that going to some staff or programs or what? The second part of that question is, I suppose, how many Public Affairs Bureau staff are assigned to work with your own communications staff? So that's it.

Thank you.

The Chair: Hon. Minister of Justice and Attorney General, the chair would advise you that you have one and a half seconds.

Mr. Hancock: Thank you, Mr. Chairman. I think that should about do it.

The Chair: Otherwise, I'd have to go to another script and say that I hesitate to interrupt you.

After considering the business plan and proposed estimates for the Department of Justice for the fiscal year ending March 31, 2004, are you ready for the vote?

Hon. Members: Agreed.

Agreed to:

Operating Expense and

Equipment/Inventory Purchases

\$236,991,000

The Chair: Shall the vote be reported? Are you agreed?

Some Hon. Members: Agreed.

The Chair: Opposed?

Some Hon. Members: No.

The Chair: Carried.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I'd move that the Committee of Supply rise and report and beg leave to sit again.

[Motion carried]

[The Deputy Speaker in the chair]

Mr. Klapstein: Mr. Speaker, the Committee of Supply has had under consideration certain resolutions, reports as follows, and requests leave to sit again.

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 2004, for the following department.

Justice: operating expense and equipment/inventory purchases, \$236,991,000.

The Deputy Speaker: Those who concur with this report, please say aye.

Some Hon. Members: Aye.

The Deputy Speaker: Those opposed, please say no.

Some Hon. Members: No.

The Deputy Speaker: Carried.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I would move that we adjourn until 1:30 p.m. on Monday, May 5.

[Motion carried; at 5:15 p.m. the Assembly adjourned to Monday at 1:30 p.m.]

