



STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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**STANDING COMMITTEE ON INTERGOVERNMENTAL
AFFAIRS AND JUSTICE**

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Mr. Warren Michelson
Moose Jaw North

Mr. Warren Steinley
Regina Walsh Acres

[The committee met at 15:00.]

The Chair: — Welcome. Good afternoon everyone to the Standing Committee on Intergovernmental Affairs and Justice. And today we have sitting in, substituting for Doyle Vermette, we have John Nilson. We have with us Yogi Huyghebaert, Warren Michelson, Warren Steinley, Paul Merriman, and Doreen Eagles. And joining us today we also have Minister Tell and Minister Wyant. If everyone is in agreement, we will proceed with the agenda as planned.

General Revenue Fund

Justice

Vote 3

Subvote (JU01)

The Chair: — Okay, we will begin today's meeting by considering the estimates and supplementary estimates - March for Ministry of Justice. We now begin our consideration of vote 3, Justice, central management and services, subvote (JU01). Ministers, that you're here with your officials, please introduce your officials when they make their opening comments. And Ministers, if you would like to start.

Hon. Ms. Tell: — I certainly will, thank you. Good afternoon everyone. I'm pleased to be here to provide highlights of Corrections and Policing's 2015-16 financial plan and to answer any of your questions. I'm joined by a number of officials from the ministry today. With me at this table of course is my famous Deputy Minister Dale McFee. Our other officials include Dave Tulloch, Mindy Gudmundson, Monica Field, Dennis Cooley, Drew Wilby, Raequel Giles, Ron Anderson, Dale Larsen, Curtis Goodfellow, and Delphine Gossner.

Our plan identifies how we will grow safe and secure communities for Saskatchewan's citizens by providing effective crime prevention and intervention initiatives. By collaborating with the communities, justice partners, and other human service ministries, we will continue to develop strategies to prevent crime and victimization through early intervention, prevention, and suppression. With an innovative lens we will work to reduce the demand on the justice system while ensuring it is accessible to those who need it.

In partnership with the Attorney General, we are committed to delivering a responsive and responsible government by providing programs and services that make a difference in the lives of Saskatchewan's citizens. Working closely with community and government partners, we will achieve our objectives of justice, fairness, and accountability to the people of Saskatchewan.

Of the \$608 million in the ministry's 2015-16 budget, \$425 million will support the programs of Corrections and Policing. This is an increase of \$11.9 million and is 5.1 per cent higher than the previous appropriation devoted to Corrections and Policing.

The ministry received \$248,000 to support mental health assessments in our custody facilities. This funding will provide

resources that assist offenders to manage risks associated with mental health challenges while in custody. It will also ensure a strong reintegration plan with appropriate connections to their respective communities.

RCMP [Royal Canadian Mounted Police] funding will increase by \$7.7 million for 2015-16 to honour the 20-year agreement with the federal government for provision of RCMP services for Saskatchewan. It will also support work done by the RCMP to improve traffic safety in our province.

An increase in funding of \$1.5 million will further support municipal policing services participating in the traffic safety enforcement initiative. This includes Saskatoon, Weyburn, and Estevan. Federally supported funding of \$895,000 will be used in the first year of a five-year pilot called the northern integration initiative. It will address serious and violent crime in northern Saskatchewan.

The new living unit at the Prince Albert Provincial Correctional Centre will be completed by this fall. The ministry received \$4.1 million to support the operation of this unit. To realize the opening of this new unit, capital funding of \$5.7 million has been provided to complete construction of the new living unit at the Prince Albert Provincial Correctional Centre. This will add 72 cells or 144 beds to this facility.

We continue to make investments for other physical and IT [information technology] infrastructure. We've received \$1.4 million in order to purchase and upgrade the building where the Saskatoon Women's Community-Training Residence is housed. A further \$6.8 million will be allocated to continuing the implementation of an IT system for the ministry and maintaining our custody facilities.

We are also taking steps to ensure that the adequate funding is directed toward core programming to improve the effectiveness of the ministry in reducing reoffending behaviour.

This budget and the ministry plan will enable us to continue to work collaboratively with other ministries, other levels of government, police, and community-based organizations to achieve our shared objectives on behalf of Saskatchewan citizens.

These are the highlights, and I would be pleased to answer any of your questions. And before that, obviously I'll turn it over to Minister Wyant. Thank you.

Hon. Mr. Wyant: — Good afternoon everyone, and thanks for the opportunity of being here. I'm pleased to be here on behalf of the Ministry of Justice to provide the highlights of the Attorney General's 2015-16 financial plan, and of course to answer your questions. I'm joined by a number of officials from the ministry today. To my left, my deputy minister, Kevin Fenwick, deputy minister of Justice and deputy Attorney General. And there are a number of other officials with me today, and I'd like to welcome them and thank them for being here as well.

Our plan and budget will support the government's direction of keeping Saskatchewan strong. We are meeting the challenges of

growth and securing a better quality of life for Saskatchewan people through the delivery of a responsive and responsible justice system.

In partnership with Corrections and Policing, we will provide a better quality of life for citizens by enhancing public safety initiatives and improving access to justice services. As part of this, we will find innovative ways to deliver more effective and efficient legal services such as timely resolution to family and civil matters. We will continue to invest in meeting the needs of children, youth, and families through the Saskatchewan child and family agenda. We will also support the mental health and addictions action plan with improvements to mental health, addictions, and correctional services in Saskatchewan.

Of the \$608 million in the ministry's 2015-16 budget, \$183 million will support the programs of the Attorney General. This is an increase of \$623,000 and is 3 per cent higher than the previous appropriation devoted to the Attorney General.

There is a lot of important work that continues to support the government's goal of promoting safe communities. We are committed to improving the safety of our streets and highways, and part of that means strengthening our response to those who violate the law. That's why we are pleased to partner with SGI [Saskatchewan Government Insurance] on the traffic safety initiative.

We will continue to support victims of crime and adults and children in vulnerable circumstances: funding of \$272,000 for Kate's Place, a residence operated by the Salvation Army for women in the drug treatment court, as an example. It provides stable, harm-free, supportive housing for women who would otherwise be placed in custody. We are also helping women and children through further funding of \$210,000 to support the continuing development and in-year opening of the Melfort transition house.

Improving the access to justice services remains a priority for our ministry. With funding provided from the Law Foundation of Saskatchewan, the ministry will continue a three-year pilot to support families going through separation and divorce. The ministry also received funding to support the continued operations of the court system and core Justice programs.

We're also continuing to make investments in both physical and IT infrastructure. Capital funding of three and a half million dollars is provided to complete the construction of the addition to the Saskatoon Court of Queen's Bench to allow relocation of the family law division. Funding of \$207,000 will support the design of a new courthouse in Pelican Narrows. A further \$6.5 million will be allocated to either continuing or completing the implementation of IT systems for the ministry, expanding video court availability, and maintaining circuit points.

This budget and ministry plan will enable us to continue to work collaboratively with other ministries, other levels of government, policing services, the judiciary, community-based organizations, and the people of Saskatchewan to achieve our shared objectives.

In closing, the Ministry of Justice plays a key role in our province. While we are proud of our accomplishments over the

past year, we recognize there is still work to do. We will continue to collaborate with our government and community partners to achieve greater success in the delivery of programs and services. The funding for the 2015-16 fiscal year will ensure the ministry continues to play this vital role to the government.

Madam Chair, those are the highlights. And I am now pleased to answer any questions that any members of the committee have with respect to the '15-16 plan for the budget of the Attorney General or the Ministry of Justice. Thank you very much.

The Chair: — Well thank you very much, both Minister Tell and Minister Wyant. I'd like to put on the record that we started the committee meeting at 3 p.m. sharp and will be continuing on until 5 p.m. today. Are there any questions on the estimates? Mr. Nilson.

Mr. Nilson: — Thank you, Madam Chair. It's a pleasure to see everybody here this afternoon in a little more relaxed situation than we normally have. And so I have obviously a number of questions. I recall our conversation last year was trying to sort out how your budgets are interrelated, and I think this year there's a better picture laid out so that we can tell that the corrections side seems to be getting all the money and the policing. But that's I guess how the world works, is that even though justice isn't cheap, it ends up getting the short end on these funds.

My first questions relate to the overall organization of the justice budget. Can you tell me where some of the monies that used to be in Justice are now located? And I know a couple of years ago you called them sort of registration services or you called them regulatory agencies. And I don't know if I can tell where any of those expenses show up here, or maybe they don't show up at all.

Hon. Mr. Wyant: — Thank you, Mr. Nilson. Was there any one in specific that you had in mind? We can certainly talk about the creation of the FCAA [Financial and Consumer Affairs Authority of Saskatchewan] in terms of the regulatory work that they do now as a treasury board Crown, which is done, you know, on the consumer protection side. But was there anything specific that you were . . .

Mr. Nilson: — Well I guess it was to maybe explain how many of these different things have moved out of the justice budget into the FCAA. That's one place. There's also obviously the whole, all the ISC [Information Services Corporation of Saskatchewan] dollars that have moved out.

But just give me an overview of what's happened over the last five or six years because it's been a fairly substantial change in the picture that we see here but not in the work that's being done, if I can put it that way.

Mr. Sobotkiewicz: — Roger Sobotkiewicz, acting Chair of Financial and Consumer Affairs Authority. In October 1st, 2012, the Financial and Consumer Affairs Authority was established as a treasury board Crown corporation. Currently housed in the FCAA is the administration of *The Securities Act*, so that's regulation of the securities industry, regulation of the

insurance industry.

We also administer *The Trust and Loan Corporations Act*, *The Mortgage Brokerages and Mortgage Administrators Act*, *The Payday Loans Act*.

We have responsibility for the consumer protection legislation in the province, including *The Consumer Protection and Business Practices Act*, *The Film and Video Classification Act*, *The Direct Sellers Act*, *The Motor Dealers Act*. And there's various other consumer protection legislation falling under our jurisdiction as well as *The Pension Benefits Act*.

We have oversight responsibility for *The Real Estate Act*, and we're also responsible for administering *The Credit Union Act* as well, regulating the credit union sector in Saskatchewan. I believe that's the majority of them.

[15:15]

Mr. Nilson: — I'm asking this question because we're dealing with the budget for Justice, and when I look at your operational plan, all these things that were just described now are the core I think of one of your first ministry goals, but there's no budget or there's no report because they've all been moved into this agency. So how many dollars are being spent in all of these activities that are now in the FCAA? And obviously they are being funded by revenues that flow to FCAA. But I think it's important that we see that the budget for Justice isn't just the money that's here; it's all these other dollars. Because the number one point that the whole department, your whole operation has is all of these things that aren't on the books.

Mr. Sobotkiewicz: — The 2015-16 fiscal year budget for FCAA shows a revenue, projected revenue, of nineteen and a half million dollars approximately. The expenses are approximately 9 million as well. So that should result in a \$10.5 million surplus.

Mr. Nilson: — And that surplus then goes to Finance for other purposes or is it retained within the agency to accomplish some of the goals that you have in your ministry plan?

Mr. Sobotkiewicz: — It's paid as a dividend to the GRF [General Revenue Fund].

Mr. Nilson: — Okay. Well I appreciate that, but I just think it's a bit curious that you've set out a whole mission plan and your number one goal, none of the dollars that are listed here show up anywhere in the budget.

Hon. Mr. Wyant: — Well the Ministry of Justice has overall responsibility for the FCAA as a treasury board Crown, so that's why it's presented in the operational plan of the ministry.

Mr. Nilson: — I mean just I think it may be helpful to actually append all that and have it clearly referenced here, because when I went through your key action strategies, I mean virtually all of them are in the FCAA and not in the ministry. With the FCAA, clearly on the legislative drafting side a lot of that work is done within the Ministry of Justice around the legislative changes that are happening around *The Insurance Act* or with some other areas, so I'm assuming that the organizations are

pretty integrated in how they operate. Would that be an accurate statement?

Hon. Mr. Wyant: — Yes, that's an accurate statement.

Mr. Nilson: — Are they all co-located? I don't know exactly where everybody lives these days.

Hon. Mr. Wyant: — The FCAA has their independent offices which are not co-located with the Ministry of Justice. They have separate premises.

Mr. Nilson: — On a project that relates to the insurance Act, which we see and we're going to be continuing to talk about, is that one where most of the policy work is done at the FCAA or most of the policy work's done in Justice?

Hon. Mr. Wyant: — The work on the insurance Act is really, I guess we could describe it, a partnership between the FCAA and the Ministry of Justice. Certainly there's lots of work that's done by our ministry to support the work that's being done at the FCAA in terms of the redrafting of the insurance Act.

So I think I'd describe it more of a partnership in terms of the relationship between Justice and the FCAA when it comes to that particular piece of legislation or in fact any legislation that's dealt with by the FCAA. And I'd use an example, you know, any pension legislation of course we have some input when it comes to the drafting of those, any regulatory changes that come forward. The actual drafting is done in-house at the Ministry of Justice.

Mr. Nilson: — Okay. So arguably the 10 million that you pay over to the GRF is actually funding some of the Justice work that's there, which I guess is very reasonable.

Now I'm just asking that kind of a question because sometimes it gets more and more difficult to figure out how some of these things work on the face of the documents, and maybe that it makes sense someplace to say, well this is, you know, what we're responsible for. And I think you try to do that in your operational plan, but then the budget amounts aren't here.

With the work that's being done in the whole area around supporting business, which is this first goal that you've got in Justice, is it primarily related to the FCAA work or are there other projects that are being worked on that are of assistance there?

Hon. Mr. Wyant: — I think it's fair to say that the majority of the business-related items are dealt with through the FCAA. Certainly there are some that occur with the Ministry of Justice. I'll use the common business identifier as an example of something that might be done within our ministry, from a legislative perspective. But generally speaking, from a consumer protection perspective, it's all done over at FCAA. So the business-related perspectives, elements of that are all conducted at the FCAA.

Mr. Nilson: — Now looking at the Justice side of the budget, and I'll talk again about the Corrections and Policing side a little bit later, but on the Justice side it appears that it's basically a status quo budget. There's not much up or down. Would that

be an accurate reflection of what's happening here?

Hon. Mr. Wyant: — We had a modest increase in our budget on the Attorney General side, that's correct.

Mr. Nilson: — Okay. The one thing that jumped out at me on the numbers was basically the costs for the justices of the peace. Could you explain why that was such a dramatic reduction in the budget, maybe?

Hon. Mr. Wyant: — Sure. Well as you recall, and I think we had this discussion last year, Mr. Nilson, we established an independent commission to establish the remuneration for justices of the peace so as to ensure the independence of the judiciary, as the Supreme Court has required us to do. So as a result of that commission, the justices of the peace salary are now tied directly to the remuneration payable to Provincial Court judges.

So last year's budget contained an estimate in terms of what we thought the number would be for last year. We overestimated that number by about \$1 million, and so that's why you see a reduction in the budget this year. In fact, JP [Justice of the Peace] salaries will be going up this year as a result of the settlement, or as a result of the commission recommendations which were accepted by the government on the Provincial Court salaries. So as a result of the increase in the Provincial Court salaries this year, the JPs will actually be getting an increase. So that's a budget adjustment as a result of an overestimate in terms of what we thought we would need next year in last year's budget.

Mr. Nilson: — Well it's not exactly the explanation I expected, but it's better than the other way, I think, an underestimate. Now the discussion in December around sort of a hiring freeze, how does that affect these statutory amounts for judges and justices of the peace? Are they caught in the same sort of I guess ice, if I can put it that way — a December term — as everybody else?

Hon. Mr. Wyant: — They are not. Those salaries for the Provincial Court judges and the JPs, as I'd mentioned, had been established by an independent commission. The commission sets those and recommends those salaries to the Government of Saskatchewan. So they were not affected by any freeze which executive government otherwise imposed.

Mr. Nilson: — So are there any other jobs within Justice, both sides, that have that same kind of special insulation, if I can put it that way?

Hon. Mr. Wyant: — Just the judges and the justices of the peace who would be exempt from the freeze. Everyone else within executive government would have been caught by the . . . in the Ministry of Justice would have been caught by the freeze.

Mr. Nilson: — Okay. At the same time, I understand there was a hiring freeze. Is that correct? I'm assuming that's correct. And can you explain how that's affected what's happened in your department? I know that in other areas it's been quite a difficult thing to manage because people are retiring in key spots and it's hard to replace them.

Mr. Fenwick: — Yes, certainly. As you're aware, there was a hiring freeze that was in place, and we managed it. What essentially it meant was nobody was let go; nobody was laid off as a result of that. But when vacancies occurred, we did not fill the majority of those vacancies during the period prior to April the 1st.

There certainly were a number of positions that we did fill. Front-line positions, positions dealing with vulnerable people we did go ahead and fill. There was a process that we engaged in that identified in advance a number of those positions so that if there were vacancies in those positions, there was a blanket exemption, if I can describe it as that. For other positions that were not front line and would not have as immediate an impact, we simply left those positions vacant and will now be moving forward to fill those positions as needed.

Did it mean that our folks who were still working had to work harder? Certainly. Would we have preferred not to have to deal with it as civil servants? The answer to that would certainly be yes. Having said that, I think I'm confident in saying that there were no significant direct impacts for citizens because the front-line service was maintained.

Mr. Nilson: — Now I assume that applies right across both ministries. So that some of these issues around closures of facilities, were they sped up as a result of the freezing of positions and no rehiring? Or did it affect that at all?

Hon. Ms. Tell: — No, they weren't sped up as a result of the hiring freeze at all.

Mr. Nilson: — Okay. Well then I'll ask a question specifically about the Besnard Lake facility. I mean it appeared to be the information in the community that that particular project would be going ahead again once everything had been repaired, which I think was in the fall, and that something intervened to delay its reopening. And I think it's still not reopened. So perhaps you could explain how that decision was made, and confirm whether the hiring freeze was part of this or not.

Hon. Ms. Tell: — Okay. I'm going to answer the first part of the question, and then I'll turn it over to Dale McFee. The reduced custody revitalization project was initiated in December of 2014. So as you can see, it had nothing to do with any hiring freeze. This project will examine the use and operation of all the reduced custody facilities while at the same time exploring if other options are available to deliver this client, client-centred focused services. Besnard Lake Camp is a part of this review.

Mr. McFee: — The other thing, Mr. Nilson, just to add to this, is in relation to Besnard, we have to, as you're aware, stop looking at these places as individual and how they fit into the continuum. So in the summer of 2014 we started with a population management strategy, obviously to try to balance our counts which, as you know, were very low in YO [young offender] and very high in adult.

[15:30]

And then it basically progressed, and as we brought things online, so like two weeks ago, a unit that had been previously

closed at the Prince Albert Correctional Centre opens. July '15, Orcadia will open as a custody adult male facility with a focus on jobs and training, as we mentioned before. And then in October '15, PACC [Prince Albert Correctional Centre] comes online with 144 beds. And then in October '15, we have Besnard scheduled to come back online, or unless there's another option in relation to a CTR [community-training residence] in the North. But as the minister has said, we're very much committed to a CTR in the North, but what we really have to do is look at all these facilities in a collective, and how we manage the population counts of such. As you know, very much so when you're talking about population counts, they're basically driven by remand.

So there's a whole bigger question in relation to all these facilities that has a study that's being undertaken that ties them all in together in relation to that. And the commitment for Besnard and a CTR, whether it's Besnard or another one, one or the other will come on stream because there's a commitment to a CTR in the North.

Mr. Nilson: — Okay. Well thanks. And this is an ongoing conversation, I guess is the best way I can put it. One of the questions that arises, it relates to the decisions that are made about the overall system. But I think the goal, when I looked at the plans for the ministry, included attempts to address this remand issue because it's basically, I would say, primarily on the Justice side that the Corrections side has to pick up the pieces of because it relates to the courts. It relates to the prosecutions. It relates to policing, but the policing decisions get the people into the system, and then what happens from there is important.

So do you have a strategy to deal with this that you can describe now, or is this something that you're working on? Or perhaps you can explain, you know, what you're planning to do. I think it's under your category here of trying to meet with growth. Would that be the right place? But can you explain? I mean clearly a whole number of initiatives that you're working on relate to it, but this specific issue around remand has, you know, just grown to be an overwhelming one, it seems like, for the whole system.

Mr. McFee: — Mr. Nilson, as stated, you're right in relation to remand. And does the province or does our ministry have a strategy between the AG [Attorney General] and between CP [Corrections and Policing]? The answer is yes. As you look at this from an economic perspective, then you start to drive into remand.

We're looking at roughly sentence counts grown since 1998 by 2.1 per cent, and remand has grown by 89.1 per cent. And when you basically look at that 58 per cent of remand is serving 1 to 14 days, as a partnership between CP and AG, we are going to dig into that and look at what practical solutions are out there that we can actually start to reduce this demand.

We've also had an economist look at this and we expect the report out within the next week. And that will also put a dollar value or value for money on this and then actually where we can actually focus on. Because as you also know there is no programming on remand, so it becomes cyclical.

So the answer to fixing our prison population, as you mention in relation to prisoner counts, really is about dealing with remand which is up to 40 to 50 per cent of our counts on any given day. And that's where the ministry has put the remand as one of its big six priorities and where the strategy looking at that to be implemented in the very near future and to obviously work with our partners right across it.

As you mention, it's not just the judicial. It's not just the prosecutions. The policing, corrections, all have a role in this, but there are some practical solutions that we'll be looking for in the not too distant future, because this is really what sentence counts are based on.

Mr. Nilson: — So does this then include a review of the sort of prosecutorial policies which are, you know, generally Justice issues? I know specific ones are dealt with by the director of Public Prosecutions, but the overall policies are driven, I think, from the minister. So perhaps you could explain what's happening there.

Hon. Mr. Wyant: — Sure. Well you know that a lot of remand is driven by time to trial. So we need to work very, very hard on developing strategies that is going to reduce the time to trial. So what we do is we work with Justice and Legal Aid, prosecutions in the judiciary to determine, to look to see what strategies we can put in place to reduce the time to trial, and we have been successful on that. There's a lot more work to do, but we do have, we do have consultation, ongoing consultation, to develop strategies to try to reduce that time to trial. And if we can reduce the time to trial in significant numbers, then we're going to naturally reduce the number of people that are on remand waiting for trial.

Mr. Nilson: — Can you give me any idea of how many of these remand, people in remand, are there because of a breach of a procedural issue as opposed to the original crime?

Hon. Mr. Wyant: — 20 per cent.

Mr. Nilson: — 20 per cent on the procedural side?

Hon. Mr. Wyant: — Yes.

Mr. Nilson: — Well I mean that's something to work at for sure, but I mean it just seems like each year it's got a little worse. And so, you know, I applaud any work that you can do, but I think we need to ask questions. I know that in some of the states in the United States — Texas, California — they've basically gone . . . I mean what happened was it tipped for legislators when their corrections budgets were higher than their school budgets, their education budgets. And we're a long ways from that, but I think we'd all rather spend money in the schools than in the jails and in the whole prosecution court system. So can you give a little more explanation of what you're going to do?

Mr. Fenwick: — Sure. We are going to spend money on the schools. Some of it we could spend on schools in the jails actually, which would help us as well as we increase funding for programming. But certainly there's a tremendous opportunity by way of joint responsibility for the changes that you're talking about. And so for example, one of our initiatives

right now is to take Meadow Lake and the court points that are served out of Meadow Lake, which is where we have historically had some of the most, the greatest challenges with respect to what we used to call time to trial — we're actually calling time to resolution now — because one of our issues is that matters get adjourned for months and months for trial and then end up pleading out by way of a guilty plea the date that was scheduled for trial.

So what we're doing is we're convening a joint working group that involves legal aid, prosecutions, our court staff, the judiciary, and the police. And we're bringing all those people together to start at the beginning of the process, follow someone that would go through the system, and say, where can we reduce the time here and where can we reduce the time here and where can we reduce the time here? And I think it's a joint responsibility.

So I think that from the police perspective, we need to look at things like more pre-charge diversion rather than post-charge diversion for cases that could be diverted. For the prosecutions, we need to look at things like proactive disclosure. From the legal aid side, we need to look at better use of video conferencing so that legal aid lawyers, for example, have an opportunity to speak with their clients before they show up on the court date, and I think we can do that.

Our goal is . . . Legal aid has done some great work in Saskatoon with the use of duty counsel where they've been able to, with the use of duty counsel, have issues with respect to remand resolved 84 per cent of the time at the first court appearance, and that's very, very good. I'll share one number of . . . We're just getting started with our Meadow Lake project, but on a quarterly basis we receive numbers from the chief judge of the Provincial Court in terms of how long it is before matters can be scheduled for trial. And over the course of the last year out of Meadow Lake, that number has been reduced from 250 days to 121 days.

Now not all of those people would have been on remand, but some of them would have. So I think what it demonstrates is by shining the light on this and making a conscious effort, we can have an impact. I believe we can significantly reduce the time to resolution by having everyone take some responsibility. So right now the strategy is to bring those people together, have everybody accept some responsibility for it, have everybody do their piece, and we believe we can have a very significant impact in a relatively short period of time.

Mr. Nilson: — So are federal government officials involved in this as well?

Mr. Fenwick: — We have not engaged the federal government at this point either at the prosecutions level or at the policy level, but down the road, that would make all kinds of sense.

Mr. Nilson: — How much of an impact are the people on the . . . you know, with federal prosecutions involved in the whole situation? I mean obviously they're ending up in the remand too.

Mr. Fenwick: — Our director of prosecutions tells me that the number's about 10 per cent in terms of the number of charges

that come before the courts that are handled by the federal prosecutions office. So I mean they're a relatively small player in the big picture. Having said that, Daryl Rayner just indicated to me it is our intention to bring them into the discussion as we move forward.

Mr. Nilson: — The reason I ask that, often they're the more serious charges, so actually people will end up in remand for longer. What about the involvement of, up in Meadow Lake, the Meadow Lake Tribal Council or the First Nations? Are they involved in this process as well?

Mr. Fenwick: — Yes they will be, because a number of the players that are involved in these kinds of processes are actually CBOs [community-based organization] that we contract with that are either the First Nations or work with the First Nations. So they will absolutely be part of those discussions.

Mr. Nilson: — Okay. Well I appreciate your comments and we'll look forward to a report. I mean, I think that's the kind of thing that you might even want to give a little bit of an example in your Justice department report, because sometimes people don't understand why things cost as much as they do for certain areas, including in the correctional side because you have — what is the number now? — about 55 to 60 per cent that are on remand in your system?

Mr. McFee: — Thirty-six today.

Mr. Nilson: — Thirty-six per cent today. Well that's better than it was a few months ago, so that's a good sign. But it is, I know, cyclical. I know that the facilities themselves have been stretched to the limits. And so you've explained some of the new places that are coming on board or places that are being retooled. It was quite a surprise to me that the people from the Besnard camp ended up in the gym at the women's jail. Can you explain how that came about?

Mr. McFee: — So in relation to Besnard, obviously you're aware that the fire transpired and we had to move some folks out of there. So we moved them to PACC. PACC got into a crunch with their numbers. Pine Grove had extra room so the gym at Pine Grove, the honour dorm, was a natural spot. It's obviously secure, away from the other offenders. So we used that as vacant space, up to 20 offenders, and as a result used that as extra spaces that we could to offset the numbers. The people that were actually in Besnard, as you're aware, have long since left the system.

Mr. Nilson: — Is the gym still being used at PACC? . . . [inaudible interjection] . . . So this must be new people.

Mr. McFee: — Yes, I mean, but not related to Besnard.

Mr. Nilson: — Okay. So what's the plan as far as returning that facility or that gym to its original use which would be obviously prisoner activity?

Mr. McFee: — That's exactly what I was getting to on that population management and all those steps. I mean obviously the next step is Orcadia comes online. As more come online we have the ability to focus our times and attentions on the jobs and literacy and we have the ability to move people around.

And it's a whole step process. And when PACC comes online, that's another 72 cells with 144 beds. So as a result it's all being stepped, and those things will obviously take a lot of these pressures away with everything up and running.

[15:45]

Mr. Nilson: — So basically now the system is at full capacity. So does that mean that all rooms are double bunked? Are there any triple-bunk rooms?

Hon. Ms. Tell: — The utilization rate throughout the province of Saskatchewan is . . . [inaudible] . . . average of 93 per cent within our secure facilities, and there is no triple-bunking.

Mr. Nilson: — Okay. Thank you. But the new facilities design, double-bunking, what arrangements are being made for the prisoners that have mental health issues in some of your new facilities, or are there some designated to deal with mental health issues? Because I know that's still probably a pretty high percentage of the people that are there.

Hon. Ms. Tell: — I'll just give you a little bit of what's going on within our correctional facilities today . . . well in 2013. That's the latest we have the statistics.

A snapshot of the offenders determine that 19 per cent of male offenders have a confirmed mental health diagnosis, of which 6 per cent either had psychotic disorders, including schizophrenia or bipolar disorders.

Thirty-three per cent of the female offenders have a confirmed mental health diagnosis, of which 12 per cent either had psychotic disorders, including schizophrenia or bipolar disorders.

Obviously we recognize that the mental health of inmates is a big concern and, you know, as such we are looking at the hospital facility, the combined hospital facility in North Battleford, as a possible integrated mental health complex that will provide therapeutic services to offenders and health care patients with mental health issues. That isn't going to be on stream until 2018. And there's, you know, I mean we have to plan for and build a specially designed facility in order to address the issues of mental health inmates.

We've also, as a result of what we're seeing within our facilities, have increased the numbers with respect to the mental health assessments of inmates themselves. And what that will do is that if we know what we're dealing with, then we can hopefully access the appropriate treatment plan or treatment services for that particular inmate. So I mean we do recognize what's going on and, you know, we're addressing it as best we can.

Mr. Nilson: — Does this budget give you sufficient resources to deal with these patients? And we know that, you know, psychiatric services generally in the province are stretched. But do you have sufficient staff dealing with some of these issues within the system?

Hon. Ms. Tell: — Well we know that mental health is the number one risk factor. When we're dealing with our Hubs

throughout the province of Saskatchewan, mental health is number one. I mean we're working with Health in relation to how we're going to proceed. You know, the community services are being looked at as we speak, trying to ensure that we have appropriate services within our communities that our inmates can access. And yes, so I mean we are addressing it. We are working with Health, trying to see here where we can, you know, each serve . . . They could serve the Health population and still serve the inmate population with the related mental health issues. So it's a challenge; there's no question about that one. And trying to find and get the appropriate services within the community is going to be challenging going forward, but we're committed to looking at what we can do.

Mr. Nilson: — So right now are there dedicated mental health professionals within the correctional system that complement or work with the people in the health authorities, or are you using the same people in both situations?

Mr. McFee: — We currently have contractors in the facilities. And as the minister said, just to kind of set the tone on priority, there is the big six going forward. Mental health is one of our obviously leading issues, risk factors that we have to deal with: two times more likely to be involved with the police, most vulnerable population to reoffend, most vulnerable population to go non-criminal to a criminal in one distinct act if not treated for, cared for, medicated. Up to 40 per cent of some police services report that their calls are mental health services. So this is a major priority.

We do have things in the facilities. We also are equipping the Hubs and working, as the minister said, in priority to try to go upstream because the real issue here is to reduce the demand on services and not specifically focus on the back end. So we're using a balanced approach for this, and of course obviously we have a reliance on Health for a lot of those services on a contract basis.

Mr. Nilson: — So where would those contracts show up in the budget? Like is it just under the corrections line, or is it some other place?

Hon. Ms. Tell: — It'll be under operational dollars.

Mr. Nilson: — Under operational dollars. Like are these contractors local, you know, providers within Saskatchewan, or are they national corporations? Or who's providing these services?

Hon. Ms. Tell: — Yes, we have contracted locally psychologists, psychiatrists, whatever is required, and they're all local people.

Mr. Nilson: — And are they individual contracts, or do you have a contract that provides a province-wide service? Or how does this work?

Mr. Rector: — Dr. Rector from Corrections and Policing. As the minister and Dale McFee identified, one of the focuses here is, what are the services in the community, and as it pertains to mental health programs, to assist in stopping the cycle of going back and forth between community and corrections. So one of the programs that we fund as a ministry is with the Canadian

Mental Health Association. And we fund four positions that we work with in a coordinated, integrated case-management system that focuses on offenders who have a history of serious violent offending and significant mental health issues. And those workers are in Battleford area, Saskatoon, and Regina.

So they're selected on the basis of significant history of both mental illness and of a history of violence. And the evaluation of that study, of that whole program, has been very positive in having a significant impact on reducing ... These are individuals who literally spend half their life in custody. And those individuals, they may reoffend but their severity of reoffending is significantly reduced. So it's more like breaches as opposed to assault with an axe, and their time in custody is maybe 7 per cent versus 50 per cent of their life. So that's a template. This is a new program. It doesn't exist at that level that we were able to find anywhere. So I think this is a significant advancement as a model.

Within custody facilities themselves, they're there for short periods of time. So to think about treatment in terms of long-term treatment on average of a 60-day sentence is a waste of money. You don't want to be doing parallel systems in custody of trying to replicate health systems. So I think that's why the reason for the North Battleford is to ... It's an integrated fashion, so it's leveraging the health system and its expertise, not trying to develop it within custody on a short-term basis. Having said that, there's nurses, registered nurses, registered psychiatric nurses, there's doctors under contract with all the facilities to monitor and to do the short-term medical maintenance. But what happens when they go back to the community? That's really where the challenge is and that's where we need to problem solve. And that's where this problem solving is starting to happen.

Hon. Ms. Tell: — If I can, I just want to continue on with the discussion with respect to mental health, and Minister Wyant has a few comments.

Hon. Mr. Wyant: — Thanks. As I mentioned in my opening comments, we support the mental health and addictions action plan. One of the ways we do that is through our mental health court. We have a mental health court in Regina and Saskatoon. As you know, Mr. Nilson, that's part of our therapeutic court strategy.

So that's really part of the upstream approach, seeing if we can deal with offenders before they get into the system by providing services and, as you know how the operation of the court works, they'll plead guilty. And based on a referral from prosecutions, they'll plead guilty and then they'll be set up in a structured situation where there's counselling and things. So that's kind of our upstream approach to making sure that, to the extent we can, through the mental health court, that people are kept out of the system. So I wanted to just make sure that comment was on the record.

Mr. Nilson: — Yes, I appreciate that. Now if I remember correctly, there used to be more extensive community justice or community workers. Is that more done by the contracting kind of groups now? Maybe I'm, you know, totally wrong on this, but there were often social workers who were part of Corrections that actually worked with people after they'd been

released. But I notice one of the areas where there was some kind of a change or not much movement in the budget was the community justice expenditure, and I was wondering what that reduction would be — community services, I guess.

[16:00]

Hon. Ms. Tell: — To add our piece to this, when an inmate is on probation, after they've served time or whatever, the probation officer has the ability to refer their client to whatever mental health services that they have available in that particular community. So that's about the only thing I can think of, unless there's something specific that you're looking for in our side. I'll turn it over to the courts.

Mr. Nilson: — I guess my question relates to a whole number of different things that are there that aren't, I mean, that maybe used to be there when the system was kind of designed to get people out of jail as fast as possible into community supervision, which would be, I guess, probation. So has that expanded, or has that contracted, or is that why more people are held in the correctional system? Something's changed. And I mean, I know there's a general attitude of, well we've got them in jail; we don't have to worry about them on the street. That's from a citizen perspective, police perspective, you know, a prosecutor's perspective, but sometimes it also means when they do get out, they're back there right away.

Hon. Ms. Tell: — We spoke a little bit about the review of remand and some ways to try and address it. You'll see here that, you know, it's all intertwined into our community, you know, our conditional sentences.

So in this year, '14-15, we had 7,045 on probation and conditional sentence. Fifteen hundred of those are dealing with bail. So you can see here how the counts with respect to the remand, it affects the whole system. Like it's not just how many people we have in jail. You take it further, extrapolate from there, move from there, and you can see here the impacts throughout the entire system. Hence the reason why we need to address it. We need to come up with strategies to try and reduce the number.

Mr. Nilson: — And so that's people that are not able to pay bail to get out. Is that what you're saying? Are there any issues around the victim services fees that are tied on top of fines? Does that add anything into this? Hopefully it doesn't but ...

Hon. Ms. Tell: — No, this is just bail supervision. This has got nothing to do with a fine.

Mr. Nilson: — Okay. So I guess my specific question earlier was that there appears to be about almost half a million dollar reduction in the community services allocation line on page 90. And that appears to have a lot of programs that would address some of the issues we're talking about. So what was cut back in that half a million dollar cut?

Hon. Mr. Wyant: — There was a \$489,000 decrease to the branch budget, which was a decrease of ... There was a decrease of \$981,000 for transfer of sexual assault program grants — that's the interpersonal violence and abuse program unit — to the Victims' Fund. There was an increase of \$10,000

for salary administration, \$272,000 for Kate's Place, and \$210,000 for the Melfort transition house, which results in a \$692,000 increase including the extra \$200,000 which was added to the budget.

Mr. Nilson: — That's different than the numbers that are in the book. How does that work?

Hon. Mr. Wyant: — Kevin will explain.

Mr. Fenwick: — What doesn't appear in the same place in the book is that we took one program last year, and that was funding for the sexual assault centres in the province, which is slightly less than \$1 million, and we are now funding that program out of the Victims' Fund. When we moved it into the Victims' Fund, we also gave them an increase of \$200,000, so a little bit more than a 20 per cent increase. So although it came out of the community justice, regular justice budget line, it actually was a 20 per cent increase for the sexual assault centres.

Then in addition to that we provided 272,000 for Kate's Place, 210 for the Melfort transition house, and about \$10,000 for administration costs. So including the sexual assault centres — so we're comparing apples to apples — it's actually a net increase of \$692,000 to those programs.

Mr. Nilson: — Okay. I understand that. And I think the other movement of money relates to my questions last year about how much was in that fund and how if you didn't start using it, Finance would come looking for it. So that's a good place for it to go. And unfortunately the way the books are set up, we can't always keep track of that. So effectively there's \$1.6 million . . . Well it works out to 1 million, less the 400 or 500,000, and so it's actually an increase.

Mr. Fenwick: — Yes.

Mr. Nilson: — Okay. Well that's interesting but complicated, and you're not the only ministry that has those kinds of issues.

I was curious to go back and look at some very important reports that our Ombudsman gave back in 2010. And at that point, there was an issue about 20 inmates being moved into the gym, not at the women's jail but in the men's jail. And it was ultimately, it says, resolved because there was some work. So anyway it may be that the whole department needs to go and take a look at the wise words of the Ombudsman over the years.

I know in the 2011 annual report, he says this, that:

Perhaps what is most significant in the long term, however, is the fact that every time a classroom is converted into a dormitory, every time resources must be reallocated away from education and training for prisoners, and every time correctional centres are reduced to just guarding inmates, our jails take a step backward.

And I think we all agree with that. It's just a question of, practically, how you get there. And I think you've got to . . . Well I just encourage you to be unrelenting in working to get more space for people, more ability, I guess, to have these remand people in and out faster. Because it's not good for our

community to have so many people tied up.

Hon. Ms. Tell: — Well no, and that's why we're talking about this remand issue, a significant impact within our correctional facilities. And it isn't about building more jails or more facilities. It isn't about that. It's about addressing the remand issue.

It's about, you know, looking at the intake into our system through our CORs [centre of responsibility] and Hubs, you know, reducing that demand on to the system. I mean, it's a multi-pronged approach; it isn't just one thing. But we're certainly not interested in building any more facilities.

Mr. Nilson: — Even though you've got one coming on stream this year.

Hon. Ms. Tell: — Well yes, I'm talking about from today forward.

Mr. Nilson: — Yes, yes. Okay.

Hon. Ms. Tell: — That's been on stream, that's been in the works for a number of years.

Mr. Nilson: — Yes. And I mean, I appreciate how hard this is, but I think you have to keep asking questions. And that's my role now, to ask questions around this. Now what's interesting, being the person who gets to ask the question, is it's hard to choose who to ask questions of next, other than I know I can ask the ministers. They have the ultimate responsibility.

But one of the items in your mission plan relates to, I guess I can't remember the official name of that document, but it relates to the plan for 2015-16, relates to a number of activities to improve access to justice. And that's some of the things we've talked about already, which is, you know, the time to resolution of pilot project Meadow Lake, and some of the other things. But then one of them is *The Fee Waiver Act*, which we've talked about and dealt with already in the session. And you know, I think that's a good piece of legislation. I guess it's already right on down the road.

But one of my question relates to some of the proposed changes to *The Class Actions Act*, which we've got. We haven't dealt with that one yet. But one of the, I think, advantages of our Saskatchewan system was this access-to-justice issue which didn't have the chill of costs being awarded, or the threat of costs being awarded against either plaintiffs or defendants in that process, but specifically the plaintiffs. And so I was wondering if there was any discussion about keeping that kind of special spot that we have in Saskatchewan, along with a few of the other provinces, where if you do start one of these kinds of cases you don't have the threat of costs being awarded against you.

Hon. Mr. Wyant: — Well thanks for the question. We did some considerable amount of research on this particular piece, and looked at what the legislation was like in other parts of the province. And we were concerned, you know, with respect to making sure that people had access to justice, but at the same time making sure that certain lawsuits, frivolous lawsuits or perhaps lawsuits that were just being launched for the purposes

of . . . or being launched in Saskatchewan because of the fact that we had a no-cost jurisdiction.

So as you'll know, the legislation does contain some exemptions, for instance, and I'll read them out: if there's something in the public interest; whether the action involves a novel point of law; where the action is a test case; access to justice for members of the public using class action proceedings; any other general factors that the court might consider appropriate from a cost perspective.

There's a number of class action lawsuits that have been commenced in Saskatchewan that perhaps don't have a connection to Saskatchewan but were commenced here simply because of the fact that we had a no-cost jurisdiction. So we think that this creates a fairly reasonable balance on the cost side. And after looking at what other jurisdictions have done, as I say, I think it creates a good balance.

Mr. Nilson: — Well the reason I asked this question is that one of the advantages of Saskatchewan was clearly that no-cost perspective and the fact that we have — at least most of these cases are civil cases that are involved — and we basically have, you know, a pretty good set of lawyers, both sides, and courts that are ready to take these cases. In a way it's almost a method of creating more business for the courts. But it struck me that, with this particular piece of legislation, you're cutting back on that perspective of, well let's have some of these cases come to Saskatchewan because we're proud of our judges and our lawyers, and let's have them resolved here even if they have little connection here.

Hon. Mr. Wyant: — Well my perspective on it and the ministry's perspective on it is simply that we wanted to come up with some kind of a balance. It certainly follows the legislation in Alberta and a number of other provinces that try to balance out the issue of bringing frivolous and vexatious claims without having to worry about the issue of cost against the access-to-justice piece. And as I said before, I think we've reached a good balance with this piece of legislation, and it mirrors legislation in other provinces which has worked in those provinces.

Mr. Nilson: — Okay. Well I understand your perspective. In the legislation itself it says it applies to existing, present, and future lawsuits. Are there any existing lawsuits that this is specifically brought in to deal with?

Hon. Mr. Wyant: — No.

Mr. Nilson: — No. Okay. I didn't think so, but I thought I should ask. And you know, did you look at the question of the fact that we do have courts that are available and lawyers that are available to handle these cases and that this may restrict the number of, sort of, national or international cases that come here?

[16:15]

Hon. Mr. Wyant: — Well maybe I'll answer the question by saying this: we consulted with the judiciary and with the Law Society with regard to the change in this legislation. So as a result, the legislation didn't come without having the

appropriate amount of consultation when it came to drafting the provisions of it. So I guess specifically to answer your question, the legislation wasn't drafted to relieve any . . . It wasn't drafted in the context of the courts or lawyers in the province having excess capacity to take these cases, if that answers your question.

Mr. Nilson: — So it didn't even talk about that topic when you were dealing with this then.

Hon. Mr. Wyant: — Well we consulted with the judiciary and the Law Society when it came to drafting the legislation, and that consultation went into our decision when we decided to bring the legislation forward. We didn't bring the legislation in because we were concerned with the capacity issue of the courts. That wasn't the reason that we brought this forward. We wanted to bring this legislation forward so that we could create a balance between access to justice and ensuring that frivolous and vexatious suits weren't coming before the court.

Mr. Nilson: — So how many cases that you would consider to be frivolous and vexatious have been before the courts over the last, I guess it's probably eight, nine years?

Hon. Mr. Wyant: — Well I'm not in a position to be able to comment on what cases were frivolous and vexatious. We'll leave those decisions to the judiciary to decide.

But certainly when class action legislation . . . And you will know this from your time as minister. Most jurisdictions had no-cost legislation. And they've all moved generally in this direction. And so Saskatchewan's not unique in moving in this direction, away from a no-cost jurisdiction. So it is consistent with many other jurisdictions in this country.

Mr. Nilson: — Okay. And I'm not sure of the exact numbers of provinces. Like are we right at five and five, or is it four and six? Or what's the number?

Hon. Mr. Wyant: — The only jurisdictions that have no-cost provisions left in Canada is British Columbia and Manitoba, Newfoundland, and the Federal Court. So everyone else has moved in this general direction.

Mr. Nilson: — Well you can put me on record that, you know, British Columbia and Manitoba are . . . I mean I guess it's just this question of access to justice, and if you're going to . . . I mean it's expensive enough to go to court but to add that little extra chill to the whole thing, I don't think is necessary. But we'll have another chance to talk about that, I think.

Hon. Mr. Wyant: — I think it's also important to remember that ultimately costs are the jurisdiction of the court, and then that's why within the legislation there's some specific provision to deal with those items that I enumerated earlier on that are really access-to-justice issues.

Mr. Nilson: — Okay. Well thank you for that explanation. Now I have some other questions about courts, but they're a little bit different. As you know, when you're the minister you get all kinds of people coming up to you at baseball games and football games and wherever you are with things that are of concern. And in opposition you sort of add more of those ones.

So I've had some questions about safety issues in the courts and one of them, you know, just recently relates to the new courts in Saskatoon that are under construction where a lot of the emergency exits are blocked and not officially . . . You know, there's no real explanation about why. And so staff themselves are having to go and tell people, well look, it might say that's an exit door but don't go there because you won't go anywhere. And so it's the kind of thing that surprised me, you know, to get that kind of a comment. And so I'd just be curious if this is something that's been addressed to your minister's office.

Hon. Mr. Wyant: — Well access to emergency exits is important. And I know that when there's been issues that have been raised with the ministry, with court services, they've been raised with the contractor. If there are issues that are pressing with regard to security, with regard to the safety of people working in the building, we need to know that so that we can address it with the contractor. But certainly when they have come to our attention, they have been addressed. It's obviously a serious concern and we would take that very seriously. The safety of the people that work in these buildings is one of our primary concerns. So if there are issues that come to our attention . . . And we would encourage people to let us know as quickly as possible, so that we can address them.

Mr. Nilson: — Have you heard of some of these issues already or not?

Hon. Mr. Wyant: — Several months ago there was a number of issues that were brought to the attention of the ministry. They were dealt with with the contractor immediately once we had found out about them. But again I'll just stress that if there are other issues that people within the building have, we need to know about them so that we can address them. And we'll do that immediately.

Mr. Nilson: — Well thank you for that. That's exactly what I told these people who are from Saskatoon, that they need to let people know. But they raised with me just because they thought it was being somewhat downplayed, I guess would be the way to put it.

Another question around the courthouse safety related to the Regina Court House and the use of the metal screening devices and some of the staffing issues around that. I mean it came out as an issue in the local community that you have the equipment there for screening, but it's not used all the time. Would that be an accurate statement?

Hon. Mr. Wyant: — They're not used all the time. We have a process in place, a protocol to do risk assessment as to when it would be best to use those screening devices. And when the assessment is made that requires the use of them, then that's when they're employed and the staff is employed on a security basis. So no, they're not used all the time, but there is a substantial protocol in place to determine when they should be used, risk assessment.

Mr. Nilson: — Okay. Thank you for that explanation. I know that often the factors involved are many more than what members of the public will see. But it's clearly an important issue, safety of the people who come and use the court system.

Now the courts in the province . . . It sounds like you've got a couple of court projects that are going ahead this year, but basically there's been a completion of a number of them so you don't have the same kind of budget in court construction as other places. I know one of the other issues around court safety was in some of these northern communities it's hard for defence counsel to actually have a place to meet with their clients without having all of the waiting room listening or somewhere else. Is that some of the work that's being done, for example, with the new court project this year?

Hon. Mr. Wyant: — One thing we'll be doing this year is a complete facility review of our facilities in Saskatchewan to see whether or not and what needs to be done to increase or to enhance the facilities that we do have. So part of the budget that's been allocated to court services will be to complete that review to see what needs to be done to enhance the facilities. And then from there we would develop a capital plan.

Mr. Nilson: — Okay. So then we should be encouraging our colleagues at the bar to make sure they've got their information in, plus others. Okay. It's always a challenge to make sure that the justice is as close to the local communities as possible, especially in places where there aren't great facilities.

Hon. Mr. Wyant: — We will be working with our stakeholders, which would include the bar, in terms of determining, you know, what needs to be done, so they'll certainly be consulted. But they shouldn't hesitate to provide us with any information that they'd like as part of that.

Mr. Nilson: — Okay. Well thank you for those explanations. I notice in your innovation, legal and policy services budget there's a line for innovation. And can you explain what's included in there, and what are the intentions with that money?

Hon. Mr. Wyant: — Sure. I'll probably have my deputy minister, Kevin Fenwick, elaborate a little bit, but the purpose is to coordinate reform and innovation efforts with a goal to improving access to justice and providing a more citizen-friendly justice system. So they're going to concentrate on four areas within innovation: dispute prevention efforts, developing an early resolution sector, diversion, and seeking core efficiencies to simplify the adjudicative process. So those are the four main areas that the innovation branch is going to be looking at.

I'll give you an example. We have the Family Matters program which we'd announced last year and that's a pilot program to provide separating couples access to relevant information, child support guidelines and the like, with a view to try to resolve as many of the outstanding issues between a separating couple as early as possible before they get into the position where they're just so entrenched in their positions that they can't be resolved amicably. So the earlier that we can resolve a lot of those issues at a very early stage, first of all, there's an access-to-justice piece to it because they won't need to go through the kinds of processes that a lot of people have to go through the courts. So that's very important.

So that's an example of something that's come out of our innovation branch. I'll ask Kevin to kind of elaborate a little bit in terms of some of the other specific things that they're looking

at within the innovation branch. But we consider this to be a very, very important piece within the ministry because sometimes doing the same thing over and over again and you're not getting the results, calls for innovation, calls for a different approach, calls for a new way of doing things, and that's exactly what the innovation branch is going to be exploring.

Mr. Fenwick: — Maybe first a quick word of explanation in terms of the numbers. The innovation division, the four-person office that constitutes the innovation division is actually a small but vital group of individuals, and the numbers that appear in the budget are larger than that because there are a number of other agencies that are under the direction and supervision of the innovation branch.

So for example, the former strategic initiatives, SIPS [strategic initiatives and program support], strategic initiative policy support branch, is now, reports through the innovation division. The Human Rights Commission, its connection to the ministry is through that division. The dispute resolution office, Legal Aid, two other examples, so within that division are the budgets for those other agencies as well.

The unit itself is actually only four people. Kylie Head who's sitting beside me is one of those individuals. Their role is, as the minister has said, to coordinate, to sometimes cajole, to lead, to encourage the innovation agenda across all branches of the ministry. They're not solely responsible for it, but their job is to help others move forward with an innovation agenda.

We have 17 items that we're looking at for year 1. So for example, the minister's talked about Family Matters. That's one of them. We have expanded the high-conflict family pilot that we were running in Queen's Bench in Saskatoon to Regina at the request of the judiciary. We are currently under way with a consultation with respect to revision of small claims. The Meadow Lake pilot project in criminal courts that I talked about before is another initiative. We are looking at different models for providing our physical services, courthouses, for example, more moving to an integrated service centre model.

[16:30]

We're looking very closely at some very interesting work that's happening in British Columbia involving what they call justice access centres, which I equate to something like going to your local library and asking for help with a research project. You should be able to go to a justice access centre, which may or may not be connected with a courthouse, where we would be able to have people there who can help you figure out how you can best access the justice system as quickly and as inexpensively as possible.

We're working with the Law Society and looking at the role of paralegals. The cost of legal services is prohibitive, as everyone knows, for many individuals. The Law Society is very interested in looking at the role of paralegals and how that might help provide more accessible, more affordable legal services. So that's one of the other things that we're looking at. I won't list the entire 17. I tend to get a little excited when I talk about these kinds of things and so I'll stop there. But all of those are roles that we think the justice system can enhance and the innovation division is involved in all of them.

Mr. Nilson: — So how does Public Legal Education fit into that? Is it part of this as well?

Mr. Fenwick: — Certainly. One of the things that the innovation division is involved in is something called the dean's forum on dispute resolution. You may recall a number of years ago we had what was called a justice round table that was essentially coordinated by the Ministry of Justice. That round table, which was a gathering of all kinds of stakeholders and partners in the justice system, fell by the wayside a little bit, has been resurrected as the dean's forum on dispute resolution, headed by the dean of the law school. That gathers together a number of organizations, PLEA [Public Legal Education Association] being one of them, CLASSIC [Community Legal Assistance Services for Saskatoon Inner City Inc.] in Saskatoon being another, and other significant players in the justice system.

We certainly work very closely with PLEA. The Family Matters program that we talked about, for example, complements very well a new program that PLEA has just rolled out, which is online access to family law forums that should be easily understandable and easily accessible for most citizens. So we're trying to make sure that we coordinate our efforts with other organizations such as PLEA.

Mr. Nilson: — So does this include, you know, family estate battles and things like that, or is it primarily on the family law side as opposed to the civil litigation side?

Mr. Fenwick: — The goal with innovation is all of the above. So what we've tried to do in our list of 17 items for year 1 is some family, some infrastructure, some civil, some criminal, and small claims as well. So we're trying to do it across the piece. So absolutely, civil law disputes are included as part of that spectrum of services.

The national action committee on access to justice in civil and family matters, of which you'll be aware, that was headed or was requested by Chief Justice McLachlin, talks about a funnel. It talks about the very large amount of money we spend at the narrow end of the funnel, the back end of legal processes, that don't actually serve a large number of people. We do a very small number of civil trials, for example, in Saskatchewan. And at the broad end of the funnel where most people enter the system, but where we don't spend a lot of money, is what we're trying to do. We're trying to move things back so that resolution of disputes happen as early as possible, as quickly as possible, as economically as possible. And so all of these initiatives would fit in with the idea that we need to move to the broad, early end of that funnel.

Mr. Nilson: — So how does this coordinate with some of the First Nations and Métis justice initiatives?

Mr. Fenwick: — Well certainly at a philosophical level, a lot of the lessons I think we've learned are rooted in traditional indigenous practices with respect to justice. When the Queen's Bench civil mandatory mediation program was rolled out a number of years ago, I heard lawyers say from time to time that they wished we'd go back to the traditional justice system, which for them meant the courts. Well realistically, the traditional justice system in North America is First Nations

justice kinds of processes. And so what we're doing in moving people to the front end of the funnel is very consistent with that. So restorative justice kinds of models are very much a part of what we're doing.

Mr. Nilson: — Okay. Well thank you very much. And I mean, that's obviously good work, and so we'll look forward to hearing more reports about that. In that same budget area, you've got the access and privacy advising, and I assume that's for the advice that goes to other ministries as well as to the Ministry of Justice. And there's only a \$1,000 increase in their budget, and it seems to me that there's a lot more of these issues that are there. I know that the Privacy Commissioner is, the new Privacy Commissioner's raising a lot of issues about some of these issues. So I mean, is that enough money, or how is this being dealt with?

Hon. Mr. Wyant: — The access and privacy branch is really responsible for the overall guidance of access and privacy within executive government. The responsibility with respect to the requests for access have been moved out of the access and privacy branch. So while there has, you know, been . . . In terms of providing the ongoing guidance to executive government, that's still done within the branch, but the issue with respect to the court requests have been moved out. So while there's certainly some increased work that's being done, the fact that the amount of responsibility within the branch has been reduced.

Mr. Nilson: — Where does that show up in the budget? Who's doing it?

Hon. Mr. Wyant: — It's now under . . . It's within the civil law budget.

Mr. Nilson: — Okay. And so the civil law budget didn't get a very big boost either. So does that mean it's truly no money to do the job, or what's happened here?

Mr. Fenwick: — With respect to the reorganization, essentially what we did is we gave the access and privacy branch much more capacity within its existing budget to deal with the big picture issues, because the day-to-day responsibility for responding to inquiries specifically about the ministry moved to the shop that . . . And I whispered incorrectly in the minister's ear in terms of civil law branch.

Civil law branch provides the advice, but that unit actually is found in the community safety branch which actually reports on the CP side of the ministry. So that unit has taken on a little bit more responsibility, that is, for the Attorney General responses to inquiry requests, but the access and privacy branch now has increased capacity to deal with the bigger issues because they don't have the day-to-day responsibility for requests.

Mr. Nilson: — So I'm just smiling to myself, because a big part of the task was to deal with our previous privacy commissioner who liked to write very long opinions on things, and that took a lot of work from lawyers to respond. So I don't think the present one will spend as much time writing the long opinions, but he still has some concerns about the fact that our laws, you know, need to be fixed, I guess would be the best way . . . So are you saying that there's more capacity in this branch

so that they can actually work on rewriting our legislation for Saskatchewan? Would that be accurate?

Hon. Mr. Wyant: — Well there's certainly more capacity to deal with responses that come from the Information and Privacy Commissioner. In terms of any response to his ongoing suggestions that the legislation be amended, we haven't come to terms yet in terms of how we're going to move that process forward. But at that point in time when that does happen, there'll certainly be capacity within the branch to assist in that.

Mr. Nilson: — And so this is where the people would be that would work on this type of project. Is that correct?

Hon. Mr. Wyant: — The lead in terms of any discussions would come from this branch certainly in concert with public law and civil law.

Mr. Nilson: — So when the questions that we ask, written questions that we ask in opposition are . . . I mean basically we haven't had an answer to very many for quite a long time. Do they get advice from the Ministry of Justice on which ones should be answered and which ones shouldn't, or how does that work?

Hon. Mr. Wyant: — Specific requests would obviously go to specific ministries. Requests for information that have a broad application across the ministries would come to this branch.

Mr. Nilson: — But I'm correct though in assuming if there was a specific legal question around a request to a ministry, they could phone their lawyer in civil law or in this branch to get advice. Would that be correct?

Hon. Mr. Wyant: — That's correct, yes.

Mr. Nilson: — The whole process seems to be, I don't know, bogged down. I'm not sure what, you know, and it doesn't relate to this branch, I don't think, but it's the kind of thing that I think could cause the Ministry of Justice problems down the road as this stuff accumulates. And it may be when, you know, you talk about sort of preventing future problems that it may be a role of the minister to actually take a bigger look at both the FOIs [freedom of information], the written questions, the other kinds of information, questions, and provide some general advice on, well hey, the sooner you can release this information, the easier it is for everybody. And it saves litigation if that's what it ultimately takes.

Hon. Mr. Wyant: — Perhaps I'll just respond by saying over the last year or so we've noticed that there's been a change in the nature of the requests that are being made. There are certainly a lot more broader questions that are being asked, and certainly there's a requirement on our side to try to adjust to that, to make sure that we can accommodate that. But certainly the number of questions and the breadth of the questions have significantly increased over the last short period of time, which obviously we'll . . . or not short period of time, but over the last year at least, which causes some strain on the workload that has to be done within the ministry.

Mr. Nilson: — Yes. Well I accept that response, but I still think it's an issue about public having access to information. And I

always remind myself and remind lawyers in the room that if you practise law for the state of Florida, all of your court files are public documents because they were created by tax dollars. And that's sort of one side of it. We operate on another side that, you know, a lot of things that happen and are created by tax dollars in ministries are, you know, basically protected information of the ministries. But there are other models that are much more open. And when you get too far one way, the reaction is to really try to blow that wide open. And I think practically that there is a role here for the lawyers and the people involved in this area to figure out how to open up the information flow a little bit so that it's not an issue. And I'm pretty certain that the Privacy Commissioner's actually looking at this kind of thing as well. But I thank you for that.

Now in the civil law side, is this where the budget would be for lawyers who are contracted to handle cases for the government, or is there a separate line for money where you've hired outside counsel to handle cases?

[16:45]

Hon. Mr. Wyant: — There's a small budget for this, but generally speaking when lawyers are contracted from the Ministry of Justice they're paid for by the ministry that's getting the advice.

Mr. Nilson: — Okay. So it's managed by Justice, but if it's an Agriculture issue around, you know, the beef issues or something, then Agriculture pays for it. What about the hiring of lawyers for the Executive Council? Where is that? Would that come out of their budget or out of your budget?

Hon. Mr. Wyant: — Part of the function of civil law is to provide legal advice to executive government. So I'm not sure if that answers your question but certainly that's done, that's done within the ministry. Was that your question?

Mr. Nilson: — My question specifically relates to lawyers that the Premier's office might hire to deal with issues. Would that be in his budget as you've just described for other ministries, or would that be in the Justice budget?

Hon. Mr. Wyant: — These are usually dealt with on a case-by-case basis, but generally speaking, it comes out of the Justice budget.

Mr. Nilson: — Okay. Thank you. I appreciate that answer. And I think we get another chance to ask some more questions, so I'll maybe get some more . . . I'll ask you about it next time, so you can get ready.

I have now some questions about the Yarrow youth facility in Saskatoon. And you know, we have the Children's Advocate taking a pretty strong position. Sounds pretty similar to what others have said which is, you know, we need places that are specifically for these young people. And we know that clearly there's lots of concern around that area. But one of the issues that has arisen is that the land is very valuable and that there's interest in the city purchasing the property. Did these plans for the land use and the value that could come back to government impact the decision to close this facility?

Hon. Ms. Tell: — My answer today is not going to be any different than I recited in the House. Yarrow was operating at 50 per cent capacity. We have an overcapacity in our adult facilities and an undercapacity in our youth facilities. We can't afford, as a province, to operate a facility at 50 per cent. With respect to the . . . And of course the programming is key. Evidence will show that the programming is key, notwithstanding where you are. Programming can be transported from one facility to another.

With respect to the land that Yarrow currently sits on, that is a question for Central Services. We have nothing to do with it.

Mr. Nilson: — And was the value of the land a factor taken into account in any decisions made within Corrections and Public Safety?

Hon. Ms. Tell: — The land value, whatever it may be, had no effect on our decision. It had nothing to do with it. We're operating at 50 per cent capacity in our young offender facilities and hence the reason why we moved the young offenders from Yarrow into Kilburn Hall. And we cannot continue to . . . We can't afford to continue to operate any facility at 50 per cent, notwithstanding what the price of the land is.

Mr. Nilson: — Okay. And I think that a number of our Saskatchewan citizens who are architects and engineers would take a bit of issue with what you said about places and where people are. Because I mean clearly, when you're building and designing new places, you think about their use and what kind of work they're going to provide in a particular space. And I don't think there's any question that a good space for young people who need help is a factor in their rehabilitation. So I think that factor has to be taken into account as well. Just to warehouse them in the back of another facility or whatever is going to happen . . .

Hon. Ms. Tell: — This is not with respect to warehousing. That is not what we're doing. And I'm going to cite a study here. According to the correctional program assessment inventory by Dr. Paul Gendreau and Dr. Don Andrews, 1989, "The facilities in which programs are housed are not predictive of whether programs are effective in terms of the rehabilitation of youth."

And that's indeed the study that we focused in on. The facilities at Kilburn Hall have been retrofitted to be appropriate for the open custody youth. And programs are transferable and it is not predictive of any future criminal behaviour. That's the premise upon which we made this decision, along with 50 per cent occupancy. Programming is key, and that's exactly what we've done.

Mr. Nilson: — Thank you for that explanation. And I know that the main factor obviously in working with young people are the staff component and the numbers of people that are there. I think you probably agree with that.

I have a question for the Minister of Justice, and that relates to the overall budget. I know that in the budgeting process there are plans or initiatives that you would like to have that just don't quite make it. Are there any that we can look forward to maybe in next year's budget that didn't quite make it this year? I'd be curious to hear what they might be.

Hon. Mr. Wyant: — Well we're anxious to see, you know, what developments come from the innovation agenda to see whether or not there's anything that comes out of there that could potentially translate into some additional programming within the ministry. So to the extent that . . . We hope that there'll be, and we have a good feeling that there'll be some positive things that come out of the innovation agenda.

But I can't speak specifically to anything that I didn't get that I would have liked to have got. I think that we presented a very good budget to the treasury board and to cabinet, and we are very happy with the results that we got as a result of that presentation.

So as I say, we're anxious to see what happens within the innovation branch to see what new programming might come as a result of that to better serve the people of Saskatchewan. But I think that's the best answer I can give you.

Mr. Nilson: — Okay. Well thank you for that. Is it an area either, I think probably on both sides of the ministry — this innovation area or some of the programming issues on the Corrections side — are there opportunities for individuals or community groups or others to come forward with proposals that would be looked at in the process? Or is it a time when it's not worth people's effort to actually put together ideas to bring forward to the ministry?

Hon. Mr. Wyant: — We're always anxious to receive different ideas, different proposals. This last week I received a proposal for a fairly innovative program. We've passed that on to the two deputy ministers to give some consideration to whether it has any merit in terms of how it connects with some of the programming that we're already doing. We'll wait and see what the deputies have to say, and their officials.

But certainly if there are people that have innovative programs . . . We do a lot of work in terms of canvassing other jurisdictions to see what they're doing in a particular area to see if their programming will fit with what we're doing from a directional perspective. So if there are people or there are organizations that have things that they'd like us to consider, we're more than happy to have a look at those. I think it wouldn't be responsible if we didn't.

Mr. Nilson: — Okay, thank you. To the minister on the Corrections side, have you still been receiving proposals from the private corporations that want to run correctional systems in Canada or is that kind of off the board? I know that it's the type of thing that it's not a growth business in the States anymore, so they may be looking other places.

Ms. Tell: — No. Well we haven't seen anything of anybody wanting to run, privately, our correctional facilities. I mean, we're truly focused on evidence-based outcomes. And I mean proposals coming forward from people are always considered, but we're looking at the evidence and the outcomes of these programs, of anything that we're considering.

Mr. Nilson: — Okay. Well thank you for that comment. Now . . .

The Chair: — Excuse me. I'm just going to interrupt. You

would probably have time for one more question, and then we will wrap up for the day.

Mr. Nilson: — Then we'll come back again. Yes. Okay, well I think what I will do is say thank you for the information that you've provided and thank you for allowing me to free flow into a few different areas. I think actually a lot of them connect in ways that aren't always obvious, and I look forward to having a chance to ask some more questions.

I know I was doing this particular task on April 16th, 2008 with the new minister of Justice at that time, Mr. Morgan, and I have the whole list of officials with me. And I want to give a prize to two people who are still here, and that's Jan Turner and Lionel McNabb. So anyway it was quite interesting to pull this list out of my file and sort of say . . . But I mean basically the appropriate transition has taken place so that those who were the worker bees are now the ones that direct the work, and that's how it should go.

Ms. Eagles: — What's the prize, John?

Mr. Nilson: — Pardon?

Ms. Eagles: — Cash prize? What's the prize?

Mr. Nilson: — What's the prize? Recognition on the record of long service so they can put it in their resumés at some point to say you survived. But no, anyway, thank you very much everybody for the work, and we'll look forward to another couple of hours in the coming weeks. So thank you very much.

The Chair: — Thank you very much, Mr. Nilson. I would like to ask the two ministers if they have any closing comments.

Hon. Mr. Wyant: — Just on behalf of both Christine and I, I thank everyone for the thoughtful questions, for the patience of the committee, and for all of the officials that are here to help us. We're very much appreciative, and thank you very much for that, Mr. Nilson. But to all the officials that took time out of their schedule to be here today, thank them very much, and Hansard as well. So I think that's all I was going to say.

Hon. Ms. Tell: — Yes, that's it.

The Chair: — Thank you very much to everyone here today: the ministers, their officials, and the members of the committee. The time now being 5 o'clock, the committee stands adjourned until the call of the Chair. Thank you very much. Have a good evening.

[The committee adjourned at 17:00.]