



STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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**STANDING COMMITTEE ON INTERGOVERNMENTAL
AFFAIRS AND JUSTICE**

Mr. Greg Brkich, Chair
Arm River

Mr. Doyle Vermette, Deputy Chair
Cumberland

Ms. Nancy Heppner
Martensville-Warman

Ms. Lisa Lambert
Saskatoon Churchill-Wildwood

Mr. Eric Olauson
Saskatoon University

Mr. Doug Steele
Cypress Hills

Mr. Warren Steinley
Regina Walsh Acres

[The committee met at 15:03.]

The Chair: — Thank you. I want to . . . this afternoon, the committee, I want to welcome everybody. I guess before we start I will just introduce the members: myself, Greg Brkich, the Chair; chitting in for Mr. Vermette is Nicole Sarauer. Also on this committee is Nancy Heppner; Lisa Lambert; Eric Olauson; Doug Steele; and chitting in for Warren Steinley, Warren Kaeding.

Bill No. 19 — *The Film and Video Classification Act, 2016*

Clause 1

The Chair: — This afternoon the committee will be considering the six bills from the Ministry of Justice and then supplementary estimates to follow. First bill is Bill No. 19, *The Film and Video Classification Act, 2016*. I will ask the minister to introduce his officials, and just one remark to the officials. The very first time you use the mike, either the ones here or from sitting in the back, just introduce yourself the first time, just for Hansard. So I will ask the minister to introduce the officials he has sitting with him for this bill, and if he has an opening statement he'd like to make. Minister.

Hon. Mr. Wyant: — Thank you very much, Mr. Chair. Well, to my left, Mary Ellen Wellsch, senior Crown counsel from legislative services branch, and to my right, Eric Greene, director of consumer protection division.

Mr. Chair, I'm pleased to be able to offer opening remarks concerning Bill 19, *The Film and Video Classification Act, 2016*. Mr. Chair, *The Film and Video Classification Act, 2016* will change the system of classification of films in this province by replacing the Saskatchewan Film Classification Board with a director of film classification. It will also change appeals from decisions of the director from an appeal to an appeal committee, to an appeal to the Financial and Consumer Affairs Authority. This makes sense, Mr. Chair, because the majority of the films that are distributed and exhibited in Saskatchewan are classified in British Columbia through an agreement with the existing board.

As well registration of distributors and exhibitors will be simplified. Instead of registering every year, their registration will be continuous provided they submit an annual report to the director.

So with that, Mr. Chair, those are my opening remarks, and I welcome any questions with respect to Bill 19.

The Chair: — Thank you, Minister. Any questions? Warren McCall.

Mr. McCall: — Thanks very much, Mr. Chair. Mr. Minister, officials, and welcome to this round of Intergovernmental Affairs and Justice. I'm the Culture critic for the official opposition, and I'm sure the minister's thinking, well everyone's a critic. You know, go figure. Thank my colleague the Justice critic for the official opposition in allowing me some time to ask some questions.

And I guess I would start first off with a letter that I'd read into the record during the adjourned debates stage of the bill, coming from Mr. Rogalski over at the Paved Arts gallery up in Saskatoon and the concerns that that individual raises. If the minister wants, I can certainly go back over the concerns itemized by Mr. Rogalski, but if not perhaps the minister could proceed to addressing those concerns raised by that particular gallery.

Hon. Mr. Wyant: — Sure, thanks very much. And we did get your letter and we did give it some consideration. Paved Arts is a member of the Saskatchewan Motion Picture Industry Association, and that association was granted a general exemption for its members in 2001. So the exemption that was granted to the association would've included Paved Arts, so that exemption's going to continue under section 23(2) of the bill.

Mr. McCall: — That was almost painlessly straightforward, Mr. Minister. All right, all right. I guess just a couple other general kind of questions extending from that, and if the minister has something to add.

Hon. Mr. Wyant: — Yes I should let you know that Mr. Greene will be contacting Paved Arts to confirm that with them, so we'll be getting some communication to them, just so you know.

Mr. McCall: — Well thanks for that, and certainly the letter we were quoting from was addressed to yourself as minister and minister responsible for the legislation. And again I appreciate the undertaking for the capable Mr. Greene, you know, a long-serving civil servant, to get back in touch and make sure that those, that it's followed up appropriately.

Just a couple of general questions by way of administration of the legislation. How many classifications would be conducted in a given year? What does the ballpark look like?

Mr. Greene: — There are about 400, of which 200 are done by British Columbia and 200 by Saskatchewan. And for the record I'm Eric Greene, Chair of the Film Classification Board and director of consumer protection as well.

Mr. McCall: — Well thanks for that, Mr. Greene. In terms of the cost associated with those, is there such a thing as a per-classification cost? And certainly what is the reimbursement agreement with British Columbia?

Mr. Greene: — There are two fees in regulation. One is 440 with British Columbia, so the producers or distributors would pay \$440 for a classification. Saskatchewan would receive half of that and half would stay with British Columbia. For the ones that Saskatchewan does, it's \$50 each, or if an exemption is granted it's zero.

Mr. McCall: — How many instances would attach to each kind of class that you've referenced, Mr. Greene?

Mr. Greene: — There would be about 200 of the \$50 kind, 200 of the 440 and there are about 20 exemptions per year.

Mr. McCall: — Thanks very much for that. In terms of the

appeals to the classification, how many appeals would there be in a given year?

Mr. Greene: — In the last four years there have been three.

Mr. McCall: — Thanks for that. Could you just sort of provide a brief discussion of what the appeal process looks like, for the illumination of myself?

Mr. Greene: — So what will happen is that either the Saskatchewan Film Classification Board or British Columbia would issue a rating, and the rating is one of five: G [general], PG [parental guidance], 14-A, 18-A, and R [restricted]. Along with that comes advisories, and so for example if it had violence, crude language, sexual content, that's an advisory that's associated with the rating. So one of the last ones that were appealed, it was 14A with violence and it went, the distributor thought it was too high and appealed and received a PG rating for that.

Mr. McCall: — Thank you for that, Mr. Greene. In terms of the fees associated and those, I would presume, are promulgated through the regulations, are there any changes that are anticipated to those fees going up, down, or does the status quo preside?

Mr. Greene: — I'll have the minister speak to whether or not there's an increase, but I'm not recommending any at this point.

Mr. McCall: — So two thumbs down on fee increases?

Mr. Greene: — So to use that metaphor, that would be what I would recommend, yes.

Mr. McCall: — Thank you. Thank you. Mr. Minister, anything to add to that?

Hon. Mr. Wyant: — No, there's nothing being considered at this time.

Mr. McCall: — Well thanks very much for that. And again I look forward to hearing back from Mr. Rogalski in terms of the contact that will be made and the following up that will be concluded. And with that I would state that that's it for my questions on this, Mr. Chair, and I'm pleased to move on through, clause by clause.

The Chair: — Thank you. Seeing no more questions, we will begin our consideration of Bill No. 19, *The Film and Video Classification Act, 2016*. Clause 1, short title, is that agreed to?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 26 inclusive agreed to.]

[15:15]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

The Film and Video Classification Act, 2016.

I would ask a member to move that we report Bill No. 19, *The Film and Video Classification Act, 2016* without amendment. Mr. Olauson. Is everyone agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. And I believe that finishes that bill. Did you want to make a . . . before we move on to Bill No. 19?

Hon. Mr. Wyant: — I have no other comments to make.

Bill No. 15 — *The Provincial Court Amendment Act, 2016*

Clause 1

The Chair: — Okay. I guess we will move to Bill No. 15. The next bill before the committee is Bill No. 15 for consideration, *The Provincial Court Amendment Act, 2016*. I'll ask the minister to introduce his new officials, and if he has any comments, to make them.

Hon. Mr. Wyant: — Thanks very much, Mr. Chair. Well to my right, Darcy McGovern, Q.C. [Queen's Counsel], director of legislative services; and to my left, Glennis Bihun, executive director of court services.

Mr. Chair, I'm pleased to be able to offer some opening comments with respect to Bill 15, *The Provincial Court Amendment Act*. As members of the committee will know, the Provincial Court is most often the first point of contact for members of the public with regard to our independent judicial system. And of course we're very proud and impressed with the hard work that they do, and I think these changes are going to help facilitate that very good work.

Mr. Chair, part V of *The Provincial Court Act* sets out the process for the review of a Provincial Court judge who may be subject of a complaint as to their conduct by the Judicial Council. The Judicial Council is comprised of representatives from all levels of the judiciary in Saskatchewan as well as members of the bar and government appointees under the chairmanship of the Chief Justice of the Court of Appeal. The bill will amend the Act to provide the Judicial Council with greater flexibility in the conduct of their reviews for allegations of judicial misconduct and for the remedies that may be imposed.

The bill will also authorize the Minister of Justice to directly establish a list of temporary judges, including those from other jurisdictions, as recommended by the Chief Judge of the Provincial Court. That list would then be published in the *Gazette*. Currently this process requires an order in council.

Mr. Chair, the bill will also create a notice requirement specifically for the appointment of court-appointed legal counsel. Amendments to this Act, *The Queen's Bench Act, 1998*, and *The Constitutional Questions Act, 2012* are being proposed to improve consistency in the application of rules for the appointment of court-appointed lawyers.

Finally, broader authority is set out to establish fees through the

regulations in order to allow for the introduction of further cost recovery.

So with that, Mr. Chair, we're pleased to answer any questions that you may have.

The Chair: — . . . Minister. Nicole.

Ms. Sarauer: — Thank you. Thank you for the opportunity to ask questions with respect to this bill. I want to delve into a little bit about how the complaint process works currently with respect to Provincial Court judges. Could you elaborate a bit on that, and then what these legislative changes will mean?

Mr. McGovern: — Darcy McGovern. Thank you. The Judicial Council is struck under *The Provincial Court Act* under section 54. It provides for the range of functions for the Judicial Council. It sets out that:

The council shall:

consider and make recommendations to the minister regarding the proposed appointment of a judge;

consider the criteria developed by the chief judge for the purposes of . . . [extending their tenure past the age of 65, as well to]

. . . receive and, where necessary, investigate complaints against a judge alleging misconduct or incapacity.

And that is most squarely with respect to the question that you just asked. Under the process, the counsel can either self-start with respect to the conduct of the judge — in other words, where it becomes known to them that there's a concern with respect to how the judge has been performing duties — or they can receive a complaint respecting the judge, alleging misconduct or other capacity.

It then provides in some detail in the Act already how that process moves forward, if it's determined . . . which includes potential of an interim suspension or proceeding to a hearing committee. A hearing committee would then conduct a full hearing with respect to the process, and the council would then provide a report. There would be a review of the report by the chairperson, and there's a range of powers, as the member is aware under section 62, for what they can do as a result of the order.

What we're doing today to assist the Judicial Council in their functions is that at the front end, right now the process when a complaint is initially received, is received by the entire council. They don't have a process where they can have a single member, the chairperson, or someone else who's under this new provision designated to do so, to review that and determine whether the complaint is entirely without merit, frivolous, vexatious; in which case at that point the chairperson acting on behalf of the committee would be able to dismiss the complaint without further consideration.

And that's simply an efficiency issue at the front end in terms of saying rather than having . . . As you know, the individuals who are on the council have busy lives, and so giving them an

opportunity to be able to review this process in advance will ensure that their time is spent on legitimate concerns. And that's with respect to section 4, that change, section 55 amended.

The second amendment with respect to 55(2)(b), right now in terms of the powers of the committee which are short of the full hearing, statutorily it makes reference to the 62(2) and 62(3)(a). And what it was meant to do initially was to show that that process which is resolved without a hearing committee was meant to have lesser remedies, short of, for example, dismissal being obviously the most specific.

But the way it was written, there was concern expressed by the judicial counsel that it limited them to (b), (c), (d), (e), or (f), or (a), (b), (c), (d), and it wasn't flexible enough to say, well what about general remedial options, whether that be mentoring or other options that are available. So what we've done here with the clause (b)(ii) is to provide that the council can also make any other remedial order that they consider appropriate in that circumstance. So those are the two changes with respect to the Judicial Council.

Ms. Sarauer: — Thank you for that detailed explanation. I had noticed the change in section 55(1.2) about the ability now to dismiss the complaint without further consideration if it's found to be frivolous, vexatious, or without merit.

Is there intention that there would be a written decision of that made and then provided to the complainant?

Mr. McGovern: — The council will have to determine its own process and has the ability to do that. That would be an appropriate way to communicate the result, but we don't expressly set that out.

Ms. Sarauer: — Is there an appeal mechanism after that, I suppose after 1.2 would be used on a complainant?

Mr. McGovern: — Not with respect to the complainant, but remember we're in a little different territory here because we are talking about complaints with respect to the independent judiciary. So we're not within the normal judicial structure here. This is a process for them to review it themselves.

I think the council's shown that it's very aware of its functions in this regard, that it takes those very seriously. If you have someone who . . . And certainly there's nothing preventing the individual from bringing the complaint again or raising that complaint generally.

So I think we're relatively confident in terms of the structure that we do have that we won't have complaints getting lost. But we don't set that up as a separate process because of the independent function of the judiciary.

Ms. Sarauer: — No, I understand that. Thank you. Is there a mechanism of oversight for the judicial complaints committee?

Mr. McGovern: — I think the council is that mechanism, you know, in terms of having the chief judge, that's the Chief Justice for the province; the chief judge of Queen's Bench; the chief judge of the Provincial Court; two members who are appointed in the category of lay members. You also have two other judges that are elected by the judiciary. So it's meant to be

very representative in that regard.

And it's, like I say, because we are dealing with a judicial independence issue where the judiciary is demonstrating that it takes these things seriously and doing so in this process, that this is the oversight body in that regard.

Ms. Sarauer: — Thank you. Does the Judicial Council report the number of complaints it receives to any body?

Mr. McGovern: — They have an annual report. That annual report contains a summary of complaints. For example, I'm looking at the 2015 report and it would have a few paragraphs with respect to the complaint process. So it has that transparency.

Ms. Sarauer: — Thank you. I know that this legislation, or this bill, also makes some changes that correspond with the changes that we had already discussed in Bill 4. We've already had that discussion, so I'm not going to belabour that again. And I've already made my concerns known with respect to Bill 4, so just for the record, anyone is welcome to review those comments in conjunction with respect to Bill 15.

So with that, I have no more further questions.

The Chair: — Thank you. Not seeing any other questions, we will do our consideration of Bill No. 15. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 7 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Provincial Court Amendment Act, 2016*.

I would ask a member to move that we will report Bill No. 15, *The Provincial Court Amendment Act, 2016* without amendment. Mr. Steele. Is that agreed to?

Some Hon. Members: — Agreed.

The Chair: — Carried.

I believe the next bill before our committee is Bill No. 31.

Hon. Mr. Wyant: — I understand, Mr. Chair, we're not bringing that bill forward today. We'll bring that forward at the same time we consider Bill No. 30, *The Freedom of Information and Protection of Privacy Amendment Act*.

The Chair: — Okay, thank you.

Hon. Mr. Wyant: — Do you need anything else on the record in terms of . . .

The Chair: — No, the committee is all right with that. Okay.

That's what I was asking the bill before, if you had anything to say. I thought maybe you'd say that before.

Bill No. 35 — *The Small Claims Act, 2016*
Loi de 2016 sur les petites créances

Clause 1

The Chair: — But anyways, we will move on to the next bill on the agenda, Bill No. 35, *The Small Claims Act, 2016*. If the minister has new officials, he can introduce them, and if he has a statement on Bill No. 35, he can make them now. Thank you.

Hon. Mr. Wyant: — Thank you very much, Mr. Chair. Well to my immediate right, Neil Karkut, Crown counsel, legislative services branch, the Ministry of Justice. To my very far right, Darcy McGovern, Q.C., director of legislative services branch. And to my left, Glennis Bihun, executive director of court services.

Well, Mr. Chair, I am pleased to offer opening comments with respect to Bill No. 35, *The Small Claims Act*. Mr. Chair, in 2015 the Ministry of Justice conducted a review of Saskatchewan's small claims processes. The review formed part of the ministry's innovation agenda which focused on addressing access to justice issues. As part of the review, the ministry released a consultation paper to the public that asked for feedback on potential updates to various aspects of the small claims process.

The responses to the consultation paper demonstrated strong support in general for enhancing small claims processes, and responders provided thoughtful feedback that helped guide that review. Mr. Chair, the proposed new small claims Act 2016 will replace the existing Act and implement legislative changes that were identified during that review process.

The first significant change contained in the bill is expanding the authority of the court to award costs. Under the current Act, the court has limited powers to award costs to be paid from one party to the other. Mr. Chair, the proposed changes will grant the court greater authority to award costs where a party fails to attend or purposefully delays any stage in a proceeding. Currently this authority only exists with respect to case management conferences.

[15:30]

The changes will also grant the court authority to award costs at the conclusion of a matter after taking into account factors such as behaviour of the parties. The proposed changes respecting costs will encourage parties to co-operate throughout the process. In order to avoid complex cost proceedings, it's anticipated the regulations will contain simplified provisions to guide the awarding of costs such as percentage-based caps.

Mr. Chair, this bill will also require all defendants to file a reply to a claim. Under the current Act, the court may order a defendant to file a reply but there is no general requirement for a defendant to respond to a claim. As a result, a claimant may proceed all the way to trial before receiving notice of the defendant's defence. Once again, the underlying goal of this change is to encourage the parties to co-operate from an early

stage of the proceedings and promote the timely and cost-effective resolution of matters before the court.

Mr. Chair, this bill will also clarify the court's ability to award a default judgment where a defendant fails to file a reply and does not attend proceedings. Most notably the changes clarify the court's ability to award a default judgment at a first appearance.

Defendants will maintain the ability to apply to overturn a default judgment if they have a reasonable excuse for not appearing in court and have a valid defence to the claim.

Mr. Chair, this bill will also grant the court authority to cite individuals for contempt in appropriate circumstances and provide judges express authority to question parties in order to receive the necessary facts and details of a case. Finally, this bill will implement additional housekeeping and administrative amendments that will modernize the Act.

Mr. Chair, in addition to the proposed legislative amendments, the small claims review committee also considered regulatory and policy changes to enhance the small claims process. The first recommended regulatory change was implemented in February when the small claims monetary limit was increased from \$20,000 to \$30,000. The ministry will continue to work alongside the court to implement regulatory and policy-level changes.

For example, under the current Act there is a provision that requires court staff to assist claimants with preparing their claim. Mr. Chair, the ministry believes there are various policy alternatives that could maintain this type of support for both claimants and defendants. One alternative that is being explored is a partnership with Pro Bono Law Saskatchewan that would allow volunteer lawyers to provide general support to parties with the preparation of court documents. Another potential policy alternative includes enhanced online materials and onsite computer stations to provide parties with free access to computer resources.

The ministry remains committed to enhancing access to justice for Saskatchewan residents. This bill will help achieve that goal by promoting timely and cost-effective dispute resolution through the small claims process. So with that, Mr. Chair, we're happy to answer any questions with respect to Bill 35.

The Chair: — Ms. Sarauer.

Ms. Sarauer: — Thank you, I'm wondering if we can delve a little bit into the consultation process. Can you explain a little bit about what questions were asked?

Mr. Karkut: — Hi, Neil Karkut, Ministry of Justice. So we conducted a fairly thorough consultation process with the public. We had a paper that reviewed a number of questions. It went over the, I guess the structure of small claims and gave some background explanation of how the current process worked, and then identified some areas where potential improvements could be made.

The paper was distributed to organizations that were identified as having a direct interest. So as you're aware, Pro Bono Law Saskatchewan, CLASSIC [Community Legal Assistance

Services for Saskatoon Inner City Inc.], the courts organizations such as those that had a direct interest. The Law Society of Saskatchewan was provided with the paper to distribute publicly for its membership, and CBA [Canadian Bar Association] Saskatchewan also received a copy. As well the Ministry of Justice also published the paper online for the general public to review.

I do have a list of all the questions. I'm not sure if you want me to repeat those in detail or just give a general overview of some of the areas that were considered in the paper.

Ms. Sarauer: — A general overview would be fine for now, and we might get into more of the details later.

Mr. Karkut: — Okay. So there were a number of areas that were identified. There was a mix of both legislative regulatory and policy issues that were identified in the paper, so not all of those are addressed directly in the Act. But some of the issues that were considered was whether or not the limit should be increased, and as the minister mentioned, the small claims limit was increased through a regulatory amendment earlier this year.

There was also discussion around costs and whether there would be a benefit to enhancing the courts' ability to award costs in appropriate situations. There was discussions about whether or not defendants should be required to file a reply to a claim, and if not, whether there should be any consequences for that.

There was also questions touching on alternative forms of dispute resolution. So there's already a case management conference process that's in place, but the questions touched on whether or not there could be alternate models of, for example, mediation or mediation arbitration that would be appropriate in certain circumstances.

And I guess it also touched on the right to appeal matters and whether or not that should be limited in certain cases, for example if the claim is under a certain amount. So that's, I guess, a general overview of some of the main areas that were considered.

Ms. Sarauer: — Thank you. Do you have available, or can you tell the committee exactly how many people responded to your consultations?

Mr. Karkut: — Yes, we received 15 responses in total.

Ms. Sarauer: — Great. Thank you. Generally speaking, were there any requests that had been made that weren't included in the new Act?

Mr. Karkut: — There were a number of areas that were discussed in the paper that received mixed responses, so those weren't necessarily included. So for example I mentioned whether or not there were other methods of alternate dispute resolution, so for example in mediation or mediation arbitration, whether those should be, I guess . . . have a stronger place. And a majority of the respondents did not seem to support that type of idea. So that's one example where what we did was, we did amend the Act . . . or one of the changes in the Act is now at case management conference. There's a general power for the

judge to direct the parties to go to mediation, but there were no, I guess, mandatory options added in or anything along those lines.

Another area that was brought up was whether or not there should be rules around offers to settle. So if you were suing me, for example, and made an offer to settle and I didn't accept it, and you were more successful at trial, that it could be double cost against me. And that was an example of an area that was identified as being maybe too complex for the small claims. So that was addressed in the expanded cost regimes. That's an area that the court can consider, but there isn't a strict offer-to-settle rule that's been implemented.

Ms. Sarauer: — Thank you. The minister had mentioned that the review of *The Small Claims Act* was part of the innovation agenda. Did the innovation division do any of the consultations or take part at any of the work with respect to the new small claims Act?

Mr. Karkut: — Sorry about that. So there is a small claims review committee that was established that included myself and Ms. Bihun as well as a representative from the court and another individual from Ministry of Justice. So that committee largely was responsible for the consultation process and conducting the review itself.

Ms. Sarauer: — So the other individual from the Ministry of Justice, was that an individual that's a part of the innovation division of the Ministry of Justice?

Mr. Karkut: — No, she was not.

Ms. Sarauer: — Can you elaborate a little bit more then on, in what regards that this review was a part of the innovation agenda?

Mr. Karkut: — So I guess the underlying theme of this review was to try to update and enhance the small claims process and look at, I guess, new ways that we could promote dispute resolution. And I think one of the main underlying themes to the review was trying to identify ways that parties can continue to reach a resolution before it has to go to trial, which is . . . definitely fits within the, I guess, the innovation agenda of trying to . . . Lots of people think of the justice system and they think of going directly to trial, which can be appropriate in certain situations but definitely not all of them. So that's, I guess, in a general sense, how that fit within the innovation agenda.

Mr. McGovern: — And I can speak to that a little bit as well. As the member will be aware, one of the main areas with respect to innovation that we're looking at within the court system is within the rubric of access to justice. And I think certainly our minister and our deputy minister have both, on a number of occasions, outlined that access to justice doesn't necessarily have to be through the formal court process. Neil's just mentioned that having an ability for individuals to crystallize what their claim is, what their defence might be, so that they understand a little earlier in the process what the other person is saying will lead to circumstances where you can reach an agreement, where you can settle out of court.

You can also, by ensuring that the parties have ready access to the process, that's a key element in access to justice. Small claims, you know, is very much a people's court, and there's a tension between formalizing the process and a tension between saying that it's a process where you don't require formal counsel, but remembering that without a process to understand what the claim is and what the defence might be, you will end up with circumstances where you're wasting everybody's time — where you're wasting the party's time, where you may be wasting the court's time and the court clerk's time.

And given that we have an overall issue in innovation for access to justice that includes access in a timely fashion, we think that this fits very well with the innovation agenda and is very much part of the overall ministry's goals in that regard.

Ms. Sarauer: — Thank you. I want to go into a few of the specific changes that were made. I understand that there is going to be a section 6(3) added where the judge can refuse a summons if it's not in the interest of one or more parties to proceed. Can you expand a little bit on why that change was made?

Mr. Karkut: — I apologize. We were just having a quick discussion here. If you could repeat that question. And my apologies.

Ms. Sarauer: — Yes, no problem. Section 6(3), I think it's new section 6(3) is what I'm talking about, where the judge can refuse a summons if it's not in the interest of one of more parties to proceed. I'm just curious to know why this change was made.

Oh, did I get the section wrong? Let me check. Yes, sorry. Section 7(3) of the new Act. My apologies.

Mr. Karkut: — I apologize. The current Act does have that same provision, that 7(3). What was your . . .

Ms. Sarauer: — My apologies, then. I must have just . . . Sometimes when you have to compare an old Act with a new Act side by side, I guess some things fall between the cracks and that's on me. I apologize.

Hopefully I'm right in this change. Okay, let me just . . . I believe, and correct me if I'm wrong, but there's now a shorter time for the plaintiff to serve a defendant. Is that correct?

Mr. Karkut: — So I believe you're probably looking at section 8(1) that now says:

The plaintiff must serve a copy of the summons on the defendant at least 30 days before the date of the first . . .

And currently it's 10 days. Now that was . . . That number, that timeline we arrived at with some consultations with the court, and the reason for that expanded timeline is because now that defendant will be required to file a reply to their claim. The existing 10-day timeline would be extremely tight for a defendant to provide a reply to the court and the parties prior to the case management or trial that's upcoming. So the 30-day extended timeline then provides an expanded opportunity for a defendant to file the reply. So that's why that specific timeline

had been expanded.

Ms. Sarauer: — Right, my apologies, I meant expanded timeline. Can you, and you just mentioned it, and you mentioned it a few times, there's now the addition of a reply requirement for a defendant. Can you elaborate on why that was seen as necessary?

[15:45]

Mr. Karkut: — So under the existing process there's no general requirement for a defendant to file a reply. There are some limited instances where the court might order it, but that's the exception rather than the norm. And the problem with that is that for a plaintiff who brings a claim, they might not have any idea of what the defendant is going to raise as a defence until they actually arrive at the trial. So having a defendant file a reply, this is quite common across all jurisdictions with small claims, and in particular we looked at BC's [British Columbia] provisions quite a bit as a bit of a model.

What this does is it allows . . . It puts a little bit more work on the defendant initially, but then it provides, I guess, a fuller picture to both of the parties to hopefully try to resolve the matter at an earlier stage. So even attending a case management conference now, the plaintiff is going to have a better idea of what the defendant might be, what their response might be, and hopefully that will . . . or the intention is that will promote timelier resolution at that level.

Ms. Sarauer: — Thank you for that explanation. When I've spoken with some members of the bar about the changes to *The Small Claims Act*, I do want to point out that one of the main concerns I've heard that pertain to the old Act was the need for more cost award sections. So I want to applaud the ministry for making those changes; it seems like that was one of the main concerns amongst the lawyers who are practising in this area.

Is there anything that you want to add that you haven't already spoken about with respect to the new sections on cost awards? No? Okay, all right. And I know the minister, anticipating some of my comments, has already spoken a little bit about one of the changes. When going through the new Act with the old Act, I noticed that there was an explicit subsection that had been taken out, both in the application for summons and then in commencing a claim as well as the third party claim. And that was, as you had mentioned, with respect to the subsection that stated that "Unless otherwise directed by the judge with respect to a specific claim, the clerk shall assist the plaintiff in preparing a concise written statement of the claim."

For example, that was old 6(3), and none of the remainder of that section had been changed except for this subsection being removed. Can you elaborate on why that was removed?

Hon. Mr. Wyant: — Perhaps I'll just make an opening comment and we'll add some further comments. Of course you know that the clerks aren't legally trained individuals, so that's one of the reasons that it was removed. Of course now there's going to be a requirement for defendants to file a reply, and to otherwise extend that section to require a clerk to provide advice with respect to the preparation of defence would have had to have been made.

As I say, they're not legally trained. I think that's one of the reasons that I think I said in my opening comments that we're exploring alternatives to allow plaintiffs and defendants opportunities to get that assistance that they require in filing legal documents with the court. So I think we talked about partners just with pro bono. I think we talked about access to Justice centres' online materials, providing computer stations for people to access online materials. So that's principally . . . That's one of the reasons that we did it. But perhaps I'll have Ms. Bihun make a further comment.

Ms. Bihun: — Thank you. Glennis Bihun, executive director, court services. Certainly we're very conscious of the need to provide appropriate and effective support for the users of the system. This change is intended to be helpful in being able to expand where those supports may come from. Certainly the clerks themselves are not legally trained, and there's many times where, with the priority on supporting the court, even with the clerk identified in the existing legislation, oftentimes clerks are not available because they are in court. So the existing piece is limiting in that way, even setting aside their ability to not be able to provide legal advice.

We have very much an intention to be able to expand sort of the hours of service that that assistance might be available. So for example, some of the other jurisdictions in doing some of those online resources where, if you're also working 8 to 5 and Monday to Friday, and the time that you want to focus on the matter that you're putting forward would be outside of those hours, putting the information on something as flexible as online that would be available outside of those core hours would be important.

Another challenge that we face in the offices — and of course other court office staff are also not trained legally, aren't able to provide legal advice — but when our clerks are in court we have administrative staff that remain in the office. So not only are the . . . And at this point in time the legislation doesn't provide them with any ability to be able to provide support. So this is also an opportunity to broaden those intentions.

We also know that we want to do further supports that are available, and it's important that we do so for new arrivals or those who do not speak English or find assistance in English. Those of course are the prevalent language of course that our court clerks or court staff would speak. Perhaps I can stop there.

Ms. Sarauer: — Sure. I'm still a little confused as to why the change has been made. Was there a complaint that was made with respect to the quality of assistance that court clerks were providing?

Ms. Bihun: — The change did not arise. No, there wasn't a complaint. It didn't arise as a result of a complaint. Rather I would say that the change arises out of a very real recognition to provide the service in a more flexible and readily available way. Even when, for example, when clerks are in court on lunch breaks, it's very limiting in that capacity. And we're modelling as well after what other jurisdictions, how these other jurisdictions are providing services. And it is through a whole gamut and range and not limited to a clerk's assistance.

Ms. Sarauer: — Thank you. I'm fully aware of the services

that are provided in other jurisdictions. We're extremely behind the times in terms of services that can be provided for self-represented litigants, especially in courthouses. If you look at Alberta, for example, it's one example of a much more robust program in terms of services to self-represented litigants. Now did this change arise out of the consultation that was done?

Mr. Karkut: — So this specific change that you're discussing here was not discussed in the consultation paper. However, the consultation paper did have a more general question about what areas of additional supports could be offered in the court, for example, further online supports, whether justices of the peace could have a more active role. So that maybe overlaps a bit. But the specific change here was identified outside of the consultation process.

Ms. Sarauer: — Okay. Thanks. So just to clarify, removing one of the supports was not a part of the consultation questions?

Mr. McGovern: — Well no, of course I don't think that's how it would be characterized in terms of what's been done. Having that provision as the only provision in the Act that states the clerk shall assist has a limiting effect in terms of what other things are being tried. And that's part of I think what Ms. Bihun was talking about: by recognizing that there's a number of ways to skin the cat here, that this change assists us in that regard.

And we talk about the issue of not providing legal advice. As you can appreciate, that's a tension that we have in these offices with the Law Society in terms of understanding our ability in what we can do to provide advice on process but not address legal matters per se.

And I think what we're learning in terms of the computer process, for example, is that if what you need help with is filling in the blanks on a form, that electronically a lot of those can be populated now automatically in a computer process in a way that would ensure that people who need a particular kind of advice are at the right spot. If they're looking for when would they come to court and what time they would, that might be exactly where court staff are most helpful. If it's a matter of saying what's my best claim with respect to the statement of claim, or what's my best defence, that's obviously much more problematic, particularly if you've got a clerk who might get asked from both sides, what's my best claim? What's my best defence?

And so I think that's part of what's being done here, is recognizing that that primary responsibility shouldn't be just with that clerk, as opposed to what Ms. Bihun had said. That will continue to be a responsibility of theirs, to provide that assistance, but this provides for a broader spectrum.

Ms. Sarauer: — Thanks. Just to clarify the beginning of what you had said, Mr. McGovern, was there a feeling that the legislation prevented the courts from expanding assistance for self-represented litigants in the courthouse?

Mr. McGovern: — Well I think that's part of the issue in terms of saying, if you have it in the statute that that's the role of the clerk, we want to send a message that that's not exclusively the role of the clerk.

Ms. Sarauer: — I'm a little bit . . . I'm struggling with this a little bit, I suppose, for a few different reasons. First of all, I'm sure you're all already aware that there is a free legal clinic that is operating in the court house, at the Provincial Court House . . . or at least it has been or it was, until I was elected, at the Provincial Court House in Regina, in its partnership with Pro Bono Law Saskatchewan and Miller Thomson in Regina, where free legal clinic appointments are being made and individuals are being served.

So I'm not too sure why, and I guess maybe this will just end with us agreeing to disagree, but I don't see how this is an expansion of services. To me this is taking away services. And I'm confused at the argument that you said, Mr. McGovern, about how there was some concern that this was limiting the ability to provide services when one of the solutions you're saying are potentially being contemplated, is already being acted on in Regina.

Mr. McGovern: — No, and I think, you know, this is part of the messaging, both internally and externally, saying that, you know, we want to have a broad range of supports with respect to the ability to assist individuals at the small claims process and having it state that that's the role of one particular court officer. The impression was with respect . . . from the court services staff, was that that messaging was inconsistent with the approach we wanted to take. And I think that's what led to the amendment.

Ms. Sarauer: — Okay, so just to clarify, will the court clerks be no longer providing the service?

Ms. Bihun: — They absolutely will continue to provide the service. And so even with the change and removing that language from the legislation, as executive director, it is my intention to have court staff continue to provide assistance, and not only to the plaintiffs but also to defendants and third parties as well.

Ms. Sarauer: — Okay, thank you. So just to reiterate the wording in old section 6(3):

. . . the clerk shall assist the plaintiff in preparing a concise written statement of the claim.

So will clerks in Saskatchewan still assist plaintiffs in preparing concise written statements of claim?

Ms. Bihun: — Yes, they will still be asked to provide that assistance.

Ms. Sarauer: — Will they be providing that service to defendants in preparing replies as well?

Ms. Bihun: — The direction that they will receive will be that they will also provide assistance to defendants in third parties, should they be asked to do so.

Ms. Sarauer: — Thanks, that was my next question that you anticipated. And then I'm struggling with why then this wording is removed if this service, as you've indicated, is still going to be provided?

Ms. Bihun: — With the perspective that the clerks are but one way that this service can be received and not limited to clerks. So clerks, within court offices, is a very specific term, so this will broaden it not only to other court staff, but to the potential of other service providers as well.

[16:00]

Ms. Sarauer: — Thank you. And just to elaborate on that, you've spoken about two separate options that I'd like to go into in a little bit more detail, the first one being the potential for a service centre with I think a computer and online fillable forms, which is something that I think Mr. McGovern went into in terms of question-and-answer forms, similar I'm assuming to, and I'm sure that the committee members are well aware of a PLEA's [Public Legal Education Association] project in making fillable court forms, and a fillable court form website for family law which has been extremely helpful in assisting self-represented litigants in the area of family law. So is that one of the examples that the ministry is looking into implementing?

Ms. Bihun: — Yes, I would consider that an example. And I would also look towards a bit of interactivity, if I can use that word, in completing the forms, where things might be auto-populated and you're prompted with "if this, then that" type of information. So it's almost like an electronic conversation that's going on to really zero in on the potential options or choices or decisions, really, that someone completing the form would need to make.

Ms. Sarauer: — Okay, well I'm happy to see that that's a potential way that the ministry is going. I know if you look at other jurisdictions, there has been a movement towards providing sort of centres within courthouses as that's the obvious touch point for self-represented litigants when looking for assistance. Just a word of caution though. The PLEA website, while very good, I think they'd be the first to say that it's . . . although way more user-friendly than the actual forms, still requires sometimes a level of third party assistance, I would say.

So often we talk about technology being the answer for access to justice. However, as you well know, there's many pieces to this puzzle. So in that respect, is the ministry committing to provide funding for the creation of these fillable forms?

Ms. Bihun: — So at this time there isn't identified funding. What I can say is, is part of the work that the ministry does under its small systems development, that small claims supports is one of the areas that is under consideration as part of the broader development.

Ms. Sarauer: — Thank you. All of these suggestions are very important in access to justice, but none of them will be successful or implemented without some sustained, committed funding from the government, which ultimately will save money in the long run. It's just that upfront cost that ends up having to happen. So in that regard, I asked about the fillable forms, but you had also mentioned potentially computer stations in the small claims courts. Is the ministry committing funding to establishing computer stations in all of our small claims courts in the province?

Hon. Mr. Wyant: — We're not committing to funding them at the present time. What we're committed to do is to explore all the different possibilities to be able to provide assistance to those litigants. So that will be part of that, but at the present time there's no money in the budget to do this. But having said that, we are committed to exploring these to ensure that access to justice for self-represented litigants is enhanced.

Ms. Sarauer: — Thank you. Now the second part of your response with respect to potential avenues for addressing the needs of self-represented litigants included partnering with Pro Bono Law Saskatchewan. Have you spoken with Pro Bono Law Saskatchewan yet about this potential partnership?

Mr. Karkut: — That's still an area that's under consideration. There hasn't been specific discussions with Pro Bono on that yet.

Ms. Sarauer: — Is the ministry intending on providing funding to Pro Bono Law Saskatchewan for any of this programming?

Hon. Mr. Wyant: — Well as I mentioned before, there's no funding that's been set aside to do any of this. All we're doing now is exploring alternatives and options. And so if those options require funding, we'll have to deal with that in the normal course of budgeting, given the priorities of government.

Ms. Sarauer: — Okay, thank you for that. I think without putting words into their mouth, you might find some difficulty that they will have, especially in the smaller centres in the province, in terms of being able to find lawyers who are going to be able to fill that gap in terms of providing assistance to self-represented litigants.

So just to clarify: Pro Bono Law Saskatchewan was not consulted on this change, this removal of this provision, nor have they been consulted yet about any partnerships?

Mr. Karkut: — No, we've not yet had discussions on partnerships. That's still under consideration.

Ms. Sarauer: — Okay, thank you. Sorry, just one moment. I just need to look at my notes to make sure I got everything.

Now we spoke a lot about access to justice and the importance of access to justice, especially in small claims court. And I'm very happy to hear you indicate that the services that were in these sections will still remain and won't be taken away. I hope not now or in the future. I always have some concerns, however, with provisions being removed from the Act and what that can potentially mean for service provision in the future.

As a result of that, I am going to table three amendments. They're fairly, to me, non-threatening. They're simply re-including those subsections back into the new Act and then also including a section that's similar to the one about the commencement of claim for the reply, simply because the reply didn't exist until now. And I'll table that at the time when it is appropriate.

To me, based on our discussion, I don't think that there should be an argument for not including them in the new Act if the services are going to continue to be provided into the future.

And also I don't . . . I would respectfully disagree with the argument that this is limiting the potential for service delivery in the future when some of the services that have . . . [inaudible] . . . been proposed are actually occurring in Saskatchewan.

But I think if you asked anybody who works at the . . . And just saying that as a caveat. Anyone who works within a small claims clinic in Regina, although they do very, very good work, would never consider themselves to be a catch-all, especially considering the services that they provide are limited in terms of the time. We talked about the importance of services during working hours, but the lawyers who provide services at the free legal clinic do so at an even more limited amount of hours than the clerks would have been providing services, for example.

There's always a bit of a push and pull in terms of access to justice — and as you well know, I've been working in this area for a little while — between all the different players I suppose in access to justice. And there's always some concerns about court autonomy, for example, and the ability for court to serve who it ultimately was meant to serve, which is the public.

And a growing . . . unfortunately for the justice system, I suppose, a growing body of those individuals aren't represented by lawyers when they reach the court process, which is why, essentially, why the small claims court is so important. As you have said time and time again, it is a place where often individuals who haven't gone through the court process before enter into to, for example, resolve disputes that occur in their lives, be it for example like a contract dispute with a contractor if you own a home, trying to receive some sort of remedy.

It can be a very difficult process despite the fact that, I would say and I think everyone would agree, that the small claims court is designed essentially to be as user-friendly as possible and designed with the intention in mind that individuals wouldn't be represented by lawyers — although counsel, as you know, is often involved in small claims courts in these days. But the intention is to make it as user-friendly as possible.

So in saying that, I think it's really important that we maintain the user-friendliness of the small claims court. As you have said that, a few times, the changes that were made with respect to *The Small Claims Act* were intended to make it more accessible or more efficient, a better process. I think, you know, overall the consultation that's been done has been very thorough and very good. And the response back has been actually robust considering consultations in the justice system can sometimes be a little bit difficult to get responses back, so I think . . . I'd like to commend the ministry for doing that work. They did a very thorough job in that respect, and the recommendations and the proposals I think that are before us are going to help the small claims court in the future.

I think that including this, these provisions will just further make what looks like a great new Act into an even greater Act, I suppose I would say.

Before I conclude my questions/remarks, I do want to . . . In an effort to highlight the importance of ensuring that essentially everyone is at the table in terms of improving access to justice, and one of that is the courts and those who work within the courts, I do want to highlight a few recommendations that were

made in the *Report of the Court Processes Simplification Working Group of the Action Committee on Access to Justice in Civil and Family Matters*.

As the members well know, the Action Committee on Access to Justice in Civil and Family Matters was a report that was created by Justice Tom Cromwell. Committees have been made throughout the country now in an effort to ensure that the recommendations are implemented in order to improve access to justice in civil and family law, of which I know that the ministry in some capacity is a part of that, a part of that working group in Saskatchewan. So I do want to highlight a few of the notes that were made.

This is a report . . . This is the, like I said, the Simplification Working Group, which should always be read . . . There was a few of them. They should always be read in conjunction with the actual final report by Justice Cromwell. This one is dated May 2012.

I just want to read first of all a quote by Richard Zorza, who is a well-known access-to-justice advocate and lawyer in America, in the States. He's been working on this, in this field for a very, very long time, and he said:

Courts must become institutions that are easy-to-access, regardless of whether the litigant has a lawyer. This can be made possible by the reconsideration and simplification of how the court operates, and by the provision of informational access services and tools to those who must navigate its procedures.

So some of the . . . especially, actually, especially the self-help service that was mentioned, the fillable court forms, those sorts of things are very, very important in terms of access to justice, and I do hope that the ministry does consider providing funding for those types of services in the future.

The working group provided some specific recommendations that I do want to read into the record with respect to those who work within the courts. And the importance of this, I suppose, is highlighting the importance of court staff in the access-to-justice solution, I think is the best way to describe it. As is said time and time again, everyone sort of needs to come to the table when we want to improve access to justice, be it the judiciary, court staff, lawyers, government for example. So I will just read a few of these recommendations into the record:

court staff should be encouraged to be familiar with all of the services and information available to users of the court system . . .

court staff should be provided with as much information as possible on what the public actually knows about the courts and the justice system (to help them better understand the questions that are being asked); and

training programs should be developed that train both court staff and lawyers on specific clientele needs such as child protection proceedings, etc.

And I suppose the importance of these is just to highlight that the court staff play a very important role. I'm happy to hear that

there is some, that there is an intention that these services will be continued to be provided. That's good, because they have a very important role in terms of access to justice, as does all the other players that I mentioned.

And they were highlighted as important players in access to justice by this report, that I do know that the ministry is well aware of and ministry staff have been working on in terms of, at least in terms of the innovation branch and the innovation agenda and attending the working group meetings that are currently operating in Saskatchewan.

So with that I will conclude my questions/remarks. I don't know if the minister has more comments or if we should just move on.

The Chair: — If you want to comment to the amendments?

[16:15]

Hon. Mr. Wyant: — We can comment on the amendments when they come forward, Mr. Chair. But I think that the comments that have been made by officials at the table have been pretty clear as to why the amendment, or why the change was made to the legislation. Certainly making an amendment that requires a member of, a clerk of the court to provide the assistance is a bit problematic given some of the comments that have already been made by officials at the table. So we won't be supporting the amendments.

But I do want to comment a little bit about some of the . . . about the access to justice piece because we do take access to justice very seriously in the ministry. It's been one of the key things that we've talked about since I've been the minister. Certainly the innovation division, the people that work within innovation and my deputy ministers have been very keen on ensuring that we move the innovation agenda forward. And the key part of that is access to justice, so we'll continue to work on that. I appreciate the comments that the member has made with respect to other jurisdictions perhaps being further advanced on a number of these items than us, but we continue to look at what other jurisdictions are doing.

We continue to look at whether or not there's other resolution mechanisms that we can bring to not only this kind of a file, but other files as well, and always with a view of looking to ensure that we protect self-represented litigants. But I think bringing the amendments forward kind of defeats the purpose of us moving forward with trying to find alternate ways of providing the support that needs to be supported to these litigants. So we won't be supporting the amendments, but I do appreciate the comments that the member has made with respect to them.

The Chair: — Any other questions?

Ms. Sarauer: — No. I did ask a lot of questions to the officials. I just want to thank them. I'll thank everyone at the end, but I do want to thank you in particular for answering all of my questions on this. As I had said, I do know the consultation process with this one exception was very thorough and very good. And it is a bit of a hypothetical question because I actually was involved in the consultation process prior to being elected, so I have first-hand knowledge that it was, I know that

it was quite well thought out. And it's always a bit of an onerous process trying to revamp an area in the justice system, so I want to thank you for your work in this regard.

Hon. Mr. Wyant: — Just one more thing, Mr. Chair. And I too just want to thank, not only thank the officials, but I do want to thank the member for her comments, especially around access to justice. And as I've said, we're committed to it. We want to make sure that self-represented litigants and other people have complete access to the justice system, and that was one of the things that the report that was referenced by the member talked about specifically. So I do appreciate all the comments that she has made about that.

And I will make the commitment that we'll continue on this road with respect to ensuring access to justice for people in Saskatchewan, not only pursuant to the report that was mentioned, Mr. Chair, but with respect to all other items that are coming through our innovation agenda and through the ministry and through my office.

The Chair: — Thank you. Seeing any other questions, the committee will move forward on the voting. Short title. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 5 inclusive agreed to.]

Clause 6

The Chair: — Clause 6. Ms. Sarauer.

Ms. Sarauer: — Mr. Chair, I'd like to move a motion to amend section 6. It should read:

Section 6 of *The Small Claims Act, 2016* is amended by adding the following after 6(2):

“(2.1) Unless otherwise directed by the judge with respect to a specific claim, the clerk shall assist the plaintiff in preparing a concise written statement of the claim.

The Chair: — Before we vote on the clause, will members take the amendments as read?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Do the committee members agree with the amendment?

An Hon. Member: — Agreed.

Some Hon. Members: — No.

The Chair: — I believe the nos have it. The amendment is defeated. We will continue vote on clause 6 without amendment.

[Clause 6 agreed to.]

[Clauses 7 and 8 agreed to.]

Clause 9

The Chair: — Clause 9. Ms. Sarauer.

Ms. Sarauer: — Mr. Chair, I'd like to move a motion to amend section 9.

Section 9 of *The Small Claims Act, 2016* is amended by adding the following after subsection 9(2):

“(2.1) Unless otherwise directed by the judge with respect to a specific claim, the clerk shall assist the defendant in preparing a concise written reply.

The Chair: — Before we vote, will the members take the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — Agreed. All those in favour of the amendment?

An Hon. Member: — Agreed.

Some Hon. Members: — No.

The Chair: — I believe the nays have it. The amendment is defeated. We will now vote on clause 9 without amendment. Is that agreed? Carried.

[Clause 9 agreed to.]

Clause 10

The Chair: — Clause 10. Ms. Sarauer.

Ms. Sarauer: — Mr. Chair, I'd like to move a motion to amend section 10:

Section 10 of *The Small Claims Act, 2016* is amended by adding the following after subsection 10(2):

“(2.1) The clerk shall assist the third party claimant in preparing a concise written statement of the third party claim.

The Chair: — Before we vote, will the committee take the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — We will now vote on the proposed amendment. All those in favour?

An Hon. Member: — Agreed.

Some Hon. Members: — No.

The Chair: — I believe the nays have it. The amendment is defeated. We will now vote on the clause without amendment.

Is that agreed? We will vote on clause 10 without amendment. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 10 agreed to.]

[Clauses 11 to 60 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Small Claims Act, 2016*, a bilingual bill.

I would ask a member to move that we report Bill No. 35, *The Small Claims Act, 2016*, bilingual bill without amendment. Ms. Lambert.

Bill No. 36 — *The Small Claims Consequential Amendments Act, 2016*

Clause 1

The Chair: — Now we will be considering Bill 36. The next bill in front, *The Small Claims Consequential Amendment Act, 2016*. I will ask the minister, if he has any new officials he can introduce them. If not, if he has any statements he may make them now.

Hon. Mr. Wyant: — Thanks, Mr. Chair. Well again with me, Neil Karkut; Darcy McGovern, Q.C.; and Glennis Bihun.

So I'll just offer some very, very brief comments concerning Bill 36. Mr. Chair, this bill made consequential amendments to the non-bilingual legislation to accompany *The Small Claims Act, 2016*. The proposed changes will replace references to the current small claims Act with the new small claims Act 2016. Proposed changes are housekeeping in nature, and will have no substantive impact on the legislation that is being amended. So with that, Mr. Chair, I'd be happy to answer any questions.

[16:30]

Ms. Sarauer: — Thank you. I just have one question and that's with respect to section 3 of the bill. I wonder if you can elaborate a little bit on the change that's being made there. Is that a change to process or is that simply catching up to something that's already occurring?

Mr. Karkut: — That again is just a housekeeping amendment. The reason that specific set of changes didn't go into the table at the back is that reference to *The Small Claims Act* is being updated in several instances and then the heading is also being updated. So in certain occasions like that it's determined to just replace the section as a whole, as a simplified process, but that's just housekeeping amendments in that case.

Ms. Sarauer: — Thank you. I have no further questions.

The Chair: — Thank you. Seeing that there are no further questions, we will vote on the bill that is in front of us. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 5 inclusive agreed to.]

The Chair: — Also schedule, table 1, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Schedule agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Small Claims Consequential Amendments Act, 2016*.

I would ask a member to move that we report Bill No. 36, *The Small Claims Consequential Amendments Act, 2016* without amendment. Ms. Heppner. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 8 — *The Summary Offences Procedure Amendment Act, 2016*

Clause 1

The Chair: — Okay. I believe this is our last bill that is coming up in front of the committee. We will be considering Bill No. 8, *The Summary Offences Procedure Amendment Act, 2016*. I will ask the minister to introduce officials, and if he has any opening comments. Thank you.

Hon. Mr. Wyant: — Thank you very much, Mr. Chair. Well to my left, Glennis Bihun, executive director of court services; to my right, Jane Chapco, senior Crown counsel from legislative services; and to my very far right, Darcy McGovern, Q.C.

Mr. Chair, I'm pleased to offer some opening comments with respect to Bill 8. Mr. Chair, this bill is aimed at reducing court volumes and improving court efficiency. The amendments were developed in response to the significant increase in traffic tickets resulting from the automated speed enforcement photo laser project which has been running on a two-year pilot basis in Regina, Saskatoon, and Moose Jaw since March of 2015.

Mr. Chair, this bill establishes a new administrative process for defendants who want to plead guilty but would like more time to pay their fine. Currently these defendants have to apply to a justice for an extension. The bill will move these applications for an extension of time to pay out of court into an administrative process which will reduce the number of people who need to attend court. Details of the application requirements will be set out in regulation.

Mr. Chair, the bill will also expand the regulation-making

power, authority to support additional changes to court processes in the future. One option may be to offer an incentive for early ticket payment by setting a reduced fine in the regulations when specific requirements are met. Expanding the regulation-making authority will now support the future developments of innovative solutions to reduce court volumes.

Finally, Mr. Chair, this bill will also incorporate the Criminal Code provision that authorizes the swearing of information by means of telecommunication and make that provision applicable to provincial offences. The information is the document that begins a criminal proceeding and it must be sworn by the informant, typically a police officer.

In remote communities it's often impractical for a peace officer to attend personally before a justice to swear that information. The Criminal Code provision authorizing the swearing of informations by telecommunications, such as by fax, will be adopted in the Act and made applicable to summary offences in this province, which again will improve court efficiency.

Mr. Chair, with those opening remarks, I welcome any questions with respect to Bill No. 8.

The Chair: — Ms. Sarauer.

Ms. Sarauer: — Thank you and I thank the minister for his opening comments. Just to clarify and I have a few, I just have a few questions about the change in procedure for an individual requesting an extension of time. So is this new procedure only, does this only apply to traffic safety Act tickets?

Hon. Mr. Wyant: — The intention is that it only applies to those tickets that are issued, even though there's potentially broad application.

Ms. Sarauer: — So could you elaborate a bit on what you mean by potential broad application, please?

Ms. Chapco: — We're looking with these changes to really try to reduce court volume, and simplify the process for those who want to voluntarily pay their fine, by moving all of those applications for an extension of time to pay a fine out of court and into this new administrative process. It was designed with the traffic tickets in mind, and we'll be working with the courts as we implement the change to ensure that it's implemented properly.

Ms. Sarauer: — What other potential fines could be included in this provision in the future?

Ms. Chapco: — Any fine for which you receive a summary offence ticket when you have a fine.

Ms. Sarauer: — Thanks. For the lay members of the committee, could you elaborate a little bit on what those could include?

Ms. Chapco: — Yes, the vast majority of summary offence tickets are issued for driving offences, but there are also tickets issued for offences under a number of provincial Acts such as environment offences, occupational health and safety. Those are some examples.

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Ms. Sarauer: — Thank you. Now you had mentioned that the application process itself is going to be included in the regulations, which will come out at a later date. Could you provide to the committee any preliminary, I suppose, discussion as to what that might look like?

Ms. Bihun: — At this time, not really. Those discussions are currently under way. We believe that we will want to have multiple means of having the application process available and that we'll want to be very transparent in the types of criteria that may be considered by the director as he does his decision. So currently what we're undertaking is really those kinds of process policy kinds of discussions to ensure that we're identifying all those questions that need to have good answers to and working our way through.

Ms. Sarauer: — Great. Thank you. Is there going to be included any type of a dispute mechanism, or I guess another word for it would be an appeal mechanism, if an individual isn't satisfied with the decision of the administrator?

Ms. Chapco: — No, there's no formal process for this procedure. It would just be the usual standards of judicial review that would apply.

Ms. Sarauer: — Okay. I just want to ensure, and I'm sure you've already spoken with individuals, but is there any concerns about judicial discretion being removed in this instance?

Hon. Mr. Wyant: — The parameters will all be set out in the regulations, so there will be some standard guidelines for the administrator to follow when he comes to making decisions based on the factors that get put before him.

Ms. Sarauer: — Great. Thanks. I, as always, look forward to the release of those regulations. Thank you. I have no further questions.

The Chair: — Seeing no further questions before the committee, we will consider Bill No. 8. We'll vote on clause 1, short title. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 12 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Summary Offences Procedure Amendment Act, 2016*.

I would ask a member to move that we report Bill No. 8, *The Summary Offences Procedure Amendment Act, 2016*, without amendment. Mr. Kaeding so moves. Is that carried?

Some Hon. Members: — Agreed.

The Chair: — Carried. I believe that is our bills that are done.

Subvote (JU06)

The Chair: — We will now before the committee be considering the supplementary estimates for the Ministry of Justice. We will begin consideration of vote 3, Justice, (JU06). If the minister has more officials to come in, he can introduce them, and also if he has some opening remarks he may make them now. Thank you.

Hon. Mr. Wyant: — Thank you very much, Mr. Chair. Good afternoon, everyone. I am pleased to be here today to provide you with some information about the additional funding required by the Ministry of Justice for 2016-17 fiscal year. I'll make a couple of opening comments and then certainly be prepared to answer any questions. And we have a number of officials here with us today, Mr. Chair, and I'll have them introduce themselves as they make their comments if that's all right.

But I will introduce to my immediate right, Dale McFee, deputy minister of Corrections and Policing. Dennis Cooley, associate deputy minister of custody and supervision and rehabilitation services is also with us today; and behind me, Dave Tulloch, assistant deputy minister of corporate services. I think we also have Heather Scriver here, executive director; and Drew Wilby, executive director of corporate affairs.

So these will be very brief, Mr. Chair, because I know there will be some questions. The Ministry requires an additional funding of \$10,273,000 to support its work in the justice system for this fiscal year. In particular this funding will be used for the operation of the province's correctional facilities. The province's correctional facilities have experienced higher than anticipated number of inmates, both remand and sentenced. And although the ministry is successfully managing the issue, it does cost more to house and supervise these individuals that are in our care.

It's important to note that our primary concern in any of the province's correctional facilities is the safety and security of staff, inmates, and the facility itself. So with that, Mr. Chair, we're pleased to answer any questions that the committee may have with regard to these supplementary estimates.

The Chair: — Ms. Sarauer.

Ms. Sarauer: — Thank you, and I thank the minister for his opening remarks. I'm wondering if the minister can elaborate a little bit more on the higher than anticipated counts. I suppose my first question is, what was the anticipated count supposed to be for this year?

Hon. Mr. Wyant: — We don't really have any, you know . . . anticipate what those numbers will be, but I will tell you that we have about 90 more individuals that are in our facilities now than we had this time last year.

Ms. Sarauer: — Okay. So do you have available the counts for

today? Could you provide them to the committee?

[16:45]

Mr. McFee: — As of November 25th, Regina Correctional Centre, 361 sentenced, 338 on remand, for a total of 699; PACC [Prince Albert Correctional Centre], which is Prince Albert, 216 sentenced, 236 on remand, for 452; Saskatoon Correctional Centre, 181 on sentence, 240 on remand, for 421; Pine Grove Correctional Centre, 83 sentenced, 90 on remand, for 173; in White Birch, 1 sentenced, 11 on remand, total of 12. There's a total of 1,757 in the adult custody.

Do you want the YO [young offender] numbers as well?

Ms. Sarauer: — Please.

Mr. McFee: — Or sorry, secure custody ... [inaudible interjection] ... This is reduced custody. In reduced custody, Battlefords Community Correctional Centre is 21; impaired driving treatment program, 28; Besnard Correctional Camp is 24; Regina CTR [Community-Training Residence], 14; Prince Albert CTR, 12; Saskatoon CTR for men, 12; Saskatoon CTR for women, 14; and White Spruce, 35. There's a total of 160 in reduced custody as well.

Ms. Sarauer: — Thank you. Would you be able to break those numbers down in terms of a percentage of over capacity per each facility?

Mr. McFee: — So by percentage, keep in mind when we give the number just on the individual facility, as you know, there's capacity within the system, and through the offender management system, certainly some of these move around. So as a percentage overall in the system, as of October 31st, 2016, PACC has operated at 95 per cent; Pine Grove Correctional Centre was at 108 per cent; Saskatoon Correctional Centre was at 122 per cent; Regina was at 85 per cent; White Birch was at 72 per cent, for a total secure custody at 96 per cent overall.

Ms. Sarauer: — Thank you. Further, can you break down the numbers per facility as to how many remand, how many sentenced?

Mr. McFee: — Regina Correctional is 48 per cent remand; PACC, Prince Albert is 52 per cent remand; Saskatoon Correctional is 57 per cent remand; Pine Grove, 52 per cent remand, and White Birch is 91 per cent remand.

Ms. Sarauer: — Thank you. In the Supplementary Estimates in the — I don't know what it's called — the description of vote 3 it stated, "Additional funding is required for higher-than-anticipated counts in the custody facilities." Can you elaborate on what's meant by higher-than-anticipated counts?

Hon. Mr. Wyant: — Well it's all really in the remand numbers in terms of how many people have been remanded, and obviously from looking at the numbers, you know that that's where our challenge is. I think we're anticipating, if I'm not mistaken, 22 per cent increase in the number of cases that are going to court next year, which is going to again further put some strain on not only our court services, but certainly on our

remand. And so that's where we really need to get control over our remand numbers. And I think that the deputy minister can speak a little bit to that, but that's really where our challenge is. I'm not sure if that answered your question or not.

Ms. Sarauer: — It does. Thank you. You had mentioned just in your answer that there's an anticipation that 22 per cent more cases will be going to court next year. Does that mean that you're anticipating that more charges will be laid in the future? Are charges increasing?

Hon. Mr. Wyant: — Charges are increasing. And so that's really one of the challenges that we have, as to how those are being dealt with in the system. So looking at other ways of dealing with those cases as they come to court, whether that's pre-charge diversion, those kinds of things. But certainly that's going to result in, if we don't do something about the problem, it's going to result in higher remand populations and certainly other challenges in our court system.

Ms. Sarauer: — For sure. Let's talk a little bit about what the ministry's plan is to do something to deal with the problem. How about first, pre-charge diversion. What's the anticipation of improvement there?

Hon. Mr. Wyant: — I'll let Deputy Minister Fenwick just make a quick comment.

Mr. Fenwick: — Thank you. Kevin Fenwick, deputy minister of Justice and deputy attorney general. Thank you for the question. So as you're aware, we have what we think is an aggressive and ambitious innovation agenda within the Ministry of Justice on all fronts, including family and civil, but certainly including on the criminal law side as well.

And the focus is to make sure that the people who are the really bad people get treated as such, and those who are maybe having their first interactions with the criminal law are treated in ways that are more appropriate to help them turn their lives around. And so things like increased police cautions and things like reducing the number of charges when someone breaches a condition of release so that they're not charged with four different things but they're only charged with one.

All of those play into what we think is a more restorative, rehabilitative approach for the individuals, which happens to have a happy consequence in that it would reduce the number of matters going through court. But you know, I would want to emphasize that we're not doing this just to reduce the numbers. We're doing this because it's the best way to deal with issues. And if it happens to reduce the numbers, then we all benefit as a result.

So police cautions are one good example. Reducing the number of charges that are being laid for the same offence is another example. Using more diversion is another good example, both pre-charge and post-charge. While we have significant numbers of post-charge diversion in the province to alternative measures, or as we like to say, appropriate measures, we're trying to increase the number of pre-charge diversions so that we don't engage the court system. All of those are part of the overall plan.

Ms. Sarauer: — Sure, thank you for that. Let's talk a little bit more detail about post-charge diversion. Do you have any numbers in terms of how many cases are currently going to post-charge diversion right now in the province?

Mr. Fenwick: — Yes, last year — the most current numbers we have, the last numbers — we were diverting about 4,000 cases in Saskatchewan last year, or at least for the last year that we have numbers. Yes, 4,000. The numbers vary depending where you are in the province.

There are a much higher percentage of cases overall diverted in Regina, and that depends partly on the relationship that the police service has with the alternative measure delivery program, which in Regina is a very good working relationship. Not that it's not good in other places, but it's exceptional in Regina, and so as a result there is a much higher percentage here.

Ms. Sarauer: — Thank you. I know that this most recent budget included a reduction in funding for alternative measures programming. Can you elaborate on whether or not this has resulted in a reduction in the amount of post-charges being diverted to alternative measures?

Mr. Fenwick: — As far as I know it has not. And, you know, to be fair we owe a huge debt of gratitude to those people working in those community-based organizations who have, quite frankly, been asked to take on more referrals even though their funding, in some cases, was reduced somewhat. And we, as far as I know, have not had any of them refuse to do that. They're dedicated individuals who are passionate about the work they do. And so, no. In fact, as we work to increase the numbers, they have found ways to accommodate those increased numbers rather than say no, we can't and we'll do less with less.

Ms. Sarauer: — Thank you. Can you elaborate a little bit on, based on your knowledge, on what these organizations have done, as you have said, in order to maintain the level of service despite a decrease in funding?

Mr. Fenwick: — I'm sorry, I can't answer that. That's a question that I think we'd have to put to the community-based organizations. I'm just not in a position to answer with any specificity whatsoever what particular measures they've taken.

Ms. Sarauer: — Thank you. Has there been any work done with the prosecutions office with respect to pre-charge diversion?

Mr. Fenwick: — Yes, as a matter of fact. Our director of public prosecutions for the province has been working with his staff over the last while to send out a number of new practice directives. I know there has been a consultative process go on with the front-line prosecutors, and with the regional prosecutors, and with the courts.

Now I don't have a date for you when those new practice directives are going out, but certainly we have to look at this as a partnership between the folks in head office who might be initiating some of the ideas, the front-line people who need to be on side, and we rely heavily on the wisdom of the courts for

these things as well because ultimately it's up to the judge to decide in many of these cases what the disposition is. And so we've been working with the judiciary as well to make sure we have their input before the practice directives go out. I believe that they're just about ready. It's always difficult to give a specific date when you're making sure that the consultation is done, but soon.

Ms. Sarauer: — Is there anything being done . . . I think you had mentioned that, and please correct me if I'm wrong, that sentenced inmates are also on the rise. Is that correct or no?

Hon. Mr. Wyant: — I think sentenced inmates, that that number is fairly stable.

Ms. Sarauer: — Is the ministry monitoring how long individuals are on remand for and if so, could they provide us with some numbers? I suppose I'd be interested to know because that's a pretty broad question and I'll leave it broad. But I would be interested to know the shortest stay and the longest stay and maybe the average stay if that's possible.

Hon. Mr. Wyant: — Well I'm very glad you asked that question. Fifty-eight per cent of the people on remand are there between 1 and 14 days — a lot of them on administrative remand, as you know. We certainly have some long-term remand in the population and so that presents its own challenges. But I think we have some specific numbers that we can go through in terms of how many people are there, but I think 58 per cent is the number and that's really what we need to start focusing on.

Mr. McFee: — Just to supplement what the minister said, so 58 per cent serve 1 to 14 days; 70 per cent serve less than 30 days; and we have 99 offenders that have been on remand for 365 days or longer, with the longest one on remand for 1,853 days. Now that's not Jordan-related because Jordan is just prosecutions-related, as you want, but there's many reasons there.

So all of those things are on the table when we're actually going to look at remand. Because as you can do the math, the longer term remand takes up a disproportionate number of bed days and is at a high cost to us. So when we look at this, as the minister has said and as Deputy Fenwick has said, it's not just the prosecutions; it's right throughout the system. It starts with the police on the entry to the system and then everywhere along the path. It's the step to actually try to address the remand phenomenon that's going across this country right now.

Ms. Sarauer: — Thank you. And as an aside, I'm happy to see that the ministry is highlighting remand as a problem that needs to be addressed, not only as it's clearly not financially good for the province; it also, as you well know, doesn't really rectify any type of problem that corrections is really intended to resolve.

I'm curious, I'd like to delve into the actual \$10,273,000 that are included in these supplementary estimates. Can you explain specifically where this money is going?

Hon. Mr. Wyant: — I'll let Mr. Cooley answer that question.

Mr. Cooley: — Dennis Cooley. So we have, the money is going to be allocated to the four adult correctional facilities to deal with the crowding issue. So first off, at Pine Grove, Pine Grove counts are well above normal, much higher than what we expected. The average daily count as of October 31st at Pine Grove was 170 and so far this month the average daily count is 196. So the peak count for this fiscal year was on October 21st and the count at Pine Grove reached 214.

So two units were opened to house these additional offenders. In July, a gym dorm was opened and it's estimated that the gym dorm will cost approximately \$640,000 to operate until the end of March. The gym housed 20 inmates in dormitory-style beds. A second overflow dorm was opened in November and this unit is known as a Sharber unit. It's a unit that houses a cultural program. So we've converted that into 22 beds and it's estimated there that'll be about \$280,000 if it stays open until the end of March.

[17:00]

So in addition to these two units, we've had other pressures due to an increase in our operating costs for things, you know, having to purchase more inmate provisions and inmate clothing, etc. So there's some additional counts there.

With respect to Prince Albert Correctional Centre, we're over budget by about \$1.8 million. The average daily count for '16-17 was 462, and the peak count, as it happened on November 1st, at 495. As a result, PACC added beds in a program area of unit 4. Because we added beds to this unit, we've added staff as well. These staff will continue to be deployed due to the high count until the end of March. It's estimated around \$240,000 there.

In addition, an additional 40 hours of coverage was added, staff coverage was added to assist with the high count in pod one. Pod one is a classroom that's been converted into contingency beds. We're using that for approximately one month, so that's \$40,000. We have other pressures due to high counts, such as more escorts to hospital, more internal escorts for video, etc. and those pressures total about \$410,000. And then there's some money allocated for increasing operational expenses due to the increase in the count as well.

Saskatoon, the pressure experienced at Saskatoon actually is a result of counts, but also the closure of two units — one due to major repairs following a disturbance, and the other as part of a planned updating as per our master plan, master capital plan. So we've actually had decreased bed space at the facility by 62 beds, but we have a number of pressures nonetheless: \$325,000 was required for corrections staff to supervise contractors who are doing the renovations at the work units. We've had \$450,000 in hospital coverage. We provide, SCC [Saskatoon Correctional Centre] provides supervision for Pine Grove inmates and Battlefords Community Correctional inmates when they're in hospital: \$650,000 for increased demand for internal escorts.

We also have another, some contingency spaces open as we're dealing with the closures for the renovations. So B-unit, we've added 16 beds by converting single-bed cells into double-bunked cells, so that required some additional staffing at

\$375,000. Similar to unit C, the same process converted 16 single cells to double-bunked, so that was another \$375,000. We've got additional staffing costs at our overflow dorm, Echo, as well as our med cells and holding cells.

At Regina, the average daily count at Regina as of October was, for this year, was 650 with a peak count of 721. In terms of our expenditures, we have \$750,000 for high count for unit 1 and 2, which requires increased staffing levels; \$850,000 for the Honour Dorm which is unfunded beds, it's an unfunded pressure; \$375,000 for a program dorm where we added 10 beds to a program unit and required additional staffing.

At White Birch we added \$400,000, and this was primarily to deal with increased supervision and medical coverage. So the sum total of that, of those expenditures was around just short of \$11 million, and then we had some offsets from some other areas of our operations that we're using as well to cover the costs.

Ms. Sarauer: — Okay. Thank you for that explanation. I want to delve into each of these more specifically if possible. First you had mentioned some changes to some of the units in Pine Grove. The first one you mentioned was a gym that has now been converted into a dorm. Can you explain or can you advise if there is a bathroom that's attached to that gym?

Mr. Cooley: — Yes, there is a bathroom attached to the gym.

Ms. Sarauer: — Are escorts needed between that space and the bathroom?

Mr. Cooley: — Escorts are not required. I think there are toilet facilities as well as shower facilities in the gym area.

Ms. Sarauer: — That's good. And was that space being used for programs prior to it being converted to a dorm?

Mr. Cooley: — Yes. That space was being used as a gym. I mean Pine Grove is an interesting example of a sudden and quite rapid increase in our population. On April 1st, 2015, our count was 138 and October 26th, 2016, our count was 202. So in that, that's an increase of 64 inmates or 46 per cent in 19 months, and the bulk of that came since April 1st of this year. So we've had to increase . . . In the last seven months we've had an increase of 52 inmates at that facility, primarily remand. So that leads to, you know, looking at the gym and at Sharber unit for space.

Ms. Sarauer: — Thank you. Is there another gym at Pine Grove or is this the only gym?

Mr. Cooley: — That's the only gym.

Ms. Sarauer: — Okay. So what are the plans for individuals being able to utilize or use programs that were originally at the gym? Where are those going to be facilitated now?

Mr. Cooley: — We're doing our best with the facility now to find different ways of recreating the women who are residing there. They're out in the yard. I think we've moved some of the exercise equipment into the dorm so that women have . . . or into the other living unit the women have access to that

equipment that they used to go to the gym for.

Ms. Sarauer: — You also mention that there was cultural programming space that's now been converted into a dorm.

Mr. Cooley: — That's correct. Sharber unit was originally a dorm. Then it was converted to the First Nations cultural area. And now just most recently, I think within the last month, about a month, we've moved it over to, back again now to housing.

Ms. Sarauer: — Okay, thank you. Is there a bathroom attached to this space?

Mr. Cooley: — Yes.

Ms. Sarauer: — So no escorts are required to . . .

Mr. Cooley: — That's correct.

Ms. Sarauer: — Okay, good. And this cultural programming space, I'm assuming based on the name was — prior to being reconverted into a dorm — being used for programming, is that correct?

Mr. Cooley: — Yes. It was being used for First Nations cultural programming. We're still doing that programming. We still have the elders and the chaplains. We just don't have the space. They're doing it in different units.

Ms. Sarauer: — Okay. So where is the programming being conducted if there is no more space for it?

Mr. Cooley: — They'll be doing it right on the units. I think they can still do smudges at an outdoor facility.

Ms. Sarauer: — Okay, thank you. Is that affecting the amount of time inmates have to be able to utilize this program?

Mr. Cooley: — I think generally yes. You know, at all of our facilities, once we get into higher counts we're looking at . . . We have to make adjustments to our programming. So I would say generally yes, as the counts go up then we have to, you know, if we're closing down the First Nations space and converting it to living accommodations or gyms or classrooms in other facilities, then we have to make adjustments to our programming.

Ms. Sarauer: — Okay. Thank you. Is any of the additional money for Pine Grove going towards more staff?

Mr. Cooley: — Yes. We're currently hiring staff at Pine Grove. I think we have an intensive or induction training program . . . It's currently under way I believe, the induction training program at Pine Grove. As well Pine Grove is borrowing staff from Prince Albert, our other facility in the city. So there's additional costs associated with it.

Ms. Sarauer: — This additional staff that you're hiring, what type of staff is that?

Mr. Cooley: — Corrections workers.

Ms. Sarauer: — Is any of this additional money going towards

increase in programs?

Mr. Cooley: — Not to my knowledge. The additional money is being used to cover off the staffing costs associated with the increased counts, as well as the operational costs.

Ms. Sarauer: — Will any of the increased staff at Pine Grove be mental health workers?

Mr. Cooley: — No. They will be corrections workers.

Ms. Sarauer: — So just to clarify, no additional nurses either?

Mr. Cooley: — We didn't receive money for additional nurses at Pine Grove, but we are now hiring to fill vacancies that we had, vacancies in our nursing complement that we had. So those vacancies will be filled.

Ms. Sarauer: — Okay. Sorry, I just need to clarify that. So there was additional money in this \$10 million for nurses? Or you're filling in already vacant positions?

Mr. Cooley: — We're filling already vacant positions.

Ms. Sarauer: — Okay. Thank you.

Mr. Cooley: — That's right.

Ms. Sarauer: — Let's move on to Prince Albert Correctional Centre. You had mentioned that there is a program area that's being converted to a dorm. Is that correct?

Mr. Cooley: — That's correct. We have a program room in unit 4. Unit 4 is one of the free-standing buildings in the yard. There's a program area there. So we've added . . . I think we added 16 beds to that program area. So we added staff then to provide additional supervision.

Ms. Sarauer: — Okay. Sorry, just to clarify, so were there already beds in that program area and you're just adding beds, or are these . . . Was this never a space where individuals were sleeping?

Mr. Cooley: — This was a program area and we've added 16 new beds.

Ms. Sarauer: — Okay. So are there bathrooms connected to this area?

Mr. Cooley: — Yes, there . . . [inaudible interjection] . . . No? There are no bathrooms attached to that particular program area, so they're escorted to bathrooms in the unit.

Ms. Sarauer: — Okay. So, sorry, can you remind me how many beds are in this space again?

Mr. Cooley: — 16.

Ms. Sarauer: — Sixteen. Okay. And so these individual . . . Do you know if it's currently full, the 16 beds?

Mr. Cooley: — It would be full or pretty much close to full.

Ms. Sarauer: — Thank you. And then just to reiterate, they are requiring escorts to use the washroom in this space?

Mr. Cooley: — That is correct.

Ms. Sarauer: — Okay. And you mentioned that there's an increase in staff, some of this money is going to an increase in staff. Can you elaborate on how many new staff and what types of staff, please?

[17:15]

Mr. Cooley: — We haven't added additional staff at Prince Albert. What we're looking for is additional funds to, when we call . . . to cover off the costs when we call in staff either on our part-time staff or our full-time staff for additional coverage. So we've added additional escorts staff. We've increased our escorts, as I indicated, for both internal escorts and external escorts — internal escorts for video court or external escorts to hospital, so we've added staff there.

PACC, as I indicated, has also lent staff to Pine Grove to assist with their contingent units, so this has created a shortfall of available staff at the facility. So it causes more shifts to be paid, some shifts to be paid at regular rates and additional shifts to be paid at overtime rates. So until we get . . . Because we had opened up in Pine Grove these new units, we need to staff, we need to hire on new staff for those units, but until such time that we have those staff we're backfilling with P.A. [Prince Albert] staff.

Ms. Sarauer: — Okay. Thank you. What sort of programs were being provided in this space before it was converted to a dorm?

Mr. Cooley: — At Prince Albert we have a variety of programs that we provide for inmates. We have First Nations and Métis programs, chaplaincy, core correctional programs that are matched to the risk and needs assessment. We have education and literacy programs for offenders. We have Courage to Change, which is an interactive journal that involves case managers engaging in one-on-one with inmates. We have Thinking for a Change, and we also have addictions and criminal thinking . . . programs dealing with addictions and criminal thinking. So the program room would provide . . . is just a room in which a variety of these types of programs take place.

Ms. Sarauer: — Thank you. So where are these programs being provided now that this space is no longer able to be used for that purpose?

Mr. Cooley: — Some of program is now being provided in, sort of directly one-on-one with inmates. So for example when we took out a classroom at Prince Albert, instead of the offenders going to the classroom to see the teacher, the teacher would then go to the units to see the offenders.

Mr. McFee: — Just to add to that, though, just for clarification. So although the inmate population is growing and it's grown since 1998, sentenced inmates has only grown by three per cent and remand has grown by 97 per cent. For the most part, remanded offenders are not programmed, as you're well aware. So it's not like we're having to grow our programs. We've still

got to look after the ones, as Dennis is telling about, the people are in there, so it's more of a one-on-one individual. But it ultimately comes back to starting to deal with the remanded population which is growing the counts. So I think that's where you're going but I just don't want anybody to think that all these people are missing programming.

Ms. Sarauer: — Fair enough. I understand that. And I think the remand prison population access to programming is a whole other different ball of yarn that we could untangle today, but I don't think we will. But that's a challenge in and of itself, frankly. But despite that though, there are still sentenced inmates who are utilizing these programs, and there is still, some would argue — I would argue — there is a wait to be able to access these programs. I don't think that's controversial. So these are still important questions to ask with respect to the sentenced inmates.

So you indicated that the programs are now being delivered one to one. As a result, is there a larger wait time for inmates to be able to access these programs?

Mr. Cooley: — I think it's fair to say that, you know, there may be a larger wait time as the number of . . . You know, we haven't decreased our programming budget or haven't made any cuts at our facilities, but we have changed the way we're doing that delivery.

So you know, in some facilities we use split programming. So this means that, you know, as a unit gets more populated, instead of letting everybody out of the unit at the same time, we have a split programming where we let half the offenders out of their cells, for example, at a time to take a shower, to clean their cells, to make their phone calls, to get their fresh air. And then the other half go out afterward. So there's less out-of-cell time for each offender. And this is done for security, or for security reasons, obviously. So we don't want to have too many offenders out of the cells at any one time.

Programming, yes, when we are using classrooms to house offenders, we're not using classrooms to provide programming. Same goes for gyms and cultural areas. So we've had to change the way that we're delivering those programs.

Ms. Sarauer: — Thank you. You had mentioned that some of this increase in funding is going towards operational expenses. Can you elaborate on what you meant by that? Or have we covered where all of the funding is going for Prince Albert?

Mr. Cooley: — Yes, operational expenses. The more inmates you have, the more inmate clothing is required, the more laundry is required, the more the number of meals increases. So they, you know, it's just the more volume they have, the more operational costs you have.

Ms. Sarauer: — Okay. Do you have more specifics as to exactly where that increase is going?

Mr. Cooley: — Not any more specific than that.

Ms. Sarauer: — Okay, thanks. Let's move on to Saskatoon Correctional Centre. You had mentioned — and forgive me if I missed part of your response — that there was some

contingency space being used. I understand that there are two units that are offline right now being renovated, which was, I think, already sort of planned, as much as one of them can be planned I suppose. Yes, planned for this fiscal year I would say, or is that not accurate either?

Mr. Cooley: — Well we had two units, A-unit and D1-unit. Unit D1-unit was out of commission as a result of a disturbance, so that was certainly not planned. A-unit was a complete overhaul and renovation of that unit. I believe that unit's now back operational . . . oh no, not A. D-unit is operational now. A-unit still has a couple of weeks to go. Once A-unit is done, we'll move on into the next unit . . . [inaudible].

Ms. Sarauer: — Right, thank you. So in dealing with the over capacity there or the crowding there, you had mentioned that you have double bunked some single-bed cells?

Mr. Cooley: — Yes.

Ms. Sarauer: — Are there any other provisions that you've also had to also do?

Mr. Cooley: — Unit C, D . . . or B, C, and D we were double bunking. We've converted singles to doubles and I don't believe . . . I think we have overflow dorm four, I think is a new unit that we opened recently. This unit houses the displaced offenders who were housed in the unit that's under construction so there's 20 beds there. Echo dorm, we've added 15 additional beds there to deal with count.

Ms. Sarauer: — You mentioned overflow dorm four. What was this space used for prior?

Mr. Cooley: — Overflow dorm four was previously a classroom.

Ms. Sarauer: — Again, was that being used for programming space then prior to it becoming a dorm?

Mr. Cooley: — Yes, as a classroom.

Ms. Sarauer: — Okay. Again, has the result in using this space for beds resulted in less access to programming?

Mr. Cooley: — It's changed the way that the teacher is delivering the programming. So the teacher there is actually, we're going onto units to deliver the educational program.

Ms. Sarauer: — Okay, so now the teacher has to go from unit to unit to deliver the programming?

Mr. Cooley: — That's correct.

Ms. Sarauer: — Okay. Is the ministry monitoring the wait time for inmates to be able to access, for example if this is a teacher, the teaching services?

Mr. Cooley: — Certainly we're aware of wait times. It's something that we track whether it's for education or health care or, you know, other services that we provide.

Ms. Sarauer: — Okay. Do you have any numbers you can

provide to the committee in terms of average wait times for programming or health care services?

Mr. Cooley: — No. No we don't.

Ms. Sarauer: — So the ministry doesn't compile those numbers?

Mr. Cooley: — We have them at the facility level. So if somebody . . . as they're going through the case management process, they're identified for the type of program that would address their criminogenic factors, and then as the program space comes open, they look at who's available, what the sentence length is, what their release date is, how they fit into the program. So we know it at the facility level, but we haven't got that compiled at a . . .

Ms. Sarauer: — Okay. So do the facilities not report to the ministry how they're doing in terms of wait times for programming?

Mr. Cooley: — Not specifically. We'll ask them on a more general basis, but we don't ask for that specific information.

Ms. Sarauer: — What about access to health care services?

Mr. Cooley: — Access to health care is certainly something that we're aware of. We've increased our nursing coverage at a number of our facilities and we're looking into certainly something that's top of mind for us.

Ms. Sarauer: — Similarly, do facilities track the length of time an inmate has to wait to access health care service?

Mr. Cooley: — The nurses track the medical requests at the facility level, so we are aware of what those requests are. I don't have that information with me today.

Ms. Sarauer: — So do facilities provide that information then to the ministry in terms of numbers?

Mr. Cooley: — Yes.

Ms. Sarauer: — Okay. Could that be provided to the committee?

Mr. Cooley: — Yes. We can certainly look into that.

Ms. Sarauer: — Thank you. In more particular I'm looking for all health care services, so nurses, psychiatrists I believe, dentists, doctors, and any other type of health care service that's provided within the facilities. Thank you.

You had mentioned that there is an increase in staff at Saskatoon Correctional Centre. Can you elaborate?

Mr. Cooley: — That's an increase in dollars to pay for additional staff coverage. So we will be doing, I think we are doing a hiring. We're in the process now of starting a hiring. So we will be bringing on more permanent part-times as we move forward.

Ms. Sarauer: — So just to clarify, you're again talking about

more overtime for already existing staff?

Mr. Cooley: — Both. There will be more . . . Well not necessarily overtime because we have permanent part-time staff who are available for shifts, but there's more staff. There are more shifts available now to be filled, and then we'll be bringing on additional staff into the new year.

Ms. Sarauer: — Right. Okay, thank you.

Moving on to Regina Provincial Correctional Centre, you had mentioned something about an honour dorm. I apologize. I don't think I caught the whole thing. Can you elaborate on what's been done there?

Mr. Cooley: — The honour dorm has been operational for the past two years I believe. It's what we refer to as unfunded beds. We haven't had money in our budget for that so we're looking for, at this point, an additional \$850,000 to cover the staffing costs for that, for those beds.

[17:30]

Ms. Sarauer: — So just to clarify, this is a dorm that already existed. Have more beds been added to the dorm?

Mr. Cooley: — We didn't add any additional beds recently to the honour dorm. The funding is just required to offset the current staffing levels.

Ms. Sarauer: — Okay, thank you. You had mentioned that there was a program unit that's been converted to a dorm. Can you elaborate please?

Mr. Cooley: — Yes. In units 1 and 2 . . . In unit 1 at RCC [Regina Correctional Centre], we converted a program room to house, to accommodate offenders. So that's similar to the strategy that we used at Saskatoon Correctional Centre, which we were just talking about. So these are new beds. Ten new beds were added or 10 beds were added to a program area that was previously used as programming space, but then we require the staff to provide the coverage for it.

Ms. Sarauer: — Okay, thank you. Similar to my other line of questioning on the other centres, are there bathrooms connected to this space?

Mr. Cooley: — That's one of the newer units, so it has bathroom space on the unit. So no escorts are required.

Ms. Sarauer: — Thank you. Similar for showers as well?

Mr. Cooley: — That's correct.

Ms. Sarauer: — Thank you. Similar to my other line of questioning, has the loss of use of this space resulted in longer wait time for individuals to be able to use the programming that was originally being conducted in this space?

Mr. Cooley: — Similar to my last response, the change in the . . . if we're using the programming space as housing space, we're looking for different ways to provide that programming to offenders.

Ms. Sarauer: — Thank you. And what sort of programming was being done in this space?

Mr. Cooley: — RCC offers similar types of programming that I listed for P.A., so it's First Nations and Métis programs; chaplaincy; as well as our core correctional programming, education, literacy programs such as adult basic education, GED 12; addictions programming, Alcoholics Anonymous, Narcotics Anonymous; Thinking for a Change.

RCC also offers — not at this particular unit, at a different unit — the dedicated substance abuse treatment unit which has capacity for 20 offenders. It's a five-week intensive addictions program jointly funded by the region. So any number of, with the exception of the dedicated substance abuse treatment program which has its own unit, any number of these programs could've been taking place in that program area.

Ms. Sarauer: — And just to clarify, nothing, no changes have been made to the dedicated substance abuse treatment program, correct?

Mr. Cooley: — No, it continues to operate.

Ms. Sarauer: — Okay. Let's move on to White Birch. You had mentioned that there is, that the increase in funding there is going towards staff. Can you elaborate?

Mr. Cooley: — The increase there was to increase supervision and nursing coverage, so there was about a \$360,000 addition there. Plus now we've added an additional contract with a doctor to regularly visit White Birch, so an additional \$40,000 there.

Ms. Sarauer: — Oh, I'm happy to see that there's a new doctor in one of the facilities. Can you elaborate on how often the doctor will be visiting White Birch?

Mr. Cooley: — We have that information — the number of hours, the number of hours per month, the number of clinics per week or month, etc. — but unfortunately we don't have it here. We can provide it at a later date.

Ms. Sarauer: — Thank you. I'd be happy to receive that. I'm also curious to know if the doctor, since the doctor will be in the facility, if that individual will also be . . . Is that individual also contracted to visit any of the youth facilities in the same space?

Mr. Cooley: — No. It's my understanding that this is just for White Birch, to provide clinics at White Birch.

Ms. Sarauer: — Okay. Thank you. I'm almost ready to throw up the white flag here, but I do want to mention . . . and I appreciate all of the officials' responses and your commitment to providing me information in the future.

I do just want to take this opportunity to remind the minister that there are still several items of information outstanding from our first foray in the world of estimates back in June, from the then minister and the current minister who's now current minister for both of these ministries, with respect to some questions that I had that I'm just going to . . . And I hope that I

can receive some responses on those in short order. I believe I also sent them to the minister in a letter in October.

Just to remind the ministry, I'm looking for (1) the number of Aboriginal court worker positions that have been terminated since June 1, 2016; (2) a list of all organizations who received reduction in funding in this recent budget; (3) with respect to legal aid, how many files are opened by staff lawyers and by the private bar compared to how many files are closed in a time period; (4) entire list of programs available for in-custody inmates, so I guess that would be sentenced inmates; (5) the broken-out budget for safer communities and neighbourhoods, and the comparison in budget to last year; (6) the number of tray refusals in corrections facilities in the past year, and in what corrections facilities; (7) any amendments made to the original Compass contract approved by order in council August 4th, 2015; (8) the number of charged staff meals and duty meals provided to employees pursuant to the Compass contract, broken down monthly and by what facilities since implementation of the contract; (9) the number of individuals represented by counsel and number unrepresented that are dealt with by the Human Rights Commission in the past year, separated between complainant and defendant; (10) the Chief Judge of the Provincial Court's report with respect to time to trial; and lastly, (11) the list of government programs that receive funding through the Law Foundation of Saskatchewan and the amount of funding provided by the Law Foundation.

So I'd be happy to provide that list to the minister again, unless . . . I know I talked quite fast, so I doubt he had the ability to write that all down.

Hon. Mr. Wyant: — I think we have that.

Ms. Sarauer: — That concludes my questions. I again want to take this opportunity to thank the officials for their time in answering all of my questions. I do appreciate it. I do appreciate that you definitely have a difficult task ahead in terms of addressing this remand issue that's clearly quite concerning to the ministry. And I also want to thank the other committee members for allowing me to go past 5 and conclude my questions.

The Chair: — Thank you. On seeing no other questions, we can vote on vote 3, Justice. It's on page 14: custody, supervision and rehabilitation services, subvote (JU06), in the amount of \$10,273,000. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Justice, vote 3, \$10,273,000. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — I will now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2017, the following sums for Justice in the amount of 10,273,000.

I need a member to move that motion. Ms. Lambert. So moved.

Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Committee members, you have before you a draft of the second report of the Standing Committee on Intergovernmental Affairs and Justice. We require a member to move the following motion:

That the second report of the Standing Committee on Intergovernmental Affairs and Justice be adopted and presented to the Assembly.

Mr. Steele. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Seeing that we have concluded our business today, I will just turn it over to the ministry if they have any final comments before we adjourn.

Hon. Mr. Wyant: — Just one comment, Mr. Chair. As was identified in the supplementary estimates, the real challenge that we have within the ministry, I think, is all around remand and long-term cases, and so the committee to appreciate the fact that we're working very, very hard on both those challenges.

With our bail and remand review, it's going to provide some specific direction in terms of how we're going to deal with that problem as we move forward in the hopes that we can reduce the demands not only on the system, but reduce the cost of the system as well. So we'll have more to say about that in the future, Mr. Chair.

But with that, I just do want to thank you for your patience today through committee. I thank Ms. Sarauer for her questions, and thank you very much for the compliments that you paid to the ministry staff. I very much appreciate that. And to the committee for your patience as well, and to all the officials that were here today who helped me get through this, and to Hansard. So thank you very much.

The Chair: — Thank you. And Ms. Sarauer, do you have any . . . Seeing that business before the committee is now done, I will ask a member to move that we adjourn. Everybody's hands up. Mr. Steinley. Is that agreed to?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[The committee adjourned at 17:43.]