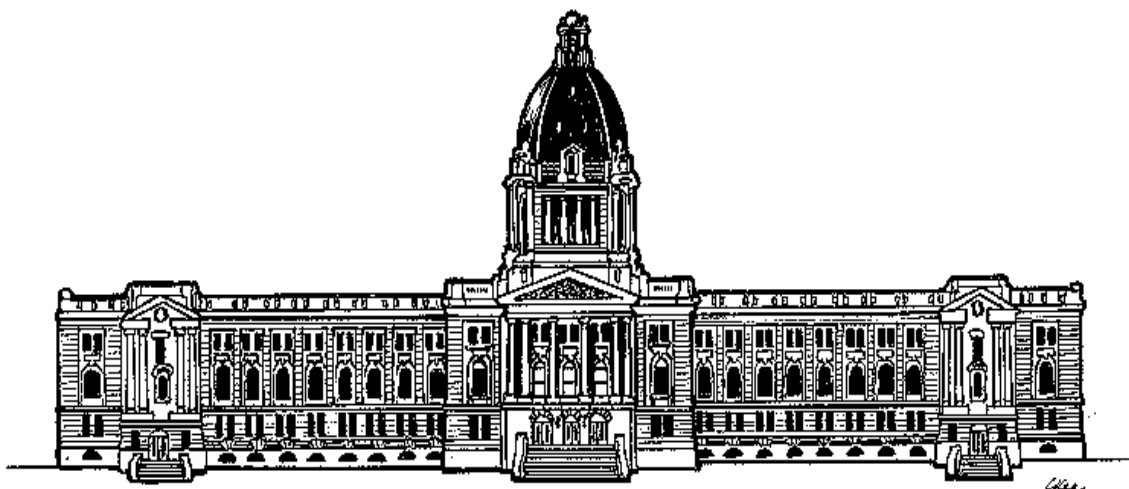




# **STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND INFRASTRUCTURE**

## **Hansard Verbatim Report**

**No. 42 – April 16, 2007**



**Legislative Assembly of Saskatchewan**

**Twenty-fifth Legislature**

**STANDING COMMITTEE ON INTERGOVERNMENTAL  
AFFAIRS AND INFRASTRUCTURE  
2007**

Mr. Ron Harper, Chair  
Regina Northeast

Ms. June Draude, Deputy Chair  
Kelvington-Wadena

Mr. Denis Allchurch  
Rosthern-Shellbrook

Mr. D.F. (Yogi) Huyghebaert  
Wood River

Mr. Andy Iwanchuk  
Saskatoon Fairview

Hon. Len Taylor  
The Battlefords

Mr. Kim Trew  
Regina Coronation Park

[The committee met at 15:00.]

**General Revenue Fund  
Northern Affairs  
Vote 75**

**Subvote (NA01)**

**The Chair:** — Good afternoon. We will convene the Standing Committee on Intergovernmental Affairs and Infrastructure. The item of business before the committee this afternoon is the consideration of estimates for the Department of Northern Affairs, vote 75, which can be found on page 124 of our Estimates book. Madam Minister, I'll ask you to introduce your officials.

**Hon. Ms. Beatty:** — Good afternoon. I am pleased to introduce my department officials who are with me today: Al Hilton to the left of me is the deputy minister; Anita Jones to the right, executive director of planning and financial management; behind me somewhere, Richard Turkheim, executive director of industry and resource development; and to farthest left of me here, Gerald DesRoches, senior account manager of the Northern Development Fund; and also behind me, Scott Boyes, director of communications. And with that, I would like to continue to make some comments.

**The Chair:** — Thank you, Madam Minister, if you have an opening statement, we will take that now.

**Hon. Ms. Beatty:** — Thank you. I am pleased to be here today as Minister of Northern Affairs to discuss the department's 2007 and '08 budget. I am very proud of our department's work in supporting all types of industry from the traditional to the modern. Northern Affairs promotes a variety of commercial sectors: mining, tourism, forestry, fishing, trapping, and wild rice.

Mining continues to expand in the North. Exploration levels continue to be very high, and the industry seeks to make use of the northern labour force. Northern Affairs supports the mining industry from exploration to the decommissioning and long-term care of mine sites. In a time when many regions are experiencing a labour shortage, northern Saskatchewan has a growing young population. One of this population's challenges is the need for education and skills training.

Our goal is to help northerners make the most of their potential in our strong provincial economy and to build a future for themselves and generations to come. To this end, the department's mandate was revised earlier this year to provide greater clarity about our role. Our new mandate is to stimulate and support business and employment development in northern Saskatchewan, promote maximum benefits and opportunities for northerners arising from northern development, work with northerners and partner agencies on regional economic planning and development of commercial sectors, and advance northern perspectives and interests within government.

I will go on to some of the budget highlights in 2006 and '07 as far as Saskatchewan Northern Affairs is concerned. The department's '07-08 budget maintains our core programs and

supports our work in key sectors. We will continue to help northerners maximize their opportunities from northern development. Northern Affairs' budget will increase by 322,000, a modest rise of 5.6 per cent. Of this figure, 172,000 will address increases to salaries and other costs enabling Northern Affairs to maintain existing programs; 150,000 allows for the hiring of two additional staff to strengthen our program and service delivery.

Northern Affairs will work with other departments and agencies to build a capacity of northerners to direct their own development through training, job creation, management experience, and entrepreneurship. A leading example is through the northern economic infrastructure strategy, also called Roads to Prosperity. And I will speak more about this later.

Under programs and services, I would first like to talk about the range of programs for which Northern Affairs is responsible, programs that build on business and employment opportunities in the region.

The Northern Development Fund is a key program which provides both loans and grants. The loan program, as it has a \$2.5 million pool of funds available to support commercial ventures and primary producers — fishers, trappers, and wild rice harvesters — the department expects to provide approximately 15 to 20 commercial loans to northern businesses as well as 75 to 100 primary production loans to trappers, commercial fishers, and wild rice growers.

The grant component supports northerners with marketing research, business skill development, and organizational development. The grant program also promotes youth entrepreneurship. As a service to northern entrepreneurs, our staff is available to consult on business plans and establish links with other businesses and agencies so that northerners can make the most of their opportunities. We also assist northern co-operatives with their planning and organizational needs.

The Northern Development Fund also continues to provide financial support for five regional development corporations totalling 256,000. Additionally our department operates the northern commercial fishing transportation subsidy program that provides financial support for the commercial fishing industry through a freight subsidy support mechanism. This program is accessed by more than 500 northern fishers, including many from our smallest communities.

One of the department's key committees, the environmental quality committee represents 32 northern communities impacted by uranium mining. The EQC [environmental quality committee] continues to play a critical role in meeting industry and regulatory requirements for community input into the development and management of our uranium industry.

Furthermore Northern Affairs is the department responsible for administering mineral surface leases with mining companies. This task provides an avenue for us to address northern employment strategies along with environmental and occupational health and safety issues.

And finally, Northern Affairs works with other provincial

departments, the federal government, and the Northern Development Board Corporation to deliver the Northern Development Agreement — a ground breaking tripartite approach to northern development. To date, 46 projects valued at more than \$14.6 million have been announced under the \$20 million Northern Development Agreement. The projects have improved transportation and high-speed Internet access, creating training opportunities, and support economic development in the North.

Other government activities in the North include ... I'm excited to say that many other developments are occurring in the North. For instance this year the province has budgeted to spend 23.1 million under the northern economic infrastructure strategy or NEIS. This is the second year of our five-year commitment of six, six five, six five ... point five million dollars. We will not only improve some existing community access roads. We will be planning and securing environmental approval for new roads to Wollaston Lake and Fond-du-Lac and upgrading the Stony Rapids road to all-seasonal status. We will also finish clearing up on our half of the La Loche-Fort McMurray link.

Capacity building is a key component of the NEIS agreement, and our department, through existing programs and as a member of the NEIS technical committee, is helping to link northerners to the many opportunities associated with this multi-year construction project.

Another major initiative is the implementation of the northern abandoned uranium mines cleanup project. Northern Affairs and Industry and Resources have worked with the Saskatchewan Research Council to implement this initiative, and we are pleased that the federal government has recently signed an agreement to fund half of the first phase of this project. Each of the two governments will provide 12.3 million towards the initiative. The next two years will be spent on planning and obtaining regulatory approvals. After that the actual cleanup operations will take three to five years.

And finally, mineral exploration continues this year at very high levels in the North with the focus primarily on uranium. This work provides benefits for northerners through employment and service procurement, and it strengthens the growth potential of this very important industry. Uranium mines provide good, stable jobs for northerners and teaches skills that can readily be transferred to other jobs. Northerners currently fill approximately 1,100 positions at Saskatchewan's uranium mines.

In closing, this budget reflects this government's commitment to work with and on behalf of northerners as we continue to develop northern Saskatchewan. We will work with all northerners to maximize the benefits realized by residents of northern Saskatchewan as we develop the North's abundant resources. And I look forward to the opportunity to answer your questions today.

**The Chair:** — Thank you, Madam Minister. I'll draw the committee's attention to the fact that we have Mr. Hagel substituting for Mr. Taylor this afternoon. Mr. Allchurch.

**Mr. Allchurch:** — Thank you, Mr. Chair. Madam Minister,

welcome to your officials here this afternoon, and I also want to say a special welcome to the two that are from northern Saskatchewan — I believe from La Ronge — that are here today. So welcome to Regina and to the Assembly.

I want to start off with a few questions, and that's in regards to the budget. I know that the budget to some people may seem like it's fairly small. It's only 5.7 million, but there's an increase to 6.038 million. Can the minister outline briefly what the increases are? I know you just mentioned in your preamble that it was a 5.5 increase.

**Hon. Ms. Beatty:** — Mr. Chair, I will make some comments and then if the officials want to add to the comments that I make, I welcome their comments. Basically there is a couple of areas that, you know, the budget has increased in, and these are basically to improve program, financial management with two FTEs [full-time equivalent], and also there is some salary adjustments that were made as a result of the recent settlement of the Saskatchewan Government Employees' Union. So if the officials want to make additional comments or that is clear enough.

**Mr. Allchurch:** — Thank you, Madam Minister. You mentioned that it's to do with the government union that made some changes. Do you want to elaborate on that please?

**Hon. Ms. Beatty:** — Mr. Chair, approximately 45,000 was related to the recent settlement with the Saskatchewan Government Employees' Union.

**Mr. Allchurch:** — What was that for, Madam Minister?

**Hon. Ms. Beatty:** — These were basically related to salary increases.

**Mr. Allchurch:** — Okay. That was salary increases for the workers in the North from the Department of Northern Affairs. Was that government workers?

**Hon. Ms. Beatty:** — Mr. Chair, these were SGEU [Saskatchewan Government and General Employees' Union] members within the department.

**Mr. Allchurch:** — Thank you, Madam Minister. I notice that there's two extra staff being hired, from 43 to 45. Where are these two positions going to be responsible for? Are they held out of Regina, or will they be placed from the North?

**Hon. Ms. Beatty:** — Mr. Chair, both of these positions will be in northern Saskatchewan.

**Mr. Allchurch:** — Will they be in La Ronge?

**Hon. Ms. Beatty:** — Mr. Chair, both of them will be located in La Ronge.

**Mr. Allchurch:** — Thank you. The two positions that will be hired, what is their approximate salaries?

**Hon. Ms. Beatty:** — Mr. Chair, the two positions, top-of-the-line salary, one is for 55,000 and the second one will be 85,000.

**Mr. Allchurch:** — 85,000, was that?

**Hon. Ms. Beatty:** — Correct.

**Mr. Allchurch:** — Okay, thank you. These two new positions, what will be their jobs?

**Hon. Ms. Beatty:** — Mr. Chair, I'm going to ask the deputy to respond to that.

**Mr. Hilton:** — The new two positions, one will be director of finance and administration which will be located in La Ronge to strengthen the financial management practices within the department. The second one will be a program person working in the loans area to address some segregation-of-duty issues that the Provincial Auditor has identified.

**Mr. Allchurch:** — Thank you for that. Being that you brought up the topic of the auditor, I just want to go back on some of the auditor recommendations, and I'm speaking from the auditor's book, 2006 volume 3. And in there regarding Northern Affairs there was some recommendations that the auditor had made points about.

And the reason I bring this up is because the year previous to this I was asking questions of the same concerns that the Provincial Auditor had noted back in 2005. And again in 2006 he brings up virtually the same concerns. What has the department done to make changes to rectify some of the problems that have been ongoing within the department in the financial restraints?

**Hon. Ms. Beatty:** — Mr. Chair, there are several measures that have been taken to address some of the concerns that have been raised previously and are being implemented today. And the first one was the conflict of interest guidelines for approving loans have been established and are being implemented. A new computer system has been implemented that will allow staff to better monitor loans as well as document monitoring activity.

And number three, the department's delegation of authority has been furthered clarified to ensure that loans are authorized at the appropriate level, and that staff have the authority to sign all loan documents required to execute a loan prior to funds being disbursed. And I want to say that the department has worked very hard to ensure that, you know, after the recommendations from the auditor, that these adjustments were made and being implemented as we speak today.

**Mr. Allchurch:** — Thank you, Madam Minister. Mr. Chair, is this one of the reasons why one of the two positions' hiring was to deal with this?

**Hon. Ms. Beatty:** — Mr. Chair, in an ongoing operational sense, it is one of the reasons why, you know, we got these two FTEs. And also another part of it is that, you know, there was a lot of work done by the department, you know, to focus more of the activities and to do some restructuring internally.

**Mr. Allchurch:** — Thank you, Madam Minister. Well I know that in my previous comments about the increase to the Northern Affairs budget going from 5.7 million to 6.03, it's not a lot of money. But I notice after the last couple of years, the

amount of surplus the government has had, I'd have thought maybe there'd be more money going to Northern Affairs because it deals with a lot of people. Evidently, it hasn't.

But I know in regards to the auditor's report that it may be a smaller organization dealing with a vast majority of people and their requirements. So in your answers to what has been done to the accountability of the Northern Affairs' position, according to the auditor, would it not have been one of the requests from your department to ask for more people to assist in this department to look after the accountability of the loans and mortgages that go out in this department?

**Hon. Ms. Beatty:** — You're right, Mr. Chair. This is the reason why we have these two additional positions that will be situated in La Ronge — one is director of administration and one, director of finance — to ensure that, you know, the recommendations and issues identified by the auditor will be dealt with and are being dealt with as we speak.

**Mr. Allchurch:** — Thank you, Madam Minister. Were these two positions, were they advertised across the province?

**Hon. Ms. Beatty:** — Mr. Chair, I'll ask the deputy to respond to that.

**Mr. Hilton:** — The two positions were just approved in the budget so we haven't advertised them yet, but when we do it will be an open competition. They will be advertised broadly including in northern papers. We have advertised one already and hopefully, depending on how the response is, is we'll be able to move on the director of finance and administration position fairly shortly.

**Mr. Allchurch:** — Okay. Thank you. In regards to the hiring of these two people, will there be some checks done on the two individuals that's selected as far as like criminal checks or whatever like that? Will that be done by the department in checking these two applicants when they are finally finalized?

**Mr. Hilton:** — The short answer is yes.

**Mr. Allchurch:** — Good. Thank you. In the auditor book under Northern Affairs the main points, "The department needs to follow its established procedures for approving loans and having all required loan documents completed before disbursing loans."

I believe one of the problems that was contributed to the last couple of years was the fact that documentation was not done before the loans were actually given out. What is the department doing in regards to this part to tighten up the structure?

**Mr. Hilton:** — There were a few instances where there may have been, monies may have been disbursed prior to all the documents being signed. But it's important I think to understand that this is not before the loan was approved. After a loan is approved there can be six or seven documents required to execute the loan. And I think it's with respect to those documents that the auditor may have raised the issue.

**Mr. Allchurch:** — Okay. Thank you for that, Madam Minister.

Under the development fund loan program, the program provides long-term loans to persons in northern Saskatchewan for economic development.

I noticed that in your statements, opening statements, Madam Minister, you said that there was a great deal of economic development happening. In regards to the development fund loan program, "The Department needs to ensure that its employees adequately monitor the outstanding loans and document evidence of such monitoring." Is that taking place?

**Hon. Ms. Beatty:** — Mr. Chair, as I mentioned before there was a new computer system introduced that is being used to better monitor the loans that are out there.

**Mr. Allchurch:** — Okay. Thank you for that. Under the development fund loan program, how much dollars has been allocated to this program for economic development in the North?

**Hon. Ms. Beatty:** — Mr. Chair, could you repeat the question please?

**Mr. Allchurch:** — Under the Northern Development Fund loan program, how much money has been allocated this year to facilitate this program?

**Hon. Ms. Beatty:** — Under 2006 and '07, Saskatchewan Northern Affairs has disbursed approximately 1.326 million.

**Mr. Allchurch:** — Thank you, Madam Minister. What specific areas will be utilized for this money to be given out to?

**Hon. Ms. Beatty:** — Mr. Chair, there is two categories. One is under commercial loans. That includes areas like construction companies. And then there is the primary production loans that will include loans to trappers, fishers, and wild rice growers.

**Mr. Allchurch:** — Thank you, Madam Minister. Under commercial, what kind of a structure takes place that will require this kind of dollars and cents?

**Hon. Ms. Beatty:** — Mr. Chair, the loans under the commercial area could include areas like forestry, construction, plumbing. We don't have the specific breakdown today but we could provide that to you at a later date.

**Mr. Allchurch:** — Well thank you, Madam Minister. I would appreciate if you could give me a breakdown for commercial loans, especially in the forestry. And what was the other two items you mentioned?

**Hon. Ms. Beatty:** — Mr. Chair, construction, plumbing.

**Mr. Allchurch:** — Well thank you, Madam Minister. On the other side you said that there was a fair amount of dollars going for other loans like trapping, fishing, and stuff like that. How much money was going into that? And can you provide me with the breakdown today of that?

**Hon. Ms. Beatty:** — Mr. Chair, under — this is from last year — under fishing, fishing loans there was a total of 54, and there was three trapping loans. And the total amount for these two

areas — there was zero wild rice loans by the way — was around 290,000.

**Mr. Allchurch:** — Thank you, Madam Minister. There was none for wild rice. I note you made a comment on that and I can understand that because the wild rice last year had a real, real tough time.

Under the Northern Development Fund loan program, the auditor on the last page of this made comments that:

The department requires its employees to ensure a properly signed loan agreement exists and [that] all . . . loan documents are complete before disbursing the loans. To help employees do so, the Department has established a delegation of authority and communicated requirements for [the] other loan documents. However, staff did not always follow the established procedures. As a result, the Department made loan agreements without proper authority and disbursed loans without completing all [of] the required loan documents. We found about 50% of the files did not have properly approved loan agreements and/or loan documents.

Inadequate loan approval and monitoring processes increase the risk that the Department may not achieve its objectives for providing the loans and may not collect amounts due.

This is the report from the auditor. What has the minister done to rectify that problem in that particular area of the Northern Development Fund loan program?

**Hon. Ms. Beatty:** — Mr. Chair, I said this before but I'll say it again — I might have read fast. There is no question that the department takes very seriously the recommendations being made by the auditor, and we always continue to look at better ways of improving our financial and administrative practices. In relation to your question, the department's delegation of authority has been clarified to ensure that loans are authorized at the appropriate levels, that staff have the authority to sign all loan documents required in order to execute a loan prior to funds being distributed.

**Mr. Allchurch:** — Well thank you, Madam Minister. You may wonder why I'm asking these questions regarding this. But if you remember, last year I went extensively on this because I believe — and correct me if my figure's a little bit wrong — but there was a lot of money that was not collectible after the year-end. And I believe the figure stands something like 2 million. Now I may be wrong. At that I may comment, that's a lot of money that could be utilized for other projects in the North, but if it's not collectible because of mismanagement then the department has to do something to regulate that so that that money can be utilized over and over to develop businesses and help the people from the North. That's why I'm asking these questions.

In regards to the Northern Development Fund, the FTD loan program, the auditor — and this is where I was coming from in volume 3 2005 report — recommended that:

. . . the Department receive and analyze the borrowers'

financial and operating information as required by its loan agreements for the NDF loan program. We made this recommendation because the Department did not have adequate processes to monitor outstanding loans to ensure the loan program is meeting the Department's goals as set out in its strategic plan.

This was mentioned in the 2005 report. In this department or under this Northern Development Fund loan program, what changes have been made to rectify this problem?

**Hon. Ms. Beatty:** — Mr. Chair, I'm going to have the deputy respond to the question.

**Mr. Hilton:** — A new loan database computer system has been implemented which will allow for improvements in the monitoring of all loans on a monthly basis. Delegation of authority issues have been resolved to ensure two things. One is that there is appropriate segregation of duties within the administration of loans program, which is to say that somebody who is primarily responsible for working up all the paperwork associated with a loan and is responsible primarily for dealing with the client is not, at the end of the day, the same person who's approving the loan. So delegation of authority has been addressed in that way.

And the other issue that we've run into in the past that I think we've fixed is that there seemed to be some confusion on the delegation of authority side around who has the authority to approve a loan, and then who has the authority to sign the documents after the loan is approved in order to execute the loan. So you're talking promissory notes and things like that. So we've clarified the delegation of authority in that context as well.

**Mr. Allchurch:** — Well thank you for the answer. I'm glad to see that . . . Go ahead.

**Mr. Hilton:** — And if I can just clarify, sir, I'm not sure what the \$2 million figure you were . . . was referring to. But it's certainly not an uncollectible loan figure based on the one year's experience.

**Mr. Allchurch:** — Okay, thank you. First of all on your first point, I'm glad to see that it's happened. I'd like to know when this comes into effect. And secondly on the \$2 million that I was talking about, was loans that the department felt at that time were non-collectible loans. They were still on the books and they may be collected, but the chance of them being collected was slim to nil. That's what I was referring to of the money that was going out and there was not processes in place to make sure that that money was going to come back in. That's what I was referring to.

But in regards to the changes that you have made to the Northern Development Fund loan program, when is this going to come into effect?

**Mr. Hilton:** — It's in effect. Yes, I think — correct me if I'm misleading anybody — I think it was September or October of last year that the new loan system was put into place. December. December.

**Mr. Allchurch:** — It came out in December?

**Mr. Hilton:** — Yes.

**Mr. Allchurch:** — Okay. Thank you. Now enough for the auditor. Madam Minister, you made mention of the Roads to Prosperity and that announcement was made, I believe, last year. Under the Roads to Prosperity, what northern areas will be affected by the Roads to Prosperity and what are the initiatives that will be proclaimed in this announcement?

**Hon. Ms. Beatty:** — Mr. Chair, this past year, what was done under the highway work in northern Saskatchewan, in the road to Fort McMurray road, the first 25 kilometres has been cleared and expected to be completed in the summer. Work continues on securing the environmental approval for a planned construction road to, the all-season road to Wollaston Lake, with clearing and grading to commence next fiscal year.

Also there is three community access projects scheduled this year: Highway 155 between Beauval and La Loche, as part of a three-year plan. Surface stabilization sections, Highway 918 to Patuanak in 2006 to 2008, and that's started with surfacing project completed in the community, selected by the community and the First Nation. An initial review and community consultation for Highway 917, which is Deschambault Lake. Resurfacing of 14 kilometres for Ile-a-la-Crosse; Garson Lake road clearing tender for 67 hectares and the closing date for that is February 27.

And there's been a NEIS project coordinator hired based out of La Ronge. And one of his jobs is to ensure that northerners are part of the capacity building that's going to result from this roadwork that's happening. And that means training, contracts where possible. Part of the whole intent of this project is to ensure that northerners, especially young people, have the opportunity to train and also to be able to work, and for those contractors to be part of the work that's going to result as a result of this highway construction that's happening in the North. So there's a number of areas where I think it's going to be, that will benefit the North.

**Mr. Allchurch:** — Thank you, Madam Minister. In regards to the road from La Loche to Fort McMurray, when will the start date be to start building on the road?

**Hon. Ms. Beatty:** — The La Loche road, the clearing has been done as we mentioned earlier, and as soon as I guess weather permits, you know, the main part of the work will start.

**Mr. Allchurch:** — Okay. Madam Minister, I understand that the road on the Saskatchewan side from La Loche over to Fort McMurray, the Saskatchewan side there actually is a road there. It's not a wide road. It's a fairly narrow road and in some places it's just kind of muskeg, whatever. Is the main project of building that road going to be to widen the road and straightening out the road to the border of Alberta-Saskatchewan?

**Hon. Ms. Beatty:** — Mr. Chair, I want to get the deputy to respond to that question.

**Mr. Hilton:** — Mr. Chair, I'm not an engineer, so I think the

easy answer to the question is yes to both and that the grading of the road will be vastly improved.

**Mr. Allchurch:** — Thank you. In your comments, Madam Minister, I noticed you didn't mention anything about the road from Points North to Stony Rapids. Is that under Roads to Prosperity or will that take place under another project?

**Hon. Ms. Beatty:** — Mr. Chair, as far as the Far North area is concerned, work will include the Wollaston all-weather road and also the Athabasca all-weather road and the Fond-du-Lac all-weather road.

**Mr. Allchurch:** — Well thank you, Madam Minister. Those are three projects. Are those three projects cost shared by the federal government and the provincial government and the resource businesses?

**Hon. Ms. Beatty:** — Mr. Chair, right now the only sure thing is the provincial funding. There's ongoing discussions with both industry and the federal government as far as these roads are concerned. You know, there is significant interest by the industry but also that will depend on the federal government cost sharing the construction of these roads.

And one thing that I can add too is that, you know, there's been a number of attempts made by not only government but also by the leadership in the Far North, the chiefs. I know they have travelled to Ottawa to try to negotiate, you know, the cost sharing of these roads because it's a major cost. But at the same time I think it opens up great opportunity for the Far North so we are hopeful that the federal government will come onside and provide some funding. And I think in turn that would leverage the private sector funding as well when that happens, so that we are very, very hopeful.

**Mr. Allchurch:** — Thank you, Madam Minister. But the projects that you've announced here regarding the road to Points North to Stony Rapids and all the other projects, they're still going ahead this year. It'll only be provincial government funding that will pay for these projects, none from the resource groups or none from the federal government as we speak.

**Hon. Ms. Beatty:** — Mr. Chair. I just about called you Mr. Speaker. But the member is correct. The Wollaston all-weather road, the Athabasca all-weather road and the Fond-du-Lac all-weather road, all the preliminary work that's being done right now is all being paid by the province.

**Mr. Allchurch:** — Thank you, Madam Minister. Do you have a dollar and cents figure for how much will be spent on these roads this year?

**Hon. Ms. Beatty:** — Mr. Chair, the total amount for this year including the community access road is 23 million.

**Mr. Allchurch:** — Thank you, Madam Minister. Another area I want to touch on is regarding your comments regarding the uranium projects in the North. We, along with many people from Saskatchewan, are behind the projects regarding uranium. By your comments today it sounds like that the Department of Northern Affairs is also on stream as far as the uranium projects that could and be elaborated on in the North. It would give

excellent resources to the people in the North where there isn't a lot of jobs. In your comments has this been brought up to your other colleagues in regards to the uranium projects and are they onside with Northern Affairs as far as promoting these uranium projects?

**Hon. Ms. Beatty:** — Mr. Chair, if we could get further clarification on what part of the uranium industry you're talking about, whether you're talking about the exploration or the cleanup of the mines. If you could maybe further clarify.

**Mr. Allchurch:** — Thank you, Madam Minister. Mr. Chair, and this is regards to the uranium projects that could be in Saskatchewan. We already have some uranium cleanups that we got to do, and I understand that there's money set aside for that. But this is the whole idea of exploring uranium further to what it is right now. In the neighbourhood of uranium projects, using uranium more and selling it out to the world-wide, I know your government on many times and some of your colleagues were not in favour of this. But I understand from your comments that Northern Affairs and you, as a minister, are in favour of more uranium projects and expanding uranium projects. Is this the feeling of the Northern Affairs ministry? And are other colleagues on your team in favour of this?

**Hon. Ms. Beatty:** — Mr. Chair, as the member's aware, at this point in time the government has not taken a position as far as, I think you're talking about processing of uranium in this province, and until and when that does happen, you know, there will be . . . that will be announced.

**Mr. Allchurch:** — Thank you Madam Minister, Mr. Chair. In regards to your opening comments, I believe I'll check *Hansard* to see how you made mention of it, but I thought that in your comments that, because of the economic wealth of our province as far as uranium, that you seem to be onside with more uranium projects. In regards to your last comment, what were you referring to in your opening comments in regards to uranium?

**Hon. Ms. Beatty:** — Mr. Chair, as I reread the portion that I was talking about mining, I will reread it again and you can check it yourself too. I was specifically referring to the exploration levels which continue to be very high in the North.

**Mr. Allchurch:** — Thank you, Madam Minister. We'll leave that for a while. I've got a few more minutes yet, and I want to touch base on the proposal for northern overtime exemption. And I know the Chair was the head of this, and he did a lot of work and come up with some recommendations.

Now I've received a letter from the Saskatchewan Outfitters Association, and it's Outfitters Association that are dealing strictly with the North, and of course this northern overtime exemption hits them pretty hard. I notice that it states that:

Recommendation 4 states that the province should grant a province wide regulator exemption to section 6 and 12 of the Labour Standards act to outfitters.

Section 6 deals with hours of work and overtime pay and the industry exemption from this has full agreement of the outfitting industry.



Section 12 deals with the right of workers to refuse to work after 44 hours per week. The industry also supports an exemption from this section.

Also into the letter it states that:

We ask all outfitters [to] support this position and contact the Premier, the Minister of Labor and Buckley Belanger MLA for Athabasca and ... [yourself] MLA for Cumberland stating this position.

Madam Minister, what's your position on the overtime hours in the North?

**Hon. Ms. Beatty:** — Mr. Chair, I want to say at this point in time that I acknowledge the work and all the consultation that has been done in northern Saskatchewan, and I have received those letters that you talk about as well. And for sure there's unique challenges, unique situations in northern Saskatchewan. And as the member is aware, the report that our colleague did in northern Saskatchewan has been submitted to the Premier, and the Premier will be making a statement soon as to the response to that report.

**Mr. Allchurch:** — Thank you, Madam Minister. I know that the outfitting association sent a letter to you. My comment is in regards to the work that was done by your colleague who is the Chair. I'm just wondering, you, as the Minister for Northern Affairs and also the MLA [Member of the Legislative Assembly] for the Cumberland area, do you support the recommendations by your colleague in regard to The Labour Standards Act and the northern overtime exemption because it means so much to entrepreneurs from the North, and outfitting in the North is a big business. And if it was regulated that workers could only work a 44-hour week, this would put a drastic change to the businesses that operate in there, and a lot of them could not exist to operate if this was to come forth.

Do you support the recommendations from the MLA from Regina northwest?

**Hon. Ms. Beatty:** — Mr. Chair, again I want to reiterate, you know, the work that was done in northern Saskatchewan in terms of consultation was very thorough. I thought it was very black and white initially myself in my personal comments, but it's not. And when the time comes when this report is before us in cabinet, I will be making my comments at that particular time and making my views known as to, you know, the different recommendations that the member has made to the Premier and to cabinet.

For sure one of the areas that I will be onside is when it comes to trapping.

**Mr. Allchurch:** — Thank you, Madam Minister. I see our time is running short and there's another member that wants to ask a few questions. The last little bit I want to talk about is in regards to the northern fires that took place in northern Saskatchewan last year, especially the one regarding Stony Rapids.

Now as you know my colleague, the member from Last Mountain-Touchwood sitting behind me, and I took a trip up

north to Stony Rapids to view the situation and talk to the many, many people up there. And we talked to people from Stony Rapids. We also took a trip over to Black Lake and talked to the chief and council there.

In your reaction or your comments to the paper, and I'm stating from Thursday, September 14, it was made mention regarding the comments made by your colleague, the Minister of Environment, and I'm quoting. And it says, I quote:

John Nilson angered community leaders in Stony Rapids when he said they didn't ... [go] enough to prepare for ... [the] forest fire that threatened Stony earlier this summer.

Nilson ... [states] Stony Rapids hadn't done as much as other northern communities when it comes to protective measures like fire breaks.

And I'm quoting:

Beatty says that she doesn't know the questions Nilson was answering when he made ... [these] statements, but she does see a need to review how the situation was handled.

I understand from Mr. Nilson that there is a review, and the review is taking place as we speak. Now whether it's done or not, I don't know.

Have you had any input in regards to the recommendations or the inquiry that was taking place by the Environment regarding the fire at Stony Rapids last year?

**Hon. Ms. Beatty:** — Mr. Chair, first of all, I don't necessarily have the specific information as to what kind of work has been done as far as Stony Rapids is concerned. I have met with a number of leaders — First Nations leaders, northern leaders — in the past year or so, not only specifically relating to Stony Rapids but to deal with issues like emergency community preparedness in making sure that the training and supports are there for the communities, and also ensuring that the First Nations in particular continue to have access to training their fire crews, you know, the initial attack crews, and hearing from the communities themselves in terms of, you know, what their needs are.

There is no question that there is a lot of expertise, a lot of experience when it comes to firefighting on the part of people at the community level. And there's a lot of work being done to ensure that certification continues, that there's training every year to ensure that everything is being done as much as possible to, first of all, protect the lives of people in these communities. I've lived through some terrific fire situations myself where sometimes in the summer you're not ... you can't even see the sun, and it's scary for sure. But at the same time, I've seen the change when it comes to how fires are fought — whether it's from the air versus, you know, when you used to take off on boats, you know, with a hand shovel or axe. You know, that's the way it used to be, with absolutely no protective gear.

I've seen changes happening in the past few years where it's a lot more sophisticated for sure. And with the new fleet of water bombers that are in the budget this year, you know, that's going

to even be a greater support because I know for a fact when there's a lot of fires happening all over, popping all over, you know, the need is great.

But as far as specifically as Stony Rapids is concerned, I haven't met anybody specifically as relating to Stony Rapids in reference to your question.

**Mr. Allchurch:** — Thank you, Madam Minister, and thank you for clarifying that because, of my contacts to date, no one from the department or even from the government has been up there to talk to the people as the member from Last Mountain-Touchwood and I did. And I think what needs to be done is to get a better understanding of that situation is for members to go to Stony Rapids and talk to the same people we did because you get a better understanding what failed. And that's why I believe that a review has to be done.

Their biggest concerns up there is they're not in favour of the let-it-burn policy. And when it comes to a 20-kilometre area, especially with the circumstance that happened last year, I believe that when it comes to that the government got caught, and they did not react very well.

And thank God for the people from Stony Rapids, the business people there and the people that stayed around to help put that fire out; Stony Rapids is here today. It was no gratitude to the government because the way they mishandled it was unbelievable. And this is some of the questions that the people from Stony Rapids are asking. A review is the only way to go in regards to this.

I guess my final comment is as member from the North and Minister of Northern Affairs, do you believe that the let-it-burn policy is still on tap, and that's the way it should go? Or should there be recommendations done to the let-it-burn policy in regards to northern issues and northern fires?

**Hon. Ms. Beatty:** — Mr. Chair, as I said earlier you know this is a specific issue related to Environment. But as a northern person, you know, I know the processes that are utilized when it comes to fighting fires. You know, because I am up there. I live up there and it's not as simple as let-it-burn policy. You know, there are specific steps that happen when it comes to forest fires.

And I know that the first scenario for sure is to protect the lives of people and communities whether it's 20 kilometres or not. And also there are areas of the North where you know the forest is I guess richer in some parts. You know so you look at the economic areas as well when it comes to fighting fires.

But what I know of it and what I have lived through is that there is no question that the primary focus is protecting lives and communities as the main one. And also referring to earlier comments about meeting in Stony Rapids, you know I cannot recall if the chief was one of the folks that we met with in Prince Albert earlier. I cannot recall that. But you know he's been down here to meet with us as well. And as far as the review is concerned, I believe from my understanding that, you know, every year there is a review of what worked and didn't work, you know, by Environment as far as fighting fires are concerned. And from my perspective and from my personal

comment, I think that's an evolving situation. It's the primary focus as a northern person for sure will have to be lives and communities.

**Mr. Allchurch:** — Well, thank you, Madam Minister. One just final little question. Do you know when this review will be public?

**Hon. Ms. Beatty:** — As I said, you know, I'm not the Minister of Environment, and I don't know those specifics.

**Mr. Allchurch:** — Thank you, Madam Minister, for answering my questions today.

**The Chair:** — Thank you, Minister. That exhausts the time that has been set aside for the estimates for the Department of Northern Affairs. I want to thank you and your officials for being here today and assisting us in this process. Thank you very much.

We'll take a very short adjournment for the officials all to play musical chairs, and we'll have a new bunch before us in no time at all. Thank you.

[The committee recessed for a period of time.]

### **General Revenue Fund First Nations and Métis Relations Vote 25**

#### **Subvote (FN01)**

**The Chair:** — Good afternoon. We'll reconvene the Standing Committee on Intergovernmental Affairs and Infrastructure. The item of business before the committee at the present time is the consideration of estimates for the Department of First Nations and Métis Relations, vote no. 22, which can be found on page 75 in the Estimates book. Mr. Minister, if you'll please introduce your officials.

**Hon. Mr. Sonntag:** — I'd be pleased to do that, Mr. Chairman. Immediately to my right is Richard Gladue, the deputy minister. To his right is John Reid, the acting assistant deputy minister. To my left is Laurier Donais, director of finance and corporate services. In the back seated, in the green, Seonaid MacPherson, the executive director, strategic initiatives. Trisha Delormier-Hill, executive director of lands and resources, is seated here on my right; Giselle Marcotte, executive director of policy and operations, seated to her left; Kerry Gray, seated back to my right, director of gaming, trusts, and grants; and Jennifer Brass, executive assistant to the deputy minister is over there.

**The Chair:** — Mr. Minister, if you have an opening statement we'll receive that now.

**Hon. Mr. Sonntag:** — Thanks. I've introduced the officials, Mr. Chair, and I just wanted to just make a couple of remarks. Richard, as many of you will know, was the department's former assistant deputy minister and was appointed to this new position when the former deputy resigned.

Mr. Chairman, I'd like to share some brief opening remarks, as

I said, before we begin to respond to questions about the budget. I'm pleased once again to have this opportunity to discuss the '07-08 estimates of the Department of First Nations and Métis Relations with the committee.

The department has once again experienced a very busy, productive, and successful year in our continuing efforts to provide leadership within government to ensure that First Nations and Métis priorities and issues are reflected as policies and programs are developed and implemented.

In carrying out this role, the department essentially acts as a central clearing agency through which our other government departments and agencies often filter their policies and initiatives and seek advice. In addition to providing insights, First Nations and Métis Relations is actually very much a policy shop developing policy around issues such as government's legal duty to consult with First Nations and Métis regarding activities that might impact Aboriginal or treaty rights.

Other department policies include self-government processes and a bilateral protocol agreement with the Federation of Saskatchewan Indian Nations which is currently under review. These policies are developed in consultation with other government departments and agencies because all government agencies and departments are usually impacted by them and have to act in accordance with them.

In addition our department has several of its own program initiatives. The department's First Nations and Métis economic development program is entering into its second full year of operations. As you may recall, this program provides grants to First Nations and Métis people to start or expand a business in one of the key sectors of the provincial economy, sectors such as mining and energy. We have distributed almost \$2 million in grants since the inception of the program in February 2006. This totals 84 grants for both on- and off-reserve businesses.

We are looking forward to the second full year of the program and working with First Nations and Métis people to allocate the 1.5 million allotted this fiscal year. The department also has an additional \$100,000 to provide small grants to support First Nations and Métis events, such as powwows and cultural days across Saskatchewan. It's important that we help ensure the success of these events which are important and educational to all Saskatchewan people.

The department's Aboriginal employment development program, or AEDP as we refer to it, continues to flourish. On June 28 of last year, the AEDP reached a milestone when the community of Nipawin joined with 17 area partners in signing a partnership agreement. It was historic because this was the first community in Canada to sign an agreement that included both the First Nation and Métis communities within a specific region.

As of today we have a total of 77 partnership agreements with public and private sector employers, union, education and training institutions, government organizations, and First Nations and Métis communities across Saskatchewan. This means the AEDP has an impact on more than 73,000 jobs across the province. This year the program received a \$100,000 increase so that it now has a budget of \$823,000.

We continue to be involved in ongoing negotiations with Canada and Meadow Lake First Nations in terms of First Nations self-government. Progress is being made but there are several important issues left to be resolved.

Turning for a moment to treaty land entitlements, the department continues to ensure that the province's obligations to Canada respecting TLEs [treaty land entitlement] are fulfilled. As such we are currently sitting at four negotiating tables — Sturgeon Lake, Muskoday, Pasqua, and Gordon First Nations — with another, the Sakimay First Nation, to come on stream shortly. I anticipate that we'll be finalizing the TLE agreement with Sturgeon Lake First Nation in the next few weeks.

You have probably noticed in the estimates that funding for TLEs is down by about \$10 million over last year. This doesn't mean that we are less involved in TLEs. To the contrary, as I just mentioned, we have five that we will be involved with this year. What it does mean though is that provincial obligations to previously signed TLEs have been fulfilled and the money we are paying out is no longer required. Through these agreements we are helping fulfill promises of the past to build a brighter future.

First Nations gaming continues to be a major department program and it makes up more than half of the budget of FNMR. [First Nations and Métis Relations], which is flow-through funding based on an established formula.

In terms of the Métis Nation of Saskatchewan or MNS, I'm pleased to say that plans are back on track for a new election this summer. A joint federal-provincial plan to support a new election almost unravelled earlier this year when the federal government pulled out, fearing that the plan of a jointly appointed committee set up to oversee the election would not get the full support required from the provincial Métis council. Fortunately due to the diligent efforts of this government, those fears were allayed. The federal government came back onside, and you may have seen advertisements in papers across the province recently announcing an MNS legislative assembly in April which is part of the progress of getting the MNS election off the ground.

Now back to the duty to consult which I'd touched on earlier. Last year the department released provincial government guidelines around the province's legal duty to consult with First Nations and Métis people when treaty and Aboriginal rights might be impacted by government decisions and actions.

As a government we know that consultation is extremely important. We also know that it is vital for First Nations and Métis groups to have the internal capacity to be meaningfully engaged and that's why the department is pleased about the \$2.3 million infusion to begin an Aboriginal consultation unit within our department. Two million of that will go directly to First Nations and Métis groups to help them build that internal capacity that I mentioned earlier. And the remaining 300,000 will go to create a three-person unit that will administer the funding and coordinate a government-wide approach to working with Aboriginal communities and people on the duty to consult. This unit will go I think a long way to ensuring the coordinated and efficient development of good consultation

plans. So with that, Mr. Chairman, I think I've stayed under my seven minutes. I'd be pleased to answer any questions that the committee might have on this year's estimates. Thanks very much.

**The Chair:** — Thank you, Mr. Minister. I just want to draw to the attention of the committee that Mr. Forbes is substituting for Mr. Taylor. Ms. Draude.

**Ms. Draude:** — Thank you very much. Thank you, Mr. Minister, and welcome to you and your officials. I'd like to start by sending my best wishes to the former deputy minister. I'm sure she is a busy lady and I know that she probably misses being here today.

I'm going to start with the issue of the duty to consult and accommodate as it is one of the newer ones, newer line items, and it's one that has a lot of First Nations attention at the moment. I'm going to ask you to describe what you consider the First Nations and Métis Consultation Capacity Fund is doing and will do.

**Hon. Mr. Sonntag:** — Thank you. First of all I know former deputy Nora loved this environment right here and I know she misses this spot. But I understand she's doing very well.

As it relates to the duty to consult, the funding is just in the process of starting to flow out. But under the Supreme Court ruling on the duty to consult, there was a requirement to provide capacity for the specific First Nations or Métis communities to be able to actually engage in consultation. And what I mean by that is that in any given circumstance if there were a complex set of consultations, or any set of consultations take place, in many circumstances the community, whether they be First Nation or Métis as I mentioned, may not have any capacity to actually deal with the discussions or deal with any legal, I don't want to say obligations but any legal background that might be involved in the discussions. And therefore the ruling requires governments, federal and provincial, to provide capacity and that's what the 2.3 million is for, 2 million directly for the stakeholders and 300,000 for our department.

**Ms. Draude:** — You talked about broad consultation. Or are you talking about specific bands now? Will there be individual bands right now that you have a list of that will be dealt with under this funding?

**Hon. Mr. Sonntag:** — It will be some of both as in the first while as the guidelines continue to evolve and put in place for actual consultation, there will be some, some of it will be for that. Others will be for specifically for a specific First Nation and tribal councils.

**Ms. Draude:** — Do you have a list of the specific First Nations that will be dealt with immediately?

**Mr. Gladue:** — Perhaps I can answer that. There is a developing list. And initially our concentration is based on primarily in the North at this time because that's where a lot of the pressures are at this time. And most of the priorities that were given to start allocating money and start the process would be based on, shall we say, some of the ones that are sort of more, shall we say, the hot spots in terms of just depending on

the sectors that we're in. A lot of it is, I would say that, you know, if you look at the uranium mining in the North in terms of just some of the activities that are going on there.

So those are some of the areas. Some of the areas also would include some of the oil and gas development on the west side, would be some of the pressure points we are feeling at this time, and particularly around the diamond mining in around the Fort-à-la-Corne area.

So as we move forward we are looking at, based on where all the pressure points are in the province because those are the primary priorities that we've identified. And as we move forward on a broader consultation policy, we will initiate . . . Obviously it will be good public policy, but also we would initiate broader discussions because most of the First Nations and Métis communities are not just looking at the sectors that are taking place in Saskatchewan, but also broader consultation pieces that they think is part of the consultation process.

**Ms. Draude:** — How does a group access this fund?

**Mr. Gladue:** — Well basically how we do this is, you know, again like I said, how you access the fund is based on a proposal-based request by individual First Nations that think that we have a duty to consult. Now does that mean we will approve all of them? No. We look at them one by one, case by case. And through that process we certainly will follow up on questions, and probably following questions but also processes that we think are more in terms of just more what is needed by each individual community.

So again going back to my comments about the pressure points, that's where we're starting at this point in time. And over a period of time, frankly in this year, we hope through that consultation process to develop a process, but also a design of how that whole piece is going to look.

**Ms. Draude:** — Do you have guidelines in place at this time about how you can access the fund and how the proposal should be written?

**Mr. Gladue:** — We do have criteria developed, sort of basic criteria. And at this point in time we've identified obviously there is a certain linkage to the actual legal duty to consult and that is in the back of our minds. That's an internal process. And that's part of the guidelines that's been developed by government.

But also there is a set of criteria that we've identified on a broad basis that if we had to use or at least move forward through a tribal council piece, that there's a certain role for tribal council that has to be defined more clearly. But also there's a specific criteria that we've identified in terms of First Nations individually.

**Ms. Draude:** — Can I get a copy of the criteria?

**Mr. Gladue:** — Yes.

**Ms. Draude:** — Thank you very much. And who will determine who qualifies?

**Mr. Gladue:** — Well that qualification will be based again through our meetings and our processes with the proposals that come in, but also with the meetings that we have with the groups that we think are, we think there's going to be pressure.

Now those groups we expect will be larger than what we started out with. We know that. And while we go through that process and through that joint discussions dialogue with some of these groups, I certainly hope that we can determine how an overall program can be designed in terms of who would be able to access it.

And maybe we would be able to design very specific guidelines around more funding if more funding is going to be required. And I think that we anticipate that as we go through this whole process, First Nations are expecting and Métis leaders are expecting more capacity building around, how do we engage government and industry?

**Ms. Draude:** — You keep mentioning, we think. Can you tell me who the we is when it comes to determining who may qualify, if there's more applications or more requests for money than you have in place?

**Mr. Gladue:** — Well when I say, when I say, we think, I think I'm talking about the whole piece. So through our dialogue, I think we have at this point in time developed internal working committees underneath us in terms of technical expertise and to determine which groups are going to be funded. So that's what we've been using at this point in time.

But as we move forward, obviously that's the mechanism we use internally in government. But we know that as we move forward, there will be expectations with the broader consultation piece with groups that we meet with that will probably feed into the overall process that will be identified in government. And there will also be, we hope, an external process. And that external process will probably come out of the groups that we had meetings with around the whole issue on consultation.

**Ms. Draude:** — So I'm still a little unclear. Right now the decision is made internally. So I'm wondering if you can tell me how many is on the committee that makes the determination, who's in charge of it? And if you're talking about external, are you talking about going to a law firm?

**Hon. Mr. Sonntag:** — I'm just going to supplement a little bit. Part of the process . . . I should . . . I'll back up a little after I've answered this part, but it will include an interdepartmental committee that will assess the particular circumstance. The 300,000 that I alluded to in my opening remarks will create three positions that will work with other departments. So obviously if you get a proposal on oil and gas, it would likely come out . . . I mean, it would start out of the Department of Industry and Resources. So they'd be those three people in our department, that newly created division would work with Industry and Resources to determine the priority of the specific proposal.

But let me say this generally. This will evolve a fair bit as time goes by. We've been meeting with some of our counterparts, most particularly in Alberta, but we've done the same in British

Columbia. Alberta is probably, I hate to say this, but they're probably the most advanced in this regard. Now for a very obvious reason, one they've got a fair bit of money, but two, they have the least jurisdictions to deal with as well. They've got a lot fewer jurisdictions to deal with than Saskatchewan has. As the Supreme Court ruling says, we've got 74 First Nations and many Métis communities that this can apply to, so it's a lot. Our issue is a lot more complex.

But even they will say . . . and British Columbia the same. But this continues to evolve. And I guess, as a lay person I have no legal background, but I would be quite surprised if there aren't further court rulings that will change how we continue to deal with this in the future. Now I have no real basis for that, but it would be my view that this will continue to evolve. So there were not be, sort of, a cookie cutter approach that will be in place for now and into perpetuity. This is very complex and we'll all learning — every jurisdiction in Canada — as this rolls out.

**Ms. Draude:** — So my understanding then is this three-person committee, do you have these people hired at this point, and can you give me their names?

**Hon. Mr. Sonntag:** — No, apparently they're not yet hired.

**Ms. Draude:** — Is this going to be a tendered position or job applications put out, or how is it going to be determined who will get this position?

**Mr. Gladue:** — . . . director that's in the process of being classified through part of our system. So hopefully we'll be able to advertise for that position fairly soon. And then we have two positions underneath that that will report to that director that will be followed up once we hire the director.

**Ms. Draude:** — Do you expect that to be done during this sitting, this session?

**Mr. Gladue:** — I would hope to . . . fairly close to have the director in place, depending on . . .

**Ms. Draude:** — Will the department notify me of when the people have been hired?

**Mr. Gladue:** — We can notify you, sure.

**Ms. Draude:** — At this time is there any law firm that you're dealing with?

**Mr. Gladue:** — No. We're dealing through our own Justice department.

**Ms. Draude:** — Okay. Has there been any money paid out of this \$2 million to date?

**Mr. Gladue:** — No.

**Ms. Draude:** — And has there really been anything set aside for any specific project?

**Mr. Gladue:** — Let me put it this way. We had resources from last fiscal year that we . . . 500 K that we are going to allocate,

have allocated already to several groups, particularly in the North. And we can give you that list if you'd like to see that. So then . . . but out of this 200 K, no, we haven't allocated any, no . . . 2 million, sorry.

**Ms. Draude:** — Okay. So I will get a copy of . . . I'll get a list of how the money was spent last year and then this year's.

I know that some of the wording that is used around this whole . . . this issue has just been developed since the Haida Gwaii Supreme Court ruling. And I know that some of the wording is different. I know that there is community liaison issues as well as the duty to consult. Tell me, how your department is dealing with the difference between these two issues?

**Ms. MacPherson:** — The question had to do with the difference between community liaison and the duty to consult? Okay. So I think there is a distinction to be made. I think community liaison encompasses things like general consultation on policies that don't fall within our duty to consult or that have to do with economic development and that kind of thing. And so those are generally led by the appropriate department such as Environment around forestry, and Industry and Resources around mines and minerals and oil and gas. And so those go on, on a regular basis. There is a policy that government is interested in engaging First Nations and Métis groups in mineral and oil and gas development. And so they go and that department has processes — and Environment, of course — around forestry, outfitting and things like that where the two connect.

And we often say that the duty to consult . . . because it can have to do with developments on the land and economic development opportunities. You know we have to do our duty because the duty has to do with protecting treaty rights and interests in hunting, fishing, and trapping for food — treaty and Aboriginal rights I should say. But that process, if it's a meaningful and engaging process involving dialogue, can actually trigger then, as you say, perhaps the community liaison or the policy, the social policy work around economic development.

**Ms. Draude:** — Probably the two issues will go hand in hand at the same time. I don't think that it's one triggering the other because there'll be . . . the need is there for both of them. So my understanding is then that there is no funding for . . . none of the \$2 million under the Consultation Capacity Fund is going to be triggered or used for the community liaison. That's all going to be used for the duty to consult?

**Ms. MacPherson:** — Yes, it's for the duty to consult.

**Hon. Mr. Sonntag:** — I just want to make one point of absolute clarification on that as well. The \$2 million is specifically for the communities. The liaising budget is internal. So one is external and one's more internal. So that the budget allocation that you'll see within government for liaising with the communities is our money allocated for internal government staff. The two million is exclusively for First Nations and Métis communities, not for any internal use.

**Ms. Draude:** — The work that's being done right now . . . and you'd indicated there's various departments that are of course

involved in that. Environment would be an obvious one, as well as Industry and Commerce, and I would even imagine Northern Affairs would have some work in there. Do they, within their budget, have a separate indication now that the liaison is an important part of developing the relationship, is there any monies set aside within those various departments to ensure that the liaison is happening within communities?

**Ms. MacPherson:** — There's money set aside for community liaison and for economic development and for general consultations. And Environment I know does their duty to consult as a part of their regular course of doing business. And so they've more or less integrated it. I don't know that they have separated it out into a specific budget item. So yes, departments have money set aside for general consultation, but I don't believe anybody other than our department now has specific duty to consult function . . . [inaudible interjection] . . . Yes.

**Ms. Draude:** — The Minister for Northern Affairs previously had indicated that they had the authority to give permits. I can't remember her specific wording, but their duty was to ensure that they give out permits for mining and so on. Does the duty to consult or even community liaison, does that happen and then your department authorize Northern Affairs to give out permits, or how does it work?

**Ms. MacPherson:** — We don't really authorize. We don't have the authority to authorize departments to give permits. What our internal dollars will be for will be to help build government capacity to be able to do consultation in a meaningful, appropriate, efficient, effective way. Other departments that need to be engaged include Agriculture and Food and Government Relations because they also deal with land and they don't . . . We're all learning, and so what we're trying to do is to have a small unit that will help them, will do some training, help their staff that are out in the field, that are doing work with municipalities for example who may be wanting to subdivide, or with Agriculture and Food if they're wanting to turn land into pasture that may have been used as hunting grounds in the past or that sort of thing.

And so we need to work with them so that they can learn to consult on an appropriate basis. We also need to do more around our traditional land use maps, understanding where the traditional uses take place. And as you discussed before, we have to do more around determining the allocation of the funds.

**Ms. Draude:** — I'd like to ask a more general question now. One of the concerns that I heard after last year's session when we talked about the guidelines that were developed is the fact that the duty to consult guidelines didn't include any consultation. Now to me that seems very strange that that should take place. How could that have happened?

**Hon. Mr. Sonntag:** — I think it's an appropriate question for me to take. I've tried to answer a number of times actually, and it's a fair question. The duty to consult guidelines are just that; they're guidelines and they were and/or are, if you will, essentially a Department of Justice's interpretation of what the minimum requirements of government are as it relates to the Supreme Court ruling on the legal duty to consult.

I think it's fair to say that there were other governments across Canada, and it's probably safe to say even ours, that it considered at some time to just keep this as an internal document because it was specific for government internally. And as I say other governments have gone through the same process.

We decided, after receiving essentially the guidelines and the opinion that we should take them out for consultation, to talk a bit more about them and have them evolve because it would I guess, I mean my view has been, it would be the ultimate in irony is if you would have a document that was about consultation where you didn't do any consulting which, I think, you alluded to at the beginning of your question.

But for all intents and purposes, the document is essentially a Department of Justice interpretation of what the government's minimum requirements are, so these are just guidelines, and it's a document essentially that we'll now take out to meet with First Nations and Métis communities on.

**Ms. Draude:** — I'm understanding though then that these guidelines are flexible, that they may be changing.

**Hon. Mr. Sonntag:** — Well I don't think . . . We can't really change a Justice's interpretation of what a Supreme Court ruling is, but what we can do is, we can . . . we're now going out for broader consultation to determine how they would practically apply to a specific First Nation or Métis community. That might sound like words, but it's really just . . . it's a subtle nuance. The guidelines are essentially a Department of Justice interpretation of what we have to do internally to government and now we go out to see how to make them practically . . . how they practically apply to the different communities.

**Ms. Draude:** — Thank you, Mr. Minister. I've spent quite a bit of time already talking about this, but I really think it's one of the important issues that the province is going to be dealing with. As we develop not only the resources and the economy but the people in the province get an opportunity to be involved in it, I think there needs to be a clear set of guidelines but also the indication that everybody's voice is important.

I've been reading the Dene Tha' case, and I know that at that time, there was a talk about having one person or a chief consultant or a negotiator recommended. Is the province going to have that person?

**Hon. Mr. Sonntag:** — I'm advised that we're not contemplating that at this time.

**Ms. Draude:** — Okay. I'm going to ask a couple of specific questions. And one of the groups that you had talked about in general, you talked about the opportunity with diamonds in the North and the reserves that are involved in that — that's Muskoday First Nation and James Smith. Can you tell me the consultation that you've had? Does your government believe it's had consultation with both reserves to date?

**Mr. Reid:** — From our department's perspective we have, but not with Muskoday. Our department, we've had extensive negotiations and discussions with James Smith Cree Nation and the three nations involved in that particular band. There are

three chiefs that met with us on numerous occasions and their officials on numerous occasions. And as my deputy said, within the last month or so, we disbursed some money to that First Nation to assist them in consultations with the province on legal duty.

With respect to Muskoday, we understand . . . We have seen correspondence come in from their solicitor that's gone to . . . handled primarily by Sask Environment. There's been attempts by the government to talk to that First Nation around issues, particularly through Sask Environment although our department hasn't had discussion with them at this point in time. But we're certainly open to discussions with them.

When James Smith approached us, we take the legal duty very seriously. And we'll talk to any First Nation who want to talk to us about it.

**Ms. Draude:** — Has a preliminary information package been sent to Muskoday First Nation?

**Mr. Reid:** — I'd have to check. I'm not . . . I'd have to check with Environment to see what's gone out to them. But I know there's been attempts to talk to them. Whether those attempts have been successful or not, I'd have to check further.

But certainly with respect to James Smith, both the Department of Environment have been on the ground working with that First Nation, and we as a department have talked to their leaders and their representatives on numerous occasions. I probably get a call from them once every week or so myself.

**Ms. Draude:** — Is there a feeling that James Smith has more . . . that one reserve or group of First Nations may have a greater need to be consulted or have a greater impact on them than another one?

**Mr. Reid:** — We have to look at that very carefully. There's two terms I use. One is called proximity and one is called impact. Obviously one would have to look historically to see what the traditional use has been of those First Nations around the traditional territories in question. Certainly if it's in James Smith backyard . . . As you know there's a long history involving Muskoday and James Smith that go back many, many decades, actually historically, and so there is a relationship involving Muskoday as well. And I believe that James Smith and Muskoday will probably want to talk to them, to each other about these issues as well. But certainly we as a government, as a province, we certainly want to talk to both First Nations and have made efforts in both cases. And in the case of one we've had extensive discussions with them.

**Ms. Draude:** — Has your government indicated to the business that's hoping to do the work in the diamond mine, Shore Gold, I believe it is . . . Has there been any indication to the company that there is a need to consult with more First Nations?

**Mr. Reid:** — But actually we can also add that the Department of Industry and Resources, coupled with the federal government, actually combined their funding to fund a business liaison office being located in . . . I think they're in the process of trying to get it up and running more effectively. But it's in P.A. [Prince Albert], and it's to deal with the whole diamond

exploration in the Fort-à-la-Corne area, and that would involve . . . While the primary audience has been James Smith primarily, the intended beneficiaries of that office would also include Muskoday.

**Ms. Draude:** — It seems, I guess, everyone in the province is excited about the possibility — I'm not even going to say possibility, I'll say the potential — of the diamond mine going ahead. And I've been reading and looking at those . . . [inaudible] . . . case in Ontario, as I'm sure you all have, and my fear is that something may go wrong that will cause a problem. How is your department looking at this area? And what are you doing to ensure that we don't have a problem with this possible business?

**Mr. Reid:** — I said, just to echo the comments of the minister and the deputy and the executive director again, we take the consultation very seriously. And when James Smith approached us before the guidelines even came out, we'd had discussions with them. And also part of the role of our department has been to bring together other affected departments— Sask Environment, Industry and Resources, and other departments.

This is even before the guidelines were released to the public involving James Smith issues. So as the guidelines came out, in fact, it sort of operationalized the process that we'd been involved with already in terms of consultation with them.

And as I've said before, I've had numerous meetings with the three chiefs involved. The tri nations have been to Regina on several occasions. We've met with them and with the representatives repeatedly. As a matter of fact I probably get a call from the representative at least once every two weeks on this file, and that I maintain contact with other departments — Sask Environment, Industry and Resources — not only on that file but on a liaison office. As I said, when there's issues, they phone us.

Well again as I mentioned before, Sask Environment also has people on the ground in the area on . . . [inaudible] . . . areas around the legal duty as it affects potential permits, access permits, renewal permits, etc.

So you'd have to speak to those First Nations as to whether they're happy with the process. I can't speak for them obviously. But certainly we're making efforts from our government side to try to operate in good faith and with the honour of the Crown.

**Hon. Mr. Sonntag:** — I'm just going to add a bit to what John just said. First of all, just as it relates to industry we — I think it was about June — sent out a copy of the guidelines along with a covering letter referencing the Supreme Court ruling to every single industry that we could think of in Saskatchewan. That would have included Shore Gold in this particular case.

And just as it relates to your second question about ensuring avoiding problems, I think that will be in . . . Someone's problem is, to use that word, is a matter of perspective. I mean I think it's fair to say it is inevitable that there will be conflict. But the process of the duty to consult is a process that . . . the Supreme Court has ruled is a process that will try to avoid as much as possible, as much of the conflict as possible.

But I think it's fair to say at the end of the day that there will be some tough discussions that will take place on a number of fronts. And again I guess whether that's a problem, it depends how, it depends what decisions are made at the end of the day. Somebody will think of it as a problem, and somebody else will think it was a good decision so . . .

**Ms. Draude:** — Thank you, Mr. Minister. I'm going to change topics because we don't have a lot of time, and I have two other issues. One of them is to do with Métis fishing and hunting rights, and the other one is the advanced education and employment through Canada-Saskatchewan career that was actually looked at through CanSask, and I think in February it went to the Gabriel Dumont Institute. Can I ask those questions today?

**Hon. Mr. Sonntag:** — I guess we can respond in a general way. The Métis hunting and fishing is in the two departments of Environment and Justice — mostly Justice, I think, by the tone of your question. And the advanced education would be in the Department of Advanced Education. But we'll attempt to answer some general questions.

**Ms. Draude:** — Is the Gabriel Dumont Institute under this department?

**Hon. Mr. Sonntag:** — No.

**Ms. Draude:** — Okay, then I will leave that part of it and go to the election — the Métis election. I know that there was good news and it looked like the election will be going ahead. Can you tell me that if . . . On April 21 I believe there's supposed to be a Métis national legislative assembly. If there isn't at least 50 per cent plus one of the 130 local area presidents there, will the plan be approved or can it be approved?

**Hon. Mr. Sonntag:** — I think you just misspoke yourself a little. It's the Métis Nation of Saskatchewan, not the Métis national. I think you knew what you were saying, but just misspoke yourself — but just for the record for clarification.

And somebody correct me. I've had this explained to me a few times. They require 50 per cent plus one, but a minimum of 75 presidents to amend the constitution to allow for a new election outside of the cycle.

**Ms. Draude:** — Okay. Last year there was about \$14,000 paid to the provincial Métis council for different meetings. The meetings that have been held right now to try and get the plan for the election, has there been money paid to the council?

**Mr. Gladue:** — In terms of your question again, maybe you can repeat that, how much money was paid?

**Ms. Draude:** — Yes. Last year the minister had indicated there was \$14,000 paid to the provincial Métis council for meetings that they attended and I'm wondering if there was money paid this year.

**Mr. Gladue:** — I would say that in terms of this year, you're talking, I gather, the '06-07 fiscal year. We've paid out just a minimum amount of \$3,300 in terms of travel-related expenses.



**Hon. Mr. Sonntag:** — I want to clarify. We didn't pay anything to the provincial Métis council. That was through the IOC [independent oversight committee] as we were trying to put in place a new election. It would've covered off some of the expenses, like in meeting rooms and stuff like that occasionally, but there wouldn't have been any money paid directly to the provincial Métis council.

**Ms. Draude:** — Maybe it wasn't directly. I just, I'm reading from May 4, an answer I received from Ms. Sanders that said there was amounts spent to do with Métis consultation panel of \$79,000, was money spent on contracts that would have totalled about \$10,000, and an amount to pay for meetings of members of the provincial Métis council about 14,000.

The election that is planned now for this year, we have the independent oversight committee and they talked about voter cards. How involved is your department in ensuring that everyone who wants to go to vote will have an opportunity to vote and that they will indeed be Métis?

**Mr. Gladue:** — Let me try and answer that one. Basically in terms of who ensures the expenses of people to vote and who pays for that, is basically what you were saying, June?

**Ms. Draude:** — No. No it wasn't. I want to make sure, I want to know who is, how we're going to ensure that people who want to vote can vote, have the right to vote, and that only those who have the right to vote, can.

**Mr. Gladue:** — Excuse me. That process and there's several pieces and processes that have to be approved at the April 21 assembly. That's part of the process is to make sure that those lists and how that process and how you can identify those individuals are . . . That's what will be approved at the April assembly. Okay. And that's one of the recommendations that the IOC is putting forward, including several amendments to the constitution.

So when that is agreed to, a process will kick in and it'll identify the whole voting lists of who is going to be on the voting list. And basically the money that has been forwarded to the IOC for this fiscal year will be used to make sure that that process and the cost associated with that election — once those approvals are in place — is covered through the resources that we gave them prior to this fiscal year.

**Ms. Draude:** — I have a question specifically about the hunting and fishing rights. And a number of the Métis people are concerned about the different rights for Métis people living in the North as opposed to Métis people living in the South. We are aware that Ontario and Alberta and I believe Manitoba now have the same rights right across the province and that Saskatchewan has different rights between the North and the South. Do you believe that this is basically pitting northern Métis against southern Métis?

**Hon. Mr. Sonntag:** — Well you know, it's interesting. These two issues actually tie together — the Métis election and this issue — actually tie together a lot closer than a lot of people would think they do. Part of the significant concern that a lot of Métis people that I talk to across the province have is that this issue has not been clarified for them. You'll be familiar with the

Powley case. And until such time as that funding from the federal government can flow through what we describe as Powley funding, it is directly for provincial jurisdictions to negotiate and actually negotiate and consult with the Métis leadership in the province to determine exactly how hunting and fishing rights will be sorted out.

Saskatchewan has been at a real disadvantage without a properly and duly elected Métis Nation of Saskatchewan because none of the funding, the federal funding hasn't flowed to allow us to actually engage in a meaningful discussion and negotiation within the organization to answer the questions you've asked, which is a convoluted way to answer the question but that's really the circumstance that exists.

**Ms. Draude:** — So once we have an elected Métis Nation of Saskatchewan, there will be funding in place. And we won't have to be in the court. The decision will be made within the Métis Nation. Is that correct?

**Hon. Mr. Sonntag:** — Well I don't think I can give you that guarantee that they wouldn't be in court. You can never guarantee that somebody won't take you to court. But I mean that's clearly what it is an attempt to mitigate to some degree is to provide the funding. In some ways there's a parallel to be drawn on the duty to consult. The funding I think in Saskatchewan is, it's something over \$1 million that would be allocated to Saskatchewan from the federal government on this issue. It would be to be able to sit down with the duly elected provincial Métis council and try and sort lots of these issues out.

**Ms. MacPherson:** — On the north-south issue we are taking some direction from Justice in that there have been cases in the North that have proven the Métis right across northern Saskatchewan and into the Meadow Lake area. We're still pursuing cases in the South around the criteria laid out in the Powley case to determine whether the Métis communities in the South indeed have those rights.

Now the reason we're taking a legal approach as opposed to a public policy approach, which Alberta did — Alberta just said everybody's got the same right no matter where you live in the North or the South or wherever — is that it gives more certainty. And I understand in Alberta there are other organizations are challenging that public policy that is so broad and they're saying it should be narrower.

So I mean either way you could be challenged legally whether you decide through public policy to have a broad interpretation or . . . So we've decided to pursue it legally.

**Ms. Draude:** — Can you tell me who is challenging the policy in Alberta to determine that it should be an overriding policy for everybody?

**Ms. MacPherson:** — They're actually challenging it that it should be narrower; that it's not a province-wide thing. That it's specific to certain Métis communities that needs to be determined through the court. And I believe it's one of the wildlife-federation-type organizations that's challenging this.

**Ms. Draude:** — I'd like to thank the minister and his officials

today, and I look forward to our next session.

**The Chair:** — Thank you, Ms. Draude. The time allotted for these estimates is concluding itself. So I want to thank the minister and his officials for being here this evening and being such an informative group. I think the entire committee appreciates it. Thank you very much. The committee now stands recessed until 7 o'clock this evening.

[The committee recessed for a period of time.]

**General Revenue Fund  
Justice  
Vote 3**

**Subvote (JU01)**

**The Chair:** — It now being 7 o'clock we'll reconvene the Standing Committee of Intergovernmental Affairs and Infrastructure. The item of business before the committee this evening is the estimates for the Department of Justice, vote 3, which can be found on page 107 in the Estimates book. Mr. Minister, if you'll introduce your officials please.

**Hon. Mr. Quennell:** — Mr. Chair, at the table with me and immediately to my right is Doug Moen, deputy minister and deputy attorney general, and next to Mr. Moen is Kylie Head, executive assistant to the deputy minister of Justice.

Sitting behind me or very close at hand if needed are: Keith Laxdal, associate deputy minister of finance and administration division; Rod Crook, assistant deputy minister, courts and civil justice; Susan Amrud, executive director, public law division; Murray Brown, executive director, public prosecutions; Betty Ann Pottruff, executive director, policy, planning, and evaluation; Gerald Tegart, executive director, civil law division; Jan Turner, executive director, community justice division; Murray Sawatsky, executive director, law enforcement services; Linda Bogard, executive director, court services; Lionel MacNabb, director, family justice services; Don McKillop, Crown counsel, civil law, and Gord Sisson, director of administrative services.

I have a brief opening statement, Mr. Chair, if that's acceptable.

**The Chair:** — Yes, Mr. Minister, if you will please give us your brief opening statement, I'd be more than happy to receive it now. Thank you.

**Hon. Mr. Quennell:** — Mr. Chair, I would like to provide you with a brief overview of the Department of Justice and its 2007-2008 budget. In the Department of Justice we provide a complex set of programs. We administer the criminal justice system. This includes operating the court system, providing support for the judiciary, and prosecuting crimes.

We provide funding to community-based programs that deliver alternative measures and crime prevention programs, and support the development and delivery of other community-based justice initiatives. We support victims of crime through victim services programs.

We fund the RCMP [Royal Canadian Mounted Police], our

provincial police service, the Saskatchewan Legal Aid Commission, the Human Rights Commission, and numerous other independent boards and commissions. We provide legal and policy services to government, including serving as the government's official legal adviser and representing the government before courts and tribunals.

We play a key role in regulating the marketplace to safeguard consumer and public interests and support economic well-being. We provide mechanisms for resolving social conflict to ensure that people do not turn to socially destructive ways of dealing with their issues. We respond to the legal and social needs of people, particularly those in vulnerable circumstances and those involved in family disputes.

To deliver its mandate, Justice works with key partners. Some represent justice system components, some deliver community-based justice services, and some assist in policy and legislative development and implementation. We work closely with Aboriginal organizations and along with the federal government provide support for innovative programs that respect Aboriginal values and traditions.

We are pleased to support justice programs with an investment of almost \$250 million in 2007-2008. The increase of \$15.3 million is 6.5 per cent higher than the 2006-2007 appropriation. The 2007-2008 budget provides \$6.3 million more to maintain policing services in Saskatchewan.

The budget provides the resources for the continued implementation of the child exploitation strategy which began last November, which included \$550,000 for a full year funding for five municipal officers to deal with street-level sexual exploitation of children; \$350,000 to strengthen the use of the national flagging system by means of two specialized prosecutors, an assistant to the national flagging system coordinator, and one RCMP investigator to identify long-term offenders for dangerous offender cases; and \$150,000 for a public education campaign aimed at prevention of child sexual exploitation.

The child exploitation strategy is being expanded for this year with two new initiatives: \$250,000 for the RCMP to expand the tech crimes unit — the funding will provide two full-time police positions and specialized software and equipment to support investigations of crimes such as Internet luring and the distribution of child pornography; and \$370,000 to enhance and expand the children who witness domestic violence programs within Saskatchewan to ensure that a range of services are available to community organizations to meet the needs of children who witness violence in their home.

We will provide \$80,000 to develop a program to increase awareness and address issues of racism in our society.

The coroner's program will receive \$840,000 to complete the modernization of the coroner's program including hiring a second forensic pathologist for the province.

Capital funding of 4.25 million, 1.9 million of new funding, will continue the process of renewing court facilities and addressing security needs. Perimeter security screening programs will be implemented in the Regina, Saskatoon, and

Prince Albert provincial courthouses, the Saskatoon Queen's Bench Court House, and the Regina Court House. In addition, renovations and security enhancements at Yorkton Provincial Court and a number of other court locations will be implemented.

The Saskatchewan Legal Aid Commission will receive \$1.7 million in additional funding — 10.4 per cent — to support the commission's ongoing operations and hire an additional two lawyers for northern court locations.

I look forward to answering questions of the committee about our 2007-2008 budget for the Department of Justice.

**The Chair:** — Thank you, Mr. Minister. Mr. Morgan.

**Mr. Morgan:** — Thank you very much, Mr. Chair. The questions that I will be asking this evening may appear somewhat disjointed because I've received them from a number of different MLAs. So I'm trying to go through them not necessarily in the order they are in the book but in the order that they've come from the blocks of the people that have provided them. So to that extent I apologize if it appears to be somewhat out of order.

I would like to ask first about police training in this province. I know we have the RCMP college in Regina, but I'm wondering how municipal police force officers are trained and recruited. And perhaps one of your officials might tell us about the cost on that as well.

**Mr. Sawatsky:** — Good evening. My name is Murray Sawatsky, executive director of law enforcement services branch. And the question was?

**Mr. Morgan:** — I can repeat the question. That makes it easy. We know that the RCMP officers are trained at depot in Regina and my question deals with the training of officers that are hired for municipal police forces. The question will be, where are they trained? How many are trained on an annual basis? How many successfully complete the program? And how many are hired within the province, what the cost is to hire them. I can sort of go through them individually or that's sort of the gist of where I'm going with that.

**Mr. Sawatsky:** — Do you want me to just answer what you've given so far, Mr. Morgan?

**Mr. Morgan:** — Please.

**Mr. Sawatsky:** — Okay. They are trained at the Saskatchewan Police College, which is situated at the University of Regina. It's about an 18-week program. We generally run two classes a year and classes generally have an average of from 28 to about 32 recruits. They're instructed by professional instructors as well as police instructors.

And I believe you asked costs. The costs, we actually run about the cheapest police training academy in Canada. We figure it's about between 12 and \$13,000 per officer for the 18 weeks.

The college also provides a continuum of in-service training and developmental training throughout officers' careers. So it's

sort of from cradle-to-grave type of training.

**Mr. Morgan:** — How many per year complete the program?

**Mr. Sawatsky:** — Generally speaking, we average two classes per year so anywhere from around 60 usually, 60 to 65 per year.

**Mr. Morgan:** — And it's my understanding — correct me if I'm wrong — that these people all have jobs with the police force before they start the program.

**Mr. Sawatsky:** — That's correct. They're hired by the police agency and sworn officers when they attend the college.

**Mr. Morgan:** — Okay. So at the time they start the training, they're already peace officers and they already may have worked for some time at the police force, the municipal force that hired them. Is that . . .

**Mr. Sawatsky:** — They may have worked as special constables. Some of the larger police services, for example Saskatoon and Regina and Prince Albert, to some extent, will quite often hire good applicants to work in the provost area, the prisoner escort area, or in the communications area and swear them in to special constables prior to engaging them as officers and sending them for training. But no officers, no special constables do like the work of a fully trained police officer.

**Mr. Morgan:** — Do we monitor how many of them stay with the police force that they are hired by or what their retention rate is after they've completed the program?

**Mr. Sawatsky:** — No we don't. I don't have any figures on that. Off the top of my head I would think it's fairly good. The retention rate's fairly high.

**Mr. Morgan:** — But it's not monitored by the department at all.

**Mr. Sawatsky:** — Not by our department, but I believe that would be monitored by the individual police services.

**Mr. Morgan:** — And that could vary by police force to police force, and there may be some movement between the police forces. You may have an officer move, say, from Regina to Saskatoon or vice versa.

**Mr. Sawatsky:** — That certainly does happen.

**Mr. Morgan:** — What about mobility between provinces? Is it open to a police force to hire an officer that's been trained out of province?

**Mr. Sawatsky:** — Yes it is, provided the officer has been trained at an accredited police training facility.

**Mr. Morgan:** — Where else does the facilities exist besides Saskatchewan?

**Mr. Sawatsky:** — Training facilities? BC [British Columbia] at the BC Justice Institute. Actually Lethbridge trains, but it's not a police training, but they have a justice program there. Both Edmonton and Calgary provide training to their police officers.

Brandon provides training to its police officers, Winnipeg to its police officers.

Then there's the Atlantic Police Academy that trains a number of police officers for the Atlantic regions. There's one in Aylmer, Quebec. And then there's also, you know, the major police services in Ontario and Quebec have their own training. There's also the Ontario provincial college. There's a Quebec police force; they have a college as well.

**Mr. Morgan:** — The police forces that we have, the municipal police forces, we pay a portion of the cost in a variety of the cities. And I'm wondering what tracking is done with regard to the ages of officers, either that we pay for directly or the municipal forces directly. Where I'm going with this, Mr. Sawatsky, is I'm concerned about retirement rates and whether we've got an adequate recruitment program. So I'm wondering what information the department keeps or whether you're relying on the municipalities.

**Mr. Sawatsky:** — The department doesn't keep any sort of information on the demographics. The departments do that themselves. Certainly they're recruiting very heavily because that sort of bubble from the '70s has sort of worked its way through the system and now the attrition rate is anticipated to be fairly high and will be for the foreseeable future.

All police services, all municipal police services and the RCMP included are recruiting very heavily right now to try and get as many officers sort of on the shelf and ready to go as possible.

**Mr. Morgan:** — But the province is not monitoring it directly. You're relying on the municipalities to do their own recruitment and their own projections as to what the retirement rates might be.

**Mr. Sawatsky:** — Yes that's correct. The regulations govern recruiting and of course municipal police service is required to abide by those. But as far as the hiring, it's done solely by municipal police. The department does not become involved in that.

**Mr. Morgan:** — And the department is not giving advice or recommendations to the municipalities or having consultation with them on trying to have a retention or a recruitment program to ensure that they're able to maintain . . . [inaudible] . . . but where the issue has arisen with nurses and we don't want to see the same situation with police officers.

**Mr. Moen:** — Maybe I could just comment on a couple of points. It's Doug Moen. First of all, the one area where we are quite involved in terms of recruitment is Aboriginal recruitment. And we have a person with us from the Regina Police Service, Audrey Young, who is very active in that area. So we are having some involvement on the recruiting side.

And the other thing that's going on right now, there's some ongoing discussions between the police services and the province and the department around futures of policing. And part of that talks about where we need to go with recruitment, where we need to go with learning and education and, you know, it's a very active discussion and we're just partway through that.

**Mr. Morgan:** — But what you're doing with First Nations and Aboriginal is trying to attract that demographic. It's not dealing with the retirement Mr. Sawatsky refers to, the aging demographic of baby boomers that are leaving the workforce.

**Mr. Moen:** — That's precisely correct.

**Mr. Morgan:** — The minister had mentioned in his opening comments about committing some additional resources to deal with the Internet luring and Internet crime. And I was wondering if you could give us some more specifics as to the amount of money and the nature of the program that's, what's specifically being targeted and what's being done.

**Hon. Mr. Quennell:** — Before we leave the topic of the police colleges, just a couple of points — maybe just the one point. I have been able to attend, I believe, every graduation at the police college held since I've become Minister of Justice. And I think it's noteworthy that the college doesn't just serve Saskatchewan. It serves Saskatchewan very well and has since the 1970s, but it serves some communities in Alberta, for example. I understand Alberta is now, some 30 years after Saskatchewan, setting up a provincial police college. So that may not be the case in the future.

But I think it's a credit to the province because I think it's one of the first of the colleges in the country. Not every province had the foresight, at least so far, to set one up. There's also a Bachelor of Arts available in police studies at the University of Regina, which is a relatively new initiative compared to the police college.

In respect to the \$250,000 for the RCMP to expand the tech crimes unit, that is a unit that deals with crimes . . . [inaudible] . . . crimes committed through use of computers. And this funding in, both in human resources and in software and equipment, is primarily to support investigations of crime such as Internet luring — that's luring of children over the Internet — and distribution of child pornography. So it's directed very much at the sexual exploitation of children and the use of the Internet to do that.

**Mr. Morgan:** — You've indicated that you've committed \$250,000, which is three or four job positions. I'm just wondering what kind of, if that's . . . Is it all going for salaries? Is it going for equipment? And are those people within a municipal police force or are they within SCAN [safer communities and neighbourhoods]? I'm just wondering where they're situated and how they function.

**Hon. Mr. Quennell:** — Two full-time positions within the RCMP. And not all the money's going to salary. Some is going for software and equipment purchases to expand the capacity of the tech crime unit.

**Mr. Morgan:** — There was recently some arrests made in Saskatoon dealing with the exchange or sale of child pornography on the Internet. It was my understanding from some of the media that the information had been provided from out-of-province sources, other police forces outside of Saskatoon, but we lacked the resources in our province to make the arrests and deal with whatever. And it was several months between the time the information was received in Saskatchewan

before there were sufficient resources to investigate or lay charges.

**Hon. Mr. Quennell:** — We're not aware of any delay that was caused, or any delay whatsoever, and in particular any delay caused by the capacity within the RCMP to investigate these types of crimes. But I think that this is a growing area of concern and the expansion of this unit, provision of new people — and very highly trained and specially trained people — and updating their equipment and software makes a valuable contribution to addressing what I think we all know is a growing problem.

**Mr. Morgan:** — My concern, Minister, and I don't want to interfere with any particular investigation, but my concern is the timeline between when that information might have been received by the province and when the investigation was commenced — whether there was a gap in there. And then my concern is whether two people are sufficient for that purpose and whether ... And I have no idea the magnitude of the problem within this province.

**Hon. Mr. Quennell:** — I'm not aware of the current establishment of the RCMP tech crimes unit. I am advised that it is mostly federally funded and obviously does work within the province and can provide support obviously to our municipal police services in the province. This is an injection of provincial funding, provincial support that will increase the unit by two officers. I'm not suggesting that two officers are sufficient. But this is an addition of two officers to a unit that already exists.

**Mr. Morgan:** — What about other Internet crime, either Internet gambling or Internet credit card fraud, identity theft, a variety of the other crimes that happen on the Internet?

**Mr. Sawatsky:** — The technical crime folks provide support to the investigator, so their ability with computers extends to all areas, child exploitation included. But for example, gambling; if they were assisting with a gambling investigation, they would be able to go in and research and examine hard drives or examine other Internet-based areas to assist the investigator with gathering evidence.

**Mr. Morgan:** — You've indicated those are things that they might be doing. When do the positions come on stream?

**Hon. Mr. Quennell:** — Well I think Mr. Sawatsky said that this is a federally funded or largely federally funded tech crimes unit that deals with all types of computer crime, including Internet gambling as Mr. Morgan mentioned, and commercial computer fraud. But the two officers that are being added by the province are there to support investigations such as Internet luring and the distribution of child pornography. So they are specifically being put in place to strengthen this unit's ability to address those particular crimes.

**Mr. Morgan:** — So those, the two individuals that have been added will not deal with the commercial crime, the credit card fraud, the phishing type of things that take place on the Internet? That's not their responsibility?

**Hon. Mr. Quennell:** — Not primarily, no.

**Mr. Morgan:** — When do those two individuals come online?

**Hon. Mr. Quennell:** — The funding's been in place since April 1 with the new budget. The RCMP advises that they will fill these positions as quickly as they can. They are very specialized positions, as I think you can appreciate, considering what the very specialized work is of this unit. But we're advised by the RCMP that they have put a priority on filling these two positions.

**Mr. Morgan:** — So as yet the positions are not filled and we don't know when they will be filled?

**Hon. Mr. Quennell:** — That's my understanding, is that they are not currently filled but I hope to see them filled very soon.

**Mr. Morgan:** — With regard to other types of Internet crime, at this point you've indicated the department is relying on the federal Department of Justice to deal with those things. Are we watching or monitoring or giving assistance to the federal government to ensure that we're protecting our citizens in that regard? And what I'm asking specifically is what are we doing to help Saskatchewan residents ensure that they're not defrauded, and that when they are, that charges can and will be laid?

**Hon. Mr. Quennell:** — The tech crimes unit is, I suppose it's fairly said to be, technical support to police services in the province, specifically the RCMP but not necessarily only the RCMP in the province. The investigation of commercial crime and the protection of citizens in commercial crime is part of the duties of police services in the province inside and outside of the tech crimes unit.

Whether we do enough nationally, given the rapid change in technology and the explosion of this type of crime, I think is a good question and I think maybe a rhetorical one because I think the answer is probably no, that we do not. And of course a lot of this is cross-jurisdictional because you're on the Internet, and a lot of it is long distance. And it's a, I believe, properly an issue for the RCMP, in particular nationally. But of course local police services deal with local cases.

We are as well of course providing police resources for investigation and prevention of this type of crime as other types of crime. We are working closely with the federal government to develop better legislation which would be a national responsibility as well, but which the province can provide some expertise as the jurisdiction responsible for administering the criminal justice system, to develop national legislation on issues of identity theft and others where the technology has outpaced the legislation that's in place.

**Mr. Morgan:** — At present we're not really doing anything to deal with Internet crime. My understanding is we're relying solely on the federal government, and if the federal government comes and asks for assistance, we'll give it. And what I'm asking specifically is, are you aware of any charges that have ever been laid or investigations in this province dealing with Internet commercial crime?

**Hon. Mr. Quennell:** — Well I would take exception to the opening statement that we're not doing anything about Internet

crime because there are investigations in the province and the RCMP is quite active in the province. And there is a tech crimes unit in the province, located in the province that concerns itself primarily with crimes in which the computer is used as a tool.

**Mr. Morgan:** — But you're not aware of any investigations that have led to charges in this province as a result of crime on the Internet, where they send out the spam or scam email asking for people to update their credit card information? You know, those things arrive on people's computers on a daily basis. And my next question will be, are we aware of the number of victims that there are within this province, the complaints that have been made?

**Mr. Brown:** — Yes, we have had some activity in that respect. We did have what is colloquially referred to as a boiler room operating out of Canora that had some Internet connections, although most of the work was being done on telephones. We have had some Internet pornography investigations that started here and resulted in the police furthering names to other police jurisdictions. And we have had some Internet luring investigations as well. So we are doing some. The bigger problem is largely technical capacity with the municipal police services.

**Mr. Morgan:** — So it's fair to say we're still at an early stage or it's a work in progress. Is that a fair . . .

**Mr. Brown:** — That would be fair, yes.

**Mr. Morgan:** — Minister, I have one specific file I want to ask you about because you and I receive communication on it on a fairly regular basis.

Before the 2003 election there was alleged to have been a commercial fraud perpetrated on Wheatland Regional Library. You and I regularly receive correspondence on that and I forwarded the correspondence to you and you've always replied — and I thank you for that — that it's still under investigation.

We're now some three and half years that you've been Minister of Justice and I realize that neither you nor I should consider interfering with that, but when an investigation goes on for many years and it's still regarded as being under investigation you can't help but ask: is there an issue with lack of resources or is there some kind of a problem on what would appear from the outside to be a reasonably straightforward investigation?

And I think when we have to answer to our constituents and the citizens of this province why charges are not laid — and there may be a valid reason for it — but when it goes on year after year and we get correspondence from the same people every few months we have to ask what the status of that is and is there a systemic problem.

**Hon. Mr. Quennell:** — Mr. Chair, all I can say this evening is that we'll provide Mr. Morgan with what information we can as to the status of the investigation.

**Mr. Morgan:** — I thank you for that. And I presume that you will be getting some or have already received some of the same correspondence because the people that are writing indicate that they've written to you as well so I'm hoping that you're able to

give them some specifics.

And my question will be, Minister, is I appreciate getting the information of the status but my concern is that when we've got an investigation that goes on year after year after year, do we have adequate resources or is there a systemic problem? And I guess I put that question to you at this point.

**Hon. Mr. Quennell:** — I think it's fair to say that, given the nature of some other investigations that are being conducted by the RCMP currently in the province of Saskatchewan, that the one that Mr. Morgan is referring to may not be the top priority or the second highest priority or the third highest priority, and that may be an issue. And I guess that that ultimately is an issue of resources because resources, no matter how great they are, are always finite and they require you to prioritize.

And the RCMP aren't going to prioritize between different types of crimes and then within the criminal area such as commercial crime. They are going to prioritize certain investigations over others. And that may be part of the issue here. And I think we're in agreement that that is probably part of the issue here.

**Mr. Morgan:** — I realize for purpose of the Charter of Rights and Freedoms, the courts look at delay from the time charges are laid and do not ordinarily consider pre-charge delay. But I'm thinking about it in practical terms of how juries are able to deal with witnesses whose recollections are many years old; how police investigation to go back to obtain a statement from a witness that's from an occurrence that happened three or four years old. Do we as a province track any of the information from when a complaint is first made to when charges, do we follow pre-charge?

**Hon. Mr. Quennell:** — No we don't. I think the comments about issues arising from long investigations before there are charges — assuming that there would be charges at the end of any specific investigation — are fair comment. But again all I can say in respect to the particular case is that I will provide what information we can. And in general on the issue of whether we track the length of investigations by the RCMP or by municipal police services, the answer is no.

**Mr. Morgan:** — From your answers I presume that you would be supportive of more resources going to policing, if policing is a problem on the delay on these things.

**Hon. Mr. Quennell:** — It's my view that nationally the federal government should put greater emphasis on issues of Internet crime and commercial crime to the extent that those are . . . And they are two different things because not all commercial crime uses the computer, and not all Internet crime is commercial crime. But I believe that both those issues deserve quite a bit greater attention on the part of the federal government and this province. And others, including our sister province of Alberta, have made that point to the federal government at appropriate times.

**Mr. Morgan:** — So I take it then that your position is that it's not up to the province to put more money into this, that you're going to wait and see whether the feds will put more money in.

**Hon. Mr. Quennell:** — No I wouldn't say that it's not the province's job. We do have to set priorities. And we have set a priority around the protection of children from sexual exploitation and have invested further funds in this budget on that issue, and in part in respect to Internet luring and the distribution of child pornography, although not exclusively there. I'm not saying that there shouldn't be provincial funding to the investigation of commercial crimes because there is provincial funding to the investigation of commercial crimes.

Not to want necessarily to blow my own horn or the horn of the province of Saskatchewan too much, there is a council of security ministers, ministers responsible for securities. There are a mixture of different types of ministers on that council because of where that portfolio falls in different provinces. In the case I think of Prince Edward Island, Saskatchewan, and British Columbia, it falls to the Minister of Justice, but it often falls to the Minister of Finance.

As one of the few ministers of Justice at the table, I have been very concerned about the issues that have been raised around enforcement. As members of the committee might know, there is some controversy in the country over whether we should have a single regulator or we should have the passport system that the vast majority of provinces are co-operating to build and operate at the present time. But issues have been raised about enforcement and whether enforcement is adequate given the different responsibilities or the split responsibilities across the country.

And so I have taken a leadership role, the province has taken a leadership role in attempting to determine what are the impediments to better enforcement of securities fraud and the police and prosecutors and securities regulators working better together. And I think it's because of that initiative that we are seeing some progress in an area where people, if they weren't working at cross-purposes, they weren't working co-operatively. I do think there's a provincial role and it extends, I think, sometimes for providing leadership at the national level.

**Mr. Morgan:** — Actually, Minister, all I wanted was to hear a commitment to provide more and better policing in this area. But in any event I presume that you're generally supportive of more policing in this area.

**Hon. Mr. Quennell:** — I'm generally more supportive of more policing, as I think members know. And I think this is an area where, as a country, we could be doing more.

**Mr. Morgan:** — And as a province as well.

**Hon. Mr. Quennell:** — Certainly the province of Saskatchewan has a role to play as do other provinces. I do believe that in the case of commercial crime and some other areas that the role of the national police force, the RCMP as a national police force, is vital.

**Mr. Morgan:** — I just want to go back very briefly to police colleges. The 12 to \$13,000 cost, is that borne by the municipality, by the recruit, or by the province? And that's the only question I have on that. Sorry.

**Mr. Sawatsky:** — Murray Sawatsky again. That is the provincial cost, Mr. Morgan.

**Mr. Morgan:** — Okay. Does the recruit pay any portion or tuition as well?

**Mr. Sawatsky:** — No.

**Mr. Morgan:** — Okay. And the facility is in Regina, and so the recruit would be responsible for their living-out expenses.

**Mr. Sawatsky:** — No. The living-out expenses are paid by the police service that employs the recruit, and they're paid to the university. They stay in the dorms at the university.

**Mr. Morgan:** — Okay. Thank you for that. I want to move on to gang issues, and I'm wondering what colours or patterns are considered gang colours or patterns. How are they identified or recognized by the courts to determine what is a gang or what is not a gang?

**Hon. Mr. Quennell:** — It might be helpful if Mr. Brown supplements my response. The term gang colours might be somewhat misleading, and the wearing of symbols or markings or items of clothing in common with other gang members isn't the only indicia of gang membership that might be brought before a court.

It is the experience, I'm advised, of our prosecutors that upon submissions being made for sentencing that our courts in Saskatchewan take gang membership quite seriously and that that goes to sentence; that the gang membership might be established by self-identification, by identification by others, by past gang activities, or by the wearing of gang colours which should be taken as a term of art and not necessarily referring to colours only.

**Mr. Morgan:** — The point is if the gang colours . . . What I'm referring to specifically, to use your words, are indicia of gang membership. How is a judge to know or at what point is there determination that that is a gang, if you use the word gang, or criminal organization?

**Hon. Mr. Quennell:** — And again Mr. Brown may want to supplement my answer, but I think what is worn as the uniform of a gang can change fairly quickly. The name of a gang can be changed fairly quickly I think as well, if the name becomes a potential legal problem for them. So I'm advised almost anything could be worn to indicate membership in a gang.

And that would be something that would become known to the police who are on the street — police in the areas in which the gang operates — that this is now indicia of, an indication that this person belongs to this gang, because that is now what they wear in addition to anything else or in replacement for what they used to wear. So that information would come from the police. It would be communicated to prosecutors I would think in a normal course, and then communicated to the court.

**Mr. Morgan:** — Do we have a list at this point in time of gangs or groups of people that have been recognized in the courts as criminal gangs? Specifically I'm asking if there's jurisprudence in the area that would give a court guidance or would give the

public guidance and say, yes they've recognized that this particular group is a criminal gang as opposed to, say, the caucus of a political party.

**Hon. Mr. Quennell:** — There is a tracking of criminal organizations in the province. I don't believe that a list has been provided, a comprehensive list has been provided to the courts. Every case involving a criminal organization would probably involve the prosecutor making the court aware, either in the prosecution or in the sentencing, of membership in a particular one criminal organization of which that person is a member.

However there is a list, and it's kept by the Criminal Intelligence Service of Saskatchewan. Between 2004 and 2006, the Criminal Intelligence Service of Saskatchewan reported there were 136 known gangs or criminal organizations operating in Saskatchewan. And today — and my briefing that was April 13 of this year, so three days ago — today the report's that number has been reduced to 94 known crime groups.

CISS [Criminal Intelligence Service Saskatchewan] reports that targeting enforcement against gang and organized crime activity has disrupted a number of criminal organizations who have left the province or consolidated or simply disbanded.

**Mr. Morgan:** — Is there any kind of a public gang awareness where information is made available to the public — and I don't wish to see the list that's there — that would be made available to parents or schools or members of the public so that they can take steps to prevent young people from getting involved with them or in the case where a young person has become involved, to try and develop an exit strategy for that person?

**Hon. Mr. Quennell:** — The police are certainly willing to do that. They do, do that. There is a reluctance, which I understand, to publicize the names of gangs, that there is some sense, and I understand it, that the infamy is part of the appeal. And so there's a reluctance to give these organizations and the people who belong to them the notoriety and infamy that they might desire. So the police don't like to toss around the names of gangs often. I know there're exceptions to that, but as a rule, they don't want to do that.

When the province and the city of Saskatoon and other partners — Saskatoon Tribal Council in particular — put together a gang strategy in Saskatoon, the increasing public knowledge about gangs in general and addressing the underlying risk factors associated with gang membership were two of, you know, five major goals of the strategy.

**Mr. Morgan:** — This one may be outside of the area of this committee, but I have on my list questions regarding dress requirements for inmates while they're in custody, either in remand or within a provincial correctional . . . Is there clothing provided of a specific dress code, uniform, etc.?

**Hon. Mr. Quennell:** — I'd suggest you address that to Corrections and Public Safety in their estimates.

**Mr. Morgan:** — When we were last in estimates, there was the outstanding issue of unpaid fines, and Mr. Crook had some information about the development of our computer system that

was going to develop a method of aged accounts receivables. And I was wondering if you can give us an update on that.

**Mr. Crook:** — The issue of outstanding fines reports being made available through the Provincial Court computer system, that change was implemented in December for any Criminal Code matter. The information is provided to prosecutions for its review and then, as it deems relevant, to go to the sentencing judge.

**Mr. Morgan:** — So the information is still available only on an offender-by-offender basis that you will be able to find out how much a particular offender owes without having a list of aged accounts receivable.

**Mr. Crook:** — That's correct.

**Mr. Morgan:** — Do you at some point . . . You'd indicated that a new computer system was going to be brought online. Has that happened?

**Mr. Crook:** — No it has not.

**Mr. Morgan:** — And do you still anticipate that happening?

**Mr. Crook:** — Yes. We are currently working on options for the new computer system, but that will take some time.

**Mr. Morgan:** — You had indicated a relatively modest cost on that and suggested a specific dollar figure the last time we were here. And it would probably be online within a year to a year and a half. Is that still the case? Or . . .

**Mr. Crook:** — No, that is not the case. We did not receive funding in the current fiscal year to proceed with that particular project.

**Mr. Morgan:** — At this point the computerization of fines is not happening.

**Mr. Crook:** — Yes. Our planning on the project continues. We're working with the Information Technology Office on the project. And once we're through that process, we would be returning to Treasury Board with the funding request.

**Mr. Morgan:** — Was a request made to fund to Treasury Board during this last budget cycle?

**Mr. Crook:** — There was a request that was submitted by the department. But in consultation with the Information Technology Office, we deferred that request in order to have further review by the Information Technology Office.

**Mr. Morgan:** — So at this time the process has no timeline, no budget, and we don't know what the budget might be. It's effectively died.

**Mr. Crook:** — We will have to await the process with the Information Technology Office, and then decisions would be made about what would be submitted for consideration by decision makers.

**Mr. Morgan:** — But at this point, there's no money available



to hire an outside consultant or to contract with ISC [Information Service Corporation] or anyone else to try and make this work?

**Mr. Crook:** — We've had a considerable amount of consultant work done, and we're going back through the Information Technology Office for their review.

**Mr. Morgan:** — I didn't see any money set aside for it in this budget book. Is there any money for it in this budget book?

**Mr. Crook:** — There is funding of approximately 224,000 which is split between the Department of Justice and the Department of Corrections and Public Safety to do some work on the existing system which is moving from an obsolete hardware platform to a new platform. So there is a certain amount of funding, as I say, 112,000 in the Department of Justice budget for that purpose.

**Mr. Morgan:** — What is your best estimate of unpaid fines that are due to be paid and in arrears at present time? Do you have a dollar figure on that?

**Mr. Crook:** — Yes. The total amount of unpaid fines as of March 31, 2006, which is the latest date that we have the full-year information is approximately \$20.3 million. And I would just note that of that 20.3 million, approximately 8 million is less than three years old.

So those are fines that are still under . . . the vast majority of which are likely to be collected. Approximately 7 million of that figure are fines that are over five years old. And those are the ones where we have exhausted the efforts to collect fines, and so it is less likely that some of those older fines will be collected.

**Mr. Morgan:** — How many of those fines would carry a period of incarceration in default?

**Mr. Crook:** — I'd have to defer to Mr. Brown, if he has any response to that question.

**Hon. Mr. Quennell:** — While we're switching officials, it might interest the members of the committee to know that on October 5, 2006, Alberta announced a launch of a pilot project in Edmonton to partner with the Canada Revenue Agency to withhold income tax refunds, GST [goods and services tax] rebates for Albertans with overdue traffic fines only. A news release states that Alberta has almost 600,000 overdue traffic fines representing about \$104 million. That's just the traffic fines; I don't know what the other fines would be in Alberta.

Saskatchewan, assuming that this program proves itself, would be interested in implementing a similar partnership with the Canada Revenue Agency but would intend to target all unpaid fines, not just the traffic fines. That's a new initiative on the part of Alberta where I think you can understand that they have a similar problem when you hear the number involved, the amount involved, and I think an interesting addition to enforcement that we haven't been using before.

Now Mr. Brown may have some information on how many of those fines would have default incarceration.

**Mr. Brown:** — Well I suspect very few of them have default attached to them simply because the automatic default regimes were removed both from the Criminal Code and from The Summary Offences Procedure Act about the same time. So the result now is that once the fine is in default and reasonable efforts have been made to collect it, it then has to be taken back to the courts and an explanation provided to the courts with respect to what we've done in terms of trying to collect. The accused then has the opportunity to explain why he hasn't paid, and if he can't provide a reasonable excuse, the court then has the opportunity to incarcerate him. And there's a specific set of formulas that are used to determine how many days for how many dollars.

**Mr. Morgan:** — What you're saying is it's only the very oldest ones that were there before the legislation changed that may have any benefit to us, and the rest of them will require a separate court application, none of which have been brought unless the person has been brought back to the court for something else. Is that . . .

**Mr. Brown:** — Well even if somebody is brought back to the court on other offences — and in many of these cases they are — while we provide the court with information on the fact that they've got outstanding fines, that in itself doesn't permit the court to sentence them to time in jail for that particular unpaid fine, and nor does it prohibit the court from issuing further fines.

**Mr. Morgan:** — It doesn't make me feel any better knowing that Alberta has a similar problem. They have more money than we do, and we have to deal with our own problem here.

The \$20.3 million is a March 2006 number. We're now a full year later than that. Is there an estimate that the number has gone up or down? If we're not doing anything to collect it, I suspect if anything it's increased.

**Mr. Crook:** — Financial results for the fiscal year ended March 31, 2007, have not all been tabulated in terms of fine collection, so this is an estimate. But we would expect that the total amount of fines outstanding would normally go up every year. Obviously there is a percentage of fines that are unpaid.

We do have a strong track record of collecting fines as you know. Approximately 80 per cent of fines that are ordered in any given year are collected. But there is obviously the 20 per cent that is not collected, and that amount would be added to the \$20.3 million figure that I'd provided to you. So we would expect it to go up each year.

**Mr. Morgan:** — The \$20.3 million figure, that's Criminal Code fines. Is that correct?

**Mr. Crook:** — That's all fine revenue owed to the province including . . . inaudible . . . fine revenue.

**Mr. Morgan:** — Of the 20.3 million, does that include fines that are payable pursuant to municipal bylaws, or are those not included in there?

**Mr. Crook:** — No, it does not.

**Mr. Morgan:** — Do you know how much that number would be?

**Mr. Crook:** — No, I do not.

**Mr. Morgan:** — Is that a number that could be made available, or you'd have to go through all the files to identify?

**Mr. Crook:** — For fines that are collected by the province on behalf of the municipalities and funds remitted to the municipalities, you could expect approximately the same 20 per cent, 80 per cent collection rate. But in terms of being able to determine what the total outstanding amount of fine revenue owed to municipalities is, that is something that I would have to check into and get back to you on.

**Mr. Morgan:** — If you would. I would like that information if it's available without going through it on a file-by-file basis. Also do you know how much money is unpaid in victim impact surcharges?

**Mr. Crook:** — No, I do not. We don't have that information with us, but we can certainly get it for you.

**Mr. Morgan:** — If you would, please.

**Mr. Crook:** — Just to note that the collection rate for victim surcharges tends to be higher than for fines because it is a first call on any money that is paid into court. So before the fine is paid, the victim surcharge is paid.

**Mr. Morgan:** — So it might be 85 or 90 per cent of the . . . if a person starts to make payments on a fine?

**Mr. Crook:** — Yes.

**Mr. Morgan:** — I'd like to move on to the issue of restitution orders that are made. Those would be paid ordinarily directly to the victim. Are they tracked by the department as part of the fine process or the collection process? Do we know what the outstanding number of unpaid restitution orders are?

**Mr. Crook:** — Restitution orders are recorded on the Provincial Court information system. However many restitution orders would be paid directly to the victim rather than through court and we would not have a record of those. In addition, where an individual is owed restitution and they seek redress through civil enforcement, that is another process that is used to collect funds. So we have no outstanding running account receivable, if you will, as it relates to restitution orders.

**Mr. Morgan:** — Does the province track the aggregate sum of restitution orders that are made in a year?

**Mr. Crook:** — I wish to defer to my colleague, Jan Turner.

**Ms. Turner:** — Good evening. Jan Turner, executive director of community justice. The total amount of restitution as ordered by the courts is tracked through the court record and we know how much of that would be satisfied, so we have the aggregate at any time of the year. And we've recently made changes in how we track all of the orders now through the victim services program. At this time we do not have a case management

system yet . . .

**Mr. Morgan:** — This is of the victim impact surcharges or the restitution orders?

**Ms. Turner:** — Restitution orders.

**Mr. Morgan:** — Are you able to give us a figure as to how many, what the dollar value was last year?

**Ms. Turner:** — I don't. It's part of the court, again part of the amount that's collected by the courts in terms of that value, so you probably . . . We will need to get back to you on that because there is sometimes payments made directly to the victims as well and . . .

**Mr. Morgan:** — If you can tell us the aggregate dollar value of the orders that were made in the last fiscal year and the amount collected on both restitution orders and on victim impact surcharges, we would appreciate that. And my question is the minister had indicated that the first charge — maybe it was the official — the first charge on it is the victim impact surcharge and presumably the restitution portion of the order is not. Is that correct?

**Hon. Mr. Quennell:** — Just to be clear here because I think we're talking about two separate things. Where there's a fine and a victim surcharge, the fine is not necessarily restitution. It's a fine, part of, I guess, the punishment and the deterrent. The victim surcharge is paid, as one of my officials provided, the victim surcharge is paid first. So if a fine is only paid in part, then the victim surcharge may be paid but not all the fine paid. So it's most likely that there's less victim surcharges outstanding than there are fines for that reason.

**Mr. Morgan:** — That was the way I understood the official to indicate.

**Hon. Mr. Quennell:** — When an order of restitution is made in addition to a fine or instead of a fine, that's a different matter and that information may be available from the courts. We may be able to obtain information as to how many or what is the amount of restitution orders made, what is the entire quantum. And if we can obtain that information, we will provide it.

We may be able to obtain the aggregate quantum of the amount paid into court in restitution orders and paid through the court to victims. But — and I think we've had this discussion before but I may be wrong and it doesn't really matter — a lot of restitution is paid directly from the person who is ordered to pay it to the victim. And if the victim doesn't take, or even if the victim takes civil action to collect restitution, there isn't necessarily a way of tracking what's paid and not paid there. So we can undertake to provide the information that we can obtain but it may not give a complete picture, for the reasons I've outlined.

**Mr. Morgan:** — I appreciate the fact that the restitution order is in effect a civil judgment and the victim is, they'll use whatever methods they choose to and if they choose to compromise, settle it, collect it on their own, they're under no obligation, statute or otherwise, to inform the department that it was collected. So that one I'm less concerned with.

I guess I would like to know whatever information you've got in that area. And where I'm going with this is the suggestion that I appreciate the department is now applying the first revenue that comes in to the victim impact surcharge, but I'm wondering if it would be appropriate to consider at some point an amendment to the legislation that would allow the next monies that would come in to be applied to any outstanding restitution orders.

And I appreciate that it would require a bigger onus on a judge to determine how it's to be paid and over what period of time, but if you are going to be of benefit to the victims . . . We allow for the victim impact monies to take a priority; why would we not want to do it with a restitution order as well?

**Hon. Mr. Quennell:** — Mr. Chair, I think Mr. Morgan's suggestion is worth consideration and shouldn't be dismissed out of hand. The difficulty, or a difficulty that we foresee — and it may not be an insurmountable one, but I think it's one of the things that would have to be considered in pursuing the practicality of the suggestion, which again I don't want to dismiss out of hand — is that since restitution can be paid directly to the victim or a compromise settlement . . . When someone comes in to pay the amount that they owe, the court or the clerk's office knows that the surcharge hasn't been paid yet. It can apply the first part to that. You're not necessarily going to know whether restitution has been paid to the victim or not, and that might be a little bit difficult to be collecting money that may have been paid out already directly to the victim by the person making the payment against the fine. So that's one practical difficulty that arises immediately. There may be a way of addressing that, and as I said, I wouldn't dismiss the suggestion out of hand. I think it's worth considering.

**Mr. Morgan:** — I'm obviously troubled that we've got . . . And I don't perceive that we're making any progress with regard to getting a collection system in place for the fines, identifying what's unpaid and the amount of money that's there, and was somewhat optimistic at last budget meeting when Mr. Crook had indicated there was the talk of a computerized system. And I appreciate the position the minister is taking about wanting to put some priority on to the various methods that might be available to try and assist victims.

In regard to that, you know, other provinces have considered the federal intercept method. It's certainly working with regard to maintenance orders and I'm wondering whether an expansion of the maintenance enforcement office would give some assistance there.

We have one of the best maintenance enforcement offices in the country, and if a victim were to place the, you know, monthly order with the MEO [maintenance enforcement office] — and I certainly don't want to create more work for Mr. McNabb without having an appropriate amount of resources there — that there would be something similar that would work through there so that if the victim chose to register the order with the collection office and whatever office it was, that it would go through the same kind of process where money could not be paid directly. It would have to be paid through that and the registration would stay there.

There's, you know, the federal intercept, the maintenance

enforcement option, and then the withholding of renewals of driver's licence, vehicle licences, etc., and other things that, you know, we track people relatively well through Health cards and vehicle information, whether we're using any of those things to try and collect these monies. So I suggest that as an expression of concern. If you want to comment, please do.

**Hon. Mr. Quennell:** — I have some comments about what more is being done, because I do think we are making changes and making progress and certainly acting on the pilot project that's being conducted in Alberta where . . . Well I don't think it's just Alberta. I think it probably, if you looked across the country, it's a similar issue across the country and we're looking for cost-effective ways to address, I think, a common problem.

I will have a comment on maintenance enforcement and the role of the federal government. But if I can allow Mr. Crook to make some comments about what else we are doing in the fine collection area.

**Mr. Crook:** — Well just one further comment on federal income tax refund and GST rebates. We expect to have that program in place by September. And as previously indicated, it will apply to all outstanding fines owed, not just traffic related which is the way another province has gone.

We also have a very active fine collection program with a number of components to it, and this ranges from simple demand letters as a first step — that is often effective in getting somebody who has not paid initially to pay — and then a sequence of further steps depending on whether the individual will pay voluntarily or not. And those steps include driver's licence non-renewal for traffic-related fines; affecting your credit rating through the use of collection agencies, for example; to active civil enforcement — garnishment of bank accounts, wages, and the like. So as I say, there is an active fine collection program with collection rates that are very similar to those of the maintenance enforcement program which is, on the maintenance side, known as one of the highest collection rates in the country.

We don't have similar statistics across Canada for fine collection. I wish we did; it would be useful to have them. But most provinces are not prepared to share those. However as I say, we do have an active program with these additional steps that are being contemplated now — in particular, the income tax and GST set-off with the federal authorities.

**Mr. Morgan:** — I know the minister wanted to add something.

**Hon. Mr. Quennell:** — I wanted to make a comment about maintenance enforcement. And I appreciate Mr. Morgan's comments about the quality of work being done by the maintenance enforcement office in Saskatchewan, of which I think we're justifiably proud. And again government is in part about setting priorities, and we have set a priority around ensuring as best we can that children are adequately supported by parents who are able to do that. And I wouldn't want to weaken our effort there because I think that is a proper priority, and I wouldn't want to dissipate what we have accomplished and what we continue to accomplish in that area.

I raise that to put on the public record — and it might interest members of the committee — that at the most recent meeting of the federal and provincial ministers responsible for Justice, one of the issues raised by Saskatchewan was enabling legislation or policy changes on the part of federal government to allow maintenance enforcement offices access to income tax information so as to better enforce maintenance orders and collect money for the support of children. I have to say that the response from the minister of the day, Minister Toews, is not encouraging. The response of the new minister, Minister Nicholson, was somewhat more encouraging, but we have yet to see action on that front.

**Mr. Morgan:** — Well, Minister, right now I appreciate your comments on the importance of ensuring that children's parents adequately provide for them in a financial sense. And I don't think we need to take anything away from that, and if anything we need to do even more in that area.

But also victims of crime have certain rights as well, and as a society we should ensure that those rights are held to be . . . have through the Charter given a great deal of protection to criminals over the last 25 years. We've done nothing for victims of crime. The Charter has not benefited victims of crime. The Charter gives a variety of defences to people that are charged with criminal offences. And as a province and as legislators, we have an obligation to try and ensure that there's suitable legislation and suitable resources committed to that.

My next question deals with another enforcement tool. There was some discussion amongst the bar association members that there was going to be legislation under money judgments enforcement Act, and I don't know whether there was a Bill in force. I know a draft Bill was prepared by Professor Cuming some time ago, and we had anticipated there may be something coming through the House this session. But I have not yet seen anything, so I'm wondering if that's still a likelihood.

**Hon. Mr. Quennell:** — Well on that issue we may see legislation in the fall come in to the legislature. That's a possibility, but that decision hasn't been made yet. The legislation would be introduced in the fall, but that is certainly one possibility.

I think it's today is the anniversary of the proclamation of the Charter of Rights and Freedoms or tomorrow, so I'm not necessarily moved for Charter bashing at the moment, at this time of the year.

A great deal has been done in the province of Saskatchewan — and I wouldn't argue that we're unique — to better treat victims. And we have moved as a society, I think, a considerable way away from the idea that the victim of a crime was primarily a witness of a crime, and that is primarily how the criminal justice system viewed them. And I think even recent changes that we've made to legislation in this province are indicating that change of attitude on the part of government, but I think it's reflected in the courts. It's certainly reflected in the way the police operate. Our victim services in Saskatchewan, which are expanding and covering the vast majority of the province now and we have expanded year by year, are largely police based.

To go through the funding for victim services in Saskatchewan in the 2007-2008 budget, almost 1.8 million in police-based programs, \$313,000 in specialized programs, \$275,000 in victim and witness services programs, \$675,000 in respect to compensation and restitution. And then there's money for education and training, research and evaluation, prevention of victimization — specifically programming around Aboriginal family violence. And the total funding for victim services within the Department of Justice is \$4.5 million.

So there had been legislative recognition of the rights of victims and how victims should be treated by the courts. There are victim services, and as I said, I think the attitude has evolved a great deal over the last few years as to the role of the victim and the treatment of the victim within the criminal justice process. And I guess, parallel to the development of the Charter of Rights and Freedoms, these changes have taken place.

**Mr. Morgan:** — I don't want to take anything away from what victim services does because I hear good feedback in a general sense on that. But the one thing that we could do that would be readily quantifiable would be to look at the dollars that are assessed in fines, the dollars that are assessed in victim impact, the dollars that are assessed in restitution orders, and try and develop a realistic tracking system for following through with those.

I'm troubled to hear that a year after we heard talk that we wanted to do it and we knew the . . . the problem was still there. We're now still well in excess of \$20 million in arrears on fines and probably a substantial amount on restitution orders, victim impact payments that aren't made. And we can't, as a province, sit back and say we've got so many that are this many months, so many months . . . This is our plan to try and collect that money so that that money is available for victims. I think that would be one of the best things that our government could do, and that would be one of the most quantifiable successes that we could have.

In any event, I have very few questions regarding maintenance enforcement, but I'd like to pose it. I see Mr. McNabb's here, maybe save him a trip back at a later date. The current maintenance enforcement system that we have, I'm wondering how many people work in that office, what the budget for that office is. And then I would like to know how we rank or how we measure our success compared to other provinces.

**Hon. Mr. Quennell:** — And before I defer to Mr. McNabb, I want to make a comment about victims services. And I very much appreciate Mr. Morgan's comments because he's heard, I think, what many of us have heard about the value of the support that is there for victims.

And I don't want to diminish what the victims of what are called property crimes go through because it's not just a loss of property. It's often a loss more than that. But the other side of that coin is that that's not a loss that can be entirely compensated by restitution or by money either.

I have had the experience in respect to major violent crimes of visiting, in some cases, people who aren't the direct victim but were close enough, members in the community close enough to the violence to be seriously impacted and to be quite taken

aback. And it's not quantifiable, and it's not a matter of compensation. And in the case of the violence that I'm thinking of, there's really nothing that can be done in that respect. It can't be measured in dollars but quite affected by the difference that — I'd say almost in equal measure; obviously nothing's ever equal, but — both the support of the police and the support of victims services can have, the significant positive effect that these people can have in a very traumatic circumstance.

I don't want to be dismissive of the value of restitution and seeing that it's paid. But often the people who commit property crimes are not in any practical way able to make restitution. And we should not want to diminish the value of victims services and try to reduce it to the amount of dollars that can be collected to compensate people for property crimes because that's not — certainly not, I wouldn't even think — the largest part of the value that is provided by victim services.

Now as to the statistics on our maintenance enforcement office, I'll leave that to Mr. McNabb.

**Mr. McNabb:** — Thank you. The statistics, the family justice services branch budget this year will be \$3.366 million. We have approximately 65 employees, and that varies because we get some federal funding. There's roughly \$560,000 worth of federal funding in there so the total branch has about 65 to 67 employees on a given day.

Maintenance enforcement office would be about 38 of those employees. The collection rate, we collected from April 1, 2006, to March 31, 2007, \$32.3 million. And that was about a \$300,000 increase over last year. Our collection rate this year according to our numbers — and it's also tracked by the federal government — is well over 87 per cent. And the highest collection rate we've had before, according to our numbers, was about 83 per cent. So it was a tremendously good year, as much as our dollars didn't go up much as we'd like. As far as we can tell, we actually closed about 200 files more than we opened in the year which was unusual for us, and we think it's because there's a lot of children, where the children are getting to be over 18. So again our total dollars didn't go up as much as we might've liked, but our collection rate was much, much higher than we've ever had.

**Mr. Morgan:** — How does this compare with other provinces? Because it's a federally cost-shared program, I presume that they use similar or the same methodology in determining amounts collected and the percentages.

**Mr. McNabb:** — The federal government does a survey every year. Stats Canada does a survey across Canada, and I think of the 13 jurisdictions there's now nine or ten reporting. Saskatchewan was number one for a number of years and has consistently been number two for a long time, and I suspect this year, the year ending March 31 we'll be close to being in number one again.

**Mr. Morgan:** — What would the national average be?

**Mr. McNabb:** — The national average would be, I'm guessing, around 72, 73 per cent.

**Mr. Morgan:** — Thank you very much. Minister, I don't

usually use Justice estimates as a time to say nice things because opposition members aren't supposed to say nice things very often. But of the various issues that come into the MLA offices, one of the best offices to deal with has been maintenance enforcement, and it's been one of the most rewarding to deal with because usually when you contact them you have a successful or a positive outcome. And part of it is the nature of the system that's there, but part of it is because of the hard work of the staff and the people that are there. And I hear that back from my colleagues, so I'm sure for the 12 or 13 per cent of orders that aren't collected it's frustration for those parents, but for the 87 that is our kudos go to them.

**Hon. Mr. Quennell:** — Mr. Chair, I appreciate the comments Mr. Morgan's made; that's my experience as an MLA as well. And the department appreciated the support of the Leader of the Opposition in the nomination of the maintenance enforcement office for the Premier's Award of Excellence.

**Mr. Morgan:** — Thank you. I would like to ask some questions about Legal Aid. Legal Aid is a program that receives some federal funding as well. I'm wondering how much funding was received by Legal Aid last year?

**Hon. Mr. Quennell:** — In the last budget year 2006-2007, the federal government provided \$4.2 million. In this budget year, they are providing \$4.2 million. It is our understanding that for five years the federal government plans to provide to the province of Saskatchewan for Legal Aid \$4.2 million. So no increase this year, no increase next year, no increase the year after that, and no increase the year after that and — I think if my math is right — for the year after that.

**Mr. Morgan:** — Our costs have gone up between '06-07 in the estimate to '07-08 from \$16.8 million to \$18.5 million, so the increase will be entirely borne by the province?

**Hon. Mr. Quennell:** — Increase of 10 per cent, we have increased the budget by 10.4 per cent. The federal government has increased their contribution by zero per cent, so the increase in costs are being borne entirely by the province. And although we are adding Legal Aid lawyers in this budget, there will be significant increases by the province just to maintain the programming that is currently in place.

At the last meeting of federal, provincial, and territorial ministers of Justice, three top issues were set out by the ministers. This has consistently been by the Minister of Justice for the province of Saskatchewan my number one issue going into those conferences. It was determined to be the number one issue of provincial and territorial ministers across the country this year.

It's an ongoing issue in other provinces as well as Saskatchewan. Saskatchewan has been campaigning for at least three years, and probably longer than that, for recognition that we need a national commitment, both a further commitment to criminal legal aid funding, but a national commitment to a civil legal aid program.

The decision to maintain status quo funding on the part of the federal government is very troublesome — disturbing, I would say — and not just to the province of Saskatchewan.

**Mr. Morgan:** — The breakdown between civil and criminal, is that recorded on a budget basis, the percentage of files or the costs related to providing civil services or the cost regarding criminal services?

**Hon. Mr. Quennell:** — The federal funding is all criminal funding. None of that goes to civil legal aid. The provincial . . .

**Mr. Morgan:** — The federal funding is criminal and what goes to civil?

**Hon. Mr. Quennell:** — The federal funding all goes to criminal legal aid. None of it to civil. The money spent in the province is 60 to 65 per cent criminal and 40 per cent civil, which would be exclusively family law.

**Mr. Morgan:** — Civil is what percentage?

**Hon. Mr. Quennell:** — Approximately 40 per cent.

**Mr. Morgan:** — 40 per cent. And about 60 per cent would be criminal, and the funding that you receive from the 4.2 million would be applied to the criminal component?

**Hon. Mr. Quennell:** — Yes.

**Mr. Morgan:** — What percentage of the civil clients would be male, and what would be female?

**Hon. Mr. Quennell:** — We don't have a breakdown. We believe that the civil clients, which again are family law clients, would be primarily female.

**Mr. Morgan:** — I guess I'm wondering whether . . . I'm assuming it would be primarily female. I'm wondering whether it would be slightly in excess of 50 per cent or more like 90 per cent?

**Hon. Mr. Quennell:** — This is a guesstimate at best. Maybe more like 60 per cent, two-thirds.

**Mr. Morgan:** — And what about with criminal?

**Hon. Mr. Quennell:** — The reverse, Mr. Chair. The majority would be male.

**Mr. Morgan:** — Similar percentages as well?

**Hon. Mr. Quennell:** — No, probably a different percentage. Probably well over two-thirds.

**Mr. Morgan:** — Is that tracked by the commission?

**Hon. Mr. Quennell:** — We think the information would be accessible through Statistics Canada. We can try to get that information.

**Mr. Morgan:** — As part of the provincial-federal cost-sharing program, my understanding is that the federal government does periodic reviews through an independent consultant of the satisfaction of the service levels provided. And I'm wondering when the last time that was done and if that report's available?

**Hon. Mr. Quennell:** — There's a federal evaluation completed in 2006. We would have to check as to our ability to release that. We're not sure at this point that the federal government has made that public yet.

**Mr. Morgan:** — If it's not public, would that be just because it's not been reviewed by everybody and that it will eventually be made public? Or it may be that it's . . . the intention would be not to release it?

**Hon. Mr. Quennell:** — To get a conclusive answer to that, you may have to ask federal Justice as to their intentions.

**Mr. Morgan:** — If I have your undertaking to determine (a) is it releasable? And if not, when or if at all? That would be appreciated.

Within Legal Aid there's been a change that there's no longer choice of counsel with regard to capital offences. Has that reduced or changed the number of files that are farmed out?

**Mr. Crook:** — I believe that the change you're referring to — where choice of counsel in murder cases was removed — was some years ago, and the Legal Aid Commission selects counsel. In many cases, that would be experienced staff lawyer, and in other cases the matter would be handled through a farm out to the private bar.

**Mr. Morgan:** — That's correct. I knew it was several years ago that the change had been made. And, I guess, I'm wondering whether since that's happened, whether a higher percentage of the cases are done within the system or whether that's reduced the number of files that are farmed out.

My next question is going to be, how many files are farmed out in a year, and what the average costs of the farm-out is? So if you . . . while you're looking.

**Mr. Crook:** — The latest information that we've been provided by the Legal Aid Commission is for 2005-06, and in that year there were 939 federal criminal and youth matters and 197 family matters that were assigned to the private bar — so for a total of 1,136. They indicate that that is to be compared with the previous fiscal year '04-05 in which there had been a little bit higher number of private bar farm-outs that had been 1,335. So certainly over that two-year period there would have been a reduction of approximately 200. The total of 1,136 matters that were assigned to the private bar represent about 5.5 per cent of the total applications to Legal Aid.

**Mr. Morgan:** — And the average cost per farm-out?

**Mr. Crook:** — They don't indicate the average cost here, although I guess if I had a calculator, I could derive it. But the total amount that was spent in 2005-06 for private bar cases was \$1,490,168. So again that's for the 2005-06 fiscal year. So if we were to divide that by the 1,136, we would get an average number.

**Mr. Morgan:** — About 12 or \$1,300 per farm-out. And we don't know as we went into '05-06 and '06-07 whether it's gone up or down?

**Mr. Crook:** — We have not been supplied those statistics by the Legal Aid Commission at this point. They should be available fairly shortly.

**Mr. Morgan:** — I'm wondering if you could make inquiries and find out. I presume they would have that fairly readily. And then I'm wondering if there's a cost breakdown where they track it separately between criminal farm-outs and civil farm-outs. I don't think I want to break it down any further.

Does the Legal Aid Commission still keep track of an aggregate number of maintenance orders that were made through the use of their counsel? At one time they logged it, an aggregate dollar value.

**Mr. Crook:** — I believe they do track that information, whether it's been something that they've provided us with . . . [inaudible interjection] . . . No, I'm just looking at their material, and they haven't included it here. So we could get back to you on that point.

**Mr. Morgan:** — Okay. I sort of thought with the binder team at the end there, there would be nothing that you didn't have. But . . .

**Hon. Mr. Quennell:** — It's amazing given, yes, the amount of material here, what's not here.

**Mr. Morgan:** — There was some change in management and commission members at the Legal Aid Commission. And I've been advised Allan Snell, formerly of the Law Society, has now gone off, is going to be the CEO [chief executive officer] at the Legal Aid Commission. Has that happened yet, or is that still underway?

**Hon. Mr. Quennell:** — I can confirm that he was hired by the Legal Aid Commission, and I'm advised that he has started that position.

**Mr. Morgan:** — Is there other management vacancies there, or does that fill the senior management component? And I was going to ask what board members as well.

**Hon. Mr. Quennell:** — There aren't any other management vacancies. There's currently — and Mr. Morgan's going to move on to the board, so — there currently is an acting Chair of the board . . .

**Mr. Morgan:** — Who is the acting Chair?

**Hon. Mr. Quennell:** — . . . and one additional vacancy. That would be Bob Kennedy. The Vice-Chair is Bob Kennedy and he is acting Chair at the moment.

**Mr. Morgan:** — So you have to fill the Chair position at some time soon.

**Hon. Mr. Quennell:** — Yes. And if the Chair comes from off the board, that would fill a vacancy on the board as well.

**Mr. Morgan:** — The total number of lawyers working for the commission now is how many?

**Hon. Mr. Quennell:** — Okay, the commission employs 151 staff in 16 offices in 12 communities of the province. Of that 151 staff, 14 are legal directors and 64 are lawyers. It gives you a total lawyer count of 78.

**Mr. Morgan:** — And are they all in- or out-of-scope right now? At one time there was a number of different certification orders depending . . . and some included the legal directors; some did not. And some included only support staff.

**Hon. Mr. Quennell:** — The legal directors are out-of-scope. The lawyers would be in-scope.

**Mr. Morgan:** — All of the lawyers in all of the offices.

**Hon. Mr. Quennell:** — All the lawyers except the legal directors.

**Mr. Morgan:** — The pay grid for the lawyers — that we're clear — how different or how close is that to Crown prosecutors?

**Mr. Moen:** — A bit of a different system. It's fairly close. The top end is within about 3 per cent. The Legal Aid lawyers reach the top end in 10 years whereas the Crowns reach in about 14. But it's within about 3 per cent of the Crowns at the top.

**Mr. Morgan:** — What about at the lower steps?

**Mr. Moen:** — There again it's within a very small number of dollars. One is about 55; the Crowns are 55; and the Legal Aid is at 58.

**Mr. Morgan:** — 58 . . .

**Mr. Moen:** — 58,000 per year.

**Mr. Morgan:** — So the Legal Aid lawyers are higher one level. Okay, and at the top of the level they're about 3 per cent less. Is that true . . .

**Mr. Moen:** — We can get . . . what I'll do . . . We can undertake to do, Mr. Morgan, is send you the, you know, the actual numbers so that I've given you the most accurate numbers. But it's in that range.

**Mr. Morgan:** — Is there still a push on the part of Legal Aid staff lawyers to have parity with the Crowns? Is that . . .

**Mr. Moen:** — Yes, I think that's fair.

**Mr. Morgan:** — As Legal Aid travels to the northern court points is the practice to travel on the same aircraft as the judge and the prosecutor or the rest of the court team? Is that the practice?

**Mr. Moen:** — That's in general the practice, yes.

**Mr. Morgan:** — And how does the cost sharing of that work?

**Mr. Crook:** — Legal Aid Commission will be responsible for 25 per cent. Court services would be responsible for 50 per cent, and the other 25 per cent, public prosecutions.

**Mr. Morgan:** — So it's just basically down to the basis of bodies that are travelling.

**Mr. Crook:** — Yes.

**Mr. Morgan:** — There was criticism some years ago that it had the appearance of impropriety to have the judge, the prosecutor, and the defence counsel all travelling on the same aircraft, flying in and flying out together. And I don't know whether that criticism still exists or whether the criticism has gone away or whether anything's been done to address the criticism. And I'm not offering a solution for it because I don't have one.

**Mr. Moen:** — Well in the case of the Meadow Lake office, well the Meadow Lake office has a chance to go in a day early and do some interviewing, and so that makes a bit of difference, going into those communities early. But generally speaking the court parties do fly in like they've always flown in. And it is the, you know, it is the topic of criticism from time to time.

This one of the issues we're looking at in our discussions around access to justice. There's some access to justice discussions going on between the courts and Legal Aid and the Crown.

And you're right. It's not an easy problem to remedy. But one of the ways of remedying it, I suppose, is to ensure that the courts are appearing in more locations, and they're able to be more accessible to people. When you get to the reserve communities, you find that the reserve communities are very much interested in having court appear in those communities and it's . . . I think that helps to break down the sense that it's a fly-in court, you know, that flies into a community, say, like Buffalo Narrows and the Buffalo River people have to drive there if the court is appearing in Buffalo River or in Canoe Lake or in English River. It's making a difference in terms of the impact it's having in that community.

**Mr. Morgan:** — The Cree court, can you give us an update as to the service level that that's providing and the number of court points that are being covered and made available and the resources that are going to that?

**Mr. Moen:** — In the Cree court on the east side, Judge Morin's court is appearing in Pelican Narrows, Sandy Bay, in Montreal Lake, and in, I believe, Ahtahkakoop. The Aboriginal court run by Judge Bird is appearing in those reserve communities I mentioned, at least in those three reserve communities, and he's looking at other opportunities where he can appear. Perhaps Mr. Crook knows if there's other communities that he's appearing. But he's been focusing on particular reserve communities on that west side.

**Mr. Crook:** — I'm not aware of other communities.

**Mr. Morgan:** — Are the services of those judges made available to people that would have a language barrier in Saskatoon or Regina or elsewhere through the province? If there was somebody that was unilingual, is there some method of accessing that for those?

**Hon. Mr. Quennell:** — No, the courts are very specific to northern Saskatchewan.

**Mr. Morgan:** — Okay. Have there been requests to transfer files there?

**Hon. Mr. Quennell:** — Not that we're aware of, no.

**Mr. Morgan:** — What methods do we have, being that those are relatively new courts, to determine the success or the satisfaction level of having that? Is there a plan methodology or what kind of review structure is there? And the reason I ask is it's just good housekeeping to ask and to have methods in place for that. I have not heard any negative about that and in fact I've heard positive.

**Hon. Mr. Quennell:** — Ms. Pottruff is going to have some comments, I think, about evaluations that have been done.

I just briefly wanted to make a comment. At the swearing-in of Judge Bird who leads the Aboriginal court on the northwest side of the province, someone spoke at length in Cree to the gathering, and I think Judge Bird did. And when I had an opportunity to speak I said, well I think I have some small sense of what a Cree speaker feels like in one of our conventional courts where the Crown, the judge, and often his own lawyer don't speak his language. Now that's a subjective sense, but it was a day on which I got a sense of what we are trying to accomplish with the Cree court and expansion of the Aboriginal court to the west side.

And I don't think you're going to hear criticisms; I think that the courts were long anticipated and very welcomed. And the expansion of the Aboriginal court to the west side of the province of course is one of the recommendations of the commission on justice reform and First Nations and Métis people and one of the recommendations, one of the many recommendations, the government's acted on.

There has been evaluations done of the courts, and I'll let Ms. Pottruff speak to those.

**Ms. Pottruff:** — We did an initial, I guess we can call it, process evaluation in terms of the implementation of the Cree court, and I think it told us some very valuable things and left an impression that the court was being appreciated in the community. We've now entered on a second phase of the evaluation to actually try to determine the impact of the Cree court on those communities in terms of . . . is there for example greater use of community sentences, those sorts of things.

**Mr. Morgan:** — Is the evaluation in writing, and is it something you can share with us?

**Ms. Pottruff:** — We can certainly share the earlier evaluation with you, yes.

**Mr. Morgan:** — If you would do that, it would be . . . And I presume there's ongoing methodology in place or that there would be an attempt to try and maintain some ongoing review of the process to determine whether it's meeting its stated goals and whether it's appropriate to try and utilize some of those tools in other parts of the province.

**Ms. Pottruff:** — Yes, we're certainly hoping that we learn from the first phase and the second phase of the evaluation and



methodology that we'd want to use for the Cree court and the Aboriginal court in Meadow Lake and once again suggestions for how we continue to evaluate the impact the court is having.

**Mr. Morgan:** — I have a few questions regarding court-appointed counsel. I don't know whether that's . . .

**Hon. Mr. Quennell:** — On the issue of continuing application of what is learned from the Cree courts and the Aboriginal courts, it was also a recommendation of the Justice Reform Commission that the government do what it can to increase the participation of Aboriginal people at all levels of the criminal justice system — police officers, prosecutors, Legal Aid lawyers, lawyers in private practice, and judges.

And we have spoken this evening as to our efforts in recruitment and retention of Aboriginal police officers, but the government is committed to following through on that recommendation as well. And a Provincial Court judge is not something that's easily created, but we believe that there should be more Aboriginal representation on our Provincial Court than is currently the case.

**Mr. Morgan:** — The court-appointed counsel program, such as it is, is a situation where the court chooses to appoint counsel where Legal Aid has turned the client down, or for whatever reason the accused is unable to obtain counsel with their own means. And I'm wondering how many times that happened in the last fiscal year and what the criteria is for making those appointments, whether there's a protocol established.

**Mr. Crook:** — Yes, the court-appointed counsel appointments are made only when the individual is ineligible for legal aid, and it is a matter which in the judge's determination section 11(d) of the Charter would be operative and a right to a fair trial requires state-funded counsel. In the 2005-06 fiscal year, which is the last year for which I have full-year information, there were a total of 1,090 appointments. Approximately 686 of those were young offender matters, and 404 were adult appointments.

**Mr. Morgan:** — I'm sorry, Mr. Crook, if I missed that. You said, you'd indicated that there was 1,090?

**Mr. Crook:** — This is in 2005-06 fiscal year, 1090.

**Mr. Morgan:** — And what was the total cost of that?

**Mr. Crook:** — The total cost was 1,355,293.

**Mr. Morgan:** — So we're running about \$1,300 per appointment?

**Mr. Crook:** — Yes. We'd have to do the precise calculation.

**Mr. Morgan:** — And then how are . . . Is there an hourly rate prescribed, or how are those bills processed and taxed?

**Mr. Crook:** — The vast majority of court-appointed counsel would be done at the Legal Aid tariff. There are more complex cases where an amount in excess of the Legal Aid tariff is negotiated with the particular lawyer but the vast majority of cases would be at the Legal Aid tariff.

**Mr. Morgan:** — Ninety-five or more per cent. Would that be a fair estimate?

**Mr. Crook:** — Yes it would.

**Mr. Morgan:** — Okay. And then is there a protocol that the judges use in determining why the person may not be . . . why they may be ineligible for legal aid? Or is there a plan in place so the judges have some direction as to when it may or may not be appropriate to appoint?

**Mr. Crook:** — Yes, I believe all of the judges are aware of the rules around the appointment of court-appointed counsel. There will obviously be some variation in an individual court room with a approach that a individual judge may choose to take in a particular matter.

**Mr. Morgan:** — I've been advised that we have a request for an adjournment for the evening from the Chair, and I'm prepared to move adjournment.

**The Chair:** — Thank you, Mr. Morgan. I appreciate the co-operation of the committee. With that we will conclude the business before the committee this evening. So with that we will stand adjourned.

[The committee adjourned at 21:07.]