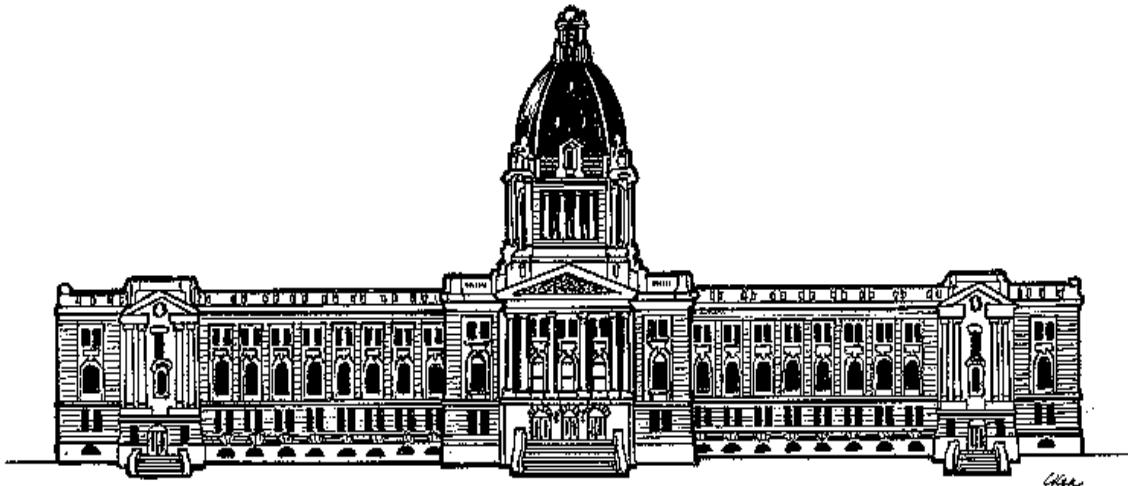




# **STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE**

**Hansard Verbatim Report**

**No. 12 – November 17, 2008**



**Legislative Assembly of Saskatchewan**

**Twenty-sixth Legislature**

**STANDING COMMITTEE ON INTERGOVERNMENTAL  
AFFAIRS AND JUSTICE**

Mr. Delbert Kirsch, Chair  
Batoche

Ms. Deb Higgins, Deputy Chair  
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Mr. Michael Chisholm  
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Ms. Joceline Schriemer  
Saskatoon Sutherland

Mr. Trent Wotherspoon  
Regina Rosemont

[The committee met at 19:00.]

**General Revenue Fund  
Supplementary Estimates - November  
Justice and Attorney General  
Vote 3**

**Subvotes (JU03), (JU07), (JU05), and (JU08)**

**The Chair:** — Good evening, ladies and gentlemen. As Chair of the Standing Committee of Intergovernmental Affairs and Justice, I call this meeting to order. And for a start we have a new Clerk; Iris Lang will be clerking for us. And we have several substitutions. Substituting for Deb Higgins is Mr. Frank Quennell and substituting for Mr. Trent Wotherspoon is Mr. Warren McCall and substituting for Joceline Schriemer is Ms. Laura Ross.

I would advise the committee that pursuant to rule 146(1), the supplementary estimates for the following ministries will be deemed referred to the committee on November 13, and we are looking at vote no. 3, Justice and Attorney General. And the questions will be with that vote 3 and any questions that are asked that are outside of that framework, the minister has the option to answer them or not.

So with that I don't think there's any other information I have to give you. I would ask the minister to introduce his people and if he's got any opening remarks.

**Hon. Mr. Morgan:** — Mr. Chair, thank you very much. I'm joined at the table tonight by deputy minister and deputy attorney general, Doug Moen, and Lee Anne Schienbein, executive assistant to the deputy minister of Justice. And also I'm joined at the table by Ken Acton who is acting assistant deputy minister of courts and civil justice.

I have a number of other officials here tonight that will be coming forward as . . . [inaudible] . . . and I will give their names now: Gerald Tegart, executive director of civil law; Rod Crook, assistant deputy minister, regulatory services; Jan Turner, executive director, community justice; Betty Ann Pottruff, executive director, policy, planning, and evaluation; Daryl Rayner, executive director, public prosecutions; Gord Sisson, executive director, corporate services; and Rebecca McLellan, manager of operations, Saskatchewan Human Rights Commission.

Thank you very much, Mr. Chair. I have no opening remarks.

I may approach this very briefly. The supplementary estimates are \$3.455 million and in summary they include \$500,000 relating to the completion of the final report of the Milgaard inquiry; \$285,000 for funding increase for community-based organizations.

These organizations provide a wide variety of valuable services to the justice system. We have provided additional funding to increase wages and it was an across the board 7 per cent funding for wages for these valuable organizations.

Court services, an additional funding of \$2.075 million for

staffing and security detention to address the workload pressures in Provincial Court, and increased operating costs for in-province travel including northern air travel, purchase of personal protective equipment, bank charges for debit and credit cards, and the planning for the replacement of the court's legacy system.

The Public Guardian and Trustee requires \$200,000 for additional term staff to assist in administering the affairs of dependent clients and managing estates. The workload continues to grow, and the additional staff will ensure timely action in these areas.

Saskatchewan's hot economy has resulted in a significant increase in activity for the corporate registry. As a result, corporations branch requires an additional \$200,000 for increased costs for the operation of the corporate database to pay for name searches of the Canada-wide name search database and to offset costs for credit card service fees. These expenditures are fully offset through increased revenue from the fee-for-service transaction.

Lastly the Human Rights Commission requires an additional \$195,000 to support additional legal and investigative services for the timely resolution of complaints and to deal with staffing issues.

I look forward to answering your questions regarding the supplementary estimates for the Ministry of Justice and Attorney General.

**The Chair:** — Thank you. Ready for questions. Then I would turn the floor over to Mr. Quennell.

**Mr. Quennell:** — Thank you, Mr. Chair. I guess my question is, could the minister have rushed through that any more quickly?

Let's start at the beginning — court services. I did catch a reference to security costs. These are capital costs, one-time costs?

**Hon. Mr. Morgan:** — Yes. I'll let Mr. Acton give you the breakdown.

**Mr. Acton:** — There's security detention and pressures of \$778,000, and there's a number of items that fall under that. Security detention program, the budget in '08-09 was \$4.03 million, and we're currently forecasting expenditures of almost 5 million. And the increase is partly due to increase in court appearances over the last number of years. They've continued to grow, coupled with a focus on enhanced security throughout the court system.

FTE [full-time equivalent] utilization is approximately 85 full-time equivalents, and our current budget contains funding for 75.8. So we have, out of the 85 full-time equivalents, that's approximately 125 employees in locations across the province providing security for the courts. They're involved in escort and transportation of prisoners and general security in the courthouse. Some of the other pressures involve a reclassification of some of the positions and some increased

staffing as a result of occupational health and safety concerns raised in relation to perimeter security.

**Mr. Quennell:** — The reclassifications and the increased staffing – do those all relate to security? Do they all come within the \$708,000?

**Mr. Acton:** — Yes.

**Mr. Quennell:** — So is any of that capital one-time spending or is it all going to go into the base?

**Mr. Acton:** — It'll all be in the base.

**Mr. Quennell:** — Okay. There is nothing in here for the court security measures that have been put in place over the last couple of years.

**Mr. Acton:** — Not on the capital side. The capital expenditures are separate.

**Mr. Quennell:** — Okay. In security and detention, is there any connection with any of this spending and our — I guess there's an assumption in my question — growing remand problem, or would that be reflected in the Ministry of Corrections, Public Safety and Policing?

**Mr. Acton:** — There wouldn't be any in this. The growing remand would be related to the CPSP [Corrections, Public Safety and Policing].

**Mr. Quennell:** — Right. So the detention here is detention at the courthouse.

**Mr. Acton:** — At the courthouse, yes.

**Mr. Quennell:** — Yes, okay. All right. So we have a \$2 million, roughly \$2 million supplementary increase in spending for court services. About \$700,000 of that is court security. Can you provide a breakdown on the other \$1.3 million?

**Mr. Acton:** — There's 395,000 for air contracts and in-province travel; \$87,000 in relation to the Cree court; 190,000 for systems projects for JAIN [justice automated information network] and the criminal justice information management system; 170,000 to backfill staff on maternity leave and medical leave and vacation leave; and 455,000 in relation to a number of other miscellaneous operating pressures.

**Mr. Quennell:** — So about a quarter of it falls into miscellaneous. So could you give me some idea of what's in the miscellaneous?

**Mr. Acton:** — Sure. There's one additional employee in head office to manage time cards and process payments to ensure that the employees are paid accurately and on a timely manner. There is costs for lunches while prisoners are held in detention at the courthouse over lunch hour, so we're seeing some increased costs there. There's some additional staff. An executive legal officer in the Provincial Court has been hired to provide legal support to the Provincial Court judges and legal assistance to Provincial Court staff.

And we have a growing pressure in Visa and MasterCard costs that continue to increase. We process close to \$1 million in credit and debit card payments each month and . . .

**Mr. Quennell:** — Those are for fines?

**Mr. Acton:** — For fines, yes. And the fees is 2 per cent of all credit card payments. We also have additional transaction fees for online transactions and debit card transactions.

**Mr. Quennell:** — What's the cost of the executive legal support for Provincial Court?

**Mr. Acton:** — Pardon me?

**Mr. Quennell:** — What's the cost of the executive legal director, I believe you said, for the Provincial Court, Provincial Court staff?

**Mr. Acton:** — \$139,000 for the executive legal officer and some judicial support as well. So there's more than the one position there.

**Mr. Quennell:** — Okay. There would be the one full-time position of the officer, and there'd be some . . .

**Mr. Acton:** — Yes.

**Mr. Quennell:** — Other administration costs associated with that \$139,000? Interesting idea. When did this come up and how?

**Mr. Moen:** — This was something that was of great interest to the chief judge of the Provincial Court who felt that this was a need that the Provincial Court had, to have some additional resource to assist the court in doing some of the legal tasks that the court struggles with. It's not unlike the position in the Court of Queen's Bench, the registrar position that's there that performs a lot of those tasks for the Court of Queen's Bench.

**Mr. Quennell:** — I might have this question on some other matters as well. Was this an idea that was raised in the budget process last year for which funding could not be found in that process but now there's more money available, or is this an idea that's been raised since the budget process?

**Mr. Moen:** — This is a position that was filled past the budget process. It was filled in the summertime, I believe. Yes.

**Mr. Quennell:** — I guess my question is to the minister and he may choose not to answer it, I suppose, if I'm going into territory where he doesn't think I'm entitled to go. I appreciate this has been created post-budget. Is this something the government wanted to do and didn't have the resources to do in the last budget or is this something that the government has wanted to do but only since the budget?

**Hon. Mr. Morgan:** — I can tell you this. It was not something that cabinet made a decision. It was something that came from the ministry officials. The recommendation was that there was a variety of different pressures at different points in the court system and they wished to do it now. Whether there was a lot of thought or whether it was something that had dropped out, you

know, in the earlier budget process I'm not able to answer that. But it was certainly, you know, one of a number of the things that you see in the supplementary estimates that the courts and the ministry officials brought forward as being of some significant need.

**Mr. Quennell:** — The \$170,000 for backfilling staff, was that for some reason unanticipated?

**Mr. Acton:** — A significant part of it is. I can't give you the exact number, but we have over 350 full-time equivalents which are 400 employees and we have more than one that has some significant health issues and are off for an extended period of time. And of course they work through all their sick leave and vacation leave before they move to long-term disability. And our responsibility is of course to cover them at full salary and at the same time backfill those positions.

So we have got an aging workforce and with that comes some challenges. And also as we try to make that shift we're hiring some younger folks as well and they take maternity leave and want top-up. So the maternity leave top-up, while they're away, is another \$25,000 on the other end of the spectrum.

**Mr. Quennell:** — So unanticipated, in at least one case unfortunate, and in maybe some other cases considered to be fortunate by the individuals involved. All right.

[19:15]

**Hon. Mr. Morgan:** — We wish all of our employees well with their health issues and the people that are taking maternity leave, we wish them the very, very best.

**Mr. Quennell:** — The \$87,000, again I suppose unanticipated costs for the Cree court, what's involved there?

**Mr. Acton:** — Yes. It's a growing workload and we had originally budgeted for two court clerks, one to provide clerking duties and the other to provide translation services. And the workload just continues to increase since 2005, to the point where the work given, with the significant travel they just weren't able to handle that kind of a workload on an ongoing basis.

Often the aircraft will leave at 8 in the morning and won't conclude until 8:30 in the evening, and by the time they're home it's 10 o'clock at night, and the next day the clerks are required to get back on the plane and fly to another location and start the process again. And we just needed some additional support for the staff so they could have leave and manage their time in a manner that would keep them healthy.

**Mr. Moen:** — There has been a fairly significant increase in appearances in Pelican Narrows and Sandy Bay you would be familiar with in part — from 6,337 appearances in 2005 to about 9,100 in 2007. So there's a significant amount of work there and there's also a significant amount of work in Sandy Bay as well.

**Mr. Quennell:** — Is that correlated with an increasing crime rate in those communities? Is it getting worse?

**Mr. Moen:** — There has been certainly a very steady crime rate in those communities. There has been some increase in the police complement in those communities, but these are active communities, they continue to be very active communities. I don't have the precise numbers in terms of change between 2005 and 2007, but they are very active communities.

**Mr. Quennell:** — It sounds like the court appearances have tripled.

**Mr. Moen:** — No, it didn't triple; it went up 50 per cent.

**Mr. Quennell:** — Fifty per cent.

**Mr. Moen:** — Yes, from 6,300 to 9,100.

**Mr. Quennell:** — Oh, okay, I heard something else. Okay, but still I don't think the crime will have gone up 50 per cent.

**Mr. Moen:** — The communities in the North, they'll vary. At certain periods of time a particular community is quite active, and other times that goes down. It will vary, but it's a challenging environment for sure and in these communities I think the Cree court itself is finding itself to be stretched in terms of providing court services in that part of the province.

**Mr. Quennell:** — And the Aboriginal court party on the other side of the North?

**Mr. Moen:** — Well they're similarly quite busy. They took on some court points that weren't court points before like Dillon, English River, and Canoe Lake and so on. They've been busy. I don't think perhaps not to this extent, but they are . . . It's a very busy series of court points on the Northwest as well.

**Mr. Quennell:** — The \$395,000 for air contracts, is that transport of prisoners or court parties or both?

**Mr. Acton:** — It's for flying court parties in the North, and there's also pressure in relation to the CVA [central vehicle agency] vehicles in the North as well. Approximately \$250,000 of it related to the actual air contract. It was being negotiated about as the budget was being finalized, '08-09, and yet we didn't have a final number, we hadn't completed the negotiation at that point and so additional funds weren't allocated at the time until the negotiation was finalized and the contract was arranged. So that's our share, actually, is \$278,000 on the air contract side, and the balance is in relation to CVA vehicles, both in the North and costs for deputy sheriffs and the transport of prisoners within the city.

**Mr. Quennell:** — Of the \$2 million, what amount would be for increasing staff? Not the backfilling, but actual increases in staff. There's what — we've got another clerk for the Cree party, there's the executive legal officer at the Provincial Court. Supplementary estimates, the \$2 million, is adding what to our staff?

**Mr. Acton:** — Well the new positions would be the ones that you mentioned, would be the executive legal officer. There are a number of part-time positions as it relates to deputy sheriffs, and those are pressures that we've already responded to. A number of them were hired as part-time positions with

anticipation that they would work perhaps 60 per cent of the time and in fact now they are starting to work 80 or 90 per cent so that the cumulative effect is approximately 10 FTEs. We've moved from 75 to 85, but most of those folks are hired on a part-time basis to allow us flexibility depending on workload.

**Mr. Quennell:** — So is that it, 12 FTEs in court services out of the supplementary estimates? Ten full-time equivalents with deputy sheriffs, clerk for the Cree court, executive legal officer. Are there any others?

**Hon. Mr. Morgan:** — We'll undertake to provide you with that information. It's a reasonable request. We'll provide you with the details.

**Mr. Quennell:** — Are we close at that . . . Yes, we're close. It might be a few more. That's okay, thanks. I'll look forward to receiving that.

Now is it the minister's sense and the deputy minister's sense that we now have sufficient staff with these additions around the occupational health and safety issues for our court security program?

**Hon. Mr. Morgan:** — You know, I think it's too soon to answer that. We've, as you're aware, increased the number of police officers. As we've increased the number of police officers, it's increased the number of arrests. So there's of course the ripple through with prosecutors, legal aid, and now with the perimeter security. And the perimeter security is in its early stages so there's no doubt there's going to be the usual wrinkles either in equipment, staffing, and a variety of other things. So how that's going to eventually end up, it may require staffing adjustments as well.

**Mr. Quennell:** — There was obviously some pressure that you're responding to with the perimeter security, but the jury's out — no pun intended — the jury's out on whether that's sufficient or not. Is that what I understand from the minister's answer?

**Mr. Moen:** — You know, we're very actively working on this question of perimeter security, making sure that as we ramp up and get it all in place that we have sufficient security that it's, you know, seamless; we're not having interruptions. And you know, it will continue to evolve over the next little while. We believe we're getting close to being able to cover things off but we're still in an implementation phase.

**Mr. Quennell:** — Would the minister entertain a question on the family court in Saskatoon?

**Hon. Mr. Morgan:** — Absolutely.

**Mr. Quennell:** — Okay. What if any are the plans for making that court a safe and secure court?

**Hon. Mr. Morgan:** — We know there's problems there so there'll be some interim steps taken.

Our eventual goal is to move out of the existing facility. We've retained the services of Friggstad, a company for architectural services, to look at an expansion on the existing facility at 520

Spadina. It would be on the side of the building, not where the empty lot is but on the side towards the Radisson Hotel, if you're familiar. And actually there's a significant more amount of space there than what one would first think from having driven by it. So there's some tentative drawings that have been done, and we'll be working through. And that's our long-term solution to it, is to have family law division move into that structure.

**Mr. Quennell:** — Do you have any sense of what the timeline would be on that?

**Hon. Mr. Morgan:** — Well it will depend on budget availability and, you know, priorities that may exist elsewhere. You're likely familiar with most of the facilities around the province. And I think that has to be one of the most pressing is dealing with family law division and dealing with improving that situation.

**Mr. Quennell:** — No doubt I'll have the opportunity to request updates from time to time.

**Hon. Mr. Morgan:** — Absolutely.

**Mr. Quennell:** — Okay. I think that's all I have for court services. Thank you. Unless one of my colleagues does. My colleague, Mr. Vermette, has left.

**The Chair:** — I'd ask the minister when he brings a new official to the table to have them introduced so that the Hansard has it for the records.

**Hon. Mr. Morgan:** — We're now joined by Rod Crook, assistant deputy minister, regulatory services.

**Mr. Quennell:** — The \$200,000 in the supplementary estimates for Public Guardian and Trustee, is that for staff, for increased staff or increased workload? Or if not, what is it for?

**Mr. Crook:** — Yes. The \$200,000 relates to workload pressures in the office, and it is entirely staff dollars. It's broken down into three areas. The first area is pressure in the deceased estates unit, where we have two additional assistant trust officers on a term basis for a total of \$88,000. The second area are pressures in our accounting unit, again due to increased volumes, and we have one additional term position in that unit, an accountant for \$47,000. And the balance of \$65,000 relates to various salary pressures, various in-range movement that people have received over the years that hasn't been fully funded but which we have to pay. So those are the three categories.

**Mr. Quennell:** — Okay. Again, no one-time spending, all going into the base?

**Mr. Crook:** — Pardon me?

**Mr. Quennell:** — Again, as with court services, none of this is one-time spending. This is all going into the base.

**Mr. Crook:** — This would be in the nature of an ongoing pressure.

**Mr. Quennell:** — And again, I appreciate it's only \$200,000 but again, not anticipated clearly when Justice brought its budget forward.

**Hon. Mr. Morgan:** — I think the pressures have always been there, have been there for an extended period of time. I met with the people in that office shortly after the change in government. There was no doubt there was a backlog and had been some pre-existing pressures that had been there with files, where there was physical property that needed to be supervised and a variety of other things. And so we are now in a position to be able to respond to some of those needs and I think, as there's issues with crime against seniors and as baby boomers age, there will be a growing need in this area. It's unfortunate but I think that's the reality of the society we live in.

**Mr. Quennell:** — Okay. So the return to the previous question but adapted for this line item, issues that were there and had been there for a while, as the minister says, but now you have some additional resources so you're going to try to tackle some of them. That's a fair summary?

**Hon. Mr. Morgan:** — I think that's a fair . . .

**Mr. Quennell:** — Okay. It's not an increased mandate, policy mandate, or the trustee expanding what he does?

**Mr. Crook:** — No.

**Mr. Quennell:** — Should we expect some legislative change to extend the mandate of the Public Guardian and Trustee into some areas, given the minister's legitimate concern about fraud against senior citizens and such?

[19:30]

**Hon. Mr. Morgan:** — You know, I think it's something that we're watching on an ongoing basis, but at the present time there's nothing that's at a drafting stage or something. But I think we're very conscious of the needs of seniors and would want to be able to respond appropriately if we felt there was a need.

**Mr. Quennell:** — I believe the previous government was looking at expanding the mandate if and when resources allowed, and that's why I asked the question.

**Mr. Moen:** — The previous government had put in place legislation dealing with additional roles of public guardianship, and that legislation has never been proclaimed. So I think that's the legislation you're probably referring to.

**Mr. Quennell:** — Yes. So that's not necessarily new legislation, but the proclamation would increase the workload obviously of the public trustee. And is there now a situation where the government thinks it could afford to proclaim the legislation?

**Hon. Mr. Morgan:** — We're looking at, you know, all existing legislation that had been passed but not proclaimed, and you know trying to decide what legislation should be proclaimed and what time cycle. This is something there hasn't been a decision made on.

**Mr. Quennell:** — Okay.

**Hon. Mr. Morgan:** — I don't mean that in a critical way of the legislation at all; it's just there hasn't been a decision made yet.

**Mr. Quennell:** — All right. Again it's something I'll probably be asking for updates on. Thanks. I think we can move on to corporations branch. All right.

**Hon. Mr. Morgan:** — We have the same official for corporations branch.

**Mr. Quennell:** — Okay. Two hundred thousand dollars again, is that for staff?

**Mr. Crook:** — No, this is for various non-staff items which are directly related to the approximately 20 per cent increase in workload in the branch due to the booming economy. More specifically, the \$200,000 consists of four items. The first is a \$68,000 cost for 6,800 additional name availability searches for new business entities; \$24,000 for additional envelopes and paper for annual returns and process documents. As I say, the volumes are going up very dramatically, and these are simply the related costs. Number three, \$42,000 for additional bank charges as a result of increased online payments usage. The online functionality that exists has about a 60 per cent take-up, and there are Visa and MasterCard fees associated with that. And the last item is approximately \$66,000 for the corporations branch computer system — various maintenance and support, some changes to streamline some of it and to add some additional functionality.

**Mr. Quennell:** — I'm sorry. How much was for envelopes and paper?

**Mr. Crook:** — Twenty-four thousand for envelopes and paper.

**Mr. Quennell:** — So we're not quite paperless yet then.

**Mr. Crook:** — No, no. We still have a fair volume coming in on paper.

**Mr. Quennell:** — Now assuming Saskatchewan . . . Oh, sorry.

**Hon. Mr. Morgan:** — I think the official will advise us the computer system is working well and is having some significant reduction in the number of paper renewals and paper things at a larger, increasing number. Perhaps you can . . .

**Mr. Crook:** — Yes, there is a very significant increasing electronic uptake so that more and more transactions are completed online. And in addition to the existing online functionality that we have, we're currently in the process of adding some additional online functionality for non-profit corporations to file their annual returns and to do incorporations.

The annual returns, as an example, are one of the highest volume transactions. So we're hopeful that if we can get the same kind of uptake on the non-profit annual returns as we have on the annual returns for business corporations, that we can address some of the workload pressures that are building in this branch due to the volumes in that manner.

So it's been quite a success story over the last two or three years as this uptake has increased.

**Mr. Quennell:** — And that continues on. That's good news.

**Mr. Crook:** — Yes.

**Mr. Quennell:** — Is any of the \$66,000 for computers, for the computer system, one-time money or do you expect that be ongoing?

**Mr. Crook:** — Yes, some of it would be one-time money that relates to the additional online functionality, some code changes to accommodate that additional functionality. That would be a one-time expense.

**Mr. Quennell:** — Okay. And assuming Saskatchewan doesn't join the recession, the rest of it is going into the base part, the increased work.

**Mr. Crook:** — Yes, there would be ongoing pressure.

**Mr. Quennell:** — Now this is recovered on a fee-for-service basis? You can't ever get these things exactly right, so do we make a small amount of money or do we lose a small amount of money or . . .

**Mr. Crook:** — We make a fair amount of money. The revenue in the branch is approximately . . . in the last fiscal year was \$6.8 million and the corporations branch budget . . .

**Mr. Quennell:** — Yes. That's right.

**Mr. Crook:** — . . . is approximately two million forty-four if you include this \$200,000. So there's a significant difference there. Now the additional 20 per cent workload that we have experienced over the past year has resulted in an additional \$1 million of revenue.

**Mr. Quennell:** — That would take us to 6.8 or what does it take us to?

**Mr. Crook:** — Yes. It was from about 5.8 to about 6.8 in the last fiscal year. And we anticipate there may be similar good news this year if the volumes keep rising.

**Mr. Quennell:** — The \$6 million number is familiar. Is this money that's at risk if the country moved to a single regulator?

**Hon. Mr. Morgan:** — I don't think so. We don't intend to move to a single regulator.

**Mr. Quennell:** — No, if we did.

**Hon. Mr. Morgan:** — But in the event that we did, I think that deals with securities licence fees.

**Mr. Quennell:** — It doesn't deal with these incorporations within the province?

**Hon. Mr. Morgan:** — It will not deal with the new incorporation or filing incorporations. There's no reason why that would be. They're not a securities issuer, so those

transactions would continue as they are.

**Mr. Quennell:** — There is some bundle of money at risk, but it's not this \$6 million.

**Hon. Mr. Morgan:** — Correct.

**Mr. Quennell:** — Right, or would be at risk if that happened.

**Hon. Mr. Morgan:** — Yes. I mean if you made a fundamental change to the securities licensing system, you know, our existing system would be of little benefit, but there's certainly no intention. We've supported the passport model, the previous government had supported the passport, all of the Western provinces are currently supporting it. So it's certainly the direction that we wish to continue to go.

**Mr. Quennell:** — Again if I'm too far off topic, I'll move on. But I was interested to hear the minister just say all the Western provinces. Has there been any movement anywhere else in the country outside of Ontario?

**Hon. Mr. Morgan:** — Well Ontario is not participating. So Ontario and the federal government, you know, prefer the single regulator model, and I don't think there's any uptake on that from here. And certainly the discussions with the federal people are that we agree to disagree and agree to work together to do it. I don't know whether . . . Mr. Moen attended a conference recently. Maybe he has something to add.

**Mr. Moen:** — Yes, there's been no movement as far as we can see in terms of the other jurisdictions.

**Mr. Quennell:** — No movement in Atlantic Canada and of course no movement in Quebec?

**Mr. Moen:** — No.

**Mr. Quennell:** — Thank you for that. I think we can move on to the CBOs [community-based organization].

**Hon. Mr. Morgan:** — We are now joined by Jan Turner who is executive director responsible for community justice.

**Mr. Quennell:** — Is the \$285,000, this is the general increase for operating grants for community-based organizations across government, and this is Justice's share?

**Hon. Mr. Morgan:** — Yes.

**Mr. Quennell:** — I'm not sure I want to make Ms. Turner list all the CBOs that Justice funds, but if we could have an overview, I suppose, of the types of organizations and the work they do.

**Ms. Turner:** — Okay. Thank you. Yes, these provide overall a 7 per cent lift for all of the community-based organizations. Justice has approximately 90 agreements with community-based organizations. And those I would characterize, there are some that support the Aboriginal justice, the community justice agreements. There are the urban agreements for restorative justice programs. There are crime prevention programs that occur in the largest urban settings.



There are family violence grants to organizations to undertake intervention and prevention of family violence. There are a number of victim-related programs from the Victims Fund that many of which will work with children. So the children who witness violence, programs would be included there.

Of course the Aboriginal court worker program would form part of that. And I can get into more detail if you wish, with respect to any one of those areas. But the funding, the available funding, is provided to all of the organizations that have a funding relationship with the ministry.

**Mr. Quennell:** — Where in organizations not fully funded by Justice, perhaps just funded in part by other ministries for other work, is the increase calculated on the grant, or is it calculated on that part of the grant that is there to pay staff? How is that worked out?

**Ms. Turner:** — Okay, there would be a number of agencies across the province that have funding from a variety of sources, Justice being one of those. So the increase that we're providing from Justice would only be the percentage of the overall budget that we provide to that organization. However, many of these organizations will be receiving the same grants from other ministries, other provincial ministries as well.

**Mr. Quennell:** — Do you divide the part of the grant that is for paying staff and part of the grant is for other purposes? And do you provide a percentage to the staff portion but not the other portion? Or is the percentage just applied across the board to whatever the grant happens to be?

**Ms. Turner:** — This particular increase is applied against the total amount of the grant — not only the wage and benefit portion, but for the total amount of the grant.

**Hon. Mr. Morgan:** — It was intended to deal with salary pressures in the CBOs. But they've got, as you're likely aware, most of their expenses go to wage component, but they also have rent, utility components as well. So a decision was made, we go across the board to all of the funding that we provide.

**Ms. Higgins:** — How many cities have the Children Who Witness Violence program? Like where is it located now?

**Ms. Turner:** — The original locations for the program were in Regina and Saskatoon and Prince Albert. There has been some expansion of programs recently. So Moose Jaw is one of the locations, and we've been developing programs in the Weyburn-Estevan area. And we're also expanding programs now in the Northwest area, so in the Meadow Lake- Buffalo Narrows area. That one is still under development for the Northwest, as a number of the service agencies are coming together to develop the program there.

**Ms. Higgins:** — So is the demand growing? Have the programs become more utilized, or . . . I know it's been successful; I know in Moose Jaw it's been quite successful. And in many cases it's a last opportunity to seek some help for children and young children. You'd almost hate to say is it successful if it shrinks in the numbers, or is able to help the children and support the children that are utilizing the program. I guess, is it successful, is it working well? Is it doing what it's supposed to,

I guess, is what I need to ask.

[19:45]

**Ms. Turner:** — We've recently had an opportunity to undertake an evaluation of the program that's offered here in Regina and have found that we're very successful. The program was certainly meeting the goals with the children that the program could work with.

Unfortunately we still face the issue across the province that there's more children in need of these kinds of programs than we're able to meet. The recent expansion has of course helped address that. But I think I would be foolish if I sat here today and said that we're meeting the full need. It's certainly a goal across the province to be able to bring this service to all the children that could benefit from such a program.

**Ms. Higgins:** — Thank you. Just a general question about the CBO increases. Is there any direction as to areas the funding needs to be applied to? Because my understanding was we were looking at recruitment and retention in the CBO sector and the difficulty that they're all having. So is there any requirements, or were the grants and the increases given with flexibility to the boards to use as they see fit?

**Ms. Turner:** — Certainly when the grants were provided, they were provided with the understanding that the intent was to address that very issue of recruitment and retention. However, individual boards are able to best judge where those needs are.

Now subsequent to receiving the funds . . . And certainly our goal in the Ministry of Justice is to have the funds in the hands of the agencies by the end of this month, so they will have them in a timely way. They will also be asked then in the new year, in January, how they made use of those particular funds. So certainly we want to be helpful to all of the CBOs in the recruiting, the retention issues they do have. But they are able to take those decisions as boards where they'll apply that.

**Ms. Higgins:** — So now, sorry, you had said that the grants wouldn't be distributed until December 1. Is that what you said?

**Ms. Turner:** — All the approvals are in place. And as you can appreciate, we've had to now amend every agreement that we hold with the agencies, and these things take a little time. However, we are working on them even today in terms of getting the funds out as quickly as we can.

**Ms. Higgins:** — Okay. Thank you.

**Mr. Quennell:** — I don't have anything else for community services, thank you. Human Rights Commission.

**Hon. Mr. Morgan:** — We're being joined by Rebecca McLellan, who is the manager of our operations, Saskatchewan Human Rights Commission.

**Mr. Quennell:** — The minister referred to — as well as an increase in complex human rights complaints, which is referenced in the supplementary estimates — staffing issues at the Human Rights Commission. What would those be?

**Ms. McLellan:** — The staffing issue. We've had some vacancies recently on staff, and we've been in the process of staffing. We had some a little earlier as well, so we've had some ongoing staff changes that have resulted in some vacancies at times.

**Mr. Quennell:** — Okay. So the \$195,000 that's here, that doesn't result because you're not paying people?

**Ms. McLellan:** — No, let me just explain what the different areas are. The one critical area has been the legal unit, which has been short-staffed on an ongoing basis. Now there have been pressures related to the writing of dismissals on cases. That was originally something that the Chief Commissioner had done. And during the changes with the Code that had been taken on by the Chief Commissioner, as things went on it was evident that the Chief Commissioner did not have time to do the writing of dismissals. So there's been an ongoing legal pressure related to that.

As well, as we're finding with a number of appeals recently, that our senior solicitor has not been able to cover off the work back at home and, you know, at the office with just providing advice to staff. And there's been a lot of writing for factums for various things as well. There's been a lot of lengthy hearings, or numbers of hearings. So those are some of the areas.

As well, due to some illness and a conflict of interest, we've actually retained someone from outside to handle one of our tribunals. So there's 95,000 that's related to the legal area. Those were additional pressures. As well we have a mandatory classification plan maintenance that is due on our classification plan. And we are expecting some movement on certain jobs, and there's some retroactivity there. So we're expecting that to be about \$60,000 on class plan maintenance, and then we had additionally a severance package that related to one of our staff. And those are the main areas.

**Mr. Quennell:** — Is it more complaints, more complex complaints, or more appeals? Or is it some combination of those three?

**Ms. McLellan:** — There have been additional appeals. I'd say it's all of the above. The complaints are getting more complex. The human rights law is changing and especially our disability cases — which represent up to 50 per cent of our cases at this point in time — much more detailed investigation going on with some of those cases.

**Mr. Quennell:** — I take it you mean the common law is changing because the Code hasn't been changed recently.

**Ms. McLellan:** — No, just coming out of case law is yes, what I'm referring to.

**Mr. Quennell:** — Okay. Are the complaints taking . . . well I guess they are, the disability complaints are the ones that are taking a longer time because the investigations are taking longer?

**Ms. McLellan:** — Yes, we've had some multi-party complaints as well that often take a bit of time, but disability cases are a significant portion of our longer cases.

**Mr. Quennell:** — Have we replaced the Chief Commissioner?

**Hon. Mr. Morgan:** — We have not yet. We're actively working on it and hope to have that in place soon. But as yet, it's not.

**Mr. Quennell:** — Are you advertising?

**Hon. Mr. Morgan:** — We have advertised.

**Mr. Quennell:** — Okay. When did you do that?

**Hon. Mr. Morgan:** — Earlier this year.

**Mr. Quennell:** — And was that productive in its results?

**Hon. Mr. Morgan:** — We're actively working on it, and we hope to have it resolved fairly soon.

**Mr. Quennell:** — Okay. The minister will appreciate, I was involved in hiring the very relatively short-lived last Chief Commissioner, and I appreciate that he might not be finding this easy to find a replacement.

**Hon. Mr. Morgan:** — I appreciate the challenges you faced when you hired. And I will not be critical of the choice that you made, however I wish it would have been longer lasting. And Ms. McPhedran did very well for us during the time that she was here, and we were sad to see her go.

**Mr. Quennell:** — Yes. Well we agree, Mr. Chair. I wish she had stayed longer too. I hope she stayed as long as it took to find her. I don't think I have any other . . .

**Hon. Mr. Morgan:** — I'm not certain how long she was there, but it was certainly . . . She was somebody that I had developed a good working relationship with very early on and had confidence in her and was very disappointed that she quit. But I certainly understand and accept her desires to advance her own career.

**Mr. Quennell:** — Well I wish the minister luck in finding her replacement.

**Hon. Mr. Morgan:** — Thank you.

**Mr. Quennell:** — I guess my last question is, this \$195,000, are these sort of exceptional costs because of a confluence of events, or is this going into the base as well?

**Ms. McLellan:** — Well the legal fees has been ongoing for some time, and so that's an ongoing pressure. As well the mandatory class plan maintenance, should the results be as we anticipate, we will have some increased costs, ongoing pressures part of that as well.

**Mr. Quennell:** — Okay. That's all I have on the Human Rights Commission. Thanks.

**Hon. Mr. Morgan:** — We're joined now by Gerald Tegart, executive director, civil law.

**Mr. Quennell:** — The \$500,000 in inquiries, I take it is to

complete the writing of and printing of the Milgaard inquiry report?

**Mr. Tegart:** — It is. A fair bit of that would have gone to the work that was done by commission counsel during that period, plus the actual costs associated with the printing and then some miscellaneous costs related to finishing up the inquiry.

**Mr. Quennell:** — I noted on the day that the minister released the report — I may be paraphrasing a little bit, and I'm sorry if I don't have this quite right — that the minister said that he accepted the recommendations of the report in principle. And I wonder if the minister could expand on why we want to qualify the acceptance of the recommendations, and if there's any recommendations in the Milgaard inquiry report that he finds impractical or for some reason difficult to accept, other than in principle.

**Hon. Mr. Morgan:** — There was recommendations regarding the coroner's approach that would maybe have been somewhat more consistent with a medical examiner model than a coroner's model. And we didn't want to leave anyone with the impression that we were, by having accepted the recommendations, that we're prepared to change models. He didn't specifically use that terminology of changing the model but, you know, the references were in dealing with coroners who were dealing with that aspect of it, that it may want to lead to a change. But in a general sense we took no exception with his findings or his recommendations.

**Mr. Quennell:** — So other than that matter of potential confusion, there wasn't anything?

**Hon. Mr. Morgan:** — Other than . . .

**Mr. Quennell:** — Other than that area of potential confusion that you referred to between the coroners and medical examiners.

**Hon. Mr. Morgan:** — No, none at all.

**Mr. Quennell:** — Okay. The commissioners from Alberta, do they have a medical examiner model there? Is that . . .

**Hon. Mr. Morgan:** — Alberta? Yes.

**Mr. Quennell:** — That's the likely reason for that?

**Hon. Mr. Morgan:** — His salary during the period of time that he spent was paid by the federal government. It's of course a cost to the taxpayer, spread across all the Canadian taxpayers, so the actual cost does not reflect his salary.

**Mr. Quennell:** — No, the \$500,000 would be entirely counsel because the commissioner wouldn't show up in any of these estimates, his salary wouldn't show up in any of these estimates.

**Hon. Mr. Morgan:** — That's correct.

**Mr. Quennell:** — A big enough number, as we both know, without it.

**Hon. Mr. Morgan:** — An enormous number.

**Mr. Quennell:** — I think per capita, the most expensive inquiry held in the world, more expensive than the Shipman inquiry in England. When I was in England, they were talking about how 40 million pounds is a lot of money for an inquiry, but divided amongst the citizenry, I think we beat them.

**Hon. Mr. Morgan:** — I haven't looked at what the Gomery inquiry cost per capita might have been but this was, for our province, a very expensive process. We're very willing to make and continue the apology that the previous government had made to David Milgaard and to, you know, give our best wishes and our support to Mrs. Milgaard and to the people that were involved.

And some people, you know, have said that we should have learned more things earlier on, but the report is what it is and we will take the findings from it and try and use them to the best of our ability. I think one of the best things that you can say about it is that it did not find . . . It found there was no conspiracy, nothing, and to that extent it removed a cloud from a large number of people that were involved in the justice system, so for that I'm thankful.

[20:00]

**Mr. Quennell:** — I don't think anything other would be expected of me but to defend the decision to hold the inquiry and carry on to the end. And it did have some very positive results, as the minister says, and it was bound to have those results in my opinion and is valuable in large part because of that. But I don't have any other questions, so I think I'm done, Mr. Chair.

**The Chair:** — Thank you. Being there no other questions, I would thank the minister and let him thank his officials for being here.

**Hon. Mr. Morgan:** — Thank you, Mr. Chair. I'd like to thank my officials for coming out and I'd like to thank all the members for participating.

**Mr. Quennell:** — Mr. Chair, I'd like to thank the officials as well and I'd also like to thank the minister for entertaining all of my questions even when they weren't necessarily strictly within the supplementary estimates. I appreciate that.

**The Chair:** — Being there are no other questions or statements, this meeting is recessed and we will be moving to the next session.

[The committee recessed for a period of time.]

**General Revenue Fund  
Supplementary Estimates - November  
First Nations and Métis Relations  
Vote 25**

**Subvote (FN03)**

**The Chair:** — Good evening and welcome to the First Nations and Métis Relations, vote 25. And the questions will pertain to

that of the supplementary estimates and if the questions are out of that boundary, it is up to the minister's discretion whether she answers them or not. So vote 25, and I'd ask the minister to introduce her staff and any opening comments.

**Hon. Ms. Draude:** — Thank you very much, Mr. Chair, and good evening to everyone. I will introduce the people I have with me today. At the table beside me is Ron Crowe, deputy minister of First Nations and Métis Relations. John Reid is the acting assistant deputy minister, and Kerry Gray is the director of finance and corporate services.

Also with me I have Richard Turkheim who is the executive director of northern resource and industry development; Anita Jones, executive director of northern economic programs and policies; Seonaid MacPherson, executive director of strategic initiatives; Trisha Delormier-Hill, executive director of lands and resources; Giselle Marcotte, assistant executive director of First Nations and Métis policy and operations; Bonny Braden, the director of communications; and Jennifer Brass who is the executive assistant to the deputy minister.

I am here tonight to request an additional \$19.6 million over and above the amount the ministry was allocated in the budget. The reason the First Nations and Métis Relations needs this funding is to cover the costs of last year's reconciliation payments to the First Nations Trust and community development corporations we call CDCs, and that's due to an increase in the current year's casino revenue forecasts. These payments are the legal obligations that we have under the gaming framework agreement.

Of the \$19.6 million, \$10 million is the amount we underpaid First Nations Trust and CDCs based on their 2007-2008 audited financial results. The other 9.6 million is due to the revised forecasts of the casino profits this year. This year, one of the reasons the casino profits is higher is because of the success experienced by Dakota Dunes, a casino on the Whitecap Dakota First Nations south of Saskatoon. Casino profits are also generally up due to the economy in the province.

This financial support flowing to First Nations through the casino profits is positive, as it breathes life into community-based projects. One of the ways these profits flow to the community is through the CDCs, or the community development corporations. Currently, there are five community development corporations: Painted Hand Casino in Yorkton, Northern Lights in Prince Albert, Bear Claw at White Bear First Nation, Battleford Agency Tribal Chiefs in North Battleford, and Dakota Dunes at Whitecap First Nations. A sixth CDC to the new casino near Swift Current is expected to be open in 2009.

The gaming framework agreement currently requires revenue sharings as follows: the profit generated by the Saskatchewan Gaming Corporation or SGC, 50 per cent of it goes to the General Revenue Fund, 25 per cent to the First Nations Trust, and 25 per cent to the Community Initiatives Fund, and that's administered by the Ministry of Tourism, Parks, Culture and Sport. And there's also \$2 million that goes to the Métis Development Fund and that is administered by this ministry.

The profit generated from the Saskatchewan Indian Gaming

Authority, or SIGA, 25 per cent goes to the General Revenue Fund, 50 per cent to the First Nations Trust, and 25 per cent to CDCs.

In 2007-2008, approximately \$11.8 million was distributed to Northern Lights, Dakota Dunes, BATC [Battlefords Agency Tribal Chiefs], Painted Hand, and Bear Claw CDCs. In 2008-2009, the budgeted funding is 11.6 million, which does not include the 2007 or 2008 reconciliation payment.

CDCs make payment to First Nations and non-First Nations organizations in the communities surrounding each casino. They can use the money for economic development, for social justice, social development or justice initiatives, educational development, recreational facility operation and development, senior and youth programs, cultural development, community infrastructure development and maintenance, health initiatives, and other charitable purposes.

So thank you very much to the members and I'll look forward to answering your questions.

**The Chair:** — Being there are no other statements I would turn the floor over to Mr. McCall.

**Mr. McCall:** — Spoken like a former auctioneer there, Mr. Chair. Thank you. I guess the first question I would have is with regards to the reconciliation. Certainly the line item in the budgets in the spring '07-08 or '08-09 went up \$14 million plus a bit, so you've got that anticipated increase. Was that just sort of straight line calculation from the, you know, bringing in the change in the breakdown for the First Nations Trust or what was that calculation in the spring based upon? And I guess why the discrepancy with the request for additional supplementary estimates?

**Hon. Ms. Draude:** — Thank you very much. The forecast in the budget was based on figures that we received at the end of December and the new forecasts from the casinos don't come in to us until the end of March. And also we had no idea how much money was going to be generated in the Dakota Dunes Casino. So we always base the estimate preferably on the low side rather than the high side so there is no clawbacks required. So it's basically just an estimate based on what would have happened last year. And we had a great year this year at the casinos so we're able to distribute more money to the First Nations.

[20:15]

**Mr. McCall:** — And I guess I should back up a little bit. Certainly welcome to the minister and her officials. All this talk of money just got me, you know, moving ahead of myself.

But to start, congratulations to your new deputy minister on his appointment. And I guess, you know, I'm in the Chair and the minister's hands of course in terms of straying off the path in terms of questions, but I note that a number of folks from spring estimates had been acting then, are permanently appointed now. I note that some folks are still acting, and I guess it'd be interesting to get into why that might be. But last time I think there were eight acting individuals in the senior executive team within FNMR [First Nations and Métis Relations].

How many of your team this time are in an acting capacity, Madam Minister?

**Mr. Crowe:** — For the record, it's Ron Crowe, deputy minister of First Nations and Métis Relations. We have been successful in bringing some permanent appointment to this position, of course. The director of finance, through a competition as well was determined over the course of the year as well, actually earlier this fall. So those senior positions have been fulfilled. There are some plans to reduce the amount of people that are acting, plans that require some thorough thought and to ensure that it's in line with the human resource planning that we're under way with in the ministry. So without going into too much detail, two of the positions that were in acting are now permanent status.

**Hon. Ms. Draude:** — Can I just comment as well. I'd like to also welcome, first of all, Mr. Crowe as our deputy minister. We have other people who are now filling positions and doing a great job.

I know that in the spring we had considerable amount of discussion about people who were in acting positions, and it is our goal to fill those positions. And because the ministry is very active now in many areas, and our government is working hard to ensure that First Nations and Métis people are a very important part of our economy, I'm really pleased that we can fill these positions. And also because some of the . . . There's a real search for people. It's not easy to attract people to fill all the positions as quickly as we'd like, but I'm very happy with the people we have at this time.

**Mr. McCall:** — Is there an estimate as to when that will be nailed down? I know talking in the spring, there was some work being done with Greg Wensel in terms of shoring up the HR [human resources] component of the ministry. Do you have a anticipated deadline to get the senior team locked down or any sort of goal or end point that you're shooting for in that regard?

**Hon. Ms. Draude:** — I'm hoping that by the end of this fiscal year we'll have a couple more of the positions filled. It's a matter of making sure that we have the right people in the right places. So for me it's probably always going to be an opportunity to have more people coming in as the workload increases and people may have the desire to do something different. So I'm sure filling the positions is something that's always our goal, but it is a goal of our government to make sure that we have these positions filled.

**Mr. McCall:** — And again I agree with the minister that there's very important work set out before the ministry and, you know, critical work I would argue for the province of Saskatchewan. And of course when you've got a number of people with uncertainty as to their terms of employment, that makes a tough job all the more interesting. So I guess if the minister could for the record, how many in the senior executive of the ministry are in an acting capacity right now? It was eight in the spring. What would it be now?

**Hon. Ms. Draude:** — Thank you to the member, and I'm very pleased that he is interested and is watching these positions. There are four that are still in acting positions. But I'd also just like to add that I've had the opportunity to be over to the

ministry a number of times and working closely with the people that are filling the positions, and it's difficult for me to tell you which ones are in an acting position and which ones are full-time because they all have their heart and soul in their job.

And I don't see that . . . Maybe there is stress in their lives but they all know they're very, very busy. And they're working together with us as a very cohesive team, and I'm very proud of the work that's being done.

[20:45]

**Mr. McCall:** — Well, if they're doing such a great job, Madam Minister, why don't you bring them on full-time?

**Hon. Ms. Draude:** — That kind of work will be done in the near future, or as soon as the positions . . . Everyone feels like the right person is in the job, but at this time I think that most people are just very pleased to be part of a team that's making a difference in the province.

**Mr. McCall:** — Okay. I guess with the gaming envelope in the budget — certainly there's the 19.6 million included in the main line item in the budget. It's listed alongside the Métis Development Fund, which was flatlined at \$2 million for '07-08, '08-09. And I was just wondering if the minister could clarify the relationship with the Métis Development Fund to the broader gaming file and if there's any . . . First if you could clarify.

**Hon. Ms. Draude:** — Thank you to the minister. We actually are doing a review of the fund at this time and I am pleased to tell you that Enterprise Saskatchewan is looking at the importance of this fund as well, so we've been looking at the work that's been done, and the outcomes. And it really is the work that's been done to the Clarence Campeau Development Fund. It's highly successful. I am pleased to say — and I know that the member knows this because he was working on this file at one time too — the work that it's doing for people is great and the opportunities it's providing. So we're reviewing all the work that has been done and looking to the futures. And once the review is completed, we'll be deciding where to go next.

**Mr. McCall:** — When does the ministry anticipate the conclusion of that review?

**Hon. Ms. Draude:** — By the middle of next year.

**Mr. McCall:** — Middle of the next year. So middle of next year, after the budget in the spring, or when?

**Hon. Ms. Draude:** — I'm not exactly sure at this time. We're working at it through the various ministries. What we're trying to ensure is that the work that's being undertaken by the fund and by the First Nations and Métis ministry has an effect on all the ministries, ensure that we are meeting needs in as many areas as possible. So I can't give you an exact date, but maybe by the time we come up in estimates again in the spring we will have it. If we are completed by that time, I'd be pleased to tell the member.

**Mr. McCall:** — But is it part of the current budgetary discussions with an eye to inclusion in the March budget, or is it

separate and apart from those discussions?

**Hon. Ms. Draude:** — Well if everything is in . . . We're looking at everything together. If it looks like we can have it finalized by the end of this fiscal year, the House will be back in session at that time and we can discuss it. But we're wanting to make sure that we've looked at all aspects of it, and we will be bringing it up again in the spring.

**Mr. McCall:** — Going forward with the department's proposals and the Treasury Board process, or is it separate and apart from that?

**Hon. Ms. Draude:** — Yes, I think the member realizes when we have the request for estimates in the discussion on the budget, it's starting about this time. And since the review is still under way, it's part of the big picture but we're not looking at it individually at this time.

**Mr. McCall:** — We wouldn't see action on it in the spring budget then?

**Hon. Ms. Draude:** — At this time, I can't answer that completely. We're just looking at all areas to make sure that when we spend the money that's in the province, that we can benefit everyone as equally as possible. And so we're waiting to see the results of the review.

**Mr. McCall:** — And I'm not trying to be dense, Madam Minister, but if it's to be concluded in the middle of next year, that would seem to preclude involvement in the go-forward for the spring budget. So you're looking at another year, I would say, in terms of actual action on increasing the Métis Development Fund. Would that not be a fair characterization?

**Hon. Ms. Draude:** — No, I don't think so. I think what we're saying right now is I'm not sure when the review will be completed. But because if it's seen as something that where it can make a difference to various parts of our government by increasing it at this time, maybe that's something we'll do. It's all part of the big budgetary process, determining where the best place to put our money is. I'm not going to preclude or count out anything, but at the same time there are lots of pressures and there's lots of needs.

And so I'm just very pleased that this fund is working well, that it is being run very well and efficiently, and that it is making a difference to the people in the province.

**Mr. McCall:** — Okay. I guess I would agree with the description the minister's provided of the fund, which would be why you'd have to wonder, in these times where certainly the First Nations gaming agreements are working out very well for First Nations and for the province of Saskatchewan and the rather sizable increases in funds flowing to own-source activities — which is again something we as the opposition support and certainly was our aim when we played a hand in negotiating the current agreement — but it sort of stands out, the Métis Development Fund sitting there as \$2 million for '07-08, \$2 million for '08-09 and no clear answer on what might become of it.

**Hon. Ms. Draude:** — Thank you to the member. We are really

pleased that there was an opportunity in this estimate cycle to add another \$19.6 million over and above what was allocated in the budget. And I know that the gaming agreement was reviewed last year, and the \$19.6 million is going to be divided up between the community development corporations and the First Nations Trust. It does make a big difference. And I know that the Métis Development Fund is not the only area where the Métis people of the province can benefit.

So overall as the government, we're working with all the entities and with all the ministries to make sure we can make a difference. The decision will be made on how much money is put into that fund as we balance the needs of the province and go forward in the budget cycle.

[20:30]

**Mr. McCall:** — All true, Madam Minister, and I guess I would again say it's a flow-through, the \$19.6 million is a flow-through according to the gaming framework agreements and, you know, that's the terms of the deal. So those monies absolutely should be flowing to the CDCs and the First Nations Trust.

And again I bring up the Métis Development Fund because it's included in the envelope in the spring budget, and certainly the kind of wherewithal that these additional monies bring to bear for First Nations is something that I know for a fact the Métis people look at with great interest and perhaps even some . . . I don't know if jealousy be the right word but certainly they've got needs and priorities to address just like any other sector in the society and to have the wherewithal to do that is greatly in their interest.

If the minister could say, if the minister could tell us a little bit about what are the projections or I guess what's the status of the CDCs. And there were additional accountability measures attendant to the gaming framework agreement. What's the status of the additional accountability measures that were part of the agreement and what's the opinion of the department on how those are coming along?

**Hon. Ms. Draude:** — Thank you to the member. Maybe I'll just read out some of the information so that it's available to the member. The Bear Claw Community Development Corporation has a first and second quarter payment paid out for the 2008-2009 and we're waiting for some of the reports yet. Northern Lights CDC has received first and second quarter payments. Painted Hand Community Development Corporation has received the first and second quarter payments. Dakota Dunes has received their payments for the first and second quarter and the accountability reports for those have been found in compliance.

And I believe that Gold Eagle Community Development for the first quarter has been held . . . Changes to the 2002 Gaming Framework Agreement required that the FSIN [Federation of Saskatchewan Indian Nations] and government complete consultations and decide how the funds are going to be distributed.

**Mr. McCall:** — Could you expand on the situation relating to the Gold Eagle, Madam Minister.

**Hon. Ms. Draude:** — I think the member may be aware that there is litigation, so there isn't anything else I can say on that at this time.

**Mr. McCall:** — Well very interesting.

In terms of the reconciliation payments, in terms of the additional 9 million on top of that, is there any thought on the part of the ministry that there may be additional reconciliation required before fiscal year-end?

**Hon. Ms. Draude:** — Thank you to the member. There is still some thought that there could be somewhere around \$500,000 that could be owed at this time. But we're just again making sure that our numbers are correct. We wouldn't want to pay out money and then ask for it to be paid back again or clawed back again. So at this time, we'd consider that is a possibility.

**Mr. McCall:** — What would that be due to?

[20:45]

**Hon. Ms. Draude:** — Within the ministry, within Treasury Board there has to be some clarification on exactly the amount of money that is left to be brought forward. With all the checking that they've done, they think it could be 500,000. But getting the final numbers together to make sure that we don't ask for money back, this will be where we believe that that could be the very most amount of money they'll ask for.

**Mr. McCall:** — Okay. As part of the gaming framework agreement, there was an undertaking around moving forward on First Nations full jurisdiction over gaming for all on-reserve gaming operations, for the province to work with the FSIN and First Nations to take that forward to the federal government. What's the status of that work?

**Hon. Ms. Draude:** — To the member, thank you. There has been no further work. We haven't gone forward with anything of that nature at this time.

**Mr. McCall:** — I guess I bring it up because it was part of the undertakings flowing from the gaming framework agreement. So I'm just wondering how, you know, why not, if there hasn't been work done in that regard?

**Hon. Ms. Draude:** — The discussions that were undertaken by the previous government that you were a part of, there was an agreement that actually is up for renewal every five years. The profit generated by the various corporations increased in some areas. And there hasn't been further discussions on the gaming money at this time, although I know that there are a number of First Nations who are saying maybe there's some opportunities. It's something that our government . . . We're always willing to talk to the First Nations about various issues.

**Mr. McCall:** — Mr. Chair, I'd pass the mike to my colleague for a moment.

**Ms. Higgins:** — When the authority for charitable gaming on-reserve was applied to IGR [Indigenous Gaming Regulators Inc.], and they have jurisdiction for charitable gaming on-reserve, part of the agreement was that we would look to

take this farther. And because gaming is under the purview of the province through the Criminal Code of Canada, there wasn't the ability to shift all on-reserve authority for gaming to First Nations.

So the agreement was that the province would apply to and work with the federal government, with IGR, SIGA, to seek changes to the Criminal Code of Canada to allow changes to be made. It was done with the best intentions so that First Nations in the province of Saskatchewan would be able to have more authority over actions taken on-reserve. It was part of a commitment that was made in an ongoing . . . which has been a fairly lengthy process, to get to the point of the final agreements being signed with IGR and the charitable gaming piece.

So it was part of that and the intention. So it has nothing to do with CDCs or First Nations Trust. The money that flows through the gaming agreement and the percentages that are negotiated, this is something separate that speaks to a broader picture and a change of authority on-reserve, and the authority and the responsibility for oneself more so than what some of the historical patterns we've followed in Canada. So it was a little bigger picture than just the gaming framework. It spoke to long-term agreements that need to be moved ahead.

**Mr. Crowe:** — Thank you. I appreciate the comments. I think it's important to note that the Saskatchewan Liquor and Gaming Authority leads the discussions on some of the discussions revolving around jurisdiction and the proposal that both FSIN and the province have agreed to. So SLGA really takes the lead on some of those discussions and we provide the support, as we do with many of our fellow agencies and ministries.

I would hazard to guess that some of the discussions haven't been as active because of personnel changes and portfolio responsibilities, adjustments at FSIN. I would hazard to guess that. We are willing, as with our fellow agency the SLGA, to get back to discussions when it's appropriate with FSIN. And we would undertake in supporting those discussions at that time.

**Ms. Higgins:** — Thank you very much for the update.

**The Chair:** — The Chair recognizes Mr. McCall.

**Mr. McCall:** — Thank you, Mr. Chair.

I guess at the time — at the end of June, beginning of July — when the order in council was being signed flowing the additional funds into the First Nations Trust, the minister was quoted in the *Leader-Post* as saying quote:

“They had decided this was the best way to make sure that money would go to communities. I haven't had people telling me this money is being spent in an inappropriate place so it's something we can always keep an open mind on if there's another way to do it, but at this time there's no reason to consider changing.”

So I would take that as an endorsement on the minister's part of the gaming deal generally and the First Nations Trust specifically. Would that be a fair statement?

**Hon. Ms. Draude:** — Thank you to the member. I know that there was discussions going on at that time between a couple of the tribal councils, but just to assure the member and the public that the ministry is very comfortable with the work that's going on with the First Nations Trust. We feel that they're doing a good job.

**Mr. McCall:** — Is there for the future — and again it's on a rolling five-year review schedule, which presumes a fair amount — but if it was up next year, say, would the minister have any objectives or items to change in the GFA [gaming framework agreement] generally and then the First Nations fund particularly?

**Hon. Ms. Draude:** — To the member, it's not up next year, and there's going to be . . . when it is up there, I'm sure that there'll be an opportunity for discussions. At this time we're comfortable with the work that they're doing. And to presuppose or know what might happen in three years from now, I don't think either you or I could do it. There are a lot of changes happening.

[20:45]

**Mr. McCall:** — Okay. So again to be clear, the First Nations Fund is working well, and you think it's a good mechanism for getting the monies out to First Nations.

**Hon. Ms. Draude:** — To the member opposite, maybe the member is referring to the fact that the Provincial Auditor has recommended there may be some additional accounting or reporting that could be done. But as far as the whole general picture or the big picture of making sure that the funding is going out to First Nations, we think that they're doing a good job. And I'm very comfortable with the work that not only the First Nations Trust is doing, but the fact that the money is making a difference to the lives of many of the First Nations out in the province.

**Mr. McCall:** — Yes. No, I'm not referring to the opinions of the auditor at this time. What I was precisely interested in was the opinion of the minister as to the First Nations Trust and how it works or not, because of course there's been a fair amount of talk — well over the past number of years but certainly over the past while — and it's increased in intensity on the whole question of resource revenue sharing. And the First Nations Trust has been held up as a template, as a means by which to possibly utilize to put resource revenue to share with First Nations as part of sharing the prosperity and wealth of the province of Saskatchewan. Is the First Nations Trust being considered in that regard by the ministry at this time?

**Hon. Ms. Draude:** — What we're talking about right now is the money that comes to the gaming and goes to the First Nations Trust, and we're very comfortable with the arrangement they have in that area at this time.

**Mr. McCall:** — So you're not considering it as a template for resource revenue sharing.

**Hon. Ms. Draude:** — My comments were that we're very comfortable with the work they're doing through the gaming.

**Mr. McCall:** — Well, Mr. Chair, at this time I have no further questions.

**The Chair:** — Being there are no further questions, if the minister has any closing remarks or statements.

**Hon. Ms. Draude:** — I would like to thank the members opposite for their questions. It's obvious that they've done a lot of work, and I appreciate that. And I also very much like to thank my officials who are here this evening. They're always a wonderful backup and help me, help me a lot. And I count on them and their good work. So thank you to all of them.

**The Chair:** — Mr. McCall.

**Mr. McCall:** — Thank you, Mr. Chair. If I could, on behalf of the official opposition, thank the Minister and her officials — acting, permanent, and otherwise — for all the work they do on behalf of the province of Saskatchewan and in the Ministry of First Nations and Métis Relations. Thank you, Mr. Chair.

**The Chair:** — Thank you. At this time, I would ask . . .

**Mr. Chisholm:** — Mr. Chair, I would like to move that we adjourn.

**The Chair:** — Is that motion agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[The committee adjourned at 20:49.]