



STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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**STANDING COMMITTEE ON INTERGOVERNMENTAL
AFFAIRS AND JUSTICE**

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Mr. Kevin Phillips
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Mr. Warren Steinley
Regina Walsh Acres

Mr. Lyle Stewart
Thunder Creek

Ms. Christine Tell
Regina Wascana Plains

Mr. Corey Tochor
Saskatoon Eastview

[The committee met at 15:00.]

The Chair: — Well welcome this afternoon to the Standing Committee on Intergovernmental Affairs and Justice. My name is Warren Michelson. I am the Chair of the committee. Along with me in this committee is Kevin Phillips, Warren Steinley, Lyle Stewart, Christine Tell, and Corey Tochor. Substituting for Cathy Sproule this afternoon is Warren McCall.

Bill No. 16 — *The Correctional Services Act, 2011*

Clause 1

The Chair: — This afternoon the committee will be considering two Bills which can be found on the meeting notice. We will start with the consideration of Bill No. 16, *The Correctional Services Act, 2011*. We will start with clause 1, short title. Welcome, Minister Huyghebaert, and your officials. You may start with opening remarks and introduce your officials, please.

Hon. Mr. Huyghebaert: — Thank you, Mr. Chair. And with me today I have my deputy minister, Mr. Al Hilton. Sitting directly behind me to my right is Tammy Kirkland, who's the assistant deputy minister of adult corrections. To my left is Fred Burch, who's the director of policy planning and adult corrections. And from Justice and Attorney General shop, Tom Irvine is to my back and to the right, who's the constitutional law person. And my chief of staff, of course, is sitting with me, Drew Wilby.

And I'd like to thank you, Mr. Chair, for an opportunity to speak about Bill 16, the proposed repeal of *The Correctional Services Act* and introduction of new legislation, *The Correctional Services Act, 2011*. And members may recall my second reading speech. My intention today is to provide a summary of that speech, and of course if anybody would want a copy of that speech, I would have it available.

Before continuing with my summary, I want to draw your attention to an omission that was detected with respect to the section on risk assessment programs. Working with our legal advisors, the error has been addressed and will be corrected through the submission of two amendments. The first amendment adds language that will ensure the risk assessment program may be applied to offenders on probation, not just inmates. The second amendment ensures that government can make regulations with respect to this risk assessment program.

I'm sure you've noticed Bill 16 proposes an Act very different from the previous Act. Much has happened since 1993, and in order to ensure that our correctional system continues to provide effective correctional services, multiple changes are required. However in general, the intent of *The Correctional Services Act, 2011* is to ensure the safety of the public, staff, and inmates; ensure the security of correctional facilities; encourage management, staff, and inmates to be more accountable for their actions; create efficiencies in correctional operations; and develop safer Saskatchewan communities.

The Correctional Services Act, 2011 aims to improve the safety of inmates and staff and the security of provincial correctional

facilities in a variety of different ways. These include but are not limited to: clarifying the authority for and the procedural requirements when searching inmates, visitors, staff, correctional facility property, and any vehicle on correctional facility property; also carry out inmate searches in a reasonable manner ensuring adherence to the rule of law along with the security needs of the correctional centre; increasing the opportunity for correctional staff to work with inmates to resolve certain types of inmate behavioural problems informally, allowing for a formal disciplinary process to occur when informal resolution is unsuccessful; providing inmates with an updated and fairer appeal process, including access to an appeal adjudicator from outside the ministry in circumstances where an inmate's discipline results in them having to spend a longer time incarcerated; authorizing two different forms of segregation, segregating inmates to proactively prevent an incident from incurring or to facilitate an investigation, and segregating inmates for disciplinary purposes; authorizing the ministry in emergency situations to transfer inmates involuntarily in order to more effectively manage the safety and security of correctional facilities; authorizing the ministry to assess the security threat posed by each inmate in order to ensure that all inmates are housed in an area with an appropriate level of security.

Although many of the changes I've outlined are meant to increase the safety of staff and inmates and the security of the correctional facility, government recognizes there's also work we must do to prevent these individuals from entering the correctional system. In keeping with this philosophy, we are committed to the goal of enhancing crime prevention. The new Act authorizes staff to use validated risk assessment tools to assess an inmate's risk to reoffend in the community. These risk assessments will allow correctional staff to provide programs specific to that inmate's own needs. These programs will provide them with the tools necessary to live as productive, law-abiding citizens upon release from custody.

Correctional staff provide a wide range of services and make decisions daily that impact the lives of offenders. In this regard, the Bill will be invaluable to all corrections employees. However to provide additional assistance, we have chosen to state our basic principles upfront. These principles that must be considered when interpreting or administering any of the provisions in the Bill. First and foremost is a guiding principle that the protection of the public be the paramount consideration in making decisions or taking any action pursuant to this Act.

We also recognize that when providing correctional services to offenders, our employees must lead by example. The new legislation includes a guiding principle that references the code of professional conduct and, later in the Bill, an enabling section. This code of professional conduct has been developed in consultation with a cross-section of staff. It recognizes corrections as a unique profession and that our staff is committed to excellence in achieving our goals.

The purpose of the code is to communicate expectations of acceptable conduct, and it refers to issues such as professional working relationships, bullying, conflict of interest, staff relationships with former offenders, discharge of duties, and harassment. The language for this new statutory provision is

adapted from other jurisdictions' legislation, such as Newfoundland, the Yukon, and Nova Scotia, because they too recognize the benefit of accountable, professional correctional staff.

My ministry has looked at the correction legislation in every jurisdiction in Canada. We've done our due diligence and consulted with a wide array of stakeholders for their views on the proposed legislation, and we have proposed a piece of legislation that will move our correctional practices forward.

I and my team will be pleased to respond to any questions that members may have. Thank you, Mr. Chair.

The Chair: — Thank you, Minister Huyghebaert, and welcome to your officials. Are there any comments, questions from the floor? The Chair recognizes Mr. McCall.

Mr. McCall: — Thank you very much, Mr. Chair, and welcome to the minister and to officials from Corrections this afternoon.

We'll get right to the questions. I guess this particular piece of legislation arises in no small way from the work done around *The Road Ahead*, I guess that in turn arising from the external investigation that had been conducted following the jailbreak from the Regina Correctional Centre in the summer of 2008.

In terms of the work that was provided by *The Road Ahead* or that was undertaken by the government in responding to the external review and then underlined in *The Road Ahead*, with this piece of legislation, Mr. Minister or officials, what remains to be done in terms of the undertakings made in response to that external investigation?

Hon. Mr. Huyghebaert: — Well as you're very correct, Mr. McCall, this legislation was drafted because of the incident that happened and the external investigation team report. The specifics to your question — what was left? — I'll have to ask and see what, if there's anything that has not been done yet that's in this legislation.

Ms. Kirkland: — As far as anything that's not been done that is specifically built into the legislation, I don't think there's anything. Some things are in progress that the legislation speaks to, for example, when it talks about risk assessment and developing appropriate programming for inmates based on their identified risks. We will probably always be in the process of developing new programming, but we certainly have done a fair bit of that.

The sections of the Act that speak to segregation and discipline will provide some new regulations and policy direction to staff around how and when we segregate, what the discipline flow is, so that will be a part of new policy and training. So we have not implemented those new processes and training prior to the Act being passed.

Mr. McCall: — So again, for that work to be completed, it requires the Act to be passed, and then that will be, that will be ongoing.

Ms. Kirkland: — That's correct.

Mr. McCall: — But again to be very clear, with the passage of Bill No. 16, will that pretty much complete the government's undertakings made under *The Road Ahead*?

Hon. Mr. Huyghebaert: — Yes, that's correct. And as was stated, there's obviously going to be some stuff that is ongoing, continuous. But as far as the items from *The Road Ahead*, yes, this will . . . I can't think of anything that's not being covered in this, and that's why I asked Tammy if she would answer that because, unless I missed something.

Mr. McCall: — Okay. Thank you, Minister. Thank you, official. In terms of the . . . Again we're glad to see the work that was done, going around the country, surveying best practices in other jurisdictions, and trying to not just learn from our experience in Saskatchewan, as important as that is, but to also benefit from the experience of other jurisdictions that may face similar, similar problems.

Is there any of that work that . . . Certainly the legislative drafting process, the undertakings that were made under *The Road Ahead*, there's been some amount of time go by in that process. And I guess I'm wondering, in terms of examples being seized upon from other jurisdictions, is there any new sort of information that has arisen as these other provinces carry out these practices that we've imported, that we spoke to as a province through *The Road Ahead*, and that we see represented here today in this legislation? Is there anything that might be sort of stale-dated or that will stand for amendment or improvement in the not-too-distant future?

Hon. Mr. Huyghebaert: — Yes, I might get one of the officials to maybe fine-tune my comments here a little bit, but the answer to your question is basically yes. We've kept in touch with the other jurisdictions and rolled it in. Now whether it's going to be in the legislation Bill or actually in regulations, but the quick answer is yes. We're in continuous touch with some of the other jurisdictions on best practices. Now if you want to say some more on that . . .

Ms. Kirkland: — I would just add that any legislative issues that were potentially challenged in other jurisdictions or were up for review, we have kept in touch with those and updated our practices dependent on those. So we feel confident that we are modern with what's going on.

Mr. McCall: — Is there a sort of a top three or primary list of concerns that have been expressed through challenges to practices in other jurisdictions that you're keeping an especially close eye on in terms of the changes presented here in this legislation? And if you could provide examples of that to the committee.

[15:15]

Hon. Mr. Huyghebaert: — You're probably aware that there are a number of issues. To put it into a top three that other jurisdictions . . . In discussions with other jurisdictions and with officials that deal with other jurisdictions, ones that create more of the top end of the scale would be segregation, telephone monitoring — and I think we are probably ahead in telephone monitoring because we have brought it into legislation where other jurisdictions do it but it's not legislated — and probably

searches because I think every jurisdiction deals with the segregation and the searches issues. And I would say that those were probably the top three.

And we don't experience . . . I have not heard much of an issue. You hear some of the basic issues with telephone monitoring, but to my knowledge we haven't had a big issue with telephone monitoring.

Mr. McCall: — I guess pursuant to that . . . And by asking you to list the top three, I'm not trying to be flippant about it. But certainly there are issues that would be more salient or more urgent than others as this legislation is implemented and as the experience evolves in other jurisdictions. But I'm glad to see you've got an official from Justice here today with the constitutional sort of expertise involved. Perhaps if the official could talk about the specific screen that was applied to the legislation, any sort of issues that were identified, and how that resolved itself in the legislation that we're contemplating today.

Mr. Irvine: — Well obviously when you're restricting people's liberty, that's the major starting point, that you have to have legal authority for everything that you do. So that was a constant theme as we went through the legislation, to make sure that we had legal authority for the various steps.

Another big issue of course is search and seizure because even though prisoners are being held, they have residual liberty rights, residual search and seizure rights. Also concerns about search and seizure for visitors, because on the one hand they're not subject to a court order putting them in the prison; they're coming there voluntarily. But for issues of safety of the correctional centre, safety of the workers, safety of the inmates, there's a need for searches.

So those were some of the issues. Another major issue, of course, is on the discipline side to make sure that there is an adequate discipline review mechanism. And I believe there was mention already made about outside adjudicators for some of those discipline issues. So those were some of the major issues that I was asked to look at from the Justice perspective.

Mr. McCall: — And again I'm presuming by the legislation going forward that you, having constitutional expertise, weighed the issues presented in the legislation and found the safeguards to be adequate and constitutional.

Mr. Irvine: — There's always arguments that could be made to challenge legislation on Charter grounds. How serious the argument would be or what the chances of success, we're confident that we've done a good job of reviewing the various factors to take them into account.

Mr. McCall: — Okay. In terms of the outside adjudicators that are employed from time to time or are envisioned in the legislation, can the minister or official talk about how that process works specifically, and which individuals might be called upon to provide that function?

Ms. Kirkland: — So the outside adjudicator is an option that we have built in, recommending for times when a discipline action by the ministry, where the recommendation or the result of the discipline is a loss of remission, so a loss of time out of

the facility. Offenders have the ability to earn remission and move up their release date. So there is ability within the disciplinary act for certain offences to lose some of those days, thus spending more time in a facility. So we have built in the outside adjudicator to take a look at and make sure that that's being applied fairly because it is limiting a person's freedom.

Mr. McCall: — Thank you to the official for the response. Who would serve as an outside adjudicator? Individuals within the corrections hierarchy, or who would perform that function?

Ms. Kirkland: — They would be outside of the corrections system, so private citizens, retired lawyers, outside of our system, yes.

Mr. McCall: — Do you have a bank of people that are ready to go to perform that function, or is that, that is yet to be implemented, or how does that work?

Ms. Kirkland: — We would have to develop that list of people. We have not done that.

Mr. McCall: — Okay. Thank you very much. If you could talk about the issues around segregation and how this Bill addresses the questions of segregation in the modern corrections system.

Hon. Mr. Huyghebaert: — The segregation aspect is, the changes will provide authority to assign administrative or disciplinary segregation. And administrative segregation may be preventative compared to disciplinary segregation which correctional authorities . . . So they don't have to wait for something bad to happen.

The ministry from . . . The authority to develop and implement a confinement and segregation policy was to meet one of the recommendations from *The Road Ahead*, being able to do that. The segregation is modelled after the *Corrections and Conditional Release Act*, federal legislation that governs the Correctional Service of Canada. Quebec also uses the term administrative segregation. Manitoba uses protective and preventative segregation. And the Bill enables administrative segregation as a proactive option that may be used to prevent an incident from occurring. Disciplinary segregation is after the fact.

Mr. McCall: — Thank you. And I guess what I'm looking for further information or clarification on, Mr. Minister, what is the process involved as underpinned in this legislation for preventative or proactive or administrative segregation? How does that work? A risk is identified and then what happens from there as relates in this legislation?

Ms. Kirkland: — So a lot of those things of course will be detailed out in the regulations as to how they're applied, but the basis is, for disciplinary segregation, something has happened. And so the segregation might be immediate, at least initially, for the safety of inmate others if it's a violent or a, you know, an out-ripping by that inmate. And then it would be reviewed through a discipline panel to determine is segregation required, for how long, what components need to be in there.

On the administrative side, that might be an . . . An example of administrative segregation might be an offender is fearing for

their own safety and wants to be segregated. So we can do that. Or we have information that there is an event that's going to happen. There's a threat to another inmate. There's a threat to staff. So you would do that to prevent the segregation, or to prevent the incident from happening. And again one of the things that is and will be built into all those practices is the review so that you are ensuring you're not keeping people segregated longer than need be. So there are, there are review processes as well.

Mr. McCall: — Operationally is that decision made by the facility director? Or who makes that call?

Ms. Kirkland: — The facility director or designate who is operating the facility, yes.

Hon. Mr. Huyghebaert: — If I can just add a little bit to that also, when you talk about the segregation and in some of my visits to the facilities it's been explained to me that there are offenders in there that want segregation for their own safety. So they will actually ask for segregation and that's part of the administrative segregation.

Mr. McCall: — No, that certainly would seem to be a very reasonable, plausible proposition. I guess what I'm trying to be very, to gain a very clear understanding of are, what are the grounds on which that might be invoked? Because if it's again with disciplinary segregation, that's obviously fairly cut and dried. There's an incident and there's a follow-up. There's a consequence. There's a process. When it's a matter of preventative segregation, then of course it gets much, much greyer in terms of the way these decisions are made. So I'm just looking to be as clear as I can as to the process by which that decision is made.

Mr. Hilton: — Mr. Chairman, just to draw the committee's attention to page 25 of the legislation, part V goes into some significant detail on the grounds for administrative segregation, how segregation panels would work, review of segregation by the segregation panels, and rights of appeal. I could talk about it for a long time.

Mr. McCall: — I appreciate the direction, Mr. Hilton, and the reading suggestion. We'll not force you to read the whole thing or anything like that. But again in terms of the other jurisdictions enumerated in the second reading speech by the minister, if there's one jurisdiction to which this part of the legislation owes particular lineage or parentage, would it be akin to what is practised in Manitoba or Quebec? Or what does it most closely bear a resemblance to?

Hon. Mr. Huyghebaert: — I would say it was more akin to the federal legislation.

Mr. McCall: — Okay. And with the federal legislation, the utilization of administrative segregation, how often is that an occurrence? Is it something that happens in the system on a daily basis or weekly? Or how many segregations in the system would you have on a year on an administrative segregation basis?

Hon. Mr. Huyghebaert: — I don't have any numbers for the committee, Mr. Chair, but it's not uncommon to have

administrative segregation . . . And again, I think, having an understanding that that can be applied for safety reasons. And as I mentioned earlier, so I'm not even sure if there's numbers kept of segregation. We could try and find that out and get them to you, but again I can go from my experience of visiting the institutions. If something appears to be going to happen, you can segregate. Now, and as I mentioned, people want that for their own safety and security. So I don't have a number.

Mr. McCall: — No. And I guess what I'm trying to gain a better understanding of, Mr. Minister, and officials, is just the frequency with which this is invoked, with which it's utilized — because of course there are resources required to make this happen — and also just to gain a better understanding of the split between when it is requested by an inmate, as the minister rightly points out in terms of inmates concerned about their own personal safety and how that works or in some cases, I imagine, may not work.

And then on the other side, how many preventative . . . Say there's intelligence gathered as to something being planned by a particular inmate and, you know, what kind of . . . What's the breakdown between ones requested by inmates and ones executed by the correctional officials?

[15:30]

Hon. Mr. Huyghebaert: — Mr. Chair, again we don't have specific numbers on that. But what you do, I mean, the starting point is the least restrictive measures is what you would start with and then it becomes an issue of, you know, what do you record. You do a least restrictive plan, which may be moving them to another room, as at segregation. So we don't have any specific numbers of, like you say, how many requested it and how many do it.

What I can say is that you use the least restrictive method first off before it goes . . . and I don't have any numbers about how many have asked for it vis-à-vis, how many are put into segregation for their safety reasons or whatever. We can try and find those numbers, but I think more of the point is that the Bill will cover the methodology that you can use to do the segregation, and it's being used for, like we said, safety purposes in a lot of cases or to preventive situations. So that's to me more of the point and not the numbers that are being used.

Mr. McCall: — And again, certainly what the minister's saying I find to be reasonable and plausible and based on what understanding I have of the correctional system, a reasonable, sound suggestion. But in terms of having that accountability within the system and being very clear on how different practices are being utilized and for what reason, obviously being able to quantify and keep track of not just when administrative segregation is being utilized, but what are the grounds for that instrument being utilized, I think would be of interest to the folks running the system.

Hon. Mr. Huyghebaert: — Again, Mr. Chair, I think if I understood your question directly, it goes back to page 25 of the Act, which the staff member believes on a reasonable ground that an inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the correctional facility or safety of inmates, staff members or the public. I

mean, there's a judgment call obviously from the correctional workers.

And again the next item is segregation panels. It's in the Act and it explains that.

Mr. McCall: — But to be clear, does it need to go to the segregation panel before it is counted within the methodology employed by the ministry, or can administrative segregations be employed by the correction worker on the spot and there's no real accounting of that practice being used?

Ms. Kirkland: — So staff do have the ability to make a decision, based on what's going on, for administrative or disciplinary segregation prior to the panel determining if that's an outcome that should continue. But those are all recorded. All those decisions are recorded in our data system, so there is a record of that. And so, you know, if the review panel takes a look at it and decides that's long enough or it's not really required, we still have a record that that was the immediate response based on whatever factors led to that.

Mr. McCall: — Okay. I guess that's actually what I'm looking for, is some assurance around whether or not this is being kept track of. Because if you don't keep track of it, then you don't know if it's being used appropriately or not. And then you don't have accountability in the system, and then human structures, being what they are, bad things tend to happen. So I guess that's the assurance that I'm looking for in terms of this will be kept track of and the way that it is being deployed through the system going forward. So I thank the official for the answer.

I guess the other thing I'm particularly interested in, or one of the other things that I'm particularly interested in is the code of conduct for corrections workers. If the minister could describe that a bit more at length for the committee, and again, what gives that teeth? What gives it accountability in terms of not just principles enumerated and expected to be followed by corrections workers, but what are the consequences for not following the code of conduct?

Ms. Kirkland: — So I guess a few things. We developed the code of conduct. It's a, I don't know, a four- or five-page document, also has a front with it that's the commitment to excellence. It was developed out of a task team out of *The Road Ahead*, so it involved staff supervisors, managers at all levels developing that. It lays out the purpose behind the code of conduct.

And the commitment to excellence was to do a couple of things. One was to be very clear with everybody in the organization what the expectations are for their role, their professional expectations, their performance expectations, but also what they could expect from the employer. So if these are the things that we are saying are your obligations, here's how we support you in that — so by being very clear, by being transparent, by communicating training, those sorts of things.

It was rolled out through sessions, face-to-face sessions with all existing staff when the code was adopted. Every staff received a copy. Every staff sat down with their supervisor and went through the code and had an opportunity to ask any questions and then had the opportunity to sign off on the code, saying that

they had read it, they understood that it applied to them, they need to follow it. They could choose not to sign the code, but their supervisor would sign recognizing when it had been reviewed with them. So we have a record of staff, you know, so that we can go back and say, yes you were made aware of this and we did our due diligence in making sure you understood it.

The code, as far as repercussions for violations within the code, the code tries to be a summary of a number of things. So it references many accountability policies that we have in government, broadly in government and within the ministry specifically. And it speaks to, you know, violation of the code can result in discipline up to and including . . . And you know, it follows the corrective discipline policy and the progressive discipline policy.

Mr. McCall: — The practice of signing the code, thereby signifying your adherence to it or your intent to adhere to the code versus people not, and then the manager signing off on when it had been reviewed, what's the . . . I guess how long have you been bringing the code into effect, again recognizing that it's now to be enshrined in the legislation? But with that implementation process and its promulgation through the personnel within corrections, what is that breakdown between people that are quite happy to sign off versus people that their manager is signing and signifying that they reviewed the document with them?

Ms. Kirkland: — I don't have exact numbers, but those choosing not to sign off has been the minority. It hasn't been a large issue for us. So most people have signed off on it. And the document is very explicit in saying that, you know, you have a choice about signing off or not, but not signing doesn't excuse you from all the responsibilities in the code. So people are made aware of that. So those choosing not to sign has been a small percentage.

Mr. McCall: — Just out of curiosity, what grounds would be offered up for not signing?

Ms. Kirkland: — Well, to be quite honest, the only grounds I've heard is, my union rep told me not to.

Mr. McCall: — Is there a specific sort of geographic dispersal of that advice being offered, or is it sort of there's a relatively equal sample across the system?

Ms. Kirkland: — No, I don't think there's any geographic location necessarily. And I think that that response has been very small as well. The decision to allow or, you know, allowing staff, that was a conversation we had with our SGEU [Saskatchewan Government and General Employees' Union] partners. And they asked for that, for that choice, and we were quite happy to provide that. So that took care of most of that issue.

Hon. Mr. Huyghebaert: — Mr. Chair, with your concurrence, if Mr. McCall would like a copy of this, I could sure give it to him. I don't have enough for the whole committee, but if you would like a copy of the code I could sure give it to you.

Mr. McCall: — Yes, please.

Hon. Mr. Huyghebaert: — That may answer some of your questions.

The Chair: — Mr. Minister, would you like that tabled with the committee?

Hon. Mr. Huyghebaert: — Sure.

The Chair: — Thank you.

Hon. Mr. Huyghebaert: — I guess we have enough, Mr. Chair, for the whole committee.

The Chair: — Thank you.

Mr. McCall: — Thank you, Mr. Minister. In terms of the, obviously there's a cost attached to bringing, rolling out the code of conduct across the ministry. Specifically, and again it's been enshrined in the legislation, but what kind of a cost has been attached to bringing the code of conduct out across the system?

Mr. Hilton: — I guess, other than adding up the cost of printing the booklets and the various meetings that occurred, I think I can say with some confidence that the code and the changes that have resulted from the way in which we do our business as a result of the code has actually saved a significant amount of money in terms of things that it speaks to around attendance management and expectations of the employer and expectations that people have of one another. So the actual cost of developing this was minimal, and I think it's resulted in a significant savings and efficiencies in our system.

Mr. McCall: — Thanks for that answer. Care to put a dollar figure on that, Mr. Deputy Minister?

Mr. Hilton: — I think there's too many things that go into impacting the operation of an organization as large as ours, so it's difficult for me to put a figure on it. But this code, together with a number of other initiatives that the ministry has taken, has saved in attendance management and in overtime, off the top of my head, probably 5 or \$6 million over the last couple of years.

Mr. McCall: — Okay. Thanks for the answer. I guess broadly speaking, is there a dollar figure attached to the implementation of Bill 16 as a whole that the ministry is anticipating?

Hon. Mr. Huyghebaert: — We don't think there's much cost, Mr. Chair, to the implementation of this. And like the deputy pointed out, there's been significant savings we've realized already with the code of conduct, etc., the overtime management, and the attendance management.

But a cost that will be realized if you're looking at a specific separate cost, an appeal adjudicator will be approximately 48,000 annually. And this is based on Alberta's correctional system which is about three times our size, and that's based on hearing appeals relating to all discipline decisions. And our appeal adjudicator system will be limited to hearing only appeals related to remission forfeiture. So we anticipate our costs will be approximately 20 per cent of Alberta's budget. But that's the only cost, specific cost that I could think of related

specifically to Bill 16.

[15:45]

Mr. McCall: — I thank the minister for the answer. In terms of the implementation plan overall, what kind of staff time requirement is anticipated? When is full implementation expected to be accomplished for the changes in the legislation?

Ms. Kirkland: — So in specific regard to the Bill, the initial training will be quite minor. It'll be more just of an awareness, an education, because the real impact in changes for staff will come through the regulations which we are currently working on. So once the regulations are in place, that will be when we will do the bulk of the training with staff. And we will of course, as much as possible, use current training times and practices for that. But that's where the big training will come. It'll be in the regulations, so how they apply the changes.

Mr. McCall: — So there isn't additional training time being anticipated for this. It's going to be part of the standard training time requirements which, if memory serves, in corrections are fairly significant.

Ms. Kirkland: — I expect we will have to do some additional training time, but we will utilize those processes as much as possible. Yes.

Mr. McCall: — Okay. In terms of the code of conduct, what's the minister or officials' thought on how it's impacted on things like . . . I think overtime at different times in the past has been a fairly pressing issue for the correctional system in Saskatchewan. Has the code of conduct impacted specifically on the question of excessive overtime or what might be characterized as excessive use of overtime, or is it just . . . Is that attributable to the code of conduct being implemented or is that perhaps more a function of additional staffing being brought on stream?

Hon. Mr. Huyghebaert: — Well I would ask one of the officials to probably expand on my views, but mine is more anecdotal that I have seen and I would say it has had quite an impact.

As you are probably aware, there's been a number of changes within our system that we in CPSP [Corrections, Public Safety and Policing] have done. Specifically the deputy has come forward with a number of initiatives that we have implemented over the last . . . You may remember the 16-hour shift issue, etc. That has changed. The unlimited shift trading in the IOU book has changed. And I think some of that now relates to the professional conduct.

So from an anecdotal point of view I have seen a significant change because there have been changes that cause changes, if you wish, all for the better as far as I see it from my office. I've seen very, very positive changes. I've seen very positive attitude changes within the system. So whether that's directly related to the code of conduct, I would say that's definitely a part of it. I would say it's a big part of some of the other changes that we've made within the system.

Relating it to one specific, I've seen a change in the system

since we've implemented no-contact visiting because of security for workers, security for inmates. I've seen attitude changes in the system even because of the telephone monitoring, because now everybody knows the capability is there, so there's less chances of inmates running illegal activities through the telephone system. So I think that makes it safer for our correctional workers, and I think they see this, and this is why I personally see a change in attitude when I visit some of the facilities.

So there's been a number of changes that have happened. Putting security cameras that really cover the whole facility, that makes it a lot safer for our workers. And if you're a lot safer, you feel more comfortable, so you've got an attitude change. So I've seen the initiatives that we have implemented over the last few years. I've seen some great changes.

Now specifically to the code of conduct, I think it all fits in to one of the big pictures. Do you want to add anything to that?

Mr. Hilton: — Well without putting too fine a point on it, I think the code of conduct has had a significant impact on the culture of the ministry I think inasmuch as it allows employees and the employer to have a clear understanding of what expectations are. Perhaps even more importantly, it clarifies for employees what they should expect of each other. And I think that that has had a very positive influence across the board.

Mr. McCall: — And again, I appreciate that each of these changes will exact certain attitudinal changes, and there's sort of a ripple effect that can be quite beneficial. But alongside it there's been something of an increase in staffing that's related to, that's related directly to the way that overtime had been an excessive part of the correctional system.

So again in terms of what this is directly attributable to . . . and I don't dispute what the minister's saying around the other practices that have been addressed through policy over the past few years. But again I'm interested in the notion that the code of conduct is directly attributable to millions of dollars in savings on the part of the ministry. And is that precisely accurate? Is that an accurate statement? Or, you know, is there a question of, you know, there's a reduced payout of overtime because staffing complement has gone up and the basic driver for that overtime in terms of staff shortages has been addressed?

Hon. Mr. Huyghebaert: — If you want to talk specifically about overtime I think that the change that we've made, and directly related to the code of conduct, I could not sit here and tell you that the code of conduct has caused this many dollars of saving. I mean that would be foolish to even hint that because it's more of a global aspect. All of these things have helped when you've got an attitude change within a system. It all adds up. It all has an effect.

By changing the 16-hour shifts, for an example, I would say that had a huge impact on overtime. Now we've reduced overtime in the tunes of millions of dollars and the deputy said something in the neighbourhood of \$5 million in overtime savings and leave management, holiday management. I don't know. I think that's what you said, was about 5 million?

Mr. Hilton: — Yes, I mean . . .

Hon. Mr. Huyghebaert: — It's not precise.

Mr. Hilton: — I wouldn't put a specific figure on the actual impact that the code of conduct has had in terms of its contribution to overtime savings or improvements in attendance management. What I would say is that it is one element, among other elements, that have contributed to a change in culture and a change in the way we do our business, and the result of all of that has been some significant savings, both from an overtime perspective as well as from an attendance management perspective. I would also say that as part of *The Road Ahead* there were additional investments made in staff and additional staff were hired and changes were made in organizational structure and all kinds of other things. All of that would have made contributions as well.

Mr. McCall: — In terms of the information, the human resources information that is tracked by the ministry . . . And certainly I guess I'm coming at this question from the perspective that corrections work is hugely demanding and can lend itself to burnouts pretty quickly and people going off on short- and long-term disability. And again as best you can, I think it's incumbent on the ministry to manage the human resources as thoughtfully and effectively as you can. And I'm not saying that you're not doing that.

But I'm interested in knowing what, as these different changes have been brought in, is there still, what's the pattern been with people going off on short- or long-term disabilities? Is that sort of flatlining or is that in decline? Or is there still . . . Or is there an increase evident in the way that that is evidence of burnout in the system arguably.

Mr. Hilton: — I want to be careful here because I don't have specific HR [human resources] numbers. But the deputy's impression is that things are actually improving, that there seems to be less angst. And the number of issues that are brought to my attention arising from staff burnout and other related matters that go along with the very difficult work of corrections seems to be on the decline. And certainly the number of incidences that are reported to me going on in our institutions have dramatically declined. I can't remember the last time I had a serious incident. I don't say that too loud because I don't want to knock on wood, but I think generally it's been pretty positive, directionally speaking.

Mr. McCall: — Sorry. I thought that the discussion amongst the minister and the officials was leading to further information being brought forward. Feel free to add.

Ms. Kirkland: — I was just going to make the comment to your question about staffing and resources. One of the very specific things that the ministry did do around overtime and that issue around people working too many hours and what that does to folks is developed what we call float pools. So we took new positions that we were given or took perm part-time positions and made them permanent float pool positions. So if somebody calls in sick, you've got someone that's already there to cover that and you're minimizing having to call people in on overtime. And that has assisted us. I'm sure that's been a part of the contribution to the reduction in overtime. It's also helped to reduce the amount of overtime any individuals are having to work which, as you say, can lead to issues for them personally.

Mr. McCall: — To the minister and officials, I guess what's the next sort of check-in point on the, you know, bringing forward regulations, I guess, post-passage of the Bill? What process of monitoring the measures in the Bill is going to be in place to see what's working, what's not? What sort of internal review will be ongoing on the part of the ministry?

Hon. Mr. Huyghebaert: — Mr. Chair, we anticipate the regulations will be done by this fall and be implemented by this fall. But as far as the accountability, a point to bring to you is that every policy has an audit component to it in the regulations, every one of them. So every one will be monitored and audited, and that's when the Bill becomes fully in effect this fall.

[16:00]

Mr. McCall: — I thank the minister and officials for the discussion of Bill 16, and at this point I have no further questions. So, Mr. Chair, if you're ready to proceed on this piece of legislation.

The Chair: — Thank you, Mr. McCall. Thank you, Mr. Huyghebaert, and your officials. Are there any other comments regarding Bill No. 16, *The Correctional Services Act, 2011*? Seeing none, we will proceed with the voting on the clauses. Committee members, this Bill has 122 clauses. Is leave granted to review portions of the Bill by parts?

Some Hon. Members: — Agreed.

The Chair: — Carried. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 83 inclusive agreed to.]

Clause 84

The Chair: — Part 10, clause 84. I recognize Mr. Stewart.

Mr. Stewart: — Thank you, Mr. Chair. I move to:

Amend Clause 84 of the printed Bill by adding the following subsections after subsection (2):

“(3) The head of corrections may establish a program for the purposes of assessing the risk of an offender other than an inmate to reoffend and providing appropriate services and programs to:

(a) support offenders in developing accountability for their own actions and in being rehabilitated and reintegrated into the community; and

(b) prevent and reduce offending behaviour.

“(4) For the purposes of the program mentioned in subsection (3):

(a) subject to the regulations, the head of corrections may conduct and administer assessments of offenders other than inmates; and

(b) subsection 27(3) applies, with any necessary modification, to the program”.

The Chair: — Thank you, Mr. Stewart. Mr. Stewart has moved an amendment to clause 84. Do committee members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — Carried. Is clause 84 as amended agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 84 as amended agreed to.]

[Clauses 85 to 114 inclusive agreed to.]

Clause 115

The Chair: — Part 14, clause 115. I recognize Mr. Stewart.

Mr. Stewart: — Thank you, Mr. Chair. I move to:

Amend Clause 115 of the printed Bill by striking out clause (1)(i) and substituting the following:

“(i) for the purposes of sections 27 and 84, respecting the assessment procedures used for the purposes of assessing an offender's risk to reoffend and providing appropriate services and programs to support offenders”.

The Chair: — Thank you, Mr. Stewart. Mr. Stewart has moved an amendment to clause 115. Do committee members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — That is carried. Is clause 115 as amended agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 115 as amended agreed to.]

[Clauses 116 to 122 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 16, *The Correctional Services Act, 2011*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 16, *The Correctional Services Act, 2011* with amendment.

Mr. Steinley: — I so move.

The Chair: — Mr. Steinley. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That is carried. Thank you, committee members.

Bill No. 15 — *The Uniform Building and Accessibility Standards Amendment Act, 2011*

Clause 1

The Chair: — We will now consider Bill No. 15, *The Uniform Building and Accessibility Standards Amendment Act, 2011*. Mr. Minister, we will start with clause 1, the short title. If you have opening remarks, you may proceed.

Hon. Mr. Huyghebaert: — Thank you, Mr. Chair. And I'd like to thank my officials that helped us with Bill 16, and we are going to have a couple of officials come to the front here. To my left is Bill Hawkins, who is the chief building official in building standard, and to my right is Karen Lautsch, who is the assistant deputy minister of corporate services and public safety. And Deputy Al is still with us. And I do have some comments. This is a very small amendment, so I'll be fairly brief in my comments here.

The Uniform Building and Accessibility Standards Act, the UBAS Act, adopts the National Building Code of Canada as the minimum standard for construction, renovations, additions, and change in use or occupancy of buildings in Saskatchewan. I should mention, however, that UBAS does not apply to First Nations communities.

The UBAS Act exempts farm buildings, including houses, from being required to meet these building standards. At the time it was thought that applying the National Building Code to farm buildings would be an added burden to the farm community. After consulting with SARM [Saskatchewan Association of Rural Municipalities] and hearing from many in the farming community, it was clear that this thinking had changed and those in rural Saskatchewan now welcome building standards.

Currently there are provisions in the UBAS Act that allow rural municipalities that apply building standards to farm buildings. The rural municipality must pass solution and request a regulation change under the current legislation. This regulation change requires cabinet approval through an order in council. Since 1990, 20 rural municipalities have been granted the regulation change.

By adopting the proposed legislative amendment, the National Building Code can be applied to all buildings including farm buildings if the rural municipality passes a bylaw. This amendment makes the process less onerous on government and the farming community by removing the need for government to pass a regulation through order in council and ensures that

the building code can be applied consistently across the province.

This amendment also extends this ability to all municipalities, not just rural ones. This will allow cities and towns with farm buildings in their jurisdiction to enforce building standards on these buildings if they so choose. So I guess it's a permissive amendment where, rather than the formal process of going through an order in council which has been granted at everyone that's asked, this gives the approval to do it without having to come through order in council. So it's a very permissive amendment.

Is there any questions, Mr. Chair?

The Chair: — Thank you, Minister Huyghebaert. We'll open the floor for questions. Mr. McCall.

Mr. McCall: — Thanks very much, Mr. Chair, Mr. Minister, new round of officials. I think I'd be remiss in consideration of this legislation before the committee if I didn't ask chief building official Hawkins whether or not he thought it was on the level.

Mr. Hawkins: — I beg your pardon?

Mr. McCall: — Mr. Hawkins, by your expert judgment, do you find this piece of legislation to be on the level?

Mr. Hawkins: — I do. In regards to extending autonomy to municipalities, that continued autonomy to making their decision making easier for them so that they can effectively continue to do the same things that they've done in the past, I do find this to be an amendment to the Act that suits the needs of the rural community and the residents they serve.

Mr. McCall: — Thank you for that answer, Mr. Hawkins. Is there any cost anticipated in this legislative measure, Mr. Minister, or officials?

Mr. Hawkins: — Very little cost. Only the cost associated with the actual building permit fee that they would receive services for, both in plan review and the inspection of construction.

Mr. McCall: — Well I guess, Mr. Chair, that would conclude the opposition's questioning of this piece of legislation. And I think we're ready to proceed to that thing you do.

The Chair: — Thank you Mr. McCall, Mr. Minister, and your officials. Is there any other comments in regarding to Bill No. 15, *The Uniform Building and Accessibility Standards Amendment Act, 2011*? Seeing none, we will proceed with the voting on this Bill. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 6 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent

of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 15, *The Uniform Building and Accessibility Standards Amendment Act, 2011*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 15, *The Uniform Building and Accessibility Standards Amendment Act, 2011* without amendment. Mr. Phillips.

Mr. Phillips: — I so move.

The Chair: — Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you very much. That concludes the agenda for this afternoon from this committee. Minister Huyghebaert, do you have any closing remarks?

Hon. Mr. Huyghebaert: — I do, Mr. Chair. I'd just like to thank my officials again to be here for both of these Bills. I'd like to thank the committee. I'd like to thank Mr. McCall for his questions, but really I'd like to thank the committee for being here to approve these Bills. Thank you.

The Chair: — Thank you again to you, Minister Huyghebaert, and to your officials. I would ask a member to move a motion of adjournment. Mr. Tochor. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That is carried. This meeting's adjourned. This committee's adjourned until tomorrow, May the 10th, 2012, at 1:30 p.m.

[The committee adjourned at 16:14.]