



October 24, 2019

Standing Committee on Public Accounts
c/o Trent Wotherspoon, Chair
Room 7 - 2405 Legislative Drive
REGINA SK S4S 0B3

(Via Email)

Dear Chair Wotherspoon:

RE: Ministry of Justice and Attorney General Public Accounts Committee Appearance of September 26, 2019

At our appearance at the Public Accounts Committee meeting, our ministry received several questions which we were unable to provide an answer. At that time, we undertook to provide a response to the Committee that addressed the questions. What follows below are the responses to questions.

I understand you will provide this information to the other members of the Committee.

Question:

1. Ms. Mowat: — So just looking at the financial overview on page 55 of chapter 8, there's a note about the total revenues of 96.2 million. And this was for 2016-2017, which included revenues that come from fines and fees. And I see that in 2017-2018 that total was 103.8 million. Do we have a figure for 2018-2019?

Response:

Please find the following information which is disclosed in the Ministry of Justice 2018-19 Annual Report (available online):

2018-19 Financial Results – Revenues

The justice system collects revenues related to the fines, licenses and service fees on behalf of the Government and receives funding from the federal government related to Legal Aid, municipal policing and other cost-shared programs. The following table outlines information on actual and budgeted revenues by revenue description. Explanations are provided for all variances greater than \$500,000. All amounts are shown in \$000s.

Description	Revenue Budget	Actual Revenue	Variance	Notes
Fines, Forfeits and Penalties	\$ 27,329	\$ 20,402	\$ (6,927)	1
Sales, Services and Service Fees	13,815	17,683	3,867	2
Federal/Provincial Agreements	14,384	17,944	3,560	3
Municipal Agreements	18,662	20,868	2,206	4
Proceeds from Other Funds	27,194	29,728	2,534	5
Other Miscellaneous Revenue	1,423	2,937	1,514	6
Ministry Revenue	\$ 102,807	\$ 109,561	\$ 6,754	

Explanation of Major Variances:

1. Less than anticipated fine revenue from traffic safety initiatives and other court fines.
2. Higher than anticipated revenue from the Public Trustee, Surrogate Courts, Local Registrars, and Sheriffs.
3. Increased revenue from the federal government, including agreements for the Exchange of Services, young offender programming, and drug-impaired driver detection training.
4. Higher than anticipated revenues from policing programs.
5. Dividend from FCAA higher than estimated.
6. More prior year adjustments required than anticipated.

Question:

2. Ms. Mowat: — So because the total revenue has increased, was there also a corresponding increase in fees? And if so, when did those increase?

Mr. Wilby: — Thanks for the question. Again there have been some recent increases in court fees. In particular, in July of 2018 we increased fees associated with the Provincial Court. In February of 2019 we made some further increases to fees associated with Queen's Bench and Court of Appeal. These revenue numbers can change for a variety of reasons of course, some associated with fees. Some may be associated with revenues and other pieces that are coming through as well.

Ms. Mowat: — In this case did those court fees lead to additional revenues? Do you have a sense of what the additional revenue would have been because of those increases? It would be great to just see a breakdown of the revenue so we can get a sense of what percentage of that is based on increased fees.

Response:**COURT SERVICES 2018-19 REVENUE
FINAL**

DESCRIPTION	2015-16 ACTUALS	2016-17 ACTUALS	2017-18 ACTUALS	2018-19 ACTUALS
SMALL CLAIMS FEES	105,659	119,851	126,190	184,097
LOCAL REGISTRAR FEES	1,676,924	1,885,719	1,868,991	2,067,055
SHERIFFS' FEES	521,677	551,394	522,459	574,800
CD/FILE SEARCH/PHOTOCOPY/FAX	4,542	2,888	4,882	28,653
SUBTOTAL	2,308,802	2,559,852	2,522,523	2,854,605

July 1, 2018 Provincial Court fees increased; July 1, 2019 local registrar and sheriff's fees increased.

Question:

3. Ms. Mowat: — Moving on to chapter 10, on page 60, when we're looking at the major programs and spending, there is a note that in 2017-2018 the ministry received a special warrant of 10 million. Was there any special warrant funding in 2018-2019?

Mr. Wilby: — We did receive supplementary estimates in that year. In terms of a special warrant, we will confirm that for you. My recollection is the answer is no, but I don't want to say that definitively. We'll confirm that for sure so that we have an answer for you on that.

Ms. Mowat: — Okay. And you don't know the value of the supplementary estimates, though?

Mr. Wilby: — Off the top of my head, I don't have it.

Response:

As per the 2018-19 Supplementary Estimates – No. 1, the Ministry of Justice received \$897k in additional funding for increases in court services. As per the 2018-19 Supplementary Estimates – No. 2, the Ministry of Justice received \$1,000k in additional funding by special warrant for higher-than-budgeted utilization of coroner services.

Question:

4. Ms. Mowat: — Going into the chapter a little bit here, on page 277 it mentions the fact that there's an 18-month cap for the Jordan decision in Provincial Court. So a few years ago I know we asked written questions and three cases had been dismissed as a result of this decision. Is there an update on how many cases have been dismissed to date?

Mr. Wilby: — In terms of that question, we'll double-check with public prosecutions to get an answer for that. I know we were up to seven at one point but we will confirm that number for you to be sure.

Ms. Mowat: — It would also be good to know what the charges were in each of these cases.

Response:

By a rough count, the Saskatchewan courts have stayed nine criminal cases since *Jordan* came down. It's a rough count because our system cannot track for that, so we go by individual prosecutors reporting and any other means which bring instances to our attention. The charges in each of the cases were as follows:

1. Indecent Act
2. Impaired driving
3. (Youth Criminal Justice Act matter) Two counts of sexual assault
4. Failing to stop at the scene of an accident, obstruction, mischief, breach of undertaking (x3)
5. Impaired driving and driving over .08
6. Assault, assault with a weapon, unlawful confinement (appeal pending)
7. Impaired causing bodily harm, over .08 causing bodily harm, dangerous driving causing bodily harm, failing to stop at the scene of an accident (all x2)
8. Assault (x2) and breach
9. Sexual assault

Question:

5. Ms. Mowat: — So on page 55 when we're looking at the 2017-2018 financial results, there's quite a variance between the budget and actual for 2017-2018 in administration costs and bad debt, so there was around 1.9 million budgeted and the actual was about 3.5 million. Can you explain what explains the variance?

Mr. Wilby: — We believe that might be attributed to bad debt. We'll get the financial information for you and provide that back to you again as well.

Response:

Actual costs consist of \$932k of admin costs (\$892k budgeted) and \$2.6m of bad debts (\$1.0m budgeted) related to the Victims' Fund.

Sincerely,



J. Glen Gardner, Q.C.
Deputy Minister of Justice and
Deputy Attorney General

cc: The Honourable Don Morgan, Q.C., Minister of Justice and Attorney General
Dale Larsen, Deputy Minister of Corrections and Policing
Dave Tulloch, Assistant Deputy Minister, Corporate Services, Integrated Justice Services
Kim Leibel, Director, Audit Services, Integrated Justice Services