



**PROVINCE OF NEWFOUNDLAND AND LABRADOR  
HOUSE OF ASSEMBLY**

First Session  
Forty-Ninth General Assembly

---

**Proceedings of the Standing Committee on  
Social Services**

September 30, 2020 - Issue 6

Department of Justice and Public Safety

---

Published under the authority of the Speaker of the House of Assembly  
Honourable Scott Reid, MHA

## **SOCIAL SERVICES COMMITTEE**

Department of Justice and Public Safety

---

Chair: Perry Trimper, MHA

Vice-Chair: Helen Conway Ottenheimer, MHA

Members: James Dinn, MHA  
Carol Anne Haley, MHA  
Christopher Mitchelmore, MHA  
Craig Pardy, MHA  
Pam Parsons, MHA  
Sherry Gambin-Walsh, MHA

Clerk of the Committee: Kim Hawley George

---

Appearing:

### **Department of Justice and Public Safety**

Hon. Steve Crocker, MHA, Minister  
Danielle Barron, Director of Communications  
Chief Joe Boland, Royal Newfoundland Constabulary  
Kerry Chaytor, Executive Assistant  
Lesley Clarke, Media Relations Manager  
Andrew Green, Departmental Controller  
Thomas Hayward, Manager of Budgeting  
Tara Kelly, Assistant Deputy Minister, Public Safety and Emergency Services  
Chantelle MacDonald Newhook, Assistant Deputy Minister, Legal Services  
Jennifer Mercer, Deputy Minister and Deputy Attorney General  
Megan Nesbitt, Assistant Deputy Minister, Corrections and Community Services  
Shelley Organ, Chief Executive Officer, Court of Appeal and Supreme Court  
Lloyd Strickland, Director of Public Prosecutions  
Joanne Turner, Director of Court Services, Provincial Court  
Kendra Wright, Assistant Deputy Minister, Courts and Corporate Services

### **Also Present**

Derrick Bragg, MHA  
Alison Coffin, MHA, Leader of the Third Party  
Bernard Davis, MHA  
Megan Drodge, Researcher, Official Opposition Caucus  
Scott Fleming, Researcher, Third Party  
Paul Lane, MHA  
Brian Warr, MHA

The Committee met at 5:31 p.m. in the Assembly Chamber.

Pursuant to Standing Order 68, Bernard Davis, MHA for Virginia Waters - Pleasantville, substitutes for Pam Parsons, MHA for Harbour Grace - Port de Grave.

Pursuant to Standing Order 68, Derrick Bragg, MHA for Fogo Island - Cape Freels, substitutes for Christopher Mitchelmore, MHA for St. Barbe - L'Anse aux Meadows.

Pursuant to Standing Order 68, Brian Warr, MHA for Baie Verte - Green Bay, substitutes for Sherry Gambin-Walsh, MHA for Placentia - St. Mary's.

Pursuant to Standing Order 68, Alison Coffin, MHA for St. John's - Quidi Vidi, substitutes for Jim Dinn, MHA for St. John's Centre.

**CLERK (Hawley George):** Order, please!

Good evening, everybody. My name is Kim Hawley George; I'll be clerking the Committee tonight.

This is the Social Services Committee and the first matter of business for the Committee is the election of a Chair for the Committee.

Are there any nominations from the floor?

**AN HON. MEMBER:** I nominate Perry Trimper.

**CLERK:** You can use a personal name, yes. It's different in a Committee.

Are there any further nominations from the floor?

Are there any further nominations from the floor?

Mr. Perry Trimper has been elected or acclaimed as Chair of the Committee.

Mr. Trimper, could you come and take your place, please?

**CHAIR (Trimper):** My first order of business is to identify a Vice-Chair, so I will seek nominations from the room.

Do I have any nominations for a Vice-Chair?

Ideally, somebody from another political stripe.

**AN HON. MEMBER:** (Inaudible.)

**CHAIR:** It should be somebody from another political party.

**AN HON. MEMBER:** (Inaudible.)

**CHAIR:** I think somebody has identified ...

**AN HON. MEMBER:** (Inaudible.)

**CHAIR:** Okay.

Any further nominations?

Any further nominations?

Seeing none, I would like to identify my Co-Chair, Ms. Conway Ottenheimer.

Thank you.

So now we will just get started.

We will start with some introductions.

**CLERK:** Yes, (inaudible).

**CHAIR:** Okay. All right.

Thank you, everyone. As this Estimates deals with Justice and Public Safety, I will turn it over to the minister responsible for 15 minutes of opening remarks, and perhaps introduce your team, Sir.

Over to you.

**MR. CROCKER:** Thank you, Mr. Chair.

I certainly won't take the 15 minutes.

Thank you for the opportunity this evening; it's always a pleasure. I think this is my sixth Estimates or seventh Estimates. My first time in Justice and Public Safety, so it's been a learning

experience for me as well, going through the Estimates of Justice after being just about five or six weeks in.

I will now actually turn it over and ask the group this evening, the great group from JPS that are here with me, if they could introduce themselves. If we can, we'll start way down to the end with a man that doesn't really need a whole lot of introduction, I don't think.

**MR. BOLAND:** Thank you, Minister.

Joseph Boland, Chief of Police for the Royal Newfoundland Constabulary.

**MS. KELLY:** Hi, Tara Kelly, ADM of Public Safety and Emergency Services.

**MS. NESBITT:** Megan Nesbitt, ADM, Corrections and Community Services.

**MR. CROCKER:** Again, Steve Crocker, Minister.

**MS. MERCER:** Good evening, Jennifer Mercer, Deputy Minister and Deputy Attorney General.

**MS. BARRON:** Danielle Barron, Director of Communications.

**MR. GREEN:** Andrew Green, Departmental Comptroller.

**MS. MACDONALD NEWHOOK:** Good evening, Chantelle MacDonald Newhook, ADM for Legal Services.

**MS. WRIGHT:** Good evening, Kendra Wright, ADM for Courts and Corporate Services.

**MR. STRICKLAND:** Evening, Lloyd Strickland, Director of Public Prosecutions.

**MS. CLARKE:** Lesley Clarke, Media Relations Manager.

**MS. ORGAN:** Good evening, Shelley Organ, Chief Executive Officer for the Court of Appeal and the Supreme Court.

**MS. TURNER:** Joanne Turner, Director of Court Services with Provincial Court.

**MR. HAYWARD:** Good evening, Thomas Hayward, Manager of Budgeting.

**MS. CHAYTOR:** Hi, good evening, Kerry Chaytor, Executive Assistant to the minister.

**CHAIR:** Okay. Thank you very much.

Perhaps, Minister, did you want to have some opening remarks?

**MR. CROCKER:** Yes, sure.

**CHAIR:** Do that first, and then I'll go to my right and we'll have introductions and some opening remarks from the Opposition.

**MR. CROCKER:** Okay. Thank you, Chair, and I thank the team here.

I won't take a whole pile of time, but throughout the evening I will certainly take the liberty to pass some questions on to the fine folks that are next to me here this evening.

Just as some quick overview: The Department of Justice has, approximately, a \$260 million budget. Some things this year that we will find throughout the Estimates: a \$1.5 million impact from the ground search and rescue inquiry; there has also been \$1 million set aside for the treatment, experiences and outcomes of Innu in the child protection system. We've also allocated \$200,000 this year for a review of the *Access to Information and Protection of Privacy Act*. As well, you will see some capital expenditure on the RNC fleet.

As of September 20 of this year, across the department we have 1,623 PCNs. Of that, 1,339 are full-time staff, 251 are temporary, 33 currently are 13-week hires and another 33 people are on contracts. These numbers do not include the Royal Canadian Mounted Police.

One of the common themes, I think you will notice this evening as we go through the process, is variation in salaries this year and that variation in salaries is due to the 27th pay period in this fiscal year. That will have a department-wide impact of some \$4.77 million.

I would also like to note that there are very little actual COVID impacts tonight when you look at

dollar figures throughout this budget. It's about a two-week impact of COVID, but I think what you will find, if you deviate into some more discussions around policy, which I'm more than willing to do, there will be some impacts to implementation of programs and other things due to COVID and impacts, obviously, on the court system and other parts of the department that are not reflected here in actual dollar figures but are reflected in other ways.

With that, I will certainly turn it back to you, Mr. Chair.

**CHAIR:** Thank you, Minister.

I'll now turn to the Opposition folks on my right. If they could, first of all, introduce themselves, then I'll look to representatives of the Opposition parties to have some remarks.

I'll start right here with my Vice-Chair.

**MS. CONWAY OTTENHEIMER:** Helen Conway Ottenheimer, MHA for Harbour Main.

**MS. DRODGE:** Megan Drodge, Researcher for the Official Opposition.

**CHAIR:** And over to the Leader of the Third Party.

**MS. COFFIN:** Alison Coffin, MHA for St. John's East - Quidi Vidi and Leader of the New Democratic Party.

**MR. FLEMING:** Scott Fleming, Assistant, employee of the Third Party.

**CHAIR:** Minister Bragg.

**MR. BRAGG:** Derrick Bragg, MHA for Fogo Island - Cape Freels; Minister of Transportation and Infrastructure.

**MR. WARR:** Hi, good evening. Brian Warr, MHA Baie Verte - Green Bay; Minister of Children, Seniors and Social Development.

**MR. DAVIS:** Bernie Davis, MHA for Virginia Waters - Pleasantville; Minister of Tourism, Culture, Arts and Recreation.

**MS. HALEY:** Carol Anne Haley, MHA Burin - Grand Bank.

**CHAIR:** Okay, thank you very much.

I still assume I can invite my Co-Chair to have some opening rights as representing the Official Opposition then turn to the Third Party.

**MS. CONWAY OTTENHEIMER:** Thank you.

I'm just going to make a brief comment and say, first of all, I'm very happy to be here. I see that we have a great contingent on government side and I feel that it would be a great evening in terms of the support and the information that we've received, so I'm looking forward to that. Other than that, I'm ready to go.

**CHAIR:** Okay, thank you.

Ms. Coffin, do you have some opening remarks before we get into – I'm going to go by subject headings all the way through.

**MS. COFFIN:** Very brief, because I know that we may be here for a few hours this evening, so I appreciate everyone coming.

Thank you so much for all the hard work that you do, I really appreciate that.

Please bear with us a little bit, I understand that some things have been moved around, so you might have to explain some of those things for us. But I understand that there are some really interesting new initiatives, I look forward to having a chat about that.

Thank you for your time and your service. I do appreciate you being here.

**CHAIR:** Okay. Well, thank you very much.

All right, we'll get started and we'll go heading by heading. I'd ask that for each person who's going to speak, for the purposes of the broadcast, if you just identify yourself and then proceed with a question or an answer.

So I'll turn to the Law Clerk and she's going to guide us through the sections. So we're starting with ...?

**CLERK:** 1.1.01 to 1.3.01.

**CHAIR:** Do you have any questions on those sections?

**MS. CONWAY OTTENHEIMER:** First of all, I understand that I have to say my name before each question, so I'm just going to, in terms of expediency, just say Helen, if that's okay?

**CHAIR:** Sure, okay.

Helen, you're up.

**MS. CONWAY OTTENHEIMER:** First of all, thank you for providing a copy of the briefing binder. We just received that and I'd like to thank the minister for that.

Is the attrition plan still being followed? These are some general questions I'd like to ask first.

**MR. CROCKER:** Yes, the attrition plan is being followed. The structure of the attrition plan has changed some, and for that, actually, I'm going to start the evening off by turning to a person who I'm sure I'm going to turn to a lot tonight, that would be our controller.

**MR. GREEN:** For attrition, we have different allocations in this fiscal year and next fiscal year. So we have to achieve \$242,500 this fiscal year and \$222,500 next fiscal for a total of seven positions.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

How many people are employed in the department?

**MR. CROCKER:** Right now, as I said in my opening remarks, I think it's roughly 1,600.

**MS. CONWAY OTTENHEIMER:** Sixteen hundred.

Okay, thank you.

**MR. CROCKER:** I can get you the exact number, Helen: 1,623.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

How many vacancies are not filled in the department?

**MR. GREEN:** As of today, there are 104 vacancies.

**MS. CONWAY OTTENHEIMER:** How many retirements have occurred in the last year?

**MR. GREEN:** Last year we had 35 retirements.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

**MR. GREEN:** So far this fiscal year we've had 19.

**MS. CONWAY OTTENHEIMER:** Thank you.

Have any positions been eliminated?

**MR. GREEN:** We eliminated two positions last year through attrition.

**MS. CONWAY OTTENHEIMER:** Thank you.

How many layoffs have occurred in the department in the last year?

**MR. GREEN:** None, to my knowledge.

**MS. CONWAY OTTENHEIMER:** Thank you.

In terms of new hires, how many have taken place in the last year?

**MR. GREEN:** I don't have that information, but we can provide that at a future date.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

**MR. CROCKER:** Just to add, the complexity of the new hires, because the new hires would be considered RNC and Corrections, so we can certainly provide that for you.

**MS. CONWAY OTTENHEIMER:** Thank you.

How many contractual and short-term employees are there in the department?

**MR. CROCKER:** Currently, there are 251 employees who are classified as temporary, 33 who are on 13-week hires and another 33 people who are on contracts. Again, these numbers do not include the Royal Canadian Mounted Police.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

I just have a couple of more general questions.

Did your department receive any funds from the COVID fund?

**MR. GREEN:** None, to my knowledge.

**MS. CONWAY OTTENHEIMER:** Thank you.

How has COVID impacted service delivery?

**MR. CROCKER:** Some of the challenges around COVID, you would've seen in the courts where we've had to close the courts and it would have impacted a lot of things. It impacted, I think, a number of the programs that we were developing and trying to spread across the province, and getting those programs actually implemented.

Chief Boland, maybe, if he would like to just give some indication of how it would have impacted his employees, because his employees would have been people who would not have really had the opportunity to change the way they work, and they would have done exceptional work.

So I don't know if Chief Boland would like to talk about how COVID would've impacted the force.

**MR. BOLAND:** COVID was interesting for us. In some cases it affected our service delivery. For instance, our counter service in all our detachments was closed, but it also gave us an opportunity to really move ahead with some technology, especially with online reporting. We were able to then use the information – we saw more people take advantage of reporting, especially the smaller offences, online. And it

gave us an opportunity for intelligence to be able to attack that.

So it did have – certainly, we're a young police service. I think we're the youngest police service in Canada. A lot of our officers have small children, and when you go back to the start of COVID there was a lot of unknown and fear amongst some of the young parents. So we did our best to try to accommodate that, and I think we fared fairly well.

**MS. CONWAY OTTENHEIMER:** Thank you.

**MR. CROCKER:** Helen, I don't know if there are other divisions that – like prison, like adult corrections. Megan could probably address some COVID changes and the courts, maybe?

**MS. CONWAY OTTENHEIMER:** The court system, if possible.

**MR. CROCKER:** Yeah, sure. If you don't mind they can, yes.

**MS. CONWAY OTTENHEIMER:** Yes, I'd appreciate that.

Thank you.

**MR. CROCKER:** Do you want to go, Megan, and talk about corrections?

**MS. NESBITT:** From a corrections perspective, the same as policing, we go 24-7 operation. It certainly changed the way that we work in terms of PPE and various things that we had to implement within our institutions, the safe work procedures. (Inaudible) we were able to react very quickly to all of this.

We did see in the initial stages of the pandemic a reduction in the number of inmates within our institutions, for a number of reasons. Some temporary absences were issued where possible and where offenders were eligible. Of course, the closure of the courts and the cases not going through had impacted the numbers within corrections as well. We had worked very quickly to get the required personal protective equipment and whatnot in place and ensure that we had what we needed to be able to keep our

inmate population and our staff safe throughout a global pandemic.

**MS. CONWAY OTTENHEIMER:** Great, thank you.

**MR. CROCKER:** Lloyd, do you want to address the prosecution side of impacts from COVID?

**MR. STRICKLAND:** Sure. Our operations are conducted in court, so our appearances were contingent upon what the court was willing to do and when they were willing to do it. Obviously, much of that early on was conducted online and by telephone. So we had to follow the court's directions in terms of our operations, and we co-operated to the extent we could.

**MR. CROCKER:** Thanks, Lloyd.

Shelley, maybe, for court impacts.

**MS. ORGAN:** (Inaudible) just noted that the courts, the first couple of months after COVID began, so April and May our operations were cut by a great deal. We did hear emergency and urgent matters. They included criminal and family matters, as a priority.

As we learned and purchased PPE and moved things around in our courthouses and determined how many people could actually sit in a courtroom safely and in our courthouses, we began to open up our operations gradually. We are fully operational now. We do have some courtrooms that we can't operate due to the size of the courtrooms and for safety reasons, for physical distancing.

I'm sure everybody is aware that our jury trials in St. John's, we've been holding those at the School for the Deaf. That's working out quite well. Our first jury trial, operationally, went very well. We conducted jury selection there, it went very smooth, and we're about to have another jury trial start up there in two weeks.

In our outside courthouses, they do have bigger facilities. They're fairly newer courthouses as opposed to the St. John's courthouse. We are attempting to hold our jury selections and jury trials within the courthouses, and that means using several courtrooms for the selection and

some broadcasting capabilities there will be utilized.

We do have two jury trials coming up in October – besides St. John's, of course – one in Grand Falls-Windsor and one in Corner Brook. We've made arrangements to do both of those within the courthouses. One of our jury selections in Grand Falls-Windsor, for instance, will be held on a Saturday to accommodate that.

I don't know if there are any questions but I think those are the highlights.

**CHAIR:** Thank you.

Any further questions?

**MS. CONWAY OTTENHEIMER:** Would you say that COVID has resulted in the budget of the court having to be increased?

**MS. ORGAN:** It's hard to say right now. I do know we have spent a fair bit of money on PPE and sanitizing supplies and that type of thing, just to make sure that the people coming into our courthouses – as you know, most times they don't have a choice; you have to come to court. We want them to feel safe, so we have made some arrangements – for instance, School for the Deaf.

I don't think it's going to be significant and I don't think right now that if things go the way they are, that our Purchased Services or our Supplies or Property, Furnishings and Equipment will be exceeded from what we are allotted.

**CHAIR:** Andrew.

**MR. GREEN:** With respect to all PPE purchases across the department, we're assessing what we had to buy versus any savings that we would have achieved through shutdown. We're monitoring that. It's very fluid at this stage, but right now we feel that our budget savings are going to offset our PPE expenditures.

**CHAIR:** Okay. I guess in fairness, I should be turning to Ms. Coffin. We'll go back and forth. I apologize for that. First time as a Chair.



**MS. COFFIN:** Fine job as a first time as a Chair. I think they get 10 and then we get 10?

**CHAIR:** Yes.

**MS. COFFIN:** I did notice there is a bit of an absence. I think the Member for Mount Pearl - Southlands was going to attend as well. I'm not sure if he realizes it was a 5:30 or a 6 o'clock. Just so you know.

**CHAIR:** He's not a Member of the Committee.

**MS. COFFIN:** Oh, my bad. He would have to have leave.

Okay, so I'm eating up my 10 minutes now, aren't I? But that's okay.

My first question is a general question. I assume this budget is built on a zero-based budget?

**MR. CROCKER:** Yes.

**MS. COFFIN:** Were there any cost savings achieved this year, overall? Was there an overall cost savings?

**MR. GREEN:** Our budget was –

**MS. COFFIN:** I'm thinking you're going to be answering a lot of the questions, Sir.

**MR. GREEN:** Yes.

There were no real cost savings. We were pretty flat in terms of our budget from year to year. The only differences would have been what Minister Crocker addressed earlier, which were the two inquiry funds and the ATIPPA review.

**MS. COFFIN:** Okay. So those are the two news ones.

I'm noticing now that there's – well, I guess if it's kind of flat and we've added a couple of things in, what went away? Let's start with that.

**MR. GREEN:** There were no changes from last year to this year. The only real change is that we took in the Fire and Emergency Services, Newfoundland division. That increased our budget.

**MS. COFFIN:** Right. We will get there. I have some questions on that.

Thank you.

**MR. CROCKER:** I guess if I could just add, a lot of that, where it's just moving in, it would be reflected in the book but it's so new in the division I wouldn't put Andrew too much on the spot on it.

**MS. COFFIN:** That's fair, but I think that came out of Transportation and Infrastructure?

**MR. CROCKER:** No, it came out of MAE.

**MS. COFFIN:** Oh, okay. All right, so you wouldn't have that from a past life?

**MR. CROCKER:** No, I wouldn't. No.

**MS. COFFIN:** However, I guess one of the other questions I'd like to ask is: Has any of the capital cost – and I'm assuming most of the capital cost associated with the previous budget and the previous iteration of this department, has that all been moved to Transportation and Infrastructure?

**MR. GREEN:** So all capital expenditures have been moved to Transportation and Infrastructure, with the exception of our RNC vehicles. We have a capital allocation for the replacement of RNC patrol vehicles, and now with Fire and Emergency Services, we have a capital allocation for fire trucks.

**MS. COFFIN:** Okay. So the provisions for the new penitentiary would fall under that infrastructure?

**MR. CROCKER:** Yeah, the new penitentiary would – we'd be involved in the process. Obviously, members of the steering committee would certainly come from Justice and different aspects, too, because I know we are incorporating some correction officers into the steering committee on that so that we are actually getting front-line concerns addressed in the design of the new build.

I think on Monday morning you will get the opportunity to spend some time with my

colleague behind you and he can answer all of the prison questions.

**MS. COFFIN:** Wonderful. I do believe Labrador West will be having a conversation, extended I'd imagine, with you and I may sit in on that for a bit of fun because I do believe those are P3s.

Okay, so that's a good place to start. Are there costs associated with the set-up of the steering committee that are captured in the Current Account?

**MR. CROCKER:** It would all rest in Transportation and Infrastructure at this point in time. I guess it's similar to somebody building you a house that's turnkey.

**MS. COFFIN:** Yup.

**MR. CROCKER:** It will be theirs until they give us the key.

**MS. COFFIN:** Well, technically, I think until we pay the last payment in 35 years.

**MR. CROCKER:** Valid. Just like my house.

**MS. COFFIN:** Okay, as long as we know what we're getting into. I hope it's not like easyhome financial.

Okay, let's have a chat now. I know we've noted this and I think, perhaps, we've already found an answer, but for the record let's have a little chat about the budget highlighted contributions to the provincial government to maintenance and expansion of the Family Violence Intervention Court and the Drug Treatment Court. The spending was down by approximately \$700,000. Can you provide an explanation for why that might be the case?

**MR. CROCKER:** Yeah, I can. I'll give the high-level one and I guess if you want to go deeper we can go to officials.

Family Violence and Drug Treatment are two of the things that would have been impacted by COVID because it's about outreach. I think one of the larger challenges that we're facing with the expansion of both of those – outside of the larger urban areas in the province – is actually

the wraparound services, because it's easy to bring the Drug Treatment Court or the Family Violence Court outside the city, but you also need one-on-one counselling.

The John Howard Society is a great partner of ours when it comes to – I think it's primarily, well both, I guess, correct Jen – they're here in the city. The Drug Treatment Court and the Family Violence Court are working, but they do become more challenging as we go out. These are two that would have definitely been impacted this year by COVID over the last seven months with the expansion because, obviously, keeping what we have going over the last seven months has been challenging, let alone trying to expand.

**MS. COFFIN:** I guess kind of jumping off from that, I notice that 1.2.02 provides for the policy, planning and operational activities. So this is all our expenditures in the Family Violence Court and the Drug Treatment Court, is that it or are there others captured elsewhere?

**MR. CROCKER:** 1.2.02.

**MS. COFFIN:** 1.2.02, yes. That's under general administration.

**MR. GREEN:** So that would be the Finance and General Operations division, policy and planning and then we have some block funding for Family Violence Intervention Court, block funding for Drug Treatment Court and we have block funding for Guns and Gangs initiative.

**MS. COFFIN:** We're giving them guns and gangs?

**MR. GREEN:** That's just a federal program and the block funding sits in this division.

**MS. COFFIN:** So where does that sit, the block funding? I'm sorry –

**MR. GREEN:** Those blocks sit in Salaries.

**MS. COFFIN:** Oh, okay, that's interesting. So if I was to look, where would I find that?

**MR. GREEN:** 1.2.02.

**MS. COFFIN:** Okay that's it; \$1.8 million is our total spending on that?

**MR. GREEN:** That's our budget; our expected spend in those areas.

**MS. COFFIN:** Okay.

Excellent segue into my next question. Given COVID, in particular, but also because we are in perhaps one of the most significant recessions that we will ever be in – let's hope this is it – one thing that we are going to see an increase in this time is family violence and intimate partner violence and drug use. What I am hearing on the street is that the drugs that are coming in are horribly cut and far more dangerous. That tells me that we are going to have a greater need for both of these things.

Can we expect to see an increase in these budgets?

**MR. CROCKER:** I guess that would really depend on what we see coming through the court system and the opportunities to do this, because, really, if you think about the Drug Treatment Court, I think of the drug challenge, I think it would depend on the seriousness and it would depend on the willingness of the people involved. This becomes people of organized crime, I think – and I'm really gone out of my league now, Chief, but some of the challenges, you're absolutely correct.

We saw a seizure last week in Hare Bay, a rural community of 900 people, \$1.4 million worth of cocaine.

**MS. COFFIN:** That's where you hide.

**MR. CROCKER:** Absolutely. There will be ramifications, I think, flow through the system. I don't know if anybody can address that. Chief, if you want to talk about what you're seeing, to the extent you can, obviously.

**MR. BOLAND:** Yes. I think, to your point, we're definitely seeing an increase in the amount of drugs that are coming by all kinds of means, whether they're coming by the ferries, through Port aux Basques or they're coming through terminals like Oceanex or they're coming through UPS or Canada Post. We're definitely

seeing the impact of a downturn in the economy and we're seeing the violence, as well, that has come with it. That goes to intimate partner violence, domestic violence, home invasions, armed robberies, you name it, across the board.

It also gives us an opportunity as an organization to look at the level of crime that we have, the types of crime and then can we reallocate the resources that we have to address that level of crime. It certainly is a concern and it's a high priority for us.

**MS. COFFIN:** I'd like to see more dollars in prevention than an expectation that we reprofile dollars, that I imagine we are using for very good reason, into addressing some emerging issues.

**MR. BOLAND:** Andrew, you might be able to speak a little bit more about the Guns and Gangs money, but even as that money comes in, there are opportunities there for us to be able to take some of that money and shift it into areas of concern, as we see the types of crimes that we're seeing on our streets today versus even a year ago.

**MS. COFFIN:** Okay. Thank you.

**MS. WRIGHT:** Can I just add something just with respect to the drug treatment program (inaudible). The drug treatment program, the way it works is that (inaudible) charged with the crime, but only certain crimes actually qualify for the program. I just wanted to clarify that.

**MS. COFFIN:** Appreciate that, thank you.

**MS. WRIGHT:** (Inaudible) with Chief Boland and some very significant crimes that may occur. If you are receiving money, like, for example, trafficking, that wouldn't fall under the drug treatment program.

For example, the drug treatment program is all about trying to get at the underlying issue of drug addictions. People do a lot of petty crimes, which fuels their drug addiction. That's the nature of the program with respect to drug treatment. Maybe a shed or just petty theft. I don't want to diminish the program by any means.

**MS. COFFIN:** I understand.

**MS. WRIGHT:** But very much so, it depends upon the offence and whether or not it qualifies for the drug treatment program.

**MS. COFFIN:** Right.

Okay, thank you.

**CHAIR:** Okay. Thank you, Ms. Coffin, your time is expired for this.

I'll turn back to Ms. Conway Ottenheimer to continue.

**MS. CONWAY OTTENHEIMER:** One final general question before I go to the subheading of Minister's Office.

In the budget document, \$508,000 was budgeted for a reintroduction of the electronic monitoring program.

**MR. CROCKER:** Right.

**MS. CONWAY OTTENHEIMER:** Can you please provide details on that?

**MR. CROCKER:** The electronic monitoring program was brought back I think last year. I think we have a contract now for 33 –

**OFFICIAL:** Thirty of the 50.

**MR. CROCKER:** – 30 of the 50 units. There are currently three in service as of yesterday.

One of the challenges we have around that was developing COVID protocols, and obviously the downturn in the court system and less people being convicted and people who actually can take advantage of this. I think it's something that will ramp up now rather quickly as the courts have reopened and we can find people that are suitable for this type of monitoring. It has many advantages and it's something that we're certainly looking forward to using.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under 1.1.01, Minister's Office, under Salaries, can the minister explain why salaries are forecasted to increase by \$9,100 in 2021?

**MR. CROCKER:** The increase on that would be primarily related to the 27th pay period.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

How many support staff are in the minister's office?

**MR. CROCKER:** Political support staff?

**MS. CONWAY OTTENHEIMER:** Yes.

**MR. CROCKER:** One.

**MS. CONWAY OTTENHEIMER:** Okay. And otherwise?

**MR. CROCKER:** One.

**MS. CONWAY OTTENHEIMER:** Has there –?

**MR. CROCKER:** Two; one political and one public service.

**MS. CONWAY OTTENHEIMER:** Public service.

**MR. CROCKER:** Yeah.

**MS. CONWAY OTTENHEIMER:** Okay.

Has there been an increase or reduction in support staff over the past year?

**MR. CROCKER:** I think it would've gone unchanged. Yeah.

**MS. CONWAY OTTENHEIMER:** Thank you.

Under 1.2.01, Executive Support, specifically Salaries, looking at fiscal '19-'20, there's an increase from the budgeted amount of \$1,054,400 to \$1,177,398. Can the minister please explain why this occurred?

**MR. CROCKER:** That variation is due to backfilling of an ADM position. The previous ADM is on extended leave.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under 1.2.02, Administrative and Policy Support, under Salaries, can you explain the variance in the salaries here?

**MR. CROCKER:** The \$700,000 variance?

**MS. CONWAY OTTENHEIMER:** Yes.

**MR. CROCKER:** That would have been due to the delay in the implementation of the Family Violence Court, would have accounted for about \$390,000 of that. Originally, when the Democratic Reform Committee was a creature of government and not of the House, there was \$250,000 budgeted for staffing of the Democratic Reform Committee. There were \$90,000 incurred in that, and that money and the information has been transferred to the House, correct? It has been transferred to the House of Assembly.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Last year, there was \$1,783,200 budgeted; however, only \$1,082,545 was spent, a difference of approximately \$700,000. Then we see in 2020-21, the budget is increased to \$1,871,500. Why the variance there?

**MR. CROCKER:** That would be based on, if my understanding is correct, the Family Violence Intervention Court getting up and running, and fully running. Again, the impacts of the 27th pay period, because the 27th pay period is going to mean – I think it's almost \$5 million it impacts to the department. That's going to be a consistent throughout the Salaries.

**MS. CONWAY OTTENHEIMER:** Now, I understand from a previous response that the Family Violence Intervention Court – it's included under Salaries, if I understand that correctly.

**MR. CROCKER:** Yes.

**MS. CONWAY OTTENHEIMER:** The intent was to have four Family Violence Intervention Courts. This has not happened. Can you provide any details or an update on that?

**MR. CROCKER:** Yes. That was one of the ones I sort of alluded to, I think, earlier from Alison's question. It's been obviously delayed by COVID because the ability to do outreach. The other challenge with this is the fact that community supports – once you go outside of St. John's or Corner Brook or in Stephenville, finding the supports necessary to do this outside counselling – I mentioned earlier about the John Howard Society who are a great partner when it comes to this court.

It is our plan; we have the money available. We have almost \$400,000 this year to actually do that. It's certainly something we want to do, we're working towards, but there are challenges when we go outside of the larger centres.

**MS. CONWAY OTTENHEIMER:** But it is an objective that you will be seeking?

**MR. CROCKER:** Absolutely.

**MS. CONWAY OTTENHEIMER:** Okay.

**MR. CROCKER:** We've seen the benefits of this and of the Drug Treatment Court. So, yeah, absolutely. I guess to the point, one of the unfortunate parts of COVID is it has, I guess, increased or at least uncovered a lot of violence that may not have been exposed previous.

**MS. CONWAY OTTENHEIMER:** Thank you.

Under 1.2.04, Administrative Support capital, I noticed there's an increase this year of approximately \$439,000. What is being planned there?

**MR. CROCKER:** That's the RNC fleet purchases, the capital purchase.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

I might go back just to 1.2.03. Under Salaries, last year \$468,000 was budgeted but only \$370,637 was spent. Was that because a position

was left unfilled, there were vacancies or some other reason?

**MR. CROCKER:** Yes, that variance is a vacancy within the division.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

**CHAIR:** Andrew, you have a ...?

**MR. GREEN:** So from budget to budget it's down again. That is one of the areas where we achieved one of our attrition positions.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under Purchased Services, last year went over budget by approximately \$7,000, almost \$8,000. Can you explain what was purchased that wasn't budgeted for?

**MR. CROCKER:** What number? Sorry, Helen.

**MS. CONWAY OTTENHEIMER:** That is 1.2.03.

**MR. CROCKER:** Three.

**MS. CONWAY OTTENHEIMER:** Yes, under Purchased Services.

**MR. GREEN:** That would be records storage and document retrieval increases.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under 1.3.01, Fines Administration, can the minister provide an update of what is outstanding to be collected in terms of fines?

**MR. CROCKER:** Do you really want to know?

**MS. CONWAY OTTENHEIMER:** No, probably not, but tell me anyway.

**MR. CROCKER:** Yeah, it's approximately \$42 million. We can provide you with a more detailed breakdown with, I think, the top five, Jen?

**MS. MERCER:** Ten.

**MR. CROCKER:** The top 10, because as it's been explained to me, these are older than most of us here. In a lot of cases, a lot of them are tobacco excise tax related, the bigger ones, because if somebody –

**OFFICIAL:** (Inaudible.)

**MR. CROCKER:** My apologies.

I think it's been explained to me that if somebody is caught bringing contraband tobacco into the province, the fine is 20 times the tax. So somebody gets a whopping \$500,000 fine. To quote the minister, I think, from last year, getting blood from a rock is impossible in a lot of cases.

**MS. CONWAY OTTENHEIMER:** Thank you.

Can the minister provide an update on how the legalization of cannabis has impacted the Fines Administration division?

**MR. CROCKER:** I think I can, but maybe I can turn it over, because it hasn't had the impact that we expected.

Jen?

**MS. MERCER:** That's correct.

When legalization was initially contemplated, Canada thought they might issue tickets for some of the cannabis offences. We entered into cannabis ticketing agreements and blocked money in a variety of divisions through the department, from Public Prosecutions to Fines Administration, with the intent that there would be costs associated with ticketing, collecting, that sort of thing.

Canada has not opted to do tickets for cannabis, so there's very little impact in the Fines Administration section, other than I think we've taken out what we've blocked and frozen over the last number of years, which is about \$50,000. We will take that out for next year because we don't anticipate that program will come into force.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

**CHAIR:** Okay, thank you.

Ms. Coffin, you're on for 10 minutes.

**MS. COFFIN:** Thank you.

Let's pick up where I left off last time. We talked a little bit about prevention and some of the other things, some of the other ills that could potentially come from the COVID, which would be additional family violence and additional drug use.

Have we put any more money into prevention and prevention dollars? I know that we said that some money is being moved around, but overall prevention, do we have anything like that? I don't know if this is the right spot for it in Justice and Public Safety, but just to help people who are going through addictions.

**MR. CROCKER:** Right, so, I'm not sure actually that would really fall into Justice as much as it would fall into other departments, like my colleague in Children, Seniors and Social Development or Health or more broader all-of-government approach.

**MS. COFFIN:** Right.

**MR. CROCKER:** Right down to the Status of Women and other areas.

**MS. COFFIN:** Absolutely. I think I'm right in that I probably should have asked that in a different – and I'm sure there's going to be ample opportunity. I think Health is tomorrow night. I'll save it for then.

There is something that triggered an interesting question for me when we talked about more drugs coming into the province. One thing that has happened recently is Corner Brook has created a dock for export and import.

I'm wondering if anyone has thought to some prevention or additional security or scrutiny on such a conduit, let's call it or potential conduit.

**MR. CROCKER:** I'll deflect to the chief but he's probably not going to give away his strategy.

**MS. COFFIN:** Yes would be good, it is on our radar.

**MR. BOLAND:** That's always on our radar and we work hand in hand with the RCMP and CBSA. We have two drug dogs that we can deploy either down at the ports or up at the airport. The same thing with the RCMP. They have their own dog teams. I don't think CBSA has right now, but that's certainly a big priority for us right now, entry points into this province, when it comes to drugs.

**MS. COFFIN:** Good to hear, Sir, thank you.

Let's move to Administrative and Policy Support, 1.2.02. I noticed that Grants and Subsidies, there's \$450,000 there. What's that for? What are the Grants and Subsidies for in particular?

**MR. GREEN:** We provide a grant to Newfoundland Search and Rescue Association, NLSAR, for \$191,000. We provide grant funding to communities with community constable positions. We provide \$55,000 to four communities for a community constable and the remainder is, what we would call, ministerial discretionary grants, which is about \$39,000.

**MS. COFFIN:** Okay. And they can be used for what, Sir?

**MR. GREEN:** They would be used for – I mean, we usually get requests in for, say, a school wants to raise money for something; we could use it for those.

**MS. COFFIN:** Okay, good to know. Thank you.

Federal and provincial revenue associated with the courts. I noticed that the provincial was set at \$210,000; it went up to \$775,000. What revenue –?

**MR. CROCKER:** Sorry, what was the number?

**MS. COFFIN:** 1.2.01 subsection 02 under Amounts to be Voted, provincial went up.

**MR. CROCKER:** Revenue?

**MS. COFFIN:** Yeah, Revenue.

**MR. CROCKER:** That's Guns and Gang.

**MR. GREEN:** So revenue on that line includes, for federal revenue, it's the Guns and Gang funding and the Drug Treatment Court. So that's the offset for the expense.

**MS. COFFIN:** Okay.

**MR. GREEN:** Then on the provincial side, we would call this division more of a catch-all for any – if we have any insurance claims from the RNC, for instance, the revenue comes in, they don't really have a line for that, so it just kind of gets put into our general, what we would call a general revenue account. We collect Commissioner for Oaths and Notary Publics. So that's what would be included in some of that.

**MS. COFFIN:** Okay. Because I noticed it went from \$210,000 up to \$757,000. So what ever we were doing, good job there. I'm hoping that's positive, the money coming in is from good causes.

**MR. GREEN:** I think on the provincial, it's all coded to the one place, but it is a breakdown between federal and provincial. So if you want we could provide a breakdown of what was provincial and what was federal after.

**MS. COFFIN:** Yeah, sure. I noticed that there was no additional federal revenue, but there was a significant jump in the provincial revenue by about almost \$500,000. So that was unanticipated, right?

Okay, good. Let's see what else I have here. Legal Information Management, spending on Salaries was significantly lower, and I do believe my colleague mentioned this. I guess the follow-up question would be: How has this impacted the delivery of Legal Information Management services and the provision of service at the law libraries?

**MS. MERCER:** We still have an exceptionally strong Information Management led by a wonderful manager. She has worked diligently through COVID, along with our law librarian. While we still have the law library on the 5th floor, and many books, we also use our computers and some subscription services, and we contribute to law libraries across the

province in courthouses. But I would say our level of service continues to be extremely high. We're working to fill some vacancies there as well.

**MS. COFFIN:** Okay. That's good to hear. I'm glad to hear that the service is being maintained.

Let's see. This is an interesting thing, because it's under General Administration and we talked earlier about the Capital budget has been moved out, but I notice that 1.2.04 is a Capital budget there. It increased from \$312,000 to \$824,000. It's Property, Furnishings and Equipment under a Capital budget. I noted it says: "Appropriations provide for facilities planning and the acquisition of tangible capital assets." So is that hardware? Is that desks?

**MR. CROCKER:** RNC vehicles.

**MS. COFFIN:** That's the vehicles. Oh, nice. Good job. You're getting new vehicles. Okay, that's great. The ride along was really good. I was in a vehicle that had 200,000 kilometres on it, so that's kind of nice.

Under Fines Administration, 1.3.01, I did note that we had significantly less provincial revenue than we had projected. That's down by about \$400,000.

**MR. CROCKER:** Yes, I think this has been a persistent problem. It's the St. John's city council parking meter problem downtown, because we would collect – I think it's \$9?

**MR. GREEN:** Yes.

**MR. CROCKER:** For every ticket that the city of St. John's would issue the province would get a surcharge of \$9, and if the city is not issuing tickets we're not getting our \$9.

**MS. COFFIN:** Wow, that's a lot of tickets that I didn't get this year.

We're expecting it to go back up again, so I'm guessing the city has a better handle on it now?

**MR. CROCKER:** Well, they do because they have the app now. So hopefully –

**MS. COFFIN:** Right. Darn, I can't hide.



**MR. CROCKER:** – they will start issuing tickets again.

**MS. COFFIN:** Churchill Square is so far so good, just so you know.

Let's see, I think that may be – the federal one was down as well. What are we getting in Fines Administration under federal? Are we getting a surcharge on –?

**MR. CROCKER:** As the deputy, I think, said for Helen a little while ago, that was money that we had anticipated receiving from cannabis ticketing.

**MS. COFFIN:** Oh, right.

**MR. CROCKER:** But where it hasn't been ticketed, as we had anticipated, the revenue obviously hasn't come.

**MS. COFFIN:** Right.

Okay. Property, Furnishings and Equipment, I was kind of curious about – and I'm flipping back over here. Under Purchased Services, under 1.2.02, \$400,000. What's those Purchased Services? Is that ASL? Is that – I'm guessing, you know?

**MR. GREEN:** The Purchased Services here would be the existing Family Violence Intervention Court funding, so that would be our John Howard Society. When we talk about the 392 up above as a block, once we implement that, those new courts, that money moves down probably into Purchased Services, if that's where we go. If we hire then we will leave some of it up in Salaries, but that's how it works. It's mostly Family Violence Intervention Court.

**MS. COFFIN:** Okay, that's good.

Thank you.

**CHAIR:** (Inaudible), no?

**MS. COFFIN:** Yeah, I think we're close to done on this section.

**CHAIR:** Okay.

**MS. COFFIN:** So I'll flip it over there.

**CHAIR:** (Inaudible.)

**MS. CONWAY OTTENHEIMER:** Yes, just going back to 1.2.04, Administrative Support, with respect to the new vehicles for the RNC, how many were purchased and what is the current size of the RNC fleet?

**MR. BOLAND:** We purchased 16 vehicles and seven of them, I think, Andrew, were blocked. It had nothing to do with Snowmageddon; it had to do with a railway disruption in Quebec. They didn't get here, so we didn't get them in time for the budget. The vehicles that we didn't get will come out of this year's fleet.

Is that correct, Andrew?

**CHAIR:** Andrew.

**MR. GREEN:** Yes, that's correct.

**MR. BOLAND:** We worked very hard over the last year to try to correct a budget, I think, that needed to be right-sized in relation to our fleet going forward. We're very happy with the current arrangement of the money that we spend on purchasing versus the money that we spend on repairs.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

**MR. CROCKER:** If I can, Chief, we've gone from what I think used to be a purchase of 12 to a purchase of 16, which gives you, sort of, the fleet renewal that's required. I'm sure you'd ask for more if everything was equal.

**MR. BOLAND:** We worked it out over a four-year period to make sure our fleet stays refreshed. Basically, what we did, we corrected a problem we had with spending good money on vehicles that really should have come off the road.

**MS. CONWAY OTTENHEIMER:** Okay. Thank you.

Under Fines Administration, 1.3.01, last year in Estimates we talked about the ability of people to volunteer to pay off large fines. Could the minister provide some commentary on that concept?

**MR. CROCKER:** Yes, that program has been in development.

COVID has really hampered that program because, obviously, the organizations that would have benefited from that program or the partners that we would have went out – say it was going to be a service club that we’re going to be able to partner to take somebody who could work off some fine time. These groups have been pretty much shut down since the 1st of March. So, really, that’s been greatly impacted by COVID when it comes to implementation.

It’s still something that we certainly want to do because, obviously, it won’t get at the \$500,000 tobacco violation, but it certainly can provide some relief for people to, I guess, work off situations so they can get a driver’s licence or get the ability to get a car on the road properly, but it will be that lower end. I don’t think for a minute it’s ever going to get into the millions, because it’s going to be people at the lower end, I feel, that would be able to avail of this.

**MS. CONWAY OTTENHEIMER:** Thank you.

**MS. MERCER:** Interestingly as well, since we have announced the fines-option program we’ve had a lot of inquires about how to become involved, and as a result of that we’ve got people on payment programs now. While they’re not into the FOP proper, they are making small payments and reducing their debt and then accessing driver’s licence or whatever the case may be. So that’s a positive, even though we acknowledge we are still trying to get it up and officially running.

**MS. CONWAY OTTENHEIMER:** That’s good to hear.

Thank you.

**CHAIR:** I’m going to return to my Speaker duties and look over at my colleagues and ask them to respect the conversation. Thank you.

Any further questions, Helen?

**MS. CONWAY OTTENHEIMER:** Not under this heading, no.

**CHAIR:** Okay.

Ms. Coffin, any further questions on these sections?

**MS. COFFIN:** I’m good with this section.

Thank you.

**CHAIR:** Okay. With that, I’d like to recognize the Member for Mount Pearl - Southlands, Mr. Paul Lane.

Mr. Lane is not a Member of the Committee but with leave of the Committee he may be interested in asking any questions. I’m seeking leave of this Committee.

**AN HON. MEMBER:** Leave.

**CHAIR:** Everybody’s in agreement.

Sir, would you like to ask any questions. We are dealing first of all with 1.1.01 through to 1.3.01.

**MR. LANE:** Thank you.

First of all, I apologize for walking in a little bit late. The email I had said 6 o’clock but I guess it must have started 5:30 or something did it? Okay. Anyway, I’ll know for next time.

I don’t have line by lines. I’m following along with the line-by-line questions and I’m making my notes accordingly. My questions are somewhat more general.

Minister, the first question I have for you – and, really, I’m going to ask this question at every Estimates to every minister of every department. COVID-19, as terrible as it has been and as challenging as it has been, I believe it has provided some opportunities as well. I think a lot of people may agree with that. Opportunities within government in that it has demonstrated clearly that there are things we were doing in the past or the way we were doing things in the past can be done differently.

Now, obviously, that’s not going to apply to every circumstance and there have been situations in various departments where the general public have perhaps seen a decrease in service or a temporary delay in service because

of COVID, but, no doubt, there have been opportunities in terms of people being able to apply for things online – communicate to different government departments online and so on.

We've seen opportunities where meetings that perhaps would've taken place, people travelling around the province and so on, now everybody is using Zoom, thus saving the government and the department money. We're seeing situations where there are employees who are working from home, which then leads to the question: If they can work from home now, can that be a permanent thing? By doing that, can we save money on consolidating office space and so on? There is a whole list of ways where we're doing things differently that I think can be more efficient, save money, but at the same time provide the services that people require.

I'm just wondering – sort of a broad brush, I'm not asking for every specific now. In your department and the divisions within your department, what, if anything, have you guys been doing in that regard in those areas? Are they working, and are there plans to make them a permanent feature of how your department operates, i.e. online meetings via Zoom, employees working at home and so on?

**MR. CROCKER:** Thanks.

Unfortunately, Wednesdays will be 5:30, every other day it will be 6 – for the start, sorry. Actually, as we started the evening, we went through each division and we talked about COVID impacts. So there have been COVID impacts. Yes, like every single government department, I think being forced to go to Zoom will change the way business is done forever and a day, and that will certainly achieve savings.

We've seen other things throughout being done differently, whether it's in the courts, whether it's with the RNC in corrections. Certainly, there have been things that we've noticed. Not necessarily all monetary, but in a lot of ways there are – well, I guess they are monetary. The monitoring program – if we were a little bit later in the monitoring program than we were pre-COVID, it really shows advantages that a program like that could have.

The chief referred to the fact that being such a young force – the RNC, the memberships – how quickly they adapted to technology was really positive. So, yeah, I think every single government department – and I think it's a great question to lead with because I think, overall, as we go forward some of the lessons from COVID will be savings for a long time to come.

**CHAIR:** Mr. Lane, if I could ask you to ask your question and then while you're waiting for an answer, I'll get you to relocate to another desk. Broadcast is having some challenges spotting you in that corner.

**MR. LANE:** Okay.

**CHAIR:** Mr. Brazil's chair would be working fine. Ask your question, if you like, and then while we're ....

**MR. LANE:** Okay. All right, not a problem. I sat here because I asked the Clerk earlier today and she said: Stay in your own desk. So that's why I'm here, but anyway, no problem.

The next one is around the Fines Administration. The \$42 million you referenced in uncollected fines, I do recall the answer from last year from the previous minister about people being able to, sort of, work off their fines, if you will, and you just answered that to my colleague from Harbour Main, I believe. On the larger ones you've referenced, that's obviously not going to work in those circumstances.

I'm just wondering, instead of just continuing to carry this over year over year over year, at what point in time do you make a decision that there's something we can do to get the money back and we're going to do it, or we're just going to write it off and be done with it? I'm just wondering, does that ever happen or does this continue in infinity?

**MR. CROCKER:** I'll quickly give my opinion on that and then I'll turn it over to the accounting people.

I agree with you, a lot of those dollars are dollars that we're never going to achieve and it just infuriates people, and I'm sure it infuriates everybody in this Chamber when you hear of it, but the reality is it's not achievable. In any other

business or any other situation it would be wrote off, but my understanding from asking that question previous is our FAA makes it near impossible to actually write these things off.

**OFFICIAL:** That's my understanding.

**MR. CROCKER:** And you're right. If somebody has a \$500,000 fine, you can evaluate what the chances of getting that are. I'll almost bet you that 99.9 times out of 100, you're not getting it. So, yeah, my understanding is the FAA becomes the challenge here.

**MR. LANE:** Okay, thank you.

I'm wondering about the vehicles, the fleet for the RNC. At one point in time there was some talk of – I think it was St. John's, Mount Pearl, Paradise, maybe CBS, I could be wrong on that – the municipalities were going to purchase some police cars and then the RNC were going to provide the manpower, something to do with extra traffic enforcement or something. Did that happen or didn't it?

**MR. BOLAND:** No, it didn't happen. We still have discussions ongoing with them. Traffic is a huge issue on the Northeast Avalon.

**MR. LANE:** I'm sure it is.

**MR. BOLAND:** Entering into agreements with municipalities is not simple when it comes to policing. You're making an agreement and then what's the expectation to a council in regard to the resource you're willing to put forward. So it's not as simple as we initially thought.

They were wanting to purchase the vehicles but, first of all, we have to have a guaranteed resource to meet what their requirement was for their donation. Traffic is certainly a high priority as well. I think what you will see in the near future from the RNC is an expansion of our traffic unit; albeit, I'm not sure it will include any kind of MOU with municipalities.

**MR. LANE:** Okay, thank you.

Looking at the time, I'll get one more question in and then we can move on. I'm just wondering, Muskrat Falls – and I'm not sure if this is the opportune time but, anyway, it's a question.

We know what happened, of course, with Muskrat Falls and we know at some point the government did make a decision. They were going to get the RNC involved and they were going to seek legal advice within the department about civil litigation and all this good stuff. I haven't heard of anything since. Definitely, nobody has been charged, not in the media at least, and I haven't heard of anybody being sued or whatever. Is this still ongoing or is this concluded, or at what point in time do we expect it to be concluded that there's going to be action or not?

**MR. CROCKER:** The RNC hasn't concluded, Chief, if I can say that. I think a lot of the conversation around Muskrat Falls internally has been pre-empted by COVID because I think the Muskrat Falls report came out on the fifth or sixth of March and we found ourselves quickly, weeks later, into a pandemic; but, no, I would say it hasn't concluded.

**MR. LANE:** Any idea? Any possible timeline?

**CHAIR:** Thank you, Mr. Lane, your time has expired.

**MR. LANE:** All right, I'll wait until next time.

Thank you.

**CHAIR:** Any further questions?

Helen?

**MS. CONWAY OTTENHEIMER:** Yes.

**CHAIR:** Okay.

Ms. Conway Ottenheimer.

**MS. CONWAY OTTENHEIMER:** Not under this section, no.

**CHAIR:** Okay.

Any further questions from the others on this section?

Mr. Lane, if you had further questions on this section, I would seek leave again from the Committee to allow you to continue.

Am I seeing leave?

**AN HON. MEMBER:** Leave.

**CHAIR:** Okay, please proceed.

**MR. LANE:** Okay. I'm not going to take up everyone's time here but I'll just finish the question that I was kind of into. I understand COVID, Snowmageddon, all that, all very legit, I totally understand and appreciate that. I'm just wondering, is there any sense of a timeline? Because I've certainly heard from – maybe you have as well – members of the public, whether anything happens or not, who knows, but there are certainly people that have very decided opinions what they think should happen. On the potential criminal side and the potential civil litigation side, any timelines as to when this could be concluded one way or the other?

**MR. CROCKER:** On the criminal side, on the RNC side, we would not have any insight into that. Criminal investigations, the independence of the police remain with the police.

**MR. LANE:** Okay.

**MR. CROCKER:** I guess, on the civil side, if something is going to be pursued here, there are reasonable time limits, I would think. I can certainly do some more checking on that and certainly provide you with an update.

**MR. LANE:** Thank you.

That will be it for me for now. Thank you.

**CHAIR:** Okay.

Any further questions from the Committee?

Seeing none, what I would like to do is we'll vote on this section. I'll turn to the Clerk and we'll vote on these sections that we've just been discussing.

**CLERK:** Thank you.

1.1.01 to 1.3.01 inclusive.

**CHAIR:** Shall 1.1.01 through to 1.3.01 carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

The motion has been carried.

On motion, subheads 1.1.01 through 1.3.01 carried.

**CHAIR:** Now, we will turn, Clerk, to the next section.

**CLERK:** 2.1.01 to 2.4.01.

**CHAIR:** Just to alert everyone, I would propose that at 1900 hours, 7 p.m., we will take a 10-minute break or so just to let people stretch; not too much of a masochist here.

I'll now turn it over, then, to Helen.

**MS. CONWAY OTTENHEIMER:** Under 2.1.01, Civil Law, can the minister please explain how this year's budget of \$5,476,800 was calculated?

**MR. CROCKER:** I'm sorry, Helen ...

**MS. CONWAY OTTENHEIMER:** Can the minister explain how this year's budget of \$5,476,800 was calculated?

**MR. CROCKER:** The Salaries budget?

**MS. CONWAY OTTENHEIMER:** Yes, under Salaries.

**MR. GREEN:** That would be the effect of the 27th pay period.

**MS. CONWAY OTTENHEIMER:** Okay.

Under Professional Services, can the minister please explain what matters required outside counsel over the past year?

**MS. MACDONALD NEWHOOK:** Thank you for that question.

With regard to Professional Services, any retentions of external counsel we'd be happy to provide you with a list as to which counsel were retained.

**MS. CONWAY OTTENHEIMER:** Thank you.

Why did the Professional Services, revised budget increase to \$5 million? That's under Professional Services.

**MR. CROCKER:** That would be due to significant increased expenditures to outside counsel.

**MS. CONWAY OTTENHEIMER:** Under Allowances and Assistance, what is this for exactly? Why the increase?

**MR. CROCKER:** The increase?

**MS. CONWAY OTTENHEIMER:** Yes.

**MR. CROCKER:** That is put there as a contingency because what you've seen happen above there with the increase from \$2.8 million to \$5 million, we put it in there as a contingency in the event that we need to use it for external legal services.

**MS. CONWAY OTTENHEIMER:** What was the cost to the department to hire outside lawyers, specifically?

**MS. MACDONALD NEWHOOK:** With regard to the Professional Services expenditures, those would be primarily for retention of external counsel. We can undertake to provide you with a list as to which firms were retained.

**MS. CONWAY OTTENHEIMER:** Okay.

Why was there a need to hire? Could you just provide an example for when outside counsel was necessary?

**MR. CROCKER:** Outside counsel would be necessary in things like we see the tobacco litigation that's been ongoing, I think, for many, many years. Outside counsel would be involved in Opioids, the class-action suits we're involved with there.

**MS. MERCER:** Do you want me to jump in?

**MR. CROCKER:** Yeah, sure, Jen.

**MS. MERCER:** I'll quote Chantelle's predecessor. Generally, outside counsel falls within three categories: counsel with particular expertise, as the minister said in class-action lawsuits like Opioid, tobacco, trade, that sort of thing. The second heading would be AG-funded counsel. At times, the court orders appointment of counsel for different accused persons or other litigants. So we fund that. Then, the third thing that falls, I think, under this heading is expert witnesses that we sometimes retain for litigation.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Getting back to the minister's response with respect to the litigation of the tobacco health care cost recovery litigation, how much is that costing us on an annual basis?

**MS. MACDONALD NEWHOOK:** With regard to the tobacco litigation, that's been ongoing for approximately 25 years, and it's the most complex, multi-party litigation in Canadian history. While I can't tell you exactly what its cost is on an annual basis, I can tell you that in this past year, for example, we've paid for disbursements related to retention of certain experts. We can certainly provide you with details about that.

**MS. CONWAY OTTENHEIMER:** Okay, thank you very much.

Under section 2.1.02, Sheriff's Office, first of all, with respect to Salaries, can you please explain this line item?

**MR. CROCKER:** The increase you mean?

**MS. CONWAY OTTENHEIMER:** Yes.

**MR. CROCKER:** Again, it would be the 27th pay period.

**MS. CONWAY OTTENHEIMER:** Why is Transportation and Communications increasing to \$325,100?

**MR. GREEN:** For Transportation and Communications, that would be our cost to send – it would be cost for landlines and mobile phones, plus the costs for the sheriff to

accompany the court on circuit courts and for transports.

What we saw for the previous five years was an average spend of about \$330,000 on that line. So we built the budget based on that. There were some things that happened last year that didn't achieve the budget, so we'll readdress to see if the trend is going downward or if it will continue at \$330,000.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under Supplies, why is that increasing to \$207,500?

**MR. CROCKER:** That was a late arrival of uniforms due to COVID shut down. So the uniforms were due in before March 31, but they didn't show up until after, so it was brought forward.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under Revenue - Federal, could you explain the \$109,900 figure, please?

**MR. CROCKER:** It's the bilingual services.

**MS. MERCER:** So several years ago we determined that we were unable to enforce federal legislation by ticket in the province, so we entered into a MOU with Canada and they provided certain funding to allow us to process tickets issued under federal legislation.

For example, on the base in Goose Bay, if there's a traffic ticket issued, that actually falls under the *Contraventions Act*. Again, we blocked some funding throughout different heads in the department largely to hire bilingual staff because, of course, when we're dealing with Canada, tickets have to be in English and French, clerks that administer the tickets in English and French fines, the same thing.

Unfortunately, we've had challenges staffing those bilingual positions. I think in this particular instance that is federal money that was contributed to staff a bilingual position in the Sheriff's Office. I don't think we've been

successful in doing that so far. Continuing to try and trying to recruit, of course, as well.

**MS. CONWAY OTTENHEIMER:** The position has remained unfilled. Is that correct?

**MR. CROCKER:** The qualification is not filled.

**MS. MERCER:** That's right.

**MR. CROCKER:** The position would be filled but the bilingual person wouldn't necessarily be there.

**MS. CONWAY OTTENHEIMER:** Okay.

**MS. MERCER:** If we aren't able to meet the parameters of the federal funding, of course, we can't claim that funding from them.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

How has COVID-19 changed the jury selection process? I know we discussed it in general previously, but I'm wondering about how it actually has changed the jury selection process.

**MR. CROCKER:** Yes, Shelley.

**MS. ORGAN:** Yes, in some cases, in the last jury trial we held we actually did a pre-screening day. So the day before the actual jury selection, those potential jurors who did not get an exemption through the Sheriff's Office for routine exemptions and needed a judicial exemption, they appeared on the day before. For this past jury trial we did, we actually did 40 exemptions on the day before, which meant there were, I think, 38 people that didn't show up then on jury selection day because their exemption was taken care of. That's one procedure we have in place, and that's being done Canada wide.

For St. John's, for instance, we moved the trial and jury selection outside of the courthouse so that we can allow for physical distancing. At the School for the Deaf, we use the gymnasium, which can seat 100 people exactly at six-foot distancing each chair. Then, we used four extra classrooms that were broadcasted through the

courtroom so that those people – we had 10 to 14 in a classroom as well.

That is one for St. John's. Then, outside of St. John's, we are using the courthouses and using several courtrooms and broadcasting, just so we can physical distance the people showing up.

**MS. CONWAY OTTENHEIMER:** Thank you.

**CHAIR:** Thank you, Ms. Organ. You could be a good MHA because you ended exactly on the time.

**SOME HON. MEMBERS:** Oh, oh!

**CHAIR:** Thank you very much.

Ten minutes now for Ms. Coffin.

**MS. COFFIN:** Ending exactly on the time is not necessarily what we are prone to do.

Let's go back to 2.1.01, Civil Law. I noticed we had \$10,000 in anticipation of greater settlements. Can we get a little bit more of an idea of what ones we are expecting?

**MS. MACDONALD NEWHOOK:** With regard to settlements, those are privileged. They're subject to settlement privilege, and that's a privilege that extends to both the plaintiffs and the defendants, whichever the Crown may be – oftentimes the defendants. In either case, those are privileged, sorry.

**MS. COFFIN:** Fair. Totally fair.

Instead of going line by line, I have a couple of questions that I'm hoping I'm going to put in the right section. It's more of a general thing.

One of the things in particular, was Justice Leo Barry issued a list of recommendations on the report on the Dunphy shooting. Can we get an update on what's happening with those recommendations?

**MS. MERCER:** I might pass that to the chief, actually. The last time I looked, we had accomplished a significant number.

Megan, do you have those numbers? Or perhaps the chief does.

**OFFICIAL:** (Inaudible.)

**MS. MERCER:** Yes, okay.

I don't know if the chief can speak generally.

**MR. BOLAND:** Yes, I think probably what would be prudent here is that we can provide you with what the recommendations were and what we have done so far with those recommendations.

**MS. COFFIN:** That would be great, thank you very much. I appreciate that.

On to the next inquiry. The mandate letter of last year talked about a public inquiry into Humber Valley Paving. Any plans on doing that now?

**MR. CROCKER:** No, I guess the time for that inquiry has passed. There are significant inquiries that need to be done and I think inquiries, in a larger sense, have been prioritized. Right now, you see us moving into the search and rescue inquiry and working towards the children-in-care inquiry as well.

**MS. COFFIN:** Okay, great.

Dr. Matthew Bowes, chief medical examiner of Nova Scotia, had reviewed the provincial office of the chief medical examiner and offered a list of recommendations for the office involving more resources. Can you give us an update on the implementation of those recommendations?

**MR. CROCKER:** Yes. There are 50 of the 65 either in progress or have been implemented. Currently, there are two pathologists working at the OCME and the manager of corporate services, and there's recruitment ongoing for a forensic pathologist.

**MS. COFFIN:** Okay.

Transportation and Communications, have we addressed the transportation and communications for the Sheriff's Office? There is a change there? 2.1.02.

**MR. CROCKER:** That's the right-sizing?



**MS. COFFIN:** That's the right-sizing, okay.

**MR. CROCKER:** That was a right-sizing. We've been spending around \$300,000. So we actually found the source of the funds to get it to where it should be. They've been trending down, I think. I'm just copying from what Andrew would have said earlier, that we'll continue to monitor it if it trends down, but that is the average over the past number of years is around \$300,000.

**MS. COFFIN:** Okay, that's very reasonable.

Let's move over to Support Enforcement. Purchased Services declined to about a third of its allotment, down from \$76,000 down to \$24,000.

**MR. GREEN:** That's for the banking fees on the trust account. What we're going to do this year is we're going to monitor those banking fees and we're going to fund them through savings within the department.

**MS. COFFIN:** Fifty thousand dollars worth of banking fees is a –

**MR. CROCKER:** What happens, and you need to realize, my understanding of those banking fees is that's the banking fee when you have a parent who is putting money into support enforcement. The province covers the banking fee so that the recipient – say, would be a child – doesn't have the deduction in their payment from the parent in – we're picking up the banking fees. So instead of putting a surcharge on the recipient, which is typically a child, the province is actually taking the expense.

**MS. COFFIN:** So that's going through like a regular bank.

**MR. CROCKER:** Bank, yes.

**MS. MERCER:** All court orders for support are automatically included in the Support Enforcement Program in this province. If a payer makes a deposit, obviously there's a banking fee attached, and then we take that money and transfer it to the recipient – often as the minister said, children – another banking fee attached. We actually do fairly well in keeping the banking fees – and have done, traditionally,

fairly well in keeping them relatively low as compared to other banking fees that could be charged.

But, yeah, they ran at about \$50,000, but we don't charge that to the recipient, right?

**MS. COFFIN:** I appreciate that. I imagine the recipient needs the money far more, right?

**MS. MERCER:** Right, exactly.

**MR. CROCKER:** (Inaudible) when I asked the question first, and obviously that would be \$50,000 that we would be taking, in all likelihood, from children.

**MS. COFFIN:** Yeah, no, I won't let that happen. Thank you.

**MS. WRIGHT:** (Inaudible) banking fees include 2 per cent and –

**CHAIR:** I'm sorry, Kendra, can you start again? We need you to identify ...

**MS. WRIGHT:** Just to give you an idea because I know it's frustrating when we talk about banking fees.

Every time a cheque is cleared, there's a fee. We have to download the RBC downloadable software to use within the offices. There's a monthly fee charged to that. There's 2 per cent on every credit card that's paid; a lot of the debtors use credit cards, so we cover that 2 per cent fee. There are a lot of fees like that and over the year it ends up to be – in this case, it was \$58,000.

But the banks, where it used to be a cheque, even if you're paying through EMT, there are still fees being charged by the bank.

**MS. COFFIN:** Okay.

**MR. CROCKER:** (Inaudible.)

**MS. WRIGHT:** Yeah, so those are all of the fees. That is exactly what is targeted there. So we are a facilitator; monies in, monies out. We aren't the bank. But as a result, really, we're doubling up on fees on both ends.

**MS. COFFIN:** Right, okay. So I need to get elected as a federal PM in order to change the banking system. Okay, it's on my hit list.

Why have Operating Accounts been halved? The cost there under Operating Accounts, 2.1.03, subsection 02 Operating Accounts, we went from \$100,000 down to – that captures that ...?

**MR. GREEN:** The banking fees we would have put in a one-time adjustment last budget, so that one-time adjustment came out and went back somewhere else in the department. We're going to monitor it this year to see if we can fund it from within, permanently, through the ZBB process for the next budget cycle.

**MS. COFFIN:** Okay. Oh, I've got time; look at that.

Access to Information and Protection of Privacy, 2.1.04, we had almost \$170,000 not spent in '19-'20. Is that vacancies not filled or was that attrition or ...?

**MR. CROCKER:** Yeah, that was due to vacancies. The division had two vacancies.

**MS. COFFIN:** Okay, that's good.

Professional Services, \$200,000, is that the ATIPP statutory review?

**MR. CROCKER:** Yes, that's a review.

**MS. COFFIN:** How much of a review do you get for \$200,000?

**MR. CROCKER:** Well, we found a very co-operative judge who has started the review using space, I think, that was left over from the Muskrat inquiry. It's unfortunate when we're reusing materials from a previous inquiry, but we're cutting every corner we can.

**MS. COFFIN:** I'm not quite sure cutting every corner we can gives me the reassurances around the privacy and information.

**MR. CROCKER:** We're cutting the corners in cost of – we're using the same space we used for Muskrat; we're using the same equipment we used for Muskrat. We find ourselves in a

situation where we didn't have to start up a brand new inquiry.

**MS. COFFIN:** Yes. We're repurposing existing (inaudible) better –

**MR. CROCKER:** We're repurposing.

**MS. COFFIN:** – not cutting on an ATIPP inquiry.

Speaking of, you found a judge – should I defer? I have 20 seconds; it's not going to be a snappy one.

**CHAIR:** Okay.

I would thank everyone for their attention.

I'm going to suggest a 15-minute break. We will see you back here at 1916.

I'd ask everybody, please put your masks on if you're going to get up from your chair and move about.

Thank you.

### Recess

(Technical difficulty.)

**MS. CONWAY OTTENHEIMER:** (Inaudible) steps are being taken to ensure enforcement procedures are executed in a timely fashion?

**MR. CROCKER:** I'll defer that to –

**OFFICIAL:** Megan.

**MR. CROCKER:** Megan.

**OFFICIAL:** Yeah, sure.

**CHAIR:** Megan.

**MS. NESBITT:** Thank you for the question.

Enforcement services from the Sherriff's Office have continued throughout the pandemic to the greatest extent that they can. Some of the enforcement orders, of course, are court orders so we've seen some reduction in numbers for those things.

Enforcement orders typically cover a number of different areas: criminal orders, civil order and things from the general public. Of course, with the pandemic and the slow in things in the first few months we have seen a reduction, but the services are still being provided and enforcement certainly is very important to continue those services to the best of our ability as safely and as effectively as we can.

**MS. CONWAY OTTENHEIMER:** Support Enforcement, 2.1.03, under Purchased Services, there's a decrease in the budget of \$52,500. What accounts for that figure?

**MR. GREEN:** That was a one-time reduction from last year's budget to this year's budget.

It's for the banking fees. Last year, we funded it from within, one time. That money moved back into the areas that we used. We're going to try to assess a permanent allocation for the banking fees this fiscal year, but we will cover through savings.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under 2.1.04, Access to Information and Protection of Privacy, has the number of ATIPPs received in the last year increased?

**MS. WRIGHT:** All the government received 2,879 ATIPP requests and of that it was 160 for our department, which was a 19 per cent increase from the previous year. In the previous year, it was 129, I believe.

**MS. CONWAY OTTENHEIMER:** Thank you.

What support is being provided to municipalities and other public entities in responding to ATIPP requests?

**MR. CROCKER:** I think when you go down through the line there, one of the line items, Purchased Services, is that the one that is affected primarily by municipalities? I know in the conversation I had with the ATIPP division when I got there is we're providing the services as well as we can. I think one of the challenges is being requested to do – because the more sophisticated towns: St. John's, Mount Pearl,

CBS, even your larger towns: Bay Roberts, Carbonear, those type of towns are typically fine and actually have the staffing to do this and to make their request.

A lot of the training actually is being done – to Mr. Lane's question earlier – online and by virtual with the town manager/town clerks. A lot of communities have been meeting with our staff now virtually over Zoom or Skype or whatever medium. So the support is there for towns. We work with MNL with regard to ATIPPA training, but the level of sophistication sometimes, as the smaller the town gets, the more challenging it gets.

**MS. CONWAY OTTENHEIMER:** Thank you.

Currently, core public departments post their ATIPPs online, but the same is not true for publicly funded entities. Has consideration been given to expanding the online posting of ATIPPs?

**MR. CROCKER:** So what I would encourage anybody to do as we go into the review is if there are suggestions that people would have it would be – because there is a consultation piece of the ATIPPA review right now. To your point, Helen, absolutely, that is something that could certainly be brought to the Commissioner as he reviews the ATIPPA legislation.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Can the minister please give an overview of how proactive disclosure works within government? How often are documents posted? How is the decision made to post the information?

**MR. CROCKER:** I'll turn to Kendra on that one.

**MS. WRIGHT:** With respect to proactive disclosure, there are certain pieces of information that departments are regularly trying to get posted on their website, so it's up to each individual department. I know we certainly have been looking at that within to determine what types of information requests. We're currently doing that analysis to determine what are the types of requests we're getting all the time.

I know that if you look at the ATIPP requests that are posted, once they are completed, you'll see there are themes. That's what we're doing now is we're looking at the themes and then we're going to bring it into – executive ATIPPA would like to bring forward some ideas with respect to assisting departments to proactively disclose. Some of that will be to look at, like I said, those requests that are being posted, the ones that are always being posted every month. They want to look at trying to get some sort of a guidance document out to assist departments to just be proactively disclosing, as opposed to be resulting in a request.

**MR. CROCKER:** Right. We see it here in Estimates; whereas, I think one time Estimates binders would've had to been ATIPPed, that no longer happens. I think departments provide their Estimates binders to the Opposition quite freely, because we know, to your point, it's going to be an ATIPP request if we don't. So to save everybody the trouble.

**MS. CONWAY OTTENHEIMER:** Thank you. It makes sense.

Under Salaries, are there any vacant ATIPP positions?

**MR. CROCKER:** There are two. There's a senior policy analyst and an ATIPPA coordinator liaison.

**MS. CONWAY OTTENHEIMER:** Thank you.

Under Purchased Services, in '19-'20, \$63,500 was budgeted but only \$32,900 was spent. Can the minister please explain the savings of over \$30,000?

**MR. CROCKER:** That would be the municipalities, right?

**OFFICIAL:** (Inaudible.)

**MR. CROCKER:** That would be Municipal Training. To your earlier question, that's money that's budgeted for Municipal Training that hasn't been availed of.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Now this year there is \$72,800 budgeted. Can you please explain what purchased services are being planned?

**MR. GREEN:** This is one of the areas where we took money out one time and moved it somewhere else. That money came back in. That's their allocation, the \$72,800. Last year there was a one-time adjustment. The plan would be for the municipality's training. In that line, we would look at the rental of space. It could be a hotel ballroom if you're having consultations, and it could be the rental of audiovisual equipment and stuff.

**MS. CONWAY OTTENHEIMER:** Okay. Thank you.

A final question under this heading is: What is the \$200,000 amount for under Professional Services?

**MR. CROCKER:** That is the review. That's for the commission.

**MS. CONWAY OTTENHEIMER:** That is the review, okay. I thought you said that.

Thank you.

I still have a bit of time here. Okay.

Under Criminal Law, 2.2.01, under Purchased Services, there are planned savings of approximately \$90,000. How will this occur?

**MR. GREEN:** Are you asking about the decrease in Purchased Services?

**MS. CONWAY OTTENHEIMER:** Yes.

**MR. GREEN:** What happened in Purchased Services was the RCMP used to pay for witnesses and then that allocation we could charge to the Purchased Services account. We hired a witness coordinator a couple of years ago, so it now gets charged to travel and communication as third party travel. We've moved the money up from Purchased Services into travel.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under Revenue - Federal, please give an overview of this line item.

**MR. GREEN:** In the revenue for last year's budget there would have been cannabis ticketing and the flagging program. We've removed the cannabis ticketing line and then what remains is the flagging program, federal revenue. So there's an expense up above offset by federal revenue.

**MS. CONWAY OTTENHEIMER:** Okay.

Thank you.

**CHAIR:** Time over to Alison Coffin.

**MS. COFFIN:** Thank you.

I realize the question I was going to ask before the break goes in a different section. I have other questions I want to ask.

Let's start with, kind of related to the mandate letter. Can I get an update on how the work on the Committee on Violence Against Women and Girls is progressing, please?

**MR. CROCKER:** That has become an interdepartmental Committee, shared responsibility with the Minister for the Status of Women. We are scheduled to have a meeting in the coming weeks. Two of us are new to our portfolios but the work has continued at the deputy minister level, at the official level.

It's very important and very timely if you think about some of the things we've seen through COVID, and even most recently you'd only have to look at VOCM's website to see some of the things that we've seen. I'm not sure if the right word is very disturbing, very concerning. This is certainly something where I've had initial conversations with my colleague for the Status of Women and something that's on our radar.

I know Chief Boland, as well, is a member of that Committee. Chief?

**MR. BOLAND:** Yes, I am, and I think COVID stopped a lot from the meetings, the in-person meetings. I still have conversations with my staff, especially my Intimate Partner Violence

staff, and they have different persons that we're working with in the community that certainly are either a part of that Committee or very much are interested in the workings of that Committee.

We're looking forward, as well, to getting the Committee up and going.

**MS. COFFIN:** The new iteration of it.

Are there any particular things that are being looked into right now? What are some of the things that are being discussed at the deputy minister level or -?

**MR. CROCKER:** Well, expansion - no, sorry, that's family violence. Sorry.

**MS. MERCER:** I can jump in.

**MR. CROCKER:** Yeah.

**MS. MERCER:** Some of the topics we've been looking at are Clare's Law that we're working on within the department, MMIWG. I say that from a deputy minister level with my colleagues and, of course, the chief as well. His Intimate Partner Violence Unit has a newly minted sergeant female officer.

**MS. COFFIN:** Nice.

**MS. MERCER:** Which is excellent, if I can say that.

It's always front of mind, I think, throughout many of the divisions within the department and importance is certainly noted.

**MS. COFFIN:** Lovely. And thank you for that.

I did have a follow-up question, also from the mandate, and thank you for bringing up the MMIG, yes? I'm hoping I'm getting the acronym right.

**CHAIR:** MMIWG.

**MS. COFFIN:** IWG, thank you.

It says here, along with your colleague, the Minister Responsible for the Status of Women, you would advance necessary work in response to the final report. Have any initial discussions

been on that? I see that as separate and distinct, and I see it as separate and distinct because it's in a totally different paragraph in the mandate letter.

**MS. MERCER:** Since the report was issued, Justice, OSW, or the Status of Women, and also IAR, as they are now, Indigenous Affairs and Reconciliation –

**MS. COFFIN:** Right.

**MS. MERCER:** – we have been working together at the level of deputy minister, policy analyst, sitting on FPT committees, attending MMIWG sessions that have been offered virtually during COVID, actually, and we'll have to meet and formalize, now that the mandate letters have come out, how we are going to approach that, under the guidance of the ministers.

**MR. CROCKER:** (Inaudible.)

**MS. MERCER:** Yes, one of the challenges, of course, if I can say that, is that – yeah.

**MR. CROCKER:** (Inaudible) so one of the challenges that's – and you can imagine working with 13 provinces and territories, and the federal government as well, at a table of trying to implement. We have our local work that can be done, but when it comes to a national level it's much more complicated getting everybody to a decision point. Is that fair?

**MS. MERCER:** Yes, and different provinces and territories have different approaches that they wish to take. So yes.

**MS. COFFIN:** I've had some experience with FTPs and yes, I think –

**MR. CROCKER:** Getting everybody on the same page is –

**MS. COFFIN:** Yes. I don't know if you know *The Hitchhiker's Guide to the Galaxy*, but I think they sum up bureaucracy rather nicely.

Okay. So long, and thanks for all the fish.

What else did I want to talk about here? Yes, let's go to *Legal Aid Act*. Removing the counsel-

of-choice provision from the *Legal Aid Act*, have there been any long-term implications or short-term implications as such?

**MR. CROCKER:** I'm going to say no. I think it was a good decision, stand by the decision. I think this has just gone to show that we haven't heard much on it. It just shows the quality of lawyers that we do have at legal aid in the province.

**MS. COFFIN:** Okay.

So you see no impact to accused right to a fair trial?

**OFFICIAL:** No.

**MS. COFFIN:** No?

Any cutbacks to legal aid that might – I don't see anything over the last year. Maybe a decrease of \$100,000, so there have been no cutbacks as a result of that. Okay, that's nice.

Let's talk about the restorative justice program for offenders not accused of serious or violent crimes. It was something that, I believe, was announced in March 2019. Has there been any headway on that?

**MR. CROCKER:** Adult Diversion? Yes, there has been headway, primarily in Corner – I keep looking at Jen, my apologies. I'm looking for the nod. If I go off track, she will tell me.

That's probably with the institute in Corner Brook, correct?

**MS. MERCER:** Right.

**MR. CROCKER:** I think there have been 122 referrals or uses of it to date. Obviously, you're really talking about, I guess, minor crimes. It's the bar fight or things that can be handled in this way. Yes, it's been used approximately 120 times to date.

**MS. COFFIN:** By single individuals? I'm assuming that someone doesn't get to do that twice, hey?

**MS. MERCER:** We've set it up with our Corner Brook Crown's office – and, Lloyd, feel

free to jump in if I'm misstating something – together with our adult probation office on the West Coast. They're working in partnership. The way the program is working: The Crown, as is the Crown's right, assesses the file and uses its quasi-judicial discretion to determine whether it should go to court or referred to the program. Adult probation officers are then assessing it and working through restorative justice principles to have the file dealt with appropriately. Then, in that case, the charge is withdrawn before the court.

We've looked at about 120 referrals, I will say. I believe there have been some repeat referrals, and the policy doesn't foreclose that and, generally, restorative justice principles don't foreclose that.

**MS. COFFIN:** Right.

**MS. MERCER:** I think we are at a point where we probably, but for the pandemic, would have been looking at, sort of, an evaluation in the spring. Megan and Lloyd would be responsible within their divisions.

We'll look at evaluating now. I think we probably need to tweak some of the guidelines and finesse it. Ideally, we would be using this across the province. It will reduce the number of people in court, and for restorative justice reasons it is a very positive thing.

**MS. COFFIN:** Absolutely. I'm actually quite interested in this. Have you had, not a formal evaluation, but any even just anecdotal evidence from individuals on how they perceived the program and their engagement in it and any success? Anecdotal at this point, I imagine.

**MS. MERCER:** I think with any program there are hits and misses.

**MS. COFFIN:** Yeah.

**MS. MERCER:** Right. I think we need to sort of look at why we're getting those misses. Do we need to change our policy to address those things? How do we get more hits?

**MS. COFFIN:** Okay. Thirty-five, that's not bad.

Let's see, how about this – I probably should have asked this when we were talking about fines. Have we talked anything about looking at allowing people who owe large amounts of money community service to work off that? I know that had been conceptual. I don't know if that had been put into practice. If it had, did it work?

**MR. CROCKER:** That's really been challenged by COVID because, obviously, the person taking advantage of that would be someone on the lower end of fines. The deputy did explain, I think it was in an earlier question, about we have seen that. Even the idea of this program has had people coming to us or to the courts and making smaller payment arrangements. So we've enticed, but COVID has been a total challenge to this because if you're a service group or an organization that would have availed of this program, you've pretty much been shut for seven months.

**MS. COFFIN:** Right.

**MR. CROCKER:** The user of this program has been, I guess in a lot of ways, dormant this year.

**MS. COFFIN:** Right. I would absolutely advocate for community service in picking up masks.

**MR. CROCKER:** Yeah.

**CHAIR:** Okay, thank you.

I turn back now to Ms. Conway Ottenheimer.

**MS. CONWAY OTTENHEIMER:** 2.2.01 under Criminal Law, under Salaries. In '19-'20, Salaries were under budget by \$132,534. Can the minister provide an explanation for that, please?

**MR. CROCKER:** Yes, vacant positions within the division.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

How many Crown prosecutors are employed by the department?

**MR. CROCKER:** Over to Lloyd.

**MR. STRICKLAND:** I understand we have 50 positions in the province.

**MS. CONWAY OTTENHEIMER:** Is the present allocation of prosecutors adequate to meet the need of criminal cases before the court?

**MR. STRICKLAND:** Yes, the present allocation is sufficient. We do have issues now and then filling positions in certain places, but the allocation as laid out is adequate.

**MS. CONWAY OTTENHEIMER:** Thank you.

Under 2.3.01, Legal Aid. How many lawyers are now practicing at legal aid?

**MR. CROCKER:** Chantelle.

**MS. MACDONALD NEWHOOK:** I believe there are approximately 75 legal aid lawyers located across the province.

**MS. CONWAY OTTENHEIMER:** Thank you.

Is there a wait-list?

**MS. MACDONALD NEWHOOK:** I'm sorry, a wait-list for ...?

**MS. CONWAY OTTENHEIMER:** A wait-list in terms of retaining counsel. Do clients have to wait for a lawyer?

**MS. MACDONALD NEWHOOK:** To my knowledge, there's not a wait-list; however, I can certainly make that inquiry with the Legal Aid Commission and get back to you.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Is there a backlog?

**MS. MACDONALD NEWHOOK:** Again, to my knowledge, there's not a significant backlog. There is a process that's undertaken when an individual applies for legal aid. There's an assessment process in order to determine their eligibility. That's a step that takes a certain amount of time. Then, of course, as matters wend their way through the court process, that

can take a period of time as well; but, to my knowledge, those who are requesting legal aid services and who are eligible to receive them are doing so in a timely fashion.

**MS. CONWAY OTTENHEIMER:** Thank you.

I'm just wondering: Has Legal Aid been impacted by COVID?

**MS. MACDONALD NEWHOOK:** I think it would be fair to say that they have been impacted by COVID to the extent, in particular, that the courts have been closed. I know they maintained 1-800 services, for example, throughout the shutdown of the courts, so that individuals who are either current legal aid clients or those who felt they were in need of assessment for eligibility to receive legal aid had somebody on the other end of a phone line throughout the closures that were rampant throughout the province.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Is Legal Aid following an attrition plan?

**MR. GREEN:** Yes, Legal Aid also has attrition allocations applied to their budget.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

A final question on Legal Aid. The Grants and Subsidies, how is the grant amount determined?

**MS. MACDONALD NEWHOOK:** With regard to the grant, under the *Law Society Act*, we have a Law Foundation. The Law Foundation is mandated to collect money, basically, from the private sector, the private bar and that money is in turn designated for certain heads according to the *Law Society Act*. One of those, the most significant, which is the Legal Aid Commission.

**MS. CONWAY OTTENHEIMER:** All right, thank you.

Under 2.3.02 Commissions of Inquiry, this may be on record but I'll still ask it. Now that the



inquiry is completed, what was the total cost of the inquiry?

**MS. WRIGHT:** (Inaudible.)

**CHAIR:** Kendra, can I get you to repeat. I don't think your mic was on.

**MS. WRIGHT:** \$19,461,472.41. That would have been spread out over three fiscal years.

**MR. CROCKER:** The final fiscal impact is what you would see in the document.

**MS. CONWAY OTTENHEIMER:** Would it be possible to get a breakdown of the expenditures?

**MS. WRIGHT:** Yes, we can provide that, absolutely.

**MS. CONWAY OTTENHEIMER:** Would we be able to get a breakdown of legal services provided for either each individual or group that was granted standing at the inquiry?

**MR. CROCKER:** Yes, I think that's available.

**MS. WRIGHT:** Sorry, I ...

**MR. CROCKER:** Who got what?

**MS. CONWAY OTTENHEIMER:** Legal services provided for each individual group that got standing.

**MR. CROCKER:** I think that's actually available. That's been released, yes.

**MS. CONWAY OTTENHEIMER:** Okay, great.

**MS. WRIGHT:** (Inaudible) we can only provide what government paid for, so there'll be certain entities that appeared before the Commission of Inquiry for which we did not pay. So people got standing but they did not seek legal funding so we can only provide who we provided legal funding for.

**MS. CONWAY OTTENHEIMER:** I understand, thank you.

Under 2.3.03, Other Inquiries, with respect to the two inquires, the Innu children in care and Search and Rescue, is it possible to obtain a budget for each inquiry?

**MR. CROCKER:** It should be. SARS is underway so that would be possible. There's still work being done working towards the Innu inquiry. Andrew, could you ...?

**MR. GREEN:** The breakdown here for the two inquiries would be \$1.5 million for SAR and then \$1 million allocation for the children in care inquiry.

**MS. CONWAY OTTENHEIMER:** Thank you.

Under Salaries, when will hires take place?

**MR. CROCKER:** For the SARs inquiry it would already be happening. Go ahead, Jen.

**MS. MERCER:** Just further on the discussion about ATIPPA. We are really trying to find efficiencies between the SARS inquiry and the ATIPPA statutory review. For example, Justice Orsborn who is doing the statutory review is in the Beothuk Building, old MFI space. As is Judge Igloliorte who's doing the SAR inquiry. They're sharing some clerical; they're sharing photocopiers and that sort of thing. We're trying to be as budget conscience with this as possible, but, yes, that salary would encompass Judge Igloliorte. I think we have one staff already and another to follow.

**MS. CONWAY OTTENHEIMER:** Thank you.

How exactly, though, were the budget numbers established? Can you give us some indication -?

**MS. WRIGHT:** What we did was (inaudible) MFI inquiry, we knew kind of the budget lines and what is required. When you look at your salaries you know you need clerical, you know you need outside counsel. The goods and services, you need paper and binders so we just built the budget that way, but keeping in mind as the DM just mentioned that we have shared space.

We already have the MFI public hearing space which is going to be used for consultation and public hearings. All the furnishings are there. We have a lot of – I'm going to call it – office infrastructure. We were really trying to find efficiencies because we had purchased all that already for the Muskrat Falls inquiry. We were looking to reapply it and reuse it for the next inquiry: SAR and also ATIPPA review.

**MS. CONWAY OTTENHEIMER:** Thank you.

Under Salaries, the \$644,000, we're not able to really get a breakdown in the salary are we or is that something that is not able to be determined at this point? We have \$644,400. Any of the details on that?

**MR. GREEN:** For the salary breakdown, we would have built in some assumptions on what we thought would occur. We can take a look at providing what those assumptions were for you at a future date.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Final question: When will the inquiry start? Do we have a timeline for either, for both?

**MR. CROCKER:** Effectively, SARS has started, the justice is in place and the preliminary work is ongoing.

**MS. CONWAY OTTENHEIMER:** Okay. Any the other ...?

**MS. MERCER:** Flesh that out a little bit if ...

**MR. CROCKER:** Sure.

**MS. MERCER:** Judge Igloliorte started at the end of August – I'm looking for confirmation – yes, the end of August. He has been retained to develop the terms of reference, which is sort of the typical approach. We have seconded a solicitor from Justice to support him and also he has Paul Carter, who would be familiar to many people from the Muskrat Falls inquiry, to assist.

So the work has started. I think he is doing some literature review, as I understand it at this point.

This is a part two inquiry, too, so it will look much different than Muskrat Falls.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

**CHAIR:** Okay, thank you very much.

Ms. Coffin, do you have anymore questions?

**MS. COFFIN:** All right.

Let's start with, a while ago the government support program was providing free legal advice for the victims of sexual violence. Is that funding captured under Legal Aid or is that something unto itself?

**MR. CROCKER:** That would be captured under adult corrections.

**MS. COFFIN:** Okay.

Can you tell me a little bit about that? How much advice do individuals get?

**MS. NESBITT:** The program: We entered into a partnership with the Public Legal Information Association of Newfoundland and Labrador and with the Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre. The program is eligible to any victims of sexual violence, age 16 and up, all across the province. They have been holding some education sessions. All the solicitors are trained in trauma-informed training that are working with the program as well. As of right now, the program provides up to four hours of free legal advice to individuals that require.

**MS. COFFIN:** Can you tell me how many people have availed of that?

**MS. NESBITT:** I'm looking to my colleague, Kendra, to see if ...

**MS. COFFIN:** I think she's looking it up.

If you have a year over year that would be interesting to see. I mean, if it increases it could mean two things, one of which is people realize the program is available and start availing of it or it could mean that there is a greater demand. That's why I asked.

**MS. MERCER:** That's a very good question.

**MS. WRIGHT:** (Inaudible) 161 clients as of July.

**MS. COFFIN:** In total?

**MS. WRIGHT:** Yes, I think so.

**MS. COFFIN:** How long has the program been going?

**MS. MERCER:** (Inaudible) third year (inaudible); however, it was a late start by the time Newfoundland got the money in year one. However, we do work with PLIAN. The service is being offered through PLIAN.

**MS. COFFIN:** PLIAN?

**MS. MERCER:** Public Legal Information Association of Newfoundland and Labrador –

**MS. COFFIN:** Okay, got you.

**MS. MERCER:** – and the sexual response. So it's a joint arrangement. We've been working with them. Also part of the pilot, too, is that they've been doing outreach. They've also been going to other places in the province and that includes Labrador. They also went up to the remote communities. There's been a lot of outreach.

One challenge, too, is when you're dealing with different cultures and the reporting of sexual assaults has been a challenge. They're also looking at ways to assist in increasing the reporting and to get people to seek help and determine if they do need help. They definitely are working towards that. Part of the program and the funding also has an evaluation piece and so PLIAN is certainly working on the evaluation piece.

We look forward to that, getting it, and it will also be helpful as we move forward. Hopefully, as the federal government assist, too, in providing funding that will be a useful report to continue the funding for such a good program.

**MS. COFFIN:** We anticipate that it will continue? You said third year of three right?

**MS. MERCER:** Yeah, we're in the third year of the federal funding so that in and of itself – with respect to the federal government, we did get coverage again for this year and it was a very late stage. So certainly the department, in working with the federal government, will – it's a wait and see, but definitely the results of the evaluation piece will be useful for us to determine the program and where it needs to go.

**MS. COFFIN:** I would certainly look forward to hearing how well that works and if there's anything we can do to continue it. It certainly sounds like it's helped 160 people, so good. It's unfortunate that that many need it.

**MS. MERCER:** Well, I think, too, PLIAN, in getting their funding, they also get federal funding, too. So whether it comes in through the Department of Justice or directly to PLIAN, that will be certainly something that we might see a change going forward, too.

**MS. COFFIN:** Okay, good.

Maybe I'll see you in six months and we'll do this again.

I did want to ask, the tobacco lawsuit file, how's that going?

**MR. CROCKER:** I think I'm going to go to you, Chantelle.

It's been going.

**MS. MACDONALD NEWHOOK:** It's been going.

The tobacco litigation commenced approximately 25 years ago. It is the most complex, multi-party, national litigation in Canada's history.

**MS. COFFIN:** Right.

**MS. MACDONALD NEWHOOK:** We are at a point now where we have certainly crossed some important thresholds. I'm not permitted because of solicitor-client privilege to get into the details, but I can tell you that it's a file that we are very much engaged on with our provincial-territorial counterparts and there's regular work being done on that file.

**MS. COFFIN:** That's wonderful to hear it advance. I can't wait and see a settlement because I imagine that finding the fees and recovering those fees, we're probably not going to get enough community service.

**MR. CROCKER:** I'm going to go off on a tangent just quickly for a second about what I learned when I came to Justice because this is one of the files I chatted quickly with Chantelle about.

We've learned so much from tobacco that we may settle opioids before we settle tobacco. Opioids are two years old?

**MS. MACDONALD NEWHOOK:** Yeah.

**MR. CROCKER:** And we're almost as far along in opioids as we are for 25 years of tobacco because we've learned so much from tobacco.

**MS. COFFIN:** Excellent. So that's going to make the vaping challenge even better.

**MR. CROCKER:** Probably.

**MS. COFFIN:** That's coming next and then we got big oil, right?

Okay, I think that's the specific questions for this particular section so I'll save those. Let's go over and look at some of the numbers.

What do I have here? Office of the Chief Medical Examiner, 2.3.04. They were going to get \$63,000 in Property, Furnishings and Equipment and they're getting \$300. It went from \$60,000 down to \$1,000 down to \$300. I guess whatever the \$60,000 was, it was deemed unnecessary?

**MR. GREEN:** That would have been funding for a federal agreement to buy a computer software system.

**MS. COFFIN:** So we didn't get it?

**MR. GREEN:** I think the agreement wasn't signed with the federal government in time to make the purchase last year and it wasn't done in time to allocate the funds in the budget. So what we'll do is we'll just make the purchase

and we'll find the money from within savings, but we'll still receive the revenue to offset the purchase.

**MS. COFFIN:** Oh, okay. That's nice to know. So we'll get this. Okay, that's lovely.

The Operating Accounts have been cut by about \$70,000. That seems to be a big chunk. What's being taken out there?

**MR. GREEN:** For OCME, that would be the one-time funding for the federal agreement that was removed.

**MS. COFFIN:** Oh, right, okay.

Then we had a projected savings of – under Purchased Services, we purchased \$200,000 worth of extra purchased services. What did we get for \$200,000?

**MR. CROCKER:** This is the variance due to increased need for pathology provided by Eastern Health.

**MS. COFFIN:** We had more suspicious deaths?

**MR. GREEN:** In the Purchased Services for OCME, we have the transportation of human remains. That's a cost that we pay for any service provider, ambulances outside of the North East Avalon. We have a contract service provider within the North East Avalon. So those costs are fairly expensive and we can't determine what those costs will be every year because it's based on who passes away.

**MS. COFFIN:** And where I guess?

**MR. GREEN:** Yes.

**MS. COFFIN:** All right that makes sense.

Human Rights, Professional Services increased by \$25,000 over last year and we also had Operating Accounts went up. That was budget to actual. What's the rationale behind that, I guess?

**MR. CROCKER:** The Professional Services?

**MS. COFFIN:** Yes and then we can go to Operating Accounts if you want.

**MR. CROCKER:** The Professional Services is due to an increased cost for the number of hearings. What was the other one?

**MS. COFFIN:** Operating Accounts.

**MS. MERCER:** (Inaudible.)

**MR. CROCKER:** That's the total.

**MS. COFFIN:** Oh that's the total there?

**MS. MERCER:** (Inaudible) as the minister just said –

**MS. COFFIN:** Got it.

**MS. MERCER:** – so when you have increased hearings, the adjudicators are lawyers on the roster paid a per diem amount per the Treasury Board guidelines. It would just be their invoice services that would come out of that account.

**MS. COFFIN:** Got it. Okay, that's the summary. That totally makes sense.

**CHAIR:** Thank you, Ms. Coffin.

Ms. Conway Ottenheimer.

**MS. CONWAY OTTENHEIMER:** Under 2.3.05, Human Rights. How many complaints in '19 to '20 thus far?

**MS. MERCER:** In last fiscal, they had 113 official complaints but they actually had 1,272 inquires. Those inquires that come in annually would be related to, obviously, complaints, whether somebody is going to have a complaint under the legislation. It could be presentations, media requests. So it could be a number of things that would come in, but 113 official complaints were filed.

**MS. CONWAY OTTENHEIMER:** Thank you.

How many cases have been settled, mediated in the past year?

**MS. MERCER:** I'm going to have to get you that information. I can get you that information.

**MS. CONWAY OTTENHEIMER:** Great.

**MS. MERCER:** I was so busy getting the number of complaints I never thought about how they follow through the process and were completed, but we did provide that last year and I can get that.

**MS. CONWAY OTTENHEIMER:** Thank you.

Are there any decisions of adjudicators outstanding?

**MS. MERCER:** The way it works is that you will have complaints that are filed and they will roll over annually. It just depends on the lawyer, obviously, the complainants, the complaints, the investigation reports and then how the matter proceeds whether it goes through a board of inquiry.

During COVID, the entire Human Rights Commission were able to work from home. The only issue was with respect to were the parties ready and were they prepared to meet and whether they have to go through a mediation process first before meeting for the board inquiry. That all got delayed.

I will tell you that there was a bit of a delay for the last six months. They're working through that now, and they're working with a lot of the parties now to start rescheduling. They are one entity we have that is very focused on working with technology and, true, because we have lots of complaints from all over the province. While they're housed here in St. John's, they can essentially be virtually anywhere in the province. They are working towards that.

**MS. CONWAY OTTENHEIMER:** Thank you.

I was going to ask that question with respect to COVID. So there is an additional backlog due to COVID?

**MS. MERCER:** I don't know that I would refer to it as a backlog per se. I think it has more to do with the scheduling of certain matters is probably delayed but they do have two lawyers that are assigned for the board of inquires. Those lawyers are working hard to work with all the parties to get the matters scheduled but if the parties have lawyers, the courts are also

working to get matters scheduled, criminal courts and family courts. Backlog, yes, but I think a lot of it is just scheduling delays related to all the parties.

**MS. CONWAY OTTENHEIMER:** Thank you.

Under Salaries, why the increase of \$70,000?

**MR. CROCKER:** That would be the 27th pay period.

**MS. MERCER:** Yes. Are you talking about the increases?

**MS. CONWAY OTTENHEIMER:** Yes.

**MS. MERCER:** The increases; they had one additional policy person in the past year but now that's right-sized, and the current increase would just be a reflection of the 27th pay period.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under Professional Services, can you explain what the \$43,700 was spent on?

**MS. MERCER:** That activity line covers the board members, the Human Rights Commission board members. They meet five or six times a year. They try to only meet once or twice in person. There are six representatives who are from various areas of the province.

It also is the cost of holding the board of inquires and also the cost of the adjudicators. The adjudicators are on a roster and their lawyers, and they're all paid. So they will hear these matters. Some matters might be two or three days. There was one significant matter that lasted a couple of months, and so it would be the invoices. That number is going to vary, depending on the matters that are heard in a year and the invoices that are submitted by the lawyer or adjudicators, but who are all paid in accordance with the Treasury Board guidelines.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under section 2.3.06, Office of the Public Trustee. Where does the revenue come from under Provincial, that \$1-million figure?

**MR. CROCKER:** That's the Public Trustee's administration of estates. The fee that would be charged or – it's 4 per cent, is it?

**OFFICIAL:** Yes.

**MR. CROCKER:** There's a 4 per cent surcharge when the Public Trustee administers an estate.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

How many estates are under the jurisdiction of the Public Trustee?

**MS. MERCER:** I can answer that.

Currently, there are 932 active files of the Office of the Public Trustee. Right now, he has 297 matters that are with respect to guardian of a minor; there are 208 with respect to deceased persons; 242 with respect to the mentally disabled; and 185 other, but the majority of that would include survival of actions, for example. That accounts for 932.

**MS. CONWAY OTTENHEIMER:** Thank you.

Under section 2.4.01, Legislative Counsel. Under Salaries, is there a vacancy?

**MR. CROCKER:** Yes, there's a vacant solicitor position.

**MS. CONWAY OTTENHEIMER:** Has it been filled?

**MR. CROCKER:** Yes.

**MS. CONWAY OTTENHEIMER:** Okay.

**MR. CROCKER:** (Inaudible.)

**MS. CONWAY OTTENHEIMER:** Thank you.

Under section 3.1.01, Supreme Court. How have court operations been impacted specifically due

to COVID? In other words, the wait-list. I'm specifically concerned about the wait-list.

**MR. CROCKER:** I will refer to –

**MS. ORGAN:** We did have a recovery list, what we call, and we turned that into a recovery docket.

I can tell you that all of our matters that were adjourned for the duration of the closure, I would say, have been recovered. They have been touched by a judge and parties have been spoken. The matter has been called in court. There's been a case management, pre-trial conferences and settlement conferences. Things of that nature have been done with every case except for there are about, I guess, eight to 10 jury trials to be set down, and they are currently being set now for the new year.

**MS. CONWAY OTTENHEIMER:** Thank you.

Has COVID resulted in the budget of the courts having to be increased?

**MR. CROCKER:** Thank you.

COVID wouldn't be – I think as I said in my opening remarks. COVID wouldn't really be reflected substantially in this budget. There are about two weeks of COVID in this budget.

**MS. CONWAY OTTENHEIMER:** Okay.

**MR. CROCKER:** I don't know, Shelley, if there are – your anticipation?

**MS. ORGAN:** No, there isn't. No, we're not anticipating any.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Are there any cases being challenged under the Jordan case, the Jordan decision?

**MR. CROCKER:** No.

Lloyd?

**MR. STRICKLAND:** No. I wasn't sure I heard the question. Are you asking if there was a Jordan issue because of COVID?

**MS. CONWAY OTTENHEIMER:** Have there been any cases challenged under the Jordan decision?

**MR. STRICKLAND:** There's one outstanding challenge. I thought the question was in relation to COVID, and we haven't seen anything specifically related to COVID.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

**CHAIR:** I just want to ask, Helen, are you done with sections two because I think you're getting into three.

**MS. CONWAY OTTENHEIMER:** Oh, am I gone ahead? I'm gone ahead am I? Okay, so three is Supreme Court.

**CHAIR:** Okay. All right, perfect.

**MS. CONWAY OTTENHEIMER:** Okay, yes.

Sorry about that.

**CHAIR:** Ms. Coffin, do you have any further questions on sections two?

**MS. COFFIN:** No, I think I'm quite comfortable with 2.1 through five.

**CHAIR:** The twos?

**MS. COFFIN:** All the twos. I'm good with the twos.

**CHAIR:** Mr. Lane, do you have some questions?

**MR. LANE:** I have a couple.

**CHAIR:** Okay.

**MR. LANE:** The first one Helen just asked actually about the Jordan. Is there anything at risk, if I could put it that way? Are we getting close to any Jordan challenges? Not because of COVID but just in general.

**CHAIR:** Again, it seems, Mr. Lane, I think this is more appropriate for the next section. If we can just hold that one.

**MR. LANE:** Okay, all right.

I'm just wondering under ATIPPA, you mentioned, Minister, that there's a review taking place now. I do seem to faintly recall seeing something come across the wire at some point but so much stuff comes across the wire you lose track of some of it.

Can you provide some information as to exactly where we are with that? When is there going to be public consultations or is there already, or is there going to be a schedule out there? How will people know how to make presentations and so on?

**MR. CROCKER:** I'll defer to the deputy on that, but it has started. It is under Justice Orsborn.

**MS. MERCER:** It's a five-year review required by statute. Justice Orsborn started, I'm going to say, just after Labour Day. As I said, he has established a small office in the Beothuck Building, one staff being shared with the SAR inquiry. I think he is corresponding now with departments, entities and will establish his consultation process. That is independent of the ATIPP office. So how long this will take, I think he's hoping to have his report by the beginning of March – I'm looking for confirmation.

**MS. WRIGHT:** His report is due to the Minister of Justice by March 31.

I will just add one thing and that is we're assisting – back office function – on getting them a website. So stay tuned because all of his information is going to be up on the website to basically put out his consultation process; members of the public will have the information and it will all be set out that way. So you'll know the process.

**MR. LANE:** Okay.

**MS. WRIGHT:** We don't know the process but he's getting the process ready. We've put him in touch with the appropriate department with

respect to OCIO and the website creation and he's working on that right now.

**MR. LANE:** Okay.

That was really my question. We're not to a point yet where members of the general public now will know – I'll just use myself as an example. I fully intend on making a presentation on some changes as it relates to Nalcor in particular. So I'm wondering at what point in time will we know that I can do that and anyone else.

**MS. WRIGHT:** Right, you will have that –

**MR. CROCKER:** (Inaudible.)

**CHAIR:** If I may, just remind from a broadcast perspective and recording, we need you to introduce yourself before you respond.

Thank you.

**MR. CROCKER:** Obviously, those timelines haven't been set out, so obviously you haven't missed. I would ensure everybody that it is independent, but I would think that it would be well advertised or well communicated so the opportunity is taken.

**MR. LANE:** Okay. All right, perfect. Thank you.

Like I say, that would be the opportunity. I'm assuming the next opportunity to raise the issue of Nalcor falling under ATIPPA where it's currently exempted would be through that process.

Just wondering, one of the issues that came out through the Muskrat Falls inquiry, and this is something that certainly the Privacy Commissioner has raised and I know I've raised it publicly as well, is the whole concept of duty to document. We seen the whole idea, through the inquiry, of people having meetings and not taking notes and all this good stuff.

Is that something that would fall under ATIPPA and this department? We don't have a duty to document. If we were to have one is it this department or who would be –?



**MR. CROCKER:** I'm being told it's not, it's Digital Government.

**MR. LANE:** Digital, that would be Minister Stoodley.

**MR. CROCKER:** Yes, SNL or DSNL.

**MR. LANE:** It's under who?

**OFFICIAL:** Minister Stoodley.

**MR. LANE:** Okay, I'll save that one for her. Thank you.

**MS. WRIGHT:** (Inaudible.)

**CHAIR:** Remember to identify yourself, please.

Kendra, I need you to identify yourself, please.

**MS. WRIGHT:** Sorry, it was red. Sorry about that.

This is a statutory review on the *Access to Information and Protection of Privacy Act, 2015* which falls under the Minister of Justice and Public Safety. The documentation of records falls under the *Management of Information Act* which falls under a different minister. It's the Minister Responsible for OCIO.

**MR. LANE:** Okay.

Thank you, Kendra, you're a wealth of knowledge, I have to say. I'm impressed, man oh man, excellent. Awesome.

I also had a note here about Legal Aid and taking it in-house, which I absolutely 100 per cent agree with. I'm glad that it's working well so I don't need to ask about that. That was a good move, as far as I'm concerned.

I think the other ones would really fall under the RNC so I'm going to save it for then.

I'm done, Mr. Chair, for now

**CHAIR:** Thank you very much, Mr. Lane.

Any further questions on sections 2.1.01 through 2.4.01?

Seeing none, Clerk, you're on.

**CLERK:** 2.1.01 to 2.4.01 inclusive.

**CHAIR:** Shall 2.1.01 through to 2.4.01 carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

This has carried.

On motion, subheads 2.1.01 through 2.4.01 carried.

**CHAIR:** Now, Clerk, we will go to ...

**CLERK:** 3.1.01 to 3.2.01 inclusive.

**CHAIR:** Thank you.

Ms. Conway Ottenheimer.

**MS. CONWAY OTTENHEIMER:** Thank you.

I've already asked the question on the Supreme Court. Under section 3.2.01, Provincial Court, Salaries, could we have an explanation of the line item there please?

**MR. GREEN:** So for last year's budget to actuals, we would have had a large number of vacancies in the division.

(Disturbance.)

**CHAIR:** Please continue, Andrew.

**MR. GREEN:** Then for this year's budget, it would be your 27th pay period, but it's offset by a little bit of a vacancy factor that we've applied there. So we're going to assume there are going to be vacancies there.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Now, with respect to Salaries and specifically judge salary increases, there's an increase in judges' salary case before the courts, presently. In the event that judges are successful and a

raise is mandated is that raise included in the budget?

**MR. GREEN:** Those judges' salaries are not included in this budget, but should they become effective they will be included in future budgets.

**MS. CONWAY OTTENHEIMER:** What amount would you anticipate to include?

**CHAIR:** Chantelle.

**MS. MACDONALD NEWHOOK:** We don't have an exact number because that amount is affected by a calculation which includes, I believe, CPI and we don't have the figures available for that yet.

**MR. CROCKER:** My understanding, I think, is it would be the end of March before we get the final, I guess, piece of the equation.

**MS. CONWAY OTTENHEIMER:** Thank you.

Under Transportation and Communications, the actual for 2019-2020, it went over budget by, I believe, it was \$175,000. Can we have an explanation for that, please?

**MR. CROCKER:** If I'm correct in this, this would be transportation costs, primarily to and from Labrador. Circuit courts in Labrador, primarily, due to vacancies.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Revenue - Federal, can you please explain that line item?

**MR. CROCKER:** Again, that's cannabis ticketing, is it?

**MR. GREEN:** Last year, it would have been cannabis ticketing and accommodation of contraventions funding. This year, we removed the cannabis ticketing so what remains would be an allocation for contraventions funding.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under 4.1.01, Royal Newfoundland Constabulary –

**CHAIR:** I'm sorry; we're not into that section.

**MS. CONWAY OTTENHEIMER:** Oh, we're not in there yet. I'm getting ahead of myself again.

**MR. CROCKER:** Yeah, that was quick. Good job. Keep going. I'm okay with letting you go on.

**MS. CONWAY OTTENHEIMER:** Okay.

**CHAIR:** We're just staying organized. Do you have any more on 3?

**MS. CONWAY OTTENHEIMER:** No.

**CHAIR:** Okay, thank you.

Ms. Coffin, you're on.

**MS. COFFIN:** I think Ms. Conway Ottenheimer beat me to the punch on all of those, so I'm good on section 3.

Thank you.

**CHAIR:** A very adequate job.

Thank you very much.

Mr. Lane.

**MR. LANE:** I have a couple of questions. I'll go back to one that was sort of out of turn there on the Jordan rulings or cases or whatever they're called.

I'm just wondering, are there any matters that are currently at risk, if I can put it that way, or getting close to the Jordan rules? If that's even a thing.

**MR. CROCKER:** Lloyd.

**CHAIR:** Lloyd Strickland.

**MR. STRICKLAND:** We have several hundreds of criminal proceedings at once. There are cases that are near or even beyond the Jordan ceiling, particularly on account of the shutdown

this year, on account of the public health emergencies, but the Jordan framework does not include delays that are caused by unforeseen circumstances.

All I can say is at this stage we know of one application in the province, and that's all we know of at the moment. We expect many cases are above the ceiling but defence counsel probably assessed them and said we're not going to win based on delays that occurred because the courts are shut down.

**MR. LANE:** Okay. I appreciate that, but I guess what I'm getting at, if there are some that are now above that ceiling because of COVID then you subtract the last four months or whatever from that equation and now we're very close to getting to that ceiling if there was no COVID and now they can possibly say we want to throw this out because it has taken too long.

I'm just trying to get a sense of is there anybody actively monitoring this and is there anything being done to speed up those matters somehow so that we don't get into a situation where there is more than one application this year from other clients or accused?

**MR. STRICKLAND:** Well, every Crown Attorney is well aware of the need to abide by the Jordan framework and the ceilings that are in place. They carefully note the first date of the charge, and when it comes close to the ceiling the court is also either aware of it or advised by counsel. Yes, if you asked me, is there a system to keep track of it. The Crowns are the system. They have the files and they make efforts with the court to schedule trials and make sure they're handled within the Jordan framework.

**MR. LANE:** Okay. Thank you for that.

There was one other question I had. I thought I wrote it down. Just like that, gone. Maybe if I get back to it and when I have another opportunity, I may have to backtrack with one question because I know I had one there. I thought I jotted it down but I didn't.

Thank you.

**CHAIR:** Okay, thank you.

Let's enter this into the record, Clerk.

**CLERK:** 3.1.01 to 3.2.01 inclusive.

**CHAIR:** Shall 3.1.01 through to 3.2.01 carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

This has carried.

On motion, subheads 3.1.01 through 3.2.01 carried.

**CHAIR:** I'll ask the Clerk to enter in the next section.

**CLERK:** 4.1.01 to 4.2.02 inclusive.

**CHAIR:** 4.1.01 through to 4.2.02 inclusive.

Helen.

**MS. CONWAY OTTENHEIMER:** Thank you.

**CHAIR:** We're getting more familiar as the evening goes on.

**MS. CONWAY OTTENHEIMER:** Under 4.1.01, Royal Newfoundland Constabulary. Because of COVID-19, recruits are training in Prince Edward Island. Is there an additional cost and has this program been changed in any way?

**MR. BOLAND:** There is a cost to going there – you can jump in here – but it's approximately \$11,000 a cadet. Now, I'm saying there's a cost to send them over but there's also a bigger cost to not send them.

The cadets started training in January of 2020 and then it got paused in March. Our training didn't just pause for our cadets, but it paused for the whole organization. The training program within the RNC goes 12 months a year. So we were not able to offer the program in September because of the demand we had for the mandatory training for our current officers. If we didn't get them up and going in September, then

we would have lost them and we would have had to try to restart them some time in 2021.

We worked out a deal with the APA. There's a two-week refresher when they get there to bring them up to speed. The training for a cadet, for our officers, the skills they learn they're perishable, number one; and, secondly, they build on each other. So they have to go over, we work with the curriculum they currently obtained in January to March. The APA will take that, refresh them in to that training and then work with the program we have and with their program to deliver a satisfactory 10-week program at the APA. Then they will return to the RNC in December and by, I think, the second week of January of 2021 they will do two more weeks within the RNC and then we'll graduate them.

**MS. CONWAY OTTENHEIMER:** Thank you.

How many cadets at \$11,000 per cadet?

**MR. BOLAND:** Fourteen.

**MS. CONWAY OTTENHEIMER:** Fourteen.

**MR. CROCKER:** I think the total, Chief, is \$180,000 from the number that I've seen, I think, approximately.

**MS. CONWAY OTTENHEIMER:** Thank you.

**MR. BOLAND:** Yes, and I would say there's a greater cost to have to restart that program. These cadets should have been graduated. They would have been on salary with us now as cadets – as recruit constables, sorry. We don't incur that cost. There would be a greater cost, I think, if we don't train them.

**MS. CONWAY OTTENHEIMER:** Thank you.

Under Salaries, can the minister please give an overview of how many employees are with the RNC and salary increases?

**CHAIR:** Andrew.

**MR. GREEN:** Total employees: we have 408 officers, I think that's correct, and 119 civilians.

The salary increases you asked about, is that for the officers?

**MS. CONWAY OTTENHEIMER:** Yes.

**MR. GREEN:** That money is not reflected in the budget but it's in a block funding. Any salary increases are block funded in the Department of Finance. We've already received that money from the Department of Finance through a budget transfer. It's not reflected here because main supply hasn't passed yet. Once main supply passes, they will redo that transfer because Interim Supply transfers wipe out and then they had to redo it. You'll see an actual expenditure much higher next year for salaries in this line.

**MS. CONWAY OTTENHEIMER:** Thank you.

How many RNC officers are trained now in roadside testing of cannabis?

**MR. BOLAND:** I can tell you that we have a significant number that are trained, but the exact number I can get back to you with.

**MS. CONWAY OTTENHEIMER:** Thank you.

How many RNC officers are associated with the mobile crisis units?

**MR. BOLAND:** The mobile crisis unit varies from jurisdiction to jurisdiction; 100 per cent of our officers in Labrador – let me just start with St. John's. In St. John's, we have four officers that work in that unit and they work alongside of, I think there are 11 mental health professionals. They are either social workers or nurses that work in the unit.

We have approximately 60 per cent of our officers that are crisis intervention trained; that's our patrol officers. That's in St. John's. Then in Labrador, we have 100 per cent of our officers that are trained. The model is different in Labrador. The officers go to a call in uniform and the health care professional also goes to the call but they don't attend in the same vehicle.

In Corner Brook, it's a little bit different again. We have two officers that are trained there that work full-time in that unit. They go and pick up the health care professional and attend the call. Again, in Corner Brook, 100 per cent of our officers are CIT trained.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Are RNC officers trained in trauma-informed investigation and policing practices?

**MR. BOLAND:** It's an area where we're putting much more emphasis on, but part of our police-model training gets into trauma informed.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Can you provide a list of the detachments and the number of personnel at each detachment?

**MR. BOLAND:** I think in Labrador, 24; Corner Brook, roughly 43; and St. John's would be the remainder.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

How does the number of RNC members who are eligible for retirement compare to the number of recruits?

**MR. BOLAND:** I'm probably going to misspeak here now.

I'm going to say, roughly, we have about 50 members that are eligible for retirement and that would be officers that have 25 years' or more of service. It's a bit of a guesstimate because in that period, I think, there are roughly 38 that would have over 30 years.

**MS. CONWAY OTTENHEIMER:** Okay.

**MR. BOLAND:** I could misspeak here now because I don't have the numbers here in front of me.

The number of recruits, it's a bit of a guesstimate as to how many vacancies we would have through retirement. We actually do a calculation on it to try to come up with the

number of cadets that we require. So this past year, we had 14. I think we overestimated the year before; we had 27 cadets, which caused us a bit of a problem. Then we're going through the process now for the next round of cadets.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Transportation and Communications, can you please explain that line item?

**CHAIR:** Jennifer.

**MS. MERCER:** For RNC?

**MS. CONWAY OTTENHEIMER:** Yes, under RNC.

**MR. CROCKER:** The variance?

**MS. CONWAY OTTENHEIMER:** Yes, the variance.

**MR. CROCKER:** So year over year our budget to actual would be lower than anticipated telecommunications costs.

**MS. CONWAY OTTENHEIMER:** Sorry, I didn't hear that.

**MR. CROCKER:** Oh, sorry.

The year over year would be lower than anticipated telecommunications costs.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under Purchased Services, again, could you explain that line item as well?

**MR. CROCKER:** Go ahead Andrew.

**MR. GREEN:** Under Purchased Services, there is a multitude of things that come into this line. One of the biggest cost drivers here would be vehicles, repairs and maintenance. Part of the reasoning around replacing the fleet in the manner that we're doing it is to reduce expenditures on vehicles, repairs and maintenance.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under Royal Canadian Mounted Police, can the minister please provide a list of detachments and the number of personnel at each? That's 4.1.02.

**MR. CROCKER:** I don't have that available. We can certainly provide it.

**MS. CONWAY OTTENHEIMER:** Thank you.

Under Professional Services, again, could we get an explanation of that line item, please?

**MR. GREEN:** Professional Services here would be the cost, the 70 per cent cost of policing in the province. In addition to that, there is a cost for First Nation policing program, biology case-work analysis and provincial prison costs that are held in RCMP detachments under 96 hours.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Under RNC Public Complaints Commission, what is the status of the position of the Public Complaints Commissioner?

**MR. CROCKER:** It's in the works. It's at the Independent Appointments Commission.

**MS. CONWAY OTTENHEIMER:** Thank you.

**CHAIR:** Okay, thank you

Ms. Coffin.

**MR. CROCKER:** Oh no, sorry, yes.

**MS. COFFIN:** Okay?

**CHAIR:** Yes, I think so.

**MS. COFFIN:** I wasn't sure if the oh no was for me.

**CHAIR:** Did you want to correct something? Was there something to be corrected there?

**MR. CROCKER:** Yeah, sorry, to go back to the RNC Public Complaints Commission, it's in

the process of being filled. It's a little further along than I gave it credit for. I was thinking another position that was at the IAC.

**CHAIR:** Okay, Ms. Coffin.

**MS. COFFIN:** Okay, thank you.

Let's start with the overarching questions before we get into the line by line. I'm delighted to see the SIRT being funded and getting underway. It looks as if budget and actuals varied substantially from the '19-'20 budget. I'm assuming that means there was a slow start in it? Are we up and running now?

**MR. CROCKER:** Yes, we are up and running and you are correct, the budgets and actuals were primarily due to getting it started. I think it's 15 case?

**OFFICIAL:** Twenty-five.

**MR. CROCKER:** Sorry, 25. SIRT has already investigated or has 25 files. They've been quite active. They're doing what they're there to do.

**MS. COFFIN:** That's what we expect of them. That's nice to hear. It is the public purse.

Let's see now, I'm trying to grab something in order a bit. Let's go to the Adult Corrections, I guess, and Her Majesty's Penitentiary. What's the situation regarding the housing of female inmates at the penitentiary? Are there any there now? If so, how many?

**MR. CROCKER:** At the current time there isn't. I had the opportunity maybe four weeks ago now to actually tour the women's facility in Clarendville, which had very low numbers or the numbers became low during COVID and it is, I guess, unfortunately, filling up again. But it's certainly not at capacity yet.

**MS. COFFIN:** Okay.

That's reassuring. Did we have an inquiry about the death in Clarendville?

**MR. CROCKER:** We did, that's the Jesso report.

**MS. COFFIN:** Okay, thank you.

Recommendations from that, are they being implemented?

**MR. CROCKER:** Half of the recommendations from the Jesso report will be addressed with the new HMP. The building itself addresses half of the recommendations. Three recommendations are being addressed through transfer of inmate health services through the Department of Health, and incarceration and electronic monitoring and bail supervision also address some of the concerns raised by Jesso.

**MS. COFFIN:** Okay.

When do we expect to, I guess, occupy the new HMP?

**MR. CROCKER:** I'm going back to my TW days, the requests for qualifications is closing next. So then we go to RFP. I'm truly going off memory here; I'm thinking it's '24.

**MS. COFFIN:** It may very well be in the back of Estimates under capital projects.

**MR. CROCKER:** Megan, '25?

**MS. NESBITT:** '24-'25.

**MR. CROCKER:** '24-'25.

**MS. COFFIN:** So we're going to be a couple of years before we get all of those recommendations addressed.

**MR. CROCKER:** Absolutely.

**MS. COFFIN:** Is there anything that we're doing in the interim? There are still people who are incarcerated that the recommendation will not be addressed in –

**MR. CROCKER:** I think really the recommendations are so structural in the facility, unfortunately, they wouldn't be able to be corrected without a new facility.

**MS. COFFIN:** I'm wondering if we have done enough or are doing enough in the interim to prevent another death in something like the Clarendville institution.

**MS. NESBITT:** I would just like to add to what the minister had noted on the Jesso report. There were 17 recommendations made; we've accepted all of them in principle. As he has articulated, there are a number of challenges with the recommendations as it pertains to the infrastructure and limitations that we simply are not able to address until we have a new building.

However, in the interim, we have been over the last couple of years reviewing our policies and procedures, looking at best practices, working with our FPT partners and our subject-matter experts. We have a Heads of Corrections network all across the country. He spoke to a number of programs in terms of alternatives to incarceration. We've been looking and working very closely with the Department of Health and Community Services and Eastern Health, as well, on the transition of health care services in Corrections and made a number of changes there as well.

There are a number of things that we are limited and not able to do until the infrastructure challenge is addressed, but there are a number of other smaller steps that on a holistic level will have some positive impact. We're doing everything we can to try to advance and make those things better, while recognizing we can't wait until we have new infrastructure in several years. It's critical. It needs to be addressed very urgently. So we're doing absolutely everything we can and looking at a number of different areas to advance those to the best of our ability, or modify where we can until we get the new infrastructure in place to be able to fully address.

**MS. COFFIN:** Okay, thank you.

Let's talk about the disciplinary segregation policy for the Penitentiary. Can I get an update on how that policy has been implemented and how well it's been received?

**MS. NESBITT:** We had a disciplinary Segregation Review Committee convened of a number of community stakeholders, departmental officials, subject-matter experts and stakeholders in other departments as well. They had delivered their report and presented it to government in April of 2017.

There were 18 recommendations that were made from that review. Again, all of those had been accepted in principle. Sixteen, I'm very pleased to say several years later, have been either fully implemented or are in the process of being implemented.

There are some that relate to our infrastructure challenges, unfortunately, of course, as well when it comes to inmates with pervasive mental illness and the placement of them in those various units. It's, again, things that we're looking at in terms of policies and procedures, looking at best practices, working with our counterparts and with our health care professionals to implement and revise and change as best as we possibly can while we're waiting to be able to address the infrastructure challenges.

**MS. COFFIN:** That's very reassuring. Thank you.

The implementation of the recommendations in lowering the isolation time is having the effect we had hoped; the desired effect in reducing, I guess, inmate agitation, maybe repeat offenders. Is it doing what it's supposed to be doing?

**MS. NESBITT:** I can't speak to in any sort of full, formal evaluation. There are certainly a lot of good things that are happening out of that; however, it's challenging to measure. So I don't want to misspeak and give you any wrong information. It is certainly – and something when we're dealing with the types of issues that we are, it's very hard to measure on any particular circumstance.

**MS. COFFIN:** I can appreciate this. I understand you're talking in very general terms but when you say complexities associated with possibly addictions and mental illness that does become a very difficult thing to measure. I well imagine that's very much a case-by-case basis I'm sure.

**MS. NESBITT:** Absolutely.

**MS. COFFIN:** Okay, thank you.

Let's talk about staffing at HMP. There are a number of things going on there. In terms of, I guess, we have problems with overtime and sick

leave. Is that continuing? Has it been addressed? How are staff doing with those?

**CHAIR:** Megan.

**MS. NESBITT:** As I'm sure you can appreciate, the environment and the work that is undertaken in corrections is very difficult, very challenging. It is one of those areas of profession where we do see – I don't want to say chronic is overstating it but it is certainly an issue that has been a historical issue. I would anticipate is going to continue in the future but we're very mindful of those things. We've been doing and implementing a number of things to try to alleviate and mitigate as best as we possibly can to help properly support our employees, ensure that we have training and supports in place.

Our new superintendent of prisons has a wealth of knowledge and training and is a trainer himself in mental health readiness. It's one of those areas where it is very much a difficult environment and they deal with some very challenging things. It's not something that we're ever going to see go away, but we're working and trying to mitigate and look after our people as best as we possibly can.

**MS. COFFIN:** Thank you.

I'll be back, I'm sure.

**CHAIR:** Okay, thank you.

Just a couple of observations for everyone in the room. First of all, we are approaching the end of our scheduled time, so three hours will be automatically deducted. We have a couple of options available to us. We can continue since there is such a large group here and it's an interesting discussion, but it's getting late as well. With the consent of the Committee we can continue, or the Clerk and the Government House Leader can confer and we can look to schedule another time where we can complete.

So I'm just looking for suggestions from the Committee Members.

**MS. CONWAY OTTENHEIMER:** I'm willing to continue. I only have three more questions.



**CHAIR:** How do the others feel?

Any additional time, of course, will be deducted from the time on the floor here to debate the budget, but we need to get through it too.

**MS. COFFIN:** I do have more questions which I imagine will take us past our allotted time. My largest concern – I’m fine – these folks here I am far more concerned about because I know how much work goes into the development of a budget and I can well imagine everyone here has been working a lot of extra hours. So I’m going to be very respectful of the staff’s time.

**CHAIR:** Maybe I’ll look for a comment from the minister.

**MR. CROCKER:** Yes, I think we would want to finish, I think. I see a lot of nodding heads.

**CHAIR:** This is a big group to assemble.

**MR. CROCKER:** Yes, this is their evening and I certainly wouldn’t want to drag them away from another evening at it. So I think we would prefer to finish.

**CHAIR:** Okay, with the consent we will continue.

Back to Ms. Conway Ottenheimer, then.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Actually, that is it for this section.

**CHAIR:** Okay.

Ms. Coffin, anything else on section 4?

**MS. COFFIN:** Okay.

Let’s go back to the staff at HMP. Can you provide overtime and sick time records for staff on an aggregate, if nothing else?

**MS. NESBITT:** I don’t have that information but I can certainly look into and we will provide you what we can with it.

**MS. COFFIN:** Lovely.

**MS. NESBITT:** And I’m sorry, you said it was –?

**MS. COFFIN:** Overtime and sick leave records.

**MS. NESBITT:** I believe you had just mentioned aggregate data because, of course, we need to be able to respect –

**MS. COFFIN:** Aggregate. Oh, yes, I wouldn’t want – no, no, privacy and confidentially.

**MS. NESBITT:** – privacy and confidentially.

**MS. COFFIN:** I would not want to breach that. We just had quite a protracted conversation about the importance of that.

Dr. Klassen’s independent review recommendations, are they being implemented? How far are we along in the implementation of that?

**MS. NESBITT:** I’m sorry, which –?

**MS. COFFIN:** Philip Klassen’s independent review.

**CHAIR:** Dr. Courtney?

**MS. COFFIN:** I have Klassen here, but Courtney? Okay, I’ll take that. It’s the recovery model I’m thinking about. This is a psychiatrist. No? All right. Maybe I’ll write a letter.

**MS. NESBITT:** Phil Klassen is a forensic psychiatrist in Ontario, but I’m not aware that’s he’s – other than on particular forensic psychiatry files, I’m not aware that –

**MS. COFFIN:** Okay. All right. Maybe I’ll have a little dig at that a little more.

Thank you.

**MR. LANE:** (Inaudible) transferred over to (inaudible).

**MS. COFFIN:** Oh, it may have gone there. That may have gone there, yes, because we did play musical chairs a little bit with the budget didn’t we.

**MR. LANE:** (Inaudible.)

**MS. COFFIN:** Yes, okay.

One of the recommendations, I think, from this was the department should engage in an academic provider with the possibility of developing a residency program for forensic psychology.

No? All right.

**MR. CROCKER:** Yes, that sounds like Health to me.

**MS. COFFIN:** Yes, okay. All right. Well, I'll save that for there. It ended up in my notes but that's no problem at all.

Hang on, there's more. Workplace safety for the folks at HMP, I know that had been raised in the media a number of times. That has been addressed, or any workplace safety issues have all been addressed at the Penitentiary?

**MS. NESBITT:** Do you mean workplace safety, generally, or is there something specific?

**MS. COFFIN:** In general. I don't have any specific there.

**MS. NESBITT:** Workplace general, yes, we're continuing to work. We've been working very closely with the Occupational Health and Safety division of the Treasury Board Secretariat, right now, in developing a number of specific targeted strategies for mental health and wellness within our Corrections. We have committees that meet regularly and identify issues and bring them forward and ensure that they're actioned and followed up on in a timely basis to address any outstanding concerns.

**MS. COFFIN:** Okay, excellent.

Thank you.

In terms of medical appointments for inmates, have those issues been addressed? I know there have been some concerns about them getting medical appointments and access to medication and things like that. Have those issues been addressed?

**MS. NESBITT:** The medical treatment and care has continued throughout the pandemic. We

have at times been offering some – in the earlier days of the pandemic, a lot of the treatment and various programming were being done remotely wherever possible. Everything has resumed in person.

Virtual is still an option where it's feasible or where necessary, but we have ensured that we have – we've been retaining full access to all the health care services in mental health and addictions, and it's been in person now at HMP since the beginning of July and shortly after that. It's also been available in person again at all institutions across the province and soon after that.

**MS. COFFIN:** Okay, excellent.

Thank you.

Can you give me a sense of how many federal prisoners we are currently housing at the Penitentiary?

**MS. NESBITT:** Right now, today? I don't have the – I have the number for overall for last year.

**MS. COFFIN:** Sure, yes.

**MS. NESBITT:** We had 303 overall for – no, I'm sorry, that is the per diem rate. I'm getting my numbers mixed up. We had 52 at a rate of \$303.

**MS. COFFIN:** Three hundred and three dollars a day?

**MS. NESBITT:** Yes.

**MS. COFFIN:** Okay.

**MS. NESBITT:** We have a federal exchange agreement. I'm looking to Andrew to make sure I had the name of that correctly.

**MS. COFFIN:** I understand that when we have people living in Newfoundland and Labrador but charged under the federal system that we do house them and this is where the \$303 is coming from. So I assume that's where we're getting our federal revenue of \$6.6 million?

**CHAIR:** Andrew.

**MR. GREEN:** The majority of that revenue is, yes, the exchange service agreement to house federal inmates. There is a small allocation there for some victim services federal agreements –

**MS. COFFIN:** Right.

**MR. GREEN:** – but the majority is the exchange service agreement.

**MS. COFFIN:** So 52 at \$303 a day gives us – we’re looking at \$6.7 million for this current year. So they’re staying there for a protracted amount of time as well, aren’t they?

**MR. CROCKER:** Yes, those numbers would fluctuate from time to time.

**MS. COFFIN:** Yes. It seems to be \$6.6 million last year and \$6.7 million this year, so it sounds like there’s – we’re getting a whole lot of money coming into the province because we are housing federal prisoners, yes?

**MR. CROCKER:** I can even say that we’ve taken that into consideration with the new build.

**MS. COFFIN:** Okay, that’s my next question. Tell me a little bit about the discussions of housing federal prisoners in the new penitentiary.

**MS. MERCER:** When we talk about federal prisoners, it’s anybody with a sentence of two years-plus.

**MS. COFFIN:** Two years-plus, yeah.

**MS. MERCER:** They would be assessed by a classification officer and in some cases sent to institutions elsewhere in Canada: Dorchester, Springhill, a variety of places. Nova for women in Truro. We can also assess, and based on risk and our capacity, we can keep them here in the province, which, of course, has some benefit to them because they can see family, do visitations.

Culturally, it’s often to the inmates benefit. Then, of course, the feds pay us for housing. Because once they get that sentence of two years-plus, they are federal responsibility.

**MS. COFFIN:** They become in the federal system.

**MS. NESBITT:** That’s right.

**MS. COFFIN:** Okay. That’s what my understanding was.

Can I get some sense of the nature of the individuals, the nature of the crime of the individuals who are serving two years-plus a day in our Penitentiary? Can I get some sense of that?

**MS. NESBITT:** I don’t know specifically who’s there but sentences, serious assaults, robbery, obviously homicide, sexual assaults.

I’m looking to Lloyd to help me fill in some blanks here.

**CHAIR:** Andrew.

**MR. GREEN:** The allocation also takes into account for people who are remanded into custody. So they’re proceeding through the court system. They wouldn’t actually have a sentence yet, but we’re housing them in an institution. They’re considered a federal because of federal charges.

**MS. COFFIN:** Right, and that’s what I understood was the case. I understood that.

When we are housing people who are falling under that two years-plus, as they’re making their way through our judicial system, but before their sentence has been conveyed and they are actually serving the time, then that’s where we get some of that, but it seems to be that there are also some people who are serving two years-plus locally. Can I have a sense of how many that is and what that risk level is of why they’re –

**MS. MERCER:** Megan, I don’t know if you know that.

**MS. COFFIN:** If you don’t know it off the top of your head, then that would be something that would be good to – if you could send that along that would be great.

The follow-up question would be: Can you give me a more detailed understanding of the number of federal inmates that we are considering housing in the new penitentiary?

**MS. MERCER:** I don't know that, I'm just trying to think. We'd have to try and do some figuring, I think, for that because, again, it's risk assessment and capacity.

**MS. COFFIN:** But it is being considered.

**MR. CROCKER:** Absolutely. Because if you think about the revenue, we would be foolhardy not to consider it.

**MS. COFFIN:** Okay. So I would like a fuller sense of the nature and number of individuals that we are considering –

**MR. CROCKER:** Housing?

**MS. COFFIN:** Yes.

**MR. CROCKER:** Yes, and that would probably be a simple – I don't know the beds or that is in the request, but that may even be a question from TI and you could simply do the math to think that we'd have added space. In all likelihood, we would do our best to keep –

**MS. COFFIN:** But my understanding is the new penitentiary is supposed to be much larger, and with an aging population I'm assuming that crime is likely going to go down. So if we are building added capacity into our system to house the federal prisoners, I would like to know what those discussions are about.

**MR. CROCKER:** For sure.

**MS. COFFIN:** Okay.

**CHAIR:** Okay, thank you.

Mr. Lane, any questions in section 4?

**MR. LANE:** So I just wanted to just get my head straight now on what Alison was asking.

What I'm gleaming from this, which was a little bit of news to me, if someone is sentenced to – a lot of the time you'll see it in the paper, someone was sentenced to two years less a day. The idea of two years less a day in a sentence is now they can stay at HMP and they're not doing federal time. But if they were sentenced to two years or more, now they're going to do federal time.

What I'm hearing is that if someone could be sentenced to two years or more and stay here at HMP, and we get paid \$303 a day from the feds, I think that's what I'm hearing.

**MR. CROCKER:** Yes, but I don't think the judge takes that into his consideration in his ruling.

**MR. LANE:** And that's kind of where I was going. Why don't we ask the judge, instead of giving everyone two years less a day, give them all two years plus a day and then we can get paid \$303 a day for all of them?

**CHAIR:** Next question.

**MR. LANE:** Anyway, yeah, on to the next question. I'm not joking.

On to the Youth Secure Custody, I've asked this every year since 2011 and I'm going to continue to ask it and maybe the answer won't change, I don't know. When we're talking about Youth Secure Custody, I'm thinking about Whitbourne boys' home or youth correctional facility, whatever the name is that's on it. I've made no secret over the years and I continue to make no secret over the fact that I think that was a bad political decision to begin with. It made no sense to go sending all those kids, most of them are getting arrested here, the police got to take them in the middle of the night, drive them to Whitbourne to get processed and by the time that happens. Then they got to go to court, so then the guys from Whitbourne are driving them back to town and then there are doctors appointments and everything else.

I'm just wondering, given the fact that the numbers have gone down significantly in Whitbourne over the years, they used to have four or five units, I think, and now my understanding is they have one unit, maybe two with young offenders in it and the rest of them are vacant and everything else. We're looking at the \$ 4.15 million, I'm assuming that's all connected to Whitbourne or the majority of it is, perhaps.

Is there any thought, any plans – and that's not to mention the impact it's having on the RNC, I'm going to say, when there are officers that could be out patrolling my neighbourhood but

they're not, because they're on their way back and forth to Whitbourne, potentially, driving young offenders – that's the way it used to be, maybe it's changed; there might be a holding cell here now. That's what I want to get an understanding of, but the bottom line is: Are there any plans to scrap Whitbourne, so to speak, and based on the numbers to consolidate some of this, maybe in town, maybe at the holding cells that we have now, to save the taxpayers money and to make a more efficient system? Are there any plans at all being looked at?

**MR. CROCKER:** I'm going to take a shot at this one because I asked a very similar question when I came to the Department of Justice.

The challenge around that is under the federal act or the federal regulations we are required to accommodate a school with a gymnasium. If there are only three people, three children, as an example, or youth in Whitbourne, we still have to have a school. That school still has to have a gymnasium.

I thought a lot along the same lines as you did: Why can't we have a much smaller facility? But the requirements under federal legislation is that we provide everything for this youth that they would get in, I guess, a regular setting.

Was that a decent stab at it?

**OFFICIAL:** A pretty good stab.

**MR. LANE:** Is there any evaluation done at this facility, regardless if it's Whitbourne or if it was in St. John's, back down in Pleasantville or Torbay, wherever it used to be before, is there any evaluation done? I understand they have to have teachers there and I think at one point there was a couple or three teachers.

**MR. CROCKER:** There still is.

**MR. LANE:** There was a principal, a vice-principal and all that. I'm told there might have been two or three young fellows or whatever, actually going there and someone there for like a year, couldn't write their own name when they got there and couldn't write their own name after they left there, despite having all these resources in place.

These are stories I've heard from a number of people, I'll say, and I'm just wondering are these things being evaluated? We have these programs, does anyone actually check to see are they being utilized? How many kids are using it? Is there any success? Are they attending class?

**MR. CROCKER:** The teaching there is provided by the Newfoundland and Labrador English School District, no different than it would be provided in any school in the province. I guess, the chance of any child going into any grade and coming out, at the end of the year, the same is there that would be in the school system. These are the same educators that are in the high schools throughout the province.

**MR. LANE:** I'm not disputing the qualifications of the teachers, I'm not.

But the point is if you have all this infrastructure and nobody is going to class or they go to class and they sit there and they've decided: Well, I don't want to learn, I don't care what you're telling me, I'm not going to listen anyway. In theory, there are an awful lot of resources being put towards these things and an awful lot of cost to the taxpayers. So I'm just putting it out there, Minister.

**MR. CROCKER:** Unfortunately, I'd argue the same thing in any education system, if there's not a willingness to learn ...

**MR. LANE:** So what you're telling me is that at this point in time there's nothing going to change, right now?

**MR. CROCKER:** Yeah.

**MR. LANE:** Okay.

**MR. CROCKER:** I'll just point out, in the number there is a federal offset. There's an offset, there is federal revenue of \$2.8 million a year that comes off the top, so it does net the approximately \$4 million – is it – down to \$2 million. Yeah.

**MR. LANE:** Okay. All right, thank you.

I have a couple of questions around the RNC, I suppose; to the chief, I suppose, really.

Just wondering with the cannabis being legalized, and we sort of debated this in the House of Assembly, issues around impaired drivers through cannabis. I know there's supposed to be training and so on, but some of it still seemed a bit loosey-goosey – if I can use that term – as to how you actually prove somebody is over the limit. There were a number of questions around it.

I'm just wondering if the chief can give us some sense of what the experience has been in trying to enforce cannabis use while driving a vehicle and so on.

**MR. BOLAND:** There are challenges to it. I think we were, perhaps, better prepared than most police services in the country. We had several of our officers that actually delivered training down in Florida and Phoenix, Arizona. Some of this information I can't tell you off the top of my head here today how many people we have trained, but certainly we do have a number trained.

It's a different test. It takes longer to do. There's a lot more court preparation, taking a person to court. So there are definitely challenges to it but I think we're well situated to deal with the challenges.

**MR. LANE:** Have we had many people, Chief, that have actually been charged and/or convicted with impaired using cannabis? Do you know?

**MR. BOLAND:** I don't have the numbers, but what I can say to you is that the numbers are nowhere near what we thought they would be.

**MR. LANE:** Okay. Thank you.

The last question I have, again for the chief I guess, is I've had a number of people – this one is a little bit outside of what the normal questions have been, I think, but it's an important topic all the same. I've had a number of animal rights groups reach out to me regarding the animal control act and concerns they have with, I'm going to say, the training and the resources of the police in enforcing it. A sense that you call the police when there are issues of animal cruelty, but everyone is not necessarily taking it as serious as they should in trying to enforce it.

Maybe there's not an officer who's trained in that to really get a grasp of what meets the standard and what doesn't meet the standard in terms of seizing animals and all this kind of stuff or having it happen in a timely fashion, so to speak. I'm just trying to get a sense, Chief Boland, of some idea as to what is in place within the RNC to deal with these calls. If somebody calls and says there's an animal that we feel is in trouble, it doesn't meet these standards under the act in terms of getting a timely response and actually getting that animal removed. Are all the officers trained in this?

**MR. BOLAND:** I can't tell you her position but her name is Lynn Cadigan and she provides us with the training and the expertise when it comes to this. We take these matters very seriously. If you look at even the Pet Safekeeping Program there's a direct correlation between animals that are neglected, that are beaten, that are abused, with some of the domestic intimate partner violence that we see.

Officers are trained to be able to detect those types of neglect and then how that impacts families as well. We do receive regular training and we use Lynn. She's our go-to person besides the SPCA and others.

**MR. LANE:** So if somebody –

**CHAIR:** Thank you very much, your time has expired.

Ms. Coffin, do you have any further questions?

**MS. COFFIN:** I think I was – did I have one more?

No, I think I'm good.

Thank you.

**CHAIR:** Seeing no further questions then ...

**MR. LANE:** Can I finish my question before we go on?

**CHAIR:** Yes.

**MR. LANE:** Thank you.

I'm just wondering, I know there was no (inaudible) for the call to come in to the comms centre and so on. If somebody called in and they said there's an animal that I believe is outside in a pen that's too small, based on the standards or whatever the case might be, would that be something that someone is going to get dispatched tonight? Or is that something that, well, let's call the telephone reporting centre and someone will take the information and get back to you in a couple of days type of thing? Where does that rank?

Chief, that might not be what's happening, I'm just telling you what animal rights people are saying to me when they contact me about this stuff. I'm just trying to understand how that works.

**MR. BOLAND:** You know a little bit more than you're letting on about the communications centre and so do I.

**MR. LANE:** Yes.

**MR. BOLAND:** It depends on the call. It depends on how – the person who calls in and the information they give us, the urgency to it. Are there people at risk? Is the animal at risk? There are all kinds of factors that go in before you prioritize it.

For the people in the room, our calls go priority one, priority two or priority three – priority one being the highest priority. Our communications centre staff are trained to be able to take that information. If they're not sure, then there's a sergeant, as you know, that's also in the communications centre that will look at the information that's provided and decide what level of priority they would give to that particular call.

**MR. CROCKER:** (Inaudible) it's a really good question and I know it's in really good hands with the RNC.

From government's perspective, this piece of legislation actually sits in Fisheries, Forestry and Agriculture because it's their officers, too, Chief – am I correct in saying – that have a role to play in this.

**MR. LANE:** The enforcement, Minister, I don't mean to –

**MR. CROCKER:** Yeah.

**MR. LANE:** My understanding – and I stand to be corrected; again, this is from the animal rights groups – the legislation does fall under that department, but enforcement, at least my understanding, falls with, in this case, the RNC or the RCMP and so on.

**MR. CROCKER:** Yeah, fair enough.

**MR. LANE:** That's who's enforcing it. It used to be the SPCA at one time.

**CHAIR:** Maybe we're getting beyond the Estimates I'm not sure.

**MR. CROCKER:** No, good question.

**MR. LANE:** I'm raising it because I've had a number of people who have raised this issue with me. They asked me to bring it up, so that's why I am raising it.

**MR. BOLAND:** Paul, if I could just finish. I tell you what; I'll get Lynn Cadigan to talk to you. She will give you a better understanding of the process that we go through, and not just with us, she deals with the RCMP as well.

**MR. LANE:** Perfect. I appreciate that.

The last question I had, Mr. Chair, is around the SIRT. Somebody said that there was 20-odd –

**MR. CROCKER:** Twenty-five.

**MR. LANE:** – 25 cases or whatever. I'm just trying to understand. My understanding, the idea of a SIRT would have been – I'm going to use the Dunphy case as an example, something like that. I haven't heard of 25 of those. I'm just trying to understand. What are the other things that the SIRT would be investigating if they're not those things? Are there minor things, officer against officer or someone makes a minor complaint about something? What is it?

**MR. CROCKER:** I'll turn it over to Megan. It's not always the public one that you hear;

there are internal – or not internal but other different circumstances.

Megan?

**MS. NESBITT:** I was just trying to bring up the legislation. The legislation prescribes the Serious Incident – my apologies there for the delay.

**MR. LANE:** It's all good.

**MS. NESBITT:** It's a number of different things. The mandate for the SIRT team is they look at any serious incident across the province involving the actions of a police officer.

My phone finally co-operated with me. Serious incident is defined in the act as meaning “a death, a serious injury, a sexual offence, domestic violence or any matter of significant public interest that may have arisen from the actions of a police officer in the province ....” It could be a very broad range of issues that fall within that definition of serious incident that could be looked at by the SIRT team.

**MR. LANE:** We have 25 active files that fit within that definition here Newfoundland. Is that just the RNC or is that the RCMP and RNC?

**MS. NESBITT:** RNC and RCMP.

**MR. LANE:** That's both police forces but we have 25 active ones.

**MS. MERCER:** When we say investigations, that might have been a referral by the chief or the assistant commissioner. Mr. King, the director, might have assessed the referral and determined it didn't fall within the mandate. Not every investigation is going to be in the typical sense we would think – Dunphy, that sort of thing.

**MR. LANE:** Okay.

**MS. MERCER:** I think, Megan, of the 25, 12 are closed and 13 are still active or vice versa?

**MS. NESBITT:** Yes.

**MR. LANE:** It just seemed – it caught me off guard when I saw the number.

Thank you.

**CHAIR:** Thank you.

The Clerk will now enter this section of the Estimates into the record.

**CLERK:** 4.1.01 to 4.2.02 inclusive.

**CHAIR:** Does 4.1.01 through to 4.2.02 carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

This section of the Estimates is carried.

On motion, subheads 4.1.01 through 4.2.02 carried.

**CHAIR:** Clerk, the next section.

**CLERK:** 5.1.01 to 5.1.04 inclusive.

**CHAIR:** 5.1.01 through to 5.1.04

Helen, you may start, please.

**MS. CONWAY OTTENHEIMER:** 5.1.01, Fire Services, with respect to Salaries – actually with respect to Allowances and Assistance, who receives this money?

**MR. CROCKER:** That's the workers' compensation that's paid. The province pays the workers' compensation for volunteer firefighters. Any firefighter in the province is covered by – the province pays the workers' comp.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

Same question with respect to Grants and Subsidies.

**MR. CROCKER:** Typically, they are allocated to municipalities that are responding outside their boundaries, responding to somewhere that has no fire department or ...



**MS. CONWAY OTTENHEIMER:** Thank you.

With respect to section 5.1.03, Disaster Assistance, Revenue - Federal. Is this amount of money guaranteed or is it cost recovery or otherwise?

**MR. CROCKER:** The \$13 million?

**MS. CONWAY OTTENHEIMER:** Yes, the \$13 million.

**MR. CROCKER:** That \$13 million is related to the West Coast flood in January of '18. The disaster relief program lags terribly and that's just federal revenue coming in now from that event.

**MS. CONWAY OTTENHEIMER:** Okay, thank you.

My final question is with respect to 5.1.04, Fire Protection Vehicles and Equipment. Can you provide a list of all funding given out for fire protection vehicles and equipment in the last 18 months?

**MR. CROCKER:** That's something we can certainly do.

**MS. CONWAY OTTENHEIMER:** Okay, great, thank you.

That was my last question. I would just like to thank everyone. I must say that this has been a very informative exercise for me, a lot of substantive information has been provided which demonstrates the expertise that is across the floor there. I would like to thank you for your patience with the questions from me tonight, and thank you for your contributions.

**CHAIR:** Thank you, Vice-Chair.

Alison Coffin.

**MS. COFFIN:** Thank you very much.

This one looks kind of small but I do have a few questions on it.

I noticed Disaster Assistance started off with \$1.3 million. We had Snowmageddon and we

didn't spend our \$1.3 million, we actually only spent \$800,000. Is there, kind of, an explanation for that? Was there no need, or ...?

**MR. CROCKER:** I think the bill on Snowmageddon is going to be more in the \$40-million range.

**MS. COFFIN:** Yeah, so I'm confused.

**MR. CROCKER:** Maybe, if you want to take this one, Tara, since you got to sit there all evening.

**MS. KELLY:** What you see there is the original budget that we had for the previous events. So we estimated and then it kind of depends on how it gets paid out. There are various factors that can influence how it gets paid out. For example, if it's a private claim from a homeowner, the person might take a cash settlement versus what the adjustor amount would come in as; a contractor doing 100 per cent and then the 75 per cent payout, if it's a cash settlement.

We kind of tried to budget it. We have four events that are ongoing. We had the Thanksgiving rain event, that was in 2016; the Mud Lake event, it was in 2017; we had the West Coast flood in 2018; and now we have the 2020 blizzard. So the blizzard is not going to show up, actually, until next year – or this year, I guess, we're in now.

**MS. COFFIN:** Right. So this \$29 million is for the three previous or the four previous?

**MS. KELLY:** The \$29 million would be probably a combo of what's left to pay out. There's not much left on the other ones. I can tell you actually here, let me see.

The Thanksgiving rain storm is completely paid out. There's one municipal claim left for the West Coast flood. These take time to be fixed, so the payments kind of go out in instalments. Then we have one private sector, I believe, for Mud Lake, which is tied up in litigation. Then we had the blizzard, that's the big one this year.

**MS. COFFIN:** Okay.

So this covers off all entities. So municipalities, it would cover off, say, a bridge being washed

out. So a provincial bridge being washed out would get covered under this?

**MS. KELLY:** No, it doesn't show up here. The bridge itself, the provincial bridge, the TI bridge wouldn't show up here. So the Allowances and Assistance line is for private sector so that would be homeowners, not-for-profit business and small business under the definition in the guidelines.

**MS. COFFIN:** Okay.

**MS. KELLY:** Then the Grants and Subsidies line there is for municipal costs and damages.

**MS. COFFIN:** Oh, okay.

The municipal is that \$29 million and we're going to see that for the City of St. John's coming up for Snowmageddon.

**MS. KELLY:** Yes.

**MS. COFFIN:** And, of course, the City of Mount Pearl as well.

**MS. KELLY:** Yes.

**MS. COFFIN:** Okay, that's very interesting.

Let's talk about fire trucks. We have Grants and Subsidies is \$3 million on fire trucks. That's Current, so that's not actually – is a truck not considered Capital?

**MR. CROCKER:** It's not.

**MS. COFFIN:** No, but the RNC vehicles are?

**MR. CROCKER:** Because in the case of fire fighting equipment, no different than any grant to a municipality, it's forwarded to a municipality or a fire department as a grant. So it's Current not Capital.

**MS. COFFIN:** But it's used to buy Capital. So on the municipal, it would show up there?

**MR. CROCKER:** The town, the municipality would capitalize it. They would capitalize it.

**MS. COFFIN:** Okay.

How many fire trucks does \$300 million buy you?

**MR. CROCKER:** \$3 million?

**MS. COFFIN:** \$3 million not \$300 million. That's a lot of fire trucks.

**MR. CROCKER:** I had a mind to turn it over to Minister Bragg. I think he's saying eight. Is that –? Yeah.

**MS. COFFIN:** All right.

I'm not sure if you're even allowed to speak at this point.

**MR. CROCKER:** He didn't, he went like this.

**MS. COFFIN:** He mimed it. We've deteriorated to charades.

Let's see how he answers this one. How are those eight allocated?

**MR. CROCKER:** Through the Fire Commissioner's office. Presently, I think, over half of the fleet in this province are over 20 years old. There are needs all throughout the province. Primary, it's a rural need. St. John's is an example, they wouldn't draw on any of this; they're self-sufficient. The larger municipalities are more self-sufficient, but there are great challenges in the service.

**MS. COFFIN:** Is there a set of criteria by which the person in charge of allocating fire trucks allocate fire trucks?

**MR. CROCKER:** Absolutely, it's a very extensive application. In lots of cases, they'll go back and ask for service records if you get into a point where the vehicle is costing more to maintain than it's actually worth. It's evaluated on regionality, if it's servicing more than one community or if it's a regional fire department.

We saw a case on the Northern Peninsula a couple of years ago, I think 13 communities came together. That community would gain a priority.

**MS. COFFIN:** Can I get a copy of the criteria for the allocation?

**MR. CROCKER:** I guess we can get you a copy of the application.

**MS. KELLY:** I can speak to that a little bit for you.

**MS. COFFIN:** Thank you.

It's better than charades.

**MS. KELLY:** It's not an absolute ranking system like you might see in other applications. It's more of a holistic assessment of the situation, because every year the fire truck applications are assessed in comparison to the other ones that come in at the time. There are a number of things that are looked at. I guess they're called factors, I would say, rather than criteria.

We would look at the training levels of the fire department to see if they would even be able to use such a vehicle. We would go back and forth a bit with the fire departments to determine, because sometimes they might apply for one thing and really another type of vehicle might be better suited towards them. We look at the ability to use a particular vehicle in a certain area, because in some places there aren't fire hydrants, for example, so a pumper or such a thing wouldn't actually work in that area.

**MS. COFFIN:** That's important. Right.

**MS. KELLY:** The water supply infrastructure in the area; we look at regional response. That's a very big one. We look at extrication services that they provide on the highway and on the roads. So if there's an area that's not being serviced in that way and somebody was looking for a particular piece of equipment, we would want to provide it there.

We look at the risk in local areas, so if there are certain industries or businesses that are higher risk in a particular community than others, we look at the existing fleet. This is what the minister mentioned with how many trucks they have or vehicles they already have and what condition they're in. We look at whether the fire department is intending to provide interior or exterior fire suppression because in some cases the equipment or the vehicle wouldn't suit what

the actual capability of the fire department would be.

**MS. COFFIN:** Of course. Right.

**MS. KELLY:** There are a lot of factors that go into it and we ranked them, sort of: low, medium, high – high being what we think should move ahead for funding. But, again, the funding requests are far more than the funding available. That's why we can't do an absolute and say you're on the list at number 10 and you're going to move up in a few years because it really kind of depends on a number of different factors.

**MS. COFFIN:** Of course, because one could have a fire truck and something could go horribly wrong. There could have been an accident; hence, that would change your urgency.

**MS. KELLY:** Yes, right.

The other thing that happens, too, is now there have been new streams added to the program. Recently, we added in a used-vehicle stream and also a fixed-contribution stream. So a fire department might decide, well, rather than going forward – because it's a small fire department and maybe they will never be able to come up with their share for a new cost-share vehicle – they might say, okay, we'll try a used vehicle in a rural response unit rather than a bigger, kind of a tank or something.

Then we also brought in this fixed contribution. There are some municipalities that might be able to raise a certain amount and the fixed contribution would be \$100,000 towards the purchase of a vehicle.

**MS. COFFIN:** That's really nice to hear that there's additional flexibility built into this because fire services are so absolutely vital. Okay, thank you very much. I appreciate that.

I do have one more question. It's a bit of an overarching question so I'm not sure exactly where it fits, but I'll throw it in here and we'll see how it goes. Recently, the threshold for getting three bids on a purchase has been raised to \$250,000 from \$100,000. Can I get a list of all

purchases that have been made under that new threshold, please?

**MR. CROCKER:** You mean from the department?

**MS. COFFIN:** Yeah.

**MR. CROCKER:** So if we'd used that –

**MS. COFFIN:** The threshold was \$100,000 before – you have to get three bids under \$100,000, after that you go to tender. I think they raised that to \$250,000?

**MR. GREEN:** Yes, we can provide that.

**MS. COFFIN:** You can give me a list of that?

**CHAIR:** Andrew.

**MR. GREEN:** Of all purchases that are over the \$50,000?

**MS. COFFIN:** No, that have been purchased under that new threshold, that increase in the threshold. Previously, we had bought stuff for \$100,000, now it's gone up to \$250,000. That's more than double the threshold before we go to tender.

**CHAIR:** Steve.

**MR. CROCKER:** Yes, as a department we haven't used that. We would still use the public tender act.

**MS. COFFIN:** Oh, well, that's reassuring. I'm not sure why they increased the threshold then.

**MR. CROCKER:** I think that threshold, if you think about it, was increased, more or less I think in a lot of ways, to assist municipalities in getting infrastructure projects completed.

**MS. COFFIN:** Municipalities had a different threshold raised. I know the departments were raised, then the municipalities were raised and I think there were maybe three –

**MR. LANE:** (Inaudible.)

**MS. COFFIN:** Yeah, you remember that.

**MR. LANE:** Minister Osborne announced it.

**MS. COFFIN:** Yes.

**MR. CROCKER:** Yeah.

**MR. LANE:** When he was minister of Finance.

**MR. CROCKER:** Yeah.

**MR. LANE:** In order to allow us more flexibility to award stuff to local companies, remember?

**MR. CROCKER:** Yeah.

**MS. COFFIN:** Yeah.

**MR. LANE:** Tenders of \$100,000 (inaudible) \$250,000.

**CHAIR:** Thank you, Ms. Coffin.

Mr. Lane, do you have some questions on this section?

**MR. LANE:** Well, I have one question. First of all, I want to thank everyone for your time. You've been an absolute wealth of knowledge. I can't think of anything I would rather be doing this evening than spending it here with you fine folks.

It's nice to be in the House of Assembly and not to be fighting and arguing and so on. To actually have a civil discourse is a wonderful thing. I thank you for that.

I have one question, Mr. Chair. I apologize if it's not exactly under this section. I said to you earlier it was something I thought I wrote down and I forgot about it. So I'm going to ask the minister just one quick question.

It was mentioned earlier about the judges' salary. As we know, it was on the Order Paper, it came to the House of Assembly in the last session, a recommendation to give the judges a raise. Basically, this side of the House said it's not on, and I thought it was going to come back before the House.

Am I to understand that the judges have since now taken the people of Newfoundland and

Labrador to court to get their raise? Is that what's happening?

**MR. CROCKER:** As the former Justice minister and Attorney General told us that day in here was going to happen; he had a crystal ball. He was correct. The judges have since sued us.

**MR. LANE:** The judges are now suing us.

Thank you.

**CHAIR:** Okay, I thank everyone – Ms. Coffin seems to have her hand up.

**MS. COFFIN:** If I may have just a moment.

**CHAIR:** Go ahead, Ms. Coffin, then I'm going to Mr. Crocker.

**MS. COFFIN:** I just wanted to say thank you all for your knowledge and professionalism and dedication and very hard work. You are an attribute for the public service and I do appreciate all of your hard work. Thank you so much.

Have a lovely evening.

**SOME HON. MEMBERS:** Hear, hear!

**CHAIR:** I understand the minister would like to say a final remark.

**MR. CROCKER:** Thank you, Mr. Chair.

I thank the Committee across the way for a great evening of questions. I learned stuff about Justice and Public Safety tonight as well. I thank the staff and the people that are here tonight. They put a lot of work into this, putting the binders together. From our outside partners: Chief, courts, thanks for coming. It's been a great evening and thank you for all you guys do.

With that, I guess we'll do some voting.

**CHAIR:** We have a few more chores here.

First of all, the Clerk on this final section of the Estimates.

**CLERK:** 5.1.01 to 5.1.04 inclusive.

**CHAIR:** Shall 5.1.01 through to 5.1.04 inclusive carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

This section of the Estimates is carried.

On motion, subheads 5.1.01 through 5.1.04 carried.

**CHAIR:** I will now go to the Clerk regarding the total.

**CLERK:** The total.

**CHAIR:** Shall the total of the Estimates of the Department of Justice and Public Safety carry?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

It carries.

On motion, Department of Justice and Public Safety, total heads, carried.

**CHAIR:** One more chore, shall I report the Estimates of the Department of Justice and Public Safety carried without amendment?

All those in favour, 'aye.'

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, 'nay.'

They shall be carried that way.

On motion, Estimates of the Department of Justice and Public Safety carried without amendment.

**CHAIR:** The minutes, they were circulated during our little break that I gave you very generously a while ago. I'm sure you've all had a chance to look at those minutes. I need

someone to motion that those minutes are acceptable.

I see Mr. Davis over there, I was going to call him Bueller earlier with his phone call. Mr. Davis, thank you for that.

All those in favour of the minutes from last time we met in a budget exercise with this department – all those in favour, ‘aye.’

**SOME HON. MEMBERS:** Aye.

**CHAIR:** All those against, ‘nay.’

The minutes are accepted.

On motion, minutes adopted as circulated.

**CHAIR:** Finally, I need to announce that the next meeting of this Committee is tomorrow, the first day of October, 2020 at 1800 hours, 6 p.m. Our Committee will be reviewing the Estimates of the Department of Health and Community Services.

I thank you all very much for a – it was a very interesting, fascinating conversation.

I now need a motion to adjourn.

**MR. LANE:** Mr. Chair, before we do, I’m not asking a question per se, but any information that either of my colleagues throughout the evening – they asked for stats on this and that and whatever. So anything that anyone was going to provide to either of those ladies, could all three of us get a copy of everything that’s going to be forwarded by anybody, please?

**MR. CROCKER:** (Inaudible) photocopy.

**MR. LANE:** Thank you.

**CHAIR:** I need a motion to adjourn.

My Vice-Chair, thank you very much.

Thank you very much for your attention. Have a good evening.

On motion, the Committee adjourned.