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Social Services**

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Department of Justice
Labour Relations Agency

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Honourable Ross Wiseman, MHA

SOCIAL SERVICES COMMITTEE

Department of Justice
Labour Relations Agency

Chair: Glenn Littlejohn, MHA

Vice-Chair: Eddie Joyce, MHA

Members:

Tony Cornect, MHA
Dan Crummell, MHA
Glen Little, MHA
Andrew Parsons, MHA
Gerry Rogers, MHA

Clerk of the Committee: Sandra Barnes

Appearing:

Department of Justice

Hon. Darin King, MHA, Minister
Hon. Tom Marshall, MHA, Attorney General
Donna Ballard, Assistant Deputy Minister, Courts and Legal Services
Donna Brewer, CEO, Labour Relations Agency
Debbie Dunphy, Departmental Controller
Heather Jacobs, Assistant Deputy Minister, Strategic and Corporate Services
Luke Joyce, Director of Communications
Jackie Lake-Kavanagh, Assistant Deputy Minister, Public Safety and Enforcement
Donovan Molloy, Director of Public Prosecutions
Paul Noble, Deputy Minister and Deputy Attorney General (Acting)
Derick Reid, Executive Assistant

Also Present

Kevin Pollard, MHA
Peter Miles, Senior Policy Advisor, Official Opposition Office
Ivan Morgan, Researcher, NDP Office

The Committee met at 6:00 p.m. in the Assembly Chamber.

CHAIR (Littlejohn): Good evening, everyone.

Welcome, Ministers. I have never had a tag team, so I am not sure how this going to go, but welcome Minister Marshall and Minister King, and welcome to your staff and your people this evening.

Just some formalities before we get started; I just want to remind all officials to keep your BlackBerry or any of your devices away from the microphone. It creates static and it creates problems down in the media room for our people down there, and our officials, so try to have those as far away from the mikes as possible.

Please, when you are speaking, state your name so that your mike will come on, and wait for your red light that you see in front of you. That will make it easy for Hansard to record your comments, et cetera.

We normally start by introducing our Committee members. My name is Glenn Littlejohn. I am the MHA for Port de Grave, and I Chair the Social Services Committee.

MR. A. PARSONS: Andrew Parsons, MHA, Burgeo – La Poile.

MR. MILES: Peter Miles, Opposition Office.

MS ROGERS: Gerry Rogers, MHA for St. John's Centre.

MR. MORGAN: Ivan Morgan, NDP Caucus Office.

MR. LITTLE: Glen Little, MHA, Bonavista South.

MR. CORNECT: Tony Cornect, MHA, Port au Port.

MR. CRUMMELL: Dan Crummell, St. John's West.

MR. POLLARD: Kevin Pollard, MHA, Baie Verte – Springdale.

CHAIR: I thank you all for coming.

Minister, traditionally we have fifteen minutes for opening remarks. I am going to ask the Clerk, though, to call the first subhead, please.

CLERK (Ms Barnes): Do you want to do the minutes first?

CHAIR: I will do the minutes after.

CLERK: Okay.

Subhead 1.1.01.

CHAIR: Thank you.

Minister, if I can ask you to introduce your staff and then you have fifteen minutes, whichever minister is going to have opening remarks or you can share your remarks.

Minister Marshall, please introduce yourself and they can introduce themselves.

MR. MARSHALL: I am Tom Marshall. I am here tonight joining the Minister of Justice in my capacity as Attorney General for the Province.

MR. NOBLE: I am Paul Noble. I am the Acting Deputy Minister and Deputy Attorney General.

MR. KING: Darin King, I am here in my capacity as Minister of Justice and also Minister of Labour.

MS BREWER: Donna Brewer, CEO, Labour Relations Agency.

MR. MOLLOY: Donovan Molloy, Director of Public Prosecutions.

MS BALLARD: Donna Ballard, ADM, Courts and Related Services.

MS JACOBS: Heather Jacobs, ADM, Strategic and Corporate Services.

MS LAKE-KAVANAGH: Jackie Lake-Kavanagh, ADM, Public Safety and Enforcement.

MR. REID: Derick Reid, EA to Minister King.

MR. JOYCE: Luke Joyce, Director of Communications.

MS DUNPHY: Debbie Dunphy, Departmental Controller.

CHAIR: Minister King.

MR. KING: Good evening, everyone. We will certainly forego our opening remarks, but we would ask, with the Committee's consideration, if we could start with the Labour Relations Agency; Donna is here primarily for that purpose. With the Committee's blessing, if we could start and do that one first and then we could dive into the Justice issues.

CHAIR: Is that fine with you, Andrew and Gerry?

MS ROGERS: That is absolutely (inaudible).

CHAIR: Okay.

I will turn it over to you, Andrew, and you are on the clock.

MR. A. PARSONS: Thank you, Mr. Chair.

I would like to first begin by thanking everybody for taking the time to be with us here tonight to answer these questions. I am sure there are other things you could do on an evening, but I appreciate your time here.

I am going to cut right to Labour Relations, and I am on 6.1.01. In line 01, Salaries, I notice that last year's budget was overspent by about \$165,000. What was the reason?

MR. KING: Pay out of severance and accumulated leave for an employee who retired.

MR. A. PARSONS: I am just going to move forward here to 6.1.02. I believe there is an

increase in salary requested this year. How many positions and what are the titles?

MR. KING: You have gone to 6.1 –

MR. A. PARSONS: Subhead 6.1.02, Salaries.

MR. KING: Bear with me. Subhead 6.1.02.01, just so we are clear you are referencing the budget went from \$177,000 to \$258,000?

MR. A. PARSONS: Yes.

MR. KING: Yes. We have increased the budget by \$81,400. There was a vacant statistician position with Labour Relations that has been traded off to create a managers position which is a higher classification. The budget differential is because of the higher classified position.

MR. A. PARSONS: It is not a new position per se or an additional position created?

MR. KING: No, it is a trade off.

MR. A. PARSONS: I am going to continue forward to 6.1.03. There is a cut there in salary from last year to this year's Estimates, about \$278,000. How many positions were eliminated?

MR. KING: There were three positions eliminated there under MO 01, due to attrition management, there was a Clerk Typist II, and two Industrial Relations Specialists.

MR. A. PARSONS: Were these positions all located in St. John's?

MR. KING: One in Corner Brook.

MR. A. PARSONS: I am going to continue forward to 6.2.01, Labour Relations Board, line 01. Last year's Salaries were about \$63,000 more than budgeted. What was the reason for this?

MR. KING: Last year for the first time, July 2012, we appointed a full-time Labour Relations

Board Chair. Prior to that it was not a full-time position; it was on a per diem basis.

MR. A. PARSONS: Who is the name of the Chair?

MR. KING: Sheilagh Murphy, in this particular one. It is a five-year contractual position.

MR. A. PARSONS: I am just going to go back for a second to 6.1.04, the Fish Price Setting Panel.

CHAIR: Page 17.18, for anyone who is following along.

MR. A. PARSONS: What I did was I reviewed last year's commentary during Estimates and just listened to what was said about the Fish Price Setting Panel because it is not something I was familiar with prior to this. I guess it must have been Minister Collins, at the time, who gave a description, talked about how the board works and people sitting there and how it all goes.

This year in Question Period we asked Minister Dalley a question regarding the Price Setting Panel and his answer was, "The last eight or ten years, it has become an annual norm in the fishery. I am sure the public and I am quite sure the stakeholders in the fishery, Mr. Speaker, are tired of it. If we can find a better solution, I am willing to support it."

I am just wondering, does government have any plans, or is there any consideration for a new mechanism regarding price setting?

MR. KING: No. It would not have been Minister Collins as well, just for the record. The Minister responsible for Labour last year would have been Mr. French.

MR. A. PARSONS: Okay.

MR. KING: This came with Justice, when I went into Justice.

MR. A. PARSONS: Okay, and my apologies there. Again, I am not sure if that was the minister, just the commentary I took out of it.

Given the troubles and the commentary by the Minister of Fisheries, there are no plans to look at something new? There is nothing ongoing?

MR. KING: No, there are no plans. I am not suggesting we will not do that, but the commentary the Minister of Fisheries would bring to this would be a different perspective than the Minister of Labour would bring.

My role as Minister of Labour is to make sure the panel operates effectively and provide impartiality. The Minister of Fisheries has a different role because he is trying to ensure the effective operations of the fisheries on a day-to-day basis. So the views may sometimes conflict, but there are no plans at this point in time to do anything with the panel. That is not to suggest that if there are more effective ways of ensuring the fishery starts on time in any given year that we are not receptive to that, whether it is through the FFAW suggestions or others.

MR. A. PARSONS: It is a basic case of if something came up we would listen to it but we are not actively going through options.

MR. KING: No, we are not actively pursuing any options or considering any options.

MR. A. PARSONS: Okay.

MR. KING: Do you have suggestions?

MR. A. PARSONS: We will save that for another time.

Minimum wage, the minister, back in 2011, when asked if anticipating any increases in the minimum wage said that under the current legislation it required to do a review every two years, and there was one done in July. Is there any plan to increase the minimum wage in the foreseeable future?

MR. KING: There is no plan to increase or not to increase. We have not made a decision as

government. We received the report. I think you can anticipate receiving that publicly very soon. I am in the process of reviewing it myself and then I will have to discuss it with Cabinet colleagues.

We either have to: (a) accept the report as is, (b) do nothing, or (c) somewhere between nothing and what the report suggests. Government has not taken a position on that yet. You can anticipate that it will come within short order.

MR. A. PARSONS: I am going to try to hammer you down in short order because depending on which minister I talk to, it can depend. Will it be during this legislative sitting?

MR. KING: Yes, my understanding is that we are required by law to bring it before the House.

MR. A. PARSONS: Okay, perfect.

MR. KING: I stand to be corrected on that, just so we are clear, I do not want you to nail me down. My understanding is legislatively once we do the review we have to bring it with some indication of what we are going to do. In spite of that, in case I am off on the parliamentary piece, it would be our intention between, I will say now and the end of our year, that we would have a decision made and communicated to the public and to the House.

MR. A. PARSONS: Okay.

I just have one more sort of general question, and it is about worker replacement legislation. This was asked about last year. The minister had said the decision on the policy has not been made yet, but it will be coming very, very soon. I just ask, what is the status on these discussions? Has there been a decision made?

MR. KING: On replacement worker –

MR. A. PARSONS: Worker replacement legislation.

MR. KING: There is no contemplation of that at this point in time by myself, as Minister of Labour.

MR. A. PARSONS: Pending anything I can come up with, I am fine.

Thank you.

CHAIR: Thank you.

Gerry.

MS ROGERS: Okay, thank you very much.

Also, I wanted to say thank you very much for coming this evening. Also, thank you very much for your service. I know it has been a very large few weeks for the Department of Justice. It will be very interesting to see how some of these issues roll out.

You have an incredible staff in so many of your agencies, within the courts and within policing, enforcement, and rehabilitation. I have had the chance to meet quite a few people and I am just so impressed with the dedication of the people who work within the Department of Justice, and sometimes under very, very difficult situations. They are really dedicated people. I thank you all for your service and again for coming this evening, I know probably after an already very long day.

Because this is a relatively small budget for Labour Relations, I will ask a few questions even on things that might seem a little kind of nitpicky, but there you go.

In 6.1.01.03, Transportation and Communications, there was a budget of \$30,000 and \$5,000 was spent. Yet, we are going up again a little bit higher for 2013-2014.

MR. KING: That is correct.

MS ROGERS: Yes. Is there a reason that amount of money was not spent?

MR. KING: We had a freeze on discretionary travel for a period of time.

MS ROGERS: Okay. The Labour Relations Agency has a board though that meets? No? Okay, all right, this is a new agency for me.

MR. KING: Yes, it is the Labour Relations Board but it is separate from this budget line.

MS ROGERS: Okay, great. Thank you.

Their travel would not be covered under that?

MR. KING: (Inaudible).

MS ROGERS: Okay, thank you.

I would imagine then for 6.1.02 it would be the same situation, discretionary spending?

CHAIR: In 6.1.02?

MS ROGERS: Yes, 6.1.02.03, Transportation and Communications. I would imagine that would be the same.

MR. KING: That is correct.

MS ROGERS: Okay, thank you.

I think Andrew, in fact, has asked all the questions that I had in that area.

Then we go to the Labour Relations Board, 6.2.01.03, Transportation and Communications.

CHAIR: In 6.2.01.03, Transportation and Communications.

MS ROGERS: Under the Labour Relations Board, yes. We see that \$22,000 was budgeted, \$11,000 was spent, but our Estimates are up for \$33,900. I am just wondering, would that have been the discretionary – no.

MR. KING: No, the travel here would relate to work-related travel.

MS ROGERS: To board, yes.

MR. KING: That would depend on the number of files we are dealing with at any particular point in time.

MS ROGERS: Okay.

MR. KING: The reduction there would simply have been a result of a reduced workload and a reduced requirement to travel.

MS ROGERS: Okay, all right. Thank you.

It was not a matter of the board not meeting as often as it would have?

MR. KING: No.

MS ROGERS: Okay, thank you.

There is a reduction there in Professional Services for this new fiscal year by almost a half.

MR. KING: Which line are we discussing?

MS ROGERS: The same, the Labour Relations Board, 05, Professional Services.

MR. KING: Yes. So your question is on which piece?

MS ROGERS: For the new fiscal year there has been a reduction in Professional Services.

MR. KING: Yes, there is a combination of two reasons there. Under this category, before we had hired a full-time Chair, the Chair would charge at a per diem rate which would come out of this budget. We have incorporated the use of teleconferences and video conferences as a way of reducing some travel costs for meetings.

MS ROGERS: Okay, great. Thank you very much.

I know that the agency put a lot of effort into modernizing the Labour Relations Act and the Public Service Collective Bargaining Act, they worked with employers and unions via the Employment Relations Committee, so amendments were brought to the House of Assembly in 2011 and 2012, including recommendations from the Voisey's Bay Industrial Inquiry and the review of special project orders legislation for major resource projects. Will the agency be doing further work to amend these two acts?

MR. KING: Our work in that area is ongoing. I cannot say with any certainty when we may bring further legislative changes forward, but I can say that we are looking at all kinds of other ways to modernize the act to make improvements, and we are continuously consulting with the Federation of Labour and the Employers' Council and others throughout the Province. It is really an ongoing piece of work when it comes to the labour standard and the labour laws in the Province. We are continuously looking at that.

MS ROGERS: The unions asked for binding arbitration and anti-scab legislation. Where are we with that?

MR. KING: Nowhere. We are not contemplating it, if that is your question.

MS ROGERS: Okay.

Employment relations framework, the annual report mentions this. Can you provide an update of that and where that is at?

MR. KING: What is your question? The employment relations framework references –

MS ROGERS: This is in the annual report.

MR. KING: This is outside of the Estimates, okay. Your question is...

MS ROGERS: Can you provide an update? Is this a new approach, the employment relations framework?

MR. KING: The document you are referencing, unless I am mistaken, would have a highlight of the changes that we have brought forward, that government has brought in during our term. They are already changed. The legislation is already changed. That is a report that talks about the changes we have made over the last couple of years.

MS ROGERS: Okay.

Workers complain that the Labour Standards Act does not protect them in terms of things like

overtime pay, time-and-a-half based on minimum wage, hours of work, the complaints process, inspections and enforcement. The unions are saying that this should apply to temporary foreign workers to protect them from things like long working hours, unfair employment contracts, et cetera. Will the act be reviewed to look at applying some of these protections to temporary foreign workers?

MR. KING: It can be. We are not contemplating doing that. I have not been made aware of any of the concerns that you are raising there. Donna has not been made aware through any formal mechanism that those concerns exist.

If it does exist by a worker or group of workers, then I would encourage them to present their concerns to me as the minister or to me through Donna and we will certainly have a look at it. At this point in time we are not contemplating it.

MS ROGERS: There is no specific consideration of looking at the needs of temporary foreign workers?

MR. KING: We are always looking at the needs of all workers, but there are anomalies and there are situations and specific incidents that occur all across the Province. I cannot say that for every one of those incidents we are going to review the Labour Standards Act or the other labour legislation in the Province. I can only say that if there is a specific incident that you or someone else would like us to consider, then certainly present it.

We are not in the middle, nor contemplating anything from our perspective with respect to temporary foreign workers. I will say for the record that I am the Minister Responsible for Labour, but I am not responsible for temporary foreign workers. There is other legislation that would fall under another minister of government.

MS ROGERS: Okay. I have nothing further.

Thank you.

CHAIR: Andrew.

MR. A. PARSONS: (Inaudible).

CHAIR: Just for the formality while Donna is here, can we just call the Labour Relations Agency and have that approved, then we can go from there?

I will ask the Clerk to call the section.

CLERK: Subhead 6.1.01 through 6.2.01 inclusive.

CHAIR: Shall subhead 6.1.01 to 6.2.01 carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those opposed?

Carried.

On motion, subheads 6.1.01 through 6.2.01 carried.

CHAIR: Shall the total carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: Those opposed?

Carried.

On motion, Labour Relations Agency, total heads, carried.

CHAIR: Thank you.

We can now go back, Minister, to the beginning, page 17.3, Minister's Office.

Minister King.

MR. KING: Thank you.

Let me, by the way, just say thanks to Gerry for her comments. I did not get an opportunity to say it, but I appreciate your kind words of

support for officials in the department. They are very much appreciated. Thank you.

I have a second request of the Committee. Minister Marshall and I, while we share the whole department, there are four sections in particular that are probably more specific to him. With the Committee's blessing, if I gave you the sections I am wondering if you would be prepared to start with those and if we dispense of those and everything is fine, he is preparing to meet with the Committee tomorrow on Natural Resources.

The four sections, I can tell you what they are. It would be the Criminal Law, Legal Aid, Legislative Counsel and Civil. Mr. Chair, with your concurrence and the Committee's concurrence, perhaps if we started with 2.1.01, Civil Law, and work ourselves through it, Minister –

CHAIR: Is that agreeable to the Committee?

MR. A. PARSONS: Just Criminal Law, Legal Aid –

MR. KING: It is 2.1.01, Civil Law.

CHAIR: Starting at 2.1.01 on page 17.6, Andrew, and we will go through to basically page 17.8. Is that what I am understanding?

MR. KING: Civil, Legal Aid, Criminal, and Legislative Counsel, four sections.

MR. A. PARSONS: I am certainly fine with that, Mr. Chair.

CHAIR: Okay.

Gerry?

MS ROGERS: Yes, I am good with that.

CHAIR: Andrew, I will turn it back to you and it is Civil Law and Enforcement, 2.1.01, Civil Law, page 17.6 for those who wish to follow.

Andrew.

MR. A. PARSONS: Thank you, Mr. Chair.

I will see if I can find the section here. Looking at line 01, Salaries, there is a fairly significant cut there. Can you tell me how many positions were cut, the titles, and locations, if possible?

MR. MARSHALL: There is a total of nine positions cut. There were five permanent solicitor positions eliminated, two of those positions were vacant. The vacant positions were used, as I understand it, to hire three contractual solicitors. There was a vacant legal secretary position. They were the positions.

MR. A. PARSONS: Were these based here in St. John's in the department?

MR. MARSHALL: They all were except –

OFFICIAL: One in Happy Valley-Goose Bay.

MR. MARSHALL: Except one in Happy Valley-Goose Bay.

MR. A. PARSONS: Okay.

Again with the timelines, are these people, with the notice given and everything, now out of the system or were the notice provisions different?

MR. MARSHALL: There are still parts of the process that we have to go through. It is not finalized yet. As a result of the committee meeting, there could be some changes in this. We are waiting for it to work it through.

Paul, do you have anything to add to that?

CHAIR: Paul.

MR. NOBLE: There was one person who was released actually on Budget day. There is another person whose position was eliminated, has since left for the private bar. There is one person still remaining who has been directly impacted, but their notice period I think expires literally within the next day or two. There are three vacant positions; one of those was in Happy Valley-Goose Bay. There was one

permanent solicitor who was also released on Budget day, and one person actually retired.

MR. A. PARSONS: You say you are waiting for the process to play out. Do you have any ideas? Are we talking weeks, months?

MR. NOBLE: I am more hopeful that it is a matter of days, to be honest with you.

MR. A. PARSONS: Okay, perfect.

Under 05, Professional Services, last year there was \$2.3 million budgeted, I would presume this was for outside legal counsel? I notice just over \$2.3 million was budgeted but \$2,451,000 was spent. What was the extra money on?

MR. MARSHALL: It was demands for outside legal counsel on various files. Also, funding was transferred to Purchased Services for a contract relating to a health care cost recovery file. That was for document retrieval.

MR. A. PARSONS: Is there a list I could get of the law firm or private lawyers who are solicited?

MR. MARSHALL: There is a list. I do not seem to have it here but I have seen it. Yes, you can have it.

MR. A. PARSONS: I am sure Gerry is going to ask the same, maybe we can compile a list of any information we do not get here tonight. Whatever is sent to me, send to Gerry, and I am assuming whatever is sent to Gerry, vice versa.

Is there any firm that gets the lion's share of this?

MR. MARSHALL: I always used to look at that list every year, but if I recall I think it is the Farrington McClain firm. The firm that is doing the tobacco litigation, I think they may have been the biggest this year.

CHAIR: Paul.

MR. NOBLE: Yes. I ask Donna Ballard if she would address that, please.

CHAIR: Donna.

MS BALLARD: Yes, probably the most significant would be related to the tobacco file, because we pay disbursements on that file.

MR. A. PARSONS: How much have we spent on that file in the last year?

MS BALLARD: I have it, \$560,740.

MR. A. PARSONS: I am just wondering, one of the cases, it has been in the media, is the individual who was involved with the College of the North Atlantic in Qatar, Mr. McBriarty. I am just wondering, how much has been spent on his case?

MR. MARSHALL: I think that is Education.

MR. KING: It is actually through the college.

MR. MARSHALL: The College of the North Atlantic, they have their own counsel.

MR. A. PARSONS: Well, their estimates are coming up, so I will make sure to – so they have their own budget for legal –

MR. MARSHALL: Yes, I think they have their own counsel full time.

MR. A. PARSONS: I know they are using outside firms for that work. It is actually a firm here in the city. I am just wondering what the cost would be?

MR. MARSHALL: It has gone on a long time.

MR. A. PARSONS: You are saying, basically, to ask that in the Advanced Education Estimates?

CHAIR: Minister King.

MR. KING: Yes, what I would say is that we have no responsibility for that file. So neither Minister Marshall nor I are in a position to speak to that.

What I can say, I was two years Minister of Education, my recollection is that file and whatever was happening was being handled directly with the college and their own counsel. Whether they were using outside counsel, I do not recall, but the question is certainly not appropriate for us to speak to here. It is not with us.

MR. A. PARSONS: Okay, no problem.

Of the just over \$2 million, I notice the tobacco file and you mentioned a health care recovery. Can you give me any examples of other files that we are paying outside counsel for?

CHAIR: Donna.

MS BALLARD: For example, there would be work on Lower Churchill. There would be work on Hibernia. There would be work on, for what we call AG appointed counsel. We paid for lawyers for Mr. Nelson Hart, for example, some of the criminal ones, and Mr. Crockwell.

We have the MHA file also, and some work on Lower Churchill. Some work with regard to Aboriginal issues in Labrador. Then there is some employee indemnity within government. There is some AG appointed counsel, that is smaller files, but that is a general sense of what it is.

MR. A. PARSONS: I ask this one because I was not aware. When an individual – you just used Mr. Hart, for example – gets counsel that does not go through Legal Aid per se. It goes through –

MS BALLARD: Generally, if a person qualifies for legal aid, then it will go through Legal Aid. In circumstances such as Mr. Hart, where he is having difficulty retaining Legal Aid counsel, difficulty establishing a solicitor-client relationship with a Legal Aid counsel, and because these particular circumstances were so difficult and he was clearly in need of counsel, the Attorney General stepped in and provided funding for counsel for him.

MR. A. PARSONS: It goes to a different pot of money?

MS BALLARD: That is right; it comes from the Professional Services within the department, exceptional circumstances.

MR. A. PARSONS: How many cases do we have right now of AG appointed counsel?

MS BALLARD: I do not have that figure in front of me.

MR. A. PARSONS: Could I put that on my homework list?

MS BALLARD: Sure.

MR. A. PARSONS: Okay.

Under line 09 of Civil Law, it says here Allowances and Assistance. Can I get an explanation on what that encompasses?

MR. MARSHALL: This is money for claims against the Crown. This would be settlements that the Crown would pay out. It was budgeted \$1.5 million. The Estimate now is that \$500,000 will be spent. It is \$1 million less than anticipated. There was reduced activity in out-of-court settlements.

This of course could change any time as it is not necessarily cyclical, nor does what has happened in the past mean that there is going to be a trend. The actual amount spent was \$304,400.

MR. A. PARSONS: The actual amount is not \$500,000; it is \$340,000-something?

MR. MARSHALL: It is \$304,400.

CHAIR: It is \$304,400?

MR. A. PARSONS: Are you at liberty to disclose what it was used for specifically?

MR. MARSHALL: I am going to let Donna Ballard answer that.

CHAIR: Donna.

MS BALLARD: I am not 100 per cent sure if there are any confidentiality agreements with this. Perhaps not, but –

MR. KING: If you are not sure, do not (inaudible).

MS BALLARD: Okay.

CHAIR: Minister King.

MR. KING: I advised her that if she is not sure, not to speak to it publicly until we check it out.

MR. A. PARSONS: Okay.

MR. KING: If that is okay with you. Because, if she violates a client privilege here –

MR. A. PARSONS: No, no, I understand completely.

MR. KING: We will note the question and find out for you, but it is better not to speak than put ourselves in a –

MR. A. PARSONS: I would rather ask the question and get told no, or I do not know, than not ask it.

MR. KING: Yes.

If she is able to, we will get you that information.

MR. A. PARSONS: I know my time is up. I have just one more question, if Gerry will permit me.

MS ROGERS: Absolutely.

MR. A. PARSONS: Just under the same heading – and it is my last one for Civil Law – Purchased Services, we went from \$24,000 budgeted, which is the same amount that is budgeted this year, but we spent \$274,000, so I am just wondering what that was.

CHAIR: Minister Marshall.

MR. MARSHALL: There was a shortfall of \$250,000 due to a contract that was relating to the health care cost recovery file. It was not legal work; it had to do with document retrieval, which I had mentioned for another one as well. This is the tobacco case.

MR. A. PARSONS: Okay.

There is obviously no anticipation that it going to happen this year – no expectation, I guess, that it will happen this year.

MR. MARSHALL: No, the budgeted amount is the same as last year.

CHAIR: Andrew, I am going to hold you there.

Gerry, you are on the clock.

MS ROGERS: Yes, thank you.

If we go back up to the Salaries line, I would like if we could have a list of the positions that have been cut, have been discontinued, and also the positions that were vacant. How long were they vacant?

MR. MARSHALL: Do you want each individual –

MS ROGERS: Even if you wanted to send that to us, I would be fine with that. You do not need to go through that list right now. I would be happy with that, but I would also like to know, in terms of the vacancies, how long they were vacant.

MR. MARSHALL: Okay, we can provide that.

MS ROGERS: I have no further questions in Civil Law. I think Andrew covered that quite thoroughly.

If we go now down to the Sheriff's Office –

MR. MARSHALL: Could we go to Criminal Law, Legal Aid, and then I can leave because I have to prepare for Natural Resources tomorrow morning?

MS ROGERS: Oh, I see, that is not part of Civil Law.

MR. MARSHALL: If we could do that, then I can go and you can come back to that one.

MS ROGERS: Sure.

MR. KING: Sorry for the mix up.

MS ROGERS: No, I thought that Sheriff's Office was part of Civil Law and Enforcement there and that we were doing Civil Law.

CHAIR: We are going to 2.2.01, Criminal Law, Minister?

MR. MARSHALL: Right.

CHAIR: Gerry.

MS ROGERS: If we look at the Salaries we see that the Estimates – can we have a list, perhaps, of positions? How many positions are we losing there and what are they?

MR. MARSHALL: In terms of lawyers there were three positions – sorry, there were four positions with five people occupying those positions. Four positions, five bums in seats if I could put it that way.

The positions were – I am dealing with solicitor positions now. There was a policy advisor, there was a Crown attorney position in Gander, and there were two vacant Crown attorney positions in St. John's. Those two positions have been put back.

In addition to that there were four positions in the Records Centre, a half-time legal secretary in Gander, and a half-time legal secretary in Corner Brook. There was the elimination of funding for an article clerk position and for bar fees for four solicitors.

MS ROGERS: Can you tell us which of these have been reinstated?

MR. MARSHALL: As I understand it, the two vacant positions in St. John's were vacant and

the funding was used to hire three contractual lawyers to work with the Crown's office. The five lawyers who were working are now all back. Is that correct? I am going to ask Donovan Molloy who is the Director of Public Prosecutions to make sure I do not tell you anything that is not correct.

CHAIR: Donovan.

MR. MOLLOY: Initially, prior to the revisiting of some of the positions that had been cut we were looking at losing the policy advisor who was a solicitor. We were looking at losing a lawyer in Gander, a Crown attorney, and two vacant permanent positions in St. John's, the money from which was being used in part to pay for the salaries of three contractual Crown attorneys we had in St. John's.

As of right now while the policy advisor position is gone, she has been moved into a permanent position that had become vacant in February of this year. She still has her employment, just in a different capacity.

One of the contractual employees whose position had been identified for elimination, he has been placed in a temporary vacancy that was created in January of this year when one of our Crown attorneys went to work with the RNC for one year. Because the two permanent positions were reinstated, we have been able to reinstate the two contractual employees who were scheduled to leave. We have done that for now, pending running competitions to fill those positions on a full-time basis.

At the end of the day, the only person who is actually leaving is the Crown attorney in Gander. We did, however, get one position in addition to that, which was the new position that was announced for Happy Valley-Goose Bay. So net, we are down zero; but, in effect, one person lost his job in Gander, a person will get a job as a Crown attorney in Happy Valley-Goose Bay.

MS ROGERS: How will you be covering the work of a policy advisor? Where will that be

covered? Is there still a need for that work to be done?

MR. MOLLOY: That work will be absorbed by either the Assistant Director or myself. We are working on a plan to allot those duties between us.

MS ROGERS: Where was the money found to reinstate these positions, because I would imagine the budget that we have before us here does not reflect that?

CHAIR: Minister Marshall.

MR. MARSHALL: The two positions were put back that had been eliminated.

MS ROGERS: So the budget that I have before me now would be different.

MR. MARSHALL: Yes.

MS ROGERS: Can we have the new figures there?

MR. MARSHALL: We will provide those.

CHAIR: The minister said he will provide the figures.

MS ROGERS: Okay.

CHAIR: Minister King.

MR. KING: Just to be clear for the record, the budget that is before you does not reflect the increases that we announced: the Sheriff's Office, the Crown prosecutor's and Legal Aid. None of that is reflected in here, but it will be provided to you once government makes the appropriate transfer. So, it would be new funding to this department from the Treasury. We have not identified specifically where it is going to come from, but it is new money to the department. The budget lines here will increase by the amount that Minister Marshall and I announced when we did the add-backs, if you will.

MS ROGERS: So when you say it has not quite been decided where that money will come from, what does that mean?

CHAIR: Minister King.

MR. KING: What it means is government will make a decision of whether that can be added on to the deficit or whether we will just find money to transfer out of another department, or whether there is a rainy day fund in the Department of Finance. There are any numbers of options available to us.

MS ROGERS: Right.

MR. KING: The Minister of Finance would probably be the best one to speak to it. From our perspective, it has not been identified where the money is coming from, except that we have been given extra money for this budget.

MS ROGERS: Okay. Do you have any idea at this point how much money that would be, a ballpark figure?

MR. KING: It would be a guess. I could rough it up and give you something tomorrow because it will depend. For example, when we hire solicitors, you may hire one that is going to be paid top of the scale, perhaps \$120,000 or \$130,000 or you may hire a junior one who is going to make \$75,000 or \$80,000. It is difficult to say until the staffing action occurs.

The same thing with the call list for the Sheriff's Office, even though we are not into that, but we have added money back there. We have not nailed down the exact figure. We are still working with the High Sheriff as to what the needs will be for that.

I am not evading your question. We can get it but we are still working through that process.

MS ROGERS: I understand. Okay, thank you.

For the legal secretaries, and the four people in records, those four positions, will any of those be reinstated? I have been hearing about problems with perhaps lack of support staff

maybe holding up some procedures. Is this a problem at all in the department?

CHAIR: Minister Marshall.

MR. MARSHALL: The Director of Public Prosecutions is here, he can answer that question better than I.

CHAIR: Donovan.

MR. MOLLOY: There are some issues in our St. John's office but I would not want to say more than – we perceive them to be related to chronic absenteeism, issues of a couple of people as opposed to – that is the main factor right now that we are trying to cope with because we are usually down two people every other day, or three or four days a week. It makes it hard on the staff members who are there everyday, but we are working with Human Resources on those issues.

MS ROGERS: Would some of the legal secretaries, those positions that have been cut, have they been cut from the St. John's office?

CHAIR: Minister Marshall.

MR. MARSHALL: No, there is a half position in Gander and a half position in Corner Brook.

MS ROGERS: Okay.

CHAIR: Okay, Gerry, I am going to hold you there and go back to Andrew.

MS ROGERS: Okay, thank you.

CHAIR: Andrew, we are on 2.1.01 Civil Law. I am sorry, 2.2.01 Criminal Law.

MR. A. PARSONS: I have one last question on Criminal Law, the Revenue \$28,500. I am just intrigued by that, how it was not there and it showed up from last year's point. It is: Amount to be Voted Revenue; I guess it is still line 01.

MR. MARSHALL: It is federal funding received from the National Flagging program.

CHAIR: The National Flagging program.

MR. A. PARSONS: I have to ask a follow up, what is the National Flagging program?

MR. MARSHALL: Thank God, the assistant deputy minister is here. I am sure he can answer that.

OFFICIAL: Flogging.

CHAIR: Flagging.

Paul.

MR. MARSHALL: It is flagging. We stopped the flogging a while ago.

MR. NOBLE: I will ask Mr. Molloy to provide the specifics. It is part of a national initiative that flags prolific our serious offenders across the country. Now, I will see how accurate that is.

CHAIR: Donovan.

MR. MOLLOY: Yes, that is correct. Public Safety Canada issues money to partially fund a position. Data is input on our people that we have identified as prolific, or dangerous, or long-term offenders.

As well, if we get people coming from their jurisdictions or our people go to theirs, it provides an effective and efficient means to get significant amounts of information about the background of those offenders which you want to have really at hand very quickly. Sometimes it impacts bail and other decisions, and also how you are going to conduct the case. We have been participating in that now for the last, I want to say three or four years, and been getting that much money every year.

MR. A. PARSONS: Excellent, thank you.

I am just going to move to 2.3.01, Legal Aid and Related Services. Obviously, that is a pretty significant cut there in 10, Grants and Subsidies. I am just wondering, what is gone?

MR. MARSHALL: The \$225,400 is the reduction because currently there is no contract with a service provider. Am I looking at the right one?

CHAIR: It is 2.3.01.10, Grants and Subsidies, Minister Marshall.

MR. MARSHALL: Yes, that is the right one. The drop of \$225,400 is projected because currently there is no contract with a service provider for Aboriginal legal services. The drop for next year, is that the main part of your question?

MR. A. PARSONS: Yes.

MR. MARSHALL: The drop of next year over this year.

MR. A. PARSONS: Yes, the \$13.9 million to \$12.7 million.

MR. MARSHALL: Yes, the budget is reduced because of the elimination of funding for the Aboriginal Courtwork Program, and as a result of the elimination of several positions in Legal Aid, as well as a reduction in some of their operating expenses. Since that time, three vacant positions have now been approved to be filled, and two of the positions that were cut have now been reinstated. So that is money that will differ from this amount that will come forward.

The other thing I should state, I think it was on Budget day itself that Legal Aid would have been aware of the reduction. Legal Aid is run by an independent commission, the Legal Aid Commission, with a separate board. They receive funding from our government. They also receive funding from other sources, the Law Foundation in particular, and they are now going through their process.

As part of the committee, there is going to be a review done of Legal Aid. The review is to look at the model that is being used here. At one time the model that was used was that the private bar would agree to take a certificate and do the work. Then what happened, as I understand it –

and I am going from memory here, it has been a while – the fees were not considered high enough so a lot of members of the private bar would not take the work. As a result of that, the model was changed to a model whereby Legal Aid would hire lawyers.

I can tell you that over the last nine years there have been major investments in Legal Aid in the Province. Unfortunately, the federal government, which at one time I think used to provide 90 per cent –

MS BALLARD: Fifty per cent.

MR. MARSHALL: It was 50-50 at one time. I think it was higher than that.

CHAIR: Donna.

MS BALLARD: It has basically stayed the same since 1991, but the provincial amount has increased. The percentages of a budget right now of approximately \$13.5 million to \$14 million and the federal government provide about \$2 million.

MR. MARSHALL: That is a long way from what it was when Legal Aid started, with the Province now contributing by far the lion's share. Efforts were made by different governments of the Province, two federal Justice Ministers and federal Finance Ministers.

I know, Andrew, your father wrote to Martin Cauchon, who was then the Minister of Justice. I met with Irwin Cotler, the Justice Minister at the time. We hosted the Justice Ministers' meeting just outside of Corner Brook, at Boom Siding in Corner Brook, and we made the pitch to Vic Toews, who was the Justice Minister at the time. The Chair of Legal Aid was there, and I was there as the Justice Minister, and we made an impassioned plea for the federal government to get back in to funding Legal Aid because of its importance to women, to Aboriginals, to people who have difficulty accessing the justice system, but we failed.

When I became Minister of Finance, the first FPT meeting of Finance Ministers I attended, I

made a plea for more money into Legal Aid. We got nowhere with the Justice Ministers, so we tried the Finance Ministers and I remember Minister Flaherty asking me why was I bringing it up then. We brought it up because, as everybody I am sure in this room agrees, it was important; but, unfortunately, it has not worked.

MR. A. PARSONS: Going back to this Legal Aid review, who is conducting the review?

MR. MARSHALL: That has not been decided as of yet.

MR. A. PARSONS: Is there a timeline?

MR. MARSHALL: Not that I am aware of.

MR. A. PARSONS: The reason I ask this is because we know the importance of what went on March 26 and there was the turnaround and there was a change in some of the positions, but Legal Aid was one of the ones that were going to have the review done. So, there are a lot of people out there wondering if this review is going to be done.

One of the recommendations – I have a note here somewhere. The Justice review that William Marshall was supposed to be put in charge of – this was back during the Lamer Inquiry; I believe that is when it was – there was supposed to be a review done then.

MR. MARSHALL: I believe, and again I am going on memory here, but if I recall correctly, that was the Crown's office.

MR. A. PARSONS: Yes, I believe so. I have a note here, just one moment.

MR. MARSHALL: Maybe Donovan can add something to that.

MR. A. PARSONS: In 2006, then Minister of Justice, Tom Marshall, indicated that government was committed to implementing all of them; this is the Lamer recommendations. One of them was an independent review of the Office of the Director of Public Prosecutions. Retired Justice William Marshall was named to

conduct the review. Has that review been done – independent review?

CHAIR: Minister Marshall.

MR. MARSHALL: That was years ago.

CHAIR: Minister King.

MR. KING: I think the short answer is I am not sure on that one. To be clearer on the review, we are now short-listing potential firms or candidates to do the reviews of the Sheriff's Office and Legal Aid. As well, I am not sure if we had it in our release, but I did say publicly that the Crown's office will be part of that.

While I cannot give you a specific timeline, I can tell you that it is going to be very quick. We are looking now, as we speak, about who can do this for us to get it moving and get it done.

MR. A. PARSONS: Okay.

I do not have much time, so I might get cut off here. You mentioned when you started, Minister Marshall, that one of the things was several positions were cut, and that was word used: several. Can I get how many positions?

MR. MARSHALL: Yes, there are fourteen positions to be determined. In terms of solicitors, there were five solicitors; two have been put back. In addition, there were three vacancies and it has been agreed that they will be filled.

MR. A. PARSONS: In terms of solicitors, and I will just follow up with your indulgence.

CHAIR: Yes, I am letting you clue up here.

MR. A. PARSONS: Basically there were three lost, was there? There were five cut, two put back, three vacancies, so basically there are none. If the three vacancies are going to be filled and the two put –

MR. MARSHALL: Not really. There are three vacancies have been filled.

MR. A. PARSONS: Okay.

MR. MARSHALL: Of the five positions that were cut, two have been put back there.

MR. A. PARSONS: The three that are left, where are those positions?

MR. MARSHALL: I am not sure.

OFFICIAL: The board is working through it.

MR. MARSHALL: I can get that information.

MR. A. PARSONS: I only ask that just because it is very important whether they are in St. John's, Goose Bay, or Stephenville. I would be just interested to know. I might come back to this, Mr. Chair, but thank you.

CHAIR: Okay, that is fine.

Gerry.

MS ROGERS: Thank you, Mr. Chair.

If we could go back to Criminal Law, 2.2.01, on what basis were the initial cuts made? On what basis were they made? Was there a core mandate review done of the Crown prosecution office?

MR. MARSHALL: All of the cuts that were made in government were made because of the fact that the forecasts of revenue coming into the Province would be diminished because of the slowdown in the world economy, and the resultant lessening of demand for the commodities like oil and minerals, which would mean the projections for revenues were going to be a lot lower. Therefore, there had to be reductions made in order to ensure that our expenditures were in line with the revenue we thought would be coming in.

MS ROGERS: I understand that, but what I am interested more specifically in what process was done to ascertain the cuts that could be made but to still provide the necessary service to the Province. When we see the turnaround, where there are positions reinstated, I imagine that

there was a process in place again to look at that, to see what were the absolute minimum positions that were needed to be able to do the work that needed to be done.

I wonder, aside from a directive of you have to cut 15 per cent or you have to cut 12 per cent, what kind of review was done before the cuts were made to ascertain whether or not the work that needed to be done could still be done.

Was there a core mandate review?

CHAIR: Minister King.

MR. KING: The core mandate review is an altogether totally different exercise from this. The core mandate review had nothing to do with the Budget. The core mandate review was focused on the activities performed by each of the departments of government and whether or not we had strayed outside of our core mandate. In many cases, we have. We may be doing lots of things that are nice to do, but in this case they may fall outside of making laws, providing policing, providing court service, and providing correctional services.

The core mandate review was all about looking at what we do and whether it was time to adjust the course. The Budget exercise was completely different. It was a way of looking at even the core activities we are engaged in and whether we could find alternate ways to deliver the services and still find savings.

I just want to add a caveat to the Legal Aid in particular. While the minister has given you a list of positions – and for Andrew’s benefit as well – the positions he has given you are not carved in stone. When we went through the Budget exercise, we would have had a flow chart with a whole list of positions and different activities throughout the Province and we would have identified some potential for savings; but they are now going through their own budget, with a dollar figure in mind, so the positions that we have identified to you may not, in actual fact, disappear.

Having said all of that, there would have been extensive consideration of the caseloads of the various Legal Aid attorneys and Legal Aid offices throughout the Province. It would also have included a consideration of how many of the interactions that they have with the public actually go to trial versus they are just consultative in nature or whether they are the paperwork ones in nature. All of that would have been assessed. We would have consulted with Legal Aid and asked for their input on suggestions of how we alter the course. All of that would have been considered by the senior team of the department who are here when we made our final decisions.

MS ROGERS: Okay.

I was asking questions about the Crown Attorney’s Office, but I guess I would have asked the same about Legal Aid.

MR. KING: Sorry; it is the same answers. I am sorry about that.

MS ROGERS: I assumed that might be the case.

What changed so quickly, so drastically? What were the compelling arguments to make these changes? Obviously, there had to be something that –

MR. KING: You are speaking generally now, not specific to the Crown, are you, just more general?

MS ROGERS: Well, I am speaking about the Crown – again, to have made such sweeping cuts, I am sure there was a lot of thought going into that, there was a lot of planning, that there was an analysis of the work that needed to be done and how to proceed with the work that needed to be done. Obviously, something changed in a very short period of time to reverse some of that.

I am asking about how these decisions were made.

MR. KING: All of the decisions with respect to the cuts, whether it be the Sheriff's – the ones that we made changes in the Sheriff's office, Crown's office, Legal Aid, all of them would have gone through the same process that I just described to you. There would have been lots of consultation with all of those who are part of the organization. When final Budget decisions were made, though, the decisions may not necessarily have been known by everyone who would have provided input into the process.

As I am sure many would appreciate when you do a Budget, until the day the Budget is brought down, some of these decisions are never final and certainly never shared, only with the most senior people.

Decisions would have been taken based on extensive consultation, consideration of the caseload, consideration of the upcoming work.

Once the Budget was delivered, we had two things to consider. One was public confidence in the justice system, and secondly was a revisiting with further input from some who were not part of the initial process. When we brought the committee together, it was for that purpose.

From our perspective, when we made the decisions in the Budget we felt that the system could withstand the decisions. To be frank, I am still not convinced that we could not have sustained some of it, but we also recognize that when you are talking about justice in the Province people have to perceive that justice is being served and perceive confidence in the system.

We recognize that. We recognize that with the feedback we received and we recognized through some of the personal input both myself and Minister Marshall received from acquaintances who had knowledge of the system, who brought forward very good concrete suggestions. So from that we brought a group together, as you would be aware of, and we simply laid it out on the table where we were and asked for their reconsideration of where we were and where might we go, or ought we go, to ensure people have confidence in the system and

ensure that we can deliver the services we ought to be providing.

The result of that consultation was the announcement Minister Marshall and I made on behalf of the Premier to add back resources to the system.

MS ROGERS: What would have been the caseload of Crown attorneys before the Budget? Then what would have been the anticipated caseload of Crown attorneys once the cuts were in effect?

MR. KING: They vary. I do not have the numbers in front of me, but they vary. It would depend, for example, the Crown attorneys are assigned different types of law to practice and some are assigned big case files and thereby would have a lot lower caseload than some others but they may have a higher workload, depending on the file they are carrying. It depends on where they are working and what they are assigned.

MS ROGERS: Is there a waiting list with Legal Aid, just to get a Legal Aid lawyer? Are there any situations where procedures are prolonged because of having to wait?

CHAIR: Donna.

MS BALLARD: I cannot tell you the exact time frame, but certainly between the time you arrive at your first intake for legal aid and the period of time by which you were assigned a lawyer, I would suggest it is fairly quickly, especially in criminal law because it has to be. Then the cases are just dictated by the lawyers and by the court.

MS ROGERS: When was the last time that the eligibility ceiling was adjusted?

CHAIR: Donna.

MS BALLARD: It is not an eligibility ceiling as such; it is a number of criteria that are taken into account in terms of when you are eligible. So it is not simply if you make X amount of money or under, then you are eligible. It is

actually quite an elaborate mechanism by which you take into account all of your income, all of your expenses, the assets that you may have and so forth. Then it is almost done on a case-by-case basis, according to their extensive policy, and then there is an appeal process.

MS ROGERS: Has the criteria been revisited or changed at all? When would that have been?

MS BALLARD: I am not sure the last time that it was put in place, but I do know that there is some discretion as well.

MS ROGERS: Okay. Thank you.

CHAIR: Andrew.

MR. A. PARSONS: Thank you.

Back to 2.3.01, Legal Aid – and I apologize if this question was asked about Legal Aid. What is the current caseload per lawyer in regions?

MR. MARSHALL: I do not know. I would have to check with the Commission. I would have to check with Mr. Avis to get that information. Donna, do you know that?

CHAIR: Minister King.

MR. KING: We can get the numbers for you, but I can tell you that there is a significant variance from one region to the other. If you go from Marystown to the West Coast, Corner Brook, Clarenville, and back to St. John's, there is a significant variance.

MR. A. PARSONS: Are you saying it is lower in Western as opposed to, say, Marystown?

MR. KING: I am not sure I can say that with certainty, but I think that is a good guess, actually. As you would know, I am certain, factored into the caseload, would be consideration of those who are going to trial versus those who are simply providing other types of services, so there are a number of things that you would consider there.

MR. A. PARSONS: The other thing, too, is that our geography, when it comes to a Legal Aid lawyer in Stephenville, they are going out to Port aux Basques for three or four days. They used to go to Burgeo but they sometimes may have to go to Corner Brook, or depending if they are in Corner Brook, up the Coast.

If I could get the caseloads for before and after perhaps – I do not know if we could get the caseload for 2011 and 2012, something along those lines. I guess next year we will really see where we are after this. It is not fair to prejudge it, I would say, but next year we will really see how it goes.

I asked the question about the positions cut but you also mentioned, Minister, about Aboriginal – did you say court?

CHAIR: Minister Marshall.

MR. MARSHALL: It is Aboriginal legal services. There is no contract for a service provider to provide that service. Provision was made for an annual grant to the Legal Aid Commission for the provision of Aboriginal legal services. This is an Aboriginal Courtwork Program.

OFFICIAL: Minister, Ms Dunphy I think can answer that.

CHAIR: Minister King.

MR. KING: Debbie can give you a bit more information on that one. That is fine.

MS DUNPHY: The Aboriginal Courtwork Program is partly funded by the federal government when we did have a service provider engaged. That program helped Aboriginals – it was not a legal service, but it helped them and taught them how to get through the system, what they needed to do, and maybe helped them fill out forms or whatever. The service is still available. It is just now not a dedicated resource for the Aboriginal people.

MR. A. PARSONS: How much money was involved?

MS DUNPHY: We had a budget of \$225,000, offset by federal funding of \$98,400. The past year we have not had anyone engaged. The year before that – I do not have the exact dollar amount, but they did not spend the full budget either.

MR. A. PARSONS: When you say service provider, who was the provider?

MS JACOBS: It was Labrador Legal Services, and that service provider I think folded or discontinued. There was no one in Happy-Valley Goose Bay to provide that service for the last couple of years.

MR. A. PARSONS: Okay.

MS JACOBS: The money was not utilized.

MR. A. PARSONS: Okay. You are saying there was no uptake on it? Okay.

I am going to move forward to 2.4.01, Legislative Counsel, is that under your –

CHAIR: Yes.

MR. A. PARSONS: Okay.

CHAIR: 2.4.01.

MR. A. PARSONS: It went from \$591,000 budgeted last year, to \$535,000 spent, and to \$456,000 budgeted this year. Can you just elaborate on the positions?

MR. MARSHALL: There are two positions eliminated, the solicitor, and there was a vacant administrative position which has not been filled. It is basically one solicitor.

MR. A. PARSONS: If you will bear with me, I just want to make sure I get all of –

MR. MARSHALL: They had four, there are now three.

MR. A. PARSONS: I have some general questions here. I do not know if they are related to – I have some questions on courts and

whatnot, but I guess that would fall under you, Minister.

While I have you here before I go, I think Gerry might have touched on this. One of the themes that have been expressed to me is – I am assuming this process we went through for savings and resulted in a fair number of positions, that took a long period of time, I would imagine, to come up with that. Then the budget was reviewed and we know that outcry; rightly so, I would say. We know there was a committee struck and then a meeting held. Then the next day there were changes.

My question, that has been put to me by people, and I have the same question. What consultation was done in this long process for it to be changed so quickly and seemingly in response to public outcry?

CHAIR: Minister King.

MR. KING: Yes, I think I spoke to that a few moments ago, actually, to Gerry. There would have been extensive consultation in the pre-Budget discussions, whether it was through the Crown's office or Legal Aid, or the Sheriff's Office. We would have consulted with managers in the system, those who are responsible for organizing and carrying out the day-to-day activities.

We would have assessed or considered caseloads, workloads of different employees. We would have contemplated their ability to move forward with fewer positions, or positions operating in a different manner. That did take considerable time, no question about that, and considerable discussion and considerable consultation, as I said a few minutes ago.

Post-Budget, we were able to respond very quickly because we had all the legwork and footwork done. We knew the data. We had the data compiled on the various regions and various offices throughout the Province. Post-Budget, the discussions focused on – and to be fair, we had discussions even in advance of bringing the stakeholder committee together. We would have been contemplating any number of things.

We responded to particular reasons, as I said earlier. We recognize the need to ensure there is public confidence in the justice system. There was concern expressed to some in very respectful positions who work with us, not in a public vein but in a very private and direct avenue, that we ought to rethink some of what we have done and they offered some very good suggestions on what we might contemplate.

We brought in some of our managers and some of our leaders in the system and shared some of that information with them and sought further input from them on if we were to try and find some resources to head back to the system, what is your advice? The result of those discussions and deliberations would have been what Minister Marshall and I announced when we reversed some of the cuts and announced there would be a further review of the Legal Aid sheriffs and the Crown.

MR. A. PARSONS: I have just three things out of that. Number one, you mention that there are some people you had not talked to first that came to you, maybe not in a public vein, but came to you with some suggestions. So people who had not been part of the consultation upfront?

MR. KING: Yes.

MR. A. PARSONS: Okay.

MR. KING: To be clear, not necessarily people who ought to have been consulted either, but people who had some expertise and wanted to lend a view to us in support of what we were trying to achieve.

MR. A. PARSONS: The second part is you went through the consultation and then you met with these people. Were these people that you met with managers, et cetera? This is pre-Budget. Would they have been telling you not to make the cuts, and it was a case of, well, we have to go ahead and find this?

MR. KING: Those discussions are confidential, and the people who participated in those discussions I think would want to keep it that

way, but I think it is fair to say that there were varying views expressed. Managers of the system recognized the challenges that government faced.

As Minister Marshall said a few moments ago, you have to make tough choices. Do you run a \$1.5 billion or \$1.6 billion deficit, or do you try and make prudent decisions? That is what we tried to do, and we tried to do that across all of government.

The Department of Justice was no different. Unfortunately for us, the best part of our budget is human resources. We do not have a lot of programs and funds that we can just simply eliminate. The only way, for the most part, we can find savings is through the elimination of people, unfortunately.

Going through any process there would have been obviously concerns because, no different than people who sit in this House, when you are in Opposition or to what we are doing, nobody wants to lose a position. Everybody will find reasons why they cannot lose a position. I lived in that world too before I was elected. At the same time, managers and people in responsible positions very clearly indicated that they felt it could still work, that there would, no doubt, be challenges and would have to find other ways of delivering our service but they felt it could work.

When we revisited it, obviously they understood the situation we were in. So, they came back with some very good suggestions, not necessarily to put things back status quo because they recognized the challenge government was facing with the Budget. They came out with some very good suggestions on how we might reinvest back into the system to take away the strain. In addition to the resources we put back, the commitment to do a review was part of what was felt by the collective whole would be well received.

Government made the commitment that we will do a review and if we were wrong and if, in fact, we should not have made any cuts and we are under resourcing the system, we committed to take the results of the review and try and

improve the system. If the results come back and indicate, yes, there are ways of doing things differently and maybe we could have made further changes, well people understand that we will have to live with that too.

MR. A. PARSONS: I know my time is up, but if I could just have your indulgence because I do not want to lose my train of thought. These decisions – I guess the reversal is what it was – would this have been on the Premier's instructions or the minister's?

MR. KING: We are straying way outside the Estimates here, I think, now aren't we?

MR. A. PARSONS: Well, I –

MR. KING: I have outlined the process we went through.

MR. A. PARSONS: The reason I asked it is because it is going to lead into – I think you said earlier that you feel you are confident with the decisions you made that the service could have been provided but you changed it for the perception reasoning. I did not know if it was a case of you wanting to make this, or was it the Premier's instruction? Did you end up making a second decision that you did not really want to make?

MR. KING: I think the decisions I made speak for themselves. I do not think I need to elaborate. We made a decision in the Budget, and I own it as the minister. We made a subsequent decision, and I own that one as the minister, sharing it with my colleague.

MR. A. PARSONS: Thank you.

CHAIR: Gerry.

MS ROGERS: Thank you.

I have nothing more on the Legislative Council. Where do we go next for Minister Marshall? Is there anything else there?

CHAIR: Okay. Just so I am clear – and we will save Gerry's clock, if we could. We have no

more questions for Minister Marshall? We have gone through all sections?

MS ROGERS: Did we cover all the topics? Yes?

MR. KING: Andrew, did you cover the four?

MR. A. PARSONS: (Inaudible).

CHAIR: Yes.

MR. KING: Okay. If you want to go back now, Mr. Chair, to the very beginning and go through it that way –

CHAIR: That is where I am trying to get to here, Minister.

Minister Marshall, I want to thank you for your time this evening. I know you have many other things you need to do in preparation for tomorrow. So, I thank you very much.

MR. MARSHALL: I will see you tomorrow morning.

CHAIR: Thank you, Minister Marshall.

MS ROGERS: Thank you.

CHAIR: This might be a chance if anybody wishes to – let's take five, and we will come back to you, Gerry, at that point. We have been here for about an hour and a half, so let's take five and give everybody a second to catch their breath.

Recess

CHAIR: Are we okay, Minister?

MR. KING: (Inaudible).

CHAIR: Gerry, you are good?

MS ROGERS: I am, Mr. Chair.

So I guess we are going to start at the very beginning.

CHAIR: We are going to go back to 1.1.01, page 17.3 for anybody following. We will start and see if we can get through this.

Gerry.

MS ROGERS: There is a wonderful line in *Alice in Wonderland* that says: Let's start at the beginning, go on to the end, and then stop.

CHAIR: Okay.

MS ROGERS: So, let's start at the beginning.

If we go to General Administration, 1.2.01, Executive Support, we see a reduction there of \$162,000. What is that for, in the Salaries? So we have lost a position or two?

MR. KING: It is the elimination of two positions. The department used to have an associate deputy minister position with appropriate administrative support. The position was vacant for the last period of time and both have been eliminated.

MS ROGERS: How long has that been vacant?

MR. KING: It has been a couple of years. We have been carrying it on the books, the position and the salary, but it is has been a couple of years.

MS ROGERS: Thank you.

Administrative and Policy Support –we did not do that one yet, did we? Subhead 1.2.02, Administrative and Policy Support, in Salaries, have we lost a position there or two or?

MR. KING: It is a combination there. There was some money placed there for the Family Violence Intervention Court and there are four positions being eliminated.

MS ROGERS: The Family Violence Intervention Court, what positions would have been there for the Family Violence Intervention Court?

MR. KING: Probation Officer, Victim Services Officer, Social Worker, a Provincial Court Liaison, and a Legal Aid Intake Officer.

MS ROGERS: Where have these positions gone?

MR. KING: Pardon?

MS ROGERS: Are these positions gone entirely or have they been moved somewhere else?

MR. KING: No, eliminated in the Budget.

MS ROGERS: They are eliminated entirely.

The work that these people did within the Family Violence Intervention Court, those cases still exist; so where will they be absorbed in the system? The cases –

MR. KING: You mean the cases that are not yet complete?

MS ROGERS: These were four positions, yes?

MR. KING: Four point five.

MS ROGERS: Five positions for the Family Violence Intervention Court?

MR. KING: Four point five; the social worker was a point five, shared.

MS ROGERS: Right. The work that they would have done, the cases will still exist, and I do not mean the ones that were current in the Family Violence Intervention Court. The cases will be channelled where in the work that would result – cases that no longer go through the Family Violence Intervention Court, they will go where?

MR. KING: They would have access to other services that we provide to support victims, but with the closing of the court the positions no longer exist and the service will no longer be provided.

MS ROGERS: I understand that.

MR. KING: Those who chose an alternate service will avail of other types of victim service supports that we would offer in the system. I cannot name all of those here for you, but –

MS ROGERS: Has there been any increase in those areas to accommodate the extra workload that will come as a result of the closure?

MR. KING: No.

Last year's number in the Family Violence Intervention Court was twenty-one cases that completed the program, and we are confident, based on advice by employees in the system, that we can accommodate if those twenty-one would like to avail of other services and supports.

MS ROGERS: Maybe we can get back to that a little bit later when we look at some of the court situations, unless we could maybe even look at the Family Violence Intervention Court now.

On what basis was the decision made to cut the court?

MR. KING: You are jumping to tab 6?

OFFICIAL: No, I am telling her there is some information in the tabs.

MR. KING: Okay.

The Family Violence Intervention Court was a budgetary decision, like a number of changes that we made in the department. We considered the number of people who were being served, we considered the budget that would have been appropriated for it, and we would have considered it as part of the core activities of our department. That one in particular was a pilot project that we would have been assessing on a year-to-year basis. In efforts to find savings in the Budget, that was one of the options that we decided to let go.

MS ROGERS: I understand that there was a plan, in fact, to move the Family Violence Intervention Court out from the Department of Justice and into the courts, per se?

MR. KING: I have no knowledge of that.

MS ROGERS: Okay.

What was the yearly budget for the court?

MR. KING: It is a little over \$526,000.

MS ROGERS: For the cases that were going through the court, what was the fallback plan for both the offenders and victims whose cases were before the court?

MR. KING: Cases that are before the court, or were engaged in the process, we will continue to provide the supports that we have been providing through that process. So it will be a phase-out period. The budget here reflects the budget for next year, but we are still going to provide some of these services until those who are actively engaged finish the process.

MS ROGERS: So the ongoing, more intensive bail supervision and the ongoing therapy programs for the offenders are still being provided by the same service providers?

MR. KING: We will continue to provide the supports and services that we provided through the Family Violence Intervention Court to those who had started the process prior to the budgetary decision to eliminate it. So there would be no new intakes, but anyone who has been a part of the process and intending to stay a part of the process, we will honour the commitment to see them through.

MS ROGERS: Of the people whose cases were before courts, how and when were they notified of the closure of the court?

MR. KING: I would imagine, like most people in the Province, on Budget day when we announced that the Family Violence Intervention Court was going to be terminated, the project would be terminated, there would have been contact after that, down through the system, but the public notification would have come on Budget day.

MS ROGERS: So people whose cases were before the court, particularly in some situations, and I would think for the most part – just for shorthand sake I may refer to offenders as male, and victims as female and children, just for shorthand, but I am aware that is not always the case.

I understand the way the court operated and because of the support services, that there were women who agreed to go through the court procedures and willing to go to the police and have their partners charged, knowing – because the word on the street was that there was great supports in place and they would feel more safe because of the intensive bail supervision that happened and the fact that the offender was compelled to plead guilty and the offender was compelled to attend treatment.

I just find it odd that they would find out the system that they so relied on and trusted and gave them a certain sense of security, they may have just simply found out through the media, because they took great risks. Many of them took great risks by deciding to go through this court procedure. Many women will not go because they know there is not that much safety for them.

The plan then is to provide exactly the same services to the women and children. Child, Youth and Family Services are still involved for the cases that were before the court?

MR. KING: The services that we provided before the Budget, with the Family Violence Intervention Court, will continue for those who had started the process in the court before the Budget announced that it was closing.

MS ROGERS: All of the exact same services?

MR. KING: The services that we provided before the Budget announced the court was closing will continue to be provided for those who were enrolled in the court process before the Budget closed them.

MS ROGERS: Okay.

My understanding is that people did not have to apply for legal aid if they chose to go through the Family Violence Intervention Court, now they will. Will this put additional strain on the already strained legal aid department?

MR. KING: We do not believe it will.

CHAIR: Okay. Gerry, I am going to turn it back to Andrew.

MS ROGERS: Okay, thank you.

MR. A. PARSONS: Do you just need a follow up? Okay.

I am going to go back, I guess not back. I am going to start on 1.2.02, but before I do that, just one question in general.

My understanding is that the department moved from the fourth floor down to Argyle Street. What is the duration of that move expected to be?

MR. KING: The entire department is not moved.

MR. A. PARSONS: No. What moved to Argyle Street?

MR. KING: Pieces of our department, certain sections. The duration will be for the renovations of Confederation Building, as I understand it, because part of what used to be our floor is swing space now. We have people coming and going there, where they are renovating other sections of the building.

MR. A. PARSONS: Okay. What is the duration? Is it a year, two years or something?

MR. KING: Probably the Minister of Transportation would be a better one to ask that.

MR. A. PARSONS: Okay. Would he be a better one to talk to about the cost of renovations?

MR. KING: Yes.

MR. A. PARSONS: Okay.

On 1.2.02.05 Professional Services, I noticed that an extra \$50,000 was spent last year right on the button. Then this year it is an extra \$30,000 budgeted right on the button. What would that encompass?

MR. KING: Both are related to expenses around the Criminal Code Review Board. There was a shortfall there of \$50,000. In particular, the Criminal Code Review Board, we had offset it by savings related to the Commissioner of Lobbyists office. On the \$80,000 increase, we are re-profiling that for the anticipated cost of that this year; so re-profiling for another part of the department.

MR. A. PARSONS: Purchased Services went down pretty dramatically. Does that have to do with the Family Violence court or is that anything else?

MR. KING: Family Violence Intervention is the big one. There are a number of other odds and ends in there but the Family Violence Intervention is the main dollar figure, put it that way.

MR. A. PARSONS: I am going to move forward to 1.2.03, Legal Information Management. We have a cut in line 01. Was there a position eliminated here?

MR. KING: Yes, one position.

MR. A. PARSONS: One position. What was the title on it?

MR. KING: Policy, Planning & Research Analyst.

MR. A. PARSONS: Under Supplies – again, normally, I do not ask too many questions on supplies but last year what was budgeted was spent exactly, and then this year it is cut down to \$380,500. I am just wondering what is not being purchased this year. What supplies do we not need?

MR. KING: We are going to change the way we purchase a number of our materials and change some of the materials that are currently made available in the Law Library.

MR. A. PARSONS: When you say change something available in the Law Library, what would that be?

MR. KING: I do not have the specifics here. I will talk to someone upstairs, but we just may not order certain resources that we have been ordering regularly.

MR. A. PARSONS: Okay.

In 1.2.04, Administrative Support, I believe this deals with, “Appropriations provide for facilities planning and the acquisition of tangible capital assets.” I do not know if this is where I would ask about the court in Corner Brook, which I believe needed some work done with roofing. What was the cost on that?

MR. KING: Can you be more specific, the cost to do the initial job?

MR. A. PARSONS: No, I think there was an issue with the roof recently.

MR. KING: Yes.

CHAIR: Heather.

MS JACOBS: I am not sure of the cost because TW is looking after that. My understanding is a tender was awarded this week for the roof to start to get repaired. You would have to ask at TW the exact cost.

MR. A. PARSONS: Okay. Just so I make sure I will save us some trouble down the road, because I am going to ask questions about the RNC building as well. Now, that would fall under this.

CHAIR: Minister King.

MR. KING: Thank you.

The RNC facilities fall with us, but the appropriation of the Budget and the renovations fall with Transportation and Works. I do not know if that helps you.

OFFICIAL: (Inaudible).

MR. KING: Oh, sorry, Andrew, the RNC is with us. Sorry, my mistake.

MR. A. PARSONS: Okay, and forgive me if I ask a question on one building and it falls somewhere else.

MR. KING: Yes, that is fine.

MR. A. PARSONS: That is the Corner Brook courthouse.

I am just wondering now, Property, Furnishings, and Equipment; last year we had to spend just over an extra \$100,000 than what was budgeted, but this year it is up a significant amount. What is in the works for this year?

MR. KING: You might recall the Budget announcement on the mobile work stations for the Inland Fish Enforcement officers.

MR. A. PARSONS: Okay.

MR. KING: That is in there. That, as well, is being re-profiled from within the department.

MR. A. PARSONS: I might be in the wrong area now, but since we are talking about the courthouse and RNC building, which I will come back to, what section would Her Majesty's fall under here? Do you guys have any responsibility for that when it comes to the institution?

MR. KING: What section for what do you mean?

MR. A. PARSONS: The building itself.

MR. KING: What is your specific question on the building?

MR. A. PARSONS: How much did we have to spend on Her Majesty's last year just for upkeep and renovation?

MR. KING: Renovation or maintenance.

MR. A. PARSONS: Maintenance, whatever.

OFFICIAL: That is Transportation.

MR. KING: That is TW.

MR. A. PARSONS: So the general question – I mean, this is something that has come up every year – is there any plans in the works for Her Majesty's? I guess, in these circumstances, there will not be.

MR. KING: No, I would not say there will not be. I am sure you are aware, that is a big project. We have been – I do not want to say we, government, successive ministers, Minister Marshall, myself, Minister Kennedy, Minister Collins, and I am sure previous governments have worked hard to try and get the federal government onside in a cost-shared partnership.

We are still struggling with that. We have not seen any signs that they are prepared to come to the table, but we are certainly going to give consideration, I would expect in the near future, as to whether or not the project is important enough that we have to try to find a way to move forward, in spite of the federal government.

I am not saying we will do that, but I think we are at the point where we are going to have to make the decision and if the decision is yes we are moving forward, we will make some kind of announcement. If the decision is we are not, I think we need to tell people that until the feds come we are definitely not doing this. I think we are kind of in that decision area.

MR. A. PARSONS: Okay.

I am going to move on with the time I have left for this juncture just to Fines Administration, 1.3.01. There is a cut there in Salaries. How many positions are cut?

MR. KING: Two temporary positions and one permanent.

MR. A. PARSONS: What were those positions?

MR. KING: There were two temporary Financial Collection Officers and a Clerk.

MR. A. PARSONS: What is the total outstanding amount of fines right now?

MR. KING: It is \$39 million and change.

MR. A. PARSONS: What was it last year? Do we have that number?

MR. KING: It was \$37 million.

MR. A. PARSONS: This is something that I talked to Minister Collins about last year. It is a big issue obviously if we have almost \$40 million owing. It is gone up.

I believe there are studies showing that the more people you have working to collect fines the better chance you have of collecting them. What was the rationale behind getting rid of people who used to collect that money?

MR. KING: Purely a budgetary decision. In this case we took one permanent position out and there were two temporary positions. When we went through the Budget reduction exercise our first priority was to try and protect – ours being government – permanent positions. Where we had vacancies or temporary positions, those would have been the ones that we would have targeted first. In this particular case, we made the decision that we could continue the collection rate we are at with the remaining staff.

MR. A. PARSONS: This is an outstanding issue; it has been there for years. Has there been any internal discussions, studies, work put towards how we can try something new to fix this problem and collect money? We just had a gentleman picked up the other night with \$26,000 owing. I do not know if that is going to stop. I am just wondering, is there anything in the works?

MR. KING: Nothing in the works. It is an act of frustration, I will tell you that, as people here would tell you. I mean, I have not been there a long time, but it has been something I have raised on any number of occasions trying to find a way forward. I am trying to give it some attention; \$40 million for the sake of a discussion point is a lot of money, but there are mitigating factors that make it difficult.

The person you described, for example, picked up; typically their attachment to the legal community and to any degree of rationalization for a lot of them is missing. It is a challenge to try to find a way forward. I can say to you that it has been identified by me with the deputy and others as a priority to see if we can find a way forward.

Whether there is some new and creative way that we can find that others did not, I do not know. With all due respect, if you have a suggestion to help us out we would love to hear it. It is a frustrating piece of work for successive governments I think.

MR. A. PARSONS: I know my time is up, but I am probably going to return to that section after.

Thank you, Mr. Chair.

CHAIR: Thank you Andrew.

Gerry.

MS ROGERS: I would like to go back to General Administration, Capital, 1.2.04, Administrative Support. Line 05, Professional Services, \$500,000: What is that for? You may have said and I may have missed it.

MR. KING: No, I did not say. That would be funding provided to us for facilities throughout the Province. As you would know we have a lot of facilities: Her Majesty's Penitentiary. We have responsibilities for the courthouses. We have corrections facilities across the Province. That is money provided for planning and/or work on those facilities, capital planning.

MS ROGERS: Capital planning, and is there any specific plan for that?

MR. KING: Not at this point in time. Anything that we do with that money will be announced through a public opportunity.

MS ROGERS: Just about the same amount of money for the Family Violence Intervention Court. Look at that.

Okay, thank you. I am sorry I could not resist that.

I would like to go back to the Family Violence Intervention Court. The court was heralded as part of the Poverty Reduction Strategy. In 2011 the Department of Justice announced this court was going to become a permanent part of the system and now we have this about-face. Aside from money, I know that there was an internal evaluation done of the court, what were some of the findings of that evaluation in terms of was the court providing the role that it was intended to?

MR. KING: The Family Violence Intervention Court was a budgetary decision. It was not reflective of any conclusion that there were not benefits to the people who participated in the process.

MS ROGERS: Okay. Do you have any statistics on what the recidivism rates were for the people who went through this court versus those who did not?

MR. KING: I do not at my disposal, no.

MS ROGERS: I understand that, in fact, the recidivism rates – there were about a quarter of cases that did not go through the court system. I wonder if there has been any cost-benefit analysis done on discontinuing the court, what the cost would be to the system by not continuing the court, keeping in mind that it looked like the recidivism rate was quite low. Was there any analysis at all done of that?

MR. KING: There would have been consideration of any number of factors when we

went through the Budget process. As I said a couple of times earlier, the Family Violence Intervention Court was considered as part of a whole host of activities that were engaged in the Department of Justice. We had challenges around the Budget; we had to find opportunities where we could change things that we were doing.

It was very clear, from my perspective at least, that there is some core activities that we did not want to compromise. Front-line police services in communities, court services, correctional facilities, Crown attorney and Legal Aid services are all part of the core mandate of this department. The Family Violence Intervention Court was introduced as a pilot above and beyond the core activities of the department.

None of the messaging that I have ever provided, nor the decision, when it was announced, focused on saying that it was not valuable. It was a budgetary decision.

MS ROGERS: I guess some of my questions then would be somewhat budgetary in terms, again, if the recidivism rates were lower that would put less of a strain on other courts and services. So, where will the domestic violence cases go now?

MR. KING: We will provide other victim support services, just as we did pre two or three years ago when the Family Violence court was introduced as a pilot.

MS ROGERS: Where will the actual court cases go?

MR. KING: Through regular court process.

MS ROGERS: Through the regular court process, yes. Thank you.

There was significant training and specialization with the judges and prosecutors and legal aid and professionals in the system who dealt with these cases. Will there be any of that in the mainstream court process to deal with some of the special issues that are faced by family violence, domestic violence cases?

MR. KING: It is probably a question better put to the chief judge and justices of the court system because they are the ones who set their professional development goals and determine what the needs are of those in the system. We have a training fund ongoing for people who are directly employed by the department and we will respond if the Director of Public Prosecutions indicates to us that there is training required. We respond regularly.

Legal Aid lawyers, I think it is better to be speaking to them because they operate independent of us. While we provide a piece of their budget, there is a board that governs the Legal Aid Commission and they make decisions for their own membership.

MS ROGERS: I know the wait time from the time of offence to the time of disposition was considerably shorter than going through the regular court process. What is the estimation of what that will be now?

MR. KING: I cannot answer that. I think it is a better question for the chief judge or justices of the court system.

MS ROGERS: Offenders, in order to go through the Family Violence Intervention Court, had to plead guilty and then they had direct access to treatment. I understand, as well, that if an offender pleaded guilty – which was necessary to access the court – it took about eight months. In regular court they will have to wait until sentencing if they are going to be mandated to receive treatment. Do we have any idea how long this might take in court?

MR. KING: I do not at this point in time.

MS ROGERS: Before the Family Violence Intervention Court, we know that domestic violence cases often took up to two years from the time of offence to disposition, and all the research shows that the most effective intervention is as close as possible to the time of offence. Are we looking at two years again?

MR. KING: The Family Violence Intervention Court was a budgetary decision. I am quite

prepared to spend all evening if you like listening to your reasons why you support it, and I have the greatest respect for that as long as everybody understands there is a limited amount of time for Estimates. If this is where the priority is I am fine with that, but the fact of the matter is, as far as Estimates go, we have never challenged the validity of the Family Violence Intervention Court. We have never challenged the success of the people who have gone through it.

I have been very clear from the day we made the announcement that it was a budgetary decision. It was considered in the context of: Will we lay police officers, take police officers out of communities? Do we take further Crown prosecutors out? Do we take further lawyers away from the Legal Aid system? Do we take correctional officers out of facilities? Do we make further changes to the Whitbourne Youth Centre? All of those criteria and all those mitigating factors surrounding the justice system were considered.

Never once have we challenged the validity or the success of the Family Violence Court. It was purely a budgetary decision. It was a pilot project outside of the regular core activities that have been funded by our department. In this exercise we have decided that we will no longer fund that pilot.

MS ROGERS: I hear that.

Can we talk a little bit about bail supervision? Bail supervision was an important aspect of the Family Violence Intervention process. With cutbacks to probation officers, because I believe we have cutbacks to probation officers, and the removal of the electronic bracelet program, how will the department be able to respond to the need for adequate bail supervision?

MR. KING: We believe, given the number of clients we are dealing with in the Family Violence Intervention Court, they can be absorbed in the current caseload.

MS ROGERS: All the men currently in treatment and this will continue for those

currently in treatment, what about afterwards, those who will not be going through the Family Violence Intervention Court? Where will treatment be placed?

MR. KING: They will have an opportunity to follow the same process that they would have followed pre-introduction of this several years ago. So the regular court system. We have legal aid, we have probations offices, we have victims' services offices, and we have services provided through Child, Youth and Family Services. All of those will continue to be made available to them.

MS ROGERS: Has there been any cuts at all to treatment programs for offenders through the Department of Justice?

MR. KING: No.

MS ROGERS: Okay.

Thank you.

CHAIR: Okay, Gerry.

Andrew.

MR. A. PARSONS: Thank you, Mr. Chair.

I am going to go quickly back to 1.3.01, Fines Administration. I say this, realizing this is not a new problem. It is one that has been around for a long time. Have there been discussions with the judiciary about this situation?

Obviously, if people are breaking the law there has to be some kind of punishment. Obviously, in many cases the financial means is not there for them to be able to pay. Do we just go and toss people into incarceration, which does not serve the purpose? I know this is a bit outside, but I am just wondering, is this a conversation that has been had?

MR. KING: I can only speak, of course, to my tenure here. I cannot speak for previous ministers, but I have had a couple of discussions. I think you hit the challenge really. If incarceration is the only option, then you have

the cost of incarceration and everything that goes with that. I think, as you said, it is not really the option we are looking for.

In the discussions I have had there have been no other alternatives or no magic bullet proposed at this point in time. What I have tried to do, as minister, is open the door with those – at the courts in particular, the chief judges, to see if there are other things that our department ought to be considering in our processes to try and improve the collection rate.

MR. A. PARSONS: You mentioned tossing ideas out. I have one which may not be well reasoned or well thought out but I will put it out there. I think in a lot of cases we looked at other jurisdictions and other areas. I know in the states they have work programs. The person does not have the means to pay. Incarcerating him is not the option. I know it has been discussed publicly here. I have heard the conversations on Open Line.

Is that something that has been considered, or it has been looked at and there are drawbacks to it from a policy perspective? That is just one idea.

MR. KING: Yes. I will ask Paul to respond.

CHAIR: Paul.

MR. NOBLE: Some consideration has been given to programs of that sort. The research has, in fact, indicated that in the long term it actually costs more to administer these programs than the savings that are realized by catching the scofflaws, if you will.

MR. A. PARSONS: Back to the drawing board.

MR. NOBLE: It is a perennial problem across the country, of course, as you can appreciate. The fundamental question is: How do you get people to stop breaking the law? I guess if we knew the answer to that, then we might not even be here.

MR. A. PARSONS: I appreciate that answer because it is one that gets asked and it is nice to know that it has been looked at.

MR. NOBLE: Thank you.

MR. A. PARSONS: I appreciate the frustration that comes with it. It is not a new problem; it has been around for years.

I am going to move forward. I guess we are up to 2.1.02, Mr. Chair? We skip past Civil Law and go to Sheriff's Office.

CHAIR: Yes, Sir, if that is good with you.

MR. A. PARSONS: In this one, a significant drop in salaries from what was spent last year to this year, how many positions?

MR. KING: Just so I am clear, you are talking about the budget for 2012-2013 compared to 2013-2014?

MR. A. PARSONS: Yes.

MR. KING: There would have been twenty temporary positions within the Sheriff's Office that would have been eliminated. We have since – not reflected here, of course – provided two full-time positions back, plus the filling of I think it was three vacancies, and we also have provided for a casual call-in list and will provide the appropriate funding for that.

By the way, if I could digress, I am not sure if you asked this or Gerry, but a rough estimate on the cost for the add back will be around a million dollars. One of you asked me that earlier. It is around a million dollars, ballpark figure, for the extra attorneys and the Sheriff's Office.

MR. A. PARSONS: Okay.

Under Sheriff's Office, Transportation and Communications, there was a pretty big jump in what was budgeted and what was spent last year. What was the extra for?

MR. KING: It was predominately travel, for sheriff's officers having to travel to other locations to provide services. Part of what we did in this budget is we made some changes around the Province, moved some positions

around a little bit – well, the Sheriff's Office did, not us – to try to eliminate the need. We had \$112,000 there. Predominately, the bulk of it was for officers who had to travel, either to provide services or deliver documents and those kinds of things – circuit courts and those sorts of things.

MR. A. PARSONS: I want to make sure I have the right information. What was the complement at and what is currently sitting at now when it comes to sheriff's officers, just so I know for sure?

MR. KING: I will get it for you. I do not have the complete list here, if that is fine?

CHAIR: Debbie.

MS DUNPHY: Just to clarify, you want the complement before the cuts and after as well.

MR. A. PARSONS: I would like to know what it is as of, say, today?

MS DUNPHY: Okay.

MR. A. PARSONS: The people affected –

CHAIR: Minister.

MR. KING: Yes, I can give you some numbers.

MR. A. PARSONS: Okay.

MR. KING: I did not realize we had them here.

The best thing to do is probably give you the total employees in the Sheriff's Office. These are not all court security. I have court security too, but we are talking about other positions. The total in the office today would be – for the coming budget – sixty-six permanent, seventeen temporary, for a total of eighty-three positions.

Previous it would have been sixty-nine permanent, thirty-eight temporary, for a total of 107 positions.

MR. A. PARSONS: Out of those numbers, which ones were sheriff's officers?

MR. KING: Okay.

Let me just give you the sheriff's officers in the same manner, okay?

MR. A. PARSONS: Perfect.

MR. KING: Currently, there would be fifty-two permanent sheriff's officers, thirteen temporary, for a total of sixty-five. Am I going too fast?

MR. A. PARSONS: No, good.

MR. KING: Last year, it would have been fifty-two permanent as well, so it is status quo, and there would have been thirty-two temporary positions, for a total of eighty-four.

MR. A. PARSONS: It is fair to say that –

MR. KING: Again, that does not reflect the add backs.

MR. A. PARSONS: That does not reflect the add backs?

MR. KING: No.

Let me get you the exact number on the add backs, because we filled some vacancies. I could give you that tomorrow, if that is fine?

MR. A. PARSONS: That is fine by me.

Obviously, that is a big number in terms of this process. I have heard from people throughout this about in some places the RCMP have been called in to do the work of sheriff's officers, where they could not be located. Is that something you have a concern about as the minister or have you been assured that this is not going to be an issue?

MR. KING: I am not concerned. If the RCMP had to be used, they are certainly well qualified to do it, but I have reassured by the High Sheriff that things are fine.

One of the challenges that we faced in that budget is they were running over budget for the last number of years with those temporary

positions. We did not have the money to provide for what was there in the process in the place; forget the fact that we started a process where we were trying to find some savings. The other opportunity, I think, that the call-in list provides is the High Sheriff can call them in when they are needed and does not necessarily have to pay to call them in for a full day's work if they need someone for an hour or two, three, or four. There are efficiencies to be had by doing that.

We are advised, as of as late as this afternoon, that things are functioning. Scheduling has levelled out. We had some challenges and we recognize some of the challenges were sending us messages and all that sort of stuff were all part of the process. I can only speak as we are advised as of today, and we are advised as of today things are going smoothly and scheduling is working.

As I said to you before, we are going to do a review of this office. We are going to engage somebody or some company who has some expertise around security management and scheduling. If we have erred somehow here, we will fix it. We are prepared to put resources back in. If there is an alternate way of doing scheduling, then we are prepared to look at that.

MR. A. PARSONS: I have two quick follow-ups, if I may. Number one, of all the people affected under this, have they been notified by their employer, the Sheriff's Office?

MR. KING: Yes.

MR. A. PARSONS: Number two, the review that is being done; has there been an amount budgeted to cover off that review?

MR. KING: No, not at this point.

MR. A. PARSONS: Thank you, Mr. Chair.

CHAIR: Gerry.

MS ROGERS: Mr. Chair, I just have a few more questions on the Family Violence Intervention Court. What now happens to the

issues of access to children? Those cases went through the Family Violence Intervention Court. Where will they be directed now?

MR. KING: It will all proceed through the regular court system, as it did pre the introduction of the Family Violence Intervention Court. As I might add, as it happens for many now, because it is a small number who choose to use Family Violence Intervention Court, there are lots of other cases of that nature that still progress through the regular courts.

MS ROGERS: Not all those cases involve domestic violence, though, in terms of not all access cases involve domestic violence. I am not so sure the numbers you state. When you say twenty-eight, was that twenty-eight cases that were in process for this year? My understanding is that there were 157 cases during the first three years and seventy-two cases last year. Are those numbers correct?

MR. KING: Seventy-two appeared the first time last year; forty-eight would have been eligible for programming, and twenty-one chose to receive the programming.

MS ROGERS: Not twenty-eight?

MR. KING: No. This year, twenty-eight are eligible.

MS ROGERS: Yes.

MR. KING: We do not have the numbers on how many of those are choosing to complete the program.

MS ROGERS: Okay. Those are twenty-eight families with all kinds of support services. Thank you.

The Family Violence Intervention Court took place a half day, was it, once a week?

MR. KING: I am not sure. I can find that out, if it is important for you.

MS ROGERS: Yes.

I also have a question regarding violent offenders. So who will supervise the undertakings when they plead not guilty then in family violence situations, domestic violence situations?

MR. KING: Well, they will follow the normal court process now. So, whatever the normal process is, in the absence of the Family Violence Intervention Court, all the supports that the justice system would normally provide will still be there.

MS ROGERS: Okay, thank you.

What kind of consultation process took place before the decision to cut the Family Violence Intervention Court? You say it is a budgetary decision, but I imagine then that there are other budgetary considerations in terms of what the costs would be without the court.

MR. KING: We would have had considerable discussion with those involved in the system, those with experiences in the system, to provide us with information for consideration as part of the thought process.

MS ROGERS: So were any of the main providers of the services consulted at all?

MR. KING: There would have been any number of people consulted.

MS ROGERS: Any of the main providers of the services through this particular court, with the expertise of this court?

MR. KING: There would have been any number of people with expertise on family violence consulted, but as I said, the decision was not about the value of the Family Violence Intervention Court. The Department of Justice has some core areas we are responsible for. Providing front-line policing in communities to ensure citizens follow the laws of the land are very important. When those laws are broken, then we have an obligation to incarcerate people and provide them with a trial, and that requires Crown attorneys and it requires Legal Aid.

In instances where they are found guilty, there are oftentimes where they have to be incarcerated for longer periods of time. We provide correctional facilities. All of those make up the core things that the Department of Justice does for this Province and for the country. Other things, we have engaged in on the periphery to support those activities – and they are all good things, and there are lots of other good things that we would like to do.

The budgetary decision is not a reflection of our view that this was not a valuable service. It is a reflection that based on all the other priorities that we have before us and based upon the resources that we have to invest in this department, this pilot is not being renewed.

MS ROGERS: I understand one of the goals and objectives would be (a) reduce recidivism, and also as much as possible to keep offenders out of incarceration through the admission of guilt and through treatment, again, with the possibility of reducing recidivism, which I would think would be a budgetary consideration.

Okay, if we go to 2.1.04, Family Justice Services.

CHAIR: Heading 2.1.04, Family Justice Services.

MS ROGERS: We see in the Salaries a reduction of \$271,800. Are there positions cut there?

MR. KING: Yes, they are.

MS ROGERS: Can you tell us what positions they would be?

MR. KING: There are four positions in total: a Family Justice Services Co-ordinator, a Lead Family Services Co-ordinator in Corner Brook –

MS ROGERS: I am sorry; could you repeat that, Minister?

MR. KING: A Lead Family Court Councillor in Corner Brook, a Family Court Councillor in

Happy Valley-Goose Bay, and a Regional Manager position in St. John's.

MS ROGERS: The Regional Manager in St. John's, what was the role? What was the job of the Regional Manager?

MR. KING: Pardon?

MS ROGERS: What was the role of the Regional Manager? What was his position managing?

MR. KING: It was a Regional Manager for Family Justice Services, so it would have been a management position with responsibilities for supervising other employees within this particular –

MS ROGERS: Okay.

This would be the service that people who could no longer go through the Family Violence Intervention Court would then go to the Family Justice Services.

MR. KING: No.

MS ROGERS: No, they wouldn't?

Would this be part of dispute resolution, counselling mediation, so perhaps people who can no longer go to the Family Violence Intervention Court, if there is domestic violence involved, they would avail of some of the Family Justice Services?

MR. KING: I am going to ask Donna to speak to that.

MS ROGERS: Absolutely. Yes, Donna, thank you.

MS BALLARD: Family Justice Services is a mandatory service from our Unified Family Court and from our provincial court dealing with family matters. So if you are a couple or an individual making an application for support, for child support, or custody and access, then this is a mediation service that is provided for you.

MS ROGERS: Right.

MS BALLARD: It does not have anything to do with family violence.

MS ROGERS: Okay.

MS BALLARD: In fact, it is very unlikely that people who are in violent situations would benefit from this particular service.

MS ROGERS: Would some of the decisions about access come through this, or would that be handled separately?

MS BALLARD: No, the idea is that individuals who avail of this service want to come to their own agreement. It is a mediation service.

MS ROGERS: Okay, thank you very much. Thank you for that clarification.

Line 06, Purchased Services: We see that there was \$50,000 not spent in 2012-2013.

CHAIR: Subhead 2.1.04.06, Purchased Services?

MS ROGERS: Yes.

MR. KING: Sorry, Gerry, could you ask me again?

MS ROGERS: There was about \$50,000 not spent in Purchased Services. Was there anything in particular that was budgeted for that was not spent?

MR. KING: Some savings in travel money predominantly.

MS ROGERS: Thank you.

We see a bump there in the federal revenue. What was that? What would that federal revenue be for?

MR. KING: We have a number of federal-provincial agreements relating to Family Justice Services which brings revenue to the Province to

fund a number of the positions and services in here.

MS ROGERS: Great.

MR. KING: That is reflected there.

MS ROGERS: Okay, thank you.

We did Criminal Law and Other Legal Services. I would like to skip down to Human Rights.

CHAIR: Subhead 2.3.04.

MS ROGERS: Subhead 2.3.04: We see a loss of \$147,900. What would that cover?

MR. KING: There are three positions.

MS ROGERS: Okay.

MR. KING: That would be a Solicitor position, and two Legal Secretaries.

MS ROGERS: Also, I see in Professional Services that originally the budget last year was \$50,000, but \$30,000 was spent. What was budgeted for and not used?

MR. KING: Predominantly money allocated for board meetings.

MS ROGERS: Okay.

MR. KING: The Human Rights Commission had given additional power to the Executive Director, who was able sometimes to find resolutions to issues without bringing the full board forward, so they found a savings as a result of that.

MS ROGERS: They had fewer board meetings?

MR. KING: Fewer board members travelling, yes.

MS ROGERS: Okay. That is because they were not outside St. John's. Is there a reason why there would have been fewer travelling?

MR. KING: There were fewer travelling because the board had decided to give further authorities and powers to the executive director.

MS ROGERS: Okay. I did not hear that when you said that. Yes, okay.

MR. KING: The executive director, in many cases, was able to resolve issues without bringing the full board forward for meetings and consultation, so travel was saved.

MS ROGERS: Okay. It is a very small budget.

Purchased Services is down \$10,000. What would that be? Why the cut there?

MR. KING: The budget for this year is down \$10,000. That is just part of the budget exercise. We are going to try and find some efficiencies within that particular area.

MS ROGERS: Okay, thank you.

My time is up. I will have some questions about that, but I can go back to that.

Thank you.

CHAIR: Andrew.

MR. A. PARSONS: Thank you, Mr. Chair.

Did we cover 2.1.03, Support Enforcement?

CHAIR: 2.1.03.

MS ROGERS: No.

MR. A. PARSONS: Okay.

Line 01, Salaries, how many positions?

MR. KING: Three positions, two Support Enforcement Officers and a Clerk.

MR. A. PARSONS: Were all three located in Corner Brook?

MR. KING: Yes. The two support Enforcement Officers were actually vacant positions.

MR. A. PARSONS: Okay. I am just wondering – it is a pretty important topic, pretty important area. Is there any fear that the two vacant positions are not being filled and with this other person doing it that there is going to be any hold up in this delicate area?

MR. KING: We do not believe so. Based on the advice that we are provided by our leaders in the system, we do not believe so. We think the system will still be able to function effectively.

Like many other areas, you have probably heard me say a number of times, we will monitor it and if we run into situations where there are backlogs then we will respond accordingly, but we are confident we can absorb that reduction and still deliver the service.

MR. A. PARSONS: Okay.

I am going to move forward to 2.3.03, Office of the Chief Medical Examiner. I just have two quick questions on that topic. It is my understanding that there are some new tasks under this heading now, the legislation was passed child deaths are now part of that mandate, but there was no increase in funding to cover that off, the extra duties that may possibly come. Is there any concern that is –

MR. KING: The best we can tell you, it is our understanding health will be the one that actually administers that, even though the Medical Examiner is involved.

MR. A. PARSONS: Okay. So I should –

MR. KING: Are you doing health?

MR. A. PARSONS: Actually, I am doing the follow up Thursday night. So I will put that on my –

MR. KING: Okay. In the meantime, we can find the answer for you for tomorrow, though.

MR. A. PARSONS: You can give the minister a heads-up that the question might come.

MR. KING: Yes. We are involved but there is no budgetary implication for us. It is our understanding health will be carrying that, but we will find out for you.

MR. A. PARSONS: Okay.

Also, just very quickly; there was an extra \$60,000 in Purchased Services last year for that heading. What was that for?

MR. KING: Higher than expected lab costs.

MR. A. PARSONS: Here in the Province or outside?

MR. KING: No, here.

MR. A. PARSONS: Okay.

I am moving forward to 2.3.05, Public Trustee. How many positions eliminated?

MR. KING: Under Salaries there are two administrative positions eliminated, an Estates Officer and a Legal Secretary.

MR. A. PARSONS: Under the section that says Revenue – Provincial, would I be right in assuming that is from estate fees, et cetera, where it says revenue –

MR. KING: Yes, yes.

MR. A. PARSONS: It is?

MR. KING: Yes.

MR. A. PARSONS: Okay. I will put it on the record that is one I hope they are going to follow up in a year. I know there have been delays in that section. I have dealt with them myself. So hopefully we can come back and see that performance review in a year.

Moving forward to 3.1.01, Supreme Court, the Salaries line is down. How many positions, and where are they located?

MR. KING: We have three positions being removed. There is a secretarial position, Trial Co-ordinator, and an Administrative Officer position that was vacant.

MR. A. PARSONS: Were these here in St. John's?

MR. KING: Yes.

MR. A. PARSONS: Okay. What would Purchased Services for this heading be?

MR. KING: Are you asking in general, what would the money be spent on?

MR. A. PARSONS: Yes. It went from \$452,000 spent last year to \$152,000 this year. There must have been something purchased last year that is fairly high that is not needed this year.

MR. KING: There is one-time funding there. We put a new wheelchair ramp into the Court of Appeal, accessibility on the right side of the building.

MR. A. PARSONS: Perfect.

In 3.2.01, Provincial Court, positions were cut, total, and where?

MR. KING: Six positions; there are three Court Officer positions in St. John's, a Court Officer position in Corner Brook, an unfunded Court Officer position, and a Manager of Corporate Services.

MR. A. PARSONS: Minister, we discussed before Christmas the enclosure of circuit courts around the Province. I know that it is up to the chief judge, but the chief judge gets his funding from the department. What are the savings realized in that move?

MR. KING: It is roughly \$50,000.

MR. A. PARSONS: All told?

MR. KING: Yes. It is \$50,000 under the Provincial Court side, but if there was security

or anything like that provided, that is not in that \$50,000. The \$50,000 will be just purely savings to the Provincial Court.

MR. A. PARSONS: I am going to get very specific now. What were the savings from the court in Burgeo?

MR. KING: Slightly less than \$1,000.

MR. A. PARSONS: We have shut down a circuit court in Burgeo to save \$1,000?

MR. KING: The Provincial Court did, that is right.

MR. A. PARSONS: How much did we save in Springdale?

MR. KING: Just about \$17,000.

MR. A. PARSONS: Are there any plans to shut further circuit courts this year?

MR. KING: Not that I am aware of, but the proposal to do that would come from the chief judge. There may be, but I have not seen anything; nothing I have been apprised of.

MR. A. PARSONS: I have to be honest, I have to put it on the record, I am staggered; \$1,000 savings and we shut down a circuit court. I know it is not your decision, Minister, but I am staggered right now because it is going to lead elsewhere.

Speaking of Provincial Court, going up to the Supreme Court there was \$300,000 spent for the wheelchair lift. Are there any plans under Provincial Courts to make provincial buildings wheelchair accessible? For instance, the courthouse in Port aux Basques is not, and St. Anthony. Are there any plans in the works to make sure those buildings –

MR. KING: I cannot answer that. I am not sure if that would not be a TW question, but I can inquire for you.

MR. A. PARSONS: Yes, I only ask because it was under the Supreme Court here.

MR. KING: Yes.

MR. A. PARSONS: So I would assume it would be under here.

MR. KING: Yes. I am not aware of any, but TW does a lot of planning for provincial buildings and the maintenance for provincial buildings. There may be plans in the works. I know in one of my previous roles, I was responsible for Disability Policy in the Province and we had made some budget announcements around that. I can certainly ask for you.

MR. A. PARSONS: If I might just conclude very quickly.

CHAIR: Yes, sure.

MR. A. PARSONS: Since I am getting the numbers here, it is \$1,000 in Burgeo, \$17,000 in Springdale. Where was the other \$32,000?

MR. KING: Bonavista would have been just shy of \$600; Bay d'Espoir would have been just shy of \$4,000; and Labrador, Cartwright would be almost \$8,000; Hopedale would be a \$3,500; Makkovik, Postville, and Rigolet just about \$10,000. Due to some other changes in the circuit court system, it was about \$7,500. Now, I am providing you information that was given to me by Shelley Organ from the (inaudible).

MR. A. PARSONS: Thank you, Mr. Chair.

CHAIR: Thank you.

Gerry.

MS ROGERS: If we could just revisit Family Justice Services, 2.1.04. I am wondering, we have asked for, in almost every situation, the number of positions that were lost and where they were. We are busily writing them down. Is it possible to get a list of all the positions we requested, the ones that have been cut and where they are?

MR. KING: Well, we have been giving you that as we have been going through Estimates.

MS ROGERS: Yes, okay.

For the Family Justice Services, can you tell me how many positions remain? We know we have lost four positions.

MR. KING: There would be twenty-three. That is the in the salary details, by the way, from Estimates.

MS ROGERS: Yes, so twenty-three positions remain.

Thank you.

Then the Human Rights Commission, if we could go back there, I understand when we look at the budget for the Human Rights Commission over the past two years it seems it has now been cut by over half in the past two years. Is that correct?

MR. KING: Approximately, yes.

MS ROGERS: Okay.

The Auditor General, in his 2009 report, cited delays of nineteen months in resolving disputes or complaints that came before the Human Rights Commission. He noted that the Commission needed more money in order that people would be able to be heard sooner. Why, in light of that report, would the minister make such drastic cuts to the Commission now, and particularly over the past two years?

MR. KING: As I have said on any number of occasions, it is all part of the budgetary process. We were looking for ways to find savings. We are still confident the core functions of the Human Rights Commission can be carried out and that cases will be heard in an appropriate period of time. It would have been considered like any other aspects of our department, the policing services, the court services, the corrections services, the prosecution, and legal aid services.

MS ROGERS: It appears that some of the really deep cuts that we look at are really affecting a lot of women and children and some

of the most vulnerable in our society. I am not sure, has there been an evaluation or an assessment done as to whether or not – I know there was a core mandate review done of the Human Rights Commission and they were already at that point before these deep cuts.

I am concerned about whether or not they could fulfill their core mandate. They were already at bare bones level. Their core mandate is not only to hear cases but also to do public education. Will they still be able to do that?

MR. KING: The primary core mandate would be to hear complaints and cases from individuals. The Human Rights Commission, my understanding now is it is still staffed at almost double what it would have been about six years ago. We are confident that they can continue.

MS ROGERS: Yet, it was in 2009 that the Auditor General said it needed more money. I do not know that we can go back to look and say it is double what it was six or seven years ago and then we see that the budget has been basically cut in half in the past two years. Their mandate is not just to hear complaints. It is to be more proactive than that.

I understand 50 per cent of the complaints that are before the Human Rights Commission, or that they receive, are related to disabilities, people with disabilities and disability violations. Is there a mandate? Will they be able to do education about this as well in terms of prevention, not just receiving complaints?

MR. KING: I cannot speak to the number of cases before the Commission and what the nature of them is, I am not aware of that kind of detail. It would be my expectation that the Commission will choose how they are going to use their resources and the amount of education that they can provide, versus the number of cases they are able to hear and the appropriate amount of time in which they will hear them.

MS ROGERS: Has there been an analysis of, with the cuts, how long it will be before resolution of cases before the Human Rights

Commission? Will the Budget affect that time frame?

MR. KING: Analysis is difficult, because every case that goes before the Commission is different and unique and it is difficult to say. It is not a case where every case takes two months or two years or twenty years.

MS ROGERS: I think that there is history to go by in terms of looking at how long it takes now and the number of staff that are there in order to be able to do the work and the number of cases that come before the Commission. I think that there is some information there to be able to do some kind of analysis. I would imagine that a 50 per cent cut would affect the length of delays. It would affect whether they can do public education. Unless there was money wasted.

In light of these cuts, can they do educational work? Will they be able to do educational work and promotional work?

MR. KING: I believe that they will be able to fulfill their mandate, but it will be up to them to determine how they are going to use the resources and where their focus will be.

MS ROGERS: The Human Rights Commission is answerable to the House in most jurisdictions, yet ours is not. Has the government received any recommendations to change the way in which the Human Rights Commission operates in its place within Newfoundland and Labrador, rather than being under the auspices and reporting to the Department of Justice, in fact, reporting directly to the House?

MR. KING: No.

MS ROGERS: Although government has received recommendations for this?

Can the minister give me an update on the department's work to amend the code to include gender identity and gender expression as prohibitive grounds in our Human Rights Act?

MR. KING: We are still giving it policy consideration.

MS ROGERS: Is it assigned specifically to someone in the department? Where is it at? What does that mean that we are still giving it policy consideration?

MR. KING: I think discussion of policy issues is outside of the Estimates of the budget of government, but I will say that we are giving it policy consideration. So I, as a minister, will be considering it.

MS ROGERS: Okay, thank you.

Can the minister provide us with a list of all the groups the department gives grants and subsidies to? Does the Department of Justice give grants and subsidies to community groups, non-profit groups, to provide services? More importantly, I am wondering, have there been any cuts this year to any of these groups or organizations?

MR. KING: The answer to the second question is no, there have been no cuts. I can read you a list of the organizations that we support.

MS ROGERS: I would be happy if you just wanted to give us –

MR. KING: I do not mind reading them into the record for you.

MS ROGERS: Okay, thank you.

MR. KING: Newfoundland and Labrador Search and Rescue Association, there is core funding and then there is funding for boats and hovercrafts; RNC recruit graduation; RNC Veterans Association. We provide funding to the town councils of Rigolet, Makkovik, Nain and Hopedale, and that is for the community constables; the Newfoundland Police and Peace Officers ceremony.

We provided funding this year for the Canadian Mental Health Association. We provided some funding for maintenance on a memorial to the Newfoundland Police and Peace Officers' Memorial. We provided funding to the National Judicial Institute, the Uniformed Law Conference, and the Association of Provincial

Court Judges for hosting a national conference this year.

In other areas, we also provide funding to the Legal Aid Commission that you would be aware of. We provide some funding to the Canadian Association of Chiefs of Police, the Canadian Association of Provincial Court Judges, and of course the John Howard Society.

MS ROGERS: Nothing to Stella Burry or –

MR. KING: Not as a grant, no.

MS ROGERS: Okay, thank you very much.

CHAIR: Gerry, are you done?

MS ROGERS: I am good.

CHAIR: Andrew.

MR. A. PARSONS: I just have to go back very quickly to the provincial court part. I just want to put it on the record, because as the minister you need to hear stories like this. As you can tell I am pretty disappointed with the savings in the Burgeo court circuit, so I will just pass one story along.

There is an individual who was charged with a regulatory offense, so non-criminal, and they had to travel twice to go to court in Stephenville. Actually, the first time they went to Port aux Basques, but the second time they had to go to Stephenville. So they had to travel, which is the cost, and the meals, which is the cost, and they had the full day gone so they had to take a day off work and then they had to get someone to take care of their kids. They ended up getting a \$50 fine.

I think stories like that need to be out. When the Chief Judge comes to you next time and says he needs to save \$1,000, just remember it might not be many people – I know the numbers are low for courts like that, but, as the minister, I just want to put that out there because I know you want to hear want to hear these stories and that is one I want to put forward.

MR. KING: I appreciate it. Thank you.

MR. A. PARSONS: I am going to move forward to RNC. I missed some of what Gerry was saying. Were you on the RNC, Gerry, yet?

CHAIR: No, you are well ahead.

MR. A. PARSONS: Salaries at RNC: It looks like there was a discrepancy between what was budgeted and what was spent last year, but what is budgeted this year is around the same. Does that make sense?

MR. KING: Well, there are two things. The overrun last year was a result of the 2.76 per cent salary increase. The RNC salary increase is a formula factored into their agreement based on a number of criteria, so it is not a negotiated increase with government. It comes based on a set of criteria. The budget would not have been enough to cover that. Secondly, for this year, there is a focus on reducing overtime budget and there is a reduction in a number of civilian positions.

MR. A. PARSONS: Were there any losses in the civil service as it related to the RNC? Any clerical positions eliminated?

MR. KING: The primary changes the RNC are making would be there are a number of Clerk positions, Communications Technician, a Labourer, and two Information Management Technicians. There is an Audit Manager, a Departmental Program Co-ordinator, a Clerk, Administrative Officer, and Clerk – and I think I said two Information Management Technicians. Two of those are vacant. I think that is about it.

MR. A. PARSONS: What was the total on that?

OFFICIAL: There is twenty altogether (inaudible).

MR. KING: Hang on now, Andrew; give me a second, please.

We will double check it for you in a second, but seventeen. Of the seventeen, seven would have been vacant, and two are going to be eliminated

through attrition. So they are not going to be eliminated right away, but individuals are on the verge of retiring.

MR. A. PARSONS: There are no officers per se; it is support staff, clerical, administrative?

MR. KING: Yes.

MR. A. PARSONS: What are the Purchased Services under RNC?

MR. KING: In general, or do you want to know about the overruns?

MR. A. PARSONS: Yes, just a general idea.

MR. KING: A lot of it is rent. The overrun in particular was because of the construction of a new facility. They are out in a number of facilities throughout the city. Part of the overrun would have been for rent charges. Also, they have some relocation expenses, where they have used movers to move themselves around the city.

OFFICIAL: The officers when they transfer.

MR. KING: The officers when they transfer throughout the Province or off the Island to Labrador.

MR. A. PARSONS: Okay. About how much of that would be – I guess when you say you are renting places because of the overruns there, how much is that comprised of?

MR. KING: The overrun I can give you, \$564,000, but we do not have the exact break down of the entire budget.

MR. A. PARSONS: Okay.

MR. KING: We can get that if need be.

MR. A. PARSONS: Is that included in the numbers we were hearing recently with the RNC? The building has gone from say forty –

MR. KING: No.

MR. A. PARSONS: Okay. The federal revenue has gone down significantly. What is the story behind that?

MR. KING: We have just finished the final year of the federal police officer trust fund.

MR. A. PARSONS: Just so I know, explain to me how that all works out? We are receiving federal monies to go towards –

MR. KING: Yes, go ahead. Sure.

Mr. Chair.

CHAIR: Oh, Debbie, sorry.

MS DUNPHY: Andrew, a number of years ago the federal government provided funding. I think it was in an effort to get boots on the street to all provinces. At the time, our portion was just over \$5 million and it was for five years. We had the option I think of taking it all at once or over a five-year period. We chose to do it over five years.

At the time, our budget decisions had already been made, and we had already increased police officers in both the RNC and the RCMP. So we just used that money to offset the decisions we had already made knowing that funding was going to run out. We made that conscious decision to put the officers on the street anyway. Some provinces I think used it for one-time expenditures or whatever, but we just chose to put it against the officers.

MR. A. PARSONS: Okay, thank you.

How many RNC officers do we have right now? Do we have a –

MR. KING: Four hundred.

MR. A. PARSONS: How many has that gone – we all know it has gone up. How many was it, say, in 2003? Do you have any idea? We know a lot of money has gone into it. There have been more officers, which is a good thing.

MR. KING: Since 2004-2005, there have been eighty-six new front line policing RNC positions.

MR. A. PARSONS: This might be off the beaten path. We know there has been some – the George Street cameras specifically have that on-line presence now. Do you have any idea on the number of charges and convictions that were related to the installation of these devices?

MR. KING: No, I could inquire.

MR. A. PARSONS: Could you put it on the list? I know it is an off-track question but it is something we have seen in the papers and people ask. It would be interesting to know.

MR. KING: As an observation, I can say that indications from the chief are very positive. I have been down there myself and had a look, and some of what they have picked up there is unreal. They have solved crimes by using those cameras. I do not know how many, but we will see if we can find out for you.

MR. A. PARSONS: Okay, thank you.

RCMP, 4.1.02, Professional Services, there is a significant cut there. What does this encompass?

MR. KING: We are looking for the \$2.303 million savings?

MR. A. PARSONS: Yes.

MR. KING: There are eighteen positions they are eliminating there.

MR. A. PARSONS: Is that officers?

MR. KING: Ten regular members, four civilian members, and four public service employees.

MR. A. PARSONS: Have you been notified of where the ten members are located, or the detachments? We have heard about Buchans, but –

MR. KING: That is the only detachment affected.

MR. A. PARSONS: Okay.

Where are the other positions being removed from?

MR. KING: There is a community policing officer in Grand Falls-Windsor, a civilian member. There is a regular member in St. John's. This would not be front line policing, it would be headquarters. None of these are front line policing, other than the Buchans one.

MR. A. PARSONS: Okay.

MR. KING: There is one civilian member in Happy Valley-Goose Bay. There is a regular member out of Gander. There is another public service position in St. John's; St. John's again. There are three more positions in – these are not members now – St. John's. A civilian member in Harbour Grace; a civilian member in St. John's; four regular members, St. John's; two public service positions, St. John's.

MR. A. PARSONS: Mr. Chair, in the interest of time, I can get through this section very quickly. Then the Chair can use the extra time – just while we are on it, to get it done.

How many RCMP officers do we have in the Province?

MR. KING: It is roughly 460; give or take.

MR. A. PARSONS: Do we have the same staff – I asked before on the RNC, that we knew of eighty-six new since 2003. Any idea on –

MR. KING: Yes, fifty-nine.

MR. A. PARSONS: Fifty-nine new?

MR. KING: Yes.

MR. A. PARSONS: Federal revenue has gone from \$550,000 to – well, it is cut. Is that the –

OFFICIAL: The same.

MR. A. PARSONS: It is the same, okay.

All right, that is the end of my –

CHAIR: Thank you.

Gerry.

MS ROGERS: Police Protection, RNC Public Complaints Commission. We see in line 05 a drop in Professional Services. What would that be?

MR. KING: Just so I am clear, the \$44,200 reduction, is that the one you are referring to?

MS ROGERS: Yes.

MR. KING: The \$44,200, they are re-profiling that from there to another section for an increased rent, and it is because they are closing out a hearing there with no future hearings projected. So, they are anticipating the \$95,800 will suffice for what is on their agenda.

MS ROGERS: Okay, thank you.

Purchased Services, we have an increase there.

MR. KING: That is the same one. That is the rent going in here.

MS ROGERS: Oh, I see. Okay.

Thank you.

MR. KING: The \$44,200?

MS ROGERS: Yes.

How many complaints were before the Commission last year?

MR. KING: An estimate is about forty. We do not have close tabs on this body. They are independent of us, but an estimate of either complaints or inquiries would be about forty in total.

MS ROGERS: Okay.

Do we know the length of time from complaint to resolution?

MR. KING: It varies. Of those forty only one ever went to a hearing. The rest were resolved through a variety of means. We do not have that kind of data. We could certainly inquire. I suspect it varies, but we can ask and see if they can give us some idea of how long it takes.

MS ROGERS: That would be great. Thank you.

Heading 4.1.04, the Royal Newfoundland Constabulary again, Purchased Services was budgeted \$20 million and the revised was \$13 million, so it is down \$7 million. Why the big drop?

MR. KING: That has to do with cash flow for the capital project. So the budget is reduced by \$7.195 million because – Transportation and Works provides this to us by the way. That is what they are anticipating having to flow for that project.

MS ROGERS: Is this for their new police station or the extension there?

MR. KING: Yes, it is.

MS ROGERS: When is that expected to be complete?

MR. KING: At this point, it is qualified (inaudible) but at this point it is June 20 of this year. Sorry, Gerry, that is the main headquarters?

MS ROGERS: Yes.

MR. KING: The annex, of course, tender is currently in process.

MS ROGERS: Right.

What was the original budget for that and what is the expected completion budget?

MR. KING: The current budget that is approved is \$57.5 million.

MS ROGERS: It is \$57.5 million; and what was the original budget?

MR. KING: The original was approximately \$50 million.

Minister Davis could probably give you more specific information but it was about \$50 million.

MS ROGERS: Thank you very much.

Corrections and Community Services, Public Protection –

MR. KING: Which one?

MS ROGERS: Adult Corrections, 4.2.01: We see a drop of \$1 million. Are we losing positions there?

MR. KING: Yes, the \$1 million is a result of 27.5 permanent and temporary positions being eliminated through Adult Custody, Victim Services, and Probation.

MS ROGERS: Can we have a list of those? They do not need to be read out here, but a list of those positions and where they are.

MR. KING: Do you want the exact title or just the number of positions?

MS ROGERS: I would not mind if in Victim Services we could know what we are losing there.

MR. KING: There is a Regional Co-ordinator out of St. John's, there is a Regional Co-ordinator out of Grand Falls, there is 0.5 of a position in Port Saunders, and there is a Clerk position out of St. John's. It is a total of four permanent and one temporary position.

MS ROGERS: Thank you. For Victim Services?

MR. KING: Yes.

Under Probation Services, there are five permanent and four temporary.

MS ROGERS: Where are those?

MR. KING: There are seven in St. John's, one in Corner Brook, and one in Port aux Basques. Sorry, there is one in Springdale as well, so there are six in St. John's, Gerry.

MS ROGERS: Thank you.

So those are six Probation Officers?

MR. KING: Two clerical.

MS ROGERS: So four Probation Officers and two clerical?

MR. KING: Yes.

In correctional facilities administration, there are eight permanent, eight temporary, and two contract, and they would be –

MS ROGERS: Were any of these reinstated, in the Probation Officers?

MR. KING: No.

MS ROGERS: No?

MR. KING: No.

MS ROGERS: Okay.

MR. KING: There are one, two, three, four – actually, let me do it in reverse. There is one in Stephenville, and the rest are in St. John's I think. Sorry, two in Stephenville. Yes, two in Stephenville, Gerry, one in Labrador.

MS ROGERS: Is it possible to have a copy of that list? It is a little bit late and it is hard to keep up with it. That would be great. Thank you.

Professional Services, 05: The original budget in 2012-2013 was \$700,000; it went up to over \$1 million. What was that jump? Then we see quite a reduction then for the budget for this year?

MR. KING: Okay, the \$300,000 overrun first of all would have been a provision for some Adult Basic Education instructors.

MS ROGERS: Within the prisons?

MR. KING: Yes. There would also have been some non-discretionary spending for procuring of services that we would have needed or were ordered to do so by the courts. The courts have authority to order certain things. Some of these expenses would not have been discretionary one of ours but we would have been ordered. The budget reduction is primarily a result of anticipated savings in how we are going to now be providing the teaching services.

MS ROGERS: How is that?

MR. KING: Primarily – just let me make sure I say this right. Yes, contracting individuals. We used to have the services provided by organizations being given a contract. Now the Adult Corrections are actually dealing with individual instructors so they will contract individual people.

MS ROGERS: This would be within the prisons themselves?

MR. KING: Yes.

MS ROGERS: What agencies did provide them?

MR. KING: The Discovery Centre. Yes, I think that is the only one.

MS ROGERS: Do they know that they will not be providing that service then?

MR. KING: Yes.

MS ROGERS: Also, general programming for the prisons, is it out of this budget?

MR. KING: It is, yes.

MS ROGERS: What other kinds of programming would be reduced then, and where?

MR. KING: I am sorry, my mistake. Most of the programming you would be referencing is on the next page, Purchased Services.

MS ROGERS: On Purchased Services, where the \$5 million is?

MR. KING: Yes.

MS ROGERS: Okay. This Professional Services then is mostly the ABE?

MR. KING: Yes, doctors, medical, dental, and those kinds of services, but not programming services.

MS ROGERS: Okay. The programming then would be in Purchased Services.

MR. KING: Yes, correct.

MS ROGERS: Okay, and there is a small reduction there. Can you tell me in Purchased Services then, why over \$500,000 was not spent last year?

MR. KING: Yes, there are a number of reasons. Here in particular, the Adult Basic Education was switched to in-house under contractual individuals versus the groups. The Howard House contract only used \$60,000, less than anticipated. There were savings on meals due to lower counts of inmates in the prison.

MS ROGERS: That is always nice.

MR. KING: That is very nice. That is the predominant reason.

MS ROGERS: Okay, thank you.

The position of superintendent for the Happy Valley-Goose Bay correctional facility, is there a plan to replace that position?

MR. KING: Yes, there is.

MS ROGERS: When will that happen? Is it in the process?

MR. KING: Yes, it is.

MS ROGERS: It is in process?

MR. KING: Yes. Well, it is now. It was caught up in the hiring freeze for awhile, but that has been lifted. It is probably on my desk or the deputy's ready to be signed off.

MS ROGERS: Okay. Is it possible to have a list of programs that are offered in each facility?

MR. KING: Yes.

MS ROGERS: I would like that. I remember last year asking for the menu for the women's facility in Clarendville because there were certainly some huge problems there. I was able to visit the facility since and boy has it improved.

MR. KING: Is that right?

MS ROGERS: It is just great.

MR. KING: We will get you that.

MS ROGERS: Pardon me?

MR. KING: We will get you that list.

MS ROGERS: Okay, great. Thank you, I would like that.

Andrew.

MR. A. PARSONS: Just a quick question on RNC headquarters, what is the anticipated date for opening now?

MR. KING: June.

MR. A. PARSONS: June.

MR. KING: June for the headquarters, yes, and the annex is October of 2014.

MR. A. PARSONS: The annex part, what was the intended – is that the date?

MR. KING: Yes.

MR. A. PARSONS: Okay.

MR. KING: That is in tender now. I do not know if you heard that earlier.

MR. A. PARSONS: I might have.

MR. KING: Yes, it is just two phases that is all.

MR. A. PARSONS: Under 4.2.01, Adult Corrections. This is just a general question because we had a number of people from the various backgrounds brought together for the committee. You had your legal aid, Crowns, bar at large. I have had people in the probation community ask me why they were not represented at the table.

MR. KING: Because we never, ever committed to review the probation officers. The commitment we made was to review the Sheriff's Office and the Solicitors. It was never about any of the other services that we provide.

MR. A. PARSONS: Okay.

Under Her Majesty's Penitentiary and I know this number is in flux all the time. Do have any idea of how many provincial inmates we currently have? I know it changes but –

MR. KING: I will get you something, it is under capacity. I do not know the exact number but it is under, yes.

MR. A. PARSONS: Am I correct when I hear the superintendent position at Her Majesty's is open, or vacant? Somebody sent it to me, I did not know if that was –

MR. KING: Yes, it is about to be filled.

MR. A. PARSONS: Okay, perfect.

MR. KING: It was a recruitment process and internal and all that sort of stuff, external. It is all done in a matter of days, probably.

MR. A. PARSONS: Okay.

You might have said this earlier but you can just clarify it for me. How many positions are lost at the West Coast Correctional Centre?

MR. KING: Two.

MR. A. PARSONS: Okay.

Was one of the positions lost at Her Majesty's the Manager of Occupational Health and Safety?

MR. KING: The short answer, yes and no. There were two positions, Occupational Health and Safety and Professional Standards, and they both have been combined.

MR. A. PARSONS: Okay. What is the new position called?

MR. KING: I do not know the exact title but it is responsible for both.

MR. A. PARSONS: Okay.

MR. KING: It is a captain's position.

MR. A. PARSONS: Okay.

Under 4.2.02, Salaries, how many positions?

MR. KING: I am sorry, say it again.

MR. A. PARSONS: Under 4.2.02, Youth Secure Custody, Salaries. There is a significant drop from what was budgeted last year, what was spent, and then what is budgeted this year.

MR. KING: Yes. The first drop in budgeted and spent would have been vacancies, reduced call in and overtime. The primary drop of \$2 million is the reduction of 39.5 full-time positions.

MR. A. PARSONS: When you have that many positions that takes in everything. It must be the administration –

MR. KING: Yes, everything.

MR. A. PARSONS: How many positions still remain out in Whitbourne?

MR. KING: How many positions? It is approximately forty plus.

MR. A. PARSONS: So, it is not the 100 that I have heard referenced in the House.

MR. KING: The numbers would have been, yes, it was up to about 100 but it is about forty plus there now.

MR. A. PARSONS: Basically, it was cut in half almost.

MR. KING: Yes.

MR. A. PARSONS: How did we get to that point? Why did it take – and I know you are new to this, but I mean this year we cut it in half. What was going on in the last two years, five, or ten? Has there been a drop in people there?

MR. KING: Yes, substantial. Our average, I do not know what is there now but the staffing model that was put there – there were challenges in reducing it because of collective agreements but the staffing model that was there pre-budget was upwards of forty. It was based on a capacity of sixty. Seven or eight years ago we had probably forty-odd. The last three years we are averaging seven, eight.

MR. A. PARSONS: How did we get there? There are fewer kids?

MR. KING: Yes. Well, the Youth Criminal Justice Act is a big part of it. Frankly, we still have more to do there. You can figure that out, of course, with the numbers. There is only so far you can go in any one particular year. One thing I will say is the programming is still intact there.

MR. A. PARSONS: Okay.

MR. KING: In spite of the high reduction, there has been no change in the programming offered to the youth.

MR. A. PARSONS: I am going to move on to 5.1.01, Fish and Wildlife. How many positions were lost?

MR. KING: Twenty-two positions in total, eleven permanent, eleven seasonal.

MR. A. PARSONS: These twenty-two positions, were they conservation officers?

MR. KING: No, not conservation, inland fish and wildlife.

MR. A. PARSONS: I get confused with all the –

OFFICIAL: They are called conservation officers.

MR. KING: Okay. Some people do call them that, she says.

MR. A. PARSONS: Some of them actually call themselves conservation officers, and with the change around. How many now do we have remaining?

MR. KING: Fifty-four field positions. I am going to give you another number, just bear with me for a second.

Of the twenty-two positions that were eliminated, eleven of those were vacant. They were never filled. This division is relatively new, as you may or may not be aware. So the structure was put in place and we were still going through a process of looking at staffing. Of the twenty-two, eleven were occupied, but the other eleven had never been filled at all.

MR. A. PARSONS: Those eleven that were filled, where were they situated?

MR. KING: There is one in Trepassey, Burgeo, and Millertown. There is a manager in Corner Brook, a clerk typist in Corner Brook.

Do we have a list of seasonals? How many was that I just gave you?

MR. A. PARSONS: I heard Trepassey, Burgeo, Millertown, Corner Brook, and a clerk in Corner Brook.

MR. KING: That is five. Cartwright, Bay d’Espoir – you are talking about the filled ones, right, not the vacant ones?

MR. A. PARSONS: Yes.

MR. KING: Yes. Andrew, I will get you a list.

MR. A. PARSONS: Perfect.

MR. KING: Is that okay?

MR. A. PARSONS: No, that is fine.

MR. KING: It is not put together the way you are looking for it. It might be easier for me to make sure because I think two of what I just gave you are not filled, they are vacant.

MR. A. PARSONS: Okay.

MR. KING: Cartwright was not filled.

MR. A. PARSONS: Where I want to go with this and my concern – because I have heard a lot about this particular area, as I am sure you have.

MR. KING: Yes.

MR. A. PARSONS: Your coverage area has gotten significantly downgraded. For instance, I will just use the Southwest Coast; I will just use my district which goes from Grey River, Ramea, Burgeo over to Port aux Basques and you drive up into the Codroy Valley and Stephenville. I will use the term conservation officers, how many are there covering that area now?

MR. KING: Four in Stephenville, four in Corner Brook, so there are eight who would be responsible for that area.

MR. A. PARSONS: In terms of logistics, the people in Stephenville are going to drive down the Burgeo road and go out off Burgeo and down the South Coast? Is that the plan?

MR. KING: That or fly, yes.

CHAIR: Andrew, you have a little bit more?

MR. A. PARSONS: I have a little bit more.

CHAIR: Okay, so let me go to Gerry.

MR. A. PARSONS: Gerry is fine. Yes, in one more session I should have it.

CHAIR: You should be done? Okay.

Gerry.

MS ROGERS: I would like to go back to Adult Corrections for a moment. Under 4.2.01.05, Professional Services, where we see the drop of over \$100,000. Does that affect counselling services?

MR. KING: I missed the first part, I apologize.

MS ROGERS: That is okay. It is late, I understand.

MR. KING: Which tab? You are gone to Adult Corrections?

CHAIR: It is 4.2.01, Adult Corrections, yes.

MS ROGERS: Adult Corrections, Professional Services line 05, the drop of \$100,000. Does counselling services come under that category? No?

MR. KING: Yes, counselling services come in under it. The drop is not a result of reduced counselling services, but it comes in under Professional Services.

MS ROGERS: Okay. So that is not affected.

Youth Custody, what is the future of this facility? Is there any plan for this particular building, this facility, Whitbourne?

MR. KING: Well, our immediate plan is to leave it as is for now. Personally, I have been open with this view that we have to find an alternate way to deal with our youth. While it is a great facility, it was designed for many more people. I am not sure if you have been there, if you have not –

MS ROGERS: Yes.

MR. KING: Yes, so then you are aware. It has outlived its usefulness, I believe – and that is not

commentary on the service it provided to the youth, but the size of the facility for the number of people going through there, I think is just a mismatch. We do not have a plan to move away from it or an alternate way to manage our youth at this point in time, but it is something we are certainly going to be exploring.

MS ROGERS: Okay, thank you.

Fish and Wildlife Enforcement, can we have a map of where the enforcement officers are and the areas that they must cover? I am also particularly interested in the number of loan officers we have. For instance, we know there is one officer for the whole area north of Gros Morne on the Northern Peninsula.

MR. KING: That is not –

MS ROGERS: That is not true?

MR. KING: No.

MS ROGERS: Oh, okay. There is more than one?

MR. KING: Yes.

MS ROGERS: How many are there?

MR. KING: There are three positions assigned there.

MS ROGERS: So, for north of Gros Morne.

MR. KING: There would be a position in Roddickton, and two positions in Port Saunders.

MS ROGERS: Those are currently filled? There are currently people occupying those positions?

MR. KING: One is filled, two will be filled now.

MS ROGERS: Two will be filled, so there was one.

Are there any other areas – there is one now in Roddickton, and there will be two in Port Saunders?

MR. KING: Give me one second, okay? I just want to make sure I give you –

MS ROGERS: Sure, absolutely.

MR. KING: Okay. I am sorry, Gerry. There are four positions, one which is filled, one of which is vacant, truly vacant.

MS ROGERS: What does that mean?

MR. KING: There is no one in the position, so it will be filled.

MS ROGERS: Yes.

MR. KING: There are two others. I hesitate to say much more than simply there are people in the positions. They may not be working for personal reasons at this point in time. We are working through trying to deal with that circumstance on an individual basis, Human Resources, but there are four positions assigned there.

MS ROGERS: Okay. When you say there are fifty-four field positions, are all those positions – as of today, are they all filled, occupied? Are there people –

MR. KING: No.

MS ROGERS: How many are filled and how many will be filled, and when?

MR. KING: Well, all fifty-four will be filled now that the hiring freeze is lifted.

MS ROGERS: Okay.

MR. KING: We are still going through a recruitment process. Twenty-two are filled right now.

MS ROGERS: This will happen quickly?

MR. KING: Pardon?

MS ROGERS: This will happen quickly?

MR. KING: Yes, as quickly as it can. It has taken us a while to recruit these individuals. Fortunately, for us, they do work closely and in tandem with the RCMP in many areas, which gives us extra support. One of the things that has changed with inland fish positions is they used to have responsibilities for nuisance animals and game.

MS ROGERS: They do not now.

MR. KING: They do not now. It is moved back. Part of the reduction exercise was to reflect the removal of those duties when we went through the budget.

MS ROGERS: Will there be any situations in communities where there will be a lone wildlife officer?

MR. KING: Yes, it is possible. In cases where they are stationed alone they will have mobile work stations but, yes, it is possible.

MS ROGERS: I would imagine there is some concern for safety when you have armed officers and part of their mandate is to, I do not know apprehend, but to address issues where they may have to go miles or kilometres into the woods and deal with other people who are armed. To do that alone seems to potentially be a workplace hazard and could be potentially very dangerous.

MR. KING: It is similar to the RCMP.

MS ROGERS: Yes, but for the most part I think a lot of citizens who these officers deal with are armed, they are hunters. There are a lot of hunters there. I am not so sure it is exactly similar.

Okay. It is good to know that these positions will be filled. We have done the Labour Relations Agency.

I have some questions I would like to ask. How is the Mental Health Court going? Are there any cutbacks at all to the Mental Health Court?

CHAIR: Heather.

MS JACOBS: Yes, in the proposal for legal aid there was potential for elimination of one mental health lawyer there, but we do not know yet what legal aid is going to do.

MS ROGERS: Okay.

MS JACOBS: Yes, and there are two assigned there.

MS ROGERS: There are two legal aid lawyers assigned now?

MS JACOBS: Yes, currently.

MS ROGERS: Okay, great. Thank you.

I just also wanted to say something about the correctional facilities. I have had the opportunity in the last little while to visit a few of them. I am so impressed with the increase in the number of programs both at the women's facility in Clarendville, and then the correctional facility in Happy Valley-Goose Bay.

I think not only does it bode well for inmates, but also for staff. Staff were so incredibly proud to show me the programming that they were doing side by side with inmates. They felt it made it a safer environment for inmates, a safer environment for staff.

They were just doing a great job and they were so very, very proud of that. I think we all know and understand the difference that programming makes in our correctional facilities. I was just so impressed with the progress that has been made over the past few years in those facilities in that way.

Is there any plan or discussion about the possibility of a drug court, as we face sort of increasingly serious drug problems in our Province?

MR. KING: It is a commitment we made in the Blue Book in the election. We are toying with options at this point, preliminary stages. There

is nothing concrete that I can share with you now.

MS ROGERS: Is there any discussion at all? Aside from nothing concrete, is there –

MR. KING: Well, there are all kinds of discussions internally about what it might look like and how we might proceed with it, but nothing I can share here other than to say that we are looking at it.

MS ROGERS: Is there any money put aside for a needs assessment or a study to look at the need for a drug court?

MR. KING: There is nothing identified at this point, but there are options within our current budget that if we get to that point where we have funding available.

MS ROGERS: Okay. Thank you.

I am just looking at things that we have already looked at. The electronic bracelet program – here we go again, I know it is something that has been cut.

I understand that on March 31 all electronic bracelets were removed and within a few days a few people who were on the program were picked up for break and entry. Do we know how many occurrences we had of that?

MR. KING: I cannot confirm that.

MS ROGERS: Okay.

What arrangements were made for the people who were serving their sentences in this manner? The program stopped on March 31. Was it just the electronic monitoring devices were removed and that was it?

MR. KING: They would have reverted then to the regular probationary supervision services that others would –

MS ROGERS: Okay.

Speaking of probationary services, we see there have been cuts to probation officers. I would imagine with the cancellation of the electronic bracelet program that you would need more probation officers in order to be able to monitor people who are on conditional sentences.

What is the fallback position for that when we see the discontinuation of electronic bracelets, yet a cutback in probation officers?

MR. KING: We are confident that the small number of people who were involved in the electronic bracelet system can be covered off in a caseload with probation officers.

MS ROGERS: Have there been any scheduled changes at all with probation officers? Are probation officers still working nights, weekends, or has that been changed at all?

MR. KING: Scheduling changes?

MS ROGERS: Yes. Are there still probation officers working shifts, or has that been changed at all?

MR. KING: I cannot answer that.

CHAIR: Gerry, your time has expired. Where are you?

MS ROGERS: Okay. I have a few more questions but I will come back.

MR. A. PARSONS: Do you want to finish up?

MS ROGERS: Oh, sure.

CHAIR: Are you finishing up then, Andrew?

MR. A. PARSONS: Yes.

CHAIR: Okay.

MS ROGERS: Was there any kind of cost-benefit analysis done on the electronic monitoring program in terms of the cost-benefit analysis of having the program or not having program, and what the cost and effect would be on the overall justice system?

MR. KING: We would have contemplated the number of individuals involved with electronic monitoring system in comparison to the total caseload. We would have considered that as part of our Budget deliberations.

MS ROGERS: Is it reasonable to assume that some judges who may have considered conditional sentences now that the electronic bracelet option is not there, that there may be more incarcerations? Is that reasonable to assume?

MR. KING: I do not think it would be reasonable for us to assume anything here about what the judges may or may not do.

MS ROGERS: Okay. How much did the program cost annually?

MR. KING: About \$120,000.

MS ROGERS: About \$120,000. When was the last review of that program done, any kind of evaluation or review?

MR. KING: When you ask about the last review, you are implying there were a number of reviews completed?

MS ROGERS: Was there? I do not know. So there was no review of the program or how it was working, whether –

MR. KING: We would have contemplated the number of clients being served by the bracelet, which was fifty-three of about 1,700 in the Province, against our core mandate initiatives in the department. As part of our Budget decisions, I might add, in consultation with lots of people, we decided that we would eliminate it.

MS ROGERS: Okay. Alberta had eliminated theirs and is now bringing it back, apparently. The beauty of the system was that breaches were known immediately and could be responded to. So, again, I am wondering how this will work with the cutbacks in probation officers?

MR. KING: We believe the current probation officers that we have are more than able to handle the fifty-three individuals with the caseload they have.

MS ROGERS: They were consulted in this process as well?

MR. KING: We would have consulted any number of individuals in the system.

MS ROGERS: Okay, thank you.

I am wondering, will the removal of this option affect plea bargaining as well? If there was the possibility of a conditional sentence with the –

CHAIR: Gerry, in fairness, those are questions that I do not think the minister can answer because that is up to a judge, but (inaudible).

MS ROGERS: Yes, I understand. No, I am –

CHAIR: With the lateness of the evening, can we –

MS ROGERS: I am just about done.

CHAIR: Thank you.

MS ROGERS: Now, this option had allowed offenders to continue to work and be productive members of society. Has the minister any information on the cost of removing this option of sentencing on the system as a whole?

MR. KING: The savings to the system will be \$120,000, which was the cost of the bracelets. We do not believe it will have a negative impact on an individual's right to be reintegrated into society and to work meaningfully, if that is their intent. If their intent is to recommit crimes, they are going to do that anyway.

MS ROGERS: You do not feel there may have been more of an incentive or a possibility for someone to plead guilty if there was the possibility of being put on the electronic bracelet system?

MR. KING: I did not say that.

MS ROGERS: No, but I am just asking.

MR. KING: I answered, I did not say that.

MS ROGERS: Okay.

MR. KING: What I said is on the record.

MS ROGERS: Okay.

MR. KING: If there are any other Estimates questions, I am prepared to stay, but I think we are getting into policy issues, Mr. Chair.

CHAIR: Yes, and I – Gerry, I ask you to ask questions that pertain to Estimates. We have been here a long time and I have given you plenty of leeway tonight.

MS ROGERS: Yes. I have three questions.

Can you give us an overview of – I would like to know about overtime situations at correctional facilities in the Province. I know that may be hard to give me now.

MR. KING: Can you be more specific on what you are asking me for?

MS ROGERS: Yes, for correctional officers in some of our correctional facilities, the rates of overtime and maybe double shifts.

MR. KING: The rates, as in the rates of pay?

MS ROGERS: No, no, the amount of overtime, the hours of overtime.

CHAIR: The frequency, is that what you are asking Gerry?

MS ROGERS: Sure.

CHAIR: The frequency of overtime and the amount.

MS ROGERS: Yes, thank you.

How often is correctional staff asked to work back-to-back shifts?

MR. KING: Mr. Chair, we strayed a lot from the Estimates, but if it is the wish of the Committee I can ask the Superintendent of Prisons if he can go back to his HR department. That certainly would be outside the scope of Estimates in my view, but if it is the wish of your Committee I am certainly prepared to engage somebody to do the piece of work.

CHAIR: Thank you, Minister.

MR. KING: The Estimates provide very clearly how much we paid in overtime.

CHAIR: Yes. Thank you, Minister.

MS ROGERS: I am looking at hours and numbers of times that correctional officers may be asked to do a double shift.

MR. KING: Sure, yes. I understand what you are asking. All I am saying is it seems to be outside of the scope of the Estimates of this department. You are digging into the operations of the correctional facilities, which would not normally be considered part of the Estimates of the Department of Justice. I am prepared to co-operate and see if the superintendent of corrections can provide me some information.

MS ROGERS: Okay.

CHAIR: Thank you.

Thank you, Gerry.

Andrew.

MR. A. PARSONS: Every time you say that, Mr. Chair, I think you are waiting for me to talk.

In the interest of time, I have three questions remaining. This is a general one, the first one. Crime rates in the Province, have you been given information to show whether they have gone up or down, any trends? I know it is something that is talked about federally.

MR. KING: A blanket response, Andrew, overall the chiefs of police say they are down overall. There are some crimes that are up.

MR. A. PARSONS: Would it be fair to say that drug-related offences are up, especially in the city?

MR. KING: I can get you the details if you want.

MR. A. PARSONS: Yes, and I would not mind – if there is a statistical break down that the RNC or RCMP have, I would not mind that.

MR. KING: We will see if we can pull something together for you, rather than banter it here, because I am just speculating a little bit.

MR. A. PARSONS: The next one is in relation to the inland enforcement fisheries. This has to do with the cuts that came down. We were told that wildlife officers, in many cases, were given new uniforms and there were new ATVs ordered prior to the cuts. Is that the case?

MR. KING: Now, wildlife officers are not these.

MR. A. PARSONS: Well, for these officers we will say.

MR. KING: Okay. I apologize. The names are so interchangeable that sometimes we are talking about different ones, sometimes we are talking about the same.

MR. A. PARSONS: The fact is, Minister, that sometimes the officers themselves – there have been a lot of changeover, so that is fine.

MR. KING: Your question was would uniforms have been provided?

MR. A. PARSONS: No, we were told there was an order of uniforms and there was an order of new ATVs, equipment, and then after that there were cuts. You order all these uniforms and then there was a cut in the job, so the uniforms were sort of unnecessary. It might not add up to a lot.

MR. KING: Okay. Jackie can speak to that, if you do not mind.

CHAIR: Jackie.

MS LAKE-KAVANAGH: With respect to uniform orders, sometimes the planning and the tenders happen well in advance for something like that. So it is possible that some officers may have received uniforms.

In relation to ATVs, or any kind of equipment like that, that obviously would be the division's assets and not individual officers. If somebody is laid off, if their position is eliminated, then that would become the property that officers in that particular office would have access to. The only time those things are purchased is when there is a clear case that either a piece of equipment needs to be replaced or if it needs to be purchased new for the first time. Tying a piece of equipment to an individual officer is not really accurate.

MR. A. PARSONS: No, and it is not so much to tie – if the positions are reduced by eleven and just say there were X number of ATVs ordered and there is nobody to use them, do you have this surplus asset laying around that may not get used or be necessary?

MR. KING: No, we do not. I cannot confirm what we would have ordered but I can say there would not be a surplus because the ATVs would not match the officers; they match sites and general locations.

MR. A. PARSONS: Okay.

My last question: Are there any resources or funding being allocated to whistle-blower legislation in the coming year?

MR. KING: No.

MR. A. PARSONS: Okay.

Well, in closing, I would like to thank the Chair and especially thank everybody on the other side for going above and beyond and staying here so late. I know you have better things to do, but I appreciate your time.

Thank you, and thank you, Minister.

MR. KING: You are welcome.

CHAIR: A closing remark, Gerry?

MS ROGERS: Yes, I just have one question. I am wondering the number of times that the special handling unit is used at Her Majesty's Penitentiary. I am also particularly interested as well in the segregation unit, commonly known as the hole. At times, has there been more than one inmate per cell in those units?

I want to thank you very, very much for tonight. I know it has been long and arduous. I imagine everybody started their day very, very early. I thank you for all the answers to our questions, or the attempts to answer them.

Thank you for your wisdom, your service, your commitment, and your compassion. It is a big old job, justice. Thank you for some of the wonderful work that has been done. I also have to say that I am very disheartened by the discontinuation of some of the programs and some of the cutbacks. I feel that some of our most vulnerable people will be most affected by those.

Thank you.

CHAIR: Minister, on behalf of the Committee I want to thank you and your staff for a long evening. I thank you for your co-operation and your willingness to answer many of the questions that were put before you tonight. We certainly appreciate it.

We have a couple of housekeeping things, Minister, and we can let you go. Just bear with me for a couple of minutes.

I am going to ask the Clerk to call the first subhead, 1.1.01.

CLERK: Do you want them called individually or inclusive?

CHAIR: Inclusive after the first one.

CLERK: Okay.

Subhead 1.1.01.

CHAIR: Will the subhead carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, subhead 1.1.01 carried.

CLERK: Subhead 1.2.01 through 5.1.01 inclusive.

CHAIR: Will the subheads 1.2.01 through 5.1.01 inclusive carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, subheads 1.2.01 through 5.1.01 carried.

CLERK: The total.

CHAIR: Shall the total carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, Department of Justice, total heads, carried.

CHAIR: Shall I report the Estimates of the Department of Justice, Attorney General, and the Labour Relations Agency passed?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, Estimates of the Department of Justice, Attorney General, and the Labour Relations Agency carried without amendment.

CHAIR: You see before you, Committee members, the minutes from the meeting this morning of the Social Services Committee with the Newfoundland and Labrador Housing Corporation.

May I have a motion to approve the minutes of April 29, 2013, for the Newfoundland and Labrador Housing Corporation?

MR. LITTLE: So moved.

CHAIR: Moved by Mr. Little, seconded by Mr. Crummell.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, minutes adopted as circulated.

CHAIR: Can I have a motion to adjourn?

MR. A. PARSONS: So moved.

CHAIR: Moved by Mr. Parsons, seconded by Ms Rogers.

Just before we adjourn, Minister King?

MR. KING: Thank you.

If you do not mind, the other questioners had closing comments. I, too, would like to thank members of the Committee for being here. I know it is long nights for all of us, those who are

serving, so thank you for your commitment, for your time.

I especially, as I am sure you would agree, would like to thank those behind me, my staff who work hard every day on behalf of the people of the Province and put a lot of time in preparing for this. Please join me in saying thanks to them as well, and have a good evening everyone.

Thank you.

SOME HON. MEMBERS: Hear, hear!

CHAIR: Just a reminder to everybody, we reconvene on Wednesday evening at 5:30 o'clock to resume the Department of Education Estimates.

There is a change in the schedule for the Estimates of Child, Youth and Family Services. They are now moved from Wednesday morning to Tuesday, May 7, at 9:00 a.m.

Thank you, and goodnight.

On motion, the Committee adjourned.