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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

Chair: Glenn Littlejohn, MHA

Vice-Chair: Tony Cornect, MHA

Members:

Lisa Dempster, MHA

Gerry Rogers, MHA

Glen Little, MHA

Dale Kirby, MHA

Kevin Pollard, MHA

Clerk of the Committee: Lorna Proudfoot

Appearing:

Department of Justice

Hon. Terry French, MHA, Minister

Hon. Felix Collins, MHA, Attorney General

Debbie Dunphy, Departmental Controller

Luke Joyce, Director of Communications

Jackie Lake-Kavanagh, Assistant Deputy Minister, Public Safety and Enforcement

Fiona Langor, Director, Policy and Strategic Planning

Donovan Molloy, Director of Public Prosecutions

Paul Noble, Deputy Minister

Todd Stanley, Assistant Deputy Minister, Courts and Legal Services

Labour Relations Agency

Hon. Dan Crummell, MHA, Labour Relations Agency

Donna Ballard, Chief Executive Officer

Vanessa Colman-Sadd, Director of Communications

Also Present

Jim Bennett, MHA

Bradley George, Researcher, Official Opposition Office

Ivan Morgan, Researcher, NDP Office

Pursuant to Standing Order 68, Jim Bennett, MHA for St. Barbe substitutes for Lisa Dempster, MHA for Cartwright – L'Anse au Clair.

The Committee met at 9:06 a.m. in the Assembly Chamber.

CHAIR (Littlejohn): Good morning, everyone.

Welcome to the Social Services Committee. This morning the Committee will be reviewing the Department of Justice and the Attorney General, and the Labour Relations Agency.

As per the agreement, we will do the Labour Relations Agency first this morning. That can be found in the Estimates on page 17.19 for Committee members.

Good morning, Minister. Welcome to you and your staff, and thank you for coming in this morning. We will provide you in a minute, Minister, to introduce your staff and all the rest, but before we do that I would like to take the opportunity to introduce the Committee members starting with –

MR. GEORGE: Bradley George, Researcher.

CHAIR: Okay.

Jim.

MR. J. BENNETT: Jim Bennett, MHA for St. Barbe, Justice critic.

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

MR. MORGAN: Ivan Morgan, NDP caucus, Researcher.

CHAIR: Mr. Little.

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

MR. CORNETT: Tony Cornect, MHA for Port au Port.

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

CHAIR: Thank you, Committee members.

Minister, could you introduce your staff? Then we will open the floor for some opening remarks.

MR. CRUMMELL: Sure. I would like for my staff to introduce themselves. I find that more appropriate than me doing the introductions.

CHAIR: Okay.

MS BALLARD: Donna Ballard, CEO of the Labour Relations Agency.

MS DUNPHY: Debbie Dunphy, Departmental Controller with the Department of Justice, and also Labour Relations.

MS COLMAN-SADD: Vanessa Colman-Sadd, Director of Communications for Service NL, and for the Labour Relations Agency.

CHAIR: Just before you start, Minister, I will ask the Clerk to call the first subhead, please.

CLERK (Ms Proudfoot): Subhead 6.1.01.

CHAIR: We have called 6.1.01.

Shall clause 6.1.01 carry?

The hon. the minister.

MR. CRUMMELL: First of all, I would just like to say it is my privilege to be here this morning acting –

CHAIR: Someone has a BlackBerry next to a microphone.

Thank you, folks.

Minister.

MR. CRUMMELL: I will try that again.

I just want to say it is delightful to be here this morning in my capacity as Minister Responsible for the Labour Relations Agency, my first official function. I had a briefing by my staff last week and we have been back and forth over the last few days to make sure I fully understand where we are with regard to Estimates. I believe

we are in a good place, so I look forward to the questions here this morning.

Other than that, I think we are ready to go.

CHAIR: Okay.

Jim.

MR. J. BENNETT: Minister, by way of beginning, can you tell us, globally, what does the Labour Relations Agency do?

MR. CRUMMELL: The Labour Relations Agency is responsible for basically a number of acts, but two specific acts, the Labour Relations Act and the Labour Standards Act. It is a small organization that gets involved in protecting workers through legislation. There is conciliation that occurs on a regular basis, mediation, but basically to protect the workers of the Province to make sure that legislation is followed by employers, by government, by everybody involved in administering.

MR. J. BENNETT: Are you referring also to the Labour Relations Board included, like the overall picture?

MR. CRUMMELL: Yes. There is a board there as well that actually is an independent entity of the Labour Relations Agency. It acts in an independent capacity and it has legislative authority to issue orders and directives.

MR. J. BENNETT: I see there is also the Standing Fish Price Setting Panel, what does it do?

MR. CRUMMELL: The Standing Fish Price Setting Panel is an independent tripartite board that gets involved in adjudicating fish price setting within the industry. It works with both the unions and the fish processing organizations.

MR. J. BENNETT: I understand that the Labour Relations Board looks at unfair labour practices.

MR. CRUMMELL: Jim, if there is a line item here in Estimates that you would like to refer to, I think it is time we need to go there. I am also going to need a microphone here as well because I find it hard to hear you. If you have a line item

question, please ask that question. That is where we are going to focus here this morning.

MR. J. BENNETT: I do not find it anywhere. In the Labour Relations Board, it says appropriations to provide for these items, yet I do not find the line item for unfair labour practice complaints under provincial legislation and the administration of appeals of decisions of the Labour Standards and Occupational Health and Safety division. So I do not know which line I should ask about if it does not say what it is.

MR. CRUMMELL: Donna, is there something you can add to that?

CHAIR: Donna.

MS BALLARD: The Labour Relations Board, that is correct, it operates under the jurisdiction of the part of the Labour Relations Act. Unfair labour practices is one of the components of the legislation, so if there are applications made to the board by a party to a collective agreement or a labour relations issue in which they are alleging unfair labour practices, then the board will deal with that as it does with many other applications before it.

MR. J. BENNETT: I understand that if there is an unfair labour practice complaint made and if one or more parties are dissatisfied, then they may do an application for judicial review. Are you familiar with that process?

MS BALLARD: The judicial review is a component of the Labour Relations Act. That is correct. In certain circumstances, depending on what the legislation says and what the item is, then appeals can be made to the Trial Division. That is correct.

MR. J. BENNETT: I understand then that further appeals then can be made to the Court of Appeal.

MS BALLARD: From the Trial Division to the Court of Appeal depending on the rules of the Court of Appeal in the particular issue that is being adjudicated, yes.

MR. J. BENNETT: I understand that the Labour Relations Board then acts as an intervener in all of these appeals.

MS BALLARD: I cannot speak specifically to that. They can apply for intervener status in certain circumstances. I understand that in most cases they do.

MR. J. BENNETT: Is there a budget amount to cover legal costs for appeals of decisions of the Labour Relations Board?

MR. CRUMMELL: That would come under Professional Services.

MR. J. BENNETT: Okay.

It is Professional Services and this would be under line 6.2.01 under Professional Services. Is that correct?

MR. CRUMMELL: That would be correct.

MR. J. BENNETT: Last year, the amount that was budgeted was \$79,800, yet the amount that was spent was \$106,100. Can you explain why there was an overrun of probably one-third, or 40 per cent? What happened there?

MR. CRUMMELL: With regard to Professional Services, it just has to do with additional meetings that occurred during the last year. There was a particular file apparently.

MR. J. BENNETT: Minister, you have indicated that legal fees dealing with appeals with the Labour Relations Board acting as intervener would come under Professional Services.

MR. CRUMMELL: I think I am correct on that, but I will stand corrected if Donna wants to jump in on that.

MS BALLARD: That is correct. If the board elects to participate in a judicial review at the Trial Division or at the Court of Appeal then they can elect to hire counsel for that, so that would be the budget item in which Professional Services would come. Yes, that is correct.

MR. J. BENNETT: Last year, the amount that budgeted was \$79,800 but the actual revised was

\$106,000. My question was: Why was there approximately 40 per cent over budget on that item?

MR. CRUMMELL: It varies year to year, Jim. Any year that goes by, you can only budget what you think is going to happen, what is happening out there with regards labour relations. Obviously, in this situation here there was more activity than was anticipated. It went over budget on that for good reason. There was some extra work that was being done and specifically there was a particular file that needed extra work.

MR. J. BENNETT: Are you able to provide an itemized list of what made up the \$106,100?

CHAIR: Donna.

MS BALLARD: Just so that you understand, Mr. Bennett, this particular line is also Professional Services to the per diem board members. This particular overrun is because there was a particular case in front of the board that was particularly complicated.

Most times, I am sure you realize that you may have two parties to a matter before the board, sometimes three, sometimes four. In this particular case that the board has advised me about in terms of the overrun here had fourteen parties involved. The board members who are operating on per diem actually needed extra time to review that case. It is a complicated case that is presently in front of the board right now, so I am not at liberty to discuss it in any detail. The board keeps that close.

That is the particular reason here why the overrun. It was because of that particularly complicated case in which the board members needed more time to review.

MR. J. BENNETT: I understand that board decisions are public decisions.

MS BALLARD: The decisions are. That is correct.

MR. J. BENNETT: Again, I am going back to asking about the legal fee that I was told, or the fees, that are included in Professional Services. Who got paid what?

MR. CRUMMELL: That is not information that we have here readily available. The Estimates here are what you see. We do not have that detail here, Jim.

MR. J. BENNETT: I understand. That is why I previously asked if I could be provided with a list of what made up the \$106,100. I thought you might not have it.

MR. CRUMMELL: We will take that certainly under advisement. If we are able to provide that, we will. Obviously we will have to look into that to see if we – we will make a note of that and see if we can provide that to you.

MR. J. BENNETT: How many cases has the Labour Relations Board acted as an intervener in the past year?

MR. CRUMMELL: Is there a line item here, Jim, you are referring to?

MR. J. BENNETT: No, it is the same one.

MR. CRUMMELL: It is the same one, yes, but you asked a question about overages there. That is where we are. Donna, do you have a simple answer to that question?

MS BALLARD: I do not have a breakdown of how many times the board acted as an intervener, no, but we can provide that information. That would be a matter of public record.

MR. J. BENNETT: I understand that the board then retains private lawyers and pays them to act as counsel on intervening?

MS BALLARD: That is my understanding, yes.

MR. J. BENNETT: Is that work tendered?

MS BALLARD: I do not know the answer to that.

MR. CRUMMELL: Yes, and I do not know the answer either to that as well. The Labour Relations Board is an independent entity. They have their budgets. They have their funding. They are arm's length from the Labour Relations Agency. They are arm's length from government. We will see if we can provide that

information for you as well, but what you see here is what it is.

MR. J. BENNETT: Minister, are you saying that there is nobody present today from the Labour Relations Board or from your department who can answer these questions?

MR. CRUMMELL: We are answering line item questions and we can answer them with great authority.

MR. J. BENNETT: This is a line item and we have no answer.

MR. CRUMMELL: You have the answer exactly as to how that money has been spent. We have given you a satisfactory answer as far as I am concerned.

MR. J. BENNETT: You have given no answer. You cannot say who got the money. You cannot say if it was tendered. You cannot say who intervened. You cannot say how many interveners there were.

MR. CRUMMELL: That is not something that I would refer to in Estimates. I have been in Estimates before and that I not something I can refer to directly.

MR. J. BENNETT: So where would you see the appropriate response for a minister to make to this type of a budget item, if anywhere?

MR. CRUMMELL: Well, I certainly will be – I have not met with the Chair of the Labour Relations Board yet. It is only last Thursday that I was appointed to this position. We have a briefing scheduled later on this week, but right now I cannot give you specific answers to those specific questions.

I am not sure how it worked in the past, Jim, but I certainly will take your questions under advisement and we will look into that for you.

MR. J. BENNETT: How are we for time?

CHAIR: You have three minutes and fifty-four seconds, Sir.

MR. J. BENNETT: Okay.

Minister, backing up to the Standing Fish Price Setting Panel, there is also Professional Services under line item 6.1.04, and that is \$120,000.

MR. CRUMMELL: Again, that would be for the per diems and the services and the payments to the panel members, as well as any legal costs that were incurred during their deliberations.

MR. J. BENNETT: So how is it that the amount that was budgeted, \$120,000, is the exact amount that was spent? My sense is that if you are billing things, then you do not generally have round numbers all of the time. There might be some overage or some underage.

MR. CRUMMELL: Sometimes you will see numbers come out like this. I spent many years in business and sometimes on line items we came right on budget. I would suggest to you that this is a case where they did good work to stay on budget and they were on budget.

MR. J. BENNETT: Are you able to provide a list, a spreadsheet of who received the \$120,000 for professional services related to the Standing Fish Price Setting Panel?

MR. CRUMMELL: I am going to let Donna just go back to the last question so she can give you a more concise answer on that Jim. I am sure you will be happy about that. I will let her speak to the second question as well.

CHAIR: Donna.

MS BALLARD: On the first question, I understand, Mr. Bennett your question was the \$120,000 profile for professional services.

MR. J. BENNETT: Yes.

MS BALLARD: That is a profiled amount. The amount that was actually used on professional services, which is to pay the members of the committee, was \$53,900. That was to pay the committee. The remaining money perhaps Debbie can speak to, but it is money that is actually re-profiled back into the department because it was not used. It was used for a different purpose.

MR. J. BENNETT: I am going to ask you to explain that again because I am not sure that I

understood it. It started at \$120,000, it finished at \$120,000, but you say \$53,900 was paid to committee members.

MS BALLARD: Fifty-three thousand and nine hundred dollars was paid to the per diems for the panels. Then the remaining money was money that was not used and so it was re-profiled within the department. Debbie can speak to that.

MR. J. BENNETT: It was diverted. It was converted to another use.

MS BALLARD: Re-profiled, it was used for a different purpose within the Department of Justice.

MR. J. BENNETT: Are you able to provide a list of the breakdown of the \$120,000?

MS BALLARD: We can provide a profile for the \$53,900, which is how it was used, to whom it was paid on the panel.

MR. J. BENNETT: The other \$66,000 or so, are you saying you have no idea where that went or what happened to it?

CHAIR: Debbie.

MS DUNPHY: Yes, I can speak to that. Mr. Bennett I cannot tell you exactly right now where it was. We would have transferred that savings related to that particular line item to other areas in the department where we may have experienced a shortfall. It is certainly something we can undertake to provide to you after this Committee.

MR. J. BENNETT: Would you not agree then that this actually is a misrepresentation of the cost of the Standing Fish Price Setting Panel?

MS DUNPHY: I would just say that when the projections are done it is late January, early February, because the books, the final numbers are rolled up, and books are printed or whatever, finalizing the analysis, that sort of thing. At the time that was the best estimate we had. The fact that actuals came in at a lower amount could be for a variety of factors, but misrepresentation, no.

CHAIR: Gerry.

MS ROGERS: Do you want to finish where you were going Jim?

MR. J. BENNETT: No, you go ahead.

MS ROGERS: Okay. Thank you very much for coming this morning.

The Labour Relations Agency, 6.1.03, Labour Relations and Labour Standards, under Salaries we see an additional \$101,000. What is that for?

MR. CRUMMELL: I was in Estimates with Service Newfoundland and Labrador and this question came up a lot of times, the salary projections and the actuals. That increase has to do with the salary increases negotiated with the union this past year.

MS ROGERS: There is no additional staff there, that is just to do with the increases?

MR. CRUMMELL: No, just salary increases, step progressions, and employee reclassifications.

MS ROGERS: Okay. Thank you.

The act has not had a formal review since 2000. When will the act be reviewed? Is there a budget in place to review the act this year?

MR. CRUMMELL: It is a good question for the House of Assembly, Gerry, but I will tell you this: when I had my briefing the other day we had discussed that as well. We are in discussions with our officials about exactly that question. Stay tuned, we will have some more information about where we are going in the future with regard to that.

MS ROGERS: Okay, so there is nothing in the budget here for a review of the act?

MR. CRUMMELL: Again, there are many ways that you can review legislation and acts. At Service Newfoundland and Labrador we are a department that oversees many pieces of legislation. We are actually responsible for the Policy, Innovation and Accountability Office as well as the Minister of Service Newfoundland and Labrador.

We are always looking at ways to modernize and improve our legislation. With regard to the legislation with labour relations and labour standards, there are a number of ways you can review legislation internally within existing budgets.

We have not determined the course of action going forward or if there is going to be a course of action. We are still early days in these discussions. Pretty much this is as much though I can say on that right now.

MS ROGERS: The system has been complaint driven, but spot checks began in 2012. Are they still being done?

MR. CRUMMELL: Again, Gerry, that is a good question for the House. Is there a line item here that you want it referred to?

MS ROGERS: I am wondering if the spot checks began in 2012 was there a need? Is there a budgetary item to increase staffing in order to be able to do that work?

MR. CRUMMELL: There is no budgetary item to increase staffing within the department. Am I correct on that Donna?

CHAIR: Donna.

MS BALLARD: That is correct. We are not increasing the staff. Yes, spot checks continue and outreach continues under labour standards.

MS ROGERS: Can we have the statistics on the number and the location of the spot checks that have been done?

MR. CRUMMELL: I will take note of that.

MS ROGERS: Great. Also I assume that anything I ask for will be provided to Jim and anything that Jim asks for will be provided to me as well.

MR. CRUMMELL: Whatever we can provide that we are able to provide, we certainly will.

MS ROGERS: Great, thank you very, very much.

I do not have any more budgetary line items. Do you want to go ahead Jim?

MR. J. BENNETT: Yes.

MS ROGERS: Thank you.

MR. J. BENNETT: I would like to go back to the \$53,900 or \$120,000. If only \$53,900 was required last year – and I understand you are saying the numbers came in late – should that not have gone into the revised?

MR. CRUMMELL: Jim, I will let Donna speak in a minute, but if you look at the history of what is spent in terms of professional services for the Standing Fish Price Setting Panel, it depends on what they are asked to adjudicate on and asked to deliberate on. It varies year to year and how much time it takes to do that.

I trust the budgets here and I trust our public servants who advise us on these budgets. We need to put in that amount of money for what if, what is going to happen going forward. I am sure in the past some years have been busier than others in these deliberations and calling the panel together.

You never know what you are going to get in the fishing industry Jim. You are certainly well aware of that, being the critic for many years.

MR. J. BENNETT: Minister, I understand what you are saying. When the figures says revised and it is \$120,000, and staff know it is only \$53,900, then to me that is a blatant misrepresentation in the budget to the people of the Province that we are going to debate in the House of Assembly.

I am simply asking: how much do you think you are going to spend this year? You say \$120,000?

MR. CRUMMELL: Jim, these are Estimates, we budget \$120,000.

MR. J. BENNETT: Okay, but revised you have misrepresented these figures by more than double. That is a misrepresentation.

MR. CRUMMELL: Jim, we have not misrepresented anything here at all. I take offence to that.

MR. J. BENNETT: I am looking at a document that says *Estimates 2014: Shared Prosperity, Fair Society, Balanced Outlook* and last year you requested \$120,000. You spent only \$53,900. You have come back this year and claimed that you spent the whole \$120,000 and you did not spend the whole \$120,000. You have admitted that today. So that is a misrepresentation.

MR. CRUMMELL: No, it is not. We just answered the question. We re-profiled that money, Jim. We answered that question.

MR. J. BENNETT: So it was not for Professional Services for the Standing Fish Price Setting Panel, it was for something else?

MR. CRUMMELL: This is what Estimates is all about, to ask the questions that you are asking; we answered the question.

MR. J. BENNETT: Are you prepared to provide me with the actual amount spent for Professional Services for the Standing Fish Price Setting Panel for the last five years?

MR. CRUMMELL: We can look into that for you.

MR. J. BENNETT: So do you know the actual amount for the last five years?

MR. CRUMMELL: I would assume we do. I would suggest that if you went through Estimates and the budgets for the last five years, you could probably find it yourself, but we will find it for you. We will do the work for you.

MR. J. BENNETT: Actually, Minister, if I were to look in this document, I would be misled because you have claimed you spent \$120,000 revised, when your staff are saying today that you spent \$53,900. How would the casual observer reading this – \$120,000 is not \$53,900.

MR. CRUMMELL: Actual numbers will be in Public Accounts, Jim. So they are available to the public, as well as to you, for the last five years.

With regard to what we have here today, we are answering questions on Estimates. We told you exactly what happened. We have not hidden anything from anybody. We told you what we spent in terms of Professional Services and how much money we re-profiled.

MR. J. BENNETT: Today you have said so –

MR. CRUMMELL: Absolutely.

MR. J. BENNETT: – but, in fact, in this printed document that was produced some time over the last few months, you said a different number.

MR. CRUMMELL: Jim, it is what it is.

CHAIR: Mr. Bennett, I have to ask – the minister has explained to you what it is. You have made your point that you believe it is misrepresentation. I am not sure where you are going with this line of questioning. The minister gave you an answer and I am not sure where you are going; \$53,900 was spent, the other portion of it, \$120,000, was re-profiled. I am not sure of the purpose of your questioning. It is not an interrogation; it is the Estimates.

MR. J. BENNETT: Mr. Chair, that may well be the truth, but if a person requested \$120,000 for a job and then claimed they used \$120,000 and they diverted the other money, that would actually be a conversion under the Criminal Code for misrepresentation. That is exactly what it would be.

CHAIR: Mr. Bennett, I cannot comment on that, but the minister has answered your question. If you want to pursue it further in a discussion, that is fine with the minister, but the answer, I think, has been given to your question. I know it is not satisfactory to you, Sir, but I think the answer has been given to you, in fairness.

MR. J. BENNETT: I understand, Minister, that you have not decided yet if you are going to provide us with the actual amount spent by the Standing Fish Price Setting Panel over the last five years.

MR. CRUMMELL: Again, your researcher could find it out as well as our people. We will

provide it to you if you want us to do the work for you.

MR. J. BENNETT: Can you ask your staff if they actually know – do they have access to this number?

MR. CRUMMELL: Absolutely, you can go online and find it yourself. Our staff definitely has access to that information.

MR. J. BENNETT: So if I went online –

MR. CRUMMELL: As do your staff.

MR. J. BENNETT: If I went online with this number today I would find \$120,000 and that is not true.

MR. CRUMMELL: No, your last five years is what you just talked about here.

MR. J. BENNETT: Yes.

MR. CRUMMELL: If you are looking for the last five years, we can provide that, just as well as you can find out in a few minutes on a computer.

MR. J. BENNETT: Minister, if your government has misrepresented by double the number from last year, how badly have they misrepresented the other numbers of the last five years? Is this a total sham or what is it? It is supposed to be a budget. We have some financial accountability to the people of the Province.

MR. CRUMMELL: There are budgets and there are Estimates – Jim, I was involved in running a multi-million dollar business before I got involved in politics and re-profiling money, generally accepted accounting practices, all of that there are approvals that have to be sought to make sure that you re-profile money to put into other buckets to make sure at the end of the day you are on budget; but you find some money here that you saved over here and you spend some money over there, and it is about using the taxpayers' dollars wisely.

These are accepted accounting practices and principles. There is nothing untoward here. I do not know where you are trying to go with this,

but I have answered your questions. Is there anything else that you have to ask because I am not going to answer any more questions on this?

MR. J. BENNETT: I have no more questions on this, Minister.

CHAIR: Thank you.

Gerry.

MS ROGERS: I just have a question back to that line item. So \$53,900 was spent specifically on Professional Services for the Standing Fish Price Setting Panel, where was the other amount of money redirected, to what? That is a simple question.

MR. CRUMMELL: We do not have that here.

MS ROGERS: Okay.

Do we know that it was redirected to somewhere else in Justice?

MR. CRUMMELL: That would be correct.

MS ROGERS: So it was redirected out of the budget for the Standing Fish Price Setting Panel? Okay, thank you.

CHAIR: Are there any further questions from any members of the Committee?

Gerry.

MS ROGERS: I assume that we will get some information as to where that money was redirected, what it was spent on.

I am a little bit curious as to why then the revised item was not \$53,900. I wonder is there a reason for that, that it would not be stated then, identified as that.

CHAIR: I will ask the Clerk to call the –

MS ROGERS: I just asked a question.

CHAIR: I am sorry, Debbie.

MR. J. BENNETT: You know they are not providing valid answers, but we would like some answers.

MS ROGERS: Well, that is not my – yes, if you could explain so I could understand that.

MS DUNPHY: Ms Rogers, it is basically a timing issue.

MS ROGERS: Yes.

MS DUNPHY: As you can appreciate, the production of the Budget book, the Estimates book, there are deadlines to get these things ready for Budget Day, which was in March. Departments face deadlines in January, February, and March for different items. A projection is provided of what we anticipate spending for the year early to mid-February. These are discussions back and forth with the Budget Division of Finance, and at the time that was our best estimate. There may be things going on that could have impacted that number. What is reflected was our best estimate, best projection at the time.

Last week, April 30, was the last day for us to process anything related to the old fiscal year. That is why we now have an actual number which is, yes, considerably less than what we had projected, but it is a timing thing. There could be a couple of months in the difference of what we say here versus what actually comes out.

MS ROGERS: So, in fact, basically what we are dealing with is at the time that this had to be set down on paper it was still anticipated that \$120,000 would be spent. In fact, then, what we need is an updated –

OFFICIAL: (Inaudible).

MS ROGERS: Yes, okay.

Will the money that was not spent in the Professional Services part of the Standing Fish Price Setting Panel, will that be reflected somewhere else in the Department of Justice?

MS DUNPHY: You may not see it specifically, but, yes, as we go through all of those line items there are many ups and downs, shortfalls and overages that, as Minister Crummell indicated, you find money in one place to bail you out of another.

MS ROGERS: Okay, great.

Thank you.

CHAIR: Okay, that being said, we will ask the Clerk to call subheads inclusive for the Labour Relations Agency.

CLERK: Subheads 6.1.01 to 6.2.01 inclusive.

CHAIR: Shall 6.1.01 to 6.2.01 inclusive carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

SOME HON. MEMBERS: Nay.

CHAIR: Carried.

On motion, subheads 6.1.01 to 6.2.01 carried.

CHAIR: Shall the total carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

SOME HON. MEMBERS: Nay.

CHAIR: Carried.

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

CHAIR: Shall I report the Estimates of the Labour Relations Agency carried without amendment?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

SOME HON. MEMBERS: Nay.

CHAIR: Carried.

On motion, Estimates of the Labour Relations Agency carried without amendment.

CHAIR: I want to thank the minister and his staff for their time and we will take a short recess of five minutes and we will come back to continue Estimates with the Department of Justice.

Thank you, Committee, for your questions, and I thank the minister and his staff.

Have a nice morning, everyone.

Recess

CHAIR: Good morning once again everyone. Good morning ministers. I do not know if I have ever had ministers before, but it is the first time and things are good.

What I am going to do, Ministers, if it is all right with you, I am going to ask the Committee members to introduce themselves this morning and then I am going to come back and ask you to introduce your staffs. If you want to take five minutes or so each to have any opening remarks, I will allow you to do that. Then we will move forward into questions, if that is okay with the two of you. Is that good?

Okay, could we have introductions again? Bradley, could you start please?

MR. GEORGE: Bradley George, Researcher, Official Opposition.

MR. J. BENNETT: Jim Bennett, MHA for St. Barbe and Justice Critic.

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

MR. MORGAN: Ivan Morgan, NDP Caucus, Research.

CHAIR: Mr. Little.

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

MR. CORNECT: Tony Cornect, Port au Port.

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

CHAIR: Thank you.

Mr. Collins, do you want to start? We will introduce across the rows here and we will get started.

MR. F. COLLINS: Felix Collins, Attorney General.

MR. FRENCH: Terry French, Minister of Justice.

MR. NOBLE: Good morning. Paul Noble, Deputy Minister of Justice and Deputy Attorney General.

MS DUNPHY: Debbie Dunphy, Departmental Controller for Department of Justice.

MS LANGOR: Fiona Langor, Director of Policy and Strategic Planning.

MR. STANLEY: Todd Stanley, Assistant Deputy Minister in Legal Services.

MS LAKE-KAVANAGH: Jackie Lake-Kavanagh, Assistant Deputy Minister of Public Safety and Enforcement.

MR. MOLLOY: Donovan Molloy, Assistant Deputy Minister of Criminal Operations and also Director of Public Prosecutions.

MR. JOYCE: Luke Joyce, Director of Communications.

CHAIR: Good morning everyone.

Mr. Collins would you like to start with a few brief remarks, or will we go directly to questions?

MR. F. COLLINS: I have very little to say except good morning to everybody. There are dual roles here, or the separation of roles between myself and the Minister of Justice.

I will be responsible for certain articles in the Estimates and the Minister of Justice will have the others. In my case it is civil law, legal aid,

and Public Prosecutions. All other questions would be for the Minister of Justice.

CHAIR: Okay. Minister French.

MR. FRENCH: Good morning folks. I guess this is a fairly new job for me as you folks would know. I think I am here now three or four days. I am still actually, as I told someone yesterday, looking for the bathrooms in Justice. It is very new to me.

I have dived into it all over the weekend and the last number of days, but it would not be correct for me to answer most of these questions as it relates to the Estimates of the department. I am going to refer to the staff to answer the majority of these questions.

At times I will obviously add my two cents worth here and there but I thought it appropriate to let – usually I would take the majority of the questions as I have in previous Estimates. I think this is the third set of Estimates that I have prepared for this session. I will be referring to staff but if you have a direct question to ask me, by all means I will certainly do what I can and do my best to answer it.

Without further ado, I turn it back to you Sir.

CHAIR: Okay. Just for everyone's information in Committee we are starting with Executive and Support Services, Department of Justice, page 17.3. I will ask the Clerk to call the first subhead please.

CLERK: Subhead 1.1.01.

CHAIR: Shall 1.1.01 carry?

Mr. Bennett.

MR. J. BENNETT: Minister, I am looking to page 17.6 and this deals with Civil Law. It is line 2.1.01.

CHAIR: Subhead 2.1.01, Civil Law, page 17.6, Mr. Bennett?

MR. J. BENNETT: Yes.

CHAIR: Okay.

MR. J. BENNETT: Going down to Professional Services, what does that figure generally include?

CHAIR: Mr. Collins.

MR. F. COLLINS: The Professional Services includes all legal services that deal with major cases and files such as the tobacco file, Hebron, Muskrat Falls, outside counsel, practically anything that has to do with major files for the department.

MR. J. BENNETT: Minister, last year \$1,801,000 was budgeted and the revised came in at \$3.1 million. That is a pretty substantial increase. Can you tell me what made up the overrun?

MR. F. COLLINS: The Professional Services budget every year, Mr. Bennett, is always a bit of a crapshoot in determining how much money you are going to need for professional services. The biggest part of the shortfall this year was for external legal consultants basically and for appointed counsel

The court directs the AG to pay for counsel for certain litigants. That basically was quite a shortfall. At one time it was \$1.3 million. It can be attributed to the external legal consultants and the AG-appointed counsel.

Of course, there are other projects that also took more money than was budgeted for; the tobacco file, Hebron, Muskrat Falls, and the federal loan guarantee. These are all big files that government deals with every year.

You anticipate a certain amount of money that you might need for the file, but you can never really pin it down, this amount you are going to have. Every year there is quite the discrepancy between what is budgeted and what is spent.

MR. J. BENNETT: Minister, are you able to provide a list of who those payments were made to?

MR. F. COLLINS: Yes, we always do. That request comes every year and we are quite prepared to give you a list of law firms and the amounts paid.

MR. J. BENNETT: Okay. Fundamentally I understand you cannot predict legal fees because the person does not know how long it is going to take and what is going to happen, however, this is a pretty big overage. Is this like the moose class action or you referred to the tobacco litigation? At the beginning of the year you would have known, or someone would have anticipated \$1.8 million. It went to \$3.1 million. Was there some big event that happened? Was there a huge civil trial?

MR. F. COLLINS: My understanding is that it was a combination of a number of things. I will ask my Assistant Deputy Minister or my Deputy Minister if there is any further information they can give on that.

CHAIR: Paul.

MR. NOBLE: It was an unusual year for demand on specialized legal services on government. The bulk of the additional costs, I would suggest, were related to the closing of the federal loan guarantee on the Lower Churchill Project. There were other legal-related expenses in relation to Muskrat Falls. There was a significant case that was argued at the Supreme Court of Canada for which the Attorney General was ordered to provide counsel.

MR. J. BENNETT: Do you recall what case that was?

MR. NOBLE: Yes, the Queen versus Nelson Hart.

MR. J. BENNETT: Okay. I understand.

MR. NOBLE: I think that between those three –

MR. J. BENNETT: That was the appeal on a murder conviction, the Mr. Big case. Mr. Hart is down in the penitentiary right now waiting for another go at it.

MR. NOBLE: That is right. Yes. The case has been argued before the Supreme Court of Canada. We are awaiting their decision.

MR. J. BENNETT: You mentioned the legal fees associated with the loan guarantee. What law firm was that? Fasken Martineau?

MR. NOBLE: I think it was Borden Gervais.

MR. J. BENNETT: Okay.

MR. NOBLE: I can ask Todd Stanley, he is the ADM for –

CHAIR: Todd.

MR. STANLEY: The legal fees for Muskrat, there are actually two firms. It was Borden Ladner Gervais, as Paul indicated, and also Ottenheimer Baker before they merged with McInnes Cooper. They represented the Province on those transactions.

MR. J. BENNETT: This was local counsel who also sought backup for national counsel?

MR. STANLEY: Yes.

MR. J. BENNETT: There is nothing particularly unusual about that in a large deal?

MR. NOBLE: On a large commercial transaction like that we wanted sort of both eyes on the matter.

MR. J. BENNETT: Can you tell me if that work was tendered?

MR. NOBLE: No, we do not tender legal services generally because of the complexities of both the timing involved in trying to get somebody and usually our concerns about confidentiality in terms of the legal work that we are looking for.

MR. J. BENNETT: These lawyers are pretty expensive lawyers?

MR. NOBLE: Yes.

MR. J. BENNETT: Some of them are going to be running \$700 or \$800 an hour?

MR. NOBLE: Yes, \$700 or \$800 an hour.

MR. J. BENNETT: How does the Province select which firm or firms it should deal with?

MR. NOBLE: On a national basis, we look for people with expertise in the area that we are getting engaged in. In the case of Borden

Ladner Gervais, we went looking for project finance experts who could advise us, in addition to the people who were advising Nalcor and the people who were advising Canada. It is more of, sort of exploring who are the experts in that area and then approaching them to confirm whether or not they would be interested and whether there are conflict issues and the like.

MR. J. BENNETT: This being a solicitor matter, which should be readily able to be forecast, was this initially included in the \$1.8 million? Why would there be a substantial overrun like that, or is that included in the \$1.8 million?

MR. NOBLE: The \$1.8 million figure that we use; we sort of use as a rule of thumb going forward every year, an amount based on previous years. We do not necessarily build it up based on expected files just because we have such a random aspect of our legal fees.

The fees in respect to the Muskrat Falls Project, the file did consume somewhat more legal fees than we were anticipating at the beginning of the year, but not extraordinarily so.

MR. J. BENNETT: Does the Province have a mechanism in place whereby for outside counsel – I understand that some people might want practically all legal work to be done in-house and you simply cannot do that, either for expertise, personnel, timing and so on. I get that.

Does the Province have anything in place whereby law firms who are capable might want to have an RFP with the Province saying we want to do your work, almost like corporations would have? Do we have that, so that way we may get sort of a discount or speciality services?

MR. STANLEY: We do not go forward and look for just sort of like a standing offer for legal services simply because we find that our requirement for outside legal services are on a case by case basis. We do not know this year that we are going to need any legal services on X.

We have in the past, it was a while ago. We have in the past gone out and done a full sort of Request for Proposals when we knew we had a

big piece of work coming. That was about ten years ago, at least. We have not done that in the last number of years because the matters come forward and we do not really usually have the time to know what we are going to need in order to do that. That process can take a number of months.

We do not have a standing list of lawyers or places for people to express interest. We usually find in the local community the biggest issues are, frankly, conflicts. If we are going looking for counsel, there are only so many places that have a combination of the horsepower and are not already conflicted out on the file, such as our offshore files. We find most of the big firms downtown are already conflicted out because they are (inaudible) and they are working for the oil companies.

MR. J. BENNETT: The matter that went to the Supreme Court was a criminal matter. That would not be on the civil list, would it?

MR. STANLEY: The civil professional services budget is used to pay for all of the outside counsel fees where the Attorney General is ordered or required to pay legal fees for a person going through the criminal process. We use the same budget for those expenses as well. They can be significant.

MR. J. BENNETT: As recently as yesterday, the Attorney General commented on Mr. Justice Cromwell having been here and talking about delays in delivering legal services and that the unrepresented litigant is – not to be crass – really clogging up the courts, taking a lot of time and costing a lot of money. Does the Province have any view or any anticipation of maybe funding some of these unfunded or unrepresented litigants just to ease up what looks like a log-jam in the courts with some of these issues?

CHAIR: Mr. Collins.

MR. F. COLLINS: Mr. Bennett that is really a policy issue that I do not think Mr. Stanley would answer. At this stage in the game, unrepresented litigants and access to justice issues are general policy issues that certainly the department is concerned with and working on. With respect to any specific response this

morning, we do not have a specific response for you.

MR. J. BENNETT: Minister, recently there have been issues with legal aid funding, delays, and so on. I accept that this government has put more money into legal aid than has previously been put into legal aid. I also accept the demand sometimes for the cost of legal services, maybe not like health services, but it is virtually inexhaustible.

Some provinces have a dual system. We have staff lawyers providing legal aid work. I have dealt with many, and they are really pretty good lawyers because they are very specialized. Does the Province foresee a time when they may have a dual system of some certificate lawyers like other provinces have?

I know a certificate is available today in special cases, but the rate of remuneration is so low that, quite frankly, lawyers pay their support staff more than legal aid lawyers would be paid if they are acting for unrepresented or individuals who are conflicted out. Is there any thought to having a more robust dual system so the permanent legal aid staff will stay there but from time to time there might be more certificate based legal aid lawyers, say in Labrador, for example, to get things moving more quickly on occasion?

MR. F. COLLINS: Again, Mr. Bennett, these are policy issues. As you are aware, following the royal report the department has been negotiating, in discussions with legal aid and the Law Society. Our probing issues that have been raised in that report, and possible other models and variations of models and whatnot, these are all subject to discussions – ongoing discussions will be held with legal aid and other stakeholders in the near future. That is about all I can comment on this morning. Certainly, these are issues that we are looking at in terms of the whole review on legal aid.

MR. J. BENNETT: At this point you will agree I think, that the tariff we have for private legal aid lawyers is just about near the bottom in the country. Only one or two provinces are lower, whether they have less than five years or more than five years' experience. If we were to become more mid-range we might be able to

offload some of that legal aid work and make the justice system move more smoothly.

MR. F. COLLINS: Again, I hear where you are coming from and it is a matter of discussion and deliberations that are currently ongoing.

MR. J. BENNETT: Minister, last year we budgeted \$1.8 million on this same line and we used up \$3.1 million revised. How close to actual is the \$3.1 million revised? Are the final numbers in or is this pretty close, within 1 per cent or 2 per cent, or is it going to be way off? Is there a big bill waiting to come in?

MR. F. COLLINS: Well, as was pointed out by Mr. Stanley previously, we try to stick with the figure that we have had in the past, knowing quite well there might be some variation. It is difficult to speculate on what the new figure will be.

We budgeted, in this case, \$2.2 million because we know for a fact that a judge's tribunal is going to take up certain costs. There is already a cost that we know will be in there for the access copyright file.

We base that on previous experience and previous years' work. As I mentioned before, it is a bit of a crapshoot. You hope to come in as close as you can, but you cannot speculate on what the final figure would be.

MR. J. BENNETT: I understand that would be the estimate of \$2.237 million, but the revised is now showing \$3.1 million. I understand earlier from some discussions that I had with another office that the revised is not necessarily the revised. Sometimes the revised is revised subsequently because other items are moved or picked up or whatever. That does not relate from today.

As a matter of fact, I have written the Department of Justice and asked, for the last ten budgets, why is there a difference between the revised and the actual revised. Last year's revised is not this year's revised. It should be the same number. The revised does not stay the same year by year. Generally I understand you need a starting point for accounting purposes. Whatever was last year's finish would be this year's start.

MR. F. COLLINS: I am not sure I follow you. The revised certainly would not be the same year to year. The base amount would be close to the same every year, but the revised amount would be whatever particularly happened in that year. I will ask the deputy to respond to that as well, if he can.

CHAIR: Paul or Debbie?

MR. F. COLLINS: The controller.

CHAIR: Debbie.

MS DUNPHY: Sure. This year, Mr. Bennett, our projection in this instance is actually pretty much bang on. At the end of April we had expenditures under the Professional Services of just over \$3 million. The projection in this case was pretty close.

MR. J. BENNETT: Okay.

CHAIR: Okay. Jim, I ask you to hold your thought. Or do you have a follow-up question?

MR. J. BENNETT: That actually answers the question that I was asking. I think the minister may have misunderstood or I did not explain it properly, but you understood exactly that I was wondering why – I have a bias against numbers with a lot of zeroes on them, because they do not tend to come in with a lot of zeroes.

CHAIR: Gerry.

MS ROGERS: Thank you very much.

Congratulations, Minister French, on your new portfolio. I look forward to working with you.

Before we go any further, as a result of some of the questioning that we had with labour relations, are there any specific revised amounts that are significantly different than what are actually on the printed page right now? Or do we need to ask almost every one?

Do you understand what I am asking? Perhaps (inaudible)–

MR. FRENCH: No.

MS ROGERS: What we saw in the labour relations was that the printed revised amount was out by \$120,000 on one item, and that is because of timing and printing and then how expenses came in before the printed document. I am just wondering if there are any other outstanding items like that in the Justice budget that we should keep an eye to.

CHAIR: Debbie.

MS DUNPHY: I am going to be frank here. I have not really looked at each line to compare our actuals – as I mentioned, this was just last week – to what was the revised.

MS ROGERS: Right.

MS DUNPHY: Generally, I think our Estimates have been pretty good. There is nothing that comes to mind instantly that says oh, there is an area here or an area there. I guess to go back to your initial question you probably have to ask on each line that you are curious about.

MS ROGERS: Okay. Thank you very much.

If we can start at the beginning, the Minister's Office, 1.1.01; in 01, Salaries, we see an increase of \$85,000 there. What is that for?

CHAIR: Mr. Collins.

MR. F. COLLINS: That increase is of the Attorney General's salary – a half salary in this case. When the minister goes to the department his consistency assistant is also budgeted in that department, so the \$85,000 is for the half stipend that the Attorney General gets as well as the salary of the consistency assistant. I think there is a 2 per cent salary increase that comes as a result of negotiations in there as well.

MS ROGERS: Okay. Thank you very much.

Then, Executive Support, 1.2.01, in Salaries we see an increase of \$40,000.

CHAIR: Heading 1.2.01, Gerry, Salaries, 01?

MS ROGERS: Yes, please.

MR. F. COLLINS: I can respond quickly. If I am looking at the right one here, 1.2.01, the

salary payments for permanent employees, the budget increased by \$40,600.

CHAIR: Yes.

MR. F. COLLINS: It is the result of salary increases, basically, and wage differentials in the department.

MS ROGERS: Thank you.

Property, Furnishings and Equipment under that category, there was an increase there. It was budgeted \$1,000 and then \$10,000 was spent. What was that for?

CHAIR: Debbie.

MS DUNPHY: This year we actually bought a new boardroom table and some cabinets for the boardroom up on the fourth floor. As well, we purchased iPads for several members of the Executive. So, that is one-time expenditures, basically, that covered the \$10,000. Of course, ongoing we just left it at \$1,000 again. We are pretty lean, believe it or not, in the Department of Justice.

MS ROGERS: I believe that, yes. Thank you very much.

General Administration continued, Administrative and Policy Support, 1.2.02, Transportation and Communications, there was an increase of \$115,000 there; a 30 per cent increase.

CHAIR: Subhead 1.2.02.01, Transportation and Communications, Gerry?

MS ROGERS: Yes.

CHAIR: Just to keep everybody on track.

Minister French.

MR. FRENCH: I am going to refer that to Deb.

CHAIR: Debbie.

MS DUNPHY: The main reason for that overrun is our postage cost for the department. We are not unique; it is a government-wide problem I understand. We have a budget right

now of about \$214,000 for postage costs for the entire department and we actually spent almost \$315,000. So that is the main cause of that overrun.

It is something that we are certainly going to be looking at this year to try to rightsize that budget and, as well, try to see if there are any areas where we could actually reduce our postage costs.

MS ROGERS: Which are going up again.

MS DUNPHY: Which are going up again.

MS ROGERS: Okay, thank you very much.

Professional Services went up by \$74,700.

CHAIR: Paul.

MR. NOBLE: It is largely attributed to the costs of the external reviews for the Sheriff's Office and Legal Aid. As you know, reports were produced by John Rorke and Retired RCMP Inspector Leigh DesRoches.

MS ROGERS: Yes.

Provincial revenue, 02, we see quite a bump in revenue. What is that for? Where did that come from? Still under General Administration 1.2.02.

CHAIR: You are referring to 02 Revenue, \$339,200, Gerry?

MS ROGERS: Yes.

CHAIR: Okay.

Debbie.

MS DUNPHY: This year down at Provincial Court they have been going through some of their older records. Part of the legislation allows them to remit unclaimed bail payments back to the Crown. They have been doing some considerable work on that. That is why our revenue has seen a bump this year. There has been about \$167,000 remitted back to the Crown in unclaimed bail payments.

As well, we have had a seized asset that we had through an investigation that went in there, and the normal notary publics, Commissioner for Oaths, autopsy reports, those sorts of things, and some interest from one of the trust accounts.

MS ROGERS: Okay. It is the remittance of unpaid and unclaimed bail payments. People who would have paid bail payments but then have not come back and claimed them back. They would have been eligible to have them back, would they?

MS DUNPHY: I am going to ask if Todd Stanley could speak to that.

MS ROGERS: Sure.

CHAIR: Todd.

MR. STANLEY: Yes, I believe that is accurate actually. I think that represents a number of years' worth as opposed to just one year.

MS ROGERS: Yes.

MR. STANLEY: I think it has been accumulating in Provincial Court. It is a one-time thing, and they have been straightening that out.

MS ROGERS: Okay. In terms of claiming them back, what is the latest year that was claimed back, the most recent year claimed back?

CHAIR: Todd.

MR. STANLEY: I actually do not have that information in front of me. We can find that out as to how far back they have gone with their reconciliation of those things. We will get that information for you.

MS ROGERS: That would be great. Thank you.

I assume that anything I ask for will be given to Jim and vice versa.

MR. STANLEY: Sure, of course.

MS ROGERS: Thank you very much.

Then on to 1.2.03 Legal Information Management, we see an increase in Supplies of \$163,000. The revised amount was \$543,000.

CHAIR: Todd.

MR. STANLEY: Yes, the Legal Information Management Division is responsible for both the law library for the Department of Justice and also the law libraries in the courts. They have been engaged in both a process to attempt to reduce the holdings in the courts to the bare minimums that are necessary as part of a budget cut.

What they are also finding is that for the last fiscal year they had some expenditures higher than they expected because some of the subscription series, which are a lot of what they use in the courts, they could not be cancelled until – they could not identify the ones to be terminated until part of the way through the year. So they still had expenditures for those series last fiscal year, part expenditures, because they only, obviously, recognized a half or three-quarters of a year savings.

What we are also finding is that the remaining report series, the cost of those series are going up significantly. We are still receiving the paper report series, and the publishers are increasing the costs of those paper report series by a significant margin. The overrun last year was a combination of us not being able to cancel report series that we had anticipated cancelling for the full year. We only got them cancelled part of the way through, and the remaining ones costing us significantly more than we had expected.

CHAIR: Do you have a follow up Gerry, or will I go back to Mr. Bennett?

MS ROGERS: I just have one more item in this.

CHAIR: Okay.

MS ROGERS: The provincial revenue was budgeted \$29,000 but \$16,000 came in. What was anticipated? What would the revenue there be for, or from actually?

CHAIR: Debbie.

MS DUNPHY: That is a contribution we receive annually from the Law Foundation, and their contribution actually was reduced this year. The budget is \$29,000 but the contribution is actually \$16,000, and will be \$16,000 going forward.

MS ROGERS: Okay.

Thank you very much.

CHAIR: Thank you, Gerry.

Jim.

MR. J. BENNETT: I would like to move to the Law Courts, page 17.12.

CHAIR: Page 17...?

MR. J. BENNETT: Page 17.12 is the page.

CHAIR: Page 17.12?

MR. J. BENNETT: Yes.

CHAIR: Okay.

Subhead 3.1.01, Jim?

MR. J. BENNETT: No, 3.2.01.

CHAIR: So, 3.2.01 Provincial Court?

MR. J. BENNETT: That is correct.

CHAIR: Okay.

MR. J. BENNETT: Minister, line 01 says Salaries. Is that everybody's salaries, judges and the whole works, everybody?

CHAIR: Paul.

MR. NOBLE: Yes, that is correct. It includes judges.

MR. J. BENNETT: How many Provincial Court judges do we have now?

CHAIR: Paul.

MR. NOBLE: Approximately twenty.

OFFICIAL: Twenty-three.

MR. NOBLE: Twenty-three is the exact number.

MR. J. BENNETT: Is that a full complement?

MR. NOBLE: Yes, it is.

MR. J. BENNETT: Okay.

We hear reports, and it is apparent that in some areas cases get heard more quickly. In all areas they are not bogged down. In some areas they are heard very quickly in the relative number of days between, say, Grand Bank and Grand Falls, or Goose Bay and Wabush versus St. John's.

There was a report some years ago that was prepared for the Province on reducing the length of time to get to trial with a number of individuals. The question I have is has the Province considered using presiding Justices of the Peace, as they do in almost every other Province, to handle routine matters at less than a Provincial Court judge level? These people could be appointed and supported. They would handle bail hearings, traffic tickets, and maybe even wildlife offences, to lighten the load on some of the judges and make things run more smoothly. Has the Province looked at that?

MR. NOBLE: It is not an issue that has arisen in my tenure with the department. I stand to be corrected on this, but I believe there was a court decision perhaps seven, eight, ten years ago in our Province, in our jurisdiction, that called into question the use of Justices of the Peace for these functions. My understanding is that as a result of the decision, there was a decision or a policy decision taken at the time that JPs would not be used for these functions. I am speaking from memory, and as I say, I could stand to be corrected on that.

MR. J. BENNETT: It would seem that they operate at much less cost. Ontario has something like 380 of them. These are not the JPs who are the old guy in some community who stamps something for you. These are actually trained presiding JPs, and they can handle non-contentious matters.

You could go to Provincial Court and there could be thirty or forty items on the docket. Many of them are consent releases and all kinds of routine things. If the judge is up in St. Anthony with two or three people waiting for a trial, then the day is over before you get to it. Nova Scotia has fifteen or twenty and New Brunswick has a number. They are presiding JPs and properly trained and supported. You are saying we have not considered doing that in this Province?

MR. NOBLE: Not in recent memory. As I say, I think it stems from a court decision going back a number of years. I want to go back and have a careful look at that. With the advent of technology, particularly video technology, judges in the Province are available at any time of the day or night, as you can probably appreciate.

I think you are right. In many judicial centres, and most notably here in St. John's, there are very few backlogs. The court schedule runs very efficiently as a result of measures that Chief Judge Mark Pike took here over about five years ago. You can get a trial date in St. John's in a matter of weeks.

MR. J. BENNETT: What is the average length of time now for, say, a routine non-jury criminal matter from start to finish in St. John's?

MR. NOBLE: Off the top of my head I am afraid I do not know the answer to that. The Director of Public Prosecutions here this morning may be able to answer that.

CHAIR: Donovan.

MR. MOLLOY: Mr. Bennett I do not know that we have been measuring it as such. The typical period of time I would expect a minor average summary conviction matter to take would be between six and eight months.

For indictable matters, it depends upon whether or not the person decides to proceed with a preliminary inquiry. Preliminary inquiries bring with them a number of advanced steps such as focus hearings, agreeing on statements of witnesses, and issues. Sometimes that might take six, eight months or a year to be held. Then you have to be arraigned in Supreme Court

again depending upon whether it is a judge or a jury.

That might add another year. I think summary matters should be resolved in less than a year, indictable matters two to three years. We have outliers that do not fall within those time periods for any number of reasons including problems with disclosure, problems with witnesses getting ill, problems with witnesses moving away, and lawyers becoming ill either on behalf of the Crown or the defence.

Sometimes either party will object to a postponement. Sometimes both parties will realize that this postponement could not have been avoided, for example, when someone is sick. We do our best to get the matters to go through the system, paying particular attention to where defences involve violence and especially where they involve domestic violence or sexual violence or offences against children. The premium always has to be on getting those matters concluded as quickly as possible.

MR. J. BENNETT: In the Guide Book of Policies and Procedures for the Conduct of Criminal Prosecutions in the Province, Directive 33 – and I am sure Mr. Molloy you would probably be familiar with all of these. As a matter of fact, you told me where I could find the book.

MR. MOLLOY: Yes.

MR. J. BENNETT: I did. Directive 33 says: “Senior Crown Attorneys and the DPP will seek to identify those cases where early involvement of an assigned prosecutor during the course of the investigation might best serve the interests of effective post-charge proceedings.”

Can you tell me how many of those we have in the run of a year?

MR. MOLLOY: I am sorry, could you re-read that?

MR. J. BENNETT: Directive 33 says: “Senior Crown Attorneys and the DPP will seek to identify those cases where early involvement of an assigned prosecutor during the course of the investigation might best serve the interests of effective post-charge proceedings.”

My question was: how many do we have of those in a year?

MR. MOLLOY: How many of what do we have a year?

MR. J. BENNETT: How many assigned prosecutors during the course of an investigation?

MR. MOLLOY: You are asking how many prosecutors are assigned to an investigation.

MR. J. BENNETT: Yes, pursuant to Directive 33.

MR. MOLLOY: Yes.

CHAIR: I am just going to step in.

Jim, we are in Estimates and again I am not sure I am following your line. I do not see where that becomes a budgetary consideration. These are matters that you can take up with Donovan, maybe in a personal meeting or whatever, but can we stay to questions relevant to Estimates, please.

You can go meet with Mr. Molloy, I am sure, or the minister and seek these answers at some other point. Time here this morning is fairly valuable and we are on a schedule.

MR. J. BENNETT: Mr. Chair, with all due respect, time is valuable and it is an opportunity to ask questions. There is a line item that says Salaries. I am dealing with the operations of the Provincial Court and going to Directive 33, which is a government production and asking the Director of Public Prosecutions and I am getting no answer. I am being stonewalled.

MR. FRENCH: If I could respond to that.

MR. MOLLOY: I do not understand your question so I cannot give you an answer.

CHAIR: Minister French.

MR. FRENCH: If I could respond to that, we are here to deal with the Estimates of the department. I personally give all kinds of latitude, but you are referencing other materials outside some other documents and so on, Jim.

With all due respect we are here to deal with the Estimates. There are some people who stick directly to the line items. I personally am not like that. I do not mind varying a little bit, but now we are off into questioning on other documents and we are certainly not going there.

It is up to yourself. We can play the game here and give you a wide berth, but we are certainly not going answering questions that are other government documents. This is not the spot for it, so it is up to yourself. We can narrow it in or you have had a wide berth and I have no problem with that, but now we are way off.

MR. J. BENNETT: Minister, the Attorney General directed the last question that was answered to the Director of Public Prosecutions and this was related to this costing of the court. This was a follow-up question related to how much it costs to run trials.

MR. FRENCH: You know what I am saying, Jim. We can play the game here or we do not have to. Right now, we are playing the game, you have a fine wide berth, but you are not going to ask the questions based on other government documents. It is as simple as that. I can shut it down or we can continue on. It is up to yourself. Stick to the line items.

MR. J. BENNETT: If the Director of Public Prosecutions did not prepare the budget, it is no good for him to answer any questions, correct? He does not know the answers.

MR. FRENCH: Stick to the Estimates book and we are fine.

MR. J. BENNETT: Okay. How many people are included in the Salaries under 3.2.01?

MR. FRENCH: Who wants to take that, guys?

CHAIR: Debbie.

MS DUNPHY: Under the Provincial Court line item, including the judges, there are eighty-nine permanent positions. There are also a number of temporary, but they are mostly administrative, court clerk types. I do not have that number of how many, but there are eighty-nine permanent positions.

MR. J. BENNETT: You do not know how many temporary?

MS DUNPHY: No.

MR. J. BENNETT: Or where they are located?

MS DUNPHY: Not here with me, no. We can certainly provide that.

MR. J. BENNETT: Okay. I see I am at the end of my time. I will defer to Ms Rogers.

CHAIR: Gerry.

MS ROGERS: Thank you very much.

On Provincial Courts, I think I am okay there. If we could go back to General Administration under Executive and Support Services, Administrative Support, page 17.5.

This is more complicated than calling bingo, isn't it? It is page 17.5, and it is item 1.2.04, Administrative Support, Property, Furnishings and Equipment. There was an increase of \$418,000.

CHAIR: Subhead 1.2.04.

MS ROGERS: Subhead 1.2.04.

CHAIR: Property, Furnishings and Equipment on page 17.5.

MS ROGERS: Yes, thank you.

CHAIR: Paul.

MR. NOBLE: That is for a combination of items. There was an acquisition of a number of new patrol vehicles for the RNC that we were able to acquire last fiscal year. As a result of the recommendations contained in Leigh DesRoches report, there were four new vehicles acquired for the Sheriff's Office and we were able to get that out of last year's budget.

There was a replacement vehicle as well for the Newfoundland and Labrador Youth Centre in Whitbourne and some additional vehicles for Adult Corrections

MS ROGERS: Patrol vehicles for the RNC would not be under the RNC budget?

MR. NOBLE: I would have to ask the department controller to answer that.

CHAIR: Debbie.

MS DUNPHY: The capital budget for all vehicles for the department is here under this heading.

MS ROGERS: Okay.

MS DUNPHY: There is a budget specifically for RNC patrol vehicles, but we were able to buy additional vehicles than we normally would, which is why we have gone over.

MS ROGERS: I see, so money that may have come from somewhere else was redirected to that. Okay. It is almost enough for the Family Violence Intervention Court – almost enough.

Sorry, I am just making notes here. Fines and Administration, I see that we have \$50,000 more in collected fines. Was there anything specific where you were able to collect those fines? I know that in the last year there was talk about the need to step up on collecting fines.

CHAIR: Debbie.

MS DUNPHY: Not to be confused with the fines that are put forward by the courts and the collection issues that we may have, what this revenue relates to specifically is the money we receive for the processing and collection of mostly the parking tickets for third parties like Memorial University, the college, the hospital, and those sorts of things. There was an increase in the processing and collecting in those related tickets.

MS ROGERS: Oh, I see. Memorial would process and collect their own fines and then transfer them?

MS DUNPHY: What happens is that the tickets are written by MUN patrol or whatever, but all the processing is done through our Fines Administration Division. As a result of that we do keep a portion of the ticket amount. If it is a \$15 ticket, we keep – I will be honest, I do not

know the answer, it might be \$7 for a processing fee. That is what this revenue here represents.

MS ROGERS: Great, thank you very much. If we can move on to Civil Law, I would just like to ask a question. Last year the department paid \$560,000 approximately for the tobacco file? Can we have an update on that case? How much will be spent specifically for the tobacco file and who is handling that?

MR. F. COLLINS: Todd.

CHAIR: Todd.

MR. STANLEY: The expenditures for the tobacco file for this coming year or for the past year?

MS ROGERS: Well I think last year \$560,000 was spent, so what is budgeted for this year? How is this file coming along? Who is handling it?

MR. STANLEY: The expenditure for this year is expected to be approximately the same as it was, the figure you quoted, about \$500,000. The best description of the billing process would be lumpy in that it comes and goes. As the file moves through the process we do not have a regular monthly billing for that file. Instead, it comes as bits of the file go.

In terms of process, there was recently in the last week or two an application at the Supreme Court where a procedural matter was dispensed with by agreement of all parties. Now I think the matter is going to be moving forward to discoveries and more trial preparation aspects of it into the coming year.

Last year the matter was somewhat in advance because we were waiting for a decision on a procedural matter. As a result of that decision, the parties have agreed now to move on to the more procedural matters in respect to getting ready for trial in the coming year.

MS ROGERS: Do you have a number in terms of what was budgeted last year for the tobacco file and then what was actually expended for the tobacco file? Who was handling that file?

MR. STANLEY: I do not know if I have that exact –

MS ROGERS: Can you ballpark it?

MR. STANLEY: – figures in front of us in terms of the actual expenditure for tobacco. The budgeted amount was somewhere around \$500,000 I think we were expecting, but I am not sure exactly what the expenditure was.

The firms that are representing the Province in respect of that matter are locally Roebathan McKay Marshall. The American firm is a firm by the name of Humphrey, Farrington & McClain.

MS ROGERS: Is there any anticipation into how long this file will go on?

MR. STANLEY: This file – similar to other tobacco litigation files that are going on across the country with other provinces – is expected that it is going to take a number of years to grind through. Once we get to trial, have a trial and a decision, I think that there is a reasonable expectation that no matter what the decision is, it is likely to be appealed. This is a long-term project. That would be the best way to describe it.

MS ROGERS: How many years have we been into it now?

MR. STANLEY: I do not have that exact number available. It would be at least three, I think, possibly.

CHAIR: Mr. Collins.

MR. F. COLLINS: The Health Care Costs Recovery Act was proclaimed, I think, in 2011. On the day it was proclaimed a statement of claim was filed on the same day so that the case has been on since then.

MS ROGERS: Thank you. The local firm has been the same from the beginning, from 2011 on this case?

MR. STANLEY: I do not have the details of the time of retentions in front of us for that. I think we can get that for you in terms of the needs.

MS ROGERS: Okay, thank you. In the Sheriff's Office we see an increase in budget. First of all, in 2.1.02 in the Sheriff's Office under Salaries we see an increase of \$727,000 in the Estimates. What was that? I can probably guess.

CHAIR: Paul.

MR. NOBLE: Sorry, you are referring to?

MS ROGERS: For the revised for 2013-2014 we see an increase of \$727,000.

MR. NOBLE: As I recall, after certain budget decisions have been taken there was a stakeholder committee formed. There were some budget decisions reversed as a consequence. Some positions were actually reinstated to the Sheriff's Office. Of course, we did not actually have money for that, so part of that overage is associated with some of the positions that were reinstated.

As with every entity here in the Department of Justice and throughout government, you recall there were signing bonuses that were reached and that were agreed to with unionized employees. There was a certain amount of money here as well that was spent on signing bonuses. As a result of circuit courts and certain demands in some of the courts, there was another amount of money that was required to bring in temporary deputy sheriffs.

MS ROGERS: Of the temporary deputy sheriffs for the circuit courts, are they still temporary? Does that happen on a regular basis?

CHAIR: Paul.

MR. NOBLE: Now as a consequence, of course, of the Leigh DesRoches report, we are moving to enhance the complement of deputy sheriffs in each court site in the Province. What in the past may have been two officer posts will now be increased to three, and a supervisor will be one of the three as well. There will be far less reliance now on temporary deputy sheriffs.

MS ROGERS: Temporary. Yes, okay.

CHAIR: Okay. Gerry are you cluing up?
Okay, follow up.

MS ROGERS: Yes, I might as well finish this one up.

CHAIR: Okay.

MS ROGERS: The increase of \$1.5 million in the Estimates for 2014-2015 then reflects all of that? That is a little bit more. That is almost double of the increase in the revised amount for 2013-2014.

CHAIR: Paul.

MR. NOBLE: Yes, the \$727,000 is a part of that. It is a reinstatement of some of the positions and signing bonuses and so on.

MS ROGERS: Yes.

MR. NOBLE: There has to be borne in mind that in Leigh DesRoches' report he recommended an expansion of the court security program. There are a number of new positions actually that are being added to the program Province wide, for example: point-of-entry security screening at Unified Family Court, which is new; point-of-entry screening in the Corner Brook Law Courts; and point-of-entry screening, which will come next year, for the Trial Division. These are actually new positions that are being added to the program.

MS ROGERS: Okay. Thank you very much.

CHAIR: Thank you.

Jim.

MR. J. BENNETT: Yes, Minister, still on line 3.2.01, Salaries, is the revised figure of \$9,064,000 the actual?

CHAIR: Just to help us out Jim, we are gone back to which page sir?

MR. J. BENNETT: The same line where I was when I finished, page 17.12, line item 3.2.01.

CHAIR: Thank you.

We are at Provincial Court, 3.2.01, line item Salaries. You are asking if that is the actual.

MR. J. BENNETT: Yes.

CHAIR: Debbie.

MS DUNPHY: Mr. Bennett the actual we have is \$9,030,000.

MR. J. BENNETT: The amount of \$8,507,000 was budgeted. Why was there an overrun of \$500,000?

CHAIR: Debbie.

MS DUNPHY: That relates mainly to severance and leave payouts for some people who have retired, as well as the signing bonuses that were awarded to employees.

MR. J. BENNETT: This year the amount has been cut by approximately 4 per cent, back to \$8,718,000.

CHAIR: Debbie.

MS DUNPHY: The amount is increased over last year's budget mainly because of salary increases, step increments, and those sorts of things. The amount of severance paid out year to year varies. We do not necessarily reflect a budget for those payouts because it varies from year to year. Even though revised is up to \$9 million, almost \$500,000 of that is related to severance and leave.

MR. J. BENNETT: How many people does that include leaving? How many severance packages is that?

MS DUNPHY: For the Provincial Court that was five.

MR. J. BENNETT: Five people. Do they make up for the entire \$500,000 overrun?

MS DUNPHY: It is \$447,000 of it.

MR. J. BENNETT: It was for five people?

MS DUNPHY: Yes.

MR. J. BENNETT: Does that mean it is \$80,000 on average or is that some higher and some lower?

MS DUNPHY: Severance and leave totally depend on the individual, their number of years of service, and how much leave they have left on the books at the time.

MR. J. BENNETT: How much was the highest amount for one person?

MS DUNPHY: Could you repeat that?

CHAIR: How much is the highest amount for one person?

MS DUNPHY: With combined leave and severance, the highest amount we have is \$314,500.

MR. J. BENNETT: One person got \$314,500 in severance?

MS DUNPHY: Severance and leave.

MR. J. BENNETT: How much was severance and how much was leave?

MS DUNPHY: Severance was \$60,000 and leave was about \$255,000. That was for a retiring Provincial Court judge.

MR. J. BENNETT: The next page 17.13 –

MR. FRENCH: Do you have the book? If you do not mind Jim, can you go by the subheadings, the number?

CHAIR: Court Facilities 3.3.01, Minister.

MR. J. BENNETT: Court Facilities.

MR. FRENCH: Okay, that would be good.

Thank you.

CHAIR: Okay.

MR. J. BENNETT: Last year \$450,000 was budgeted for Purchased Services but nothing was spent. What was budgeted for where nothing was spent?

MR. FRENCH: Paul, do you want to take that?

CHAIR: Paul.

MR. NOBLE: This is an amount actually that we are holding in reserve for TW in relation to yet to be resolved issues regarding change orders for the construction of the Corner Brook courthouse.

MR. J. BENNETT: Okay. Do we know how much it will be?

MR. NOBLE: We do not, no. Negotiations are in progress with the contractor.

MR. J. BENNETT: Is this for the roof?

MR. NOBLE: No, I do not believe it is. No.

MR. J. BENNETT: The roof is something separate?

MR. NOBLE: That is correct.

MR. J. BENNETT: The slate roof that keeps falling off.

MR. NOBLE: The roof is not included in this amount.

MR. J. BENNETT: Okay. What is the \$450,000 for?

MR. NOBLE: When the courthouse was constructed there were change orders that were requested and presumably filled by the contractor. As I understand it there is a dispute between TW, Transportation and Works, and the contractor over those change orders.

I do not know if it yet ended up in litigation. It may well be headed in that direction.

MR. J. BENNETT: Okay.

MR. NOBLE: We are holding that amount in reserve for TW.

MR. J. BENNETT: Okay. Is there a figure here somewhere for the cost of the roof?

MR. NOBLE: We do not have that. I believe Transportation and Works might actually have that figure.

MR. J. BENNETT: Okay. In addition to the roof, is there anything for the settling of the main floor? The main floor is cracked running right down through the middle. Is that part of this contingency?

MR. NOBLE: I was not aware of that actually, so I do not have an answer. I do not think it is in relation to this amount.

MR. J. BENNETT: The marble floor that is running straight down one side is a little bit higher than the other one at the new Corner Brook courthouse.

MR. NOBLE: Yes, actually I was not aware of that. I think that is probably something I will have to ask Transportation and Works. I do not think it is included in the amount that we have held here.

MR. J. BENNETT: Okay. Actually, I wrote to the previous Minister of Justice and he referred me to Transportation and Works, so I guess I will chase the letter

Is there anything budgeted for the Stephenville courthouse? Would that come under Justice or would it come under somebody else?

MR. NOBLE: Yes, Transportation and Works as well. There is a block of planning money, I think, they have in their budget.

MR. J. BENNETT: The new proposed Penitentiary that was announced on March 7 would also be Transportation and Works?

MR. NOBLE: Actually, I believe we do have that as a line item, 4.2.03.

CHAIR: Can you just say that again, Paul, so we all can be on the same page?

MR. NOBLE: I am sorry. It is under subheading 4.2.03.

CHAIR: Subhead 4.2.03.

MR. NOBLE: Yes. Page 17.17.

CHAIR: Page 17.17, 4.2.03.

MR. J. BENNETT: Is that the Professional Services?

MR. NOBLE: That is correct.

MR. J. BENNETT: Last year we budgeted \$500,000 and used \$125,000.

MR. NOBLE: Yes.

MR. J. BENNETT: What was the \$500,000 budgeted for?

MR. NOBLE: This was for the retention of consultants to start functional programming, and planning for a new correctional facility.

MR. J. BENNETT: When you say functional program, is that for inmates?

MR. NOBLE: I am sorry?

MR. J. BENNETT: When you say functional programming, is that for inmates?

MR. NOBLE: No, I am sorry. It is for the planning of the design and construction.

MR. J. BENNETT: The design.

MR. NOBLE: Yes.

MR. J. BENNETT: This year Purchased Services is \$1 million. Is that set aside for the proposed new Penitentiary?

MR. NOBLE: That is dedicated exclusively to the new correctional facility, yes.

MR. J. BENNETT: Okay.

The \$500,000 that was budgeted, \$125,000 was used. What became of the \$375,000? Did it just remain unspent and was reassigned, or what happened to it?

MR. NOBLE: I am sorry; I will ask the Departmental Controller to pick that up.

CHAIR: Debbie.

MS DUNPHY: In this instance, I cannot say specifically, but it is possible some of that was re-profiled to cover some of the vehicle overrun we had for the purchase of additional vehicles. Some of it is likely that it lapsed. I cannot tell you exactly.

MR. J. BENNETT: It is not simply because of the timing. It is not timing. It is based on the fiscal period that it would remain unused and it is going to continue to be used. It just did not get used at all.

MS DUNPHY: Right. Yes, if it is not spent by the end of March then it lapses.

MR. J. BENNETT: What the \$500,000 was supposed to do, did all of it get done for the \$125,000 or was it deemed to be no longer required?

MS DUNPHY: That work is still ongoing. The RFP was awarded late in February, so that work is still ongoing. Either through Transportation and Works or through a transfer of the \$1 million that we have budgeted here, that work will continue.

MR. J. BENNETT: The unused funds, presumably, I suppose went back, but the work may have gone now from Professional Services to Purchased Services into the \$1 million?

MS DUNPHY: It is a bit of a shell game. If it is still the design work and the planning, we will have to actually transfer some of that Purchased Services money up to Professional Services to cover those costs.

MR. J. BENNETT: Okay. What is the difference between Purchased Services and Professional Services?

MS DUNPHY: Generally, Professional Services are services that do not necessarily fall under the Public Tender Act. Usually it is when we are trying to get an opinion on something. Architectural design would be that, because it is a suggestion, and legal fees fall in that category. Whereas Purchased Services is more of an actual tangible service that we would be acquiring generally through the Public Tender Act.

MR. J. BENNETT: It is like a soft cost versus a hard cost. That is what I would call it. One you can see, the other one you cannot see, but you still need it.

MS DUNPHY: It is an opinion, yes.

CHAIR: Gerry.

MS ROGERS: Could we take a break for a few minutes?

CHAIR: Ms Rogers is asking for a break for a few minutes. Can we reconvene at 11:00 o'clock? Would that be satisfactory, Gerry?

MS ROGERS: Seven minutes? Sure.

CHAIR: Okay. We will take a break for seven minutes and we will reconvene at 11:00 o'clock.

Thank you, ladies and gentlemen.

Recess

CHAIR: Gerry, I am going to let you start.

MS ROGERS: Thank you very much.

I want to go back to the Law Courts, page 17.12.

CHAIR: Page 17.12.

MS ROGERS: Yes, I am getting to it, the Law Courts, Provincial Court.

CHAIR: Provincial Court, 3.2.01, Gerry?

MS ROGERS: Yes.

CHAIR: Yes, okay.

MS ROGERS: Thank you very much.

What is the budget for operating the Mental Health Court? How much has been spent operating the Mental Health Court?

CHAIR: Paul.

MR. NOBLE: I do not think that number is actually broken down, so I do not know off the top of my head. I do not know if it is possible to

get that. It simply forms part of the court's regular operations.

MS ROGERS: Sorry, I am going to have to put this in. Sorry, Paul I did not hear you. Could you repeat that?

MR. NOBLE: The number is not broken down within the line items here. Obviously, it forms part of the court's operations so it is a part of their general operating expenses.

MS ROGERS: Is there any possibility of getting that number? For instance, what is sort of the global budget of the Mental Health Court?

MR. NOBLE: I am not sure but we will certainly look into it for you.

MS ROGERS: Okay. How many cases have gone through the Mental Health Court in the last year?

MR. NOBLE: I do not have the figure in front of me. It may be readily available on the Provincial Court Web site. They maintain very good data and statistics which they do publish on their Web site and in their annual report.

MS ROGERS: Okay. Is there anything in the budget at all for the consideration of a drug court?

CHAIR: Paul.

MR. NOBLE: Nothing in this budget.

MS ROGERS: Are there any deliberations, discussions, or intentions to develop or implement a drug court?

CHAIR: Minister French, I think.

MR. FRENCH: No, not right now. Like I said, I have only been there – but I have not had any deliberations or discussions about a drug court, no.

MS ROGERS: Okay. There is no money budgeted for consultations, professional services, or anything to explore the possibility of a drug court in this budget?

MR. FRENCH: No.

MS ROGERS: Okay. If the numbers that go –

MR. FRENCH: Excuse me. I get in trouble when I start answering questions. Can I refer that to Paul? I gave you misinformation then so I want to correct that.

MS ROGERS: Okay, thank you.

CHAIR: Paul.

MR. NOBLE: Just to clarify, we are actually doing a piece of work around that. We are looking at it. We are doing some research and analysis.

MS ROGERS: Are you purchasing any professional services, consultations, or anything for that piece of work?

MR. NOBLE: Not this fiscal year, no.

MS ROGERS: Okay. All the work is being done in-house?

MR. NOBLE: That is correct.

CHAIR: Minister.

MR. FRENCH: I think it is just research and analysis yet. I do not think we are at the stage where we do any public consultation piece.

MS ROGERS: Okay, thank you. If the numbers are not on the Provincial Court Web site in terms of the number of cases that go through the mental health court, can you provide those to me?

MR. FRENCH: Oh yes, we will do that.

MS ROGERS: Okay, thank you very much. I would like the budget for the Mental Health Court, a break down for last year and the estimate for this year.

Thank you.

CHAIR: Mr. Collins.

MR. F. COLLINS: If I could respond to add to that as well, you must remember that the Mental Health Court is a team approach with a number of agencies and stakeholders involved.

MS ROGERS: Yes.

MR. F. COLLINS: It is all part of the work of ongoing different groups. It would be very difficult to get an exact budget figure for you, but we will try to.

MS ROGERS: I would imagine similar to the Family Violence Intervention Court, which was also a team approach, however, a budget was presented on that. The budget was approximately \$520,000.

I assume, because the Mental Health Court is a similar specialized court with a team approach, that there must be some kind of budget figure for that as well, and also with the number of cases that have gone through in the past. It would be good to get the budget for that court for the estimated budget for this year, the budget last year, and the year before. If we could get those, that would be good. Thank you.

Is there any work being done at all to look at reinstating the Family Violence Intervention Court?

CHAIR: Minister French.

MR. FRENCH: No, there is not. No, that is not a plan. That is not going to happen.

MS ROGERS: Okay. Do you have any figures on the number of domestic violence cases going through the court system?

CHAIR: Paul.

MR. NOBLE: Not as part of this document. I am not sure how difficult that would be to get. Perhaps if I could ask the Director of Public Prosecutions whether that is a number that can be easily obtainable?

CHAIR: Donovan.

MR. MOLLOY: It is not a number to my knowledge that is easily obtainable. We record for our own information purposes, assaults, on our computer scheduling system as assaults.

The police do score files. By score, that is their terminology for their characterization of the nature of a file. They do score files as domestic

violence or not, but even I think between different police forces –

MS ROGERS: Sorry, go ahead.

MR. MOLLOY: Between different police forces they may even score them differently. I cannot answer for the court.

The court, at present, is best positioned to generate data about statistics because they have a newer information system, computer system, but I do not know if when they record new matters unto their – assault is section 266, so any system might record it as simply a 266. I do not know if they go the further step and put any other identifiers in there, such as 266 Domestic. You would have to ask them.

MS ROGERS: My understanding is that prosecutors identify domestic violence court. There are cases that are going through the court. Is that not true?

MR. MOLLOY: Prosecutors –

MS ROGERS: Because of the zero tolerance and the work that has been done in the whole area of domestic violence.

MR. MOLLOY: Zero tolerance is a police term, not a term at the Crown attorney's office.

MS ROGERS: Okay.

MR. MOLLOY: That refers to the practice of charging, always, regardless of any parties wishes. We treat them differently. We do know they are domestic assaults as soon as we look at them. On the file it is noted as domestic assault, but on our computer system it just does not have the capacity to generate any statistics as to how many of our assault files are domestic as opposed to non-domestic.

MS ROGERS: Has the department been keeping track of the number of domestic violence cases going through the court system?

MR. MOLLOY: I can only speak for public prosecutions, and our present system does not have the capacity to track types of offences, whether it is how many robberies we have prosecuted in 2012 or –

CHAIR: Paul.

MR. NOBLE: That information, I think, we can probably obtain from both police forces. They do obviously apprise us from time to time about their data and statistics, calls for services and whatnot. We can go back to both provincial police forces and ask them to produce a specific number. We can also ask the courts as well, as Donovan points out. I am not sure how the courts track these cases but we can find out from them as well.

MS ROGERS: Okay.

Can we have that from the time Family Violence Intervention Court was first started until this past year?

MR. NOBLE: Yes, perhaps if you could provide us with the exact date you are looking for and see if we can tailor the answer to (inaudible).

MS ROGERS: Okay. Thank you very much.

April, 2013 is when the court first came.

OFFICIAL: Oh, when it first came (inaudible).

MS ROGERS: No, it was five years. In 2008?

Also, I would be interested in the amount – and this is a budgetary thing – of money. How do you determine the cost to the system of a trial, any trial? Is there any way of breaking that out? Does the department do that?

CHAIR: Paul.

MR. NOBLE: I think it is very difficult to quantify that. I am not saying it is impossible. I am not aware that we have any data modeling that allows us with precision to quantify exactly how much.

MS ROGERS: You have no way of knowing the cost to the judicial system of domestic violence going through the court system? How much it cost the court system in domestic violence cases?

MR. NOBLE: Again, it depends on what you mean by your definition of cost as well.

MS ROGERS: Right.

MR. NOBLE: I do not mean to be coy about that.

MS ROGERS: Yes, I understand.

MR. NOBLE: There is a full range of costs, as you can appreciate.

MS ROGERS: I understand that too, yes. I guess it would be court time, prosecution time, legal aid time, and the cost of hearings and trials.

So no one has been tracking whether or not the Family Violence Intervention Court was saving money for the system or costing the system more, what the financial impact has been on the system since the cancellation of the court, or what the impact is on the whole system since the court was operating. Is there any empirical, financial information at all?

CHAIR: Minister French.

MR. FRENCH: No, there is no secret here. The court was cancelled simply as a budgetary decision. We believe we provide a range of services that could fill the gap of the violence prevention court, and that is where it is.

It was done for budgetary reasons, like I have heard said in this House on several occasions, and that is the reality. We believe we have a host of services available, whether it is Victims Services, plus there are other initiatives, the Violence Prevention Initiative. The list goes on and on and on of things we have done to try to curb family violence.

I know I can speak for everybody who sits in this House; family violence is not something that any of us condone and would do what we can to prevent and mitigate as best we can. No, that court is not there anymore.

MS ROGERS: Okay.

The information that I would like to receive, if it was cancelled for budgetary reasons, then the logic of that would follow that it was cancelled to save money. I would like to know, how much money in the past year since it has been cancelled, and how much money in this coming

year will have been saved by the cancellation of the court? What has been the impact on the financial reality of the court system by taking out the Family Violence Intervention Court, \$520,000, how much money has that saved the court? How much have you been able to cut back in the courts budget because of the cancellation of the Family Violence Intervention Court? Is there anybody who can answer that question?

MR. FRENCH: The cases that went through that court are now being absorbed by the courts.

MS ROGERS: Yes, but we know there are more trials and –

MR. FRENCH: The \$526,000 is what is being saved.

MS ROGERS: No, I do not think that is correct. We know that family violence cases that went through the Family Violence Intervention Court were shorter, there was less court time, the offenders pled guilty.

In fact, one would think that this decision was based on empirical evidence, that, in fact, it was saving the court money. I would like to know how much money it is saving the court. The \$520,000 that was cancelled on the Family Violence Intervention Court, how much money has that saved our court system and how much money will it continue to save our court system?

I think the only way to do that is to look at how domestic violence cases are handled without the Family Violence Intervention Court – this is very budgetary – and how much it cost to handle a case that is not going through the Family Violence Intervention Court. Is it possible to get that kind of information?

MR. FRENCH: The number you are looking for; we certainly do not have here this morning.

MS ROGERS: I understand that.

MR. FRENCH: I will discuss with staff to see if there is a way to –

MS ROGERS: Yes.

CHAIR: Okay. I was looking at you, Gerry, because your time is up.

MS ROGERS: Okay. Can I have just one more question on that?

CHAIR: Sure.

MS ROGERS: I may have to – actually, just a few more.

The \$520,000 that was saved by the cancellation of the court, it was said a number of times that it was redirected around issues of domestic violence. Can you identify, please, where that money was redirected? It was clearly stated that it was –

MR. FRENCH: The whole Violence Prevention Initiative is a \$10 million initiative across ten different departments and government agencies. I think there are thirty community groups outside that are involved in this. So this absorbs into that \$10 million pot. I think the most recent program that was announced was – what is the name of it?

OFFICIAL: Intimate partner violence strategy.

MR. FRENCH: Intimate partner violence, which is a new program, and I think the budget for that is \$520,000.

MS ROGERS: This is which program?

MR. FRENCH: The Violence Prevention Initiative –

OFFICIAL: Intimate partner violence strategy.

MR. FRENCH: Intimate partner violence strategy. There you go; another acronym we are going to use one of these days.

MS ROGERS: What is that?

MR. FRENCH: It is four staff that are hired, two in each police force; one is an officer and one is an investigative analyst in each police force to concentrate specifically on family violence and provide many of the services that are required.

MS ROGERS: What kinds of services are they providing?

MR. FRENCH: I have a list of them somewhere that I read yesterday, but maybe somebody here – Paul –

MS ROGERS: Is this new money?

MR. FRENCH: Hang on now! One question at a time if you do not mind, just give us one at a time. We do not mind answering them, just give us –

MS ROGERS: I am so willing to hear everything you have to say.

MR. FRENCH: Absolutely, I know you will be.

CHAIR: Paul.

MR. NOBLE: It is a new initiative. The intention is to develop a provincial law enforcement strategy on the prevention of violence – intimate partner violence as the name suggests. Two police officers, one for each provincial police force have been allocated plus a civilian analyst for each force, so four personnel in total. I think it is budgeted just over \$530,000, somewhere in that neighbourhood.

I was just going to point out that technically the monies actually will form part of the Violence Prevention Initiative Part II. The funding is actually technically held by the Women's Policy Office.

MS ROGERS: Okay.

CHAIR: Gerry, I am going to go back to Mr. Bennett because we are getting down so I want to make sure I am being fair.

Mr. Bennett.

MR. J. BENNETT: Under Corrections and Community Services, 4.2.01.

CHAIR: Subhead 4.2.01.

MR. J. BENNETT: It is page 17.16.

CHAIR: Page 17.16?

MR. J. BENNETT: Yes.

CHAIR: Corrections and Community Services, 4.2.01, page 17.16.

Mr. Bennett.

MR. J. BENNETT: Minister, under Salaries last year the amount of \$27,202,400 was budgeted. The revised says \$27,116,100. Is the revised the final revised?

CHAIR: Debbie.

MS DUNPHY: The expenditures recognized for the Adult Corrections heading are \$26.9 million, so it is fairly close.

MR. J. BENNETT: Minister, you have cut the Salaries in the Adult Corrections back by more than \$1 million. Can you explain that?

CHAIR: Debbie.

MS DUNPHY: During last year a considerable amount, over \$1.2 million, was paid out for severance and leave for retiring employees of that division. That was a bit of an anomaly; it was a considerable number.

We are not expecting that same level of retirements this year. The budget was actually rightsized. There were no cuts to Adult Corrections, to staff, or to programs. That was more of a rightsizing to reflect the actual staffing complement on hand.

MR. J. BENNETT: Okay.

In the next line, it seems a bit unusual, Employee Benefits, \$41,300 was budgeted. That seems like a low number to start with, but it came in at \$3,300.

MS DUNPHY: As you are probably aware, most departments have funding for learning and development initiatives. Just over the years many of these initiatives were limited somewhat. Anything that is mandatory through legislation – the learning and development fund or the Organizational Development Initiative Fund –

they will cover the cost for those courses that are our correctional officers will have to do.

In this instance, even though we had funding budgeted, the majority of the costs for the training provided to our correctional officers and other staff under corrections was covered through learning and development programs, which is budgeted under a different department.

MR. J. BENNETT: Okay, so it is not employee benefits then, it really is training or education?

MS DUNPHY: It was some training, yes.

MR. J. BENNETT: Of the \$41,300 that was budgeted, did the employees actually receive the training or equivalent training?

MS DUNPHY: Oh yes, certainly.

MR. J. BENNETT: Okay. Yet, this year it has gone back up to last year's budgeted number.

MS DUNPHY: Well again, we kind of start with a base budget. We have to have the money there if learning and development initiatives – or if the learning and development fund cannot accommodate all of our mandatory training requirements, the department will step in. Our correctional officers have to be certified in certain –

MR. J. BENNETT: What type of training is it?

MS DUNPHY: I am going to ask Jackie Lake-Kavanagh to speak on that.

CHAIR: Jackie.

MS LAKE-KAVANAGH: Some of the training could be in things related to use of force training, for example. There is occupational health and safety training that they would do. It would be absolute requirements for their job to be able to conduct the duties that they do, where it is legislated.

MR. J. BENNETT: That would include training for the new OC spray that they are now allowed to carry at the pen and that sort of thing?

MS LAKE-KAVANAGH: Yes.

MR. J. BENNETT: They would not have had that training before, or would they have?

MS LAKE-KAVANAGH: They would have had training before because they would have had access to it in limited situations. Whereas from this year on, it will be more available to the correctional officers so there will probably have to be renewed training.

The other thing to remember is that a lot of this training is time limited and they do have to have renewal certifications. Because I do the training this year does not mean I will not need it next year or the year after. There are certification periods. The same training sometimes has to be delivered in subsequent years in order to maintain certification.

MR. J. BENNETT: Okay.

Amount to be Voted beneath that, line 01, there is a figure, federal revenue of \$5,493,900. What is that amount for?

CHAIR: Line 4.2.01, Amount to be Voted, 01, the federal revenue, Mr. Bennett, is your question and what is that voted for?

MR. J. BENNETT: Yes, what is the federal revenue, the \$5,493,000?

CHAIR: Paul.

MR. NOBLE: Principally the revenue is derived from two sources: one is a contractual arrangement we have with the federal government to house federal inmates in our provincial facilities; and as well, we receive funding from the federal government for enhancements to our victims of crime program.

MR. J. BENNETT: Okay. That is a flat number each year because it is the same number throughout?

MR. NOBLE: No, it can vary. We routinely renegotiate the per diem rate with the federal government to house federal inmates in provincial facilities.

MR. J. BENNETT: Why would the victims of crime amount go into Adult Corrections?

MR. NOBLE: The Corrections and Community Services Division are comprised of Adult Custody which are the correctional facilities, Probation Services, Victims Services, and the Newfoundland and Labrador Youth Centre at Whitbourne.

MR. J. BENNETT: How much is for victims and how much is for federal inmates?

MR. NOBLE: Off the top of my head, I am not sure. I think the departmental controller may know.

CHAIR: Debbie.

MS DUNPHY: Under the revenue about \$500,000 is the current contract we have with the federal government for the Victims Services enhancements.

MR. J. BENNETT: Approximately 10 per cent is for victims and about 90 per cent for federal inmates. How many federal inmates do we have?

CHAIR: Paul.

MR. NOBLE: The number varies of course on any given day, but it is typically between forty and fifty.

MR. J. BENNETT: What is our total prison population?

MR. NOBLE: Again, the number would vary, but it can be between 200 and 300 on a given day.

MR. J. BENNETT: That is in all of the institutions?

MR. NOBLE: That is all the facilities, correct.

MR. J. BENNETT: Does that include the lockups?

MR. NOBLE: Yes, it would.

MR. J. BENNETT: Like HMP in Corner Brook and wherever someone may be held short term – the Labrador Coast and wherever.

MR. NOBLE: That is correct.

MR. J. BENNETT: How much do we get per inmate?

MR. NOBLE: I do not recall the exact per diem off the top of my head.

CHAIR: Jackie.

MS LAKE-KAVANAGH: It is \$312 per day.

MR. J. BENNETT: Three hundred and twelve dollars per day per federal inmate?

MS LAKE-KAVANAGH: Yes.

MR. J. BENNETT: So, annually that is around \$100,000 or so, a little more than \$100,000, \$115,000 or \$120,000. I read somewhere that an average federal inmate is around \$117,000 for the feds.

CHAIR: Jackie.

MS LAKE-KAVANAGH: I think the federal costs are approximately \$1,000 per day.

MR. J. BENNETT: How much?

MS LAKE-KAVANAGH: Approximately \$1,000 – between \$900 and \$1,000 I think I recall seeing recently.

MR. J. BENNETT: Okay.

How much does it cost us for a provincial inmate?

CHAIR: Paul, do you want that one?

MR. NOBLE: I think it is precisely the amount that Jackie has mentioned. We calculate our actual costs and that is the cost that is passed on to the federal government.

MR. J. BENNETT: I understand that federal inmates are entitled to certain programs and the provincial inmates are not so therefore the federal figure is typically grossed up for that amount –

MR. NOBLE: That is correct.

MR. J. BENNETT: – so that federal inmates, wherever they are, get the same consideration.

MR. NOBLE: One of the benefits of the agreement – and you are right – is that federal programming is embedded in that cost. One of the benefits of the agreement is that our correctional staff is trained to deliver federal programming. We can also provide that programming to provincial inmates.

MR. J. BENNETT: Are we making money off federal inmates or losing money?

MR. NOBLE: We are certainly not losing money. We are recovering at least our costs and perhaps then more.

MR. J. BENNETT: Will this be reflected in the cost of our prison?

MR. NOBLE: The new correctional facility?

MR. J. BENNETT: Yes.

MR. NOBLE: I think that is a discussion we have yet to have with the Correctional Service of Canada. We do see there is an opportunity to take it in that direction.

MR. J. BENNETT: The next line which says Revenue – Provincial, how can we have provincial revenue? Revenue is a good thing. I just do not know where you can make money.

CHAIR: Debbie.

MS DUNPHY: That is the victim fine surcharge that is added to the Criminal Code and other federal offences, as well as on provincial statute offences. That money comes back directly to the Province to help fund the Victims Services program.

MR. J. BENNETT: Okay, thank you. You are up.

CHAIR: Gerry.

MS ROGERS: Yes, back to the intimate partner violence strategy, is that being funded out of Justice? Is that budget sitting in Justice?

CHAIR: Paul.

MR. NOBLE: The budget actually is with the Women's Policy Office.

MS ROGERS: Okay.

Minister, you were saying that this is a great program and it will provide all kinds of services. Can you elaborate on the services? I imagine it impacts as well the whole justice system.

CHAIR: Paul.

MR. NOBLE: The concept behind the intimate partner violence strategy is being designed to develop a Province-wide law enforcement strategy for the early identification of and intervention in potential domestic violence situations. It is really an initiative that was largely started by the RNC under the leadership of Constable Suzanne FitzGerald. She did a considerable amount of research across the country and indeed around the world.

There are models that she has adapted from elsewhere. Through sophisticated data modeling – the key here is to assemble data and analyze it properly from which indicators may be developed in certain cases where the potential for domestic violence may be significantly high. It allows the police then to target those cases and deal with some of those situations hopefully before the violence actually occurs.

We are taking the work that the RNC are doing and we are expanding it to both police forces. We want both police forces to work collaboratively in developing a Province-wide model.

MS ROGERS: Okay. My understanding then is that these are for high-risk cases, for high-risk violence as well.

MR. NOBLE: It certainly would be as well. I hesitate to characterize it as high risk or not because I am not sure I know enough to say whether it is strictly high risk.

MS ROGERS: Yes.

MR. NOBLE: Yes, the purpose here is to take data, examine cases, and develop a model where indicators then can come out of that.

MS ROGERS: This is preventing women and children from being murdered, I believe.

MR. NOBLE: It is preventing violence in these domestic situations.

MS ROGERS: Yes. I believe the Family Violence Intervention Court, as a matter of fact, was dealing with lower risk cases, not the higher risk cases like this. I think that this is an interesting project. I would like to go back; do we know the number of incarcerations in the Province related to domestic violence and the cost of that to the Province?

MR. NOBLE: I do not have that information readily available.

MS ROGERS: Is that something we could get?

MR. NOBLE: We will certainly endeavour to have a look to see if it is readily attainable.

MS ROGERS: Yes, okay.

MR. NOBLE: We would have to go to the Adult Corrections, Adult Custody Division. I am not sure how they track the inmates, the sentences, and so on. We will look.

MS ROGERS: Okay. At this point the Department of Justice is not tracking the economic impacts on the court system of domestic violence cases, nor the economic impact on our custody due to domestic violence cases as well. Is that something that the department can do?

MR. NOBLE: I am not sure the extent to which sophisticated data analysis would be required to capture that. I think it might be something we would have to work with the Newfoundland Statistics Agency on to make sure that we – because when you are talking about economics there are so many intangibles, as you know, or costs that are not just strictly speaking dollars and cents.

MS ROGERS: The other question I have: Has there been any analysis of the length of time in domestic violence cases from first appearance to disposition, the length of time going through the Family Violence Intervention Court system, and then now domestic violence cases going through the regular court system?

MR. NOBLE: I might ask the Director of Public Prosecutions if he has any sense of the time frames.

CHAIR: Donovan.

MR. MOLLOY: I do not believe it is being actively monitored. You would need us to take a significant time sample over which to measure it because of course some cases are resolved at first appearance, some at the second appearance, and some twelve or sixteen months out.

Likewise cases at the Family Violence Intervention Court also tended to – a case is not resolved until the person is actually sentenced. Those cases went on and on for months as well because people had to complete the programming and keep reporting back.

MS ROGERS: That is right.

MR. MOLLOY: I guess the answer to your question about measuring it is no, I do not believe it is being measured, but in terms of length of time I do not know if you would see a considerable difference simply because of the way that the Family Violence Court was designed to take place over an extended period of time.

MS ROGERS: Yes.

CHAIR: Minister French.

MR. FRENCH: I would like to bring it back to the Estimates again, if we could. I know we have stepped off and we have let it go for some time. It is no big issue. You can ask me questions about it at any time but if we could bring it back to the Estimates, please, if you would not mind.

MS ROGERS: These were all questions looking at the economic impact on the court, and whether or not there has been any budgeting to take into account the changes in the handling of domestic violence cases going through the court.

I would like to go back to page 17.7.

MR. FRENCH: What subhead?

CHAIR: Page 17.7.

MS ROGERS: Page 17.7. I am giving you a chance to get to the page.

MR. FRENCH: I do not have the page on my book unfortunately.

MS ROGERS: Oh, you do not have your page? The page makes it easier. It really, really does.

MR. FRENCH: It do so. I could not agree with you more.

MS ROGERS: Under Civil Law and Enforcement, subheading 2.1.03, Support Enforcement –

CHAIR: Subhead 2.1.03?

MS ROGERS: Yes.

Under 01, Salaries, we see an increase of \$135,500 from last year's budget to this year's budget. Is that a new position?

MR. FRENCH: Do you want to go ahead, Debbie?

CHAIR: Debbie.

MS DUNPHY: There were actually two new positions created for the Support Enforcement Division in this year's budget: a Support Enforcement Officer and a Clerk IV. Also, some of that increase relates to the negotiated salary increases.

MS ROGERS: How are things going with enforcement?

MS DUNPHY: In terms of collections?

MS ROGERS: Yes.

MS DUNPHY: Very well. Our collections were still up this past fiscal year. We are upwards about \$37 million annually.

MS ROGERS: An increase?

MS DUNPHY: The increase over last year was about \$2 million. Last year it was about \$35 million; this year we are up to about \$37 million.

MS ROGERS: Okay.

Under Purchased Services, there was an increase there of \$33,000 in the revised budget

MS DUNPHY: That is a bit of an oddity. The money collected and distributed by the Support Enforcement group is held in trust; it is not the Province's money. Over the past number of years we have noticed an increase in bank fees associated with that account. The Province has been paying the bank fees rather than taking the money from those who it was collected from to distribute to the families.

We have actually had some discussions with the Controller General's Office and their banking division as well to see if there is any way we can aim at reducing that. We are certainly investigating it, but it is kind of beyond our control. We have it noted to have a look at it to see if we can budget more closely to what the actual costs are.

MS ROGERS: It was revised to – you spent \$60,000, yes?

MS DUNPHY: Yes.

MS ROGERS: Then for this year it is down to \$24,000 again?

MS DUNPHY: Right. Like I said it is an area we have on our radar now to look at more closely to try to find the funds to address the banking fees related to that account. There are some other costs like document storage and retrieval of files that they are working on. Shredding is another significant cost over there as well as credit searches and document service. The main reason for the overrun is the banking fees.

MS ROGERS: Okay, thank you.

Subhead 2.1.04, Family Justice Services, in the Estimates for 2013-2014 there was \$50,000 not spent on Purchased Services.

CHAIR: Todd, it is 2.1.04, Purchased Services. The difference was \$50,000 from \$340,000 to \$290,000.

MR. J. BENNETT: Actually, you reset the clock on the (inaudible) –

CHAIR: No, she is just getting ready for you, Jim. We are going to answer this question and then we are going to you.

MS ROGERS: Okay.

MR. J. BENNETT: Oh, all right. Okay.

CHAIR: Debbie.

MS DUNPHY: Under that line object, Ms Rogers, most of that cost there is for rent as well as some printing expenses and insurance costs or whatever. Some of the reason that is reduced, just with the travel – I will not say restrictions now, but we have been really watching our travel budget and trying to keep that down. It also limits sometimes the amount of training courses that some of the staff may have availed of in other areas.

We have had some savings there. In the new year we have actually reduced the budget with the whole managed print strategy that government is endeavouring in order to reduce printing costs overall. It is an area where we have had some savings and maybe we will continue to and if so, we can re-profile that money to where it can be used for something more substantial.

MS ROGERS: There is just one more question in this section.

CHAIR: Okay.

MS ROGERS: The Revenue – Federal, we see that there was \$169,000 more. What is the revenue there, the federal revenue? Where does that come from?

MS DUNPHY: We have a federal-provincial agreement with Family Justice Services and the federal government called the supporting families initiative. We receive approximately \$361,000 annually for that. This year, we actually received our funding – we had a couple of old outstanding claims, so we actually got two years' worth of revenue in one year. Now, going forward, the \$361,000 is the only claim now outstanding.

MS ROGERS: Okay, so the revenue is from getting claims from other provinces?

MS DUNPHY: No, the federal government. Sorry, I said claims. It is the form we have to fill out to submit to the federal government to receive our money.

MS ROGERS: It is funding for what?

CHAIR: Gerry, I have to cut you off because I am not being fair to Mr. Bennett.

MS ROGERS: Okay, fine.

CHAIR: Mr. Bennett.

MR. J. BENNETT: Page 17.14, under Police Protection, 4.1.01.

CHAIR: Page 17.14, Police Protection, 4.1.01, Mr. Bennett?

MR. J. BENNETT: Yes.

Last year, the budget was \$41,837,800 and the revised is \$49,482,000. Is the revised now correct?

CHAIR: Debbie.

MS DUNPHY: The revised for this year is \$49.6 million, so yes, it is a little more than we projected at the time. The main reason for that considerable overrun, as part of the RNC collective officer's agreement there was an agreement for the discontinuation of severance accumulation. The officers have the opportunity for their accumulated severance to date to be paid that out directly.

Most of that overrun or the majority of that overrun relates to that liquidation of their severance.

MR. J. BENNETT: How much of it was for severance?

MS DUNPHY: Almost \$6 million.

MR. J. BENNETT: That would be a non-recurring cost?

MS DUNPHY: Correct.

MR. J. BENNETT: Is that accumulating now all over again?

MS DUNPHY: No.

MR. J. BENNETT: So, that is finished?

MS DUNPHY: Correct.

MR. J. BENNETT: Okay.

That would make it approximately \$44 million, other than severance, is that correct?

MS DUNPHY: One hundred and forty-four million dollars?

MR. J. BENNETT: Other than severance.

MS DUNPHY: There was also leave for several members who retired as well and any leave they had on the books. There was about another \$400,000 for that, and then also of course the signing bonus for the NAPE employees and management, non-union.

MR. J. BENNETT: Properly speaking, but for those items, would the \$41.8 million have been on target? Would that have been met this year?

MS DUNPHY: Yes, generally.

MR. J. BENNETT: In fact the budget increase now under the current Estimates would be around \$3 million?

MS DUNPHY: Correct, which is mainly salary – the salary increase is negotiated in their collective agreement.

MR. J. BENNETT: I think Justice is responsible for inland fishery enforcement, is that correct?

CHAIR: Paul.

MR. NOBLE: Yes, it is Fish and Wildlife Enforcement Division. It is a separate heading or a separate subheading.

MR. J. BENNETT: Is it found here somewhere?

CHAIR: Yes, it is on –

OFFICIAL: Yes, 5.1.01.

CHAIR: Page 17.18, Mr. Bennett, 5.1.01.

MR. J. BENNETT: How many people are employed in the fish and wildlife side?

MR. NOBLE: Approximately seventy personnel in total, I believe.

MR. J. BENNETT: Seventy?

On that page it looks like operating accounts have increased overall by \$400,000 or \$500,000. The overall Estimates increased from revised was about \$900,000.

CHAIR: Mr. Bennett, just to be clear, are you looking at 5.1.01.02, Operating Accounts? You are asking the question the Estimates for this year is \$500,000 or \$400,000 above last year revised? Is that what I am understanding?

MR. J. BENNETT: Yes.

CHAIR: Debbie.

MS DUNPHY: Sorry, Mr. Bennett, is it strictly the operating or including the salaries?

MR. J. BENNETT: I am going to go to the overall – the total bottom line on fish and wildlife enforcement, I have nearly a 16 per cent increase in the budget year over year.

MS DUNPHY: Okay.

MR. J. BENNETT: That seems like a lot

MS DUNPHY: The main factor here is during the past fiscal year, we were still working through our hirings and securing our office space, and establishing a permanent complement in the various locations. Now we are pretty much fully staffed and operations are full steam ahead, I guess. There will be a full year of expenditures now coming reflecting officers doing their patrols and using their new mobile workstations and those sorts of things. We were several months just getting all of our staff in place.

MR. J. BENNETT: Are there permanent stations right now? Like land stations, not just people riding around in trucks with computers is what some of them are saying.

MS DUNPHY: I am going to direct this to Jackie Lake-Kavanagh, the ADM responsible.

CHAIR: Jackie.

MS LAKE-KAVANAGH: Yes, there are locations throughout the Province, both on the Island and in Labrador. There will be a combination of offices used. As well, in order to be able to allocate more officers time to patrol operations, we have equipped the vehicles with mobile workstations so that if they have to run routine reports, do searches, do checks, they do not have to travel back to an office to do that, they can do it right there in their vehicle.

We still provide offices throughout the Province for Fish and Wildlife Enforcement. If they have to bring somebody in to do an interview, for example, or if they have to do more intensive report writing, they can do that. If they have to bring in seized exhibits, for example, they can bring those into the offices. For routine operations on a daily basis, the mobile workstations are intended to allow them to have more time in the field, and be more present and more visible in the field.

MR. J. BENNETT: Do I understand that the officers will actually have a laptop computer in their vehicle?

MS LAKE-KAVANAGH: Correct.

MR. J. BENNETT: How will they communicate? How is the communication facilitated?

MS LAKE-KAVANAGH: They will be able to use GPS technology. They will use Internet services. They will have cellphones. They will have satellite services, where that is needed. I know in some areas they are looking at whether or not regular cellphone service will be able to cover all the access that they need.

There would be several different ways that they would be able to have access to communications. They also have automatic vehicle locators built into their vehicles as well so that at any time we know where an officer is out in the field.

MR. J. BENNETT: Okay, so they will all have satellite communications available? Not just cell –

MS LAKE-KAVANAGH: They all will not need satellite.

MR. J. BENNETT: Sorry?

MS LAKE-KAVANAGH: They all will not need satellite. There may be a need in certain areas of the Province depending on what the coverage is. They are assessing for that, what they will need in what locations because they just had the mobile workstation technology implemented and set up in all the vehicles just up to the end of the fiscal year.

MR. J. BENNETT: So, if they are down over the Burgeo highway or the highway to Harbour Breton, where the services are very limited, will they have satellite communications?

MS LAKE-KAVANAGH: Yes, whatever they will need. It depends on the region of the Province that they have to cover.

MR. J. BENNETT: Okay.

What areas of enforcement do they cover?

CHAIR: Say that again, Mr. Bennett, I think just to –

MR. J. BENNETT: What jurisdictional areas are they covering? Are they covering just fish, are they covering wildlife, or are they covering trees? There has been controversy over who is doing what – not received well by some conservation officers. So I am asking: What are these officers actually doing?

CHAIR: Paul, are you taking that or is Jackie taking that?

MR. NOBLE: (Inaudible).

CHAIR: Paul.

MR. NOBLE: Mainly the enforcement of the Wild Life Act and Regulations as it relates to big game, small game, and fish, and some federal legislation as well.

MR. J. BENNETT: No forestry?

MR. NOBLE: No forestry, that is correct. Plants and trees and shrubs, I think, belong elsewhere.

MR. J. BENNETT: So, instead of one general conservation officer who could enforce all aspects of the law, this is now divided?

MR. NOBLE: Yes, there is a separate agency that is dedicated exclusively to the enforcement of fish and wildlife offences.

MR. J. BENNETT: The person who is enforcing woodcutting, for example, in a silviculture area, if he sees somebody poaching a moose, at best he can come back and report it. He cannot actually lay a charge.

MR. NOBLE: No, the expectation would be that the person would obtain the information and pass it on to the Fish and Wildlife Enforcement Division; the same way that if the Fish and Wildlife Enforcement Division encounter criminal acts, they would obtain the information and pass it on to the police.

MR. J. BENNETT: Okay, thank you.

CHAIR: Thank you.

Gerry, you have seven minutes.

MS ROGERS: Thank you.

Legal Aid, we have not gotten there yet. How about if we continue on – it is still page 17.7 – Family Justice Services, 2.1.04? My last question there, I believe, Debbie, you were about that. What exactly is the federal-provincial agreement supporting families? What is that money for, that program?

CHAIR: Debbie.

MS DUNPHY: The legislation or the program that we are availing some federal funds from is called the Supporting Families initiative. That allows us to have some additional staff and provide certain services, and then be reimbursed by the federal government for those costs.

MS ROGERS: It is additional staff to do what?

MS DUNPHY: I think just to provide the same mandate of the division itself, which would be to assist with the support of children and families in dealing with family law issues.

MS ROGERS: Okay. Thank you.

There is a reduction then for this coming year of \$200,000?

MS DUNPHY: With the federal agreement, the maximum amount annually is \$361,500. What happened this year was that we had a prior fiscal year's submission to the federal government. We were just behind a couple of years in getting our papers in to the feds. Now that we have caught up, that is why the revenue is up this year.

MS ROGERS: That was retroactive?

MS DUNPHY: Yes.

MS ROGERS: Thank you. The additional support that was provided, the Estimate went up to \$730,000. I would assume then that some of those positions will be lost for this coming year.

MS DUNPHY: No, that is two years' worth of money.

MS ROGERS: Yes.

MS DUNPHY: It is the same people just over a two-year period. They are still on the ground involved.

MS ROGERS: You can carry that over?

MS DUNPHY: The \$361,000, yes.

MS ROGERS: Okay. Great, thank you.

Under Criminal Law, 2.2.01, under Purchased Services there was \$100,000 that was not spent.

MS DUNPHY: A considerable portion of what is budgeted here relates to the fees we paid for witnesses. That varies from year to year. This year the witness costs are down so we had some savings. Next year it could be up. It all depends on the cases and the expert witnesses who are called, or the number of jury trials, those sorts of things.

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

Legal Aid and Related Services, in Grants and Subsidies there was \$1.1 million over in the revised amount. What would that be?

CHAIR: Mr. Collins.

MR. F. COLLINS: That is a number of things Gerry: the people who have left legal aid, salary continuance, severance paid; some post-budget decisions for putting back, reinstating a couple of lawyers; signing bonuses; and, basically purchased some electronic equipment or laptops as well. That is the total of that figure.

MS ROGERS: Okay. Thank you.

We see that the budget has been increased by almost \$3 million for 2014-2015.

MR. F. COLLINS: That is as a result of the Roil report. We will be currently funding seventeen presently existing positions that have been funded now through other sources through savings, Law Foundation monies, and so on. We are providing permanent funding for the seventeen. We are also reappointing, putting back a new deputy director as well as four legal secretaries. That is directly as a result of the Roil report.

MS ROGERS: Right. Thank you very much.

Federal revenue, it did not come in last year in 2013-2014, of \$2.1 million?

MR. F. COLLINS: Again the legal aid system is funded almost totally by the Province. The federal government puts in approximately \$2 million a year. That is opposed to anywhere from \$12 million to \$14 million that the Province puts in. That is submitted on the basis of claims. I will let Todd Stanley speak to that because it is a system of trying to catch up with the claims that we put in.

CHAIR: Todd.

MR. STANLEY: The system for getting the federal funding is similar to the system that Debbie was just talking about where the Province is required to file in every year to

qualify to get the funding. The qualification for legal aid and the claims that we have to submit for the legal aid program include the requirement for audited financial statements for legal aid.

Legal aid has been somewhat behind in getting those statements generated. As a result, we are behind in making claims on an annual basis, but we are actually in the process now of catching up. We are expecting to have all of our claims in place for the end of this fiscal year.

We have \$2.1 million budgeted this year which is the annual amount we expect. We may have actual significant higher revenues than that this year as we expect the claims from multiple years to be paid as we catch up.

MS ROGERS: How far behind are you?

MR. STANLEY: I think it is three years, perhaps four.

MS ROGERS: Okay. Thank you.

CHAIR: One last question Gerry.

MS ROGERS: Is there any plan, anything in the budget at all to look at adjusting the threshold for eligibility for legal aid?

CHAIR: Mr. Collins.

MR. F. COLLINS: There were a number of recommendations in the Roil report. The Roil report is not the end-all and be-all of what will happen to the legal aid system, but it is certainly a starting point for discussion with the stakeholders involved.

There are a number of issues directly relating to legal aid; thresholds, tariffs, the old administrative models and so on all subject to discussion. Discussion is currently ongoing in fact with the Legal Aid Commission as well as the other stakeholders in legal aid. These are issues that are up for discussion and actually being involved in discussion today.

MS ROGERS: Just to wrap that up, was there any discussion at all in terms of adjusting the amount for certificates?

MR. F. COLLINS: Again, I give the same answer; the discussion is ongoing and will continue for the next couple of months with respect to all these issues.

MS ROGERS: There is nothing budgeted at all?

MR. F. COLLINS: No.

MS ROGERS: Okay. Thank you.

CHAIR: I want to thank the ministers and I want to thank the department officials. I want to also thank the Committee members for their thoughtful and insightful questions this morning. We have a little bit of housekeeping to do prior to calling the subheads.

First of all, we need to approve the minutes of the Social Services Committee of May 5 with the Department of Municipal and Intergovernmental Affairs and including the Office of Public Engagement.

Can I have a motion to approve the minutes please?

MR. CORNET: So moved.

CHAIR: Moved by Mr. Cornect.

MR. POLLARD: Seconded.

CHAIR: Seconded by Mr. Pollard.

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

Carried.

On motion, minutes adopted as circulated.

CHAIR: As well, I would like to remind members of the Social Services Committee that we are back again tomorrow morning at 9:00 a.m. to review the Estimates of Health and Community Services, Aging and Seniors, and Francophone Affairs. The Committee will sit again tomorrow morning beginning at 9:00 a.m. here in the Chamber.

At this time I would like to ask the Clerk to call the first subhead please.

CLERK: Subhead 1.1.01.

CHAIR: Shall subhead 1.1.01 carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

SOME HON. MEMBERS: Nay.

CHAIR: Carried.

On motion, subhead 1.1.01 carried.

CLERK: Subhead 1.2.01 to 6.2.01.

CHAIR: Shall subheads 1.2.01 to 6.2.01 carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

SOME HON. MEMBERS: Nay.

CHAIR: Carried.

On motion, subheads 1.2.01 through 6.2.01 carried.

CHAIR: Shall the total carry?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

SOME HON. MEMBERS: Nay.

CHAIR: Carried.

On motion, Estimates of the Department of Justice and the Labour Relations Agency total heads, carried.

CHAIR: Shall I report the Estimates of the Department of Justice and the Labour Relations Agency carried without amendment?

All those in favour, 'aye'.

SOME HON. MEMBERS: Aye.

CHAIR: All those against, 'nay'.

SOME HON. MEMBERS: Nay.

CHAIR: Carried.

On motion, Estimates of the Department of Justice and the Labour Relations Agency carried without amendment.

CHAIR: I want to thank you, ministers, and all your officials for being here this morning and answering all the questions of the Committee members.

I appreciate your time. Have a great day, thank you very much.

Can we have a motion to adjourn?

MR. LITTLE: So moved.

CHAIR: Moved by Mr. Little.

MR. POLLARD: Seconded.

CHAIR: Seconded by Mr. Pollard.

We are adjourned until tomorrow morning at 9:00 a.m.

Thank you very much.

On motion, the Committee adjourned.