



Legislative Assembly of Alberta

The 29th Legislature  
Second Session

Standing Committee  
on  
Public Accounts

Justice and Solicitor General

Tuesday, November 29, 2016  
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**Legislative Assembly of Alberta  
The 29th Legislature  
Second Session**

**Standing Committee on Public Accounts**

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## **Standing Committee on Public Accounts**

### **Participants**

Ministry of Justice and Solicitor General

Philip Bryden, QC, Deputy Minister

Gerald Lamoureux, Assistant Deputy Minister, Corporate Services

Bill Sweeney, Assistant Deputy Minister, Public Security

Brad Wells, Executive Director and Senior Financial Officer, Financial Services



**8:31 a.m. Tuesday, November 29, 2016**

[Mr. Fildebrandt in the chair]

**The Chair:** Good morning, everyone. I'll call this meeting of the Public Accounts Committee to order and welcome everyone in attendance.

I'm Derek Fildebrandt, the MLA for Strathmore-Brooks and chairman of this committee. I'll ask members, staff, and guests joining the committee at the table to introduce themselves for the record, beginning on my right.

**Mr. S. Anderson:** Shaye Anderson, deputy chair, MLA for Leduc-Beaumont.

**Ms Goehring:** Good morning, Nicole Goehring, Edmonton-Castle Downs.

**Ms Miller:** Good morning, Barb Miller, MLA, Red Deer-South.

**Ms Renaud:** Marie Renaud, St. Albert.

**Mr. Cyr:** Scott Cyr, MLA, Bonnyville-Cold Lake.

**Mr. Westhead:** Good morning, Cameron Westhead, MLA for Banff-Cochrane.

**Dr. Turner:** Bob Turner, MLA, Edmonton-Whitemud.

**Ms Luff:** Robyn Luff, MLA for Calgary-East.

**Mr. Malkinson:** Brian Malkinson, MLA for Calgary-Currie.

**Mr. Dach:** Lorne Dach, MLA, Edmonton-McClung.

**Mr. Wells:** Brad Wells, senior financial officer, Justice and Solicitor General.

**Mr. Lamoureux:** Gerald Lamoureux, ADM, corporate services, JSG.

**Mr. Bryden:** Philip Bryden, deputy minister, Justice and Solicitor General.

**Mr. Sweeney:** Bill Sweeney, Alberta Justice and Sol Gen, public security division.

**Mr. Saher:** Merwan Saher, Auditor General.

**Mr. Shorter:** Mike Shorter, office of the Auditor General.

**Mr. Arklie:** Graeme Arklie, Auditor General's office.

**Mr. Gotfried:** Richard Gotfried, MLA, Calgary-Fish Creek.

**Mr. Hunter:** Grant Hunter, MLA, Cardston-Taber-Warner.

**Mr. Barnes:** Drew Barnes, MLA, Cypress-Medicine Hat.

**Dr. Massolin:** Morning, Phillip Massolin, manager of research and committee services.

**Mrs. Sawchuk:** Karen Sawchuk, committee clerk.

**The Chair:** Thank you. Do we have anyone on the phone?

A few housekeeping items to address before we turn to the business at hand. Microphone consoles are operated by *Hansard* staff, so there's no need for anyone to touch them. Audio of committee proceedings is streamed live on the Internet and

recorded by *Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website. Please turn your phones to silent as they may interfere with the audiostream and be annoying.

Are there any additions or changes to the agenda as distributed? Seeing none, would a member move that the agenda for the November 29, 2016, meeting of the Standing Committee on Public Accounts be approved as distributed? Moved by Ms Miller. Any discussion? All in favour? Opposed? Carried.

Do members have any amendments to the November 22 minutes as distributed? Seeing none, would a member move that the minutes of the November 22, 2016, meeting of the Standing Committee on Public Accounts be approved as distributed? Moved by Mr. Dach. Any discussion? All in favour? Opposed? Carried.

I'll now welcome our guests from the Ministry of Justice and Solicitor General here today to speak to the victims of crime fund, which the Auditor General addressed in his report of February 2016. Members should have the committee research document prepared by research services, the Auditor General briefing document, as well as the updated status of Auditor General recommendations document completed and submitted by Justice and Solicitor General.

I'll now invite ministry officials to provide opening remarks not exceeding 10 minutes, and then I'll turn it over to the Auditor General for his comments.

**Mr. Bryden:** Thank you, Mr. Chair. Once again, my name is Philip Bryden, and I'm the Deputy Minister of Justice and Solicitor General. I have with me a number of my colleagues from the ministry: Bill Sweeney, who's the assistant deputy minister of public security; Gerald Lamoureux, who's the assistant deputy minister of corporate services; and Brad Wells, our senior financial officer.

We're here to provide an update on the department's response to two recommendations of the Auditor General in his February 2016 report, and those recommendations involve the management and strategic planning of the victims of crime fund. We want to thank the Auditor General for his review of this matter and very much appreciate his recommendations, both of which we've accepted and are in the process of implementing.

As legislated by the Victims of Crime Act, the victims of crime fund provides funding for financial benefits paid to eligible victims of violent crime who've suffered physical and/or emotional injuries. It also provides grant funding to police-based victims' services units and specialized community assistance programs to deliver programs that benefit victims during their involvement with the criminal justice process. If the fund is not managed properly, there's a risk that victims of crime will not receive the assistance and financial benefits to which they're entitled under the law.

The Auditor General's report expressed concern that while day-to-day administration of the fund is sound, the fund is growing at a rate faster than payments to victims are being made, and as a result the report made two recommendations. The first one is to develop and publicly report on a business plan for the victims of crime fund program, and the second is to determine the best use of the fund's accumulated surplus. We are well under way in our work to address the concerns identified by the Auditor General.

In response to the first recommendation the department has initiated the victims' services redesign project, and this project has the following goals: ensure victims' services has adequate systems and processes in place to manage the fund; identify the current and future financial requirements of victims and activate strategies to meet those requirements; identify key performance indicators and ensure that victims' services is able to report them publicly; and

review victims' services organizational structure and financial framework with an eye towards developing a sound business plan.

To these ends, the department conducted an online survey as well as a series of gap analysis sessions in September of 2016. Participants in these sessions included representatives from victim assistance programs, including board members, volunteer advocates, and staff; the Alberta Police-based Victim Services Association; the Alberta Restorative Justice Association; Alberta Council of Women's Shelters; representatives from child advocacy centres; and other groups who work directly with victims. These participants gave us valuable information and feedback on our communication structures, training standards, victim-centred collaborative practice, disparities between services in rural and urban areas, and other issues. The information collected by these sessions is currently being assessed and will become available in a report in February of 2017.

The department has also completed a review of service delivery best practices and business standards in victims' services, and this review will inform the creation of a business plan that reflects the needs of victims and their experiences with the fund. A proposed service model and organization design will be presented to stakeholders for feedback following this report, and the ministry is targeting the spring of 2018 for the completion of the project and having a business plan in place.

That brings me to the department's response to the Auditor General's second recommendation. In order to determine how best to use the fund's growing surplus and guide the fund's direction and priorities, the department is developing a modelling tool to predict the fund's future financial liability. This model takes into account historical data as well as variables such as population fluctuations, victimization trends, victims' surcharge revenue, and financial benefits. The goal is to provide management with information that will enable us to foresee the demands that will be placed on the fund in years to come and thereby take steps to avoid or offset them.

We've also completed a crossjurisdictional review of several government-run victims' services operating throughout Canada. The review examined these models and took note of their structure, budget practices, revenue sources, methods of financial reporting, and policy on maintaining sufficient accumulated surpluses to find approaches that could be successfully replicated in Alberta. The department is also working with Treasury Board and Finance to explore viable options for addressing the current demands on the fund, enabling the ministry to access funds that are currently unavailable and ensuring the fund's long-term stability.

8:40

Further public consultations and review of the Victims of Crime Act may also be necessary to fully address the Auditor General's recommendations, but this has yet to be decided. We'll provide the office of the Auditor General with a status update on these initiatives at an informal meeting next month. I believe that the work we're doing is satisfactory to implement the recommendations made by the Auditor General and will be satisfactory to his office. We're committed to supporting the victims of crime and ensuring an appropriate use of the funds.

Thank you very much. I'd be happy now to take your questions.

**The Chair:** Thank you very much.

I'll now call upon the Auditor General, Mr. Saher, to give his remarks for five minutes.

**Mr. Saher:** Thank you, Mr. Chairman. My comments are with respect to the February 2016 audit on the victims of crime fund, which is a fund managed by Justice and Solicitor General. The

deputy minister has just outlined what his department is doing in response to the recommendations we made.

I'd just like to take a minute to have read into the record what we examined and our conclusion at the time that we did the audit.

We examined whether the department has adequate systems to manage the fund and meet the mandate set out in the Victims of Crime Act through:

- availability of adequate funding
- effectiveness of the financial benefits and grant processes
- effectiveness of management's process to determine if desired results are being achieved.

Our overall conclusion is as follows:

The department and [victims of crime fund] program have adequate systems and processes to manage the day-to-day administration of the fund. However, the department is not completing the necessary strategic planning, analysis and reporting to establish desired results, and the resources necessary to achieve those results.

There is also no plan [for] how to appropriately and productively use the fund's growing accumulated surplus to best meet the needs of Albertans as intended by the Act. The government's and department's current budget process treats the fund like any other generally funded program even though it is self-financing and has its own independent funding source. Business and budgeting practices are potentially restricting operating decisions intended to better serve victims of crime.

Thank you.

I just want to make the point that those were the findings that we had at the point that we concluded the audit. The deputy minister has taken time this morning to outline how his department is responding to those conclusions that we had when we made our report public in February.

Thank you.

**The Chair:** Thank you, Mr. Saher. I appreciate everyone's punctuality today.

I'll open the floor to questions from members, and we'll be using our regular time allotment format for that, so eight minutes to members of the Official Opposition. Mr. Cyr.

**Mr. Cyr:** Thank you, Mr. Chair. I'd also like to thank the Justice department and the Auditor General's department for being here today. I know that you do fine work, and I hope that we can work through some of this concern that may come with the victims of crime fund.

I do have a few questions related to the fact that this was identified as a problem way back on November 25, 2009. How is it that your department hasn't in any way, shape, or form come up with a business model for this when it was first identified seven years ago?

**Mr. Bryden:** It's a little bit difficult for me to answer that question because I've only been with the ministry for a little over a year. Bill, do you have . . .

**Mr. Sweeney:** I don't have a better answer to the question than my deputy minister other than to say that there have been a lot of people that have been working with victims' groups in various government departments that talk about potential solutions to the impasse that has been, obviously, in place since 2009. I think the Auditor General's report has been a catalyst that we welcomed to actually initiate the change processes that will get us to the point where we want to be.

**Mr. Cyr:** Thank you. Now, this was something that was identified by myself through the 2015 estimates. I had asked the minister if

she felt it was appropriate that we were amassing reserves of this size within the victims of crime fund, and the minister had answered that these were for future contracts. Was that contained within her briefing, or was this something that she was in error of?

**Mr. Bryden:** I think it's important to recognize some elements of the structure of the fund. First of all, we have obligations to individual victims. People who have been victims of crime are under certain circumstances entitled to individualized payments, and to some extent we have to project forward what those payments are likely to be. More importantly, we have a series of victims' services programs, some of which are through police-based programs and some of which are through other community organizations. Typically, in those grant programs we provide three-year funding to those organizations, and that's particularly for community-based organizations. It's extremely valuable that those funding arrangements be made on a three-year basis. Part of what we have to do is project forward in the fund commitments that have been made, let's say, this year out into the next two years and ensure that we have the funds available to make those payments. That's part of what is found in the surplus of the fund, and the Auditor General's report indicates that having a contingency fund is a good thing for precisely those types of reasons.

Now, I think it would also be fair to say that the contingency fund is bigger than is needed for those particular purposes, and that's what we've got to try to come to grips with. How do we provide the right size of contingency fund so that we can pay off our future liabilities when they come due and at the same time ensure that we're not building up too big a surplus? I think it's fair to say that we are building up too big a surplus at this point.

**Mr. Cyr:** Thank you. I have got a lot of respect for our local victims' services unit. I've actually sat with them several times. They're very good at their jobs, and they're highly respected within Bonnyville and Cold Lake. Now, one of the concerns that I heard was that in 2009 this had been discussed, and then a cap had been put on of \$150,000 for their unit. Now they're fundraising within the community to be able to make ends meet, and with the tough climate that we've got now, we don't have the same kind of giving that we had in the past from our local business community. Obviously, we're going through some hard economic times. Now, do you think it's appropriate that we've kind of just left their maximum grant at \$150,000 for the last seven years since it hasn't been reviewed in any way, shape, or form?

**Mr. Bryden:** I think that what we're in the course of doing is reviewing what the size of the surplus ought to be and identifying what the appropriate framework ought to be in terms of moving forward. Whether that will mean over time that we adjust that cap in terms of what the grants ought to be, I think, is something that we ought to leave to the planning process that we've got under way.

8:50

**Mr. Cyr:** Now, I'm very fortunate. I have a lot of Métis and First Nations within my riding, and it sounds like you might start to give additional funding to victims of crime units should there be large populations of First Nations. Can you explain this? Is this part of your business?

**Mr. Bryden:** This would be part of the planning process. I mean, the first thing that we've been doing is trying to identify the range of needs, and services for First Nations and Métis populations would be among that set of needs. Then we've got to look at how we project what the resources to support the victims' services are

going to be on a go-forward basis and then try to develop a plan that matches up as well as possible the available resources and the needs. I think it's fair to say that we're well under way in terms of developing a better understanding of the needs. The process of matching up the needs and the best use of the resources is, I think, still a bit of a work in process, and one of the things that we have to do is work with Treasury Board and Finance to figure out what are the best ways of accessing those funds.

**The Chair:** Thank you.

Eight minutes for members of the government caucus.

**Ms Renaud:** Thank you. Thank you for being here today. On page 43 of the Auditor General's report it states that the department did not complete "the necessary strategic planning, analysis and reporting to establish desired results, and the resources necessary to achieve those results." Further on the Auditor General stated that "there is also no plan how to appropriately and productively use the fund's growing accumulated surplus to best meet the needs of Albertans as intended by the Act." Can you please inform us what the department of Justice is doing to remedy these issues?

**Mr. Bryden:** That's really what I was talking about in my opening remarks. Just to summarize, one is getting a better handle on needs so that we can develop a strategic plan, and the second is trying to work with Treasury Board and Finance to develop a more effective mechanism for accessing funds. But I think it's fair to say that we want to access funds in ways that are most effective to serve the needs of the population of people who need these services.

**Ms Renaud:** Okay. Thank you.

Can you tell us a little bit more about the victims of crime design project? What changes will be made as part of this work? What are the anticipated timelines?

**Mr. Bryden:** Bill, can you talk a bit more about the details?

**Mr. Sweeney:** Yes. The redesign project is really to address what the gaps in service are. We engaged in a fairly extensive consultation process, that I think the deputy minister referred to in his opening comments. We talked to advocacy groups, victims advocates themselves, people within the community to basically – when I say the community: the community in terms of serving victims – identify those elements of the program that are completely missing from their perspective.

There are a lot of disparities: the hon. member mentioned in his riding, you know, dealing with First Nations in isolated and remote communities and disparities between services that are immediately available to people in a metropolitan as opposed to a rural environment, the fact that we have a flat fee or a grant amount for various victims' services and don't take into account crime severity indices, for example. There are a number of elements or factors that have been identified to us as significant components of designing a program that's much more rational than what we have today. So we've acquired that information and started to look at what other jurisdictions are doing.

Right now we rely on volunteers and people that are hired by local boards, and they do fundraising. There are an awful lot of elements of the program today that might be curious for those that are looking at it and saying: is this how we serve the victims' needs? Other jurisdictions hire provincial employees. Some are hired by municipal governments. Should we be looking at a different mechanism for the employees that are actually providing this important service? All of these very complex elements have been collected, and we're trying to sift through them and provide some

rational recommendations to our deputy and to our minister with respect to the future, but it's a very complex undertaking.

**Ms Renaud:** Yeah. Yes. Thank you. That was a great answer. I was able to spend some time with a police-based victims' services unit as a volunteer, and the thousands of volunteers across Alberta do incredibly important work. That was really nice to hear.

I'm aware that there have been some concerns that victims' services groups have had to fund raise, as mentioned by Mr. Cyr, despite funding being available from the fund. How will this particular issue be addressed specifically, and are there timelines?

**Mr. Bryden:** As Bill was mentioning, we have a report that's coming out in February that will give us a better sense of what the picture is and what the analysis of the gaps in services will be. Then we'll be consulting with stakeholders and will be in a position to provide advice to our minister that will lead to a business plan that will be in place by the spring of 2018. I acknowledge that this seems like a long time, but it's a complicated issue, and we think that it behooves the commitment that we have to victims of crime to try to get it right as we move forward.

While the funds that we have have been growing over the last little while, that's largely as a result of the increase in traffic fines. The traffic fines now are the largest source of revenue into the fund. There is a bit of a challenge in terms of making prudent expenditures of a resource base that is disconnected with the need base. It's a bit of an odd model, but it's the one that's set up in the legislation, where you've got certain revenue coming in and it's dedicated to a particular purpose but there's no necessary connection between the amount of money that's coming in and the needs of the people that the fund is serving. We are moving forward, as the Auditor General has suggested, to develop a business case that's built on the needs and then relate that to the resources that we have through the fund.

**Ms Renaud:** Thank you.

Do I have time for another question?

**The Chair:** Yeah. You've got a minute and a half.

**Ms Renaud:** Okay. Just to follow up, when you're talking about the victim of crimes fund, what measures will you have in place to track the progress in regard to the victims of crime fund and the victims of crime design project?

**Mr. Sweeney:** I think that most of the measures that we've had in place in the past were metrics that really didn't give us a complete understanding of whether or not our program had any positive impact. That we interacted with 76,000 victims, for example, would be a metric that I think the Auditor General would have seen when he looked at the program in the context of this audit. We're hoping that we can develop much more meaningful performance measures, and I believe this is what the Auditor General was asking us to do. That gave us confidence that with the investments that we're making, not only are we having interactions with people, but we're having positive interactions with people and positive impact on society generally with respect to our programs. Finding those metrics is not a simple undertaking. Performance measures are probably the most difficult component of any program. You can always find quantitative measures but not necessarily qualitative, and I think that that's what we're diving into. How do we make sure that our investments are having a positive impact?

**The Chair:** Five minutes for members of the third party.

9:00

**Mr. Gotfried:** Thank you, Mr. Chair, and thank you to our presenters today. The first question I have is with respect to the accumulated surpluses. You've identified some issues and concerns about the growth of that. It was pointed out to us by the Auditor General that there were perhaps some barriers to effective utilization of that because of the way the budgets are allocated and how there may be an appearance of a penalty for you spending some of that surplus, which would then inflate that budget even though that budget is actually disconnected from the general budget. You have a specific revenue source and this accumulated budget. Is there a solution so that you can utilize that budget surplus effectively without having the handcuffs of how it's going to be perceived?

**Mr. Bryden:** That's what we're working with Treasury Board and Finance to try to address, and we've got a number of different strategies that we've been pursuing with TBF. I think that probably the most promising one is to have authority to overspend in relation to this particular area as long as it's backstopped by the revenues that are in the fund. But we have different approaches that we're moving forward in. Frankly, it's been very helpful to have the Auditor General's comments in having our discussions with Treasury Board and Finance to try to have a way to, you know, move forward on this.

I think it's also fair to say that as we take these steps, it's going to be important for us to have a sense of what kind of surplus we ought to have as a contingency fund. The Auditor General's report indicates that it is prudent to have a contingency fund. How big should that contingency fund be, and how much should we be allocating to in-year spending to draw down that surplus? Those are things that we're working with TBF on.

**Mr. Gotfried:** Yeah. I mean, in building your expenditure budget, it seems to me that the stability of the revenue side is quite good, in fact escalating, and that you've got buffers in the reserve fund. There is an opportunity to build a budget on the expenditure side without any significant risk of fluctuations on the revenue side here and perhaps have an agreement to overspend what your expected revenues are to use up some of this accumulated surplus. I hope you can achieve that.

Some of the other questions I've got are around sort of the – you've obviously got the victims' services units. I have some concerns over the caps on that. I guess one of the questions I have – and maybe it's something we can ask directly to CPS, EPS, some of the larger units – is: what are their budgets relative to the caps that are in place? I don't know if you have a sense of the \$300,000 cap versus whether they have a million-dollar budget, a \$2 million budget to adequately support victims of crime.

**Mr. Bryden:** Yeah. We'd have to get back to you on that one, I'm afraid.

**Mr. Gotfried:** Could we maybe get that for at least the two largest and maybe even some of the secondary ones?

**Mr. Bryden:** Certainly.

**Mr. Gotfried:** It's a concern to me if we're underfunding and they don't have adequate resources to do that.

The other question I would have is with respect to the other community organizations which are involved. Do you have a list of those, the other types of organizations that you are funding as well? It would be helpful for us to know the qualitative and quantitative numbers there. Obviously, the funding – I'm assuming that those would be well-supported organizations that support victims of



crime but also the fact that there are no inflation factors both in your victims' services units and maybe as far the other side is concerned. If we could get maybe a list of those to take a look at the types of organizations that we could maybe meet with and find out what their challenges are in terms of funding and what the opportunities are.

**Mr. Bryden:** Sure. We'd be happy to provide a list to you. I can tell you now, from a numbers standpoint, that we support 76 police-based programs and 40 community-based programs and provide 36 direct service delivery grants, two supporting organization grants, and then a variety of other activities: conference activities, research-based activities. But we'll provide you a list of the organizations.

**Mr. Gotfried:** That would be great.

My last question is just with respect to – it's more minutiae – the two years within the . . . [A timer sounded] Sorry. Did my beeper go?

**The Chair:** You're done. Sorry.

**Mr. Gotfried:** Darn.

**The Chair:** Next time.

Eight minutes for members of the Official Opposition.

**Mr. Cyr:** Thank you again. Continuing down my last set of questions here, over the last seven years it seems apparent that we've underfunded these victims of crime units. Now, would you agree that there may have been needless suffering of our victims because of this?

**Mr. Bryden:** It's a little bit hard to tell how much we could have done in terms of providing better services for victims. Historically the criminal justice system has been very bad at recognizing the needs of victims. I think that over the last decade there have been improvements, and this kind of program is one method that's been used. The federal Victims Bill of Rights is another mechanism that's been used that has, you know, provided more obligations on our Crown prosecutors to interact with victims of crime. I think it's probably fair to say that we should have served victims better over this period of time, and we're working towards doing that more effectively going forward.

**Mr. Cyr:** Thank you for that clear answer.

First Nations women account for 16 per cent of the female homicide victims within Alberta between 1980 and 2012, yet they only make up 4 per cent of the population. It seems strange that we haven't had additional funding for victims of crime units that are near First Nations settlements to help the victims on the First Nations reserves. Now, I guess the question that I have is: how is it that this has never been brought up? It does seem that it has been brought up by lots of the victims of crime units within rural that this is an ongoing problem, and it does seem to be that a lot of their resources go towards the settlements and reserves. I guess the question is: are you going to be taking this to task in this next business plan? I think this is important. I hear that you're saying that it's in the process, but I think we do need to focus. There is a real need there.

**Mr. Bryden:** I think, in the first instance, one of the things that we'd like to see is more effective crime prevention so that we aren't experiencing these dreadful statistics that you've identified, but that's a pretty large project that goes beyond the scope of our ministry.

In terms of addressing the needs of the particular victim population that you've identified, I think that that will undoubtedly be something that will come out of the research we've been doing, and that's an area that we're going to have to look at addressing.

**Mr. Cyr:** Okay. Now, right now you pay victims of crime units for three years. Is this typically how Justice does its contracting? This seems to be a long period of time. I'm just asking this because what happens here is that the concern is always, when they near the end of the three years, whether or not they're going to be receiving their grant again. Is there no way that we can go with longer term contracts on this?

**Mr. Bryden:** I think that there are a variety of different ways in which funding is allocated. In my previous role with the University of Alberta I was used to year-to-year grants coming from the Alberta Law Foundation, so three-year funding looks pretty good to me. To many voluntary organizations the idea of having three-year funding as opposed to one-year funding is pretty attractive.

**9:10**

As you move to longer term funding arrangements, it gets a little bit more complicated to try to figure out the balance between the best use of funds and how needs evolve over time. So in moving out to, say, five years or if you were looking at 10-year funding, I think that would be pretty problematic for us. Whether three years is the right number: that's something we could certainly look at.

**Mr. Cyr:** Now, is it being investigated to roll victims' services into Justice?

**Mr. Bryden:** At this point we don't have any plans to roll victims' services into Justice. You know, one of the things that I think is attractive is to take advantage of the willingness of volunteers to participate in these kinds of programs, and supporting the voluntary sector is attractive from our standpoint. On the other hand, there may be areas where particular kinds of services might be provided more effectively by a ministry. The police-based programs are kind of a halfway house because you have a stable, ongoing organization that has its own sources of funding but is also providing this service as an ancillary. I think that right now we'd be more inclined to look at: what's the most effective way of using a mixed model rather than bringing these services in-house?

Bill, do you have any further observations?

**Mr. Sweeney:** That was a recommendation that some people within the consultative group proposed. It's an option, but we haven't formulated any recommendations yet for consideration.

**Mr. Cyr:** So this isn't in your business plan that you're putting forward in any way, shape, or form?

**Mr. Sweeney:** Our business plan will be informed by, first, the analysis of the gap assessment that we just completed, further consultations within the department, and then we'll be starting to develop the business plan. So it's a little early to say that it's in or out as a viable proposition. Probably, as the deputy indicated, it may very well be a hybrid model.

**The Chair:** Thank you.

Eight minutes for members of the government.

**Ms Luff:** Thanks. I've been listening, and from what I understand, the victims of crime fund is a regulated fund, and it operates under the authority of the Victims of Crime Act and the victims of crime regulation. The Auditor General spoke a little bit earlier about how

there's a lot of concern about, you know, underfunding of victims' services units. The Auditor General said a little earlier that the way the fund works and the way that the legislation works is that the money has to go out to pay individual victims first, and then anything that's left over goes to these victims' services units. I've also heard you say in the last little bit that it's perhaps a little bit of an odd model. I'm just wondering if, under the victims of crime redesign that you're going under, you anticipate that there might have to be any sort of legislative changes or regulation changes moving ahead.

**Mr. Bryden:** At this point we haven't sort of developed a plan for legislative change. I think the minister is thinking about whether we should engage in a more fulsome review of the act, and at this point our focus has been to respond to the Auditor General's observations and to try to focus on how we can run the program more effectively within the current statutory framework. You know, a review of the act is something that might be in the cards in the future, but we haven't committed to that yet.

**Ms Luff:** Okay. It seems to me that perhaps a lot of the issues that are stemming from this are sort of stemming from the way that the fund is designed in the first place, so perhaps you could comment on that.

Also, you've indicated that you're taking a number of actions, including possibly reviewing the organizational structure of victims' services in general. I'm just wondering how the review of victims' services might relate to the management of the fund overall.

**Mr. Sweeney:** Again, I think it's very early for us to give you any type of indication of where our recommendations might go. There are people that provided us advice that suggested that we could look at an outsourcing model with respect to victims' programs; for example, a designated employer of victims' advocates. That's on one end of the continuum. I'm not saying that that's a viable one, but it's certainly advice we received. Others are saying that the status quo might be fine if the funding level is changed. Then there are all sorts of different opinions within that range that we have to take into consideration and assess to provide thoughtful advice to our deputy minister. It's very early for us to give you a clear indication of what our recommendations will be.

**Ms Luff:** Okay. Awesome. Thank you.  
I'll cede my time to MLA Miller.

**Ms Miller:** Thank you. On page 45 of the report it states that "police-based VSUs and community-based victims' organizations are provided grants to deliver programs." I was hoping that the department could explain in detail the activities that these grants from the VOC fund can be used for.

**Mr. Sweeney:** Yeah. I think the Auditor General in an appendix to his report actually referenced the provisions within the act for the use of the fund. It's section 10, appendix A to the Auditor General's report. It specifies within section 10 the precise uses that the fund can be used for. For the most part, if you want to take it out of the confines of the legal language here, financial benefits, for example, are to support victims of violent crimes. They make applications for compensation, the claims are assessed, and an award is granted to those that are eligible and fall within the criteria. That's one component of the financial uses that is authorized within the legislation.

The second is, of course, the advocates that do such important work out in virtually every community in the province of Alberta.

Over 153 communities are served with victims' advocates. These are the people that come out in the middle of the night to support people that find themselves in these horrific circumstances, whether it's a motor vehicle collision and the loss of a loved one or an actual victim of a directed crime against them. These people just are amazing. We rely heavily on their support, and they go well beyond what's within the confines of section 10. They're caring, helping people, good citizens that just do amazing work. But the specific use of the fund is articulated in appendix A under section 10. I hope that's helpful.

**Ms Miller:** Thank you.

Looking at the groups that receive grants from the fund, can you tell us a bit about how the funds are distributed around the province? Is it reflected by population, or do some communities have circumstances that warrant special consideration when allocating funds?

**9:20**

**Mr. Sweeney:** I think that where we need to be is to take into account various considerations and factors that allow us to distribute the funds much more rationally than they are today, where we have a cap and if you apply and you meet all the criteria, you get a \$150,000 grant.

If you're in a community with high crime severity indices, which I believe the hon. member alluded to in his constituency, and you have isolated rural communities and some First Nations communities with special needs, that should be taken into account in terms of the disbursement of funds as opposed to a community that is relatively affluent, has all sorts of specialized supports immediately available in times of crisis, and has other types of support mechanisms that other communities may not have, all considerations that, in our respectful opinion, should be taken into account when we disburse those funds. The Auditor General's report has given us the licence and the ability to actually redesign the program to get to that. We're very excited about the prospect. We're very excited about having the opportunity to bring something forward that actually will be much more rational than what we have today.

**Ms Miller:** Thank you.

**The Chair:** Twenty seconds.

**Ms Goehring:** Thank you for your positive comments about the great work that the victims' services team does. It's quite impressive to hear. I'm a social worker, and I have never had the privilege of working in the capacity of victims' services. However, I've had a long-standing career of working with victims of crime.

**The Chair:** Five minutes for members of the third party.

**Mr. Gotfried:** Thank you, Mr. Chair.

**The Chair:** You may finish your question.

**Mr. Gotfried:** Can I? Thank you.

I've just got a few questions, and I hope you'll indulge me with relatively brief answers so that I can try to get through these. Getting into some minutiae on this, I know that the witnesses of crime are only eligible if there is a death of a person. Do you feel that that is a limitation that should be removed so that it could be someone who was a witness of serious injury other than death for eligibility of funding within the fund?

**Mr. Bryden:** That's a statutory limitation, isn't it?

**Mr. Sweeney:** Yes.

**Mr. Bryden:** That would have to go to the Legislature.

**Mr. Gotfried:** Okay. That's something we certainly should take a look at.

The other one may be statutory as well. It says: within two years of a crime. We know that many crimes are not reported for many years after. Would it also make sense for it to be within two years of a crime being reported?

**Mr. Bryden:** I'd make the same answer. If these are statutory limits, we administer them. But that's a good question for us in a review of the legislation at some point.

**Mr. Gotfried:** I note that there is some latitude within the two years in the applications themselves.

Going back to the issue about the funding of victims' services units and the \$150,000 limits, would it be your recommendation and, hopefully, plan to take a look at the actual costs within those jurisdictions? I know that Mr. Sweeney sort of said that there was some more detailed look at the qualitative rather than just the quantitative numbers there. I guess my questions are: is that something that you would think would be appropriate usage of some of your surplus, and if you can get numbers in place that are more appropriate, can you add an inflationary factor onto those as well?

**Mr. Bryden:** I think that those are the kinds of things that we would be looking at as we assess how we can draw down some of the surplus to make that surplus reflect what we need as a contingency fund on a sustainable basis. The challenge is always to look at what the ideal state might be and then how we create transitional arrangements to get to that ideal state. If we have additional resources, that makes it a little bit easier because you're not talking about taking resources away from existing programs, which are perfectly good programs, but there may be higher needs in other places. How do you move in that direction? That will be something we'll be looking at.

**Mr. Gotfried:** Yeah. That's a good segue to my next question. Of the community-based organizations other than the victims' services units do you have any metrics in place to measure the impact of those organizations with the victims that they serve that are directly related to victims of crime?

**Mr. Bryden:** I think, as Bill was mentioning earlier, we have some crude measures in terms of how many people they interact with.

Bill, maybe you could comment a little bit more on that.

**Mr. Sweeney:** For example, you talk about the community-based organizations. There's some just amazing work being done by the Sheldon Kennedy centre.

**Mr. Gotfried:** I was thinking specifically of them, yes.

**Mr. Sweeney:** It's difficult for us in terms of differentiating, based on the totality of their investment, how much of an impact we're having, but those are the sorts of refinements that we have to get to. If there's a social return on investment that is positive, then that's a success. If there's something that we're investing in that doesn't have that same return, then we've got to think about that.

**Mr. Gotfried:** So you're driving towards some of those metrics.

**Mr. Sweeney:** Yes. Exactly.

**Mr. Gotfried:** My last question I think is really more about how you administer it. We see that last year you had \$889,000 of administrative and other costs in there. Do you feel that your department has adequate costs for the administration of the fund?

**Mr. Sweeney:** That's an interesting question. It depends on what the future of the program looks like, what our needs will be in terms of administering it. We probably have adequate resources to manage the fund as it looks today. Obviously, that has to change, and it would be difficult for me to predict with certainty for you today what that support would look like until we really know what the new program would look like.

**Mr. Gotfried:** I would suggest that, you know, as part of your long-term plan we look at those resources and make sure that that's part of this because if you don't have the resources there and the ability to address that, that could be a huge constraint. So I encourage you to let us know what that is as well.

**Mr. Sweeney:** Exactly.

**Mr. Gotfried:** Thank you.

**The Chair:** Thank you.

We're on the second rotation now. Five minutes for members of the Official Opposition.

**Mr. Cyr:** Thank you again. One of the concerns I've been hearing from the victims of crimes units within Alberta – this isn't the only unit that I've actually talked with – is that the government is going to start creating a slush fund with this reserve that's being put forward so that those programs that are underfunded within Alberta suddenly look attractive. I'll use legal aid as a good example. Is there in your business analysis, somewhere in there, that we're going to be removing these funds from the victims and the victims of crime units to other funding jurisdictions?

**Mr. Bryden:** Well, there's a statutory restriction on the uses to which these funds can be put. If you take Legal Aid Alberta as an example, Legal Aid Alberta does currently get a grant under the fund for the services that they provide to victims of crime in relation to emergency protection orders. Whether those funds might increase over time, I wouldn't want to rule that out, but that is a legitimate victims of crime use. I wouldn't see that as being a slush fund. I would see that as being a legitimate allocation of resources to an important need, which is emergency protection orders for victims of crime.

**Mr. Cyr:** That would reinforce that part of it for sure. It is comforting to hear that you're not looking to change the mandate or the direction of the victims of crime fund.

**Mr. Bryden:** We couldn't do that without changing the legislation. As indicated earlier, this is an effort to respond to the Auditor General's recommendations that are within the current statutory framework. Looking at the statute itself would be, I think, a down-the-road exercise, and we'll have to get direction from the minister on whether she wants us to undertake that review. If there were changes, it would have to go through the Legislature.

**Mr. Cyr:** Thank you. Actually, that works into my next question. Have there been any briefs or reviews done since 2007? You would have had the Auditor General at the time making recommendations, so it makes sense that you would have done some reports or reviews. Would you be willing to table those reviews or briefs?

**Mr. Bryden:** I don't know what we have.

**Mr. Sweeney:** I'd have to go back. Most of the work that I'm familiar with reflects the day-to-day business of the department with the victims' programs that are out there: processing their applications. I'm not familiar offhand, but I can go back to our officials.

9:30

**Mr. Cyr:** I'm not looking for breaching any privacies, just the overall direction of where it was going. It would be nice to see, if the work has been done, what direction back then that they were seeing the program should go in and how it was we were going there.

Now, the next one is that I've heard a gap for – First Nations and Métis is probably a big gap within this. Are there any other identified gaps that you are aware of that have come forward that we need to make sure they're on the radar?

**Mr. Bryden:** Bill, can you address that?

**Mr. Sweeney:** I think that there is quite a range of needs out there. First, with First Nations. We're working with Canada as well. Canada has a responsibility that they acknowledge with respect to First Nations. We're working with Canada with respect to a number of initiatives to address some of the gaps that exist within the First Nations communities for supporting victims. Certainly, if I was to list categories: domestic violence, child advocacy, sexual assault, mental illness, addictions issues – that full spectrum of matters that people within the criminal justice system encounter on a day-to-day basis. Our victims' advocates out there are encountering the same.

**The Chair:** Five minutes for members of the government.

**Ms Goehring:** Thank you, Mr. Chair. I'd just like to switch gears a little bit and talk about some of the victim access criteria and funds and that sort of thing. Through my consultation and my ongoing work with my private member's bill for the Post-traumatic Stress Disorder Awareness Day I've heard many stories of people who've suffered trauma, whether it be the result of a vicious crime or things like you had mentioned, a car accident. In the background of the report on page 45 it states that "financial benefits are paid out in accordance with the injury schedule and corresponding severity of injury prescribed in the Regulation." I'm wondering if the department could provide to the committee the requirements or criteria that a person must meet in order to be eligible for the supports of the victims' services fund.

**Mr. Bryden:** Yeah. We will provide that. I think it's in the regulation. I just don't have it with me right at the moment, but it's not difficult to provide.

**Ms Goehring:** Thank you. Also, could you provide the typical amount of support that a victim will receive through the victims fund? What is the range, and how is the amount of the settlement determined?

**Mr. Bryden:** We will do that.

**Ms Goehring:** Thank you.

**The Chair:** Dr. Turner.

**Dr. Turner:** Thank you very much, Chair. Actually, thank you very much to Mr. Bryden, Mr. Sweeney, and your associates for the responses. I'm actually very encouraged that the department is taking this seriously and moving ahead.

I'm going to change focus a little bit and basically look at the revenue side of things. On page 49 of the Auditor General's report it says that "holding a reserve of cash is a common and prudent practice to manage the risk of revenue volatility or unforeseen expenses." Just over this past weekend, for instance, federal Justice Minister Jody Wilson-Raybould introduced legislation – actually, she introduced it on Friday – that will give judges limited discretion to waive the victim's surcharge in cases where paying it would pose an economic hardship or when it's simply impractical because the criminal has no resources.

In the past the federal victim's surcharge has led to a number of challenges that I'm sure you're aware of under the Charter of Rights and Freedoms on behalf of offenders who have had an unpaid fee hanging over their heads in perpetuity. Apparently, the federal government will now give judges discretion to tell the impoverished criminals that they do not have to pay the victim's surcharge that is required of other people convicted of crimes.

Earlier this spring our government passed Bill 9, An Act to Modernize Enforcement of Provincial Offences. The upshot of that is that some of the victim surcharges which would have been charged are no longer going to be collected. I'm just wondering how these two changes in the criminal law and bylaw enforcement laws can be factored into your projections for the revenue of this fund in the future.

**The Chair:** There's a minute left.

**Mr. Bryden:** I think that that's something we're obviously going to have to think about. I think that it's fair to say that the increase in the fund has largely come on the provincial offence side rather than on the federal victim surcharge side. Collecting those funds was always a challenge. Basically, the major source on the provincial offences side is traffic tickets. The big increase has come when we increase the fines that were associated with traffic tickets. It would be nice to think that at some point those revenues would diminish because fewer people were committing motor vehicle offences, but that doesn't seem to have been the case in recent years. We think that that's a fairly stable source of revenue; on the federal side probably not so much.

**The Chair:** Okay. Five minutes for members of the third party.

**Mr. Fraser:** Thank you, Mr. Chair. Thanks very much for all the work that you do. We really appreciate it. Just a quick question around the surpluses. Is there any thought on taking that surplus and putting it into the school system in terms of maybe catching children that fall through the cracks, where they wouldn't have the ability to report a crime committed against them? That would come through, perhaps, an educational program, talking about crime and the outcomes and how it affects people. It would be taking that money, so it would be preventative but also at the same time maybe catching some of the children that fall through the cracks that don't recognize that perhaps there is a crime being committed against them. I think the benefit, in my mind, would be proactive in the sense that it's teaching kids that when you commit a crime, there is an ultimate effect, not just to them, in punishment, but, you know, the effect on families moving forward. Has there been any thought on that?

**Mr. Bryden:** It's an interesting idea. I think that the challenge that we have, as I mentioned in my response to Mr. Cyr, is statutory restrictions on the areas in which we can spend the money. It's not that prevention activity is not a worth while and desirable thing. It's: can we fit that prevention activity into the mandate that we've been given under the legislation? You've posed some interesting

questions in terms of the relationship between children who may not recognize that they've been victimized, and that might bring it within the framework of the fund. But we'd have to see whether we got applications from organizations who are interested in providing those services and how that would fit within the framework of a statutory mandate.

**Mr. Fraser:** We recognize, obviously, maybe things that would fall under a statutes amendment act. Would you bring forward recommendations, you know, regarding this bill in terms of evergreening this piece of legislation? Do you do that frequently? Would you make those recommendations based on what you've heard in committee and from other stakeholders?

9:40

**Mr. Bryden:** I think that when we're looking at a piece of legislation that has significant policy ramifications, that's not something that would be appropriate in the sort of miscellaneous amendments type of legislation. That's really more for technical matters. At this point we don't have direction to do a review of the legislation itself, but it's a consideration as we move forward. What we've been responding to here is a helpful report from the Auditor General about how we ought to administer a program that exists under this statute, but there are some significant questions about the structure of the statute itself that may deserve consideration down the road.

**Mr. Fraser:** Thank you.

**The Chair:** Thank you.

All right. That was our final block of time. I'll just open it up as sort of a free-for-all for members now. I'll just recognize individual questions until we wrap up. Mr. Cyr.

**Mr. Cyr:** Thank you. I'd like to build on Mr. Fraser's question over there. There was a settlement made last year by the NDP government, bringing a \$100 million request down to \$6.5 million. The Alberta child welfare class action settlement:

All persons who suffered injuries before or during a time when they were subject to a permanent wardship order or permanent guardianship order by Alberta Child Welfare between July 1, 1966 and February 19, 2008, or a temporary guardianship order by Alberta Child Welfare between July 1, 1985 and February 19, 2008.

Can you elaborate on how this is being administered? We have heard that there are obstacles such as requiring paperwork for crimes that are decades old. Can you explain how you're dealing with those problems as well?

**The Chair:** Just before you answer, I want to remind members that for this part here let's try to keep our statements or preambles short, keep it mostly to questions for the final lightning round here.

**Mr. Cyr:** I apologize, Mr. Chair.

**The Chair:** Thank you.

**Mr. Bryden:** That may be a bit difficult for me to answer because I'm not sure whether it's us who administer the settlement or whether it's Human Services.

**Mr. Sweeney:** I can help. We can provide a more detailed response in writing if necessary.

**Mr. Cyr:** Absolutely. Thank you.

**Mr. Sweeney:** The claimants first file their claim to the department, and it's processed. It's processed as any other claim would be received in the context that there are certain elements of the claim that have to be substantiated before it's paid. If the claim is within the eligibility of the act, then the department settles the claim. If it is outside of the statute of limitations, for example, or other considerations, it goes to Human Services, where it is dealt with in the context of a fund that has been established. I believe that . . .

**The Chair:** Okay. I'm sorry. We're trying to keep it pretty brief at this point.

I'm going to go to Mr. Malkinson.

**Mr. Malkinson:** Thank you very much, Chair. This is for ministry staff. In the Auditor General's report, page 51, there's a chart there that outlines the victims of crime fund's financial information between 2012 and 2016. On the same page of that report the Auditor General says that there has been both a budget and spending reduction in the 2014 fiscal year. What I want to know about are the trends that exist in terms of the need for victims of crime funds. Has there been a decrease?

**Mr. Bryden:** I would not have said that there was a decrease. One of the things that we're trying to do with our analysis is get a better understanding of the needs of victims of crime. I think this was a deficiency that the Auditor General pointed out, which is that we don't have as good a handle on the needs of victims as we should and we were largely being responsive to grant applications as opposed to really assessing: what are the needs, and how do we best serve those needs? That's what we're doing now.

**Mr. Malkinson:** Perfect. Thank you.

**The Chair:** Last question, for Mr. Gotfried.

**Mr. Gotfried:** Great. Thank you, Mr. Chair. Just a question. I know that you don't have really solid metrics on the sort of victims of crime versus those that take advantage of the fund. Do you feel that there's a need – I mean, some of these may be in place already – for, I'm going to say, marketing of the program, as it were? Is there something that is given to victims? I know that the victims of crime units are there, but do they have, like, a postcard or something that they can leave behind? People are obviously in distress at the time that it happens. Sometimes something that they can take and look at later is – do you feel that, again, I'll call it the marketing of the program, the dissemination of information to potential users is adequate, and are there any plans to improve that if not?

**Mr. Sweeney:** We generally rely on the police because they're the front-line responders to calls for service. Most of the police services are diligent in terms of making certain that victims are aware of the programs that are available. But it's not something you do and say that it's done; it's a continual battle. Marketing is an issue for us. We're aware of it, and we continue to deal with our police chiefs to ensure that they're doing what they're supposed to.

**Mr. Gotfried:** I use the term "marketing" cautiously here, but I think that that's really what we have to do, make sure that people who have a need for it have knowledge, particularly in follow-up to maybe a time when they really are not registering anything as it's coming across to them.

Thank you.

**The Chair:** I'd like to thank officials from the Ministry of Justice and Solicitor General for their presentations today and for responding to the committee members' questions. We ask that any

outstanding questions be responded to within 30 days and forwarded to the committee clerk.

At this time I will open the floor to outstanding questions to be read into the record. I'll remind members: no preambles whatsoever. This is your opportunity for written questions into the record. Mr. Barnes.

**Mr. Barnes:** Okay. Thank you, Chair. First of all, I heard lots of good talk about . . .

**The Chair:** No preambles.

**Mr. Barnes:** . . . the strategy and then the analysis after. When is the date that this is going to be done? When is your plan going to be formulated?

The next two things. I've seen victims' assistance work really, really good in my constituency.

**The Chair:** No.

**Mr. Barnes:** I've just got to have some.

It's because of the volunteers. Has your department ever done a study on the value we get from the volunteers?

My last part is: what are your plans with the \$56 million surplus?

**The Chair:** Other questions?

**Mr. Cyr:** The list of gaps that you said you had identified: can you table those?

**Mr. Gotfried:** As previously noted, I'd like to see a list of the organizations funded – preferably, it may be over a three-year term – and also the dollar amounts associated with those organizations.

As well, if there's any kind of a geographical listing – I did look at your website. There's a good listing there of the victims' services units, but a geographical, if there are any gaps there, if there are any areas that are unserved or underserved from a geographical perspective, would be very useful as well.

Thank you.

**The Chair:** All right. Thank you very much.

Are there any other items for discussion under other business from members?

Our next meeting is Tuesday, December 6 with NorQuest College and the Ministry of Advanced Education respecting financial systems in place to prevent potential fraudulent activity and privacy breaches. The meeting is scheduled from 8:30 a.m. to 10 a.m., with a premeeting briefing at 8.

I'll call for a motion to adjourn. Would a member move to adjourn? Moved by Mr. Hunter. All in favour? Opposed? Carried. The meeting is adjourned.

[The committee adjourned at 9:49 a.m.]



