



Legislative Assembly of Alberta

The 30th Legislature  
Fourth Session

Standing Committee  
on  
Public Accounts

Ministry of Jobs, Economy and Northern Development  
Ministry of Justice

Tuesday, February 14, 2023  
9 a.m.

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**Legislative Assembly of Alberta  
The 30th Legislature  
Fourth Session**

**Standing Committee on Public Accounts**

Phillips, Shannon, Lethbridge-West (NDP), Chair  
Turton, Searle, Spruce Grove-Stony Plain (UC), Deputy Chair

Hunter, Grant R., Taber-Warner (UC)  
Lovely, Jacqueline, Camrose (UC)  
Pancholi, Rakhi, Edmonton-Whitemud (NDP)  
Panda, Prasad, Calgary-Edgemont (UC)  
Renaud, Marie F., St. Albert (NDP)  
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Sabir, Irfan, Calgary-Bhullar-McCall (NDP)\*\*  
Schmidt, Marlin, Edmonton-Gold Bar (NDP)  
Singh, Peter, Calgary-East (UC)  
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\* substitution for Peter Singh

\*\* substitution for Rakhi Pancholi

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| Rob Driesen   | Assistant Auditor General |

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## **Standing Committee on Public Accounts**

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Sonya Johnston, Assistant Deputy Minister and Senior Financial Officer, Financial Services

Shawn McLeod, Deputy Minister

Andre Rivest, Executive Director, Financial Services

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9 a.m.

Tuesday, February 14, 2023

[Ms Phillips in the chair]

**The Chair:** All right. Good morning. I would like to call this meeting of the Public Accounts Committee to order. Thank you, everyone, for attending this morning.

My name is Shannon Phillips. I am the MLA for Lethbridge-West and chair of this committee. As we begin this morning, I will invite members, guests, and LAO staff at table to introduce themselves. We'll begin with the deputy chair, please.

**Mr. Turton:** Yes. Good morning, everyone. Happy Valentine's Day. I'm Searle Turton, MLA for Spruce Grove-Stony Plain and deputy chair of this committee.

**Ms Lovely:** Good morning, everyone. Jackie Lovely, MLA for the Camrose constituency.

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

**Mr. Beeby:** Scott Beeby, executive director in Jobs, Economy and Northern Development for the business supports branch.

**Ms Johnston:** Sonya Johnston, ADM, financial services, and senior financial officer at Jobs, Economy and Northern Development.

**Mr. McLeod:** Shawn McLeod, Deputy Minister of Jobs, Economy and Northern Development.

**Mr. Rivest:** Andre Rivest, executive director of financial services with Jobs, Economy and Northern Development.

**Mr. Wylie:** Good morning. Doug Wylie, Auditor General.

**Mr. Driesen:** Rob Driesen, Assistant Auditor General.

**Mr. Schmidt:** Marlin Schmidt, Edmonton-Gold Bar.

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

**Mr. Sabir:** Irfan Sabir, MLA, Calgary-Bhullar-McCall.

**Ms Robert:** Good morning. Nancy Robert, clerk of *Journals* and committees.

**Mr. Huffman:** Good morning. Warren Huffman, committee clerk.

**The Chair:** Very good.

We have some folks joining us online, so I'll go online. Please, if the hon. members could introduce themselves. We'll start with – I see Member Rowswell. Go ahead.

**Mr. Rowswell:** Garth Rowswell, MLA, Vermilion-Lloydminster-Wainwright.

**The Chair:** Very good.

We'll go to Member Yaseen, please.

**Mr. Yaseen:** Good morning. Muhammad Yaseen, MLA, Calgary-North.

**The Chair:** Good.

We have Member Panda, I believe.

**Mr. Panda:** Good morning. Prasad Panda, Calgary-Edgemont.

**The Chair:** Very good.

And we have Member Stephan, I believe, on the line here.

**Mr. Stephan:** Top of the morning. MLA Jason Stephan, Red Deer-South.

**The Chair:** Very good. Member Stephan, St. Patrick's Day is next month. Today is Valentine's Day.

I would note for the record the following substitutions: MLA Rowswell for MLA Singh and hon. MLA Sabir for MLA Pancholi.

A few housekeeping items this morning. Our microphones are operated by *Hansard* staff. Committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV. The audio- and videostream and transcripts of meetings can be accessed via the Leg. Assembly website. Those participating by videoconference are encouraged to please turn on your camera when speaking and to mute your microphone when not speaking. If you wish to be put on the speakers list, send an e-mail or a message to the committee clerk or in the chat, and for members in the room, please signal to the chair.

We'll now move on to the agenda. Are there any changes or additions to the agenda, my friends? I'll look to the floor for a motion – moved by Member Turton – that the Standing Committee on Public Accounts approve the draft agenda for today's meeting as distributed. Is there any discussion on this motion?

Seeing none, I'll look to the floor. All in favour? Any opposed? Online, all in favour? Okay. Are there any opposed? Thank you. That motion is carried.

I'll move to the approval of minutes now. We have minutes from our January 9 meeting of the committee. Do members have any errors or omissions to note?

Seeing none, I'll look to the floor for a motion that the minutes of the January 9 meeting of the Standing Committee on Public Accounts be approved as distributed. Moved by Member Renaud. Thank you. Is there any discussion on this motion? Seeing none. All in favour? Online, all in favour? All right. Are there any opposed? Seeing none, that motion is carried. Thank you.

Members, we'll move on to item 4 of our agenda; that is, hearing from the Ministry of Jobs, Economy and Northern Development. At our last meeting, on January 9, the committee decided to invite two ministries, Skilled Trades and Professions and Jobs, Economy and Northern Development, to appear before the committee to answer our questions related to the Auditor General's November 2022 report. Given that these were new departments, there was some confusion regarding ministerial responsibilities and designated regulations following the restructuring that occurred last October, so the Deputy Minister of Skilled Trades and Professions declined the committee's invitation to appear today on the basis that none of the matters dealt with in the Auditor General's report lie within the ministry's mandate. That makes sense. My understanding is that the Ministry of Jobs, Economy and Northern Development is the ministry to which the majority of recommendations made in the November AG report are addressed. Accordingly, officials from JEN now are here with us to address those recommendations. I'd like to welcome our guests.

I will just remind people of the format because it's a little bit different than what we usually do. Opening remarks from the ministry are 10 minutes, and then what we have are an Official Opposition caucus questioning block of 15 minutes, the government caucus for 15 minutes, and then one block of 10 each. We will do the three minutes of reading in questions at the end if there are any.

We will not have a second hour of discussion specifically on the AG report since that second hour was set aside for Skilled Trades and Professions. The Ministry of Jobs, Economy and Northern Development is invited to appear before the committee again next week to discuss the annual report and all their outstanding recommendations as they had not appeared before the committee in some time. I hope that makes some modicum of sense to everyone.

We welcome the ministry officials. Your time begins when you start talking. You have 10 minutes.

**Mr. McLeod:** Thank you very much. Good morning. Thank you for the opportunity to discuss the government's response to important findings and recommendations in the November 2022 Auditor General's report.

As you're likely aware, the findings and recommendations of this report are related to the ministries of labour and immigration and jobs, economy, and innovation, now falling under the Ministry of Jobs, Economy and Northern Development. With me today are my colleagues Sonya Johnston, assistant deputy minister of financial services and senior financial officer; Tanis Liebreich, acting assistant deputy minister of economic development and business supports, who is sitting in the gallery; Scott Beeby, executive director of business supports; and Andre Rivest, executive director of financial services.

The Ministry of Jobs, Economy and Northern Development focuses on serving the needs of employers and employees while diversifying the economy, with an added focus on northern Alberta. It also supports safe, healthy, and fair workplaces for Albertans. On March 11, 2020, the World Health Organization declared COVID-19 a global pandemic. Six days later, on March 17, 2020, Alberta's government issued a state of public health emergency, which resulted in the closure of nonessential businesses and services throughout the province. Mandatory isolation and aggressive new measures on social distancing came into force, including restrictions on gatherings of 50 people or more.

Existing events were cancelled, and Albertans were banned from public places like casinos, bingo halls, nightclubs, bars, restaurants, theatres, museums, and fitness centres, just to name a few. The pandemic was truly unprecedented in scope and impact and required the government to be nimble in its approach to ensuring the health and safety of its citizens. New strategies were required, and time was of the essence as we worked to address the challenges of our job creators and all Albertans.

In response to these challenges, our ministry included several supports to help reduce the spread of the virus and provide much-needed financial assistance to Albertans and businesses. While some programs were developed over time, others were needed almost instantly, like the two we will be discussing today. The emergency isolation support program, or EIS, provided vital financial assistance to Albertans to encourage them to isolate during the COVID-19 epidemic until federal supports were rolled out. To support Albertans as quickly as possible, the government worked rapidly to design and implement this program in the spring of 2020. It launched on March 25 and closed two weeks later, on April 5.

To put it in context, within approximately two weeks after declaring a state of public health emergency, the government released \$108 million intended to help nearly 94,000 Albertans. It was meant to fill an urgent gap until the federal benefits, the Canada emergency response benefit, or CERB, took effect. We introduced the EIS program right when people needed it most. It should be remembered that the spring of 2020, a time when many people were left with uncertainty around how they were going to get by while isolating or take care of loved ones who were sick while also paying for necessities like rent and electricity and food, was a very significant event in all of our lives.

By providing support to people who were isolating, the EIS program intended to help Albertans follow public health measures while making sure their basic needs were met. The program achieved its goals in an extremely short turnaround time. As I mentioned, the department designated the EIS program as a temporary program intended to bridge the gap for Albertans until

the CERB was launched. While time to market was key, the application process was streamlined using a risk-based approach similar to COVID-19 support programs rolled out by the federal government and other provincial jurisdictions.

The program applied two levels of application approvals. One, automated online computer controls, screened applicants through three sections of the application process, which included confirming eligibility for the program and the Alberta residency verification process and applicant information and declarations. Each application section needed to be answered correctly to proceed to the next section. Program adjudicators would then verify that the automated controls worked properly and confirmed eligibility criteria that were not assessed by automated controls. These included whether the applicant was at least 18 years of age and whether the start date of the self-isolation period was within 14 days of the program application date. This process was used to facilitate faster processing of applications when time was of the essence and people's livelihoods were impacted.

#### 9:10

While the Auditor General noted areas of improvement with the EIS application process, the controls we had in place for the program were largely sound and helped the department achieve the goal of delivering an emergency program to Albertans as quickly and efficiently as possible during a once-in-a-generation crisis. With that in mind, the findings identified by the Auditor General will be helpful in guiding the design of future emergency programs for Albertans.

It is also important to note that risk-based assessment programs are exactly that, programs that incur a level of risk in their development and deployment. To ensure that everyone who was eligible had the opportunity to apply for the program in a short turnaround time, there was a potential risk of payments going to recipients who were not eligible. People needed immediate help, and this funding gave them that support.

During this time the capacity within the ministry was stretched with the priority of helping people and businesses. Given the unique nature of this program, which included developing, delivering other significant COVID-19 and recovery plan programs, the capacity to conduct postpayment eligibility verification was challenged in terms of our ability to do so. After assessing the initial responses from a sample of recipients, a decision was made not to follow up further or conduct additional postpayment verification activities. This decision was made in conversation with and with the support of the minister. The Auditor General's November 2022 report concluded that the department did not complete sufficient postverification work to confirm benefit recipient eligibility. My ministry accepts the findings of the report and thanks the Auditor General for providing us with his analysis of this one-time program.

This leads me to talk about the supports the Alberta government provided to the small and medium-sized businesses in Alberta. One such program is the small and medium enterprise relaunch grant, or SMERG. As you know, the COVID-19 pandemic caused widespread disruption to the provincial and local economies like never seen before. Many businesses experienced significant declines in revenues while others were required to temporarily cease operations altogether due to public health orders.

SMERG was designed to provide financial assistance to businesses, co-operatives, and nonprofits across the province that faced restrictions or closures from public health orders and lost revenue as a result. This assistance proved vital to these organizations, with the first phase of the program rolling out in June 2020. As the pandemic continued through the remainder of 2020 and into 2021, the SMERG program rolled out in two more phases

that reflected the changing needs of businesses and ongoing impacts of the prolonged pandemic-related restrictions.

The SMERG program parameters were informed through a number of mechanisms, including jurisdictional scans of similar programs across Canada and feedback from businesses, the Alberta Chambers of Commerce, the Canadian Federation of Independent Business as well as industry data and statistics. The result was a responsive program to support eligible organizations across the province. To ensure effective stewardship of public funds, all applications were reviewed through an online application system which had a number of automated controls and data fields to quickly assess claims as well as identify those with potential issues.

Applicants had to prove their organization met all program eligibility requirements, including producing relevant revenue information. Any applications with identified issues such as incomplete data or failure to meet the program eligibility criteria were manually reviewed by program staff. In some cases applicants may have been asked to provide additional documentation to support validation of their application before it was approved. Approximately 127,500 applications were submitted to the program, of which 57,000 were reviewed manually. This is a significant number for a program that was implemented so quickly in response to a public health crisis as we had never seen before.

In addition to well-defined eligibility information, the department used a number of criteria to assess approved applications for potential postpayment review. Given the volume, the department divided the applications into high- and low-risk categories. This information was then used to determine a value-for-money approach to verify eligibility and in some cases repayment of funds. Of the 103,000 approved applications, 95 per cent, or 98,000, were considered low risk, meaning that these applicants reported business and relevant revenue information that was reasonable for their sector.

Of the high-risk applications the ministry has selected over 1,000 for eligibility verification. As noted in the Auditor General's report, more than half demonstrated they were eligible. I want to point out that half of these high-risk applicants were later deemed eligible after the audit work had considered their supporting information. Applicants who were not able to verify their eligibility through this process have been or will be asked to repay funding.

Small or medium-sized enterprises are an important part of Alberta's economy, accounting for more than 99 per cent of all businesses and nearly 55 per cent of all employment. Through the SMERG program government provided a lifeline . . .

**The Chair:** Thank you very much, Deputy. I'm sure you'll have a chance to conclude those remarks over the course of our time here this morning.

We will now move to the Official Opposition caucus for 15 minutes. Oh, no; sorry. We have the OAG if they have any opening comments. We have had a conversation with him. Mr. Wylie, if you have any opening comments, you have a total of five minutes.

**Mr. Wylie:** No, Chair, we don't.

**The Chair:** Okay. Thank you.

We will now proceed to questions from committee members. We'll begin with the Official Opposition and Member Renaud, please.

**Ms Renaud:** Thank you, Madam Chair, and thank you to the officials for being here today. I just had a quick question for Mr. McLeod. You mentioned in your statement that your decision to not do the verification after the program was done was approved or supported by the minister. Can you just tell me, really briefly, what that rationale was to decide not to pursue that?

**Mr. McLeod:** In consultation with the minister the conclusion was reached to not continue further verification or collection efforts with respect to the EIS program. That decision was made in late 2021, and the basic foundation for the decision was that after assessing the information gathered as part of the audit conducted by corporate internal audit services and the initial responses from a sample of recipients, a strategic decision was made to not follow up further or conduct additional postpayment verification activities. Our assessment was that further attempts to contact EIS recipients and recover potentially ineligible payments would have been extremely resource intensive and likely would not have resulted in further information gains already achieved for the corporate internal audit services or collections.

**Ms Renaud:** It's too much work to go back and do that. Okay. That's fine.

We're going to move on a little bit. Again, I understand that we have the luxury of looking backwards. I understand this program – speed was involved, and there was an acute need, so I just wanted to preface my comments with that. The department decided that a partially verified MyAlberta digital ID account was sufficient to verify the applicant's residency. Now, the audit examination found that 82 per cent of successful applicants only had partially verified MADI when they applied for the emergency isolation benefit. The department failed to mitigate potential fraud risk by not requiring all new MADI accounts to be fully verified eventually: understandable risk, again understanding the need for speed. Here are some of my questions. Could any official please describe the steps they undertook to ensure that this sort of web-based emergency isolation support application process was accessible to all Albertans?

**Mr. McLeod:** The policy work, that was done, as you've recognized and I would indicate, in a very short period of time, took into account, really, the consideration: how can we best get the dollars into the hands of Albertans in the fastest way possible? The policy purpose was to attempt to allow and encourage people to self-isolate during that time. While many Albertans had sick leave or other types of benefits to fall back on, certain Albertans didn't, and this program was really directed at those folks to allow them to do that.

**Ms Renaud:** Maybe I wasn't super clear on my question, Mr. McLeod. I'm talking about the people that might have difficulty navigating just a basic website. Perhaps they need some accommodation. Like, maybe they use a screen reader to read what's on the screen. Can you tell me what steps your ministry took to make sure that this portal or this application process was accessible?

**Mr. McLeod:** There were a variety of accessibility issues with respect to that – for example, access to a computer was one of them – and ultimately, due to the speed with which it needed to be stood up, we couldn't have access to all of those sorts of services. For example, some people would have preferred to apply in person, and due to both the health risk, the staffing requirements, and the time frame within which these decisions had to be made . . .

**9:20**

**Ms Renaud:** Okay. But based on what you settled on – you decided that we're going to do this online: people are going to apply this way, so we've got to do it quickly. But we know that there are between 600,000 and 900,000 Albertans who have disabilities of some kind – that's a pretty significant number – so what are we doing to make this process as accessible as possible? Now, understanding that there's the Premier's Council on the Status of

Persons with Disabilities – they are there solely to provide advice to government. My question is: was there any consideration at all, any communication with other ministries or other departments, anything at all to make this site accessible?

**Mr. McLeod:** Once again, I'm not aware of that specific activity. This program was based on a previous set of software that was available during emergencies in Alberta. It was stood up by Service Alberta with respect to those details, so I'm not aware of that, but I can say that we have, throughout all of the reviews that have sort of taken place with respect to this program, attempted to put together lessons learned and understand from that. And in the . . .

**Ms Renaud:** That's great. I hope this will make the lessons learned because I think even just having alternate text for images, infographics, is really important.

Okay. I'm going to move on a little bit. On page 10 of the report the AG notes that "oversight of the approval process is critical to ensure consistency and accuracy." Key findings on page 11 told us that "adjudicators were trained on documented approval processes, but there was no oversight over adjudicator performance." Adjudicators examined "two eligibility criteria . . . not assessed by the online automated controls: whether the applicant was at least 18 years of age and whether the start date of the self-isolation was within 14 days of the program application date." Now, the report notes that 132 Service Alberta staff were deployed to adjudicate, so how many of those 132 staff completed the online training for adjudicators?

**Mr. McLeod:** I'm not aware of the answer to that question.

**Ms Renaud:** Okay. If you could get back to the committee with that answer, that would be great.

**Mr. McLeod:** Actually, I have a little more information to provide you now, thanks to Andre. There are approximately 120 adjudicators trained by Service Alberta to use that software.

**Ms Renaud:** One hundred and twenty-eight trained out of 132?

**Mr. McLeod:** One hundred and twenty.

**Ms Renaud:** Oh, 120. Okay. Perfect.

Can you tell me where these staff were deployed from in Service Alberta?

**Mr. McLeod:** Just one moment. They were working on the 1GX implementation, the corporate software that was rolled out around the same time.

**Ms Renaud:** So here we are, a number of years after the launch of the emergency isolation support programs. Of the 82 per cent of partially verified accounts that successfully applied for the benefits in 2020, what percentage or number of those accounts have completed the verification of eligibility process?

**Mr. McLeod:** Sorry. Could you repeat the question? I just want to make . . .

**Ms Renaud:** Yeah. It's a little bit of a confusing question. Actually, I'm going to come back to this one. Let me skip and go to another question.

On page 12 of the report the AG notes that "controls that rely on humans have a higher risk of inconsistent application than a well designed computer control." The report further describes programming edits that could have led to a fully automated

emergency isolation system. Given that we know that the AG "found adjudicators incorrectly approved 41 of 84 applications submitted by minors," would the officials please share the rationale for redeploying 132 Service Alberta staff as adjudicators as opposed to creating a fully automated approval process?

**Mr. McLeod:** I think the decision to attempt to fully automate the process was really limited by the starting point in terms of that previous software that was used and also the time frame in which we were attempting to get the money out the door. It was a combination of those two things. As I've indicated, we're doing our best to understand where we can do better in the future, and certainly that's one of the issues we're considering. Once again, it has to be balanced against sort of the time implications and the time allowances.

**Ms Renaud:** Sure. Okay.

I just had a quick question. I read the Ombudsman's report that was from September of 2021, and they note that they were told there were 120 adjudicators, and the AG report says 132. So was it a range, or was it just a different number?

**Mr. McLeod:** I don't know the answer for that discrepancy.

**Ms Renaud:** Don't know the answer to that. Okay.

How much of the \$108 million in emergency isolation benefits was paid to ineligible individuals, if you had to estimate?

**Mr. McLeod:** The emergency isolation benefits? I think it's fair to say, based on everything we know today, that there was some ineligibility, but I think it's very difficult to speculate what that number might be.

**Ms Renaud:** Okay. The 24 months where applicants were required to retain support for their eligibility have now passed. In fact, the Ombudsman's report from September '21 at the time noted that they were already at 21 months, and at 24, then, that timeline would expire. I guess my question is: where did that number come from? Does that seem reasonable given what was going on? And can the officials explain, you know, the plan to recover funds that were paid out? You answered earlier, the minister's rationale for not doing that, that it would be time consuming to go back and try to collect that. But I guess I'm trying to understand. It seemed like everything was stacked up not to be able to do this work effectively sort of postpandemic or once things settled down. I'm just wondering if you could speak to that because I don't quite understand. We're getting the flag from the Ombudsman that raised some questions, that said: we're about to run out of time to recoup some of these funds. We now have, of course. We know that. I just would like to hear more about why this happened.

**Mr. McLeod:** At the time the decision was made, as I indicated, in December of 2020, the rationale for that was really the cost-benefit analysis that had sort of been undertaken to decide what next steps to do. We had reached out to a sample set of folks, as is indicated in the report. We didn't get back sufficient response to that to have a statistically significant response so we could extrapolate that across the population, so we were deciding: okay; what step is next? And at that time, ultimately it was decided that there would be no further activity with respect to that endeavour. It was not based on the timing considerations with respect to those outlined in the Auditor General's report. There were considerations taken as to how we would staff that to do the work that was remaining, so there was a variety of options sort of presented, including redeploying



staff, hiring different staff, contracting staff, those types of activities.

**Ms Renaud:** Would you be able to table those options or a description of those options for this committee?

**Mr. McLeod:** I can give you some further detail with respect to that.

**Ms Renaud:** Okay. That would be great.

I just want to go back to – there have been a number of ministers, so it's a little bit confusing. I'm wondering if you could specifically tell us who in government made the decision or approved the decision, was okay with it, whatever language you want to use, to not reclaim the public dollars that were paid in error in this program. Who was it specifically? Which minister?

**Mr. McLeod:** Just one short clarification before I provide that. I don't think there is evidence that public dollars were not properly paid. We accept that there certainly may have been, that that may have been the case. The minister at the time when that decision was made was Minister Shandro.

**Ms Renaud:** Minister Shandro. Okay. So you have an issue with my language, that it wasn't paid inappropriately or inaccurately? How would you describe that? It was just paid in error?

**Mr. McLeod:** What I would describe is that there's a possibility that some of the recipients did not qualify for the funds.

**Ms Renaud:** I have a question about the Ombudsman's report. Again, it goes into, talks about specifically the Auditor General's report, and the two reports really do mesh. On April 6, 2020, we know that there were 14,085 applicants who applied outside of the 14-day isolation period, and they were approved. So we already know that the 14-day isolation criterion was changed twice throughout the adjudication period, and the April 6 change removed the 14-day isolation period altogether. This policy change, we know, resulted in approximately \$16 million in additional payments. So who specifically authorized that policy change, the April 6 policy change?

**Mr. McLeod:** Those policy changes were authorized by the government of Alberta. The funding that you have in question: I think I'd like to take that away to just sort of get a bit more background because I just need to check the facts in terms of that policy change before I speak further.

**Ms Renaud:** You can check the Ombudsman's report. It's actually laid out fairly succinctly.

**Mr. McLeod:** I am doing my best to answer those questions. Certainly, we came prepared to discuss this as fully as we could. We specifically came prepared to talk about the November report.

**Ms Renaud:** It seems pretty significant that one of the eligibility criteria for this program, which was the 14-day isolation – it seems very significant that changing that eligibility criteria: it's a pretty big decision. Who at the time would have been ultimately responsible for making that decision or that call?

9:30

**Mr. McLeod:** I'd just like to take that one away and make sure that I understand the facts, the foundational facts, for your question there.

**Ms Renaud:** Okay. I will turn my time over to my colleague.

**Mr. Schmidt:** Thank you very much.

My questions are going to be focused on the SMERG program. Obviously, the Auditor General highlighted that potentially millions of dollars have been paid out in error under that program. I want to know: when did you first brief the Premier and the appropriate ministers that so many people had been paid in error?

**Mr. McLeod:** Sorry. I was listening to two things there. Your reference was to the EIS program?

**Mr. Schmidt:** No, no, no. SMERG.

**Mr. McLeod:** SMERG. I'm thinking.

**Mr. Schmidt:** Okay.

**Mr. McLeod:** I wasn't the deputy at the time, so I think on that one I would have to take it away. I would also say that I just want to be cautious about specifics as to what was told to the minister at the time and those sort of details in terms of ministerial privilege, but we're happy to take it away.

**Mr. Schmidt:** Well, I think the people of Alberta have a right to know when the ministers knew that so much money was going out the door to ineligible applicants.

**Mr. McLeod:** Same answer.

**The Chair:** Okay. We'll now go to the government side for 15 minutes of questions. Mr. Rowsell, please.

**Mr. Rowsell:** Thank you very much. Yeah. Page 108 of the Auditor General's report detailed how the emergency isolation support program provided important financial support for Albertans who lost their jobs in the early days of the pandemic. Can you provide an overview of the program and what its primary purpose was? And then if you could expand on the eligibility requirements after that.

Thank you.

**Mr. McLeod:** Thank you for the question. The government of Alberta has provided emergency financial assistance to thousands of Albertans in the past in response to crises and natural disasters such as floods and wildfires. With this in mind, on March 18, 2020, the government of Alberta announced the EIS program. This is a temporary program to provide one-time funding, \$1,146, for working Albertans who were required to isolate by public health guidelines or who had to take care of a dependant who was isolating and had no other source of income during this time or had a significant, greater than 50 per cent, reduction in their income.

The program's objective was to provide emergency funds to Albertans in a quick and efficient manner while limiting the spread of COVID-19. The program acted as a bridge until financial supports from the government of Canada became available. The program ran from March 25, 2020, to April 5, 2020, and provided approximately \$108 million to 93,887 Albertans. The government of Canada launched the Canada emergency response benefit, CERB, program on April 6, allowing eligible Canadians in need of this type of support to apply for financial support under that program.

In terms of the second part of your question, in terms of expanding on the eligibility requirements, yes, there were several criteria that needed to be met in order for an individual to be eligible for the EIS benefit, including: they had to be a resident of Alberta, they had to be 18 years or older, they had to have left work to self-isolate due to being diagnosed with COVID-19 or been advised to

self-isolate by a public health official due to COVID-19, or have left work to be the sole caregiver for a dependant diagnosed with COVID-19 or advised by 811 or the Alberta Health Services COVID-19 self-assessment to self-isolate.

The other criteria was employment, working full- or part-time prior to self-assessment or quarantine, experiencing a total or significant, more than 50 per cent, loss of income as a result of self-isolation, quarantine, or caring for a dependant due to COVID-19; being unable to work from home while self-isolating; being unable to collect any other form of employer or government income compensation, which included employer sick benefits, employment insurance, government of Alberta income support programs, assured income for the severely handicapped, or private insurance benefits; being unable to stay home to care for dependants who are at home for a reason other than self-isolation or quarantine; and for an eligible individual who has had to self-isolate, their application must be submitted within the 14 days of self-isolation.

**Mr. Rowsell:** Okay. Thank you very much.  
I'll now defer to MLA Stephan.

**The Chair:** MLA Stephan, you're muted.

**Mr. Stephan:** Thank you, Chair. Appreciate that.

I also have some questions about the emergency isolation payments. Page 108 of the Auditor General's report says that about 94,000 Albertans received benefits under this program and that there was an attempted verification of 150 of that 94,000. That's about one-tenth of 1 per cent. Of the one-tenth of 1 per cent that were actually attempted to be verified, about 41 responded, which is less than 50 per cent; of the less than 50 per cent that actually responded, less than half provided complete information. That's from the Auditor General's report. Could you advise the committee what characteristics led to the provided information being deemed to be incomplete?

**Mr. McLeod:** We're working with the corporate internal audit services. Letters requesting documentation to support eligibility, as you indicated, were sent to 150 randomly selected recipients. These letters outlined the program's eligibility criteria and then asked the recipient to submit confirmation of self-isolation or a caring for a dependant form and a confirmation of loss of income form. As referenced on page 108 of that report, there were respondents who provided us with incomplete information. This consisted of respondents who either did not fully complete the required form or just submitted the form with missing information.

**Mr. Stephan:** All right. I actually have two questions to follow up on that. We know that the benefits paid out under this program were over \$100 million. We've heard that the cost benefit of verification, you know, relative to the benefit of over \$100 million was felt not to be justifiable. Could you advise on the cost of more verification vis-à-vis when we compare it to over \$100 million of taxpayer dollars paid out?

**Mr. McLeod:** I'd just like to clarify. There was \$108 million of taxpayer funding paid out. I think the premise of your question included the suggestion that that money was not paid out correctly. That's not correct.

**Mr. Stephan:** I never suggested that. What I'm suggesting is that we paid over \$100 million of Albertan taxpayer dollars out. What I want to understand is: relative to that expenditure of taxpayer dollars what is the cost of having a broader verification of eligibility of those who received payments under the program? I know we had

a sample of less than one-tenth of 1 per cent; of that, we had less than 50 per cent response, and of the less than 50 that responded, we had over half of that incomplete response. So I'm trying to understand what the cost of verification is.

**Mr. McLeod:** I'll turn it over to Sonya for an initial response, but I'll follow up as well.

**Ms Johnston:** Thank you.

Looking across some of the other programs is where we get a bit of a comparator for cost of delivering a postpayment verification process. We can say that we've done a fair amount of work on the SMERG program in assessing postpayment eligibility, and the initial tranche of work that was described in the OAG's report to assess the thousand applications took, I believe, six staff members over seven months to get that initial assessment. So to continue that postverification process with an additional sampling through the rest of the population has taken a similar number of staff members approximately at least another five months. The work is still ongoing now.

9:40

In looking at another program to do a sampling of the postpayment verification process, to sample a cohort of the program is costing us almost \$200,000 just to do an initial assessment. When we look at the cost benefit, it's looking at the culmination of the resources, the capacity, and the dollars invested in assessing when we've got lessons learned already and trying to assess the benefit of and the likelihood of collectability based on what we're seeing in the program.

**Mr. Stephan:** All right. Just a final question. I appreciate that postpayment verification is expensive, so going forward I want to understand: what steps, what learnings are we going to do to improve prepayment verification? Postpayment verification is more expensive, so with these programs going forward, how are we strengthening prepayment verification?

**Mr. McLeod:** As indicated, we have had some learnings with respect to this program, and as also indicated, programs vary in terms of the time that you have to stand them up. In terms of lessons learned, we certainly have understood that the eligibility criteria and the data requirements and fully analyzing those at the front end of the program is one lesson learned. Automating to the extent we can is certainly another lesson learned. During the design of the program consideration should be given to documenting outcomes and identifying performance measures that can be looked to in the future. Certainly, if the program will rely on attestations, which this program did, think about how to verify those attestations such as periodically sampling applicants during the program delivery or potentially waiting until the program closes, but doing as much of that work up front as we can.

I think Andre may have something that he wanted to add there as well.

**Mr. Rivest:** Yeah. Thank you.

I would just add that I think the balance between doing the prepayment verification versus postpayment verification also depends on the overall design of the program and the intent and the objective there. With an emergency program needing to act quickly, then obviously some of our key learnings have been to do, you know, improvements on the postpayment verification side versus where we've had a little bit more time to pull some things together. A couple of other COVID-19 and recovery plan program examples within our department would be the critical worker benefit program

and the Alberta jobs now program, where we've had the ability to collect a lot more information from the applicants up front to be able to assess eligibility and gather more information and documentation as part of that. So it definitely is a balance and depends on the type of the program and the service. Once again, these have been some good learnings that we've been able to pull out of the delivery of these types of programs so that we can continue to improve.

**Mr. Stephan:** All right. Well, I appreciate that, and thank you. I appreciate the context, but having said that, there needs to be improvement going forward. I hope that we institutionalize and learn from our mistakes; they're valuable teachers. I appreciate that the intent is good, but how we do it is important, too.

I'll turn the time over to my friend MLA Hunter. Thank you.

**Mr. Hunter:** Thank you, Madam Chair. I just wanted to start out with just a broad question. I was talking to one legislator from another jurisdiction, and he described this whole process. The world was dealing with being able to roll out all these different programs, support programs, because of COVID. He once described it as building a ship while launching it, and I thought it was apt as, you know, we kind of looked at what was happening even within the government here in Alberta. Now fast-forward. We're looking back, which is fantastic, that we're out of it and we're looking back. Has there been any crossjurisdictional analysis of other jurisdictions that have done it right, that have done it better? In order to be able to help us – I mean, obviously, we are not going to have to deal with the same thing, but have we done any of that crossjurisdictional analysis?

**Mr. McLeod:** To the best of my knowledge we haven't, MLA Hunter. The activity that's gone on to date, as you can see, has continued in a variety of places both in terms of current work but also work with respect to looking back at these programs, including SMERG. It's an excellent suggestion. We're open to all ideas to try to do it better next time, and that's certainly one that we'll take away and consider how we could do that and what lessons we could learn from it.

**Mr. Hunter:** Hopefully, we don't have a next time, but it's always important to be prepared. I guess my question is: is there, like, an international body that's looking at best practices that you know of? If there is, are we going to be able to take part in that? From what I've seen, and I've tried to talk to lots of different – and this is all anecdotal – jurisdictions, and nobody did it, you know, fantastic. It was just tough. As I said earlier, you know, you're building your ship as you're launching it. So that's the one point that I wanted to make.

The other question I wanted to ask you is that I remember during that time that the NDP during every question period were demanding that we get it out sooner, that we had pushed it out sooner, and now it's interesting to listen to them talk about, you know, the other side. But, Mr. McLeod, if we had pushed it out sooner, what would have been the cost to us as a government, to taxpayers, if we had pushed it out sooner than we actually had?

**Mr. McLeod:** Well, I think the ultimate cost would be in, potentially, the design of the program. We did our best to try to get the dollars into the hands of those folks who didn't have the financial support to self-isolate. That was the ...

**The Chair:** All right. Just quickly, hon. members, I'd like to provide Mr. Toor the opportunity to introduce himself for the

record. He joined us prior to the government's rotation, so I just wanted to make sure that he could do that.

**Mr. Toor:** Good morning. MLA Devinder Toor, Calgary-Falconridge.

**The Chair:** Thank you, Mr. Toor.

We are now moving on to the Official Opposition caucus, 10 minutes, followed by the government caucus for 10 minutes. Go ahead.

**Mr. Schmidt:** Yeah. Thank you, Madam Chair. It's interesting. In my recollection this is the first time we've had a bipartisan grilling of a department, so we know that something has gone massively wrong here with these programs.

In my previous round of questions the deputy minister refused to tell us whether or not the Premier and the minister were briefed, so I'll change my question. Should the Premier and minister have known that potentially hundreds of millions of dollars had been paid in error from SMERG?

**Mr. McLeod:** I'll get back to you with respect to that once I've clarified the facts with respect to that situation.

**Mr. Schmidt:** There's nothing to clarify. This is a regular process. Should the Premier and relative ministers have known? You've worked in government for longer ...

**Mr. McLeod:** I'll turn it over to Scott. He was more involved at the time.

**Mr. Schmidt:** Thank you.

**Mr. Beeby:** Thank you, Member. I appreciate the question. Perhaps I can approach responding by just taking a look at how we designed it and then come to that question.

**Mr. Schmidt:** No. I'm not interested in the design of the program. Should the Premier and the ministers have known that potentially hundreds of millions of dollars had been spent in error from this program?

**Mr. Beeby:** When we look at the benefits that were paid out under SMERG, we had \$670 million go out in benefits to the applicants of the program. We used a four-step process that was going to allow us to have the confidence that those funds were paid to eligible applicants. Those four steps end with the postpayment process. In that postpayment component: that's where we undertake to verify information provided by applicants. So when you've asserted that hundreds of millions of dollars were paid out incorrectly, our postpayment results don't support that assertion.

**Mr. Schmidt:** Yeah. That's why you're here today, to answer some questions, because the Auditor General shows that you don't even know how much money was paid out to ineligible applicants, but you know that at least 50 per cent of the high-risk applications were paid out to ineligible applicants, totalling approximately \$24 million from the figures from the Auditor General. If \$24 million was paid out the door, shouldn't the minister and the Premier have known that that was happening? That's my question.

**Mr. McLeod:** Scott can follow up with respect to more details given that he was there at the time. With respect ...

**Mr. Schmidt:** No. I'm not asking for details. Do you tell – when \$24 million is potentially spent in error, do you tell the minister that that's going on or not?

**Mr. McLeod:** The premise of the question is that there were payments that should not have been made. We . . .

**Mr. Schmidt:** You're rejecting the premise of the question, so I will move on, then. The last guy who rejected the premise of the question is no longer around to answer those questions, I might remind you.

The government chose not to pursue recollection or even further investigate how much money was paid in error. Who made that decision?

9:50

**Mr. McLeod:** That decision was made in concert with discussions with the department and the minister at the time.

**Mr. Schmidt:** Okay. So the minister at the time directed the department not to investigate how much money was paid in error or enter into recollection. Is that correct?

**Mr. McLeod:** The decision was made that the resources that would be required to continue down that road, including ultimately to collection of those funds in the circumstances where \$1,000 should've been paid to 93,000 individuals, would have been an extremely resource . . .

**Mr. Schmidt:** You're conflating the emergency isolation benefit with SMERG. I'm talking about SMERG now.

**Mr. McLeod:** Sorry.

**The Chair:** Hon. members, I'll just remind everyone to speak through the chair.

**Mr. Schmidt:** Madam Chair, the deputy minister is conflating emergency isolation benefits with SMERG.

**Mr. Beeby:** If I can provide some additional context. After the third intake of SMERG had closed, we did some internal analysis to look at a random sample of those first intake payments and then overall out of the entire approved population. What we saw consistently in those results is that a high percentage, in the high 80s, were demonstrating their eligibility. That was based on the information that the program itself had collected.

As part of the Auditor General's recommendation to conduct a random sample of low-risk applicants, the department has been able to demonstrate that over 92 per cent of those who applied to the program were eligible for the benefits they received. The internal results that have been completed consistently reinforce that the program had a high degree of eligibility for the benefits that were received.

**Mr. Schmidt:** So if I understand you correctly, since the Auditor General's report has come out, the department has verified that 92 per cent of the low-risk applicants were actually eligible for the benefits. Is that what you're saying?

**Mr. Beeby:** That's correct, and it reinforces the earlier analysis that the department . . .

**Mr. Schmidt:** That's based on – how many samples did you collect?

**Mr. Beeby:** We collected a sample of 137.

**Mr. Schmidt:** A hundred and thirty-seven. Out of how many applicants?

**Mr. Beeby:** Out of 103,000 applicants.

**Mr. Schmidt:** Okay. Less than 1 per cent. You collected a sample of less than 1 per cent, and from that less than 1 per cent sample you said: 92 per cent. Is that representative, in your view?

**Mr. Beeby:** We used the Auditor General of Canada's guidance on sampling to come up with the sample that we randomly selected from the pool of approved applicants.

**Mr. Schmidt:** Okay. Taken, though, that approximately 8 per cent of over \$600 million was paid out in error – would you agree with that assessment?

**Mr. Beeby:** It supports it. Eight per cent.

**Mr. Schmidt:** Okay. Yeah. Great.

I'm thinking in the neighbourhood of \$54 million. I'm not so good at math here, but \$54 million was paid out in error to the low-risk applicants. What is the department doing since the Auditor General report came out to collect that money?

**Mr. Beeby:** We have been contacting those through our postpayment activities that were deemed ineligible and advising them of their repayment requirements. We have had repayment, and those that haven't . . .

**Mr. Schmidt:** How much?

**Mr. Beeby:** We've recovered a million dollars so far.

**Mr. Schmidt:** A million dollars. The Auditor General in his report identified that there was \$500,000 already collected at the time that he wrote. You've doubled that to a million. You've got \$54 million left to go, give or take. When will the people of Alberta get that money back? How much of that is even recoverable? Two questions. When will the people of Alberta get their money back, and how much is recoverable?

**Mr. Beeby:** The department is continuing to analyze the results of those postpayment activities, and a recommendation will be made to the department to make a decision on what the appropriate next steps are going to be.

**Mr. Schmidt:** Will those recommendations be based on some sort of cost-benefit analysis on whether or not it costs more money to collect it than not?

**Mr. Beeby:** I would expect the recommendation will take that into account and will be provided.

**Mr. Schmidt:** Do you expect that potentially it could cost the department more than \$54 million to collect this money that's outstanding?

**Mr. Beeby:** I think, based on our learnings after our very first postpayment activity, which my colleague expressed earlier, demonstrated that it took six to seven resources almost seven months to go through that process – so that analysis will factor into the recommendation that's made to the department.

**Mr. Schmidt:** Yes. I understand, but six to seven people working for seven months is not \$54 million.

**Mr. Beeby:** Perhaps it goes to the second part of what I believed your question was going to be in terms of the recoverability rate. When you look at a cost-benefit analysis of this nature, you do want

to take a look at whether or not the funds that you're going to be pursuing – are you going to be able to recover them? For example, if a business has closed its doors, those are funds that you may not be able to recover, but you go through the process with them nonetheless. So you invest the effort, but you don't necessarily get the benefit of that effort.

**Mr. Schmidt:** When will the people of Alberta have a final report? This is something that the Auditor General said that the department committed to. When will the people of Alberta have a final report on a full analysis of how much was paid out in error and how much was returned to the people of Alberta?

**Mr. Beeby:** We have two components to that. The first is going to be completing our postpayment activities, which is the recommendation from the Auditor General, which the department has agreed to comply with. The second component to that . . .

**Mr. Schmidt:** What's the timeline for completing that?

**Mr. Beeby:** Our expectation is for end of March.

**Mr. Schmidt:** End of March. Okay. And the second part?

**Mr. Beeby:** The second component to that is an evaluation of the program that will then further detail some of the other components of the program.

**Mr. Schmidt:** And when will that be made available?

**Mr. Beeby:** A timeline for that has not yet been established, with our efforts focused on the postpayment activities.

**Mr. Schmidt:** Why not? Why has no timeline yet been established? This program has been in operation and closed down for over a year already.

**Mr. Beeby:** It comes back to allocating the resources to completing the work associated with the Auditor General's recommendations.

**Mr. Schmidt:** So we can spend \$600 million without knowing where it's going, but we have no ability to allocate resources to determine whether or not the program was worth it? Is that what you're saying?

**Mr. Beeby:** I come back to, again, that the results . . . [A timer sounded]  
Thank you, Chair.

**The Chair:** Okay. We'll go the government caucus for 10 minutes, please.

**Mr. Toor:** Thank you, Chair, and thank you to the deputy for answering these tough questions. I think Albertans need to know about these tough questions, and it doesn't matter who asked for it. I'm just listening about a lot of ineligibilities. I think that people were ineligible. I just want you to look at page 108 and discuss the government corporate internal audit, which was conducted from May 2020 until February 2022 to assess the controls on the eligibility of the benefits, payment processing, and program delivery processes. I heard those tough numbers, over \$50 million, that somehow that money was not eligible, but when were these risks of ineligibility identified, though?

**Mr. McLeod:** Thank you for the question. I think it is important to reflect for a moment what it was like over the past two years. During this unprecedented time the department officials were conducting

various COVID recovery programs such as the critical worker benefit program, the Alberta jobs now program, and the Workers' Compensation Board premium support in addition to resolving issues such as issuing tax slips for the EIS program. The postpayment eligibility verification audit was but one of many priorities the department has been leading and working on.

As the OAG report mentions,

government corporate internal audit services performed an audit to assess controls on benefit eligibility, payment processing and program delivery processes.

As noted in the OAG report, the

audit identified indicators of risk of payments to ineligible recipients.

The process with corporate internal audit services was complex and involved the auditors requesting and assessing information from the former departments of labour and immigration and service Alberta on the program, in addition to reaching out to the randomly selected benefit recipients. As per the process the findings and recommendations from CIAS were shared with the department management to confirm their accuracy and to ensure that the department agreed with them. Based on all of the information gathered and assessed during this process, the department made its decision to not further pursue postpayment verification activities, allowing CIAS to finalize and complete its work.

**Mr. Toor:** Well, thank you, and thank you for your clear answers, I guess. But, again, the question is that these recommendations were issued at a certain date. Why weren't these recommendations issued earlier in order to allow for implementation prior to April '22, the eligibility deadline? You didn't follow those guidelines.

10:00

**Mr. McLeod:** Thank you again for the question. It is important to reflect for a moment – sorry. Can you just repeat the question? I just want to make sure I understand the question.

**Mr. Toor:** Okay. Why were recommendations not issued earlier in order to allow for implementation prior to the April 2022 eligibility deadline?

**Mr. McLeod:** I think, really, the answer I just gave you provides the background and the answer for that question.

**Mr. Toor:** Thank you very much, and I'll pass on my time to MLA Turton.

**Mr. Turton:** MLA Hunter will take the next question.

**Mr. Hunter:** Thank you, through the chair. On pages 91 and 92 of the OAG report the OAG has recommended verifying the eligibility of approved SMERG applications. You stated in that report that you are conducting a sampling of approved applications deemed to be of lower risk and that work is expected to be completed by March 31, 2023. Could you provide us with a progress update on this project?

**Mr. McLeod:** The department is complying with the OAG recommendation to complete postpayment processes on approved applications, as you mentioned, by the end of the fiscal year. As already indicated, the initial results are that approximately 92 per cent were eligible for the program. As part of that process we're completing the verification eligibility. The department is sampling, and it is expected to be done with that by, as I indicated, March 31, 2023.

**Mr. Hunter:** Okay. Now, what criteria must be met for an application to be assessed at the lower risk?

**Mr. McLeod:** Maybe I'll turn that over to Scott.

**Mr. Beeby:** Thank you, Deputy, and thank you, Member, for the question. There are a number of factors we look at when we identify an application's risk level, and that would include whether or not the bank account being used by the applicant was in province or not. If it was an in-province bank account, we would identify them as lower risk. We would also look at the revenues that they were reporting as part of the application process. We would look at those against the industry sector itself and were they in line. If they were in line, then we would consider them lower risk.

**Mr. Hunter:** Okay. So why not sample higher risk applications?

**Mr. Beeby:** The department took a value-for-effort approach, so it's a risk-based approach. You recognize, as I described earlier, there are costs associated with going through your postpayment activities, so you want to get the biggest bang for the buck, as it were. You want to get the most out of the effort you're going to put into it. So we identified those that were highest risk, and we pursued collecting information from them to support their application and determine whether or not they were, in fact, eligible.

As the deputy had indicated earlier, what we saw through that process: of the highest risk, half of them were eligible. So we identified these folks as the ones that had the greatest likelihood of being of concern for the program, and in turn they ended up being significantly eligible for the benefits they received.

**Mr. Hunter:** Okay. I'll turn the time over to Member Lovely now.

**Ms Lovely:** Thank you so much. I see on page 14 of the annual report that the total cost for the program was \$626.4 million, with these funds going on to support nearly 40,000 businesses and organizations that collectively employ more than 300,000 people. Also, detailed on page 20 of the report is the fact that COVID-19 had a negative impact on women's economic participation in particular, so I'm happy to see that this funding was realized to support female-owned businesses across Alberta and within my home constituency of Camrose. Can you expand on the types of businesses that were the most likely to utilize SMERG funding?

**Mr. McLeod:** As you've indicated, the SMERG program provided approximately \$670 million to more than 48,000 organizations that collectively employ more than 345,000 people in Alberta. Program analysis since that time has indicated that the businesses that most utilized the funding included the following: accommodation and food services, arts and entertainment and recreation, retail trade, and personal services. As expected, these types of businesses, including food, retail, and personal services, were most significantly impacted at the onset of the pandemic and also comprise a significant part of the small businesses in Alberta, which this program was intended to address.

**Ms Lovely:** Did the sectors that utilized this funding match up with the sectors that you projected would be the most likely to apply for funding?

**Mr. McLeod:** Maybe I'll turn that over to Scott as well.

**Mr. Beeby:** Thank you, Deputy, and thank you for the question. The results did line up with what we were expecting in terms of those that applied for and were eligible for the benefits they received.

**Ms Lovely:** Okay. Moving on now, in terms of application I was impressed to see on pages 18 and 19 of the annual report just how quickly and effectively the SMERG program was rolled out. These funds played a critical role in keeping thousands of small businesses, many of them women owned, afloat. How many applications were you initially projecting, and do you have a figure on the percentage of small and medium enterprises that were aware of the program?

**Mr. McLeod:** In terms of the initial projections we projected that as many as 38,000 businesses and organizations would apply for the program, and this closely matches the number of organizations approved in the first intake of about 42,000. To support building awareness of the program itself, the department communicated and marketed the program through a variety of methods, including through news releases, social media promotions, and business associations such as the Alberta Chambers of Commerce and the Canadian Federation of Independent Business. Although we don't have any specific numbers on the number of businesses that may have experienced difficulty, there was a dedicated team in place to ensure responses and questions along with any systems concerns were addressed to the extent they were experienced.

**Ms Lovely:** Thank you.

**The Chair:** Okay. Very good. Thank you very much, hon. members, and thanks to the Ministry of Jobs, Economy and Northern Development for their participation in responding to committee members' questions. If there were any questions to be responded to in writing that were requested during the meeting, we ask that those be responded to in writing within 30 days.

Hon. members, my apologies. I had misread the run of this particular meeting. It is different and a bit distinct from our normal meetings in that we're not doing the three minutes for this special meeting. We have these folks next week anyway, so if there are any questions for written follow-up, we can do that at that time.

We'll move on to our next presenters. We'll give Justice officials a little bit of time to get settled in here. Why don't we take a two-minute recess here. I have 10:10. Let's get Justice moved in for 10:12, hopefully.

Thank you.

[The committee adjourned from 10:08 a.m. to 10:12 a.m.]

**The Chair:** Okay. If we're all gathered, then, we will return to table, folks. That was about three minutes, so you know only 50 per cent off what the goal was. Very good.

Let's welcome our guests from the Ministry of Justice, who are here to address the Justice and Solicitor General annual report '21-22 and the JSG office of the Auditor General outstanding recommendations. This is a normal-run meeting, folks, so the opening remarks are 10 minutes, AG remarks are five, and then the rotations are 15, 10, 10, 10, and the three minutes of read-in. Just to remind everyone, we're back to our normal format here.

I'll invite officials from the ministry to provide opening remarks not exceeding 10 minutes, and before you begin speaking, just introduce yourself for the record so that *Hansard* knows who's speaking. Your time will begin when you start speaking, Deputy.

**Mr. Bosscha:** Thank you very much, Chair. My name is Frank Bosscha. I'm the Deputy Minister of Justice. Joining me at the table today are Mr. Marlin Degrand, assistant deputy minister of public security; Ms Kim Goddard, at the end, is the assistant deputy minister, Alberta Crown prosecution service; beside me to my right is Mr. Brad Smith, assistant deputy minister and SFO, financial

services; and then to my far left is Mr. Alex Thompson, the acting assistant deputy minister, strategy support and integrated initiatives. For the purposes of this meeting, for that division, I will refer to it as SSII.

Joining me in the gallery we have Ms Susanne Stushnoff, assistant deputy minister, legal services; Ms Tracy Wyrstiuik, assistant deputy minister, court and justice services; Ms Fiona Lavoy, assistant deputy minister, correctional services; Mr. Brad Wells, senior financial officer, financial services; and Mr. Shaun Peddie, assistant deputy minister, strategic services, Seniors, Community and Social Services.

I'd like to begin with a housekeeping note that during this discussion any reference to "ministry" will mean the ministry of justice and solicitor general. That reflects the name as it was in 2021-2022.

As such, this period was an extremely busy year, and our ministry accomplished a great number of achievements, all the while dealing with the COVID-19 pandemic. Our ministry's mandate is to ensure that the justice and law enforcement systems are fair, relevant, accessible, and reflective of Alberta's values and that Albertans enjoy safe and secure communities. Divisions work with our partners in law enforcement, legal aid, the judiciary, and many others to ensure this complex system functions efficiently and that programs are delivered effectively. The department also provides legislative and legal services to the whole of government.

In 2021-22 JSG spent more than \$1.4 billion to deliver its mandate. Expenses were \$80.4 million, or 5.7 per cent, higher than the previous year, primarily due to the increase within the provincial police services agreement. This was due to the new collective bargaining agreement between the RCMP and Public Safety Canada and the increases for the police funding model which puts more front-line officers in our rural communities. It's important to note that the ministry did receive \$144 million in year above its initial published budget to address fiscal challenges, the most prominent of which were related to the RCMP pay raise and correctional services overtime.

In terms of revenue the ministry generated \$346.7 million in '21-22. This was up \$40 million, or 13.1 per cent, versus the prior year. It was, however, \$68.3 million, or about 19.7 per cent, lower than budgeted. The decreased revenues are mainly a result of a \$64.2 million decrease in fines and surcharges. This decrease was due to lower than anticipated payments of Traffic Safety Act tickets and associated victims of crime and public safety surcharges. Fine revenues have rebounded slightly from pandemic lows but remain under prepandemic levels.

Before speaking to the ministry's outstanding audit recommendations, I'll provide a brief overview of the ministry's divisions, starting with ministry support services. Ministry support services, true to its name, supports work right across the ministry. This includes corporate functions such as finance, procurement, fleet and facilities management. In 2021-22 ministry support services actual expenses were \$24.7 million, posting a deficit of \$455,000 as a result of costs associated with the Alberta provincial police study contract.

Resolution and court administration services. The next division I'll discuss is this one that supports the courts. It includes resolution services, provincial civil claims, Justice digital, and the courts. In 2021-22 the division spent \$188.6 million to support the operation of Alberta courts and bring in new services so it is easier and faster for Albertans to access the justice system any time, anywhere. This was \$5.6 million more, or about a 3.1 per cent increase, compared to the prior year.

Moving on to the legal services division, it is mainly responsible for providing strategic legal advice to all government ministries and

representing them in courts and tribunals. It is also responsible for drafting government bills, regulations, and orders in council through its Legislative Counsel office. In 2021-22 legal services spent \$41.2 million, about \$1 million over the initial budget and 7 per cent lower than the previous fiscal year. The reduced spending was mainly due to lower staffing levels.

The Alberta Crown prosecution service prosecutes offences under the Criminal Code of Canada, the Youth Criminal Justice Act, and provincial statutes in all courts in the province and in the Supreme Court of Canada. In 2021-22 the division spent \$101.7 million, which is \$1 million less than the prior year and \$3 million over the division's initial budget.

Next is the justice services division. This division includes key areas like the office of the Chief Medical Examiner, Legal Aid Alberta, office of the public guardian and trustee, and the family support order services. In 2021-22 justice services spent \$132.7 million, which was \$27.3 million, or 17.1 per cent, lower than 2021 and \$21.8 million under budget. This decrease was mainly due to a \$19 million reduction in the grant to Legal Aid Alberta as demand had slowed with court closures during the pandemic.

Moving to the public security division, this area is responsible for a wide range of vital programs aimed at keeping Albertans safe and secure. It also includes the contract for provincial policing services, municipal policing grants, police oversight, Alberta Serious Incident Response Team, and sheriffs. In 2021-22 the division spent \$631.9 million, which is 17.5 per cent more than the \$537.7 million spent in 2020-21, and it's \$107 million above its initial budget. The deficit was due in year to the retroactive pay raises for the RCMP in the provincial police services agreement.

Now for correctional services. This provides secure custody of court-sentenced and remanded adults and young persons. It also provides court-ordered community supervision of individuals both pre- and postsentence. In 2021-22 correctional services spent \$293.4 million, which is \$4.6 million, or 1.6 per cent, more than the previous year but \$30.2 million above its initial budget. This deficit was largely driven by overtime needed to cover vacancies in its 24-hour, seven-day-a-week operation. The ministry is exploring strategies to facilitate a reduction in future overtime expenses.

#### 10:20

The ministry also includes the Alberta Human Rights Commission, which has a nominal budget of \$6.9 million and posted a surplus of \$1.5 million, mainly due to staffing vacancies.

Finally, I'll talk briefly about the ministry's response to recommendations made by the Auditor General in relation to its audits of the office of the public guardian and trustee, the victims of crime fund, and the Alberta Crown prosecution service.

The 2013 Auditor General audits of the office of the public guardian and trustee's control systems and management of client trusts resulted in five recommendations that have been accepted and implemented. In response to these recommendations, actions included implementing a risk-based file review system, bringing in new controls to enhance reviews and approvals of client funds, completing a full review of existing policies to ensure they address client risks, and developing multiple new checklists to improve client file documentation. We continue to work on the fifth recommendation, to improve and follow policies and procedures.

In 2016 the Auditor General recommended the development of public reporting of a business plan with measurable desired results for the victims of crime and public safety fund. The ministry has made several changes to the service delivery model and met with the office of the Auditor General in November of 2022 to provide an update on this recommendation and a plan forward. The OAG and the department agreed to continued meetings throughout the

year to provide status updates on the implementation of the new governance model.

There were three recommendations for the Alberta Crown prosecution service in the June '21 audit report. The Alberta Crown prosecution service has taken action on all of these recommendations, and the Auditor General is currently assessing the implementation of the recommendations. We have made vast improvements to the first-instance bail hearing process, with more than 98 per cent of bail hearings being held within the first 24 hours. Triaged files are being tracked internally, as recommended. With the continued rollout of precharge assessment, it is anticipated that matters stayed or withdrawn due to a lack of prosecution resources will decline and eventually may not be necessary. Alberta Crown prosecution service continues to monitor and identify cases that are approaching or exceeding Jordan application timelines.

That concludes my opening remarks, and my team and I are pleased to answer any questions you may have. Thank you, Chair.

**The Chair:** Thank you.

We'll now proceed to questions from committee members. We'll begin with the Official Opposition's first rotation, 15 minutes, please.

**Mr. Sabir:** Thank you, Chair, and thank you, Deputy Minister, for opening remarks and, everyone, for being here. Also, let me begin by congratulating you on your appointment to the bench.

I'll get into the report. As you mentioned in your opening remarks, the ministry is there to ensure safe and resilient communities. Page 9 of the annual report says:

Justice and Solicitor General helps ensure that all Albertans can live in safe and resilient communities while having access to a fair and innovative justice system. It ensures that the rule of law is upheld and government undertakings are administered according to [the] law.

Much has been made of the illegal Coutts blockade, where a fringe element blockaded our border for weeks and even conspired to kill RCMP officers, and much has been made of the new Premier's attempt to give amnesty to some individuals. My first question is: given that this annual report covers the period of the Coutts blockade, what is the government estimate of the cost to the Alberta economy, to the Justice department? A broader question is: why did that happen? Why did the government fail to uphold the rule of law? What went wrong? And was there anything, in your opinion, that went right?

**Mr. Bosscha:** Thank you for the question. The Coutts blockade was a very unfortunate incident in Alberta's history. I'm not sure I can provide an answer with respect to the impact on the overall cost to the economy. We wouldn't have that information.

I can turn to both ADM Smith and ADM Degrand to provide some information with respect to the costs that the department incurred in terms of providing sheriff services to deal with the blockade.

In terms of "What did government do wrong?" and "What went right?" those are fairly difficult questions to answer. It was a situation that was certainly not within our control. It was certainly one where we had to work with our stakeholders and particularly the RCMP and border crossing through the federal government to try and address what was a very complex and difficult situation. In terms of the government's response, it seemed to be very appropriate in terms of relying heavily on the advice from the RCMP as to how to manage what was potentially, as we saw with the charges that have been laid, a very dangerous situation.

With that, I'm going to turn it over to ADM Degrand first, and then I'll turn it over to ADM Smith for some answers.

**Mr. Degrand:** Thank you very much, Deputy. Thank you very much, Madam Chair and Member, for the question. In terms of the specific costs to the sheriffs I have a rough estimate, and I'm going to look to my colleague to confirm whether my recollection off the top of my head is accurate. I believe it was somewhere in the neighbourhood of a quarter of a million dollars specifically tied to that particular response, during those three weeks, roughly, down at the border. There were also costs to the provincial police service – that is, the RCMP – and while those are absorbed within the contract itself, I would only be guessing as to, right now, what the total magnitude of that response was.

**Mr. Sabir:** If you could provide me that later on, I can move on to the next . . .

**Mr. Degrand:** Unless my colleague has a . . .

**Mr. B. Smith:** That's the approximate cost I had as well, about half a million dollars.

**Mr. Sabir:** Also, I guess, let me ask it again because I think, as you mentioned, that it was a significant, significant incident in the history of Alberta and Albertans deserve some transparency on what happened. So I want to ask: who was briefed at the political level about this incident? When were they briefed? Was there any intel prior to that happening? To what extent was political decision-making influencing any strategic policing priority? What we have heard at this committee before: elected officials demanded a light touch on enforcement before Coutts, when all the marches were happening in Calgary and elsewhere. So what I want to ask is: what was the political direction on this?

**Mr. Bosscha:** Thank you for the question. I will provide my answer, and then I'm going to turn it to ADM Marlin Degrand as well, because he is, as the head of the public safety group, overseeing the sheriffs and the one that is mainly in contact with the RCMP. He can provide some further detail.

In terms of the briefings that took place, because of the serious nature of it there were many briefings at all levels, so it involved many of the departments, everywhere from the Premier's office through to the Justice department into labour into – I can't remember all of the departments. There was transportation, Infrastructure, any of the departments that would have been impacted by that blockade.

In terms of the directions, while there was information being provided up and there was – as in any of these types of situations, those that govern have an interest in what is being done and how it's being done. In these circumstances this was an operation that was very much led by the RCMP. The province was providing support through the sheriffs. We were also providing certain support through Infrastructure. For example, Infrastructure was able to secure an area to try and remove the protesters off the highway into an area where they could continue to conduct a lawful protest. But throughout it was a situation where it was the RCMP as the command centre, supported by the sheriffs and supported by the province through Infrastructure and other items to provide the necessary services to try and deal with a situation that was very fluid and fast moving.

With that, sir, I will turn it over to Mr. Degrand.

**Mr. Degrand:** Thank you, Deputy, and thank you, sir. During the entirety of the Coutts blockade I was the primary point of contact for the commanding officer and the criminal operations officer and those in the highest levels of command in the RCMP that were responsible for this. As a consequence, I had virtually daily interactions with them. I can speak to the nature of those interactions, and that was



really an information-gathering process for myself to be able to adequately inform the briefing processes that the deputy minister outlined.

I will be able to tell you quite clearly that I'm very careful, with a previous background in law enforcement myself, to understand that my role as a government official now is not to direct police operations. I was very cautious to ensure that nothing that I said to the commanding officer or the criminal operations officer was a direction in terms of operations.

10:30

**Mr. Sabir:** Let me ask another question. We also know that some of the UCP MLAs, government MLAs, attended the Coutts blockade, including the MLA for Taber-Warner.

**Mr. Hunter:** Point of order, Madam Chair.

**The Chair:** Hang on, hon. member. We have a point of order on the floor.

**Mr. Hunter:** Point of order, 23(b). The member opposite is asking a line of questioning which is out of the scope for what this committee is supposed to be doing. The committee's intended focus is the administration of policy rather than questioning the merits or development of a policy.

**Ms Renaud:** Thanks, Madam Chair. This very much is in scope, and this is just a matter of public record. This was publicly reported. I think I remember a lovely photo of the member and maybe a grandchild at the blockade. This is public information, this is related to the annual report, and it's also related to the issue that we're talking about right now, so it very much is in.

**The Chair:** Thank you.

While it's in scope in term of timelines, I'll just ask the member to rephrase.

**Mr. Sabir:** Thank you, Chair. What I really wanted to ask the department is: was there any direction given by the department to Executive Council, to MLAs, whether to attend this illegal blockade or not? When MLAs do attend, that complicates the politics of it, how it impacts the government's response to this very critical situation. That's why I was raising that question.

**Mr. Bosscha:** Thank you for the question. The best way I can answer that is that MLAs and ministers can do what they would like, and if they wanted to attend there, they had that ability. For us as a department, we basically provide advice and information, and we worked with our police stakeholders to deal with that particular incident. The information flows up, so the ministers and the Premier would very much know what is going on.

**Mr. Sabir:** The public was asked to stay away from that. Was there some direction from the department?

**Mr. Bosscha:** There was no direction from us. We were not providing direction to elected officials. We were not providing direction in terms of a specific direction to them to do something or to not do something. Our position was that no one should be going there, so that road would have applied.

**Mr. Sabir:** Let's move on to the next question. The government also passed Bill 1, the Critical Infrastructure Defence Act, in June 2020. On the government website it says that the act is there to protect "essential infrastructure from damage or interference caused by blockades, protests or similar activities, which can cause

significant public safety, social, economic and environmental consequences." All of that happened during this illegal blockade, so why did the government not invoke this act in, like, the 21 days that this critical border was blockaded by a fringe element?

**Mr. Bosscha:** Thank you for the question. The way that act works is that it basically sets out the ability for the police to lay charges. That is the essence of that bill. So it comes to the discretion of law enforcement as to whether or not they're going to lay charges. I cannot remember all of the charges that were laid during that particular period, but that act would certainly have been available to law enforcement to use as one of the tools to bring an end to the blockade. But as with all of these very complex situations, the police will use a certain tactic, depending on the circumstances, and it is within their full control as to how they're going to respond to that type of situation.

Thank you.

**Mr. Sabir:** It was a very significant event, and many people who live in my riding as well drive trucks. They were stranded there for days.

**Mr. Turton:** Point of order.

**The Chair:** Yes, hon. member.

**Mr. Turton:** Yes. Thank you very much, Madam Chair. Under 23(b), speaking to items that are not under the purview of this committee, I haven't heard a single reference to a page number in the business plan, recommendations in the Auditor's report. I mean, the whole purpose of PAC is, really, to talk about the implementation of policy that's before us. To be quite honest, many of the questions and the preamble that the hon. member is talking about would be better suited for question period. I would maybe ask that if he has questions like that – I mean, question period is coming up here in a couple of weeks – he can save those for now. I would just perhaps put forward that the hon. member should focus on the business at hand and just deal specifically with the business plan, the report, the Auditor General's recommendations, and stay true to the focus and the priorities that Albertans are wanting us to discuss at PAC.

Thank you.

**Ms Renaud:** Thank you. I don't believe this is a point of order. You can recall that earlier in this questioning block the member referenced page 9 of the annual report and then quoted that page specifically, so it very much is. I think he's giving some context about his constituents, as we hear from many members that talk about their communities; for example, Camrose. So it's just context. This isn't a point of order.

**The Chair:** I'm inclined to agree. The timelines line up here, as do the resources that were required given that policing is a provincial jurisdiction and is a core competency of the oversight of this department. We'll keep our questions nice and relevant, and we'll cite page numbers, and I think we can, with those guideposts, proceed.

**Mr. Sabir:** Thank you, Chair. I was talking about how people were stranded, many living in my riding as well.

So let me just get to the question. Was there any analysis done, any review done at the department level on what could have been done differently, on what we should do should a similar kind of blockade happen again? Was there some postmortem after the incident?

**Mr. Bosscha:** Thank you for the question. Before I answer that question, I'm going to go back to one of your earlier questions. I can advise that the cost incurred by the department for the blockade was approximately \$5 million, and that can be found on page 59 of the report.

I will turn it over to ADM Degrand in a moment here. In any of these types of serious situations there is always work that is done, whether it's a formal after-action review or more something dealing with specific aspects of the particular incident where we will do a deeper dive to see what we got right and what we did not.

I will ask ADM Marlin Degrand to basically provide a bit of insight as to how that plays out. Thank you.

**Mr. Degrand:** Thank you very much, Deputy. Thank you very much for the question. In terms of after-action analysis on this, there's, of course, the operational piece, which is the purview of the RCMP. While our sheriffs were involved in that, our sheriffs were seconded under the RCMP's command structure and worked at their command and control during the events. From an operational perspective on the ground in terms of how that manifested itself, played out, and any lessons learned, I would have to, actually, probably defer to the RCMP in terms of their actual operational debrief.

But, from a departmental perspective, you're very correct in your question. It was a very significant event, and we actually conducted a very long and thorough analysis of all of the interactions that took place, from the periods of time in the weeks leading up to the event through the event and the flow of information, how we managed the briefing cycles, and how we managed the communication with the RCMP.

**Mr. Sabir:** Will the department be sharing those findings and breakdowns with Albertans?

**Mr. Degrand:** We have created a large and long timeline which was really just an analysis of that. I'm not sure if it's actually been publicly shared or not. It's not something that I've seen communicated . . .

**Mr. Sabir:** Will that be shared, and if not, why not?

**Mr. Degrand:** I'm not actually sure whether we, Deputy, are planning to share that or not, and I'm not sure if I would be qualified right now to say whether that's something we could or not. I'd have to defer to you, sir.

**Mr. Bosscha:** Thank you. Thank you, sir. At this time there's no intention of sharing that information because it does get into operational aspects that we do want to maintain, basically, as confidential for the security of the officers who were there and for our future operations.

**Mr. Sabir:** That's why I said: in broader terms – okay? – what went wrong, and what worked well but could have been done differently? Like, in broad terms, can that not be shared? Albertans deserve to know what went wrong.

**Mr. Bosscha:** At this point I would have to say that the intention is not there, but it is something we can take back as a question as to what we should do. It would be a matter that – because this is sharing out information that is fairly sensitive, we'd want to seriously investigate that.

**Mr. Sabir:** Okay. A question relating to the legal service division. It says:

The division provides legal and related strategic advice and representation to the Government of Alberta and supports the administration of public affairs according to law.

I know that we asked for an injunction with respect to the Coutts blockade for days. The government didn't pursue it. Many others in the legal community asked for that. Was there analysis done? Was there any advice given to the government? Why was that refused by the government? Why didn't the government pursue the injunction? Was it not a good remedy under these circumstances?

10:40

**Mr. Bosscha:** Thank you for the question. I will not be able to answer the bulk of that question because it does get into solicitor-client, privileged information, which I am not at liberty to release. I can advise that, yes, injunctions were seriously considered. As the overall strategy was developed, the injunctions were not pursued. That was basically the end result.

Thank you.

**Mr. Sabir:** That would be a decision for the department or the government at the political level? If it's at the political level, then I won't be asking you.

**Mr. Bosscha:** In terms of taking those types of actions?

**Mr. Sabir:** Pursuing the injunction.

**Mr. Bosscha:** That would have been a combination of working with the stakeholder police services and the political level, but it would have primarily been as to whether or not it fit within the overall strategy that was being conducted to try and deal with the blockade at the time.

**Mr. Sabir:** Thank you.

On page 17 the report talks about COVID-19 and talks about issues, legal issues, during that. I think I don't have time left, so I will ask in the next block.

**The Chair:** Okay. With that, we will go to the government for 15 minutes, with Member Lovely to lead off, please.

**Ms Lovely:** Well, thank you, Madam Chair. Under red tape, red tape bogs down our job creators, reduces investment, and makes it more difficult for Albertans to access our justice system. On page 19 you mention that your department has been working on reducing regulatory requirements. Can you expand on where you were able to find the largest regulatory savings?

**Mr. Bosscha:** Thank you very much for the question. Yes, we have done a lot of work. I'll set a bit of context when it comes to red tape reduction. For the Justice department and at the time JSG, we were basically a department that imposes obligations on people, so red tape reduction is a bit more difficult for us to do. Having said that, we did look for ways that we could, through our policies, our forms, and other aspects, reduce the burden or the work that was required for an Albertan to engage within our system.

I will turn it over to Acting ADM Thompson to basically run through what we've done in terms of RTR within the department during that period. Thank you.

**Mr. Thompson:** Thank you, Deputy, and thank you for the question. Alberta Justice's most significant reduction in the number of regulatory requirements was related to the Judicature Act. Forms were updated, simplified, or eliminated, and updates were made to several associated regulations. Apart from the count reductions, the largest impact of red tape regulation related work was in the work done for our Justice digital initiative to ease Albertans' access to the courts. While this did not have a significant impact on the number of regulatory requirements, the changes made those requirements easier

to meet by allowing for easier access such as online applications rather than requiring a person to attend the courthouse in person. This is anticipated to significantly reduce the number of hours that are spent by both respondents to the system – i.e., those who receive traffic tickets – as well as by lawyers and by court staff.

More pointedly, Alberta is bringing in new services so that it is easier and faster for Albertans to access the justice system any time, anywhere. Some specific examples: Justice digital is modernizing our justice system and reducing red tape through new user-friendly court and justice services available online.

In '21-22 we had six new digital services that were phased in. These were the traffic ticket digital service, which eliminated over 9,500 in-person courthouse visits; the King's Bench filing digital service, which has saved 15,000 hours of clerk time in its first year, which frees up staff to address other priority areas; the adjournment digital service, which has processed more than 24,000 adjournment requests and takes 66 per cent less clerk time per adjournment compared to in person at a court counter; the courtroom digital service, which has achieved a 27 per cent processing time reduction; transcript digital services, which has processed over 14,000 transcript requests online versus having a clerk handle the transaction; and finally, the King's Bench court case management service commercial list, which has reduced wait times for filings from four to five weeks to 48 hours.

Our department has also implemented regulatory reforms to reduce red tape when it comes to court matters and our maintenance enforcement program. We've implemented a 12.1 per cent reduction in these areas alone. For instance, there have been legislative and regulatory reforms in the following areas. The Provincial Court of Alberta court offices regulation was repealed. Justices of the peace compensation commission regulation for the '20-21 commission was the benefit of a streamlined process. Provincial judges and masters in chambers compensation commission regulation also benefited from a streamlined process. As mentioned, there have been numerous changes to forms and policies in Provincial Court, Court of King's Bench, resolution services, and the family support order services to reduce red tape.

Thank you.

**Ms Lovely:** Let's move to RAPID now. On page 20 of the report it discusses the implementation of the RAPID response initiative as part of your department's goal of making the justice system faster, fairer, and more effective. Can you expand on what the average response time was before and after the implementation of RAPID and how much this decrease can be attributed to RAPID versus other initiatives that your department has implemented? How many calls did fish and wildlife and Alberta sheriffs respond to in '20-21, and do you expect this number to increase in future years?

**Mr. Bosscha:** Thank you very much for the questions. We're fairly proud of RAPID having been stood up. It was a very unique way of basically putting more feet on the ground to support the RCMP.

For the details I will turn it over to ADM Degrand to sort of walk through the numbers for you. Thank you.

**Mr. Degrand:** Thank you very much for the question. At this point in time we're asking the RCMP to work on actually generating an analysis of call response times both before and after the implementation of RAPID, so I don't actually have an ability to give you a measure of increase or decrease in that.

I can tell you in answer to – obviously, I couldn't attribute anything at this point in time. I can tell you in answer to your question on the number of calls: in 2021 there were 38 RAPID calls that were responded to by our fish and wildlife enforcement

services officers to support the RCMP. As part of phase 2 of that same RAPID implementation there were 963 impaired drivers processed by our sheriffs either through Criminal Code sanctions or through the immediate roadside sanctions, which, of course, are calls that would have ordinarily gone to RCMP officers in the rural area to deal with. As a consequence, while it's difficult to attribute overall response time drops – the RCMP probably respond to half a million to three-quarters of a million calls on average in a year; that's a guesstimate on my part – it would be really important to highlight in those instances those specific times where the sheriffs were able to deploy and were able to back up RCMP officers. The impacts, of course, would be significant to those involved in those incidents.

In terms of if we expect this number to increase or decrease in future years, I can tell you that since 2021 we've actually seen a marked decline in the number of referrals to the fish and wildlife enforcement services officers while we've seen a significant, you know, uptake in the number of impaired driving charges that were taken away from the RCMP through our sheriff highway patrol folks. We are working right now with the RCMP to optimize our systems for deployment and dispatch so that we can, again, see an increase in the number of deployments or dispatches for RAPID to our FWES officers.

Thank you.

**Ms Lovely:** Now I'm turning it over to my colleague Yaseen.

**Mr. Yaseen:** Good morning, and thank you, Chair. I was looking at page 32 of the report. I was pleased to see that our violent crime and property crime rates have decreased since 2019. Can you please comment on the most important factors that contributed to this decrease?

**Mr. Bosscha:** Thank you very much for the question. I'll turn this over to Acting ADM Thompson, please.

Thank you.

**Mr. Thompson:** Thank you for the question. There are many factors that influence the crime rate, including whether or not a crime is reported, the availability of resources of individual police services, or departmental priorities and policies. For example, certain crimes such as impaired driving and drug offences can be significantly affected by enforcement practices of the individual police services, with some police services devoting more resources to those specific types of crimes.

10:50

Some police services might also rely on municipal bylaws or provincial statutes to respond to minor offences such as mischief or disturbing the peace. Crime rates can be affected by changes in age demographics, economic conditions, neighbourhood characteristics, the emergence of new technologies, Albertans' attitudes toward crime and other risky behaviour.

It is difficult to identify one specific reason why crime rates decreased. However, it is important to note that since the start of COVID-19 in March 2020 most of Alberta's population was spending more time at home and many businesses closed or turned to new methods of operation. These changes have at least partially affected the crime patterns in our province.

Thank you.

**Mr. Yaseen:** Thank you for that elaborate answer.

Do you see these low numbers continuing for the next few years?

**Mr. Bosscha:** Thank you for the question. We're hoping that they will continue that way, but as the province continues to open up and

things return to what will be, hopefully, prepandemic-type norms, we are going to monitor how they are going. Crime stats are always an interesting set of numbers because there are so many different factors that influence them.

I will turn it over to Acting ADM Thompson to provide a bit more detail as to where we're hoping this will go in the future. Thank you.

**Mr. Thompson:** It really is difficult, because of the wide range of factors that I mentioned, to determine if crime rates will continue to decrease over time. However, with our focus on rural crime efforts and all the other initiatives that we have going within the Justice and Public Safety and Emergency Services departments, I mean, we hope they will influence and impact crime rates. However, because of those wide ranges of factors, it is really difficult to determine if they will change.

**Mr. Yaseen:** Thank you.

How do you see our current crime rates comparing to the historical long-term average?

**Mr. Bosscha:** Thank you for that question. It's a very interesting situation. Currently our crime rate is at its lowest that it's been since 2014 and overall lower than the average crime rate for the past 20 years.

Thank you.

**Mr. Yaseen:** Thank you. I have a couple more questions with regard to the same kind of topic here. On page 32 it shows the historical crime severity index in Alberta and Canada. Can you expand on how the crime severity is calculated and what factors are taken into consideration?

**Mr. Bosscha:** Certainly. Thank you for that. For the details I will turn it back to Acting ADM Thompson.

Thank you.

**Mr. Thompson:** Thank you for the question. The crime severity index measures changes in the level of severity of crime from year to year. In the index all crimes are assigned a weight based on their seriousness. The level of seriousness is based on actual sentences handed down by the courts in all provinces and territories in Canada. Sentencing data comes from both the adult and the youth components of Statistics Canada integrated criminal courts survey. Weights for the indexes are based on the average of five years of court-sentencing data and are updated every five years using the most recent data available from the courts. The weights for the individual crimes, for example, run from 7 for cannabis possession to over 7,000 for murder.

Thank you.

**Mr. Yaseen:** Thank you.

Talking about rural and urban CSI, do you have some numbers as to how the rural and urban CSI is?

**Mr. Bosscha:** Thank you very much for the question. We do have some numbers, which I can have Acting ADM Thompson provide to you.

Thank you.

**Mr. Thompson:** Thank you for the question. The crime severity index for rural and urban is not available for this past year; however, Statistics Canada's most recent comparison of rural and urban crime severity was from 2019. Based on that report and contrary to the decreasing trends in crime rates that we are currently seeing, a larger increase in the crime severity index from 2009 to 2017 was

observed in rural Alberta, so it was a 17 per cent increase in rural compared to a 2 per cent increase in our urban centres.

The fact that in Alberta crime rates decreased while the crime severity index trend did not suggests that there was a change in the nature of crime with a decline in the rates of less serious offences or a possible increase in more serious offences.

**Mr. Yaseen:** Thank you.

Has Alberta consistently had a higher CSI than the nation as a whole?

**Mr. Bosscha:** Good question. Unfortunately, yes, Alberta has had a higher CSI than the nation as a whole. Only Manitoba and Saskatchewan had a higher CSI than Alberta in 2021.

Thank you.

**Mr. Yaseen:** Okay. Thank you. I also have one more question on that. I see that the CSI decreased by 11 per cent in Alberta in 2020. How does this compare to other prairie provinces like Saskatchewan and maybe even Manitoba?

**Mr. Bosscha:** Thank you for the question. I'll pass that over to Acting ADM Thompson.

Thank you.

**Mr. Thompson:** Thank you for the question. Alberta had a 10 per cent decrease, Manitoba a 10 per cent decrease, and Saskatchewan a 5 per cent decrease, so all of those three provinces had decreases in their crime severity indexes from 2019 to 2020. However, from 2020 to 2021 Alberta's crime severity index decreased by 7 per cent while Saskatchewan was at just under 3 per cent and Manitoba just under 1 per cent.

**The Chair:** Thank you.

We'll move to our third rotation; Official Opposition, 10 minutes. Member Sabir.

**Mr. Sabir:** Thank you, Chair. Page 10 states that

the authority to conduct prosecutions, including all of the discretionary decisions that must be made in every case, originates with the office of the Attorney General. With this role also comes the duty to remain independent.

Indeed, a very important and sacred duty. Independence of our prosecution services and judicial system is the cornerstone of our democracy.

We recently heard the allegations of interference in prosecution services by the office of the Premier. That issue is outside the time frame of this report; however, this report covers a similar incident of attempted interference in the judicial system by the former Justice minister Kaycee Madu, who reached out to the Edmonton city chief of police in relation to a personal violation of law. An independent report by Justice Adèle Kent, dated February 15, 2022, found that Mr. Madu, former minister, attempted to interfere in the judicial system. Fortunately, he was unsuccessful, but still, there are many questions that remain.

So my first question is forward and direct: when was the first time the department became aware of this incident?

**Mr. Turton:** Point of order.

**The Chair:** Shoot.

**Mr. Turton:** Yes. Thank you very much, Madam Chair. Again under 23(b). Again, the purpose of PAC is to look at policy implementation, to talk about the Auditor General report, to ask questions pertaining to how policy is actually carried out; not the

individual conduct of specific MLAs or the minister, as the hon. member has talked about. So again I would just urge the hon. member to focus on the business at hand and just stay away, perhaps, from items that are outside of the purview of this committee.

**Mr. Sabir:** Chair, if I may, I think that question is squarely within the purview of this committee because I'm asking about the independence of our prosecution service and judicial system. That's the fundamental role of this department, to uphold that independence, and there were lapses during the period that this report covers. So I think these are important questions that need to be asked, and I think I'm well within the purview of the Public Accounts Committee's questioning.

**The Chair:** Thank you, hon. members, for these interventions. I think we have a fairly significant amount of resources at stake here, which is ultimately what the Public Accounts Committee does. It examines resources and how government resources were used. In this case we have a report of a retired judge that was also provided to government within the time period in question.

11:00

So if the hon. member wants to bring his lines of questioning into the use of resources and certainly reference page numbers in terms of the departmental section that is responsible in this case or whatever the case may be – Crown prosecution, law enforcement, whatever it is – then he would be advised to do so. We'll make sure what we keep to the fiscal year in question and to the use of the resources.

Thank you, hon. members.

**Mr. Sabir:** I think we do spend a lot of money on our prosecution services, on our judiciary. As is listed on page 10, with the role of the Deputy Attorney General and the Attorney General comes the duty to remain independent. A lot of resources are going there. There was a mishap where there was an attempted interference in our judicial system, so the question I'm asking is: when did the department first become aware of that incident?

**Mr. Bosscha:** I cannot answer the exact date, but it would have been roughly around the time that it hit the papers. It basically cropped up when it became public. The report that was done is all I can sort of speak to, that we hired retired Justice Kent to look into the issue. In terms of what else the department knew, that I can't answer. In terms of how that played out, when people found out within the department – we did not find out . . .

**Mr. Sabir:** If I understood you correctly, the department didn't know about this incident before it hit the papers.

**Mr. Bosscha:** From everything that we know, no at this time.

**Mr. Sabir:** Okay. Was there any analysis done, any report done afterward to put some safeguards in place so that whatever we learn from that incident, we can use that in practice, going forward, to avoid any kind of political interference in the justice system?

**Mr. Bosscha:** In terms of going forward, we've maintained the practices that we currently have, which is that there is a separation. This is an issue in terms of, basically, someone making a phone call, that the Kent report deals with. I really can't comment much more than that we have internally our own processes to make sure that people understand, you know, within the department how things work in terms of the independence of the police, the independence of the prosecution.

**Mr. Sabir:** Are there any safeguards or some procedures in place to prevent such an inappropriate contact by any public office holder or minister of the Crown with the prosecution service or the judicial system?

**Mr. Bosscha:** Safeguards are basically education and the policies that we have in place with the Crown prosecution service, where they maintain their independence, and the safeguards we have with respect to the police acting independently in exercise of their discretion. Between the independence of the prosecution and the independence of the police, that's the safeguard. There is not anything that we could put into place to stop someone from doing something that may not be in alignment with those policies. Our best option is to make sure that our staff know all of the rules and that we respect the boundaries within the police service and within the prosecution, and the police service and the prosecution have the same duty to push back and protect their independence as well.

**Mr. Sabir:** Given what has transpired for an investigation like the one being conducted into the former Attorney General, is there criteria to call one, and what would the department recommend be the basis for calling such an investigation?

**Mr. Bosscha:** I'm sorry. Could you repeat the question, please, sir?

**Mr. Sabir:** Like, given what happened in Minister Madu's case, all I'm interested in asking is: is there criteria to call an investigation like that, and what would the department recommend be the basis for calling such an investigation?

**Mr. Bosscha:** I don't believe there's any sort of underlying standard criteria that is used. I think the facts of each situation are relevant, so in these circumstances it was determined that this basically required an investigation to take place with respect to the call.

**Mr. Sabir:** The same with respect to the independence of the judicial system and prosecutions: is it ever appropriate, under any circumstances, for any public office holder to reach out into the Crown prosecution office?

**Mr. Bosscha:** Sorry. In terms of this '21-22 budget, like, I'm . . .

**Mr. Sabir:** It talks about the duty to remain independent, so I'm asking a general question: is it ever appropriate, under any circumstances, for any public office holder to connect with Crown prosecutors?

**Mr. Bosscha:** In terms of the basic premise with respect to the independence of the Crown prosecution, the Attorney General, who in our system is the Minister of Justice as well, is the person that oversees the Crown prosecution office. I, as the Deputy Attorney General, am the buffer between Kim Goddard as the head of prosecutions here – there is the minister, who holds a very independent role as the AG, and it is at that level that there can be conversations. But in terms of a political sort of call, it is never appropriate for a politician to reach out to the Crown prosecution service. The method is that the minister is a contact; I am a second contact. Then, if there are questions, they can be posed to the prosecution service, but there is not direct contact between political officers, MLAs into the prosecution service.

**Mr. Sabir:** Thank you.

Another question that I was going to ask when my time ended last time was with respect to page 18. It talks about what the

department did during COVID-19, and it says that they were meeting

weekly to discuss priority enforcement of organizations and ad hoc groups considered “repeat offenders” violating the Public Health Act and the Alberta’s Chief Medical Officer of Health’s Orders pertaining to the COVID-19 pandemic.

Who would be included in the repeat offenders category? Is there a report which is public or will be public? Like, for instance, these protests were happening in Calgary for a bit, where Pastor Artur was involved as well. Will all those people be considered as repeat offenders?

**Mr. Bosscha:** Basically, a person becomes a repeat offender if they’ve got, you know, two or three or more charges. As to a list, we would not have had one as a department. The police very well may have had one, but because this was enforcement, that would have been in their area. Yes, we did have sort of co-ordinating meetings across the department and other enforcement agencies to make sure that we were sharing information and intel, but that was very much at the operational level for the relevant enforcement offices.

Thank you.

**Mr. Sabir:** I think I have about 37 seconds. I can ask a brief question about the cases that are there as of June 30, 2022, which have passed the 13-month time frame set by the Jordan decision and therefore may be eligible to make Jordan applications and at risk of being thrown out. That’s with respect to page 41, that talks about the Jordan delays.

**Mr. Bosscha:** We do monitor the number of cases that are at risk.

**The Chair:** Thank you, Deputy. I’m sure you’ll have a chance to get back to it.

Getting on to the second rotation, the government side, 10 minutes, please.

**Mr. Hunter:** Thank you, Madam Chair. I’d like to ask a couple of questions about provincial funding for police officers. I notice that on page 33 it talks about us reaching an all-time high of 2,215 last year. That’s an increase of 315 since 2017. Can you expand on which departments these new hires will be working in?

11:10

**Mr. Bosscha:** Thank you for the question. I’ll turn this over to ADM Degrand to provide the answer for this.

Thank you.

**Mr. Degrand:** Thank you very much, Deputy, Chair. Thank you for the questions. I can actually give you sort of a broad overview or as grandly as you want, but I know time is of the essence, so I’ll try to keep it at a reasonably high level. There’s been a significant investment in policing in 2021. In specifically that year there were investments in large measure in the RCMP’s provincial police service. I’ll give you sort of a sense of where those investments were as well. In addition to that, there were some increases to the Alberta law enforcement response teams, which are the organized crime and joint forces operations units in the province. They saw increases. There were increases to I-TRAC positions, which is the Integrated Threat and Risk Assessment Centre. There was the creation of two hate crimes co-ordinator/officer positions in the province, some increase to our integrated community safety positions and First Nations policing.

The majority of the increases that you’re looking at were in the provincial police service area, and in those areas the emphasis in year 1 and year 2, which is this year, of the increase to the police

service as a consequence of the police funding model was in front-line detachment areas. But that was also followed up with increases to areas such as the general investigative section, which is a plainclothes support unit which deals with more complex files at the front line for policing; the sexual assault review unit; the RPACT unit, which is an integrated unit involving police and mental health workers; forensic identification services, which supports front-line officers through crime scene investigations as well as restorative justice; and, of course, the crime reduction units within the provincial areas. Those are globally where they were.

**Mr. Hunter:** Sure. I appreciate that.

I know that they do analysis based upon, like, police officers per 100,000. How do we compare with other Canadian jurisdictions on that measure?

**Mr. Bosscha:** Thank you very much for that question. I will pass it back to ADM Degrand with those numbers.

Thank you.

**Mr. Degrand:** Thank you, Deputy. Thank you, Chair. Thank you for the question. In 2021 Alberta had approximately 178 officers per 100,000, which was sixth highest amongst the Canadian provinces. Newfoundland has the highest ratio, at 198 officers per 100,000, while British Columbia had the lowest, at 136 officers per 100,000. Alberta was actually sixth highest in both 2019 through to 2021. We actually don’t have data, however, for 2020 from Stats Canada on that.

**Mr. Hunter:** Okay. Based upon that, Member Yaseen had asked questions about the CSI index. Is there a correlation between, you know, how many police officers we have per 100,000 and the CSI? You said that B.C. had the lowest. You said that one of the maritime provinces had the highest. Is there a correlation between how many police officers we have per 100,000 and CSI?

**Mr. Bosscha:** Thank you for the question. That’s a very interesting question. I’m going to pass it on to ADM Degrand, please.

Thank you.

**Mr. Degrand:** Thank you, Deputy. Thank you, Chair. It is a fascinating question. It’s actually a very difficult one to give you a definitive answer on, sir. The reality is that there may be correlations there, but as my colleague earlier indicated, there are a number – a number – of factors that influence CSI. I’m only speaking generically now. As you increase the number of officers, you have an ability to have a positive impact on the apprehension of criminals, and that can actually drive down the crime rates in your province, but you also have an increase in the capacity for proactive work, which could identify other crimes that were unreported or at least that were self-generated by the police.

There are a number of factors that could influence it, and generally speaking it would be difficult for me to say that there is a direct correlation between any one of those factors and the CSI in and of itself. It’s probably better to look at it as a constellation of factors and look to tweak your efforts across the board.

**Mr. Hunter:** I appreciate that. I know there are no easy answers on these things. I guess the reason why I asked that question is that I have a property. I’ve owned it for two years, and it’s been broken into three times. It’s frustrating because, you know, they clean it out. It seems like we just don’t have enough police officers to be able to address this issue.

Now, I guess my question is: as we try to be able to do everything for everyone, do we dilute our ability just to be able to protect

property or protect some of those things that we were doing – I don't know – maybe better in the past? The reason why I ask that question is because you described where the allocation of the new police officers was, which I appreciate, that there are different parts to the struggles that we have in Alberta. But does it dilute some of the stuff that we – you know, the natural role, responsibility of government is to protect the people. That's just my question.

**Mr. Bosscha:** Thank you very much for that question. It is a very interesting one: what's the impact when you make changes and you divert money or you put more money into specific areas as to what's going to be – is someone benefiting at the expense of someone else? As we implement new processes, bring on more people, we do try and understand: what's the impact to the overall system? Have we created a problem in another area by solving one problem?

I will turn it over to ADM Degrand to provide a bit more information as to how we're seeing the work that we are doing and how it's impacting Albertans. Thank you.

**Mr. Degrand:** Thank you, Deputy. Thank you, Chair, and thank you for the question. It is a very important question and a very difficult one to address; that is, you know, as we focus on increasing resources at detachment levels, as we create crime reduction units, as we create intelligence processes that are designed to deal with that, are we displacing that to other areas? Are we pushing people around, or are we dealing with them in a more effective manner?

One of the things that you noted, that I noted earlier, was the creation of the RPACT teams and the creation, along with that, of strategies both within not only our provincial police service, through the RCMP, but also our municipal services, attempts to look at wraparound approaches to dealing with the root cause of crime in dealing with our criminals. It's always a challenging situation when a person has circumstances which, for want of a better term, are drivers towards a criminogenic pathway for that person. If those are untreated, it's reasonable to expect that despite periods of incarceration, until the natural tendency for people to age out, at a certain age, of a lifestyle of crime, they'll continue down that pathway. There's been a lot of interest and a lot of focus by all of our police services in the province on looking to not only provide protective and proactive enforcement strategies but also linking those to more, you know, individually tailored and specific plans for wraparound approaches to deal with the criminals that are the most prevalent in terms of those that cause, in your specific reference, property crime.

That is truly where we were going in 2021 and continue to go across the province. We do monitor that. We, you know, look at crime rates in the rural area, look at crimes across the province and try to determine whether our overall approach has been successful or not with our law enforcement community, and we always work with the police and other institutions, not just law enforcement, of course, to try and look for better ways to do business in that area.

**Mr. Hunter:** Sure.

Now, the next line of questioning that I wanted to go to is: I often hear people say that the courts – we have kind of a revolving-door scenario. I was pleased to see on page 34 that you've hired an extra 50 Crown prosecutors. How is that going to affect that thing that I hear from my constituents on a regular basis, the revolving door?

**Mr. Bosscha:** Thank you very much for the question, sir. That will have a positive effect in terms of having the matters – oh, there are a number of things. When it comes to the revolving door, you have a number of factors at play. We have the bail situation itself, which is where I think most people, when they talk about the revolving door – a person is arrested, they go in front of a JP, and then they're

immediately out. So we're doing a number of things, everything from precharge approval to . . .

**The Chair:** Okay. We'll go to the fourth rotation for the Official Opposition, 10 minutes.

**Mr. Sabir:** Thank you, Chair. A couple of just follow-up questions with respect to the independence of prosecution services. The report that was done by Justice Adèle Kent: do you have any estimate? How much was the cost of that report?

11:20

**Mr. Bosscha:** I won't go from my recollection, but I will ask ADM Sue Stushnoff to see if she can answer that as it would have been her office that would have overseen the retainer.

**Ms Stushnoff:** Thank you for the question. Unfortunately, I do not have that information, and we would be pleased to provide it.

Thank you.

**Mr. Sabir:** One more follow-up with respect to the report. The report identified that there was an attempt to interfere in the justice system. Are there any consequences for that attempt to interfere in the justice system? Did the department consider any recourse for that kind of behaviour?

**Mr. Bosscha:** Thank you for the question. The situation that you're talking about was, really, outside the department. That was between the city of Edmonton police department and, at that time, Minister Madu as the Justice minister. For the department, while we facilitated the hiring of Justice Kent to conduct the report, that was very much outside our area of responsibility.

Thank you.

**Mr. Sabir:** I think I will cede my time to my colleague.

**Ms Renaud:** Thank you. Okay. I'd like to ask some questions about the victims of crime fund. The report states, under outcome 3 on page 43, that Albertans should feel "supported in their interactions with the justice system" and goes on to detail the new model of victims' service delivery. With respect to that goal I'd like to look at some of the impacts that these changes have had. Firstly, in 2020, as these changes were taking place, the victims' financial benefits program was replaced with an interim program, the victims' assistance program. Now, while the government was making this shift, we heard from stakeholders that the interim program meant that many people who had been victims of crime were unable to access vital counselling services and other supports. So my first question: did the government track the number of people who potentially reached out or applied for services previously available to them but were no longer available, caused by the shift in service delivery models?

**Mr. Bosscha:** Thank you for the question. In terms of that interim period I will turn to Acting ADM Thompson for some information.

Thank you.

**Mr. Thompson:** Thank you for the question. In short, yes. Once the new victims' assistance program came in, it was retroactive for the period of the interim program. So all victims who applied or made contact with the victims of crime program were retroactively contacted to see what benefits could be available under the new system.

**Ms Renaud:** Okay. How many people are we talking about that were retroactively contacted, people that had applied?

**Mr. Bosscha:** Well, thank you very much for the question. I'll turn it back over to Acting ADM Thompson, please.

Thank you.

**Mr. Thompson:** That is a number I don't have off the top of my head, but I can find that and get back to you.

**Ms Renaud:** Great. That would be great. Thank you very much.

On page 43 of the report it states, "The ministry is committed to ensuring victims of crime have access to the [support] they need when they need it." If this government wants Albertans to feel supported in their interactions with the justice system, really, why did they cut victims' service delivery options and not ensure adequate support in the interim? I think that we heard – you know, it's likely anecdotal. I'm sure most people heard in their constituency offices from people that were having difficulty. I guess my question is: what was the rationale for making that choice without fully understanding the risks of not supporting victims of crime?

**Mr. Bosscha:** Thank you very much for the question. I will turn it over to Acting ADM Thompson, please.

Thank you.

**Mr. Thompson:** Thank you. Thank you for the question. We did have a \$5 million victims' assistance program that was in place. Although it is not as robust as the new system which ultimately replaced it, there was a significant suite of services and supports that were available. That's why the decision was made to ensure that retroactively those enhanced supports were then available to everybody who was part of that previous system.

**Ms Renaud:** Comparing that interim system, new system, and what was available previously, can you say with, I guess, a degree of certainty that victims of crime would have received exactly the same supports that they would have before the changes?

**Mr. Bosscha:** Thank you for the question. I'll provide a brief answer; then I will turn it over to Acting ADM Thompson. It's not an exact match. There have been changes that have occurred. When it was being redesigned, the overall thought was to try and find a better way to support victims with the money that was available and not just have it sort of continue on the way it had. There was a concern that we were not providing the support that victims needed or that the money was not being well used, so with that, we decided to go to our revamped program, yes.

**Ms Renaud:** Is it your opinion, then, that victims of crime are better supported with this new program?

**Mr. Bosscha:** This is just my opinion. I think that the work that has been done is making improvements. There is still a ways to go.

I'll turn it over to Acting ADM Thompson for a bit more information as to how that program is being developed. Thank you.

**Mr. Thompson:** Thank you for the question. The feedback that we have received on the changes to the programs, the switch from the former financial benefits program to the victims' assistance program, even the interim program to the new and enhanced program: overwhelmingly positive support. The former financial benefits program sometimes took up to a year, a year and a half for a victim to receive the support that they needed because it was that cash-for-service type of a model. In both the interim and the enhanced new program it is a far more immediate provision of services and supports, be that financial assistance, counselling,

whatever the case may be. So, yes, the interim program and the new and enhanced program do better serve victims of crime.

**Ms Renaud:** While I appreciate the statistics involved or the information that you're sharing, you know, trying to assure Albertans that victims of crime are supported in the best way they possibly can, there are some things that just don't line up. We're talking about violent crime and crime rates. We know that violent crime was up 8.5 per cent. Looking at this annual report, was it – like, urban violent crime was up, but we saw a 59 per cent decrease in financial benefits to victims of crime, so there's something that isn't matching up.

I know that we have heard, whether it's constituents or people that have been victims of crime, that they have not received the support in terms of counselling that they need. We've also heard from sexual assault centres that will tell us that they've heard from groups of people that are not receiving the support that they need. Other than what you've explained, how can you assure Albertans that – God forbid they'd be the victim of a crime – all the supports will be there, as they were before? We know the vast majority of the funds that are collected are now going to other activities, not just to victims.

**Mr. Bosscha:** Thank you very much for the question. The concerns are very valid, that the group of stakeholders that are interested in being supported when something that sort of traumatic happens has the necessary supports. The overall goal of modifying and changing the system from the interim to our current was to try and improve those services to people. The best that I can sort of offer . . .

**Ms Renaud:** Sorry. I always understood the change – I mean, if you look at the changes that were made, they're primarily to direct funds to, like, policing activities or community safety. Is that not correct?

**Mr. Bosscha:** Thank you for the question. That is accurate to a certain extent. Yes, there were monies that were diverted to other areas. The overall concept was to put money to its best use to support the overall justice system. That was where we were going.

**Ms Renaud:** So the thinking was: if we support the justice system, thereby victims will be supported better.

**Mr. Bosscha:** Well, the thinking was to make the best use of the money in terms of what the justice system is intended to do. There is the victims' component, which is significant, and that's why there's been a fair bit of effort . . .

**Ms Renaud:** But they're receiving about 59 per cent less, based on the annual report.

**Mr. Bosscha:** Correct. In terms of the reduction of that money, basically to the comment that Acting ADM Thompson made, there were cash payments that were being made, and those were not being – while there's a reduction in the amount of money that was being spent, it was a reduction that was having money diverted to other areas to benefit people. You know, people lost, basically, a cash payment which may not have helped them. We were basically standing up a system that would have services available for them.

Thank you.

**The Chair:** Thank you.

We'll go to the government side for the third rotation, 10 minutes. Mr. Panda.

11:30

**Mr. Panda:** Thank you, Chair. I'm referring to pages 39 to 41 to discuss about Indigenous peoples in correctional centres. I believe



there are a multitude of programs which seek to assist Indigenous peoples and, hopefully, remedy this issue.

[Mr. Turton in the chair]

A couple of examples include Indigenous court work and the Gladue report programs, that both seek to find more appropriate sentences for Indigenous peoples as opposed to incarceration given their unique cultural and traumatic histories. My question is: do you believe these programs to be enough to reduce the number of Indigenous people in correctional centres? Also, my other question is: do you believe that issues of overrepresentation go beyond the scope of your ministry?

**Mr. Bosscha:** Thank you very much for the questions. The issue that you have raised is one of significant concern to us. I am going to ask ADM Fiona Lavoy, who is the head of correctional services, to answer your questions.

Thank you.

**Ms Lavoy:** Hello. Fiona Lavoy. I am the ADM of correctional services. In terms of the correctional centre and community operations I can give a couple of examples of the supports and interventions that we do, but then I'll perhaps turn it back over to Deputy Minister Bosscha for additional interventions that are part of the other parts of the justice system.

Certainly, there are a number of initiatives and supports that we have in place within correctional operations. Within our custody operations two of the most prevalent ones are Indigenous program co-ordinators and our elder and knowledge-keeper services. These are supports and interventions that we have within our correctional centres that provide cultural supports and, certainly, connection back to community for individuals that are in custody.

For our community corrections operations we have two Indigenous community supervision contracts that we have in place, one out of Kainai and the other out of Tsuut'ina, that provide direct probation services for those clients in those regions and provide, again, advice to government on their supports and interventions that they provide.

With that, I'll turn it back over to DM Bosscha.

**Mr. Bosscha:** Thank you, ADM Lavoy.

I will pass this over to Acting ADM Thompson as well. The issue is a complex one, and it is one that we do work with other ministries and other areas on as well. Over to you, Alex.

Thank you.

**Mr. Thompson:** Thank you, and thank you for the question. Outside of the correctional centres but directly related, we have a number of other initiatives and programs ongoing within the department. We are working with the Provincial Court in support of the implementation of their court's Indigenous justice strategy, which contains 20 responses to the Truth and Reconciliation Commission of Canada, the National Inquiry into Missing and Murdered Indigenous Women and Girls, and prior commissions and inquiries, legislation, and Supreme Court of Canada decisions related to court operations.

[Ms Phillips in the chair]

Our department is also working in partnership with Native Counselling Services of Alberta, exploring ways to enhance the Gladue report program and the Indigenous court work program within the Edmonton Indigenous Court and provide additional supports for these programs, and that is an ongoing initiative.

We also work directly in partnership with Indigenous communities and organizations to develop strategies to address community needs through justice tables under the protocol agreements between the government of Alberta and the Blackfoot Confederacy and the Stoney Nakoda-Tsuut'ina Tribal Council.

We're also working with the Métis Nation of Alberta to develop a mechanism for partnering on justice-related strategies and initiatives.

We're also working in partnership, again with Native Counselling Services of Alberta, to develop Gladue principles, education, and training for all justice system professionals to increase awareness and education in relation to Gladue and Gladue reports. The Indigenous justice program provides flexible, community-based models that support Indigenous accused to be diverted from the mainstream justice system and held accountable through participation in community-based justice programs.

Finally, we have our Public Security Indigenous Advisory Committee, which was created this past year to provide advice and recommendations to improve public safety throughout Alberta, including in Indigenous communities. This committee advises on public safety initiatives, including police and peace officer reform, restorative justice, victims' services, and crime prevention, to ensure that our government's policies, programs, and processes align with the needs of Indigenous communities across the province.

Thank you.

**Mr. Panda:** Thank you.

I have to move on to victims' services delivery, but briefly, since you named some of the First Nations and Métis associations, are there any better examples across those nations that we can utilize in other First Nation areas and Métis nations?

Also, you mentioned elders. I know that elders are respected in First Nations and Métis nations. Are we effectively using them to counsel some of these inmates in these correctional centres? Briefly.

**Mr. Bosscha:** Thank you very much for the question. Starting with the last part of your question, we do make use of elders in the facilities and in other areas, working with First Nations, Métis groups, and other Indigenous organizations to draw on their experience and their cultures to try and make sure that the programs and the assistance that the government is providing do get to the best use.

In terms of examples from Bigstone Cree Nation or Native Counselling Services, maybe I can touch base with Acting ADM Thompson to provide a bit more information on where we're taking lessons learned from those agencies. Thank you.

**Mr. Thompson:** Thank you, and thank you for the question. We have worked with several nations so far and will continue to do so, working with them and assisting them in building their own justice processes. As the deputy mentioned, we have worked with Bigstone Cree Nation and provided them funding to develop a comprehensive justice strategy, build capacity within their nation, and to develop their restorative justice and Indigenous court work program. That's just one example of where we worked with nations.

Thank you.

**Mr. Panda:** Thank you. Thank you for your work on that.

Now I'm referring to page 44. You described the Integrated Threat and Risk Assessment Centre, I-TRAC, which is responsible for assessments and disclosure statements related to the disclosure to protect against domestic violence act. The I-TRAC is currently facing pressures as the referrals are outpacing capacity, but

certification of current trainees will soon remedy this. In that case, how long does it currently take Albertans to acquire information on the possible violent histories of their intimate partners through this program, and what is the goal for these wait times once the current trainees are certified? How much will those wait times be reduced?

Thank you.

**Mr. Bosscha:** Thank you very much for the question. Internally the Integrated Threat and Risk Assessment Centre is currently completing disclosure documents within a week of receiving the application and required information. While there have been instances of delays in this area in the past, none are currently being experienced. Historically, when delays have been identified, the centre has reassigned staff to help meet disclosure timelines. There are instances where disclosures are delayed as the consequence of a variety of factors outside the centre's direct control. We are attempting to identify and address those factors on an ongoing basis.

You'd asked about the goal for these wait times. Right now, once we have the training of the certified assessors, it has no impact on the disclosures. I'm not sure I'm answering your question. I may have heard that wrong, so my apologies.

**Mr. Panda:** No, no. You answered it, but I was just wondering how much improvement we can see in the wait times.

**Mr. Bosscha:** Thank you for that clarification, sir. I'll turn that over to ADM Degrand, please.

Thank you.

**Mr. Degrand:** Thank you, Deputy. Thank you, Chair. Thank you for the question. I can state that the document, of course, is a look back at 2021 . . .

11:40

**The Chair:** Thank you, Mr. Degrand.

Friends, it's been brought to my attention that due to the short break that we took in order to get the new officials into their chairs, we may go slightly overtime, so I am going to look to the floor and put a question of unanimous consent. I ask for the unanimous consent of the committee to go overtime in order to only finish the agenda as put forward to us today, including the three-minute read-in and other business portions of the agenda. I'm looking to the floor. All in favour? Okay. Are there any opposed? All right. Seeing none, we have unanimous consent. Thank you very much.

We'll now go to the fourth rotation, the Official Opposition, 10 minutes. Thank you.

**Mr. Sabir:** Thank you, Chair. Page 4 starts with the minister's comments and says:

As well, the PricewaterhouseCoopers report on the feasibility of replacing the RCMP with an Alberta provincial police force provided options on how a made-in-Alberta provincial police service could work. The report also showed it could be possible to do this at the same or lower overall operating cost.

That's what is written in the minister's message. Elsewhere in this report the provincial police force project has been talked about as well.

However, when we look at the PWC report, page 8, it says that the overall cost that Alberta is paying right now is \$318 million for the RCMP. Then they also provided costing for the new Alberta provincial police force. That's also listed on many pages: page 78, page 100. That's between \$734 million and \$758 million in two different scenarios. That's an increase of \$352 million from what Alberta is currently paying.

How can the statement be correct that we can get it done at the same or lower overall costs when the report clearly says that it will cost us some \$350 million extra plus \$366 million in transition costs?

**Mr. Bosscha:** Thank you very much for the question, sir. I will attempt to provide an answer here, and I then will turn it over to ADM Degrand as well. My understanding is that when you go through the overall report, there are different scenarios that are laid out and different costs. Depending on how you sort of . . .

**Mr. Sabir:** There are two scenarios. I read the report. One is pegging the cost at \$734 million. The other one is \$758 million. I have gone through the report word by word.

**Mr. Bosscha:** Yes. Thank you, sir. In terms of the report, yes, you have numbers in there that set out the different costs. The ultimate sort of goal when you look into the future, when this would actually be implemented, and you factor in what we currently pay and the changes that are currently under way with respect to the increased costs to the operation of the RCMP contracts and all of the other associated costs, you do end up with a situation where you can make . . .

**Mr. Sabir:** Currently we are paying \$318 million. That also is included in this report. If we have to pay \$734 million or \$758 million, you will agree with me that that's way more cost than we are currently paying.

**Mr. Bosscha:** Between those two numbers there is a difference, yes, but I think that you have to look at the overall report . . .

**Mr. Sabir:** The overall report: that's what it says. It says that currently Alberta is paying \$318 million in RCMP costs.

**Mr. Bosscha:** That's correct, sir.

**Mr. Sabir:** If they go with an Alberta provincial police force, two scenarios are telling us that somewhere between \$734 million and \$758 million will be the cost to Albertans. That's significantly higher than what we are paying today.

**Mr. Bosscha:** Sir, the best way I can sort of explain this is that you're comparing numbers of what is current, which is \$318 million, and then what is a proposed cost in the future. With the proposed cost in the future, you'd actually have to look at: what is the proposed cost of the RCMP at that future date compared to those future costs if we stand up a provincial police service? Those are the numbers that you have to . . .

**Mr. Sabir:** That report lays that out. Starting in '24, there are steps that are laid out, and that's the cost that is listed there. All I'm asking: is \$318 million way less than \$734 million? Can anyone confirm that?

**Mr. Bosscha:** Yes, sir. We can certainly confirm that the numbers are different. I am going to turn it over to ADM Degrand for some further comments.

Thank you.

**Mr. Degrand:** Thank you, Deputy. Thank you, Chair, and thank you for the question. I don't have the PricewaterhouseCoopers report in front of me, sir, so I may have to return with an answer. From the numbers that you're articulating and based on a report that's before you, I can confirm that we estimate the cost of an Alberta police service, a total operating cost – that's without any

subsidies from Canada, which we currently enjoy both on our provincial police service and on municipal contracts for 48 or 49 municipalities – would be \$758 million on estimate, depending on which of the models there. That's accurate from the reports.

**Mr. Sabir:** Higher than the current \$318 million.

**Mr. Degrand:** Yeah. The \$330 million that we currently pay for the provincial police service is our cost. There's also \$141 million of Canada's contribution on that, which brings the total operating cost to \$471 . . .

**Mr. Sabir:** If we decide to create an Alberta provincial police force, we won't be getting that subsidy that we are getting.

**Mr. Degrand:** That would be subject to a negotiation with Canada, that I wouldn't be able to say . . .

**Mr. Sabir:** Another question. As you mentioned, there are 47 municipalities that have stand-alone contracts with the RCMP, direct contracts for the service delivery, so if we proceed with an Alberta provincial police force, the province will be cancelling those contracts that municipalities have with the RCMP?

**Mr. Bosscha:** Thank you for the question, sir. I will turn that over to ADM Degrand.  
Thank you.

**Mr. Degrand:** I think the number is 48 or 49, but I could be wrong.

**Mr. Sabir:** The PWC report says 47.

**Mr. Degrand:** I think at that time. There have been two more that have come along, and they've crossed the threshold.

**Mr. Sabir:** That's 49.

**Mr. Degrand:** Yeah. Part of the delta that you're describing is that in the report we don't pay for those municipal costs whereas the report on PWC talks about that total cost of policing, so that might be part of the big delta.

**Mr. Sabir:** No. I understand the municipalities are paying for that and there are 47 or 49 of them.

**Mr. Degrand:** Yeah. That's correct, sir.

**Mr. Sabir:** So if the government of Alberta decides to move ahead with an Alberta provincial police force, will the government cancel those contracts that municipalities already have in place?

**Mr. Turton:** Point of order.

**The Chair:** Sure.

**Mr. Turton:** Thank you, Madam Chair. Again under 23(b). While the hon. member is talking speculatively, using forward-facing questions such as if the province does this and then what are the repercussions for that, it's again clearly out of scope from what we're actually dealing with as a public accounts committee. We're supposed to be focusing on rear-view facing items before us with the Auditor General, with the business plan, so forward-facing questions regarding policy or what the government will do under certain scenarios is clearly out of scope from this committee.

**Mr. Sabir:** Thank you, Chair. I think it's not a point of order. An Alberta provincial police force is discussed from the minister's message through the entire report. It's referenced everywhere, how

there were consultations, how there's more work, how there's the PWC report that has cost Albertans \$2 million or something. That's squarely within the scope of how we are utilizing public funds and how we plan to move ahead with something that is costly and not in the interests of Albertans.

**The Chair:** I think, in the interest of remaining true to the matters at hand, the hon. member would be advised to rephrase his questions in terms of structure of contracts, use of resources, and how the existing structure might square with what is recommended or discussed in the report.

**Mr. Sabir:** I was asking about the contracts that municipalities have in place. All 22 First Nations have those contracts in place. They're also getting some money from the federal government. The province pays only a portion of it, or the municipalities pay a portion of it, so that would be the added cost if the government continues to work on this Alberta provincial police force idea, as is mentioned in this report, that the government is working on it.

**Mr. Bosscha:** Thank you for the question. In terms of those additional costs I will pass this on to ADM Degrand, please.  
Thank you.

**Mr. Degrand:** In terms of the municipal contracts looking forward, it would be difficult for me – sorry. Thank you very much, Chair. Thank you, Deputy, and thank you for the question. It would be difficult for me to project whether there will be any provisions for those to be cancelled and no requirement there. That's actually something that I couldn't speak to because it would be a policy decision of the day.

**Mr. Sabir:** Another question. During this period that this report covers, was there any money spent on the transition from RCMP to an Alberta provincial police force?

**Mr. Bosscha:** Thank you for the question. The only money spent was on the report that was generated for us.

**Mr. Sabir:** There has been no progress since then?

**Mr. Bosscha:** No, there has not been. Thank you.

11:50

**Mr. Sabir:** A question relating to the SCAN program, safer communities and neighbourhoods, page 23. It appears that the department changed the threshold for investigation of drug-related criminal activity, and that threshold was lowered, which resulted in 300 complaints not being investigated. At a time when there are record overdose deaths, 2021 and 2022, the department is lowering the threshold for investigation of drug dealers. How does it help us address this crisis facing Albertans?

**Mr. Bosscha:** Thank you very much for the question, sir. I will ask ADM Degrand to respond.  
Thank you.

**Mr. Degrand:** Thank you, Deputy. Thank you, Madam Chair. Thank you for the question. It's a difficult circumstance in the sense that the SCAN units from the sheriffs are quite successful and quite, as a result of that success, widely in demand. The threshold changes, as I understand it, are really designed around ensuring that we maintain capacity or we utilize the capacity within the unit. At this point in time the . . .

**Mr. Sabir:** The threshold was raised because of the capacity? The department doesn't have capacity, human resources?

**Mr. Degrand:** There is actually a lot more demand for the use of that unit than there is capacity to meet it, and it's just a matter of triaging.

**Mr. Sabir:** Another question with respect to page 11. "The Commission works to eliminate discrimination and barriers to full participation in society through education and community engagement." That's about the Alberta Human Rights Commission. The government has reduced that grant to zero. Can you explain how this ministry fulfills that mandate when they don't have any dollars allocated to education?

**Mr. Bosscha:** Thank you for the question. At the time that the grant program was wound up, the commission undertook that it would look at its options to basically continue forward with whatever education or whatever community outreach they could do within the budget that they had allotted. It was basically a prior... [A timer sounded]

Thank you.

**The Chair:** Thank you.

We'll now move to the government side for 10 minutes. Mr. Panda.

**Mr. Panda:** I think I'm sharing with my colleagues.

**The Chair:** Okay. Mr. Stephan, please.

**Mr. Stephan:** Thank you very much. I appreciate the Justice ministry being here.

Pages 45 to 47 of the annual report talk about the digital transformation using online to improve access and use of limited court resources. It mentions that there have been over about 5,600 online adjournments when both parties agree. I'm wondering. How much time has been saved for parties using this service?

**Mr. Bosscha:** Thank you very much for the question. We're fairly happy with the progress that is being made on Justice digital because it is having a positive impact.

More than 26,000 first appearance adjournment requests for the Provincial Court adult criminal court have been processed from across the province. Adjournment requests take 66 per cent less court time per adjournment compared to a manual process which occurs inside a courtroom or at a case management office. The department estimates that several hundred hours per month have been saved in clerk processing time. This improves access to justice for accused persons and counsel as well as creating efficiencies for the courts, the prosecution service, and the court clerks.

Thank you for the question.

**Mr. Stephan:** That's a great result. That does free up access to justice.

Another initiative is the justice transformation initiative. That's in respect of selected impaired driving incidents, but there are criteria for that to be used. Could you please describe the criteria that have to be met before it would qualify for this under this initiative?

**Mr. Bosscha:** Thank you very much for the question. The justice transformation initiative has had a very positive effect. In terms of a criminal charge, the criminal charge will be laid in the following sorts of cases: there's an impaired driving event involving an impaired – someone who's basically been charged before, there's bodily harm or death, it's in relation to the commission of another related or simultaneous crime, a blood-alcohol concentration of more than 160 milligrams, where youth was a passenger, or where there were other significant public interest factors. All others will

be diverted. Basically, there are a number of factors that make the situation more serious than just – and it's not to undersell the seriousness of an impaired driving charge, but there are other factors that will have it put into the criminal court system.

Impaired charges exceeded 6 per cent of our criminal files prior to the implementation of this initiative. The current volume is down to 1.2 per cent for '21-22. Also, 99.9 per cent of all the reviews that were conducted were resolved within 30 days or less as compared to a median time of 490 days in the criminal court.

Thank you.

**Mr. Stephan:** Oh, wow. Great. In terms of our say to gain freed-up access to the courts to deal with other matters, how much time has that initiative freed up for our justice system?

**Mr. Bosscha:** Thank you for the question. That's a very good question. I will turn it over to ADM Tracy Wyrstiuik, who will hopefully have some information on those time limits.

Thank you.

[Mr. Turton in the chair]

**Ms Wyrstiuik:** Tracy Wyrstiuik, assistant deputy minister of court and justice services. I will have to take that back and look into the kind of reduction that it's allowed us for percentages. We will look into that and get back to you.

**Mr. Stephan:** A follow-up related question: how much have individuals paid as a result of using the justice transformation initiative?

**Mr. Bosscha:** Thank you very much for the question. We will have to take that one back and get that information for you.

Thank you.

**Mr. Stephan:** Okay. Do you see – in terms of freeing of not only court resources but police resources related to impaired driving charges, do you have an estimate of how much police resources have been freed up from not being in court in respect of some of these impaired driving charges?

**Mr. Bosscha:** Thank you very much for that question. I think we'll have to take that one back. I know, when this was originally put into place, that we were seeing a reduction in terms of an officer's time in court by about six or seven hours. So it went from, you know, basically eight hours per impaired charge down to about one or two, but we can certainly find out. It's been an area of interest for us as to sort of the collateral benefits to the system by implementing this new change.

Thank you.

**Mr. Stephan:** No; thank you. I look forward to that and Albertans finding out how this is improving the administration of justice.

I'll cede my time to MLA Singh, I understand.

**Mr. Rowswell:** It's MLA Rowswell here. I'm taking Singh's questions.

Okay. Thank you very much. In preparation for the implementation of the mobile monitoring technology, a new pretrial risk-assessment, PTRa, tool has been developed to identify the risk of pretrial failure. Are there any new risk-assessment criteria under PTRa that did not exist before?

**Mr. Bosscha:** Thank you very much for the question. That would probably be for Fiona. Yeah. I'm going to ask ADM Fiona Lavoy to provide a response to your question.

Thank you, sir.

**Ms Lavoy:** Hello. Fiona Lavoy, ADM, correctional services. The pretrial risk-assessment tool is part of a suite of tools that we use within our community supervision operations, and they essentially fall under the risk-need-responsivity principles. So the PTRa is referred to – essentially, it's a tool that looks at risk of pretrial failure, looking at a number of indicators that really relate to indicators beyond how an individual is presenting in terms of criminal history, current charges, conduct in that manner, but it looks and pulls from the broader suite of tools that we use, which are essentially related to the service planning instrument that we use, which is looking at broader indicators. So it pulls from existing indicators from the broader tool.

**Mr. Rowswell:** Okay. Are eligibility criteria under the PTRa intended to be very strict given how new the mobile monitoring technology is?

**Mr. Bosscha:** Thank you for the question. I will continue to ask ADM Lavoy to respond.

Thank you.

12:00

**Ms Lavoy:** Sure. The PTRa is a tool, and it's one of many tools that our probation officers have. Mobile monitoring was established during this time frame of the annual reporting, which is essentially a tool that allows individuals that have a cellphone to interact with associate probation officers in a different way. It has information about their court dates, their conditions that they have, and they can interact with probation officers through cellphone technology.

In terms of individuals that go on to mobile reporting, that's taken into account not just through the PTRa but also probation officer assessments in terms of the ability and the willingness and the success of an individual being able to report in that manner.

**Mr. Rowswell:** So if they fail or they – like, that's what I'm wondering. Is there much wiggle room for messing up and not reporting or not being available on their cellphone and stuff like that?

**Mr. Bosscha:** Thank you for the question. I'll ask ADM Lavoy to continue with the response.

Thank you.

**Ms Lavoy:** Sure. As with all community supervision the individual is to comply with a number of conditions that are established and set out, and the interaction and process for how they are complying with those conditions is always and continuously evaluated and monitored. If there is risk of the individual or if the individual has not complied with a condition, that is reported in due course as part of whether the individual is reporting through mobile technology or with a probation officer directly.

**Mr. Rowswell:** Okay. Thank you.

A mobile monitoring unit for those on probation, an electronic monitoring program for those serving sentences in the community are part of this new mobile monitoring technology. Have similar mobile monitoring programs been adopted in other provinces, and aside from the PTRa, what other barriers are in place to mitigate the risks associated with these new programs?

**Mr. Bosscha:** Thank you very much for the question. Again I will ask ADM Lavoy to respond.

Thank you.

**Ms Lavoy:** The electronic monitoring program is a new program that is also devised through telephone technology, through cellphone technology . . .

**The Deputy Chair:** Excellent. Thank you very much for the questions.

We will now proceed to questions from committee members. We will now begin with the Official Opposition.

**Ms Phillips:** Thank you, Mr. Chair. For read-in questions. Minister Madu called a public inquiry into misuse of police databases in May 2021 in response to search of personal records of the Member for Lethbridge-West while a minister. A search was performed with no lawful purpose or investigation, so please table the list of those who were sent correspondence providing the details of this inquiry in December 2021. Please confirm with the committee what date the information about the inquiry was available on the GOA website, provide a confirmation of how long it was between interested parties being advised of the inquiry by physical mail in December '21 and the posting of the public information in January '22 and be specific about the dates.

Please confirm with the committee the date the so-called addendum to the terms of reference for the inquiry was actually signed by the minister and forward an explanation to this committee why an unsigned addendum was sent to the parties in December '21. Provide the rationale underpinning the addendum to the inquiry terms, table the '18-19 correspondence between Marlin Degrand and law enforcement officials across the province, including but not limited to the Camrose RCMP detachment and the Lethbridge Police Service, related to the irregular searches of records for the MLA for Lethbridge-West, which were the actions that led to the public inquiry in 2021. Please provide the rationale for why the minister who was the victim of these searches was not advised. Please provide the committee the cost of the public inquiry during the '21-22 fiscal year, including the cost of in-house counsel, out-of-house counsel, LERB costs, and inquiry counsel costs.

Additionally, on legal aid, page 11 states that the ministry was party to a tripartite agreement. The question is that after the signing of that tripartite agreement, which included an increase to the Legal Aid budget in four instalments, the Legal Aid budget went up to \$104 million. In '20-21 the Legal Aid budget should have been \$110 million, and in '21-22, the time period under consideration, the Legal Aid budget should have been \$114 million, but the government only delivered \$82.3 million. Can the department provide a rationale as to the discrepancy between those two figures? Can you provide an explanation as to why the government did not honour the tripartite agreement? And are there plans to honour that agreement and pay up any arrears?

On the Human Rights Commission, the reduction of grants to zero: can the department provide a rationale as to how that fulfills the mandate indicated on page 11, which is to work "to eliminate discrimination and barriers to full participation in society"?

Thank you.

**The Deputy Chair:** Excellent. Thank you very much, hon. member. I can see a long future as an auctioneer is in your future.

At this point I'd like to turn it over to the government side for any questions. Okay.

Seeing no questions from the government side, I'd like to thank officials from the Ministry of Justice and the OAG for their participation and responding to committee members' questions. We ask that any outstanding questions be responded to in writing within 30 days and forwarded to the committee clerk.

Hon. members, the committee typically reviews and approves its annual report during the spring. However, since we're anticipating a general election this spring and next Tuesday possibly being the final Public Accounts Committee meeting this Legislature, the committee should look to approve its annual report at the next meeting. The report is nearly complete and will be distributed to members for review prior to next Tuesday's meeting. Are there any questions about the annual report?

Seeing none, I would note that written responses were received from the Ministry of Children's Services and the office of the Auditor General to questions asked at committee meetings on December 13 and December 20, 2022. They were posted to the

committee's internal site and will be made public on the Assembly website, as has been our usual practice.

Are there any other items for discussion under other business?

Seeing none, next Tuesday, February 21, 2023, the Ministry of Jobs, Economy and Northern Development will be back to review the labour and immigration annual report and any outstanding recommendations of the Auditor General.

I will call for a motion to adjourn. Would a member move that the meeting be adjourned? I see Member Hunter. All in favour? All opposed? Okay. Thank you very much.

[The committee adjourned at 12:07 p.m.]



