



Legislative Assembly of Alberta

The 31st Legislature
Second Session

Standing Committee
on
Public Accounts

Justice

Tuesday, February 24, 2026
9 a.m.

Transcript No. 31-2-5

**Legislative Assembly of Alberta
The 31st Legislature
Second Session**

Standing Committee on Public Accounts

Sabir, Irfan, Calgary-Bhullar-McCall (NDP), Chair
Lunty, Brandon G., Leduc-Beaumont (UC), Deputy Chair
de Jonge, Chantelle, Chestermere-Strathmore (UC)
Eremenko, Janet, Calgary-Currie (NDP)
Lovely, Jacqueline, Camrose (UC)
Renaud, Marie F., St. Albert (NDP)
Rowswell, Garth, Vermilion-Lloydminster-Wainwright (UC)
Sawyer, Tara, Olds-Didsbury-Three Hills (UC)
Schmidt, Marlin, Edmonton-Gold Bar (NDP)
van Dijken, Athabasca-Barrhead-Westlock (UC)

Office of the Auditor General Participants

W. Doug Wylie	Auditor General
Patty Hayes	Assistant Auditor General
Pamela Hlewka	Principal

Support Staff

Shannon Dean, KC	Clerk
Trafton Koenig	Law Clerk
Vani Govindarajan	Parliamentary Counsel
Philip Massolin	Clerk Assistant and Executive Director of Parliamentary Services
Nancy Robert	Clerk of <i>Journals</i> and Committees
Abdul Bhurgri	Research Officer
Rachel McGraw	Research Officer
Warren Huffman	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
Rhonda Sorensen	Manager of Corporate Communications
Christina Steenbergen	Supervisor of Communications Services
Amanda LeBlanc	Managing Editor of <i>Alberta Hansard</i>

Standing Committee on Public Accounts

Participants

Ministry of Justice

Malcolm Lavoie, Deputy Minister and Deputy Attorney General

Elizabeth Macve, Assistant Deputy Minister, Strategy, Support, and Integrated Initiatives

Brad Wells, Assistant Deputy Minister and Senior Financial Officer, Financial Services

Elizabeth Wheaton, Assistant Deputy Minister, Administrative Law Programs

Tracy Wyrstiuk, Assistant Deputy Minister, Court and Justice Services

9 a.m. Tuesday, February 24, 2026

[Mr. Sabir in the chair]

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

My name is Irfan Sabir, the MLA for Calgary-Bhullar-McCall and chair of the committee. As we begin this morning, I would invite members, guests, and LAO staff at the table to introduce themselves. We will begin to my right.

Mr. Lundy: Good morning, everyone. Brandon Lundy, MLA for Leduc-Beaumont.

Mr. van Dijken: MLA Glenn van Dijken, Athabasca-Barrhead-Westlock constituency.

Mrs. Sawyer: MLA Tara Sawyer, Olds-Didsbury-Three Hills.

Ms de Jonge: Good morning. MLA Chantelle de Jonge, Chestermere-Strathmore.

Mr. Rowswell: Good morning. Garth Rowswell, MLA for Vermilion-Lloydminster-Wainwright.

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

Ms Wheaton: Good morning. Elizabeth Wheaton, assistant deputy minister of administrative law programs with Justice.

Mr. Wells: Good morning. Brad Wells, assistant deputy minister of financial services.

Mr. Lavoie: Malcolm Lavoie, Deputy Minister of Justice, Deputy Attorney General.

Ms Wyrstiuk: Good morning. Tracy Wyrstiuk, assistant deputy minister for court and justice services at Alberta Justice.

Ms Macve: Good morning. Elizabeth Macve, ADM, strategy, support, and integrated initiatives.

Ms Hayes: Good morning. Patty Hayes, Assistant Auditor General.

Ms Hlewka: Good morning. Pamela Hlewka, audit principal.

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

Ms Renaud: Marie Renaud, St. Albert.

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

Mr. Huffman: Warren Huffman, committee clerk.

The Chair: Thank you. We will now go to those joining us online. Please introduce yourself as I call your name.

Member Janet Eremenko.

Member Eremenko: Good morning. Janet Eremenko, MLA for Calgary-Currie.

The Chair: Thank you.

A few housekeeping items to address before we turn to the business at hand. Please note that the microphones are operated by *Hansard* staff. Committee proceedings are live streamed on the Internet and broadcast on Assembly TV. The audio- and videostream and transcripts

of meetings can be accessed via the Legislative Assembly website. Those participating by videoconference are encouraged to please turn on your camera while speaking and mute your microphone when not speaking. Members participating virtually who wish to be placed on the speakers list are asked to e-mail or send a message to the committee clerk, and members in the room are asked to signal the chair. Please set your cellphones and other devices to silent for the duration of the meeting. Comments should flow through the chair at all times.

Moving on, approval of the agenda. Hon. members, are there any changes or additions to the agenda? If not, would a member like to move that the Standing Committee on Public Accounts approve the proposed agenda as distributed for its February 24, 2026, meeting? Member Sawyer. Any discussion on the motion? Seeing none, all in favour? Any opposed? All in favour online? Any opposed? The motion is carried.

Approval of minutes. We have minutes from the December 2, 2025, meeting of the committee. Do members have any errors or omissions to note? If not, would a member like to move that the Standing Committee on Public Accounts approve the minutes as distributed of its meeting held on December 2, 2025? MLA Rowswell moved. Any discussion on the motion?

Seeing none, all in favour in the room? Any opposed? All in favour joining us online? Any opposed? Thank you. The motion is carried.

I would now like to welcome our guests from the Ministry of Justice and the office of the Auditor General, who are here to address the ministry's annual report 2024-25, responsibilities under their purview during the reporting period, and report outstanding recommendations of the Auditor General.

I would invite officials from the ministry to provide opening remarks not exceeding 10 minutes.

Mr. Lavoie: Thank you very much, and good morning. As I mentioned, my name is Malcolm Lavoie, and I serve as the Deputy Minister of Justice and Deputy Attorney General. We've already done introductions, but I'll introduce the folks who are at the table as well as members of the executive team in the gallery. To my left is Brad Wells, assistant deputy minister of financial services division and senior financial officer. To my immediate right is Tracy Wyrstiuk, ADM, court and justice services. To her right is Elizabeth Macve, ADM, strategy, support, and integrated initiatives. And to Brad's left is Elizabeth Wheaton, ADM, administrative law programs. For your awareness, administrative law programs is a newly created division as of April 1, 2025. It includes family support order services and safe roads programs. Administrative law programs also provide support to the Alberta Human Rights Commission as needed.

Present in the gallery are Marie Strauss, ADM legal services, and Lori Dunford, ADM Alberta Crown prosecution service.

Justice's mandate is to protect the rights and interests of Albertans by upholding the rule of law and ensuring a justice system that is fair, accessible, and efficient. The ministry administers Alberta's courts, delivers criminal prosecution services, provides legal and strategic advice to government, supports the delivery of legal aid, and operates public-facing resolution programs that help resolve matters earlier, faster, and often outside the courtroom. Justice also supports both the office of the Chief Medical Examiner and the Alberta chief firearms office.

In 2024-25 we continued to modernize services across the justice system. This included expanding digital tools within the courts and opening the new Red Deer Justice Centre, important steps in improving access while strengthening the administration of justice. Throughout this work we maintained a disciplined approach to financial management. In supporting this mandate, Justice spent

\$682.7 million in 2024-25 to ensure Albertans could access services that they rely on. This reflects an increase from \$653.1 million spent in 2023-24, a year-over-year rise of \$29.6 million and \$2 million below the approved budget.

I will now provide a brief overview of the ministry's divisions, starting with court and justice services. Court and justice services plays a central role in supporting the fair and effective operations of Alberta's three courts. The division provides Albertans with accessible pathways to resolve legal matters and ensures that court operations run reliably and efficiently. Its services include information and referrals, dispute resolution, court assistance, family and civil supports, fine payments, document filing, scheduling, and trial operations. In 2024-25 the division also enforced court-ordered child, spousal, and partner support, ensuring that Albertans could rely on timely and accountable processes. Note that that program now falls under the administrative law programs division.

In 2024-25 court and justice services spent \$279 million. A \$4.8 million surplus from the initial budget emerged due to lower contracted service costs, including court and transcript services, as well as vacancies and hiring delays. That surplus was subsequently redistributed throughout the ministry to support priority pressures. For comparison, in 2023 and '24 the division spent \$251.7 million, reflecting continued growth in service demand and operational pressures.

I'll now speak to the Alberta Crown prosecution service. The Alberta Crown prosecution service prosecutes offences under the Criminal Code, the Youth Criminal Justice Act, and provincial statutes. The division also conducts appeals on behalf of Alberta's Attorney General, ensuring that the administration of justice is carried out with consistency, independence, and integrity. The division continued to expand precharge assessment with law enforcement partners in '24-25. This approach helps ensure that only well-supported files proceed into the court system, allowing limited court and trial capacity to be used more effectively and efficiently.

In 2024-25 Alberta Crown prosecution service spent \$144.4 million. A \$5 million deficit occurred in the division, driven by pressures in criminal and youth prosecutions alongside salary and operating cost increases necessary to maintain court services. This follows spending of \$134 million in 2023-24, reflecting the continued growth and complexity of the division's workload.

Next I will speak about the strategy, support, and integrated initiatives division. Strategy, support, and integrated initiatives provides essential programs, including the office of the Chief Medical Examiner and the Alberta chief firearms office. The division leads strategic policy and planning, engagement, change management, service innovation and digitization, research, evaluation, and data analytics. SSII also manages the Alberta law libraries and official documents and appointments and oversees access to justice programming such as restorative justice, specialized courts, and Indigenous policy and services. In 2024-25 SSII spent \$171.4 million. A \$0.1 million surplus from the initial budget was realized due to a decrease in restorative justice grant payments and savings arising from vacancies and hiring delays. In 2023-24 the division spent \$194.8 million due to adjustments in programming and operational demands year over year.

9:10

I will now speak to the legal services division. The legal services division supports the minister's role as Attorney General and chief law officer of the Crown. The division provides legal and strategic advice and representation to government, drafts legislation and regulations, and helps ensure public administration proceeds according to law.

In 2024-25 the legal services division spent \$70.1 million. A \$0.1 million surplus from the initial budget was realized due to hiring

delays and lower supply costs. This follows spending of \$56.8 million in 2023-24. The change reflects increased demand for legal services across government.

Now I will speak to ministry support services. Ministry support services provide corporate services that enable the ministry to operate effectively. This includes support to the ministers' and deputy ministers' offices, finance, procurement, and accommodations. In 2024-25 ministry support services spent \$11.3 million. The division recorded a \$0.8 million surplus from the initial budget due to lower costs in financial services. In 2023-24 the division spent \$9 million, which reflects expanded corporate support requirements across the ministry. In each instance budget increases evolve with the needs of ministerial operations.

Next I will speak to the Alberta Human Rights Commission. The Alberta Human Rights Commission operates independently under the Alberta Human Rights Act. The commission is responsible for resolving discrimination complaints and delivering public education that helps reduce barriers and prevent harm. In 2024-25 the commission expenses were \$7.6 million with a \$0.1 million surplus resulting from the lower shared service costs with the human rights education and multiculturalism fund. This follows expenditures of \$7.3 million in 2023-24, reflecting the commission's steady work in administering its mandate year over year.

The ministry's operational achievements provide essential context for the financial results presented today. The Red Deer Justice Centre began operations with 12 modern courtrooms, including an Indigenous courtroom and a high-security courtroom. The facility also brought traffic court and resolution services together under one roof, improving public access and providing consolidated resources for Albertans.

Justice's digital services continued to grow in '24-25, supporting 12 services across the ministry. This included the Court of King's Bench orders digital service, which now allows orders to be prepared, reviewed, and signed electronically, as well as enhancement to filing services that have reduced processing times. In family justice services expanded precourt services ensured more matters were resolved without a hearing. This contributed to fewer new family applications entering the courts and allowed judicial time to be focused on more complex disputes.

Within prosecutions the use of precharge assessment reduced the number of matters entering the system that did not meet the public interest or the threshold for prosecution, supporting a more efficient court process. In 2024-25 staffing represented over 70 per cent of the ministry's budget, reflecting the essential front-line services that the ministry delivers across the justice system.

Year-end variances were primarily the result of the timing of recruitment and when contracted service arrangements were scheduled. Surpluses in court and justice services, ministry support services, legal services, SSII, and the Alberta Human Rights Commission resulted in a total of \$5.8 million in surpluses. These resources were redirected to support pressures in other areas of the ministry, including the pressure in the Alberta Crown prosecution service.

Throughout the fiscal year financial reporting was maintained in accordance with public-sector accounting standards. Internal controls were maintained to safeguard public funds, and ministry staff demonstrated strong stewardship in managing risk, monitoring performance, and delivering services to Albertans. The Auditor General did not issue any recommendations to the ministry for '24-25, and there are no other recommendations outstanding.

That concludes my statement. My colleagues and I, of course, would be pleased to answer your questions to the best of our abilities. Thank you.

The Chair: Thank you. Two seconds remaining. Right on time.

I would now turn it over to the Deputy Auditor General for her comments. Ms Patty Hayes, you have five minutes.

Ms Hayes: Good morning. Thank you, Chair, and good morning to the committee members and to the officials from the Department of Justice. Thank you for the opportunity to provide you with an overview of the work of the office of the Auditor General. We audited select financial transactions at the Department of Justice as part of our audit work on the consolidated financial statements of the province for fiscal '24-25.

We also audited the financial statements of the human rights, education, and multiculturalism fund. For the year ended March 31, 2025, we issued a clean opinion on those financial statements. As the deputy mentioned, we made no new recommendations as a result of our audit work this past year, and currently have no outstanding recommendations for this department.

I'll conclude there by thanking the management group here today for their time, co-operation, and assistance during the audits, and that's it for my comments. Thank you, Chair.

The Chair: Thank you.

We will now hear questions from the committee members and we will begin with the Official Opposition. You have 15 minutes to start.

Mr. Schmidt: Thank you, Mr. Chair. Page 14 of the report talks about defending Alberta's constitutional jurisdiction by challenging a number of federal actions. Which of those cases listed on page 14 remained active at the end of fiscal '24-25?

Mr. Lavoie: I'm looking at page 14. There is a reference to the challenge to plastics as a toxic substance. My understanding is that the Federal Court of Appeal decision was rendered in that matter, so that is concluded pending a potential appeal to the Supreme Court of Canada. There's a reference here to the GGPPA litigation, which just concluded. The zero-emission vehicle standards: this litigation remains ongoing although there may be developments in light of a change in federal policy in that space. Those are the cases that I see listed on page 14, unless I'm missing something.

Mr. Schmidt: Yeah. Sorry. I also see: "... contested the Fertilizers Act and regulations for violating the Charter and unconstitutionally intruding into provincial jurisdiction over agriculture."

Mr. Lavoie: Yeah. The Fertilizers Act challenge: the decision was rendered by the Federal Court of Appeal, and so that, too, is concluded pending a potential further appeal to the Supreme Court of Canada.

Mr. Schmidt: Okay. And then clean electricity regulations.

Mr. Lavoie: The clean electricity regulations: there is a reference that's been initiated by the Lieutenant Governor in Council. It is proceeding to the Alberta Court of Appeal. My understanding is that it's scheduled for the fall.

Mr. Schmidt: Okay. Then federal firearms restrictions.

Mr. Lavoie: Yes. Similarly, there was a decision rendered by the Federal Court of Appeal. I believe there's a leave to appeal pending in the Supreme Court of Canada on that file.

Mr. Schmidt: And oil and gas sector greenhouse gas emissions cap regulations.

Mr. Lavoie: There is no ongoing litigation related to the oil and gas emissions cap. There was certainly a degree of preparatory work that went into that. Obviously, the government's position was opposed to that policy. However, in light of the outcome of the memorandum of understanding with Canada, currently litigation isn't planned on the oil and gas emissions cap. It was draft regulations that were not finalized by Canada, so there's no litigation ongoing there.

Mr. Schmidt: Thank you very much. What was the total cost that the department incurred on these cases in '24-25?

Mr. Lavoie: Most of the litigation, including both the high-profile cases that you've mentioned and the more, sort of, run-of-the-mill litigation files that we have, was handled internally by civil Crown counsel in the legal services division. In terms of external counsel retainers across government, my understanding is that – I need to pull up the right tab here – the total cost of external retainers in 2024-25 was \$29.6 million. This is in line with previous years broadly. I can list the trend. There was a downward trend. We're below where we were in 2020-2021, in part because of expanded resources in the legal services division. In 2020-21 external – go ahead.

9:20

Mr. Schmidt: Thank you, Deputy Minister, for that. I appreciate it. So \$29.6 million on external counsel. Reading the report, the department did some work in calculating the total number of hours of legal services it provided to other departments in government. I'm wondering how many total hours of legal services were rendered by in-house counsel on these federal challenges.

Mr. Lavoie: The total number of hours on the specific challenges that we've mentioned here: I don't think I have that number. I do know that the legal services division, through their use of technology, including their practice management software, does track the hours that are used, and that's a valuable tool in terms of assessing value for money.

Mr. Schmidt: Thank you, Deputy Minister. There is a system for tracking it. Can the deputy minister then commit to responding to the committee in writing with a summary of the number of internal hours that were spent on these challenges?

Mr. Lavoie: I'm not sure I can make that commitment. We do have certain parameters in terms of solicitor-client privilege in terms of what we can provide, so I'm not sure I can commit to providing hours on specific litigation files.

Mr. Schmidt: Interesting. But a cost estimate: how much of the department's own resources were spent specifically on these federal challenges? That seems to be something that the public could ...

Mr. Lavoie: Yeah. It has been my understanding, the long-standing position of the government, that those issues are privileged. We generally wouldn't provide a breakdown of the resources devoted to a particular litigation file.

Mr. Schmidt: So \$29.6 million was spent on external counsel. Who was hired to provide that external counsel?

Mr. Lavoie: I hate to sound like a broken record, but the specifics of individual retainers: the government's position is that that's privileged material. So I'm unable to provide that information unfortunately.

Mr. Schmidt: The public can't even know who their government is hiring to provide them legal services?

Mr. Lavoie: Well, in some cases, of course, it's a matter of public record. In the case of the Impact Assessment Act challenge, both the previous challenge and the one that's currently ongoing, Bennett Jones was retained. For most of the other files that we've discussed this morning, in fact, I think, in terms of the ones that you've identified: those are being handled internally, apart from the Impact Assessment Act. I should say that the zero-emissions vehicle standards, because it was a Quebec case, we had local counsel in Quebec. I believe that's also a matter of public record.

Mr. Schmidt: Okay. It's my understanding that the lawyer of record is public information. Like, Bennett Jones was the only external counsel that represented the government? Who was the Quebec counsel? Who represented the government on that case?

Mr. Lavoie: The specific firm that represented Alberta in Quebec: I don't have that information. If it's a matter of public record, we can provide it. Yes, we can follow up and provide that information.

Mr. Schmidt: Thank you very much. How were these two law firms selected to provide external counsel to the government?

Mr. Lavoie: The legal services division has a procurement process and applies practices to ensure value for money. I don't know that I can speak to the specifics of a particular retainer. There are a range of factors that are taken into account. Yeah. I mean, like, the specifics of a retainer of a particular firm would be privileged, but I can advise that there are practices adopted within legal services to ensure value for money, including . . .

Mr. Schmidt: If there was a public procurement process, surely the material involved with the selection of a vendor would be publicly available. When you're talking about processes, I mean, every procurement goes through a process, but was it a sole-source process? Was it the lowest bid? Was it, you know, the minister's friends? Tell us about the details of the process for hiring Bennett Jones to represent the government.

Mr. Lavoie: I can advise that the procurement of law firms does proceed a little bit differently because of the privileged nature of the information in terms of what's publicly available, but best practices include approaching multiple bidders, taking into account, obviously, the expertise of the law firm. I don't think I'm able to provide the specifics of a particular retainer though.

Mr. Schmidt: Thank you.

I want to move on then to page 15. The report mentions a precharge assessment system with law enforcement agencies across the province, making better use of the court system's limited capacity, and then page 16 and page 24 also discuss these precharge assessments. Can the deputy minister tell the committee whether or not there are dedicated Crown prosecutors doing these precharge assessments?

Mr. Lavoie: I can advise that precharge assessment has broadly been a success. There are prosecutors who devote time and resources to doing precharge assessment. It certainly takes a degree of resources in order to provide that additional review, but our experience has been that, on the whole, it's enhanced the efficiency of the process.

Mr. Schmidt: Sorry, Deputy Minister, but there aren't Crown prosecutors whose sole job is to do the precharge assessments?

Mr. Lavoie: My understanding is that there are Crown prosecutors whose job is to do the precharge assessments.

Mr. Schmidt: Oh, there are. Okay. How many of those were working in the department for '24-25?

Mr. Lavoie: I don't have that information.

Mr. Schmidt: Can the department commit to providing that in writing?

Mr. Lavoie: My mistake. There are a total of 20 precharge assessment prosecutor positions in ACPS. Sixteen were added in '22-23. Funding was maintained even for '24-25.

Mr. Schmidt: Thank you very much. Can the deputy minister provide some discussion on how the precharge assessment work that's conducted by Crown prosecutors impacts police independence?

Mr. Lavoie: The impact of precharge assessment on police independence. I mean, I think in that space we work to respect the institutional roles of police and prosecutors. It is the role of police, of course, to investigate and recommend charges. However, it has always been the case that prosecutors have to make their own independent assessment of whether the standard for proceeding with the prosecution is met, whether it's in the public interest, and whether there's a reasonable likelihood of conviction. That assessment was already happening. It was just happening later in the process, so precharge assessment moves that up with the objective of addressing the issues earlier in the process and ensuring that fewer resources are devoted to cases that aren't merited.

Mr. Schmidt: Thank you. When was this precharge assessment work implemented? When did the department start that work?

Mr. Lavoie: Yeah. Precharge assessment has been a multiyear process, and it's been rolled out gradually across the province. The specific date on which it began, I'm not – I'll see if we have folks at the table who can provide that information, but it has been rolled out gradually over several years. It's now in place with respect to the RCMP across the province. Rollout with the Calgary Police Service is ongoing. Do we have a year? No. It has been a multiyear rollout, and it's not yet complete, I think it's fair to say. I think we can commit to providing you the year at which we started rolling out precharge assessment.

9:30

Mr. Schmidt: So it's limited to certain jurisdictions at this point. What's the timeline, or what was the timeline, in this fiscal year for completing the rollout of that system?

Mr. Lavoie: Yeah. It's anticipated. We've worked co-operatively with police services on this, you know, and that is partly respecting the institutional roles of police. I think it's fair to say that it's not entirely within our control. It's anticipated, though, that the rollout to Calgary Police Service will be completed in '26-27. Discussions with Edmonton Police Service on implementation are ongoing.

Mr. Schmidt: Thank you.

The Chair: Thank you.

MLA Lundy, you have 15 minutes.

Mr. Lundy: All right. Thank you very much, Chair, and of course thank you to the deputy and his officials for joining us this morning and for all their diligent work on these important files. I would like to begin by actually building a little bit on some of the cases and issues that my colleague raised related to Albertans' rights and interests being protected. I think there were a couple of cases mentioned here, including the Impact Assessment Act, Emergencies Act, federal firearms regulations, zero-emission vehicle standards, fertilizer

regulations, clean energy regulations, and, of course, the proposed oil and gas emissions cap.

I appreciate the information that the deputy was able to share already. Through the chair, I would be interested if the deputy could share a few more details with us. This is, obviously, a priority, defending Alberta's constitutional jurisdiction. I appreciate the importance of that work. Through the chair, could the deputy maybe please describe: what criteria does the ministry apply when determining that litigation is the appropriate course of action to defend Alberta's jurisdiction?

Mr. Lavoie: Thank you very much for the question. As we outlined in the annual report, the ministry continues to stand up for the province. This may require litigation in some instances, challenging federal legislation and policies that are unconstitutional. In some instances that's justified in terms of advancing the interests of the province. A range of considerations can go into such a decision; for example, the adverse effects of the initiative on Alberta and Albertans, the importance of a given legal principle. It may be that the legal principle in question is implicated in the particular matter at hand but also creates a precedent going forward that the province would have an interest in advancing. Of course, the likelihood of success in litigation also plays into those types of calculations.

Unfortunately, on this one I'm mostly able to speak in general terms because of the requirement that we not disclose privileged information related to a particular case or litigation strategy.

Mr. Lundy: Thank you very much, Deputy. Thank you through the chair, of course.

Maybe I'll build on your closing comments there. I certainly want to respect the confidentiality and privileged nature of some of these discussions, but could you maybe comment beyond, then, the courtroom outcomes? How does the ministry evaluate whether Alberta's legal actions have strengthened provincial authority or contributed to constructive federal engagement?

Mr. Lavoie: Yeah. That's a good question. Judicial determinations in courtroom outcomes, obviously, can create precedents that strengthen provincial jurisdiction and maintain the capacity of provincial institutions over the long term to advance Albertans' interests. Obviously, there are some limits in terms of how precise we can be in measuring success. I mean, we can point to outcomes where our arguments have been accepted. I think the recent Emergencies Act litigation would be an example of that, where on the question of the invocation of the Emergencies Act Alberta's position was accepted.

Similarly, the first challenge to the Impact Assessment Act, a case that gave rise to significant concerns about infringements on provincial jurisdiction: that, similarly, was successful. So we've certainly had some successes in this space on issues where the interests of the Alberta government and Albertans were significant.

Mr. Lundy: Thank you.

Again, maybe, you know, following up quickly on that, through the chair, I appreciate some examples, obviously, where our litigation efforts have been able to clarify Alberta's jurisdiction or led to increased intergovernmental dialogue. Can you maybe comment on other instances where you would work with other provinces and territories or some of the back and forth with those jurisdictions or even the federal government just to make sure that Alberta's position is clear and we're protecting Albertans' rights?

Mr. Lavoie: Yeah. We've had, as I say, some successes. It's often the case on these issues involving federalism and the division of powers that we have shared interests with other provinces and territories, so on those types of cases we work closely with our counterparts in other provinces at the deputy and ministerial level

but also at the level of particular counsel. We've had a fair bit of support in some of this litigation from other provinces and territories, and that's the result of that collaboration. Obviously, it's not always the case that issues get resolved in court. In some cases it may be preferable that a dispute be resolved out of court. Obviously, when litigation has to proceed, it proceeds.

In addition to the Impact Assessment Act and the Emergencies Act, we could point as well to the oil and gas emissions cap, where, effectively, Alberta's constitutional position was accepted by the federal government without the need for litigation.

Mr. Lundy: Thank you through the chair. I appreciate you being able to highlight some of those examples.

I believe you mentioned \$29.6 million for external counsel for some of these files. I'm just curious, Deputy. How does the ministry assess the value for money in that regard? Is there a sort of a framework, you know, to ensure that we're getting a bang for our buck for these extremely important cases and work?

Thank you.

Mr. Lavoie: Yeah. Thank you very much. There is a specialized group within the legal services division led by an executive director which seeks to employ best practices to ensure that we're getting value for money with respect to external retainers. External invoices are reviewed, there is consideration to the appropriateness of billing, and there are processes in place to ensure the value for money with respect to external retainers. Just in terms of the \$29 million number I think it's important to emphasize that that's not just these more high-profile cases; that's all external litigation across government, including some cases that don't necessarily make the news.

Mr. Lundy: I appreciate that. Thanks for that important clarification, and again thank you, through the chair, for your information.

With that, I would like to cede my time to my colleague MLA Lovely.

Ms Lovely: Thank you so much. It's very nice meeting all of you. Thank you for the work that you're doing. I do have three questions that I'd like to ask you through the chair. On page 18 – I'll give you a second to get there, and that's the annual report – it highlights some of the most significant amendments to the Alberta Bill of Rights since 1972, including strengthening property rights, medical consent protections, and firearms ownership rights as well as expanded application to nonlegislative actions. Given the significance of these amendments my first question is: what implementation guidance and training have been provided across ministries and agencies to ensure compliance?

9:40

Mr. Lavoie: Thank you very much for the question. The Alberta Bill of Rights, we should emphasize, contemplates that anyone whose rights have been infringed can seek a remedy before the courts. That applies not just to the government of Alberta but to other public entities across the province. Alberta Justice's mandate is really limited to the government of Alberta, so we've not provided training to outside entities, public-sector entities and agencies.

In terms of government of Alberta compliance legal services division lawyers as part of their mandate routinely assess potential Alberta Bill of Rights risks, as they do with respect to the Charter and other constitutional considerations, as part of the legal services that they provide to client ministries, so that's, in effect, a built-in part of the legal advice function. In the context of advising other ministries, we would advise on issues that are raised by the Alberta Bill of Rights.

Ms Lovely: Thank you for the answer.

Through the chair, I've got my second question. How is the ministry monitoring early judicial interpretation or litigation trends arising from these changes?

Mr. Lavoie: Thank you very much for the question. We, of course, monitor this litigation closely. We receive notices when Alberta Bill of Rights arguments are advanced, and we certainly monitor relevant cases in the same way that we do for constitutional law matters. However, I've been advised that there are no judicial interpretations yet in the short time since the Alberta Bill of Rights amendments took effect in 2024, so I don't have any early trends to report on how those amendments have been interpreted.

Ms Lovely: Thank you. As you can appreciate, the Bill of Rights is very important to constituents in the Camrose area, so I'm very focused on your answers today.

My last question is: how is the ministry collaborating with other provinces to support provincial rights when standing up to actions of the federal government? I am particularly interested in the collaboration with Saskatchewan.

Mr. Lavoie: Well, thank you very much. Yeah. As I mentioned, sort of the general matter, our counsel and our departments routinely work with provincial counterparts in other jurisdictions. I think it's fair to say that with respect to Saskatchewan there's a fair degree of alignment on a number of issues, and certainly we work with them to advanced shared interests. Saskatchewan and Alberta intervened to challenge the federal Fertilizers Act and regulations, which was alluded to already. Saskatchewan and Alberta also intervened to challenge the federal firearms ban. Saskatchewan has also been a counterpart in litigation relating to the Impact Assessment Act and the clean electricity regulations. So there's a fair bit of close collaboration with our colleagues in Saskatchewan and their Ministry of Justice.

Ms Lovely: Thank you. I appreciate that. Thank you for answering my three questions.

I'm going to pass it over to my colleague Garth Rowswell.

Mr. Rowswell: How are you doing? You mentioned Red Deer Justice Centre changes in your introductory comments, so I'd like to focus on that a little bit. Pages 24 to 27 of the '24-25 annual report reference the opening of a new Red Deer Justice Centre. You increased courtroom capacity from eight to 12 fully built courtrooms. The new facility also includes three judicial dispute resolution suites, a dedicated suite for family and civil mediation services, and an Indigenous courtroom designed with dedicated ventilation to accommodate smudging ceremonies. I would like to start with: given this investment and since opening the centre, what utilization rates are being observed across the 12 courtrooms, and has the increased capacity allowed for more matters to be scheduled concurrently?

Mr. Lavoie: Yeah. Thank you for the excellent question. It is the case that we were overcapacity in the old facility and that there has been an increase in our ability to hear and advance matters in the Red Deer area. Specifically, I can advise that there are now 26 judicial sittings per week in the new facility whereas fewer than 20 were possible in the old facility. The breakdown of that change is as follows. There are five additional days per month of family and youth matters being heard and one additional day per month of special sittings for criminal matters. The additional availability of courtrooms has also allowed for the splitting of docket and trial matters into separate courtrooms, and this has reduced late sittings. A reduction in after-hour court

sittings has led to more than a 30 per cent decrease in adjourned matter, so when you have that additional capacity, things will move a lot more smoothly. A substantial reduction in the adjournment level is a key indicator of improved court efficiency and public access to the justice system. In addition to those sort of specific items, prior to the completion of the Red Deer Justice Centre traffic matters were heard at a temporary facility. Now they're heard in the Red Deer Justice Centre.

The Chair: Thank you.

We'll now go back to the Official Opposition members. You have 10 minutes.

Mr. Schmidt: Thank you, Mr. Chair. Just back on this issue of precharge assessments that's listed on pages 15, 16, and 24, I understand that we haven't fully implemented this system across the province. We don't necessarily have a firm timeline for achieving full implementation across the province. It says in the report that the precharge assessment system is expected to reduce the number of cases entering the court system. I am wondering if the department had a metric for the number of cases that it hoped to reduce entering the court system.

Mr. Lavoie: I don't know if it would be fair to say that we have a specific metric in mind. Of course, prosecutorial decisions are made independently based on an independent assessment of whether the standard for prosecution is met. The intent behind precharge assessment is not necessarily to allow resource constraints to drive prosecutorial decisions. It's to ensure that decisions are being made according to the appropriate standard at a stage where we can minimize the use of resources unnecessarily. I'm not sure it's fair to say that we have a specific metric in terms of how many cases, say, would be diverted, how many cases would be determined not to meet the prosecution standard, but nevertheless I think it's fair to say that the early implementation of precharge assessment has yielded good results in terms of the volume in the court system.

Mr. Schmidt: Okay. The original intent then, as I understand it from what the deputy minister has said, is that case reductions weren't necessarily the goal, although it's a happy side effect of the system. What then is the outcome that the department is looking for in terms of assessing whether or not this system has met its objectives?

Mr. Lavoie: Yeah. That's a good question. I mean, I think that one of the outcomes, obviously, that we're trying to achieve in this space relates to Jordan timelines, relates to ensuring that matters are able to be heard in the constitutionally prescribed time limit. That's an issue that implicates both court resources as well as prosecutorial resources, and ensuring that those resources are employed in the most efficient and targeted manner possible helps us to achieve those outcomes. I think it's fair to say that that is part of what we're trying to achieve here, making sure that both for, you know, the intrinsic good of having matters heard in a timely manner but also ensuring that we're within constitutional constraints. Those are certainly key objectives in this space.

Mr. Schmidt: The deputy minister is anticipating my next questions, and it's almost like the UCP had written them for him because page 28 lists that "Alberta Court of Justice lead times for serious and violent matters are . . . below [a] timeline [of] (23.2 weeks)," but we talked about the precharge assessment reducing the number of charges hanging out there for quite a lot of time. How many summary conviction offence charges are awaiting trial and are over 18 months old?

Mr. Lavoie: At the present time how many summary conviction charges are . . .

Mr. Schmidt: Awaiting trial and are over 18 months old.

9:50

Mr. Lavoie: I don't know if I have that information with me at this time, and obviously that's a highly dynamic situation. I mean, I can provide a bit of a snapshot. I don't think we can do point in time right now, but in terms of, hopefully, relevant metrics that address the heart of your question: obviously, I think it's reported that there are only four Jordan applications that were granted out of 90,000 cases as of March 31, 2025. Forty-eight cases out of 490 applications were stayed by the courts due to unreasonable delays since October 2016 when tracking began. So we have a fairly strong track record in defending these cases.

I think in terms of that specific metric that you asked for, which I don't think we have, certainly not point in time right now, it's important to remember that 18-month timeline wouldn't necessarily have an accurate portrayal of, say, defence-induced delay, so it may not be the most accurate picture of what cases are at risk of a Jordan application. That issue of cases that are at risk of a Jordan application is one that is regularly assessed by prosecutors to ensure that, you know, the appropriate steps are needed to make sure that the cases get heard in the time that they need to be heard.

Mr. Schmidt: I'm wondering if the deputy minister can just clarify for the department whether or not they track the number of – my next question is also about indictable offence charges over a 30-month time frame. The report seems to suggest that the department does in fact track the number of offences and how long they've been awaiting trial, but from the deputy minister's comments it sounds like maybe they don't track it or they don't report the number. Can the deputy minister clarify exactly what the status is of the tracking of these cases in the department?

Mr. Lavoie: Yeah. I think, as I mentioned, that sort of raw number would potentially be a little bit misleading because it wouldn't account for, as I say, defence-induced delay and it is a dynamic situation. So I don't have that number with me right now, how many would be above 30 months. Of course, some of those may be at risk of a Jordan application. Others wouldn't be because, for example, a significant chunk of that delay might be attributable to the defence. Sorry that I'm not able to provide more information on that.

Mr. Schmidt: Can the deputy minister respond to the committee in writing to report those? I guess since we need a snapshot in time, March 31, 2025, would be the appropriate cut-off given that that's the end of the fiscal year we're considering here today.

Mr. Lavoie: Our data on this issue is partly the court's data, and it's not entirely within our control what information we can publicly disclose. I think probably the best I can do is commit to take it under consideration.

Mr. Schmidt: All right. According to the report there were 40 Jordan applications filed; 18, basically, were successful. That's almost 50 per cent. I'm wondering why this number is so high and whether or not the deputy minister can talk about the impact that this has on the victims of crime who are looking to have their day in court.

Mr. Lavoie: Right. Yeah. Sorry. You mean 48 since 2016? Is that the number you are referring to, or have I misunderstood your question?

Mr. Schmidt: The report says from April 1, 2024, to March 31, 2025, 40 applications were filed, four were granted by the court, and 14 were proactively stayed by the Crown because they wouldn't survive the application. That is 18 out of 40 applications.

Mr. Lavoie: Again, I mean, I think the context for that has to be the very large number of cases that we have across the system. I think it's 90,000 cases that enter the criminal justice system. We have, I think it's fair to say, strong processes in place to address these risks, but there are some cases – it is certainly the case where there is a Jordan application brought and where it is meritorious. In terms of why a high proportion of those that are actually litigated would result in a successful Jordan application, I mean, I think that's partly a selection effect, right? If it's clearly meritorious, then I think in those instances the Crown would be likely to stay the charge. If it's not meritorious, then it might not be brought in the first place. I think, you know, that that's part of the context for why those percentages would be what they are. But I do think an important piece of background here is that it's out of 90,000 cases across the justice system.

The Chair: Thank you.

We will now move to the government members for 10 minutes. MLA Rowswell.

Mr. Rowswell: Yeah. You were talking about the impact of pretrial assessments there in the last set of questions. Back to the regional justice centre, you were in the middle of describing some of the impacts of the increased capacity there, and you did mention adjournments and that type of thing. I don't know if you mentioned regional case lead times, how that was improving, and also if all this was impacting the backlog that might have been there. If you could maybe just finish what you were talking about there.

Mr. Lavoie: Yeah. Happy to add additional detail on the Red Deer Justice Centre, which has been a major success for the department. Expanded capacity at the Red Deer Justice Centre has strengthened the region's ability to manage pressures. Based on current case commencement volumes, lead times and adjournment rates are stable, consistent, and well within the constitutional parameters provided for in Jordan. Of course, you know, meeting the requirements in Jordan is a challenge that includes not just one part of our department or one part of the justice system, right? Making sure the resources are there in the court system in terms of court clerks, making sure the physical infrastructure is there, in this case the Red Deer Justice Centre, and making sure that we have appropriate resources in the prosecution service and appropriate processes in place in the prosecution service: that's all part of it. I can advise that the expanded capacity in the Red Deer Justice Centre has had a positive impact.

We have some statistics here related to case clearance. In King's Bench the criminal case clearance has improved from 78 to 83 per cent. The number of criminal trials heard has increased from 16 to 17. Family trials increased from 25 to 27, and civil justice chambers applications heard increased from 312 to 416.

With respect to the Court of Justice the number of cases concluded in the month prior to the opening of the Red Deer Justice Centre compared with after has risen by 18 per cent. Moving traffic matters from the Baymont hotel to the Red Deer Justice Centre: with that change, traffic trial lead time has gone down to 7.2 weeks from nine weeks prior to that.

Mr. Rowswell: Has the backlog reduced, then?

Mr. Lavoie: Certainly.

Mr. Rowswell: It has. Okay. Great.

The judicial dispute resolution suites and mediation space is contributing to resolving matters outside of traditional trial processes, particularly in family. How is that working with regard to family and civil matters?

Mr. Lavoie: Yeah. Thanks very much. The judicial dispute resolution suites and mediation spaces in the Red Deer Justice Centre are important features of a modern courthouse, a piece of infrastructure that's built to modern processes and modern standards. The spaces are designed to facilitate early collaborative and less adversarial resolution and wouldn't necessarily have been part of a court project that would have been built many decades ago.

10:00

These spaces help reduce both the time and costs associated with court proceedings for litigants, the judiciary, and court staff. The suites provide dedicated, purpose-built environments for judicial dispute resolution, family mediation, and civil mediation. The availability of these spaces supports provincial priorities such as the family justice strategy, which has emphasized resolving disputes as early as possible and only using traditional trials when necessary.

There's a broader point there about how we seek to find efficiencies in the justice system where possible, resolving matters early before you get to a more resource-intensive trial environment, which of course uses court time and other resources. I think it's fair to say that the availability of these purpose-built spaces has enhanced the efficiency of the Red Deer Justice Centre and has hopefully improved the experience that litigants have in coming to a space that's set up in a manner suited to seeking the types of resolutions that hopefully they're looking for.

Mr. Rowswell: Also, there was an Indigenous courtroom there to enhance accessibility and participation. What feedback have you received on that?

Mr. Lavoie: Yeah. I think that's another example of a space that is built to essentially modern standards and specifications. It's obviously been a priority in recent years to ensure that the justice system better reflects Indigenous culture, that Indigenous people feel welcome in spaces that deliver justice, and the Indigenous courtroom in the Red Deer Justice Centre is part of that, reflecting a commitment to creating a space for Indigenous legal traditions and community-informed approaches within the court system.

The formal establishment of an Indigenous court in Red Deer is still under way. We have an Indigenous courtroom, but a specific Indigenous court is proceeding in collaboration with Indigenous communities to support culturally appropriate practices. Feedback from justice system partners and participants has consistently emphasized the importance of having purpose-built, culturally appropriate spaces available. The design and presence of the Indigenous courtroom signals respect, inclusion, and readiness to support Indigenous-led justice processes.

I had the privilege of touring the Red Deer Justice Centre and seeing the Indigenous courtroom. It certainly does in its design and layout seek to reflect Indigenous culture and to provide a space where members of Indigenous communities will feel more welcome in their interactions with the justice system.

Mr. Rowswell: Yeah. You mentioned the improvements in, you know, throughput and all that type of stuff. Maybe just expand on the overall user satisfaction relative to Indigenous and people in general. Have people noticed that things are getting done on a more timely basis?

Mr. Lavoie: Yeah. I think it's fair to say that the response in Red Deer has been positive. The response, you know, in the legal community in Red Deer has been positive. We've had a couple of events marking the opening of the Red Deer Justice Centre, including one that involved Justice Jamal from the Supreme Court of Canada bringing together the Red Deer legal community. I mean, the statistics, I think, speak for themselves in terms of the enhanced volume. It's a modern courtroom, a modern facility, a place that really stands out as a court building in the centre of Red Deer.

I mean, that is something that we try to take into account when we're working with our partners in Infrastructure on court facilities, ensuring that the architecture and layout of the court reflects the court as an institution and reflects the values, the respect for the court and the rule of law, and it is. It's a beautiful facility that does a good job of representing the justice system, I think, to the people of Red Deer and the surrounding area. To your question, the reaction has been positive; the outcomes have been good. This has been certainly a success, I think it's fair to say, for the department.

Mr. Rowswell: Okay.

I have run out of questions, but I'll pass it on to MLA Sawyer. You can introduce your topic at least.

Mrs. Sawyer: Yeah. I'll speak quickly. Thank you.

Through you, Mr. Chair, I want to just touch on your comments on it being a success story, so I'm going to continue on the infrastructure side of things. On page 30 of your annual report it does mention that those 12 courtrooms are equipped with videoconferencing technology capability, which does allow witnesses to participate remotely or vulnerable individuals to be able to testify outside of a physical courtroom if it's appropriate. Digital infrastructure would play an important role in that to ensure that there are timely proceedings.

The Chair: Thank you. Digital infrastructure is very important, but we will get back to that.

You have 10 minutes for this round. I think, Member Janet Eremenko.

Member Eremenko: Yeah. Thank you so much, and thank you everyone for being here.

I'd like to start on page 14 with the medical assistance in dying assessment. Curious about what aspects of the federal MAID legislation the department is actually assessing. What has the assessment entailed, and what will it inform?

Mr. Lavoie: Yeah. Thank you for the question. During the '24-25 year a process of reviewing medical assistance in dying in Alberta was undertaken, including an engagement process. The intent was to assess, first of all, what types of feedback we would receive from Albertans on their experience, concerns that they may have with how it was being administered. The intent, obviously, was to inform government decision-making on what additional measures could be taken within provincial jurisdiction.

There's a bit of a jurisdictional context here that's important to provide. Obviously, the federal government's role in this space relates to criminal law and the legislative changes that permitted medical assistance in dying were changes to the criminal law, essentially making what would have otherwise been a criminal offence not a criminal offence, but that still leaves space for regulation at the provincial level pursuant to provincial jurisdiction over health and other matters. So the intent was to inform potential provincial regulation that could complement the existing federal criminal prohibitions.

Member Eremenko: Okay. Thanks. Then on page 19 you talk about collaboration with the ministries of health and Mental Health and Addiction to initiate a review about the regulation for MAID. Can you tell me a bit about the consultation process? How many people, how many organizations have been consulted? Was it a public call or was it by invitation only? And do you have status on the response figures related to the survey that had been provided to Albertans for completion?

Mr. Lavoie: Okay. Yeah, I do have this information. There was initially an online public survey. It was conducted November 18 to December 20. It was comprised of multiple-choice and open-ended questions. There were almost 24,000 responses providing a broad spectrum of views and experiences. In addition, there was a series of six in-person and virtual facilitated engagement workshops. Select organizations were invited to provide written submissions in addition to this. I have a list here of the organizations that were invited. It is a long list. Perhaps rather than read it out, which wouldn't be well received I don't think, we can commit to provide that in writing.

10:10

Member Eremenko: Thank you, DM, that would be great.

I'd like to move over to drug treatment courts, please. The ministry notes that between 2014 and 2019 approximately 55 per cent of participants completed the drug treatment court program, and an estimated 70 per cent will not reoffend. Can the ministry explain how they come to that 70 per cent figure? And is it 70 per cent of the 55 who completed the program or 70 per cent of people who started the program? Tell me a little bit more about where that figure can come from.

Mr. Lavoie: Yeah. Drug treatment court, obviously, is a diversion program that aims to provide appropriate treatment options where certain criteria are met. We don't necessarily have complete control over the volume of folks who would make their way into that program. In terms of the specific question, how the 70 per cent is calculated, I don't have that in front of me. I could perhaps defer to ADM Macve, if you're able to provide additional background on that point.

Ms Macve: Thank you, Deputy. It's of those that complete the program.

Member Eremenko: And how do you know who will or will not reoffend?

Ms Macve: There are studies.

Member Eremenko: There are studies specific to Alberta's drug treatment court system?

Ms Macve: We do have a study, yes.

Member Eremenko: Could you please table that for reference by the committee?

Ms Macve: Yes. It may be still under way, but yes.

Member Eremenko: I'm curious if the experience of drug treatment courts is similar across all seven in the province. Do you have a regional breakdown as well from '24-25 about the effectiveness of where some courts may have a more successful program completion than others?

Mr. Lavoie: I don't have a breakdown by court. My understanding is that the data that we have is aggregated across drug treatment court facilities.

Member Eremenko: Do you have a sense of the number of people who are found to be ineligible to qualify for drug treatment court? It's my understanding that there's some kind of a criteria that needs to be met to actually participate. It's certainly not everybody who is a good candidate for the drug court. I'm curious how many people are found not to be determined to be successful in the program and so, as a result, kind of land in the regular criminal court system?

Mr. Lavoie: Yeah. There's a confluence there of considerations. Part of it, obviously, is the willingness of the accused. It's a program that's available. There are criteria in terms of the nature of the charges that need to be met. Let me just see if we have additional detail that we can provide on that. There is a requirement for a certain threshold of sentence. It's a minimum sentence of one year, I think, in terms of the potential jeopardy of the accused in order to be eligible. Other factors include, as I mentioned, participant willingness, the prosecutorial discretion in pursuing this as well as, of course, the independent judiciary. Sorry. I don't have more precise data than that though.

Member Eremenko: So you do speak to that minimum one-year sentence and that the ministry kind of points to the underutilization of the system in part because of the changes to minimum sentencing. Curious about how you think you're going to achieve future targets of 70 per cent utilization rates for the next fiscal year when you didn't hit the target for '24-25 and you are seeing what I would expect is a trend that will last over time related to the underutilization of the program.

Mr. Lavoie: I'm open to provide the most accurate information that I can here. It is the case that those are the policies and, I mean, there are factors that are not within our control. The factors that are within our control are ensuring that the resources are available and appropriately funded. We can't necessarily direct the number of individuals that are going to go into the program or indeed the number of individuals that are going to successfully navigate the program.

Member Eremenko: Sure. But you do have a target, so I suppose we'll see if that target is, in fact, an achievable one.

In the last minute I've got here I do have a question about the office of the Chief Medical Examiner. Looks like you've made some investments in terms of the Calgary facility to actually provide that. I may have to pour over into the next block of questions here, but I'm curious right off the top: what is your current backlog in investigations in the office of the medical examiner, please?

Mr. Lavoie: I believe we have that information. I just want to make sure it's accurate. The current incomplete case number for the OCME is 4,057, which would be down from 5,190 in 2023.

Member Eremenko: And those are physical examinations?

Mr. Lavoie: These are incomplete cases in the OCME.

The Chair: Thank you.

We will now move back to the government members for another 10 minutes. MLA Sawyer looks ready to start again.

Mrs. Sawyer: Thank you. I'll go back where I left off. I was trying to say with respect to digital infrastructure the important role that it is playing in ensuring timely proceedings while improving access for Albertans who may face travel or safety barriers. My first question was: what measurable efficiencies or cost savings have been realized

through expanded videoconferencing, including reductions in prisoner transport, travel costs, adjournment, or even scheduling delays?

Mr. Lavoie: Yeah. Thank you very much. You know, justice system modernization generally is, obviously, a major priority for the department. During the COVID-19 pandemic the justice system was forced to find new approaches and ways to use technology, and there have been lessons that have been learned there.

One of them, clearly, is the advantages of having the flexibility of videoconferencing and suitable technology for it, right? Obviously, there's a spectrum of technology that we've all used and we all can use for remote meetings, but setting up a courtroom in a manner that allows for both in-person and remote appearances brings a lot of operational and practical benefits, for example reduced prisoner movement. This lowers security risks and eases pressure on the sheriffs branch and corrections. Videoconferencing can also for a lot of individuals, particularly rural Albertans, reduce time away from work and lower out-of-pocket costs associated with attending court in person. It can also be a useful tool for vulnerable witnesses.

I mean, this continues to be a priority for the department. We see the advantages of enhanced capacity when it comes to videoconferencing. In our discussions with the courts and the chief justices it continues to be a priority for them to make sure that we're continuing to invest in these resources and, as I say, having technology that works well and is as seamless as possible in the court process.

So there are a lot of practical advantages. I think I've alluded to a few of them.

Mrs. Sawyer: Yeah. Thank you very much for that.

Through the chair, I'll just comment as a rural MLA. You touched on how that can impact for especially rural participants. Are you seeing an improvement in the access for those rural participants or for the expert witnesses, vulnerable individuals, or anyone else who might otherwise face those barriers for attendance?

Mr. Lavoie: I mean, the answer is yes. You know, our goal is simple: fair access to justice without unnecessary barriers. The reality is that technology has advanced in a big way when it comes to what can be done through videoconferencing, and remote participation creates big advantages, particularly advantages for rural Albertans.

10:20

I, unfortunately, don't have any particular metrics to point to, but I can say that it's making a difference and that there's probably more that we can do. We're continuing year over year to roll out expanded videoconferencing and continuing to work with the courts on exploring new opportunities to use that and to leverage that so that, you know, wherever possible, people can readily access the court without unnecessary barriers.

Mrs. Sawyer: Thank you very much.

Especially when it comes to digital space, I guess my next that would tie into that would be with respect to what safeguards you guys have put into place to ensure procedural fairness and witness integrity when the testimony is being delivered remotely.

Mr. Lavoie: Yeah. Thanks for the question. Obviously, you know, we've talked a lot about the advantages, but there are also risks and issues to manage, including maintaining procedural fairness. Court directives, I can advise, make it clear that remote testimony is not automatic. It may be refused or terminated where oral evidence requires in-person assessment, where credibility is central, or where technological limitation would undermine the process.

In addition to requiring the evidence given remotely be recorded and under oath, further examples of what may be required of

participants who appear remotely are that they appear from a suitable private location, conduct themselves as if physically present in a courtroom – I know anecdotally that was sometimes an issue, especially during the early days of the COVID pandemic – refrain from recording, broadcasting, or sharing proceedings, agree that they will not view any documents or information on any device other than those that are part of the virtual hearing, and ensure no unauthorized individuals can see or hear the testimony. Failure to comply can result in sanctions.

Mrs. Sawyer: Thanks.

You touched on it when you said that you were always looking to improve. What are the lessons from the Red Deer Justice Centre on digital conferencing capacity, and are there further plans for further courtroom technology upgrades? What key performance indicators is the ministry using to measure success?

Mr. Lavoie: Yeah. Thank you very much. I mean, the Red Deer Justice Centre was a major project for the department, and there are lessons learned, and we work with our partners in Infrastructure. You know, we have 73 court locations throughout the province, all of various ages. Some are quite small and modest. Others are large, like the Edmonton and Calgary court facilities. Obviously, they're at different stages of their lives.

One of the, I think, key lessons is the importance of a co-ordinated province-wide program when it comes to technological improvements. Doing things site by site often has some pitfalls when you don't have interoperability. So we've really taken that to heart and tried to ensure that when we approach things like, say, videoconferencing enhancements, it's done on a province-wide basis, seeking to have things built out in the most consistent manner possible, which, of course, also makes things easier for the judiciary, for counsel who understand the systems from one place to the next.

In addition, the Red Deer experience reinforced the importance of early alignment among operational users, infrastructure partners, and court technology services. There are a lot of partners that have to be at the table for one of these court projects, so having strong governance and clear accountability has been critical to managing this complexity. It's a project where you've got multiple stakeholders. You've of course got the judiciary. You've got our court operations folks as well as, you know, the local bar and other local stakeholders. Having a clear, consistent governance framework and a way of taking into account those different considerations is important.

We're building on the lessons of the Red Deer Justice Centre, continuing to advance courtroom technology modernization across the province, including videoconferencing but not limited to it, through our justice digital initiative and other projects.

Mrs. Sawyer: Thank you very much for that and for the work you're doing.

I'm going to cede the rest of my time to MLA van Dijken.

Mr. van Dijken: Okay. Thank you, Chair, and thank you, representatives from the department, for being here this morning. We've got a minute left here in my time in this session, and I want to focus my questions with regard to the judicial service throughout rural Alberta, both rural and remote, relative to the changes that happened in 2022. Prior to 2022 there was a salary freeze across government, and since the removal of the salary freeze in 2022 it's important to understand if that's helped to grow or to establish better delivery of justice throughout Alberta. Strengthening not only the recruitment but the retention in the Alberta Crown prosecution service is essential to ensuring the justice system functions effectively, particularly in rural and remote, the areas that I represent. I regularly . . .

The Chair: Thank you, Member.

We will move back to the Official Opposition members for 10 minutes. MLA Renaud.

Ms Renaud: Thank you, Mr. Chair. My questions are about access to justice. I note that the ministry in their annual report notes that supporting Albertans with legal family matters remains a top priority for [the] ministry. Under the Family Justice Strategy [the ministry] expanded pre-court services . . . As a result, new family court applications dropped 40 per cent in 2024, giving courts more time to focus on complex matters. Since the strategy launched in 2023, over 52,000 Albertans have accessed services successfully helping support Albertans experiencing urgent family matters and family violence.

My first question is: how many of these matters were actually resolved outside the court using these services?

Mr. Lavoie: So the question is the net reduction? How many would have been resolved through those services as opposed to through other means?

Ms Renaud: Right. Sure.

Mr. Lavoie: I mean, I think the tracking on this was essentially aggregate data, sort of tracking that correlation between the rollout of the family justice strategy and the net number of court matters. I think the inference is that there was a causal relationship there in light of the enhanced services that were being provided, so from that perspective I think the net result is a success. I don't know if we have the granular data. It would be hard to know how you would track, you know, each individual case. I don't know if we have it at that granular level, which specific case was resolved which way, but the inference is certainly that the enhanced services diverted cases from the court.

Ms Renaud: There's got to be a way to demonstrate if it's been successful and it is working. How do you define that success? There's got to be some data or something to demonstrate that this is successful.

Mr. Lavoie: Sure. I mean, I think the diversion of matters from court proceedings is part of it. We also know that there are folks who are making use of these programs and benefiting from them. I think the 40 per cent number certainly is heartening. It's what we hoped to see with this because the sort of background premise of the program was that many of these matters weren't best resolved through the adversarial forum of a court process, that what was needed in many cases was a more collaborative forum of dispute resolution.

Ms Renaud: Could you tell me: are any of these services income tested, or are they available to all families?

Mr. Lavoie: They are not income tested. I can advise that.

Ms Renaud: Not income tested. They're available to everyone.

Okay. Switching gears a tiny bit, the office of the disability advocate of Alberta has been quite clear through reports that barriers exist in all areas of government responsibility, including the Ministry of Justice and all of its divisions. Could you tell me or describe any work that's been done with the office of the advocate to address any of these barriers or increase access?

10:30

Mr. Lavoie: I can say that I'm not at this time aware of any specifics, but obviously those would be important matters that we would prioritize.

Ms Renaud: Okay. Another question: isn't it true that the alternative dispute resolution process requires both parties to consent to it and if one parent refuses to engage in ADR, this delays support orders for the party seeking support? Often the impact is on the women and children, and not only is the support delayed but there are now further roadblocks before the court can intervene and provide support to children and families.

Mr. Lavoie: Yeah. I mean, I think part of the answer to that is how the program gets applied and how certain cases would be prioritized. Obviously, the intent of the program is not to delay access to the court; it's to resolve the matters that can be resolved in other means through those means, but there are going to be cases that meet certain criteria that need to be prioritized. I can advise that there is a prioritization process built into it that addresses, I think, the concerns that you're alluding to that there are some cases that really do need to be heard in a timely manner.

Ms Renaud: Okay. I have one other question, and then I'm going to turn it over to my colleague Janet Eremenko. This goes back to some of the questions around MAID that my colleague was asking. I did note that the Alberta Human Rights Commission's latest report tells us that the most cited grounds for complaints made to the commission by far was disability, at an alarming 47 per cent. Now, that alarming stat is a reflection of Alberta's lack of accessibility legislation, decreasing benefits, deepening poverty and isolation. So my question is, really, as you're doing the review about MAID and surveying Albertans about what's important, has there been any research done or review done on other factors that would cause very vulnerable people with disabilities to look at accessing MAID? I'm wondering if there's been sort of any inclusion of these issues in the review of MAID.

Mr. Lavoie: I can advise that concerns raised about the impact of disabilities were certainly part of what we heard through the engagement process, both from Albertans through the online survey as well as from some of the organizations that provided input. So I think it's fair to say that, with respect to the MAID engagement, the concerns of advocates for those with disabilities were heard.

Ms Renaud: Just following up on that, during this review of MAID and the federal government's work, was there any sort of discussion or work with the Alberta Human Rights Commission? I mean, they clearly identified that 47 per cent of the investigations that they undertake are related to disabilities. So I'm wondering: has there been any communication or work together?

Mr. Lavoie: I am not aware of work with the Human Rights Commission specifically.

ADM Macve, was that part of the engagement? No.

So I can advise that it was not.

Ms Renaud: No engagement with Alberta Human Rights when you were reviewing MAID in Alberta?

Mr. Lavoie: As I understand it, they were not – there's a long list of organizations that were consulted, but I don't believe the Human Rights Commission as an entity was part of that consultation.

Ms Renaud: Was the disability advocate's office part of that consultation?

Mr. Lavoie: No.

Ms Renaud: No? Okay.

I'll turn the time over to Janet Eremenko.

Member Eremenko: Thanks, Member Renaud. Back to the Chief Medical Examiner, please, in the last few minutes I've got here. The ministry notes that its goal is to ensure timely and high-quality death investigations for Albertans. Can the ministry say what is the current average wait time for Alberta families to receive death investigation reports?

Mr. Lavoie: I think it's fair to say that there's a variable response time. Some cases are more complex than others.

Just to make sure I'm as responsive as possible, do we track an average wait time that you're aware of?

Ms Macve: Thank you, Deputy. We are endeavoring to less than nine months, within the nine-month time period, and we are tracking what cases are completed within that period. We have a backlog number which indicates when a case remains incomplete after nine months. In the period of the annual report it was 577.

Member Eremenko: Sorry. What was 577?

Ms Macve: Our backlog case number in the 2024 period.

Member Eremenko: Right. In this particular fiscal year.

So what's being done? What are the investments being made to actually speed it up? That 4,000-plus figure around backlogs is kind of eye popping. What's being done in terms of investments to accelerate that?

Mr. Lavoie: Yeah. Thank you for the question. This has obviously been a priority for us. There was an increase in the backlog going back to 2020. It's been a major priority, I think it's fair to say, for the department to ensure that we have the resources in place. There's been an expanded number of medical examiners on staff, a more streamlined process for retaining contract medical examiners as needed. We have infrastructure improvements. Obviously, in the case of Calgary there is a facility being built.

The Chair: Thank you.

We will now move to government members for the 10-minute block. MLA van Dijken.

Mr. van Dijken: Thank you, Chair. Continuing on comments from the previous time allotment, my questions will focus on the trend since the removal of the salary freeze in 2022 but also with regard to the ratified agreement between Alberta Justice and the Alberta Crown Attorneys' Association. The process was established to ensure compensation remains commensurate with legal experience and workload complexity to further bolster retention efforts.

As a rural MLA I regularly hear from constituents about the impact that staffing shortages can have, including delays in court proceedings, increased travel burdens for both victims and witnesses. Stability in Crown staffing is not just an administrative issue; it directly affects timely access to justice in my communities and rural communities throughout Alberta.

Following the lifting of the salary freeze and the ratified agreement, what trend has the ministry observed in Crown prosecutor vacancy rates since 2022? How do current staffing levels compare to pre-2022 conditions?

Mr. Lavoie: Thanks very much for the question. I think it's fair to say that this has been an ongoing challenge for the department. We had significant vacancy issues going back to 2022 and before that which had impacts on the ability of the prosecution service to deliver on its mandate. In terms of specific data currently the Alberta Crown prosecution service has an average vacancy rate of 5.85 per cent for trial Crown prosecutors. In the five years prior to

2022 the average vacancy rate was 8.2 per cent, so there has been a significant decrease in the vacancy rate.

To speak to, I think, part of where your question was coming from, that's obviously an average across the entire prosecution service, but there were particularly acute issues with certain offices. Working with the Public Service Commission looking at vacancy data and recruitment and retention challenges, there was a rollout of a market adjustment for certain offices to make sure that they were able to recruit and retain the prosecutors that they needed to deliver on their mandate. It's a serious issue and one that we've taken quite seriously, and we have taken a number of steps, as I mentioned, to try and address it.

10:40

Mr. van Dijken: With regard to that, I guess, is there data available that would show rural and remote offices that have experienced measurable improvements since the agreement was ratified?

Mr. Lavoie: Yeah. I think the data there is promising as well. I'm advised that as of June 2022 twelve per cent of regional trial Crown prosecutors' positions were vacant. That's quite a high vacancy rate and obviously creates operational challenges. From 2023-24 onward, vacancy rates have varied. Quarterly snapshots, as I mentioned, have varied but overall have averaged about 8.7 per cent. So it is down, and we're trying to take a targeted approach to this, looking at the offices, as I said, that had particularly acute challenges in 2025-26.

In addition, retention bonuses of 10 per cent are being paid to Crown prosecutors who work in ACPS offices for at least a year. We anticipate that this is going to continue to contribute towards stable staffing in offices that have historically had difficulties in recruiting and retaining prosecutors.

Mr. van Dijken: Thank you for that. In the communities that I represent, where access to justice resources can already be limited not just on vacancies, is there evidence available that these retention measures are improving consistency of prosecutions and reducing delays?

Mr. Lavoie: I think we have some relevant data there. In June 2022 the average number of active cases per regional prosecutor was 160. By June 2023 that number had decreased to 136, and it further declined in June 2024 to 123 cases. In June 2025 it dropped further to 117. There are fluctuations, but the trend is clear, and it's certainly tracking towards more manageable workloads for prosecutors. Of course, some of these are small offices and the burdens can be significant, but when you get those workloads down, obviously it becomes more manageable. The hope and the expectation is that that enhances the work and certainly the consistency of the outcomes.

Mr. van Dijken: As a follow-up, I guess my question is: how does the ministry plan to ensure long-term stability in rural Crown offices so that Albertans outside of major centres experience the same timely access to justice as those in urban areas?

Mr. Lavoie: Yeah. You know, that is the goal, right? We know that we have had a problem in rural offices generally and in particular in a number of specific offices. The objective, certainly, is to ensure that one's access to justice is the same regardless of where one is located in the province. We've had that improvement in recruitment and retention, including recruitment and retention in rural areas. We have had steady improvements to salary and benefits for prosecutors across the board but also, as I mentioned, targeted to a particular number of locations.

I should say that the offices that were identified based on the data as having the greatest challenges were St. Paul, Slave Lake, Peace

River, and Grande Prairie, so there's an annual bonus that gets applied there. In addition to that, there's also a separate northern allowance that all GOA employees would get applicable to employees located in Fort McMurray and north of the 57th parallel. In some of these rural locations there can be a variability in the workload and the complexity of the cases, and it may be that if there's a particularly serious or complex case that arises in a particular area, additional resources need to be brought in to bolster that, so we've developed in ACPS a team of senior prosecutors that's dedicated to assisting regional offices where they require those additional supports. So you have travelling prosecutors that can come in and provide added capacity to smaller regional offices as needed where you have those higher complexity matters.

In terms of thinking for the long term, the Alberta Crown prosecution service also offers an articling program that places recent law graduates in many of its regional offices. The intent there, of course, is to encourage those students to consider continuing their careers in those regional offices after they get called to the bar.

Mr. van Dijken: Good. Thank you for that. Through the chair I just want to thank you for the work that you have been attempting to do in rural Alberta. The work is not complete. I still do have concerns coming to my office with regard to access, and we also have large distances that individuals have to travel and some of these challenges. The distance also impacts the ability to actually attend and participate, so thank you for the work that's being done there.

With that, I'll cede my time.

The Chair: Thank you, Member.

For this final round we have three minutes for each caucus to read questions into the record for a written response, starting with the Official Opposition.

Member Eremenko: Thank you, Mr. Chair. Just a couple of quick questions for me before I cede to my colleagues. I have a question about legal aid. We see a \$23.4 million decrease in strategy support and integrated initiatives, primarily due to reduced grant payment to Legal Aid Alberta, but some significant increases in granting from the federal government. Can we have an exact number, please, in terms of what the provincial government is actually contributing to legal aid?

Also, is there any kind of objective definition around what we mean by access to justice generally, and how is it measured? What are the policies and procedures within the ministry to accommodate Albertans seeking access to justice, whether it be as a result of disability or low income? Is there an exact definition?

Furthermore, the ministry's annual report includes the financial statements of entities making up the ministry, including the human rights, education, and multiculturalism fund. How much was spent? How many grants were issued and to whom for the fiscal year '24-25?

Thank you.

The Chair: Anyone else?

Mr. Schmidt: Yeah. Just a couple, again, relating to Jordan applications. Can the department clarify whether or not they were tracking these cases, where the applications were filed, and can the department explain who was responsible for these delays and what measures were taken to ensure that these future Jordan applications don't get filed in these cases?

The Chair: Anything else?

Government members? MLA Chantelle, followed by MLA Lovely.

Ms de Jonge: Thank you so much, Chair. I have some questions about restorative justice and ensuring a responsive justice system. Referring to page 36 of the annual report, I know that there is \$720,000 that was provided through the Alberta restorative justice grant program to 22 different organizations, so my first question is just for the purpose of understanding the value for money for these grants. How many cases were diverted through restorative justice programs in the '24-25 year, and what were the completion rates of these?

Secondly, has any evaluation been undertaken by the ministry on the outcomes for participants under these programs compared to similar offenders processed through traditional court streams? In addition to that, is there a cost per case or a cost-avoidance analysis to assess the fiscal impact of diversion relative to formal prosecution in those cases? On the same stream, I am interested to learn how the ministry ensures that these types of restorative justice programs maintain appropriate accountability measures for offenders while also meaningfully engaging with victims and with communities.

I'll cede my time to my colleague.

10:50

Ms Lovely: Page 38 of the annual report notes a 40 per cent decline in new family court applications in 2024 compared to 2023. This follows the government's \$11.2 million investment since 2023 to expand family justice services and promote resolution outside of traditional courtroom processes. Reducing court filings while supporting families through less adversarial processes is a significant outcome. However, the committee would appreciate additional clarity on how this impact is being measured and sustained.

First question: what methodology does the ministry use to attribute the decline in new family court applications specifically to expanded precourt services as opposed to other external factors such as postpandemic normalization or filing pattern changes?

Next, what metrics are tracked to assess the durability of resolutions achieved outside court, for example the percentage of matters that re-enter the court system within 12 to 24 months?

Next, what clients experience indicators are monitored such as time to first contact, resolution timelines, accessibility for rural or underserved populations, and participant satisfaction?

Last, beyond volume reductions, how does the ministry evaluate whether the family justice strategy is meeting its broader objectives of reducing stress on families, protecting children's interests, and delivering fair and sustainable outcomes?

The Chair: Thank you.

I would like to thank officials from the Ministry of Justice and the office of the Auditor General for their participation in responding to committee members' questions. We ask that any outstanding questions, undertakings be responded to in writing within 30 days and forwarded to the committee clerk. We still have some business. You're welcome to stay, but if you want to leave, you can leave within 30 seconds, and we will continue with the remainder of the agenda.

Mr. Lavoie: Thank you, Chair.

The Chair: Thank you.

I guess the Auditor General office can also leave if they so choose, but if they want to stay, you're welcome.

At our last meeting on December 2 the committee considered some best practices learned at the Canadian Council of Public Accounts Committees conference. One idea that was supported was a purpose statement that the chair would read out at the beginning of each meeting. The committee elected for the subcommittee on committee business to recommend some wording for a purpose statement to the committee for our review today. The deputy chair and I have worked

on that statement, and the draft purpose statement was posted on the committee's internal site for members' review. I can read the wording into the record here.

The Standing Committee on Public Accounts is mandated to review the public accounts of the Government of Alberta and reports of the Auditor General. The Committee examines the administration of government policy, not the merits of it, with the objective of enhancing transparency and accountability in government spending of public funds. The Committee operates best when it maintains a nonpartisan approach in carrying out its responsibilities on behalf of all Albertans.

Do members have any questions, comments about the statement?

If there are none, then it sounds like the committee has settled on this wording. We will take the consent of the committee as a go-ahead. Going forward, the committee clerk will add that statement in the opening remarks for the chair, so thank you very much.

In other business the committee received written responses for meetings held with the Ministry of Advanced Education on

November 4 and the Ministry of Mental Health and Addiction on November 25. These responses were made available for members on the committee's internal site. Following our usual practice they will be posted on the Assembly website. Are there any other items for discussion under other business? Seeing none.

Moving on, the committee's next meeting will be with the Ministry of Affordability and Utilities on either March 24 or March 31. We will confirm the date once the main estimate consideration schedule has been released, which should be later this week.

At this point I will call for a motion to adjourn. Would a member move that the February 24, 2026, meeting of the Standing Committee on Public Accounts be adjourned? MLA Schmidt moved. All in favour? Any opposed? All joining us online, in favour? Any opposed? Thank you. The motion is carried, and the meeting stands adjourned.

[The committee adjourned at 10:56 a.m.]

