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**Official Report
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(Hansard)**

P-5

**Journal
des débats
(Hansard)**

P-5

**Standing Committee on
Public Accounts**

2019 Annual Report,
Auditor General:

Ministry of the Attorney General

**Comité permanent des
comptes publics**

Rapport annuel 2019,
vérificatrice générale :

Ministère du Procureur général

1st Session
43rd Parliament
Monday 27 February 2023

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43^e législature
Lundi 27 février 2023

Chair: Tom Rakocevic
Clerk: Tanzima Khan

Président : Tom Rakocevic
Greffière : Tanzima Khan

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CONTENTS

Monday 27 February 2023

Subcommittee report	P-11
2019 Annual Report, Auditor General.....	P-12
Ministry of the Attorney General	P-12
Mr. David Corbett	
Ms. Beverly Leonard	

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON PUBLIC ACCOUNTS

COMITÉ PERMANENT DES COMPTES PUBLICS

Monday 27 February 2023

Lundi 27 février 2023

The committee met at 0901 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr. Tom Rakocevic): Good morning, everyone. I'd like to call the meeting of the Standing Committee on Public Accounts to order. First on the agenda today we have a subcommittee report. Can I please have one of the subcommittee members read the report into the record? I saw a hand. Go ahead.

Mr. Todd J. McCarthy: Your subcommittee on committee business met on February 22, 2023, and recommends the following:

(1) That in addition to the previous selections made by the subcommittee, the following sections of the 2022 Annual Report of the Office of the Auditor General of Ontario be reviewed by the committee:

—Value-for-Money Audit: Management of Invasive Species, 2022;

—Value-for-Money Audit: Real Estate Council of Ontario, 2022.

(2) That the Chair be authorized to invite special guest speakers to appear before the committee in closed session to present on various public-accounts-related topics, and that these appearances be limited to a maximum of one hour and only be held on days the committee is scheduled to conduct report writing; and that the Clerk of the Committee assist the Chair with planning and preparing the logistics of these presentations.

I can simply add, Mr. Chair, with respect to the second branch of this report, this is almost like continuing education for the committee members: learning from other jurisdictions.

The Chair (Mr. Tom Rakocevic): Okay, thank you very much. Are there any comments or debate? Seeing none, are members ready to vote? All those in favour? All those opposed? Carried.

We will now be moving into closed session—oh, MPP Gélinas.

M^{me} France Gélinas: When we had our subcommittee report, I was not ready to put forward the two audits that the NDP would like to review. I did my homework this weekend; can I put them forward right now?

Interjection.

M^{me} France Gélinas: Move it as a motion?

I move that I choose auto insurance and flood risk as the two choices for review.

Mr. Todd J. McCarthy: Which report year?

M^{me} France Gélinas: This year, 2022.

The Chair (Mr. Tom Rakocevic): So flood risk was already selected.

M^{me} France Gélinas: By me?

The Chair (Mr. Tom Rakocevic): Yes.

M^{me} France Gélinas: I do my homework not so well on the weekend, apparently.

Ms. Donna Skelly: What were you drinking?

M^{me} France Gélinas: It was a good weekend.

Mr. Todd J. McCarthy: We won't need the motion on flood risk; is that right?

The Chair (Mr. Tom Rakocevic): We could move it in the afternoon session if there are any changes, or we could just move the auto insurance one.

M^{me} France Gélinas: Sure, let's just move the auto insurance one.

The Clerk of the Committee (Ms. Tanzima Khan): Sorry, you need to clarify which of your previous selections you're replacing.

M^{me} France Gélinas: The two previous ones that I had made on health human resources and—is this what you're talking about? Okay. Our older audit, that won't be my priority anymore. We will focus on the 2022 report. Does that help?

The Clerk of the Committee (Ms. Tanzima Khan): Yes.

Mr. Todd J. McCarthy: Mr. Chair, just for clarification: We had agreed in the subcommittee that the official opposition members would have two choices and the government would have two choices. We had one of the two from the opposition; this is the second one.

The Chair (Mr. Tom Rakocevic): Yes, so there would be a substitution so that the two would be, then, flood risk and auto insurance.

Mr. Todd J. McCarthy: Understood.

The Chair (Mr. Tom Rakocevic): The earlier picks were highway planning and management and—

Interjection.

The Chair (Mr. Tom Rakocevic): Oh, okay, fine. Got it.

M^{me} France Gélinas: Should we just start and vote on this at the end?

The Chair (Mr. Tom Rakocevic): We're moving into closed session following this. That's why we're waiting, so that this gets put before you all, it's voted on and then we can move into closed session. Otherwise, I can't move on.

M^{me} France Gélinas: Okay. I didn't think that writing "auto insurance" was going to take that long, so I'm—

The Clerk of the Committee (Ms. Tanzima Khan): No, I'm just replacing it.

So, what you're selecting now is the FRSA one, auto insurance? Is that the one?

M^{me} France Gélinas: Correct.

The Clerk of the Committee (Ms. Tanzima Khan): Okay. I've just got to make sure that I have the correct one.

So what you have already is the flood risk—it's already a selection that's made—and you have highway planning and management also as a selection from the 2022 report. What you would be replacing are your previous selections, per my understanding, with this one right now and another one to come. Is that correct?

M^{me} France Gélinas: Correct.

The Clerk of the Committee (Ms. Tanzima Khan): Okay, so you can move this now as a motion, and then you can add in your second one later on.

M^{me} France Gélinas: I shall move it.

The Chair (Mr. Tom Rakocevic): Is there any debate? She's about to move her motion to remove these two prior entries and replace one for value-for-money audit on auto insurance, with a second to come later. Is that correct? Okay. No further discussion or debate on that? Okay.

MPP Gélinas is moving the following motion. All those in favour? Those opposed? Okay, the motion does not pass.

All right, so we can now move into closed session. The committee is now in recess for five minutes so we can properly move to closed session.

The committee continued in closed session at 0910 and resumed at 1230.

2019 ANNUAL REPORT, AUDITOR GENERAL

MINISTRY OF THE ATTORNEY GENERAL

Consideration of volume 3, chapter 2, court operations.

The Chair (Mr. Tom Rakocevic): I would like to call this meeting of the Standing Committee on Public Accounts to order. We're here to begin consideration of chapter 2, "Court Operations," from volume 3 of the 2019 Annual Report of the Office of the Auditor General.

Joining us today are officials from the Ministry of the Attorney General. Welcome. You will have 20 minutes collectively for an opening presentation to the committee. We will then move into the question-and-answer portion of the meeting, where we will rotate back and forth between the government and official opposition caucuses in 20-minute intervals, with three minutes allotted for the independent member. Before you begin, the Clerk will administer the oath of witness or affirmation.

MPP Kristyn Wong-Tam: Sorry, Chair.

The Chair (Mr. Tom Rakocevic): MPP Wong-Tam?

MPP Kristyn Wong-Tam: Thank you very much, Chair. When would be the appropriate time for me to table a motion regarding an invitation to the AG? Can I do it now?

The Chair (Mr. Tom Rakocevic): I've recognized you. If you wish, this would be the time.

MPP Kristyn Wong-Tam: I appreciate that. Thank you. I'd like to move a motion, leading off from the previous discussion.

I move that during the meetings of the Standing Committee on Public Accounts, the Auditor General of Ontario be invited to sit at the table with the Chair of the committee as an officer of the Legislature, in accordance with the committee's long-standing historical practice.

I'm happy go into an explanation, if necessary.

The Chair (Mr. Tom Rakocevic): Further debate?

MPP Kristyn Wong-Tam: I can explain it. I think we have always seen the Auditor General present her public report. She is an officer of the Legislature. Her job is to seek truth and to hold each and every single one of us, including the minister's staff and all the public spending, to account. That is her responsibility.

I think it would be to the benefit of this committee to have the Auditor General here to respond to any questions that may arise regarding her report, but also in response to any of the information that we know is going to be coming forward from any of the witnesses.

In historical proceedings, we have always seen the Auditor General of Ontario sit at the table with a microphone, supported by her staff, in service to us. That was something that I think was made evidently clear: If she's not here, she can't speak to her report. If she's not here, she can't be able to explain or respond to any of the witness presentations.

It would be extremely unconventional to have the AG not be able to speak to her own report, and that was something that we've learned. We don't want to set a precedent across the country, because we've already learned that that's not how it's done. Having her as a witness is not good enough. I'd like her here as a resource and to take her place as an officer of the Legislature.

The Chair (Mr. Tom Rakocevic): Further debate? MPP McCarthy.

Mr. Todd J. McCarthy: Thank you, Mr. Chair. I want to say—I think I speak for myself and this committee—that we value and appreciate the excellent work that the auditor and her team carry out in the context of the mandate of the Office of the Auditor General, as an officer of Parliament.

Frequently, this committee invites her and will continue to invite her, in accordance with the governing legislation, to assist the committee in its work. That includes, from time to time, asking her to conduct special assignments, and when she is here, she is here as a witness. Today we have the benefit of additional witnesses who we've asked to attend. When we are in open session, of course, the Auditor General can be present here in this committee room or, if it's more convenient, she can view the open sessions of the committee by television with her team.

So she is welcome here. She has been invited here and will continue to be invited here, bearing in mind the resolutions of this committee and the governing legislation. Thank you.

The Chair (Mr. Tom Rakocevic): Further debate? MPP Gélinas.

M^{me} France Gélinas: I have had the pleasure to attend public accounts for the last 16 years or so. The Auditors General—it was not always her; we had a different Auditor General when I first started—were always present during the meetings of public accounts as a resource to us. It was a he before, a she now. Their office has been a really valuable resource to this committee.

There is a lot of work that goes into a value-for-money audit. There are a lot of good recommendations that come from those audits. When we choose to go a little bit more deeply into one of those audits, the fact that we have access to the people who were there when the audit took place, the people who put those recommendations together, the people who spoke to the good people who are coming today is always a very, very valuable resource for us to do our work.

I find it's like we are amputating ourselves, cutting a foot off and hoping to run just as fast as we used to before and walk just as good as we used to before. It's not going to happen. We need to have the Auditor General and the people who conduct those audits as members of this committee so that they can help us at every step of the way.

For many of you, it is the first time that you will be asking questions of witnesses who come to, basically, give us information so that we can make our own recommendations as to how we want things to move forward from now on, based on what we've learned, based on what they share with us. But you will quickly see, as you see all of the multiple tasks that we get to do as members of public accounts, that having people who have the historical knowledge of when the audit was done, what has changed, who has changed—we're all human beings. There are audits where people collaborate 100% and often the auditor will make notes of it, like they were in a certain ministry and people collaborated fully or sometimes not so much. But she and her team are the only ones to tell us this so we can better prepare ourselves as to how to do our work.

I would very much like to support the motion that was put forward by my colleague to make sure that the Auditor General continues to be a resource to that committee for every type of work that we get to do, which can be varied, including when we have people from a different ministry bringing us up to date on a specific audit. I hope people will really see this is a value for us. We will be better at our job by having the auditor sit there, listen in and answer all of our questions at any time, than not having her and her team here.

The Chair (Mr. Tom Rakocevic): MPP Bouma.

Mr. Will Bouma: Chair, through you in response to both speakers and to the motion: I think it's exactly because we have been elected to represent the people of Ontario at this table—which the Auditor General has not. She has not run for office. She has not been elected. She does not—should not—have a seat at this table, specifically for that reason.

She is a valuable resource for this committee. Is my job harder in a certain sense because the Auditor General is

not here responding all the time? Yes. Does it make me more responsible to my constituents to be actually doing the hard work, asking the tough questions, figuring those things out for myself on behalf of my constituents? I would say—and all of us, I think, would say—yes, absolutely. And that's a good thing. Which is why the Auditor General is more than welcome to be here, to be sitting in the audience, to hear what goes on. If we have questions, we can ask her at any time.

I so value her work. It's awesome. But to have a seat at this table is reserved for those who have run for public office and those whom this committee calls before us. To say otherwise, that an unelected person should have a voice at this table, without being elected, I think goes against what parliamentary democracy has stood for for the last 800 years. So I must, in good conscience, vote against this motion.

1240

The Chair (Mr. Tom Rakocevic): Further debate? MPP Wong-Tam.

MPP Kristyn Wong-Tam: Yes, thank you very much, Chair. Although the Auditor General is not elected to this House, it can't go unsaid that she's an officer of the Legislature. She's the accountability officer for the Legislature, for the public purse and for the coffers that we hold in trust on behalf of the people of Ontario. She holds us accountable. So let us not be dismissive of her presence and the fact that she has historically sat at the table with each and every single member in previous governments, and previous AGs have done exactly the same thing. By uninviting her from being at the committee—it's a disingenuous approach to governance.

She tabled a report that's a very serious report. We all want to get to the core root of the recommendations to fix the structural problems and the deficiencies that exist in the court system, in every other expenditure and in every other department. I find it incredibly difficult to hear that the Auditor General, the accountability officer of the public purse strings, could not be at this committee to speak to the report that she and her staff spent thousands of hours investigating, producing and reporting out. She's been in conversation with the Ontario public service over the administration of justice in the most expedient fashion. She's flagged a number of serious challenges before the court system and she's provided solutions, and the fact that she's been uninvited to sit at this table is insulting to her.

She has already protested. She has voiced her concerns. She's already protested to this committee, and I think that—

Mr. Will Bouma: Point of order.

The Chair (Mr. Tom Rakocevic): I recognize the member.

Mr. Will Bouma: Through you, Chair, I believe that was part of an in-camera discussion; that was not in open session.

MPP Kristyn Wong-Tam: Excuse me, Mr. Chair, the Auditor General did say that she was going to be raising that issue specifically in her subsequent reports.

Interjection.

The Chair (Mr. Tom Rakocevic): We can't speak of what has happened in camera in the conversation.

MPP Kristyn Wong-Tam: Okay. Then I withdraw the comment. My apologies.

I'm just going to conclude here. Earlier, we had some conversations—I'm just going to try to stay within the rules—that perhaps there were some unintended sequences to previous decisions made—

Mr. Will Bouma: Point of order, Mr. Chair: Again, that was an in-camera conversation this morning. That is not open for public debate right now.

The Chair (Mr. Tom Rakocevic): I ask the member if we could focus on—what happened in closed session is not to be discussed.

MPP Kristyn Wong-Tam: Except for my motion is in public, and I'm allowed to speak to this motion in public. There's no reason why I can't speak to the motion and the rationale why. I will stand by this motion in public. I'm using words to defend my motion to advance the debate and to make sure that everyone understands the seriousness of what is happening, as the Auditor General has been uninvited from this table, when you've taken away a microphone from her—it's ridiculous.

The Chair (Mr. Tom Rakocevic): Okay. Any further debate? MPP Gélinas.

M^{me} France Gélinas: I'm fully aware that we are not allowed to share what was shared with us in closed sessions with the AG. The Auditor General speaks with her words, but she also speaks by her actions. She is not here today. It is the first time ever in the history of the public accounts of Ontario that we have deputations on a value-for-money audit and the Auditor General and her team are not here. This has never happened in Ontario. The auditor doesn't have to say a word. She can speak with her words, and she can speak with her actions. She's not here—because she's not allowed to sit at our table.

The Chair (Mr. Tom Rakocevic): MPP Skelly.

Ms. Donna Skelly: Thank you, Mr. Chair. I just want to clarify for those who are watching. The Auditor General has not been uninvited to appear at this committee. We would invite her and will continue to invite her to appear as a witness. We would welcome her to sit in our committee at any time to provide, if asked, any sort of expert opinion on matters that are raised. She is always welcome. She knows she is always welcome. If a witness would like her as a resource, she is welcome to sit beside them as a resource for a witness. I just wanted to make sure that was on the record.

The Chair (Mr. Tom Rakocevic): Further debate? MPP Wong-Tam.

MPP Kristyn Wong-Tam: Mr. Chair, by way of voting against this motion, members of this committee will be uninviting the Auditor General.

The Chair (Mr. Tom Rakocevic): MPP McCarthy?

Mr. Todd J. McCarthy: The governing legislation indicates that the Auditor General will appear and, if able to do so, accept tasks assigned the committee if invited by the committee to do so to deal with those tasks or to appear at this committee as a witness. She has been invited. She

will be invited. And when she's not present as a witness, she's more than welcome to be here in the gallery or watching on TV.

To the member opposite, Ms. Gélinas: We don't know that she's not watching now. It might be more efficient for her to view from a distance, but she's more than welcome. Of course, she's not being uninvited. That's an unfair characterization of the resolutions of the committee and the governing legislation. Thank you, Mr. Chair.

The Chair (Mr. Tom Rakocevic): MPP Gélinas.

M^{me} France Gélinas: There's an empty seat there. It has never been empty before. The Auditor General always sat there. She's not there.

The Chair (Mr. Tom Rakocevic): Further debate? Okay, seeing none—

MPP Kristyn Wong-Tam: I'd like to ask for a recorded vote.

The Chair (Mr. Tom Rakocevic): All right, so a recorded vote.

Ayes

Gélinas, Wong-Tam.

Nays

Babikian, Bouma, Byers, Crawford, Kanapathi, McCarthy, Skelly, Laura Smith.

The Chair (Mr. Tom Rakocevic): The motion does not carry.

We'll return to the Clerk administering the oath of witness or affirmation for those present as witnesses here.

The Clerk of the Committee (Ms. Tanzima Khan): I will read out the affirmation. If I can then individually get each of you to please agree, and I will ask broadcast to turn on everyone's mikes, please, at the witness table.

Do you solemnly affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

Ms. Jaimie Lee: I do so affirm.

Ms. Vaia Pappas: I do so affirm.

Mr. David Corbett: I do so affirm.

Ms. Beverly Leonard: I do so affirm.

The Chair (Mr. Tom Rakocevic): Please proceed, and again, welcome to the committee this afternoon.

Mr. David Corbett: Good afternoon, Chair. My name is David Corbett, and I am the Deputy Attorney General. Thank you for the opportunity to appear before the committee today to discuss the work of our ministry, specifically around court operations, which, of course, is a major focus of our work at the ministry.

I'd like to take a moment to introduce Beverly Leonard. She is the Assistant Deputy Attorney General, court services division of our ministry. She will also be addressing the committee today.

I'd also like to introduce other officials from my ministry. Vaia Pappas is the director of operational support branch,

court services division, and Jaimie Lee is the director, program management branch, court services division.

Thank you for welcoming us today. We'd first like to thank the Auditor General and her staff for their work on the 2019 annual report and for the many recommendations that accompanied that report. My experience is that I always welcome an audit because it gives us opportunity to improve services, so we're appreciative of it.

We recognize the important role the Auditor General plays in ensuring accountability and transparency of our democratic institutions. We take the recommendations in this annual report very seriously, and we're committed to examining areas where we as a ministry might improve.

I'm sure all members of the committee agree that the justice system is fundamental to the quality of our life that we enjoy in this province. Trust in the rule of law is a cornerstone of our society. But that trust only exists where people see things are working as they should.

1250

With that in mind, I'd like to give some background on where we were, where we are and where we plan to go. For decades now, our justice system has been slow in adopting modern technologies that can help us to improve our efficiencies. It's no secret that the system, as it was, was not particularly user-friendly: an antiquated, paper-driven system that produced long delays and used resources ineffectively. A number of these issues were raised by the Auditor General in this report. In truth, the justice system has fallen far behind people's expectations of how justice should work for them, so positive change was long overdue.

This change, this transformation and modernization, was in our mind at the time of the report's drafting, and so it would seem for the Attorney General as well. In 2019, we had already started the process to improve the justice system by removing unnecessary barriers, implementing procedural reforms and integrating the right technology.

Of course, COVID-19 appeared, and that changed so many aspects of all of our lives. For us, in a way, it accelerated many of the reforming plans by compounding the long-standing challenges that had been holding the system back, while also underscoring the need for greater progress. We really then dug in and we went to work.

We believe the results have been exceptional. By making use of available technology and innovative practices from around the world, our ministry has been successful in delivering some really notable results in the Ontario justice system, moving our system forward by decades in a matter of a few short years. This view is not just my view; it is shared by the justice participants, including the courts.

In 2021 we launched the Justice Accelerated Strategy to break down long-standing barriers in the system, overhaul processes and move more services online and closer to Ontarians, no matter where they live, including rural, northern and First Nation communities, which have 29 fly-in courts in this province. Eventually, this multi-year strategy will deliver the most significant upgrade to justice services in Ontario's history.

Since its inception, and in partnership with our justice sector partners, we've delivered many game-changing

initiatives to help create a more accessible, responsive and resilient system. We've created valuable muscle memory around identifying the most direct and surest path forward toward fixing these problems that affect Ontarians and how they have access to justice.

There is much more to say, but at this point I'm going to turn it over to Assistant Deputy Attorney General Beverly Leonard to expand a bit in the remainder of the 20 minutes. Thank you.

The Chair (Mr. Tom Rakocevic): Thank you.

Please proceed.

Ms. Beverly Leonard: Thank you, Deputy Corbett. As the deputy said, my name is Beverly Leonard, and I'm the Assistant Deputy Attorney General for the court services division. I'm happy to be here today to elaborate on what Deputy Corbett has mentioned. Let me first thank the Chair and the committee for this opportunity, and also acknowledge the important work of the Auditor General.

I'm pleased to share that in the time since the release of the auditor's annual report, our ministry has fulfilled or is on the path to fulfilling all of the auditor's recommendations. Many of those recommendations are aligned with the government's key justice transformation strategies, including Justice Accelerated, the Criminal Justice Digital Design and the Criminal Case Backlog Reduction Strategy. We have a good plan in place and we are working diligently to implement, where possible, all of the Auditor General's recommendations.

I look forward to reporting back to the Auditor General with more information as the implementation continues and to continuing the close collaboration with all of our justice participants, most especially the judiciary, as we improve and enhance the justice system.

As you well know, and as the deputy has referenced, the Auditor General quite rightly pinpointed a number of challenges facing the justice system and court operations in 2019. As the deputy also mentioned, work was under way in a number of places to mitigate the issues of old, archaic systems that existed then. The work started because we had heard over and over again from all quarters that Ontario's justice system had grown too complex and outdated and needed reform. The ministry agreed, and we've listened to both the Auditor General and to our partners in the justice sector. Thus were born some of those strategies that I mentioned a few moments ago, strategies that are helping us fulfill and go beyond the many good recommendations from the Auditor General. Let me highlight a few.

Criminal Justice Digital Design: The Criminal Justice Digital Design initiative has a lofty goal—to modernize the criminal justice sector from beginning to end. It is a key transformation initiative and one that is well on the way to meeting its targets. Working with the Ministry of the Solicitor General and other justice participants, the plan is to develop and optimize digital sharing to enable information, data, documentation and evidence in criminal cases to be shared digitally and on demand with justice sector participants where appropriate. And the sharing circle is quite large: law enforcement, crown attorneys,

defence council, self-represented accused, judicial officials, court services and corrections, to name but a few.

Already, a number of the products are modernizing Ontario's criminal justice system and enhancing public safety in the process. I will mention two: criminal eIntake and Digital Evidence Management.

First, eIntake allows the police and other investigative agencies to electronically send and receive documents and data so that a justice of the peace can consider the information and allow charges to be laid where process is issued. This has greatly reduced the time and effort it takes to put an information before the courts. And since June 2022, eIntake is available province-wide. The current focus is to add functionality to electronically submit search warrants through eIntake, which is the next step in the end-to-end connectivity.

I also want to highlight Digital Evidence Management, which makes it possible for police and other investigative agencies to manage, store and share digital investigative or evidentiary files using a consistent set of tools and standards. As of this January, more than 60% of the police agencies have onboarded to this Digital Evidence Management system, making it easier for them to handle their files and eventually to share those across the system.

Next, I'll speak about Courts Digital Transformation. Criminal law is not our only focus for modernization and transformation efforts. The Courts Digital Transformation initiative, which was announced toward the end of 2021, will be the most significant single step forward in the digital evolution of justice in Canada, replacing outdated, paper-based procedures with an online platform to manage cases, documents and schedules. Streamlining this process will help transform how people resolve their legal matters at both the Superior Court of Justice and the Ontario Court of Justice. Designed around user experience, the end-to-end digital system will feature online self-service, integrated case tracking and more efficient court operations.

But we haven't stopped there. To make life faster and more efficient for Ontarians in the justice system, we have expanded our Justice Services Online platform and introduced electronic filing for more than 700 types of documents, including in family, civil, small claims, bankruptcy and divisional court, further reducing the need for paper-based processes.

1300

The platform was also expanded to include the online court case search tool to facilitate the searching of court case information, including future court dates and appearance types, in criminal proceedings and in most civil proceedings.

Next, I'll speak about virtual and hybrid hearings. Another important advancement made by the government has been the critical investment in new technology to support virtual and hybrid hearings. In 2020 and 2021, we invested in new technology to support virtual and hybrid hearings in response to COVID-19. And in 2022, as part of the Justice Accelerated Strategy, we allocated an additional \$65 million over five years to ensure that hearings are available in courthouses in every region of Ontario.

With the Ministry of the Solicitor General, we are also making progress on the Criminal Justice Video Strategy, which aims to increase the use of video for pre-trial in-custody court appearances and facilitate remote access to defence counsel for inmates and other services.

Next, our criminal case backlog reduction strategy: While COVID-19 was the impetus and the spur for much good change, as I've already mentioned, it was also an immense challenge for the ministry and for the justice system, especially in the area of criminal law. As you know, in March 2020, the onset of the pandemic changed business as usual everywhere. I can tell you that ministry staff pivoted as necessary to prioritize and to support the ongoing operations of the courts and ensure members of the public could access the justice system's essential services safely.

Nevertheless, and in the interests of safety, the courts necessarily limited in-person attendances to courthouses. This slowdown resulted in a significant and unprecedented accumulation of pending criminal cases, creating unsustainable pressure on the criminal justice system. We have taken action to address this and to ensure the protection of public safety, launching a criminal case backlog reduction strategy.

Launched in October 2021, the \$72-million strategy includes hiring 340 new court employees, including crown prosecutors, court services staff, victim and witness support staff and bail vettors. Bail vettors are experienced crown attorneys who facilitate faster bail decisions and resolutions when appropriate. The strategy also included an updated COVID-19 recovery directive for prosecutors and new legal aid help for self-represented accused persons.

Lastly, I'll speak about Starlink. Unfortunately, these criminal court backlogs and delays are felt even more acutely in remote northern communities. Throughout the COVID-19 pandemic, fly-in court proceedings were suspended, and while much of the justice system moved to virtual appearances that relied on the use of technology and reliable high-speed Internet, it was unavailable to many fly-in communities, so they simply could not hold virtual proceedings.

To help address these barriers, we recently announced a \$2.5-million investment in reliable, affordable, high-speed satellite Internet access and video conferencing equipment to enable virtual court proceedings in 29 fly-in communities. This new Starlink satellite technology will help reduce systemic barriers and support the shared goal of a modern, accessible legal system that meets the needs of all people.

As I near the end of my time, I would like to mention one unique but important aspect of the justice system, something that is not well known, but informs how this committee and the Auditor General should review some of recommendations: While the government funds and operates courthouses, decisions on the scheduling of court proceedings, and hence the scheduling of courtrooms, lie within the hands of the judiciary. What does this mean? Judicial independence is critical to a democratic society and to the upholding of the rule of law in Ontario. So it requires that

judges be free to make decisions regarding court cases without influence from government or others. This includes scheduling.

Chief Justices and their delegates have sole authority over the scheduling of what happens with and in courtrooms. Of course, the ministry recognizes the importance of the efficient and the effective use of court resources, including the scheduling of courtroom hours, and how this can help in reducing delays in the justice system.

As you have heard, there have been many improvements in recent years—I think probably more than any of us could have expected before the pandemic. One thing that we can expect, though, is that the goalposts will keep moving and the expectations of what a modern justice system looks like will change. But we believe that the opportunities to effect that change and better the system will also increase.

Modernization in the justice space entails more than conducting court hearings virtually; it also includes rethinking common practices and long-standing traditions of how justice should be administered in Ontario. I'm looking forward to discussing these opportunities with this committee.

In conclusion, I trust that the deputy and I have provided you with a good overview of the many ground-breaking initiatives that our ministry and the justice sector have undertaken since the Auditor General released her 2019 annual report.

Let me thank the Auditor General and her staff once again for their assistance as we reviewed and responded to the report, and also for her very thoughtful and considered recommendations.

Lastly, I'd like to thank you, the committee, for your time today and for inviting us to present to you. At this point, we're happy to answer any questions you may have.

The Chair (Mr. Tom Rakocevic): Thank you very much.

Again, we'll be proceeding in the following rotation: up to 20 minutes, the government members; up to 20 minutes, the official opposition; and up to three minutes for the independent members. As well, we will follow this rotation for five rounds.

This committee is now authorized to meet until midnight, if necessary. At 3:30, I will check in with the members to see if additional rounds of questions will be necessary. As well, following three rounds, we will recess for 10 minutes if anyone needs to leave the room for any matter, okay? And be respectful of staff.

Let's begin with the government members. MPP McCarthy.

Mr. Todd J. McCarthy: Through you, Mr. Chair, to the Deputy Attorney General and the Assistant Deputy Attorney General: First of all, thank you for being here. Thank you for your very thorough presentations. It's not lost on this committee that the report dating from 2019 from the Auditor General pre-dated the COVID-19 pandemic and that swift action was taken and great leadership was demonstrated by the Ministry of the Attorney General in responding to that crisis, making the courts accessible.

Having been a private citizen and a practising lawyer before June 2, 2022, before I was elected as a parliamentarian, I saw first-hand what an incredible effort was made, producing excellent results for civil, criminal and Family Court justice. So thank you for that, and keep up the great work, I can say on behalf of the committee.

Mindful of that important principle of judicial independence, let me ask a question, further to the Assistant Deputy Attorney General's comment just toward the end: Building on what has already begun, bearing in mind the five-year, \$65-million investment in the technology supports that are necessary to continue to build on what has occurred over such a short period of time, we know that, both for the Ontario Court of Justice and the Superior Court of Justice, we have judicial regions within the province. We know that each region has an RSJ and that the RSJ is responsible for assigning caseloads, case lists and sometimes specific special cases to judges. That shall remain as such, but now those RSJs, of course, have the tools and the investments to be able to use the judicial and court resources wisely.

1310

We know that there is the concept of an in-person hearing, a completely remote hearing, and a hybrid hearing. We know that some of the newer courthouses, like at Oshawa, Thunder Bay and Belleville, already were equipped for technology like Skype, so that we were seeing some hybrid hearings even before the pandemic, where witnesses could appear on a big screen in front of the judge or jury and give evidence, and be sworn or affirmed under oath.

Mindful of that, let me just give an example from the more horse-and-buggy days that I'm familiar with. In the same courthouse, we would find a hard-working judge who would be in courtroom 1, and she might say to somebody in courtroom 2 at the 11:30 break, "My list has collapsed. I'm ready to lend a hand. Send some of your cases down here, and we'll work together to make sure that we clear the lists throughout the courtroom." That was teamwork that was initiated by hard-working judges. That spirit of teamwork to serve the public was there and is there. I know that for a fact.

With the investments that have been made, can we take that either region-wide or even province-wide when it comes to fully utilizing courthouses in other areas of the province? What I mean specifically is that we know that Brampton and central west happen to be particularly busy. We know that even pre-pandemic, Brampton would sometimes take some of their cases—civil, in particular—and traverse them to Orangeville, a little bit of a quieter venue, relatively speaking, and the case should be heard or tried there, sometimes with a jury, sometimes without. So regionally, it was already happening on an in-person basis, the sharing of resources.

Can we take, or are you taking, the remote practices, the hybrid hearings and the in-person or the combination thereof to the next level where, regionally or province-wide, we could utilize judicial resources, courtroom resources and staff resources to alleviate pressure on some

of the busier venues or jurisdictions? That's a long question, but I hope it's understood.

Mr. David Corbett: Thank you very much for that question. A couple of comments, the first with respect to the Ontario Court: As you know, we're opening our new Toronto courthouse, where we've combined a great number of all of the judges in Toronto—except for some that will still be at 2201 Finch—in one courthouse. We think, and the Chief Justice has said, that that will allow for more efficient use of judges. That doesn't answer your question, but I'll come to that in a moment.

But to set the groundwork, we know we'll be more efficient in metropolitan Toronto, because if we have to move the cases throughout this new courthouse—and it is sophisticated electronically. The information can flow from one judge to the other in the various courtrooms, so that will help.

Now, in terms of expanding this throughout the province, Chief Justice Maisonneuve has said she wants a program: “Need a judge? Find a judge, wherever that is.” So if she knows she has got judges in the new Toronto courthouse who have finished early, because their lists have collapsed or there has been a settlement of those cases, she will be using the facilities we now have via video. You can have the judge sitting in her or his chambers in Toronto, connected with the defence counsel and the crown in Sudbury, Ottawa, North Bay or wherever throughout the province.

So this is a plan that we have the support of the judiciary for. The ADM said it: They schedule, but their mind is at, “We've got to get the system more efficient than it is,” because we have this horrendous backlog. And you can add as many people as you want; that doesn't solve the problem. We've got to find more efficiencies, so that when the case lists collapse, we have judges that can continue to deal with cases that we can put before them. So I think you're right on point: It's not just within a community, Toronto or some other community; it's throughout the province that we hope to use these facilities.

The money that we've invested in the virtual hearings— as you say, it can be a hybrid hearing, so some people are in-person while other people are online; it can be a completely virtual proceeding where everybody is online; or it can be an in-person hearing. It's not going to be possible with juries to do anything other than in-person, likely, with the current restrictions in the Criminal Code, but otherwise, I think we have lots of possibilities.

What we have found over the last few years is that the ministry has built incredible relationships with all of the Chief Justices, and it's one of trying to find a way to make it work and have people have access to justice and not have these huge wait times. With that mindset that they have, and working together, I think it's a winning formula.

Mr. Todd J. McCarthy: Just a supplementary, if I may, Mr. Chair. I thank the deputy so much for that detailed answer. The new Toronto courthouse for the Ontario Court of Justice is not just to effectively replace Eglinton Avenue East, 80 The East Mall, 1000 Finch West, Old City Hall, it's actually—it is, but it's also, then, going to be equipped

with resources and judges who can help the entire province, in that sense, because of the technology, and that's fabulous.

Is there a different answer for the Superior Court of Justice? I know those judges are appointed by the federal government, but we, the province and MAG, still administer that court.

Mr. David Corbett: The Superior Court, of course— as you say, the judges are appointed federally and not provincially, but that same willingness to find solutions is with that court, and we've seen that with the current Chief Justice of the court, Chief Justice Morawetz. It's very much, “How do we figure out how to do this more efficiently?”

As I say, the working relationship that we've developed with that court I really believe is extraordinary. Part of it is—Beverly mentioned the digital transformation initiative that we have, CDT. That is a full-case-management, end-to-end solution. We've procured it—we'll probably talk more about it later, but with a tool like that, they can actually see where people are, schedule more effectively, and it will have a huge impact. It's not just that we've got the technology to have virtual or hybrid, it's the fact that we're going to have a case management system, which we're in the process of procuring, that will allow a more effective use of the resources of the court, and it's the willingness of the courts.

You practised, as you noted, for—I'm going to say I practised for four decades, so that's a long time to be a lawyer in the province, and I've never seen anything like this. The willingness of the courts to adapt and change is unbelievable. It's all the product, I think, of COVID. It's a product that MAG has really, through outreach and working together with the courts, whether it be the Court of Appeal, which we haven't touched on—we may touch upon it a little bit later; it's only one location so it doesn't have the significant issues that the Superior Court has or the Ontario Court has. But it's working with them and building a trusting relationship that has allowed us to move the system forward, and we'll continue to do so.

I know the Chief Justice of the Superior Court is like— this is the legacy that he'd like to leave. That's the wording that he has used, that we can work together. It's certainly the legacy that I would like to leave as the deputy, frankly, that we've changed the way the courts operate to be more efficient. It's not just a matter of, “Oh, wouldn't it be nice to be more efficient?” This affects real people. It affects their lives dramatically, right? The whole issue of being digital allows things like access for people to go on to a portal, know where their case is, know when it's next scheduled, see the documents for that case, have a feeling that they're involved in the process. I hope that's responsive.

Mr. Todd J. McCarthy: That's very helpful.

Just one more supplementary, if I may, Mr. Chair. Speaking specifically of the Superior Court, this can work in reverse, I take it. In other words, Thunder Bay's new courthouse with the technology that's there and other new courthouses that have been built or will be renovated can assist busy venues like Brampton and Toronto, just as

Toronto can lend a hand in the Ontario Court to remote regions. Is that fair?

1320

Mr. David Corbett: Absolutely. That's what I said: The Chief Justices use the phrase--and I don't have it exactly right, but it's basically "need a judge, find a judge" anywhere in the province. You may need a judge in Sudbury. Okay, let's find one out of Toronto. You may need more judges in Toronto. Okay, let's find them. If Sudbury isn't busy or North Bay isn't busy or Barrie isn't busy, let's use those judges in the Toronto proceedings. So it's across the province, and this technology will allow that to happen.

Ms. Beverly Leonard: Deputy, do you mind if I just add to the good points that you've made?

Mr. David Corbett: Yes, go ahead.

Ms. Beverly Leonard: We understand from the Superior Court—and this is very much in line; I think it supports what Dave is saying—is that the Superior Court has indicated that they will be holding, I believe, two four-week blocks of virtual hearings for civil pre-trials and non-jury trials in future, and that will be leveraging judiciary from the province.

And if you don't mind, I'd also like to speak for a moment to staff, because I think you also asked about staff. We absolutely, today, share staff—court staff, I'm referring to—across the province to support virtual hearings. For example, if there's a hearing in Toronto where the documents are digital, where they are electronic, then we can have staff in other parts of the province actually support those hearings. For example, there may be a staff member in St. Thomas who can support a virtual hearing in Toronto where the documents are electronic.

To that end, during COVID, we introduced a significant enhancement, I would say, to our justice services online in terms of the number of documents that can now be filed online. Now, we can have users file over 700 documents online using justice services online for family, civil, small claims, Divisional Court and bankruptcy. We also introduced CaseLines, which is a document-sharing platform that allows the parties and counsel, the judiciary, to access documents that are electronically loaded onto CaseLines for the purpose of a hearing. So that ability has enabled us to support more hearings with staff from different parts of the province.

In addition to that, we introduced some e-filing for estates, for probate, and that has enabled us to have staff from different parts of the province support that work, which has been super.

Then I would also just add lastly that from a court interpreter perspective, remote hearings and remote interpretation have also enabled us to use the good resources of interpreters across the province to support hearings in particular parts of the province. Frankly, before COVID, that really wasn't heard of, because interpreters were, I would say, almost all, if not all, for in-person appearances, and since COVID, to Dave's good point, our ability to support hearings with interpreters who are remote has also

enabled us to provide better support, to your point, MPP McCarthy, with remote interpreters.

Mr. David Corbett: I think up to 80% of interpretations are now done remotely, which is an incredible feat for the government.

Can I make one other point, if I might? We talked about the case management system that we're putting in place for the Superior and the Ontario Courts. Originally, it was proposed they would have their own systems. So the Ontario Court would get some system, and we'd build it, then the Superior Court would get some system, and we'd build it. What we decided to do was get off-the-shelf products, because the ministry did not have great success in implementing sophisticated IT solutions.

The view we took—and to see the co-operation between the courts, I said, "Look, you're getting the same system. I'm not going to have two different systems that we have to procure, maintain and train people on." So the co-operation was, "Okay, that makes sense. Let's do that." We saw the Superior Court and the Ontario Court working together to get a system that would work for both of them, that was a common system. It's really important because a good proportion of the court service workers work in both: They work on the Superior Court; they work on the Ontario Court. "We're going to train them on this system and that system to see how it would work." Well, that didn't make a whole lot of sense, so what we did was combine it. They both get the same system. We do one set of training. And we had the co-operation of the courts. Notwithstanding that courts are rightly careful about their independence, when it comes to practical things like this, they were absolutely co-operative, and we worked as a team to move this forward—I think, with great success—to have one system.

Bev also talked about CaseLines, which is a document-sharing system. It was introduced England in 2012, so it has been around for a while. We didn't pick it up until 2019. We were behind, and we're beginning to get the systems that others have had and utilized to make their systems efficient. We're a little bit late, but now we're at the leading edge. With this new case management system, we're absolutely at the leading edge of putting something in place. If you look at California or other places, we're at the leading edge of that. I think we take some pride in that.

The Chair (Mr. Tom Rakocevic): We're at two minutes for the first round.

MPP Skelly.

Ms. Donna Skelly: Are we going to have another round after this?

The Chair (Mr. Tom Rakocevic): Yes.

Ms. Donna Skelly: Really quick question—first of all, this is fabulous to hear. It really is. I was a reporter before going into politics, and I couldn't believe the backlog when it came to the court system and how archaic it was.

Are judges embracing this? Do they really want to take on all this additional workload, or are you getting any pushback?

Mr. David Corbett: So what really matters, I think, in changing a culture, is having the leadership bought in. And

we've got the top leadership: Whether it be the Chief Justices or the Associate Chief Justices, they're all bought in, as are the regional senior judges.

There are obviously some people who are thinking, "I didn't do this before. This is hard." There are some areas where there is reluctance, but I don't see it—I would say that was a few months ago. I don't hear about that at all anymore. There may still be some of it, but people are now buying into that this is the future.

We talk about in the province that we want to be the leading jurisdiction in the world about how we deliver justice, and I think we can do it. I think, through looking at these new systems that we're putting in place and making sure that things are digital and that people can access them remotely, we can do it. This will fundamentally increase access to justice.

Now, there are issues. Some people don't have a computer, and we are looking at how we deal with that—whether we put computers in certain court locations that make it easier for people to do it. We will have to deal with that access-to-justice issue as well. But I think we're on the leading edge now.

The Chair (Mr. Tom Rakocevic): Okay, we've got 20 seconds, so perhaps we could just move on to the official opposition side, and then the government will have another round of questioning, of course, afterwards.

MPP Wong-Tam.

MPP Kristyn Wong-Tam: I might be the only one left. Thank you very much, Chair, and thank you to everyone who presented.

I recognize that structural change and institutional change isn't easy. Certainly, we did a lot of that at the city of Toronto, very painfully trying to drag ourselves into the modern era, especially when it comes to modernization of systems. It comes with mixed results. Sometimes it's smooth sailing—very rarely—but oftentimes there's room for improvement. So thank you very much for all that you do. There's no doubt in my mind that it is very difficult to try to move things along in the most expeditious way.

I wanted to just flag that, in the Auditor General's report, she highlighted a couple of things that I thought were pretty—they're easy numbers for us to wrap our heads around. One of them was the fact that the ministry's optimal average of time that a courtroom should be running on any average day should be 4.5 hours. That's the standard, but she noted that the courtrooms were actually only operating 2.8 hours per business day and that perhaps being able to sort of updating the scheduling, streamlining the staff and finding those efficiencies that you're clearly trying to work hard to find could probably improve that number.

We'd like to get to the goal of 4.5 operating hours per average business day, and move away from 2.8. What would it take, and how long will it take for you to get there?

1330

Mr. David Corbett: If I could just comment about how those numbers are calculated, particularly going forward. If a judge is operating, as many are on many occasions

now, in a virtual environment, they don't sit in the courtroom; they sit in their chambers. So the time spent in the courtroom is going to be less, and it's one of the reasons that, when we look at how we spend capital with respect to courthouses, we don't want to build big courthouses anymore. We don't want to build big buildings that we have to maintain. We want to get by with what we've got or make the renovations that we need.

So, four point—

MPP Kristyn Wong-Tam: Five.

Mr. David Corbett: So 4.5 hours isn't representative of where the system is going to work. The system would work with judges in their chambers, as opposed to in the courtrooms themselves.

Often, what happens—if they're not in the courtroom, the parties are negotiating a settlement, which we like, because you get a result that saves money and gets people where they want to be and doing what they want—

The Chair (Mr. Tom Rakocevic): Deputy Minister, sorry to interrupt. I've heard from our audiovisual people—yes, if you could speak more towards the mike, it's just shorter to capture, for Hansard and everything. That's all. Maybe move a bit closer. My apologies for the interruption. Please proceed.

Mr. David Corbett: No problem at all.

The Chair (Mr. Tom Rakocevic): Of course, of course.

Mr. David Corbett: I was trying to be responsive to the person who asked the question.

The Chair (Mr. Tom Rakocevic): Of course. No problem.

MPP Kristyn Wong-Tam: Maybe I can ask the question in a different way, because I am trying to get an answer. I can appreciate what you're saying in terms of being able to expand the way the evaluation is done in terms of how often courtrooms—digital or, perhaps, in person—are being used, how much of the hearings are being moved along. And disposition is happening, and those cases are being cleared.

I think what we're also seeing from the AG is that the cases that are backlogged continue to grow in all areas of practice, and this is based on the ministry's own statistics: a 43% increase from 2019 to 2021 when it comes to criminal cases, a 10% increase when it comes to family cases, a 10% increase when it comes to civil cases and a 12% increase when it comes to small claims cases. So the trend is going in the opposite direction of where you want it to go. We're trying to get it to come down. We want the backlog to come down at the same time the modernization efforts are under way.

It sounds to me that there's a perception that good work is being done—and I don't doubt that it is—but one really effective benchmark for evaluation would be: Are we seeing the cases come down in terms of backlog, and how quickly are they being disposed? How long does it take to schedule a case?

So it's not just, of course, courtroom usage, but we could take a look at a number of different metrics. But those other metrics are not going in the direction that we

need them to. Setting aside the courtroom usage, how would you respond to that?

Mr. David Corbett: A couple of points, if I might: The way we measure through the current system in the Superior Court is called FRANK, and FRANK is an outdated system. The new system that we're putting in place will do a better job of measuring and scheduling.

MPP Kristyn Wong-Tam: ICON?

Mr. David Corbett: No, ICON is a system that is used in the Ontario Court. The new system is CDT. We haven't named it anything yet, but it's a system that will replace both ICON and FRANK. When that system is in place, we'll be capable of measuring far more accurately how we perform, and we'll have better opportunities. Even though scheduling is clearly in the purview of the courts, it will help them, with us, to be more efficient in how we utilize our facilities.

I think your point is a very good one. Really, the focus is: How long does it take to get a case processed? What is the backlog?

Over the last few years—I wasn't the deputy at that time of the audit, and came in in the COVID period—we have made a focus for the last couple of years on dealing with the backlog in the COVID context. We haven't had as much time for thinking, although over the last period of time we have been able to push forward the new case management system that we want to put in place for the Ontario Court and the Superior Court. We have a new system that we put in place for the Court of Appeal, but it's a much smaller, one-court system, a much smaller issue to deal with.

We want to measure how long and how many. We'll be better able to do that. We think that the other measures that we've described will help us do that in terms of speeding things up. But in terms specifically of the 4.5 hours—did you have anything else you want to add to that?

Ms. Beverly Leonard: Thank you, Deputy. I think, to the deputy's good earlier point, the 2.8 hours that has been referenced by the Auditor General doesn't necessarily mean that those courtrooms aren't in use. Just for an example, I just want to expand a wee bit on what the deputy said, and MPP McCarthy, you certainly know this as a former practising lawyer, I think you said. Certainly a courtroom could very well be open in the morning, before the judge comes on the bench, and it's not tracked on the court utilization that the Auditor General would be seeing. The purpose of the courtroom being open would be for parties to come in—say it's a civil matter; say it's a family matter. They come in and they liaise with the clerk or the counsel on their behalf: “Is the case ready to go? Is it not ready to go? How much longer do you need? Do you have any additional documents that need to be brought before the court that day, that maybe haven't been brought before the court before?”

That is contributing to the success of moving those cases forward, but it's actually not tracked on the utilization, because the utilization only reflects when the judge is actually sitting on the dais. It doesn't reflect what I just said, that the court is open and the staff is there and the

parties, or counsel on their behalf, are liaising about those cases before the court. It doesn't reflect when a judge retires to their chambers for a few moments, when counsel has provided some case law and the judge wants to go into chambers, wants to review that case law before they return to continue that proceeding that day.

Moreover, in a Family Court case, for example, we have on-site mediation services in our Family Court. What happens, I would say with some frequency—without being in the courts today to know, but certainly when I was in Family Court day to day—the judiciary may say, “You know, Madam and Mr. X, I think this case is subject to mediation. You've got a good opportunity here to resolve those narrow issues. I'm going to adjourn court for an hour, and I'm going to have you go down that hallway, meet with that on-site mediator and see if you can resolve some of these issues. Come back before me etc.” It's a dynamic courtroom environment that occurs on a day-to-day basis that doesn't actually get reflected. It certainly only captures that time, as I said, when the judge is on the dais, but doesn't reflect the other things that Dave said.

I forgot one thing, which is that the judge could say, “Counsel, let's go to my chambers and have a discussion about whatever. We've got both counsels on the case,” and again, it's all contributing towards the settlement of the case. I know it doesn't answer the backlog question, but I think Dave's response certainly did. But it certainly speaks to the resolution of the cases.

MPP Kristyn Wong-Tam: Just because I'm going to run out of time very quickly, I wanted to just dive a little bit deeper, based on what you've said. With respect to the rationale provided as to why there isn't a clear logging of 4.5 hours, I can certainly accept that there are sidebar conversations, that the room is set up for some pre-conversations before everyone gets going, but couldn't you track that? Because I think the AG's report is saying you can't provide any evidence to what you've just said. You couldn't prove—or actually, I should rephrase that. She couldn't verify what was being described to her for the reason for the lower utilization of the courtrooms. So how would she be able to verify what you've said, and how do you verify and provide to the AG that—don't use that matrix alone. There are other ways for us to explain how the courtrooms are still being used, even if they're empty or partially empty.

1340

Mr. David Corbett: I would suggest to you that you hit upon the right components when you said, are we getting down in the numbers, is the speediness of the procedure good. This is not a good proxy; 4.5 hours is not a good proxy to figure out whether we're efficient.

MPP Kristyn Wong-Tam: But that's the ministry's standard.

Mr. David Corbett: Okay, that's our standard, but it's not a good proxy to figure out how we're doing. The proxy to figure out how we're doing is how quick do we do the cases; what does the backlog look like?

I'm not as worried about being able to justify that they're 2.8 or 3.2 or whatever the number is. I'm not very

worried about that. What I'm worried about is, how speedy are the trials, and what does our backlog look like? What I am worried about is, are we making more investments? If we know the courthouses are not being utilized more than 2.8 hours, then we challenge: Do we need an additional two courtrooms? Do we need to build a new courthouse?

I think you're looking at the wrong question. That's my response.

MPP Kristyn Wong-Tam: I'm looking at the AG's report.

Mr. David Corbett: Yes. So she's looking at the wrong question.

MPP Kristyn Wong-Tam: The AG is looking at the wrong question; that's what you're saying?

Mr. David Corbett: I don't believe that having a standard—she measures it 2.8, and we say it's 4.5. I don't believe that that's a significant difference nor a measurement that we should worry about.

MPP Kristyn Wong-Tam: Okay. Obviously she's not here to speak to what you've just described, which is unfortunate, but I think in her report she's citing the ministry's own standard, which is the standard she's using to measure.

Let's move on, but it's still related to this issue. The AG also identified that there are no performance targets for the timely disposition of cases and that there are other jurisdictions where they do set benchmarks, they do set standards of how long they would anticipate a case to be dispensed, when it could be cleared, moved off the lists of backlogs. And she specifically cites that British Columbia has a provincial court which publicly reports its actual performance against pre-established targets, such as the number of criminal cases concluded as a percentage of the number of cases received. Has the ministry reviewed any of these best practices? Is this another way for us to measure performance?

Mr. David Corbett: There are performance standards as set down by the Supreme Court of Canada—18 months in the Ontario Court, 30 months in the Superior Court. That's a performance standard, as I say, set down by the Supreme Court of Canada.

MPP Kristyn Wong-Tam: And how often are you meeting the standards?

Mr. David Corbett: We meet them almost all the time, almost all the time. Otherwise, you're faced with a Jordan application under 11(b) of the charter—

MPP Kristyn Wong-Tam: So then why do we have such a backlog still?

Mr. David Corbett: We have a backlog for two reasons. We have a backlog because the ministry had more cases than it could handle, even before the pandemic, and we were falling behind; the ministry was falling behind in getting those cases done. And because of the pandemic, we had a whole period of time—you can think between March and June, I think it was. It wasn't July; it was June—

Interjection: July 6.

Mr. David Corbett: July—when the courts were completely closed. And even when they opened up, we didn't have the technology to do proceedings virtually on

a wide basis. Remember, there was no virtuality at all. People didn't do virtual hearings prior to the pandemic. In rare cases, there were some Skype lines, as you noted, but almost all cases were done in person.

So we have a backlog because, even when the courts opened, we didn't have any jury trials until November of—

Interjection: Fall.

Mr. David Corbett: Fall. Anyway, sometime in the fall of 2020. And we only did those because we retained spaces like the convention centre and the International Centre to be able to hold them, for people to be properly separate.

We had a period of over a year where we really didn't function because of COVID. Cases kept coming in and we couldn't get rid of them because we couldn't process them.

MPP Kristyn Wong-Tam: What is your strategy to get rid of the backlog now?

Mr. David Corbett: Do you have an hour?

MPP Kristyn Wong-Tam: We can sit until midnight, apparently. Do you have the time?

Mr. David Corbett: There are a multitude of strategies, including one of working with the courts to do a number of things, from the case management courts, to really upgrade case management courts; judicial-led case management court—there's a fancy acronym for it—judicial pre-trials; trial scheduling; and expanding the use of remote court proceedings. We've hired more crowns, more court service staff, more victims and vulnerability staff.

Both process and technological is helping us move the backlog forward, but it's a tough thing, because we had over a year where the number of cases—

MPP Kristyn Wong-Tam: And we want you to be successful, which is why we're having those conversations, so thank you.

I'm just curious, with respect to—just coming back to my question regarding BC's public reporting on performance targets, is this something that we might expect to see from the Ministry of the Attorney General in terms of Ontario reports of—

Mr. David Corbett: I think as we get our systems in place, we'll probably have the ability to do that. We don't have the systems in place to do that now.

MPP Kristyn Wong-Tam: Okay. I know I have—just to confirm my time, I've got two minutes on my clock?

The Chair (Mr. Tom Rakocevic): You have two minutes and 20 seconds.

MPP Kristyn Wong-Tam: Okay, thank you very much. I appreciate that.

The Auditor General also identified that there was a number of staff absenteeism that increased while the number of staff declined—so an increase of absenteeism at the same time the number of staff has declined. I suspect that there has been a mad rush to staff up again but, just out of curiosity, what steps has the ministry taken to ensure that we can reverse the rate of increasing absenteeism, and what would it take in terms of how many more staff persons or perhaps the appointment of judges or the expedited scheduling of hearings so that we can actually clear that backlog that you and I are both interested in?

Mr. David Corbett: In terms of the absenteeism, we did not have a MAG-wide approach to monitoring at the time of the audit. We've now put that in place. The OPS has a standard system that it utilizes and we're using that. I think that our absenteeism has probably improved.

Maybe you can speak to that directly in a moment.

MPP Kristyn Wong-Tam: And while she gets her thoughts, is there going to be a central tracking system for absenteeism? The AG's report noted that there wasn't one right now.

Mr. David Corbett: Why don't you respond to that?

The Chair (Mr. Tom Rakocevic): You have one minute. This may carry on into the next round of questions, but you have a minute.

Ms. Beverly Leonard: Thank you for that. I can say very confidently that we very much try to take a balanced approach to managing staff absenteeism and also supporting staff in their return to work, recognizing that every individual has different health circumstances and that we need to make sure that we are supporting people in their return to work. At the same time, we are holding them accountable for actually coming to work.

We have done a number of things. I think your question was what have we done to try to be helpful to staff. We have sent out a reminder to managers, some attendance tools and supports to managers, and I believe we did that in December 2022. We also, you can appreciate, and I think the Auditor General noted this—next time?

The Chair (Mr. Tom Rakocevic): Yes, we're at time. Maybe we could return to that in the second round of opposition questions.

Moving on, back to the government side. We have our next 20 minutes.

Ms. Laura Smith: Through you, Mr. Chair, first I want to start by thanking the Auditor General for providing this report, and, in turn, I want to thank your team. Mr. Corbett, it's interesting, because I was a part of that. I'm CaseLines-trained. I recall being in a court that was actually moved to—was it Guelph? I can't remember. I worked throughout COVID, I dealt with matters under the child protection act, and I recall moving an entire Milton court to Burlington and using different spaces so that people could still attain access to justice. So I commend you for doing that work, because that transformation was absolutely astonishing and it did force us to go from paper to practical. Sometimes paper is practical, but not after what we've just gone through.

1350

If it's done anything, if I can just speak professionally, like my colleague Mr. McCarthy it forced many of us to look at things in a different way and to rethink common practices, which I think is something that you brought up.

I just wanted to speak to something very specific, because you talked about transformations, whether it's civil, family, estates, criminal, small claims, the old FRANK system coming into the new. I was discussing this matter with colleagues and friends. Better access to justice also means not only better access to justice for the people in the legal community, but also for those who are not.

I will give an example. My friend has a very specialized criminal practice. He would charge exorbitant fees, which isn't unheard of; you have to charge quite significantly when you're going to northern Ontario. Kilometre fees—these were things that would add on to a package, dealing with his clients, and he would possibly do one or two cases a week as a result.

He can now convert. Because of this pivot practice, he can now see as many as four or five or six clients and deal with them on a legal matter in a day, and that's changed the nature of his practice and provided the public with better access to justice. It's much more inexpensive for the people we serve, and it's a general pivot that benefits all areas of the courts.

But I'm just going to circle back and talk about the criminal case backlog. Of all the different areas—you know, we've got civil, family, estates, criminal, small claims—why was that the focus for the backlog in bringing the system into this century?

Mr. David Corbett: It was not the exclusive focus, but because of the Jordan timelines, the requirements to have the Ontario Court hear a matter within 18 months—for the Superior Court, it's 30 months—it certainly focused our mind because of the results it would obtain if we didn't deal with that.

We knew that we needed more crown staff, more victims and vulnerable people staff. I don't have the exact number, but we do well over 200,000 criminal cases a year in Ontario; I think it was 220,000. That's a lot of cases to have to deal with. So that was a focus.

If we look at other areas like estates, probate, family law, we've done other things. For example, you can do virtual witnessing of a will. You can electronically file everything, so it makes it easier.

But in terms of what is scheduled, the courts schedule. And the courts have scheduled the criminal cases in priority because they know that they don't want to have a successful 11(b) application, which is a Jordan application that effectively—the formal term is “stays the case,” but it dismisses the case.

Ms. Laura Smith: Sorry to interrupt. Should we explain what the 11(b) process is, just so that people can understand?

Mr. David Corbett: Sure. Under the Constitution, everyone has a right to a fair trial. What the Supreme Court has interpreted that to mean is, you must actually have a case heard by a court—not just started—within the time frames that I just outlined, 18 months in the case of the Ontario Court and 30 months in the case of the Superior Court. I don't have, again, the exact statistic, but 90% of the criminal cases are done in the Ontario Court, roughly, or 90% of their work is criminal cases.

If you look at their numbers, the vast majority of criminal cases are done in the Ontario Court. All the jury trial cases are done in the Superior Court, but most of the cases are heard in the Ontario Court, so that's the 18-month time frame. With that, I'm sure the courts look at it and say, “We have to focus on that,” so they schedule those cases accordingly.

Now, child protection cases are dealt with with priority as well. The courts don't say, "Okay, we've got to just do the criminal cases. Forget about child protection." That's not what happens. They absolutely prioritize those cases as well.

From a ministry standpoint, we've tried to make the cases in family law and estates easier for people to deal with, and the general civil suits are the same thing. You can file electronically. But right now, the delays for a civil case are long, and they are long because of COVID. They were long before COVID, frankly, but they're longer as a result of COVID.

Mr. Laura Smith: So if I'm interpreting what you're saying correctly—and this is positive news—the criminal cases that could be jeopardized were prioritized for good reason, and as somebody who dealt with child protection matters, that, as well, follows suit with the priorities.

I think I'm going to share my time with Mr. Stephen Crawford, if he's available.

Mr. Stephen Crawford: Sure. Thank you very much, MPP Smith.

Thank you to all the witnesses here today. We appreciate you taking the time. I know it has been a difficult few years through the COVID pandemic, and I want to get your perspective on it.

I know the government has invested \$72 million over two years, and you did mention they've hired more crown prosecutors, legal aid, more staff. We know there was a backlog before, and we know the backlog has continued partially as a result of COVID, but can you give us some sense as to some of these investments that have been made in the last year? Are they starting to have an impact on reducing the backlog at this point, or where are we with that?

Mr. David Corbett: If you take the \$72 million as a start, that included both crowns, as you've said, and court service workers. People don't understand that crowns are important—you've got to have them to prosecute—but if you don't have the court service staff, you can't actually run the trial. They're absolutely key, so we've done both, as well as the victims-and-vulnerable-people assistance that we need.

The impact that we've had, what we saw when we got the monies—I hoped the line would show this; the line showed that, and now it's leveled off. Because of the increasing number of cases that are coming in—and it's not just numbers; it's the complexity of the cases. You all see it in the papers, in terms of the random violence and the serious crime that goes on. We've kind of leveled off, so we've now got to adopt more strategies, and part of those strategies has to do with working with the courts to make sure that we can process the cases quicker and more effectively, and prioritizing what we do and how we do it.

We're focused on the more serious crimes and we're focused on all of the crimes, because if there's a crime, it has affected a citizen of this province, right? No matter how we say, "Well, that's not in the top tier of seriousness," it's really serious to the person who is being affected by the crime. But we will have to prioritize, and we'll have to

see. As they say, we'll continue monitoring where we are. I can give you a number: We're down 5,000 cases and we'd hoped, at this point, to be down 12,000 cases. So we're not where we'd like to be, so we've got to continue to adopt and adapt our strategies to get the line rather leveled off.

Mr. Stephen Crawford: It's fair to say, though, that part of the reason you haven't declined as much in the backlog is because there are increased incidences whereby, unfortunately, people need to use the court services. Is that a fair comment?

Mr. David Corbett: I think it may not be in terms of the actual quantity; it's in terms of the seriousness of the crimes that are being committed. Serious crimes take a whole lot more in the way of resources. Whereas you might do a very simple criminal case in a day, it takes weeks to do a murder trial or a serious sexual assault trial. So its expansion, because of the seriousness of the crimes that are being committed, does not help us reduce the backlog. That interferes with our ability to do that.

1400

Mr. Stephen Crawford: Interesting. Are you able to hire the staff and the crown prosecutors that you have the budget to do now? Do you actually have a supply of talented people you are able to hire, or is that a problem?

Mr. David Corbett: It is an issue to get experienced lawyers to do criminal work if they're in private practice. It's hard to convince them to come over to the crown unless you have full-time opportunities, but we're working on expanding the number of full-time opportunities that we have.

In terms of court service staff, we announced last week or the week before—and as I say, the court service staff are just as critical as crowns. Without them, you can't run the court. We were able to increase about 250 or almost 300 positions, I think, at the end of the day. Was it?

Ms. Beverly Leonard: It's just under 250 full-time positions that have been added.

Mr. David Corbett: Yes. We added—was it 42 full-time people?

Ms. Beverly Leonard: FTEs, yes.

Mr. David Corbett: Right, FTEs. We converted that into 250 full-time, which will really help us with respect to the court service staff. We're able, I hope, to attract and retain people, because if you have a full-time job, you can actually get a mortgage. You can get a car loan. You get health and welfare benefits. This was a difficulty in how we were running. So we've increased the percentage of people who are full-time in court service.

We are also able to announce that we were able to reclassify a very important group of people—about 1,400 people, 1,500 people—at a higher wage rate. So, a little bit more money, more full-time jobs, and we have had some success in getting some more people. That will be helpful.

Mr. Stephen Crawford: With respect to virtual and the government's initiative on having more virtual access, can you give us some sense of where we are at with that and where it can still go and how it can continue to improve access to justice and the efficiency in the justice system?

Mr. David Corbett: I think it was \$66 million—

Ms. Beverly Leonard: Sixty-five.

Mr. David Corbett: Sorry, \$65 million; I don't know why I rounded up. We were able to get the technology to do more virtual hybrid hearings, and we had very good discussions with the courts about what that means in terms of individual locales—because it's all well and good to say, "We bought a bunch of this fancy stuff and we're going to install it." But we've had very good discussions with the courts about where it is and where they want it. I think it's been effectively deployed. I think we're almost there in that.

Ms. Beverly Leonard: Do you mind if I just add, Deputy—

Mr. David Corbett: Go ahead.

Ms. Beverly Leonard: Thank you.

Mr. Stephen Crawford: Could you give examples of how it was utilized?

Ms. Beverly Leonard: Absolutely, thank you. There are really two types of initiatives that support virtual hearings, and I think I referenced both of them in my introductory remarks, but just to expand: One is the Criminal Justice Video Strategy, and we're working with the Ministry of the Solicitor General in partnership on this initiative. That is focused on some courtrooms, but more limited on the courtroom side—a heavier focus on correctional institutions and getting more technology into the correctional facilities for accused to appear virtually.

In addition to that, and to the deputy's point, we announced the virtual and hybrid hearing investment of \$65 million over five years, and while we had made some investments in 2020 and 2021 in virtual and hybrid hearings, certainly the virtual and hybrid hearings initiative will expand that exponentially, I would say, over the course of that five years.

So the results of that, to answer your question: There are really four different types of scenarios under the virtual and hybrid hearings initiative, the first being audio. One of the things that we learned—and you may have thought this would have been a simple thing, pre-COVID, except we learned it's not so simple a thing during COVID—is making sure that we have audio in the courtroom to support virtual hearings so that people who are appearing remotely, in addition to those who are appearing in the courtroom if it's hybrid, can actually fulsomely hear and participate in the process without incident.

So it's looking at audio. It's looking at where we need full-codec suites, the video conferencing suites that leverage codec, which is a piece of technology that facilitates a connection between video suites. There are some that will have that full video suite. That full video suite often comes with modifications that are needed in the courtrooms—millwork modifications etc.—and they tend to take a little bit longer to actually get installed. Then we have a couple of other scenarios that actually look at leveraging soft codecs versus hard codecs. I appreciate that's very technical, and I'm not a techy expert, but certainly what it does is it results in our ability to do virtual and hybrid and full

video connections with codecs, which is through the secure Justice Video Network.

So there are a number of solutions that are part of the virtual and hybrid hearings, and ultimately, in five years' time, the goal is obviously to have the vast majority or a great extent of our courtrooms supported with the technology to do virtual-hybrid and video appearances.

If you don't mind, if I could just add, under COVID-19—and we weren't alone in this by any means—there were some serious supply-chain issues. As much of the world switched to more virtual means, there was a supply-and-demand issue on the technology. While we were able to do some really good work during COVID—certainly, we're seeing that the supply and demand issues are reducing, and we are hopeful to have much greater success over the next five years in getting those installed in a timely manner. I hope that answers your question.

Mr. Stephen Crawford: Thank you very much. I really appreciate it.

The Chair (Mr. Tom Rakocevic): We're at about a minute, 45 seconds.

Ms. Donna Skelly: Quick question, are you having any issues with storage of electronic data? Is that a big a problem? [*Inaudible*] a police department—it's interesting, I went on a ride-along recently, and I was shocked when I saw these 20-plus kids sitting down prior to going out on the road, and they pulled out a notepad. I'm thinking, why don't they have iPhones and iPads? And it's the storage of data—

Ms. Beverly Leonard: Did you want to answer that, Deputy?

Ms. Donna Skelly: —a constant issue.

Mr. David Corbett: I just want to give one piece of context, if I could, just before I directly answer that. In terms of the video strategy, if I have these figures right, 70% of our courthouses are more than 40 years old. So installing these devices and hoping for proper WiFi through really thick concrete walls or stone walls has been a challenge. In the correctional institutions, where we hold virtual bail, pleas and some pre-trials, they've increased—I don't know if you have the number. How many did they do last year?

Ms. Beverly Leonard: I have that number, just not in front of me.

Mr. David Corbett: Anyway, we'll get that number, but it's like tens of thousands, and that's from zero. In circumstances where somebody is in an older correctional institution, you have got to pass the phone through the slot or something, right? They are not really set up. The Solicitor General has done a wonderful job in being able to modernize that.

The Chair (Mr. Tom Rakocevic): Sorry, Deputy Minister, we're at time. We just finished the government's second round, and of course we have more opportunities—

Mr. David Corbett: We'll come back to your question.

The Chair (Mr. Tom Rakocevic): Also, MPP Skelly, would you be able to make sure that your mike is—

Ms. Donna Skelly: I apologize.

The Chair (Mr. Tom Rakocevic): No problem. We just want to make sure that we capture all the audio correctly.

We're going to return to the official opposition, second round. MPP Wong-Tam?

1410

MPP Kristyn Wong-Tam: Thank you. I'm starting my timer to keep myself on track.

Picking up where we left off regarding the absenteeism and the decline of staff: I recognize that the report numbers may be a little bit dated, but she did highlight that absenteeism increased by 19% between 2014 and 2018, so I do recognize that those numbers are dated, and that there was also a corresponding decline of staff.

One of her recommendations was that the Ministry of the Attorney General provide more training and support to courthouse managers in proactively working with employees who experience higher-than-average absenteeism from work. How far along are you in that implementation?

Ms. Beverly Leonard: Just to pick up where I left off: We do have managers meet with staff to talk about their attendance obligations, and as I said to you earlier—so apologies for being repetitive—we really do take a balanced approach between making sure that employees know about their obligations to come to work and, at the same time, recognizing they need support for illness and accommodation.

So what have we done specifically? We do have managers meet with staff, and in particular if we see where absenteeism has increased with that particular employee, "How can we support you in coming to work? Are there any accommodations that you need? How can we be helpful?" If the absenteeism is increasing, then we obviously hold those meetings more frequently with specific individuals and others.

We have sent out, as I said, in December 2022—and this is a reminder; we had sent out things before COVID around absenteeism, but we sent out a reminder in December 2022 for managers, reminding them of the supports that are in place, and I have to say that our colleague ministries centrally have some really good information that we can leverage with respect to attendance management. Certainly we do that, and certainly we point managers towards that, because it is important to remember that we have staff who are part of collective agreements and we have to be mindful of the requirements of the collective agreements. At the same time, we have the Ontario Human Rights Code, and we need to make sure we're accommodating etc.

The other thing I can say is that, unfortunately, not everyone is always happy to come and see us in the court environment, and it's not the best time in a lot of people's lives. As a result of that, to support staff in any interactions with clients who may be challenging, we started to roll out de-escalation training, because obviously if there are challenging interactions, that can impact on employee mental health, increased stress etc. in the workplace.

We've also been promoting what's called an AbilityCBT, which is an Internet-based cognitive behavioural therapy program, so that we can support the mental health of our

employees. We also regularly encourage access to the employee assistance program etc. We're also hopeful today's really good point a little while ago about our ability to increase the number of full-time positions, adding just under 250 more full-time, using some of the fixed-term hours that we were leveraging, plus the FTs that Dave mentioned—we're also hopeful that that will assist with the workload with staff, which will hopefully also contribute to reduced absenteeism, reduced stress in the workplace etc.

MPP Kristyn Wong-Tam: Just a very quick follow-up question: Will there be a centralized system that's going to be created to monitor this? Because I realize even this conversation is analog. If your managers wanted to very quickly look up how often an employee has been absent and all those things, is it centralized? Is it going to be reported out, so therefore you can track it?

Ms. Beverly Leonard: We actually leverage centralized systems that are provided for the Ontario Public Service, so we don't have our own tracking system for absenteeism, but certainly what we do have for employees who are full-time, permanent and part of the government WIN system—we do have the ability for managers to go in to do people's attendance, and when they go in to do their attendance they can see whether they've been ill a day this year or no days this year or five days this year, for example. Managers can do that, but they obviously access that on an employee basis, and we don't have a separate tracking solution in the Ministry of the Attorney General to track our employees. But managers can access the WIN system on an employee-by-employee basis.

MPP Kristyn Wong-Tam: I'm working with a slide deck that the AG provided us this morning. I'm just curious to know: Coming back to the issue around performance targets for the timely disposition of cases, there was the suggestion to perhaps report it out publicly. I didn't fully understand. Are you going to report out publicly? Are you going to be laying out those metrics? I don't think I got a clear answer earlier.

Mr. David Corbett: Sorry, reporting out of what?

MPP Kristyn Wong-Tam: The timely disposition of cases. I recognize the Jordan act and the principle there, but on average, how long does it take? How do you plan to clear the backlog, and how will the public know?

Ms. Beverly Leonard: I think the Ontario Court of Justice already reports statistics on their website. We actually maintain the data on behalf of the court. Court records are actually owned by the court. They're court records; they fall under the courts: the Superior Court of Justice, the Ontario Court of Justice and the Ontario Court of Appeal. We actually have stats on the data that we collect for court cases. We actually collect on behalf of the courts, so the Ontario—

MPP Kristyn Wong-Tam: Sorry. Is that published anywhere?

Ms. Beverly Leonard: The Ontario Court of Justice does publish some statistics on their website—

MPP Kristyn Wong-Tam: Annually? Or periodically?

Ms. Beverly Leonard: I don't know how often they are updated.

Vaia, do you know that?

Ms. Vaia Pappas: I believe it's yearly, but I will check.

Ms. Beverly Leonard: Thank you. Any other requests for statistics can certainly be forwarded to the courts, and certainly that's—

MPP Kristyn Wong-Tam: Is that juxtaposed to targets as well? Therefore, "These are the cases that we're clearing, but this is the target we're going at"? Because that's what BC is doing. That's what I'm trying to get to: Will we get that type of this aggregated data?

Ms. Beverly Leonard: As Dave mentioned earlier, for the criminal cases, really the Supreme Court of Canada has established that timeline, as Dave said already, which is 18 months for Ontario Court of Justice, 30 months for the Superior Court of Justice. Again, that decision came out in the *R. v. Jordan* case.

As far as targets—in the civil/family/small claims court area, for example—it's really difficult. Maybe this is something that can be considered in consultation with the courts moving forward, but as Dave mentioned, we actually really don't have the ability to capture the type of information today that you are looking for. But certainly, as part of Courts Digital Transformation, perhaps there's more opportunity down the road to work with the courts and to consider that.

But I think there's something really, really important to remember—two things, actually. The courts are responsible for the scheduling of court cases, and they obviously do that—often, I'm assuming, with consideration to the cases that are before them. Second of all, the movement forward of those cases is really in the hands of the parties and in the hands of the judiciary. For us in the ministry to set targets to say, "This is how long a family case should take to get through the system," or, "This is how long a civil case should take"—it's very, very difficult for the ministry to do that. In fact, we can't, because we don't schedule the cases, but moreover, each case is different. The case could be quick based on the facts of the case, and it could be lengthy based on the facts of the case, so it's very difficult to set "targets." But again, as we move down with Courts Digital Transformation, perhaps there will be more opportunity to talk with the courts. But we don't know that at this point.

MPP Kristyn Wong-Tam: How is it that BC can do this and we cannot, then?

Ms. Beverly Leonard: I'm actually not familiar with the BC system, so I can't speak to what they report, how they capture it or track it etc.

MPP Kristyn Wong-Tam: I think in BC's case it's just really about establishing targets, and then reporting out on the number of cases that are drawn to a conclusion based on the fact that the cases have been cleared. But I just wanted to ask: In the AG's presentation this morning, she cited that there were two recommendations under recommendation 15—15.2 and 15.3—that will not be implemented. I gather that the points that will not be implemented or the actions that are not being recommended are

to monitor and measure actual performance against targets, which I think you just spoke to, but also to report those figures and results periodically.

1420

Ms. Beverly Leonard: Yes.

MPP Kristyn Wong-Tam: Is there a reason why you would not report it? I heard the fact that you don't have the information, that you don't have the potential technology to capture that. But would you be working towards that?

Ms. Beverly Leonard: It's also because the decisions around the publishing of the statistics pertaining to court cases would actually rest with the judiciary. We track the data on behalf of the courts, but the decision to post—and, hence, the Ontario Court of Justice has posted some of the statistics annually on their website, right?

MPP Kristyn Wong-Tam: Because the recommendation from the Auditor General went through the Ministry of the Attorney General, couldn't the Attorney General provide some direction to the courts on reporting? We're not talking about deliberation over hearings; we're not talking about passing a judgment. We're talking about the administrative side. If we're going to clear the backlog, we're going to establish targets, this is where we are and, perhaps, it's a monthly reporting? I don't believe that wouldn't be out of bounds for what the minister can do.

Mr. David Corbett: So just a couple of points: First, you really have to look at the sort of case you're talking about. The Ontario Court: 90% of their cases are criminal; 10% are family. So we're talking about 10% of family. The Superior Court is where you have the Small Claims Court and general civil litigation, as well as jury trials and criminal matters and bankruptcies—so all the civil stuff.

All of that is driven by the parties, not driven by the government. It's driven a little bit by the courts, but it's driven by the parties. How quick do they want to go?

Now, the rules of civil procedure continue to be amended, and I think that the Ministry of the Attorney General is trying to help in getting things speed up in terms of how long you get to do things, and we've got simplified court procedures for matters less than \$200,000 and Small Claims Court's jurisdiction has gone from \$25,000 to \$35,000, which encompasses more cases.

I think we'll look into what BC's doing, but I don't know that it's exactly what they're measuring and I don't have the information on that.

MPP Kristyn Wong-Tam: I think it was highlighted in the auditor's report.

I guess to the point of the different streams of cases, whether it's civil or Small Claims Court or Family Court or criminal, the statistics I cited earlier in terms of where we were seeing the trends, we were seeing the trends go up with respect to civil, family, as well as small claims. I think that's the trajectory, 10% to 12%. And those are the parties that can come together and move things along faster, as you suggest—I'm going to just paraphrase, not as eloquently as you did, but that's I think where you were going.

But when it comes to the criminal court system, we have an increase of 43%—I don't have the information in

front of me, but it's around 43% to 44%. And that's entirely within the system. So that is the biggest number out of all of those streams where we see the highest number of backlogs. That's within the purview of the ministry; that's within the purview of the schedulers, as well as the court administration system.

I'm interested in knowing how do we get that number down, so therefore we don't have that type of backlog and we don't see the surging year over year? Because it's going to get worse until we can address the issue structurally.

Mr. David Corbett: Yes, and so that was a question posed by Ms. Smith: Why are we focused on the criminal courts? Because there are specific time frames that we have to meet; otherwise, these cases are going to be thrown out. And we are—

MPP Kristyn Wong-Tam: And they're being thrown out all the time.

Mr. David Corbett: They have been thrown out for years, before the pandemic, during the pandemic and currently. But the quantity that's being thrown out is within a limit that we can live with—not that we like any case to be thrown out, but it hasn't reached a threshold.

That is where we're focused and that's what we're spending a lot of money on. We are monitoring that very carefully. As I say, in the Ontario Court, 90% of their cases are there, so it's critical that we monitor those cases. In the Superior Court, it's not exactly right, but other than the jury trials for criminal matters, they're generally heard in the Ontario Court.

We will continue to work with the Superior Court, and I will look at what is being done in BC. I think a question for follow-up at some point you are going to need to ask is, "What about the tribunals?" Because we have the Landlord and Tenant Board and whatnot.

MPP Kristyn Wong-Tam: Yes, we're also paying attention to what is happening in the tribunal system.

I guess what I would be most interested in knowing is: Obviously there is great effort being made in trying to clear the backlogs. Oftentimes we hear anecdotally about the long waits for access. We see lots of reports coming out from the media of things and complicated cases falling through the cracks. I think this morning I was reading about seniors being defrauded from the ownership of their home, largely because they couldn't get anyone to prosecute their case.

I really appreciate what you had to say, because you highlighted that these are not just numbers; they're people's lives. There are effects of what happens when a job isn't done. What I wanted to stress here in our deliberations today is that I recognize that good work is being done, and I want to thank you for that work. It's not easy, I can certainly appreciate, implementing technology and system change, especially when you are so accustomed to working with paper. It is going to be a huge task. I think the AG's report even highlighted that 96% of all filings are still paper-based. We're not there yet. But I did—

Mr. David Corbett: At that time.

MPP Kristyn Wong-Tam: At that time, yes; thank you very much. It was at that time. But unless it has moved

dramatically to the other side, there have also been reports in her report of how sometimes things are filed, but not necessarily processed, and there are clerical errors this way or that way.

If all the ways that we can streamline the efficiency, to ensure that we can move the court system through as quickly as possible—therefore the seniors who are experiencing these 55% increases in the number of cases reported—half of that is actually sitting in Ontario. The police have cited that that is widely and wildly under-reported, that we're probably only hearing about 5% to 10% of the cases actually making it to the desk or the notepad of a police officer. And then the police officer goes off and builds the case and hands it over to the crown, and the crown says, "Do you know what? The courts are busy. This is not a priority." Therefore, white-collar criminal or fraudulent behaviour doesn't get pursued in the same way as another high-profile case where, oftentimes, it involves firearms or violence.

People get stuck in the system or lost in the system, and there are serious ramifications when that happens. The family that I read about will mostly likely lose their home as seniors. They did everything that they were supposed to do, including reporting it to the right authorities. The right authorities did everything that they could, which included some investigation, but there wasn't enough to build a case.

That is just one example of the thousands of examples in the queue that—actually, they didn't even make it into the queue. That's just one example of the thousands who don't make it into the queue, along with the thousands of people who are stuck in the queue, which is why this conversation is so important.

I just wanted to thank you for your time today.

The Chair (Mr. Tom Rakocevic): You've got 30 seconds for a response.

Mr. David Corbett: I don't see any of our crowns saying to senior citizens, "Not interested."

MPP Kristyn Wong-Tam: I will share that report with you. It's right at CBC, and they actually specifically cited that the crowns are refusing to prosecute, or choosing not to, because it's not the priority of the courts and of the government. They cited political and institutional will—

Interruption.

MPP Kristyn Wong-Tam: Oh, my timer.

The Chair (Mr. Tom Rakocevic): We're out of time. Okay, so we're going to begin the third round of questioning for the government side, if you wish to proceed. You have up to 20 minutes. MPP Byers.

Mr. Rick Byers: Thank you very much. MPP Wong-Tam, perhaps you could start your clock now for me.

MPP Kristyn Wong-Tam: I do have to get going. Am I permitted to leave?

Mr. Rick Byers: Just kidding.

The Chair (Mr. Tom Rakocevic): Stop the clock. We go into rounds of 20 minutes. Each side has up to 20 minutes per round, and if they have no further questions then it ends. We are going to be going in camera at the end of this, or 4:45, whichever comes first.

MPP Kristyn Wong-Tam: 4:45?

The Chair (Mr. Tom Rakocevic): Either when these rounds of questioning end or at that point.

Mr. Todd J. McCarthy: Chair, why don't we take a break either at the end of this next round or just before it?

The Chair (Mr. Tom Rakocevic): I was planning, actually, to do a break. But if everyone is in agreement, I did want to do a 10-minute break.

Interjections.

The Chair (Mr. Tom Rakocevic): I'm good to do a 10-minute break right now and, that way, if MPP Wong-Tam has to settle what's happening here in terms of opposition coverage for the rest of this meeting and if anyone has any other break—I'd like to move to a 10-minute recess. Okay. We'll move into a 10-minute recess. Thank you.

The committee recessed from 1431 to 1442.

The Chair (Mr. Tom Rakocevic): All right. We're back in session. We took not a 10-minute but a 12-minute break.

We're going to resume on the third round of questions from the government side. We will start the clock once again at 20 minutes, and we're going to MPP Byers. Please proceed.

Mr. Rick Byers: Thank you to presenters this afternoon. As you were talking, I was thinking about some of the few silver linings we've had from COVID, and your process changes is one of them, frankly. I keep recalling that when I was active at work—I know, with the colour of my hair, that's decades ago. But if someone said, "Hey, I'm going to work from home tomorrow, I'd say, "What course are you playing?" But now it's real, and we can work remotely and have it be productive, and what you've outlined just underscores that.

Not being a lawyer—I'm an accountant—I want to understand better the benefits of the technology from the various parts of the legal processes and, relatedly, a question about rural and the benefits I can see, whether it's witnesses who have to save all sorts of time in driving, or judges themselves. Can you just give me a sense again—and you've outlined some of them—of some of the benefits you've seen from the changes in your process? I'm curious—in the different parts of the legal process, if you will.

Mr. David Corbett: The first benefit is what you've noted, that we can actually do these proceedings completely remotely or some people remotely and other people in person. The reason that's a benefit is that—well, during the COVID period, we wouldn't have been able to run basically anything because of the restrictions on the gathering and the physical distancing requirements early on. MAG put in a very sophisticated series of protections that we could return in person relatively quickly, but at the very beginning we could not. What we have found is that that ability to do the remote hearings has just pushed things forward. We've been able to push things forward. An example of that is even the bail hearings that are conducted directly from the correctional institutions—what would happen before is, we would have to transport the accused to the court. That took police officers, it took vehicles, it took time. People would spend their time in the van or in the truck and come back in the institution. I don't have the

precise number—you were going to look up, I think, how many that we had been able to do in the correctional institutions—but it's thousands and thousands. So that has been a saving in resource, for example, and it has just made the system function.

But the advantages of being able to do—and looking at this new system we are going to put in place; MPP Wong-Tam was asking about stats and stuff. We will have far better numbers so that we can actually figure out how the system is working and where there are inefficiencies that we can improve on, and I think it will help in terms of the efficiency of the scheduling.

The scheduling is a real issue. As I've said earlier, that is the exclusive purview of the courts, but they've been very co-operative with the minister in trying to figure out how to make the system work better, and I really commend their flexibility—maintaining their independence, but maintaining a certain amount of flexibility with us.

The other benefit through the digital technology that we'll see—and this is very much something that the Attorney General is hugely focused on—is allowing people to participate remotely. So the average citizen—you don't have to go to court. You don't have to go to the counter to file stuff. This is a huge thing for people, and I think it opens up the access to justice tremendously for people. Maybe you wouldn't even bother if you had to come to court to do it, right? So that's, I think, a massive benefit of the technology.

So being able to run the courts, understanding the numbers, bringing more people into the system and not having to spend their time in courts. MPP Smith mentioned that lawyers can now cover a variety of cases and not charge their clients because they can do this remotely. I've heard from lawyers, "Well, I can now do five cases in a day. I can actually go back and forth and I don't have to travel even within Toronto." You know the difficulty of even travelling within Toronto and the time you need to get to places. So I think it has decreased the cost for people, which is tremendous.

Do you have other ideas?

Ms. Beverly Leonard: Do you mind if I just add a few other examples? Dave has made some really good points. I'll just build on that for a second. So with eIntake, the ability for police and other investigative agencies to be able to file or submit to a justice of the peace for consideration the charges for a criminal case, to be able to do that electronically and for the justice of the peace to be able to respond electronically I'd say certainly is a time saver for the police in terms of having to always go to the court to be the affiant in person. Now it can be done electronically, which helps put more police officers, obviously, on the road.

With justice services online and our ability for documents to be filed electronically, certainly to Dave's good point, people don't need to come to the courthouses now between 8:30 and 5:00 to file many of their documents. Again, there's over 700 that people can file electronically online, which I think is huge from a public standpoint benefit to them.

Mr. David Corbett: And 24/7.

Ms. Beverly Leonard: Yes, 24/7, seven days a week, in their jammies. That's right, Dave. Thank you. I added the jammies; I just want you to know Dave didn't.

Interpreters—I mentioned this earlier, but I think this is a really important part, that we have a number of languages on our registry. There are about 100 languages. We have some that are higher demand. We have some that are more rare languages. But our ability to have interpreters interpret remotely into hearings now has been a significant benefit, both from an interpreter perspective as well as certainly from the court system.

Additionally, we already talked about the sharing of resources and our ability to better support the hearings when we can have staff, where the documents are electronic, do that remotely.

You mentioned witnesses, and certainly, when you think about it in the context of expert witnesses, perhaps they—I'm making it up as an example, but it happens every day—could be a doctor who is a specialist who is coming in to testify on a case and now can do it remotely from his or her home or office or hospital or wherever they happen to be.

1450

And vulnerable victims and witnesses who now don't have the same—if it can be done remotely, it's not the same intimidating environment for people to come into as it sometimes has been in the past—so that flexibility, if it's supported by counsel and by the presiding judicial official.

I think Dave made a really, really good point—not to go on. I just think there are so many benefits with our ability to support electronic filings and virtual court proceedings. But also Dave mentioned the open courts principle, and certainly, we have the ability—if Zoom is being used, for example, which many of the Superior Court or Ontario Court hearings have been, there has been the ability for people to watch remotely where maybe that wasn't the case, or obviously wasn't the case before.

And lastly, I will just say that, heaven forbid we should ever go through another pandemic, but if we do, the ability for us to be able to hold virtual hearings and to have more electronic filings, I would say, will be a huge benefit. I hope we never have to, but if we do, then I think what we've introduced has been positive.

Mr. David Corbett: The other real benefit of this, and it was mentioned—I can't remember by who; it might have been by you: This has allowed us to develop a relationship with the courts that we didn't have. The ability to work together to solve problems goes a long way in giving me optimism that we'll be able to continue with that and make the system more efficient and make access to justice easier for people.

Mr. Rick Byers: That's terrific, and it's interesting: Listening to your remarks, not only will the process be more efficient, but it feels like, frankly, quality of justice has a chance to improve because of all the reasons that you mentioned.

Relatedly, if we look forward, I'm just curious whether these changes—the whole “work from home”—we may have more evolution back to the office, more traditional

work. But I'm curious, as you gaze into the crystal ball here, do you think some of the benefits you've outlined will be permanent, irrespective of return to work or in-person environment generally? I'm just curious on that front, whether we can crystallize some of the benefits that you've outlined here, to have them continue.

Mr. David Corbett: I believe it will be permanent, and one of the reasons that I believe it will be permanent is it works to people's advantage. It's a system that works well, being able to do some in person, some hybrid, some entirely virtual. And from what I've seen in the courts, there's a consistent comment: Let's not go back. So the mindset is there. I think it will be permanent, regardless of whether other businesses, including the OPS, do more work in the office. I think this is a permanent change.

I'd just make one other comment on what—

Interruption.

Mr. Todd J. McCarthy: Mr. Chair, before we adjourn, if I may—

The Chair (Mr. Tom Rakocevic): How long is the—

Mr. Todd J. McCarthy: It takes 30 seconds.

Interjections.

The Chair (Mr. Tom Rakocevic): We just have to recess for the vote, and then we would return, yes. So we're not finished.

Mr. Todd J. McCarthy: We're not adjourned for the day; we're recessing for the vote and will be returning?

The Chair (Mr. Tom Rakocevic): Correct. It's a 10-minute bell. It's not—we're going to recess and then we'll come back, if you could hold your thought, okay?

Mme France Gélinas: You don't want to let him finish, just so that he's done? We have 10 minutes.

The Chair (Mr. Tom Rakocevic): Okay. So then, if you're completed—okay, please proceed.

Mr. David Corbett: I just wanted to make one other observation: Bev's division, which is—how many? Is it 4,000, roughly?

Ms. Beverly Leonard: It's just under 4,000.

Mr. David Corbett: Almost all of those people, right through the pandemic, worked five days a week in the courthouses once they opened back up in July—like, all of them, right? That's about a little bit less than half of the people at MAG, and then when I include the litigators, including the crowns—they also worked five days a week in the courts. So at MAG, we've got a whole bunch of people who have worked continuously throughout this whole period, in person.

Ms. Donna Skelly: Can I just—

The Chair (Mr. Tom Rakocevic): Yes, we literally have eight minutes. I don't—

Interjection.

The Chair (Mr. Tom Rakocevic): Yes. I just want to give members time.

Since the opposition has indicated they have no further questions, does the government side want to continue their questions following a recess or will we move into—

Mr. Todd J. McCarthy: I do have something to put on the record arising out of questions today.

The Chair (Mr. Tom Rakocevic): We're not moving directly into in camera until we return and then we will do so, okay?

Mr. Todd J. McCarthy: Understood. Thank you, Chair.

The Chair (Mr. Tom Rakocevic): Okay. All right, we have a recess, a 10-minute recess, to go up to the chamber and come back.

Thank you very much for being here today, Deputy Minister and team. Thank you so much.

Interjections.

The Chair (Mr. Tom Rakocevic): They're still going to be here. Okay. We'll see you after, then.

The committee recessed from 1456 to 1511.

The Chair (Mr. Tom Rakocevic): We will resume. The government has eight minutes and 35 seconds left on their round of questioning, should they wish to proceed.

MPP McCarthy?

Mr. Todd J. McCarthy: No, you go ahead. That's fine.

The Chair (Mr. Tom Rakocevic): Okay. MPP Skelly?

Ms. Donna Skelly: I have so many questions to ask you and—I'm sorry, I just put a mint in my mouth. One of the questions I had, you mentioned that some people can now watch the trial remotely. Who, and how?

Mr. David Corbett: It would take a Superior Court proceeding. They will have a link on their website and anybody can watch. If it's Zoom, we equip them with the Zoom licences to allow them to do that. For example, during the convoy protest at the Ambassador Bridge, you could watch Chief Justice Morawetz conducting the proceeding. You could watch that. The cutting of the Osgoode trees: There were proceedings. You could watch the judge conduct those proceedings.

Ms. Donna Skelly: When you say "proceedings," is it the trial?

Mr. David Corbett: A trial.

Ms. Donna Skelly: Really? Again coming from a journalism background—wow! Is this precedent-setting and is it going to continue? Will we see this for all cases or is there a reason why something could be disallowed in terms of any sort of webcast?

Mr. David Corbett: I don't think there's any going back. In terms of the proceedings, there are certain proceedings—child protection proceedings—that are not broadcast. There are restrictions on your ability to record the proceedings; you are prohibited from doing that. But we've now got the technology down pat that, basically, there's no interference. You've got a room for the participants where they can speak, whereas if you are just watching the proceeding, you can't be heard or interfere in the proceedings.

Ms. Donna Skelly: Barriers: Broadband has to be a barrier to be being able to participate remotely. Are there any other cases, perhaps, that you would suggest must be all in-person in a courtroom, or has that ship sailed?

Mr. David Corbett: It's generally thought that jury trials in criminal proceedings have to be in person, and I think that without amendments to the Criminal Code, that is right. As you know, of course, the Criminal Code is a federal statute.

I don't know. Bev, do you have any other—?

Ms. Beverly Leonard: Can you just repeat the question for me?

Ms. Donna Skelly: Maybe I'll get clarification. Can you give me an example, or are there any, of situations that could not have any sort of a virtual component?

Ms. Beverly Leonard: I think the both the Superior Court and the Ontario Court have issued presumptive guidelines of what should be in person and what can be done virtually. Then, of course, if it's an in-person proceeding it could be subject to the judiciary agreeing to a party or a witness or whoever being remote, which would turn it into a hybrid, for example. But once it's in the courtroom we don't have the ability at this point in time to record the in-person proceedings, but certainly for those that are Zoom, as the deputy has already spoken to, there's much more flexibility around the viewing.

Ms. Donna Skelly: Okay. Just a comment, really: As I've said to you already, I'm so impressed with how far you've come in three years. Kudos to you and all your staff, and just keep going, because we do have a backlog and you're driving the judicial system into the present, really. We should have done this years ago, but kudos to you for getting it done.

Those are the questions I have.

Ms. Laura Smith: Can I pick up the slack? Mr. Chair, if I could continue with the time?

The Chair (Mr. Tom Rakocevic): Yes, please.

Ms. Laura Smith: Thank you, Mr. Chair.

We've got 74 courts and 2,000 staff roughly working in the system right now. I come from an older generation, paper-based, and an older world. I'm just going to talk a little bit about legal. When we worked in the system, when we had to serve and file, that meant we had to take stacks of documents—literally stacks of documents—and physically deliver them to the other side to make sure they had them, to make sure that everyone traded the correct amount of documents.

Now, given the work that you've done and how things have progressed to such an extent, not to mention the amount of trees we've saved in the process, can you talk about what these initiatives that you've put forth, including the sharing of documents and the better access to justice, have meant for this digital transformation?

Mr. David Corbett: Do you want to take a crack at that?

Ms. Beverly Leonard: Just so I'm sure I'm clear on the question: It's what the benefits are to the administration of justice overall with the ability to share documents digitally, correct?

Ms. Laura Smith: Yes.

Ms. Beverly Leonard: I would say there have been tremendous benefits: certainly you've referenced the trees from a paper standpoint, but just the expediency with which I would say documents can be shared and accessed. If we think about the justice services online today and the ability for people to file those documents and look at documents that have already been filed—for example, if we think about CaseLines, the ability for documents to be

uploaded for hearings and the ability for both parties, counsel, the judiciary and court staff to access them—when you think about the tremendous benefit that has had for everyone who’s part of that process or part of that case etc., I think the benefits have been tremendous.

When you think about the criminal court process, right now I mentioned the criminal justice digital design initiative—I mentioned eIntake being one; Digital Evidence Management is another. That’s the ability for the police to provide disclosure to the crown, and then for crown to provide disclosure to the defence or the self-represented accused as appropriate. When you think about not only the amount of paper, but you think about the time, the access and people needing to come to the courthouse previously to actually acquire those documents—when you think about the benefits to the administration of justice overall—I’d say they’re huge. Right now, we’re actually also implementing in the Toronto region—and this is in support of the Toronto region bail centre and the new Toronto courthouse—

The Chair (Mr. Tom Rakocevic): Sorry. You have a minute left for this round. Just letting you know for time.

Ms. Beverly Leonard: Okay. Thank you.

We are implementing what’s called the digital information repository, and what that will do is actually take the information that’s submitted through e-intake in the criminal case. It will allow court staff and the judiciary to use that information digitally. That includes the application of electronic signatures as required, and moreover adding on the e-orders in the criminal court process that we’ve added. I think the benefits from a holistic administration-of-justice perspective are just tremendous, and that doesn’t speak to the virtual hearings we’ve already talked about: people not needing to come to court for the hearing if it’s a virtual hearing, and then being able to access or receive those documents electronically. They have tremendous benefits overall.

We haven’t talked about Courts Digital Transformation, because I’m out of time—sorry—but that will even further the benefits to the administration of justice. I hope that answers your question.

Ms. Laura Smith: Thank you.

Ms. Beverly Leonard: Thank you.

The Chair (Mr. Tom Rakocevic): Okay. That concludes the third round of questions for the government side.

As the opposition has completed their questions for today’s session, is the government seeking a fourth round of questions of up to 20 minutes?

Mr. Todd J. McCarthy: No, Mr. Chair, but I do have an issue to raise before we adjourn.

The Chair (Mr. Tom Rakocevic): Okay, so MPP McCarthy will be raising an issue. Just before, I would like to thank our witnesses who have come to speak to us today. Thank you for answering our questions, thank you for taking the time and thank you for the work that you’re doing. We appreciate you here.

Mr. David Corbett: Thank you, Mr. Chair. I take it we’re excused to leave?

The Chair (Mr. Tom Rakocevic): Yes.

Mr. Will Bouma: Yes, get back to work.

Laughter.

The Chair (Mr. Tom Rakocevic): We’re not adjourning; we will be going into closed session shortly.

Interjections.

The Chair (Mr. Tom Rakocevic): MPP McCarthy, the floor is yours.

Mr. Todd J. McCarthy: Mr. Chair, at this time I would like to provide notice of my intention to raise a possible breach of parliamentary privilege and contempt of the Legislature at our next meeting.

I will require time to properly gather the information necessary to make my case, but in short, my notice of intention relates to the fact that the member for Toronto Centre, during questioning of one or more of the witnesses present from the Ministry of the Attorney General this afternoon, knowingly—and I would submit and argue, purposefully—made public certain information regarding in-camera discussion that occurred during this morning’s meeting of this committee.

The Chair (Mr. Tom Rakocevic): Thank you for the notice.

We will now pause briefly to go into closed session so that the committee may commence report-writing. Thank you.

The committee recessed at 1523 and later continued in closed session.

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