

JULIE GREEN—MLA YELLOWKNIFE CENTRE
Trial Wait Times—Access to Justice Report
Committee of the Whole—2018-2019 Operating Budget Review
Dept. of Justice—March 6, 2018

MS. GREEN: Thank you, Mr. Chair. Mr. Chair, the Macdonald-Laurier Institute issued its second annual report on access to justice yesterday. One of its findings related to the NWT was low criminal aid spending per 1,000 crimes. That resulted in a grade of D, and last year's grade was D. I'm wondering what the Minister makes of this ranking. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Minister.

HON. LOUIS SEBERT: Thank you, Mr. Chair. I haven't had a chance to review the report as it just came out very recently. I know last year we had concerns with the methodology involved, which I understand likely is also a concern this year. I do know that we have one of the most comprehensive legal aid plans in North America. We cover a great number of matters that are not covered elsewhere. That might skew the statistics somewhat. I think Mr. Goldney has some additional information though, and I'd ask if I might defer the rest of the answer to him. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Goldney.

MR. GOLDNEY: Thank you, Mr. Chair. We're still analyzing the report card received from the Macdonald-Laurier Institute, but I think the Minister is quite right. What appears to be the case, and again it will require further study, is that we seem to be penalized for spending less per capita but not being recognized for some of the contextual reasons why that might be. We suspect, although we have to look at this, that a great majority of our criminal matters relate to property crimes of a lesser value that might not be covered in other jurisdictions in the same way that it is here. It seems likely that might skew the average down. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Ms. Green.

MS. GREEN: Thank you, Mr. Chair. Mr. Chair, I appreciate that the 2017 report came out this week, and so I will just say to the Minister that I'll come back to this before the end of the session.

One of the things I did wonder about, though, with service levels is how long the wait is to see a legal aid commission lawyer for someone who is looking for that service. What's the waiting time? Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Minister.

HON. LOUIS SEBERT: Certainly, the waiting list for a criminal is not particularly long because we have a system going and people going to court generally are considered presumed eligible, so they will have access to legal aid early.

The wait list for family law is of great concern. I understand that we have an average of about three months. Now, if it's an urgent matter, they're assigned to counsel

immediately. The wait list, as I understand, is about 60 people. One of the improvements we have made of late is that the legal aid family law staff complement is at full strength, effective February 1st. There was a fair amount of turnover over the last year. We do recognize this as an issue. Wait times came way, way down from what they were a couple of years ago. This is of great concern to the courts and the lawyers and the clients, of course. We are making progress. We'd like to get these wait times reduced, but, as I say, urgent matters are assigned to counsel immediately. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Ms. Green.

MS. GREEN: Thank you, Mr. Chair. I have a couple of questions that follow on from that answer, which I appreciate. The first is: what is the definition of "urgent" in this context? Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Minister.

HON. LOUIS SEBERT: It could be something such as a child protection matter or something like that that would require urgent intervention by the courts. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Ms. Green.

MS. GREEN: Thank you, Mr. Chair. Thank you for that answer. My next question is: if three months is too long of a waiting list, and I agree that it is, it's a long time to wait, then what would be an acceptable waiting time? Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Minister.

HON. LOUIS SEBERT: I mean, I was speaking of the average wait times. Obviously, we would like to reduce it as much as possible. I would say, if we got it down to somewhere in the area of six weeks, that would be pretty reasonable. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Ms. Green.

MS. GREEN: Thank you, Mr. Chair. Given that the complement of family law practitioners is now at full strength, how long do you think it will take to reduce the waiting time to six weeks? Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Minister.

HON. LOUIS SEBERT: Six weeks is of course a target, and turnover amongst the lawyers is always an issue, but I would hope within the next few months we would be able to continue to reduce the wait time. Thank you.