

KEVIN O'REILLY—MLA FRAME LAKE
Access to Court Transcripts
Committee of the Whole—2018-2019 Operating Budget Review
Dept. of Justice—March 6, 2018

MR. O'REILLY: Thanks, Mr. Chair. I think this is the section of the budget where the court reporters are going to be eliminated, for \$478,000. Can I just confirm that with the Minister? Thanks, Mr. Chair.

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

HON. LOUIS SEBERT: I can confirm there is a reduction of \$478,000, as was mentioned, in the court reporter program.

MR. O'REILLY: Thanks, Mr. Chair. Can I get the Minister to explain in plain language how will court transcripts be kept now and who will pay for that service? Thanks, Mr. Chair.

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

HON. LOUIS SEBERT: Thank you, Mr. Chair. Basically, what has happened here, there is a change in the technology. As I understand it, at all levels of court, the proceedings will be recorded, but there will only be an actual court reporter in the courtroom with respect to certain matters, for example jury trials. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. That is helpful to know but I don't think it answers my question. Who will pay for transcripts if they are required? Thanks, Mr. Chair.

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

HON. LOUIS SEBERT: Thank you, Mr. Chair. Yes, we still have a per pay transcription fee that we do pay. In certain civil cases, I assume, it might be paid for by the lawyers involved, but there will be a cost for us.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I think we are getting a little bit closer. It is up to any of the parties involved in the court case, then, to pay for transcripts if they request them or need them in some way? Thanks, Mr. Chair.

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

HON. LOUIS SEBERT: Yes. Generally speaking, that is correct. If the party wants a transcript, they generally have to pay for it.

CHAIRPERSON (Mr. Simpson): Thank you. Anything further, Minister?

HON. LOUIS SEBERT: In addition, I understand that they will be able to get an audio version if they request. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Thanks to the Minister. I guess I am a little bit worried here that if this new way of doing transcripts is going to possibly present a barrier to access to justice. If a lawyer or defendant believes that they require, they need, transcripts to appeal a decision, they are going to get stuck with that cost now? Is this any different than our existing system right now? Thanks, Mr. Chair.

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

HON. LOUIS SEBERT: There is really no change from the current system except that people may take the option of getting the audio version. Also, too, with respect to appeals, particularly in criminal matters, if they are legal aid funded, I imagine, well, legal aid will pay for the cost of getting the transcript. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. If they are not legal aid funded, it might be more of a barrier. Has the department done any analysis of whether this is going to present a barrier with regard to access to justice, and, if so, could that be shared? Thanks, Mr. Chair.

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

MR. GOLDNEY: Thank you, Mr. Chair. We are not anticipating any additional barrier. We do expect the transcript fees to operate under this new model just as they do now. I think the one difference we will be tracking will be, and the Minister mentioned this, in addition to generating transcripts, there will be a transcript coordinator who will be responsible for generating those from the audio recordings, but there will also be an option for interested persons to secure a copy of the audio recordings. It actually might make it easier for folks, and spare them the cost of transcript generation if they are able to instead just satisfy themselves with an audio recording. For some purposes, they may still require a transcript, but that isn't a change from the way it works now. Moving forward, we will certainly monitor the utilization of both transcripts and the provision of recordings. We might anticipate less demand for people to pay for the transcript services. Thank you, Mr. Chair.

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

HON. LOUIS SEBERT: Thank you, Mr. Chair. Essentially, we are doing what other jurisdictions have done some time ago, so this is quite usual in jurisdictions down south. Also, too, many of the decisions of the courts can be accessed on CanLii for no cost, so that won't change. Those cases will still be published, but, if you want a transcript of the whole trial, you may well be looking at some considerable cost. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I understand this has been done in other jurisdictions. I guess I still haven't got an answer about whether this is going to impact access to justice. If other jurisdictions have done this, what has been their experience with access to justice going this route? Has the department considered or done any analysis of what the experience is in other jurisdictions? Thanks, Mr. Chair.

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

HON. LOUIS SEBERT: We are not anticipating that this will cause any difficulties or reduce access to justice. We haven't done a study of other jurisdictions, but certainly the ones nearest to us and most of them in Canada have gone to this type of system. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I guess I remain to be convinced. Is this simply to just cut \$478,000 out of the Department of Justice budget? That is one thing, but I haven't heard any evidence that the Minister of the department can cite that this is not going to adversely impact access to justice. If there is some kind of evidence from other jurisdictions, if they intend to track this and report on it, that would be helpful. I haven't seen any evidence. Is there any evidence that this is not going to adversely impact access to justice? Thanks, Mr. Chair.

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

HON. LOUIS SEBERT: Thank you, Mr. Chair. Well, we simply don't think that this will affect access to justice at all. I think those jurisdictions to the south of us that have gone to this type of system have not decided to go back to the old system of having a court reporter present in virtually all court proceedings. We simply don't think it is necessary anymore. I don't think it affects access to justice. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I am thankful for the Minister's thoughts on this. I heard what he thinks about this. That is great, but I want some evidence, and I haven't seen any. The department doesn't seem to produce any, so I would remain concerned about this cut. Thanks, Mr. Chair. [Microphone turned off]... the Minister of the department, because I have asked several times, and they don't seem to be able to produce any evidence. Thanks.