



FOURTH SESSION - TWENTY-SIXTH LEGISLATURE

of the

**Legislative Assembly of Saskatchewan**

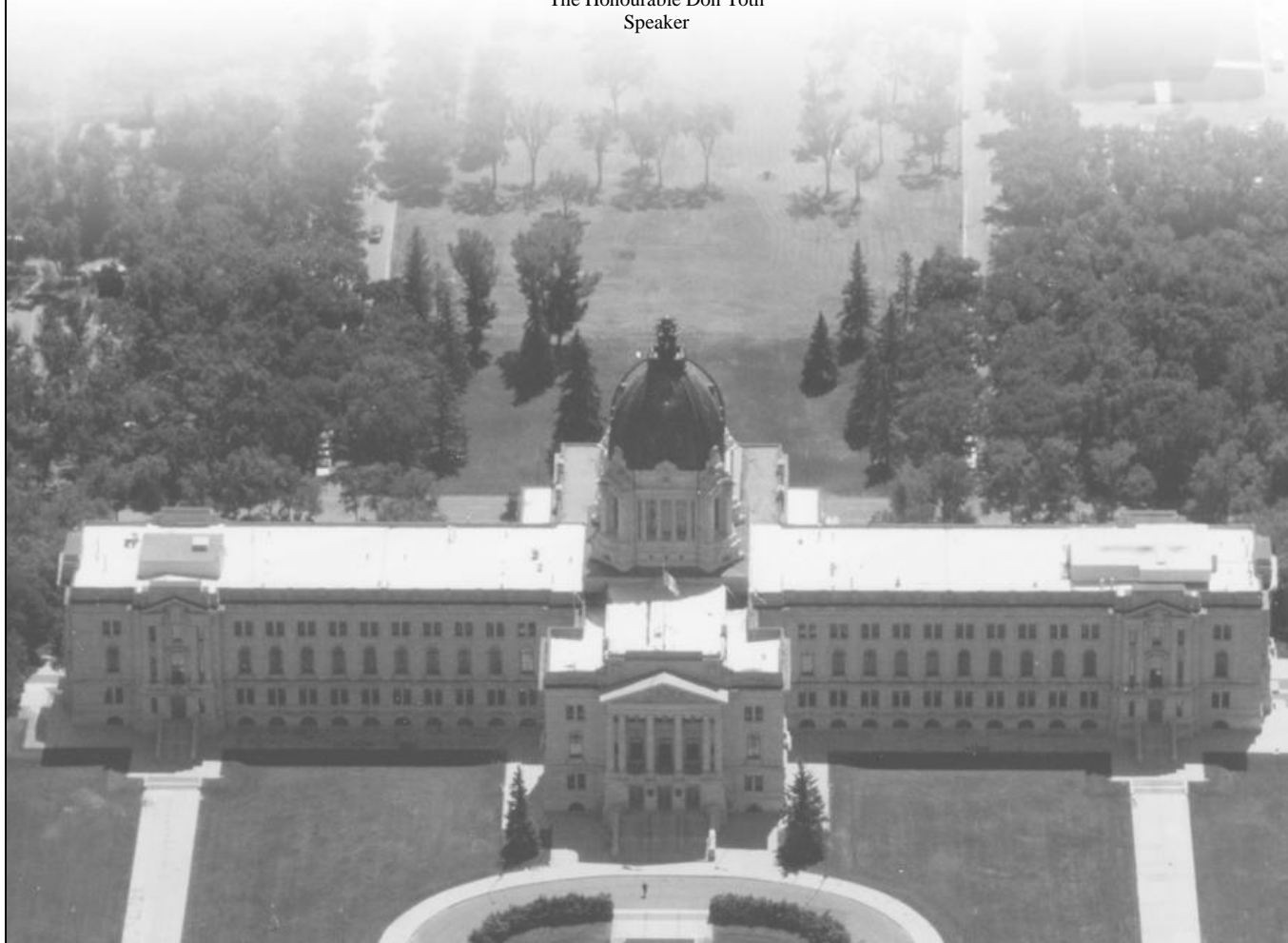
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**DEBATES  
and  
PROCEEDINGS**

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(HANSARD)

Published under the  
authority of  
The Honourable Don Toth  
Speaker



**MEMBERS OF THE LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**

Speaker — Hon. Don Toth  
 Premier — Hon. Brad Wall  
 Leader of the Opposition — Dwain Lingenfelter

<b>Name of Member</b>	<b>Political Affiliation</b>	<b>Constituency</b>
Allchurch, Denis	SP	Rosthern-Shellbrook
Atkinson, Pat	NDP	Saskatoon Nutana
Belanger, Buckley	NDP	Athabasca
Bjornerud, Hon. Bob	SP	Melville-Saltcoats
Boyd, Hon. Bill	SP	Kindersley
Bradshaw, Fred	SP	Carrot River Valley
Brkich, Greg	SP	Arm River-Watrous
Brotten, Cam	NDP	Saskatoon Massey Place
Chartier, Danielle	NDP	Saskatoon Riversdale
Cheveldayoff, Hon. Ken	SP	Saskatoon Silver Springs
Chisholm, Michael	SP	Cut Knife-Turtleford
D'Autremont, Dan	SP	Cannington
Draude, Hon. June	SP	Kelvington-Wadena
Duncan, Hon. Dustin	SP	Weyburn-Big Muddy
Eagles, Doreen	SP	Estevan
Elhard, Wayne	SP	Cypress Hills
Forbes, David	NDP	Saskatoon Centre
Furber, Darcy	NDP	Prince Albert Northcote
Gantfoer, Rod	SP	Melfort
Harpauer, Hon. Donna	SP	Humboldt
Harper, Ron	NDP	Regina Northeast
Harrison, Hon. Jeremy	SP	Meadow Lake
Hart, Glen	SP	Last Mountain-Touchwood
Heppner, Nancy	SP	Martensville
Hickie, Hon. Darryl	SP	Prince Albert Carlton
Higgins, Deb	NDP	Moose Jaw Wakamow
Hutchinson, Hon. Bill	SP	Regina South
Huyghebaert, Hon. D.F. (Yogi)	SP	Wood River
Iwanchuk, Andy	NDP	Saskatoon Fairview
Junor, Judy	NDP	Saskatoon Eastview
Kirsch, Delbert	SP	Batoche
Krawetz, Hon. Ken	SP	Canora-Pelly
Lingenfelter, Dwain	NDP	Regina Douglas Park
McCall, Warren	NDP	Regina Elphinstone-Centre
McMillan, Hon. Tim	SP	Lloydminster
McMorris, Hon. Don	SP	Indian Head-Milestone
Michelson, Warren	SP	Moose Jaw North
Morgan, Hon. Don	SP	Saskatoon Southeast
Morin, Sandra	NDP	Regina Walsh Acres
Nilson, John	NDP	Regina Lakeview
Norris, Hon. Rob	SP	Saskatoon Greystone
Ottenbreit, Greg	SP	Yorkton
Quennell, Frank	NDP	Saskatoon Meewasin
Reiter, Hon. Jim	SP	Rosetown-Elrose
Ross, Hon. Laura	SP	Regina Qu'Appelle Valley
Schriemer, Joceline	SP	Saskatoon Sutherland
Stewart, Lyle	SP	Thunder Creek
Taylor, Len	NDP	The Battlefords
Tell, Christine	SP	Regina Wascana Plains
Toth, Hon. Don	SP	Moosomin
Trew, Kim	NDP	Regina Coronation Park
Vermette, Doyle	NDP	Cumberland
Wall, Hon. Brad	SP	Swift Current
Weekes, Randy	SP	Biggar
Wilson, Nadine	SP	Saskatchewan Rivers
Wotherspoon, Trent	NDP	Regina Rosemont
Wyant, Gordon	SP	Saskatoon Northwest
Yates, Kevin	NDP	Regina Dewdney

[The Assembly resumed at 19:00.]

EVENING SITTING  
GOVERNMENT ORDERS  
ADJOURNED DEBATES  
SECOND READINGS

Bill No. 162

[The Assembly resumed the adjourned debate on the proposed motion by Hon. Mr. Hickie that **Bill No. 162 — *The Local Government Election Amendment Act, 2010*** be now read a second time.]

**The Speaker:** — Being now 7 p.m. the House will reconvene. I recognize the member from Prince Albert Northcote.

**Mr. Furber:** — Thank you, Mr. Speaker. I am pleased to rise this evening to enter the debate on Bill 162 for a number of reasons, fundamental reasons, very important reasons, Mr. Speaker, because this Bill speaks directly to the fundamental right of Saskatchewan citizens to vote.

Now with virtually any piece of legislation that comes before the Assembly, as an opposition — whether it's the Saskatchewan Party that was in opposition or the New Democratic Party in opposition — you want to look at why a Bill is being brought forward. And so you have to ask yourself, okay what is the impetus for having brought this Bill to the Legislative Assembly to become law?

And, Mr. Speaker, when you ask yourself that question and when you apply that question to this Bill, the answers are disturbing and sad. Because certainly democracies all over the world — and we are all members of the Commonwealth Parliamentary Association, or most of us anyway if we pay our dues, and so we understand somewhat how it works in terms of the Commonwealth democracies around the world by extension — but certainly democracies all over the world, Mr. Speaker, are attempting to increase the number of people who take part in their elections. And if you look certainly in the example of North Africa today, there are people there who are literally dying for an opportunity to vote. And so what happens here with Bills 161 and 162, Mr. Speaker? We have a government who introduces a Bill that actually is aimed at reducing the number of people who are eligible to vote in the province of Saskatchewan.

And so again when I mentioned earlier that you want to ask yourself, well why would this Bill be brought forward? Why this legislation and why now? And I would argue that it's become clear. It's transparent in terms of why the government would bring this Bill forward at this point in time. Mr. Speaker, if you look specifically at who this affects, who are the people who are least likely to have a piece of photo identification to take with them to the polls to vote on election day, well, Mr. Speaker, I would argue that the vast majority of those people are people who choose not to support this government and their actions.

Quite simply, Mr. Speaker, it's seniors throughout the province, people on fixed incomes because this government has increased the cost of their ability to live through SaskEnergy, SaskPower, and the rent that they might pay. The government's done nothing to control those costs for seniors, so they've got absolutely no incentive to vote for this government — none, Mr. Speaker.

And so what other group, what other group is targeted by this government that might not have identification, photo identification to bring with them to the polls? Well, Mr. Speaker, many Aboriginal people in Saskatchewan don't have photo ID [identification]. And so if you look at what this government has done to disenfranchise Aboriginal people in Saskatchewan, well you look at a few things.

You look at the duty to consult, where they've ignored their duty, their obligation, their legal obligation to consult with Aboriginal people on a number of occasions. And they have actually stated in second reading speeches that on certain Bills they've consulted with Aboriginal people specifically, certainly with *The Wildlife Habitat Protection Act* where in the Minister's second reading speech, she said that she had consulted and spoken with the Aboriginal community with respect to that Bill. We do our consultation and learned that that's not true, and so they've been disrespected entirely.

If you look at what's happening in forestry in the province of Saskatchewan, Mr. Speaker, Métis people are entirely left out of any agreement when it comes to moving forward in the forest industry, and they've had no consultation on it. They've been widely ignored by this government, and so they're another group who this government has failed in the province of Saskatchewan and are now targeted in a specific way to reduce their numbers in voting in the next election.

Now, Mr. Speaker, housing is at a crisis point in the province of Saskatchewan. Certainly it gets worse and worse with the inaction by the government. And so you might ask, who else would be negatively affected by this Bill, Mr. Speaker? Who is it that might not have a fixed address? Who is it that may not have photo ID that has an address on the identification? Well, Mr. Speaker, it's clear that the estimated 2,200 homeless people in Saskatchewan would be targeted by this government in the attempt to ensure that they will not be able to vote in the next election.

Now when I say homeless people, Mr. Speaker, a lot of people get the image of somebody who's pushing a shopping cart full of bottles and trinkets and something that's out of a Hollywood movie, Mr. Speaker. That's absolutely not what's going on in Saskatchewan today. The profile of homeless people that come to my constituency office are people that are sometimes working two jobs and they have children and they're living out of their vehicle. They're living at a friend's place for a few nights and then another friend's place for another few nights. Mr. Speaker, that's the profile of a homeless person in Saskatchewan today. That's the profile. And so these are people who are working as hard as they can to move forward in Saskatchewan today, and this government targets them and specifically wants to dissuade them from voting in the next election.

We heard in last week's private members' day, which is a direct response to Bill 162 by the Government of Saskatchewan, where they put forward something that was absolutely baseless and, Mr. Speaker, wasn't true. And it was an attack on the democracy that we live in because they're trying to compare this to something that happens at a constituency function, Mr. Speaker, in a way that was not straightforward. It was disingenuous at best because the Government House Leader, the member for Cannington, said specifically that the New Democratic Party demands that there is photo identification at constituency association nominations.

Mr. Speaker, that is the recommended — recommended — piece of identification, what is the best. However at each of those nominations that were referenced by the member for Cannington, it has a caveat. You can also bring a bill that has your address on it. You can also bring a piece of correspondence from Immigration Canada sent to your address, or there are a number of other ways, Mr. Speaker. Also you can swear an oath. You can swear an oath and say that this is who I am and this is where I live. And, Mr. Speaker, this legislation wants to prohibit that. It wants to prohibit people from actually voting.

Jurisdictions all over the world are trying to increase the amount of people taking part in their democracy by voting. This is the only jurisdiction that I know of in the world where the government of the day is trying to disclude people from the democratic process, and it's shameful and unfortunate, Mr. Speaker.

Now I had spoken earlier about the desire of a government to disclude people from voting. I talked about what might be the impetus for a Bill. Certainly when you look at Bill 162, you can't imagine why it would be brought forward. But I did note that again, the member from Cannington suggested that this Bill was something that was recommended by SUMA [Saskatchewan Urban Municipalities Association]. Well, Mr. Speaker, we learn again as we did with *The Wildlife Habitat Protection Act*, when you actually contact the people that they say that they consulted, that brought forward the legislation to begin with, you find out it's something entirely different from what we've been told.

Mr. Speaker, I have with me a quote from a SUMA worker, somebody that actually is employed at SUMA, working on policy for SUMA. That person says, and I quote, "The decision to include amendments regarding voter identification was arrived at exclusively by the provincial government." Mr. Speaker, hard to believe. We had *The Wildlife Habitat Protection Act*, where they said that we consulted these people — First Nations people, Aboriginal people, Métis people. We phoned the groups of people specific to who they said that they'd consulted. We found out that they were not consulted.

Mr. Speaker, Bill 162, the member for Cannington says that we consulted, and not only did we consult, the reason we're bringing forward this legislation is because SUMA wants it. It was a demand of SUMA to bring this legislation forward. And what do they say? Voter identification amendments were arrived at exclusively by the provincial government.

So again, who are you going to believe, Mr. Speaker? Are you

going to believe the organization themselves or a government that has an agenda to keep people from voting, what is their fundamental right in a democracy — to elect the person that they want to elect in office, Mr. Speaker?

So again, if you look at what's going on with Bill 161 and 162 and 160, Mr. Speaker, where they want to take away your fundamental human right against somebody who's done something against you in a very personal way, they want to take away that right. They also want to take away your democratic right to vote, Mr. Speaker, and that's not a government that the people of Saskatchewan should support. That is not something that our democracy should be interested in.

Mr. Speaker, there are a number of other issues with this Bill that are unfortunate. This government has stated that they want to harmonize with the rest of Canada and the way that they operate in terms of voter identification, and they named a few jurisdictions where this currently exists. What they failed to mention when they referenced those jurisdictions is that this is under a court challenge. This very legislation in other jurisdictions is under a court challenge. The government of British Columbia is under a constitutional court challenge because they're requiring people to have photo identification. And so that is another thing that's troubling.

You know what else is troubling, Mr. Speaker, is Saskatchewan has become a very expensive place to live. The cost of housing, if you can find it, is through the roof. The attainability of owning your own home for young people is virtually non-existent. And so we have a situation where we have 2,200 homeless people in the city of Regina. There are literally thousands more people, 20 per cent increase in the number of people that are using food banks.

So it's obvious through those statistics and through people that are working on the ground that this has become a very expensive place to live. And certainly if you're on a fixed income, it's very expensive. So you have to ask yourself, Mr. Speaker, why is it that when other jurisdictions are wanting to increase the number of people taking part in their democracy, and where in Saskatchewan there are a number who aren't taking part in this so-called boom, that you would actually charge them to vote?

Now, Mr. Speaker, if you do not have identification currently, and you don't need it for any other purpose but to vote, how can you surmise anything but that there is a charge to vote, that it's an expense? Because there are a number of people in Saskatchewan who don't require photo identification to live day to day. Certainly there are a number of seniors, including my own grandparents, who don't need photo identification for any reason. But now what they're going to have to do is go down to their local SGI [Saskatchewan Government Insurance] dealer, and they're going to have to pay to vote in the next election. It's going to cost them.

And so you have a government here who is dissuading people from voting altogether. The implications of the Bill are that it absolutely discriminates against certain members of our society, and then they want to implement a course of action where it actually costs you money to vote in your own democracy, Mr. Speaker. It's unacceptable and unfortunate.

[19:15]

Now the members opposite have also suggested that the reason for this legislation is because there's some nefarious record in Saskatchewan for voter fraud. Mr. Speaker, they point to a case in southern Saskatchewan, some . . . I think it was 1999 in that election, as being another reason that this Bill was brought forward.

Now if you look at what happened in that case, Mr. Speaker, the system worked. We found out through a review that there was some irregularities that should've been caught on the day of the election but weren't, and so there was a by-election because of that. Mr. Speaker, the system worked. It caught what was wrong and righted it. The only example in the over-100 years of our democracy in Saskatchewan that they could cite, and it wasn't a relevant example, Mr. Speaker.

And so with all of that, as you may be able to tell, I'm certainly, definitely 100 per cent against this Bill 160, Bill 161, because they are fundamentally taking away the rights of Saskatchewan citizens. And it's wrong and it shouldn't happen today in Saskatchewan, Mr. Speaker.

And with that, I move to adjourn debate.

**The Speaker:** — The member from Prince Albert Northcote has moved adjournment of debate on Bill No. 162. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 160

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 160 — *The Saskatchewan Human Rights Code Amendment Act, 2010*** be now read a second time.]

**The Speaker:** — I recognize the member from The Battlefords.

**Mr. Taylor:** — Well thank you very much, Mr. Speaker. I'm pleased today to rise in my place and speak to second reading of Bill No. 160, a Bill dealing with the Saskatchewan human rights legislation, Mr. Speaker.

When I was thinking about this legislation and what has happened to human rights legislation across Canada and around the world, Mr. Speaker, I thought about a quote that I had heard recently. And I'd like to put this quote on the record, Mr. Speaker, before I begin my formal remarks. And you'll find, I think, Mr. Speaker, that the quote is incredibly relevant to the direction that the government is taking on the human rights legislation in front of us.

Mr. Speaker, some of the members opposite are old enough to remember a television personality by the name of Sid Caesar. Sid Caesar had a television program. He wrote comedies. He was quite active, he was quite an active personality and actually quite a thinker, Mr. Speaker. Sid Caesar was quite a thinker. So I think it's very appropriate, Mr. Speaker, to just put this

thought on record. It's not mine; it belongs to Sid Caesar. He said, the person, the individual who invented the wheel was very smart. The person who invented the other three was brilliant.

Mr. Speaker, this is all about practicality. This is all about practicality. There's no question the invention of the wheel changed the way the world looked at itself and led to an evolution of technology. The ability to put the other three wheels together, Mr. Speaker, with that first one meant we could now move things. It was Sid Caesar said, this is all about practicability. It's all about practicability. It's taking something that's good and making it better and moving things forward.

Well, Mr. Speaker, the history of human rights legislation in Saskatchewan and Canada is pretty much that process, Mr. Speaker. We have always seen the development of a very good idea, and that good idea has evolved, Mr. Speaker, to be something that serves the community, the province, the country very well, Mr. Speaker.

But what Bill 160 seems to be doing in this evolution of practicality is moving us back one step, Mr. Speaker. The Minister of Justice has actually taken one wheel off this wagon. So instead of the sturdy, straight-ahead evolution of human rights legislation, Mr. Speaker, that goes along on four wheels, is moving ahead very strongly, Mr. Speaker, we are now moving back to a three-wheeled vehicle, Mr. Speaker, something that is a little slower going and is not going to serve the heavy weight of our economy and our quality of life well going forward, Mr. Speaker.

Yesterday, Mr. Speaker, I happened to be walking through the building from one meeting room to another. And on one of the desks, Mr. Speaker, I came across this pamphlet. And I'd like to read a little bit from this pamphlet to set the stage for my specific comments on Bill 160. The pamphlet, Mr. Speaker, was prepared specifically to deal with the legislation in front of us, Bill No. 160.

The headline on the pamphlet is "Protect our Human Rights!" The secondary headline is a question: "Are you aware of the proposed changes to *The Saskatchewan Human Rights Code*?" And, Mr. Speaker, this is a pamphlet that is put together by an ad hoc human rights committee with representatives from a number of different organizations in the province.

Mr. Speaker, when you open the pamphlet, the first column is titled "STOP Bill 160." And I'd like to read the three paragraphs that are on here, Mr. Speaker, and they're basically bringing us to quotes from Alex Neve, secretary-general of Amnesty International, who spoke at the University of Saskatchewan just a couple of weeks ago on March the 2nd. I'll get to that quote in just a minute.

This panel in this pamphlet reads, and I'll quote:

The Government of Saskatchewan has introduced Bill 160, legislation that would amend *The Saskatchewan Human Rights Code*. Bill 160, if passed this spring, would seriously undermine how human rights are protected in our province. The changes include: **eliminating the Human Rights Tribunal and moving cases to the**

**Provincial Courts, directing mediation, giving the Chief Commissioner the power to dismiss complaints without an opportunity for appeal, and withdrawing the requirement for transparent reporting by the Commission.**

I'll continue the quote, Mr. Speaker: "These changes create more barriers for victims of human rights violations to have their complaints heard, investigated, and resolved!"

Mr. Speaker, now the quote from Alex Neve, and I'll quote further from him later in my remarks, Mr. Speaker, because he spoke at greater length than this with some very important things that I think members of the government and the public should take into account. But here's the quote in the pamphlet on Bill 160, and I quote:

Human rights legislation, perhaps more so than most other legislation, truly should be subject to extensive and meaningful public consultation. The public needs to understand what is at stake, have a reasonable opportunity to contribute to shaping any changes and ultimately — in the end — have confidence that the changes lead to a stronger framework for protecting their rights.

Mr. Speaker, that is indeed the basis of what we're talking about today.

Now before I get into a little more substance, I also want to address this issue of consultation because, Mr. Speaker, one of the things that we do in this Chamber at second reading is to debate the principle of legislation. And frequently, Mr. Speaker, you will hear members of the opposition talking about those who introduce legislation saying, we have consulted on this legislation, we have talked to this number of people, etc., etc. But when debating the principle of legislation, Mr. Speaker, you are frequently doing it in advance of specific consultation. At the end of second reading of a Bill, the opposition members have had time to do some consultation and take those questions into committee for a more clause-by-clause study of any piece of legislation.

One would assume that before introducing legislation, members of the government who write those pieces of legislation consult widely, Mr. Speaker, so they know what they're putting into the Bills and, Mr. Speaker, that indeed those Bills will have the support of those who will be most affected. Well, Mr. Speaker, we've already heard today in reference to other pieces of legislation in the Chamber that this government has failed frequently to consult with those most affected by legislation in advance of drafting and presenting the legislation. The onus has then come to the opposition to do that consultation and, Mr. Speaker, ultimately bring the results of our consultation into the Chamber and discuss that with the government.

Now, Mr. Speaker, because the opposition takes its job extremely seriously, we do consult, Mr. Speaker, on every piece of legislation that is brought before us for debate. And we do that, Mr. Speaker, while we are engaged in this second reading debate process, debate in principle on the Bill. Well the one thing that we have learned on Bill No. 160, Mr. Speaker, is that the more people we talk to, the more people who understand what the legislation does, the more people who are opposed to

this legislation.

Mr. Speaker, if we just took the Minister of Justice on his word when he introduced this legislation, Mr. Speaker, we'd all be fine today, and we'd be passing this legislation and saying what good work we've done. But, Mr. Speaker, nothing could be further from the truth, the more consultation that we do. In fact, Mr. Speaker, we're talking to individuals who were in the Chamber at the time this legislation was introduced. And on that day they were here to support the Minister of Justice. They were here to support the Minister of Justice when he said this legislation will improve education, will improve the process, Mr. Speaker. And they went out into the lobby and they talked to the media and they talked to members of the Sask Party saying, this is good legislation, Mr. Speaker, this legislation will really help the educational process around human rights.

Well, Mr. Speaker, they hadn't read the legislation. The government hadn't made it known at that point what was in the legislation. It would appear very clear that the government's consultation process was limited very much to a consultation with people about general ideas but none of the specifics. Now that people are looking at the specifics of this legislation, they are coming forward, Mr. Speaker. They are writing letters to our newspapers. They are appearing at forums at the university campuses across this province. They are calling, emailing, and addressing members of the opposition, Mr. Speaker, to make it very clear that this consultation on this Bill, Mr. Speaker, was not an open and broad or specifically based consultation on what this government intends to do with human rights legislation in the future.

Everybody in this province, Mr. Speaker, believes strongly in the continued evolution of human rights legislation in this province, and we've got a very proud history in this regard, Mr. Speaker. Let's just review some of that history before we get into the specifics of Bill 160 because, Mr. Speaker, the argument that I want to make is we have always been moving forward. We have always been adding a wheel, Mr. Speaker, to this process of delivering on the rights of Saskatchewan residents, Mr. Speaker. And we can't afford to take any steps backwards.

Human rights cases in Saskatchewan, Mr. Speaker, well documented and very interesting. Members may remember some of this, Mr. Speaker. Some of this may be new to some members of the legislature. But let's go back to 1907 in the province of Saskatchewan, Mr. Speaker. 1907 was a time when married women in Saskatchewan were given the same legal rights as men or the same legal capacity — I think was the term used at that time — as men. Mr. Speaker, in 1916, women were granted the right to vote in Saskatchewan. Let's keep in mind that human rights legislation is about removing discriminatory barriers.

1947, very important year in the history of human rights legislation or processes in Saskatchewan — 1947 we saw the introduction of *The Saskatchewan Bill of Rights Act*, Canada's first general law prohibiting discrimination, Canada's first general law prohibiting discrimination, Mr. Speaker, something that made Saskatchewan or established Saskatchewan as a leader in the field of human rights legislative development.

[19:30]

Then, Mr. Speaker, how about 1952? 1952 was a very good year, Mr. Speaker, for a number of reasons, but 1952 was *The Equal Pay Act*. Now members opposite should pay very close attention to this. *The Equal Pay Act* in 1952 mandated that a woman be paid the same wage as a male doing the same work. Now here we are — how many years later, Mr. Speaker? — and we're still having these debates, not only in chambers like this, Mr. Speaker, in the federal parliament but in human rights tribunals all across the country.

Now we've got to recognize, Mr. Speaker, talking about Bill 160, how important the tribunal is because there isn't, based on what we're seeing here, there isn't an end to disputes regarding discrimination. 1952 in Saskatchewan, *The Equal Pay Act* mandating that a woman be paid the same wage as a male for doing similar work, Mr. Speaker, we're still dealing with that issue today despite the legislation out there. Thank goodness we do have human rights legislation and a tribunal in place that can publicly adjudicate matters that go against the law.

1956, *The Fair Accommodation Practices Act*, Mr. Speaker, provided in Saskatchewan access to accommodation without discrimination. And again, Mr. Speaker, we're still seeing challenges in this regard.

And, Mr. Speaker, how about 1979? Saskatchewan gets *The Saskatchewan Human Rights Code*, reinforcing the province's position, leadership position, in the field of human rights, Mr. Speaker.

Saskatchewan has a very proud history of recognizing the negative effects of discrimination on quality of life, on the quality of life in our communities and our province, and in the ability of people to participate in their communities and in their economy. Saskatchewan has a very proud history, Mr. Speaker, a history that has always been moving us forward.

Bill 160, as I will outline in some further remarks in a few minutes, Mr. Speaker, can clearly be seen as taking us backwards. This is not the time that Saskatchewan wants to take a leadership role on the national stage of reversing the trends in human rights legislation, Mr. Speaker. That's a leadership role we want nothing to do with, Mr. Speaker. We want to be moving this forward, and we want to ensure that Saskatchewan continues to have that moving forward process.

Now, Mr. Speaker, I want to come back to this little pamphlet that I found in the building yesterday, Mr. Speaker. Currently the human rights tribunals in Saskatchewan operate in the following manner:

Human Rights Tribunals may hear your complaint (informal procedures, informal 'appropriate' evidence can be admitted even though it would not be admitted in formal court, human rights expertise, maximized accessibility including hearings in rural and remote areas, less costly, type of representation selected by complainant).

If your complaint is dismissed by the Commission, you can appeal it to the Human Rights Tribunal.

Investigations are made by the Human Rights Commission if you have reasonable grounds to believe that your human rights have been violated.

Mediation is an informal option you may choose.

[There is a ] Limitation period to file your complaint is two years after a violation.

Offers to settle during mediation can be accepted or rejected by you, without danger of dismissal.

Commission releases an annual report outlining the number, nature, and outcome of all cases.

Currently, Mr. Speaker, the process is highly transparent and is generally seen as a good model.

So what does Bill 160 do to the tribunal, Mr. Speaker? What is being proposed by the Sask Party in this legislation in front of us right now? Here's what's proposed, Mr. Speaker.

Human rights tribunals are abolished. The Court of Queen's Bench hears your complaint. It's a formal process, governed by the rules of Court of Queen's Bench. Judges are not experts in the breadth of human rights issues and violations. There is limited access for rural and remote areas. It's more costly. Lawyers must represent you or likely will represent you unless other representation is allowed by judges:

[The] Chief Commissioner can dismiss your complaint if he or she believes a hearing is not warranted, and you can no longer appeal it.

Investigations only commence if you can provide sufficient evidence that a human rights violation has occurred.

You can be compelled to enter mediation against your will.

Deadline for filing your complaint is reduced to one year.

During mediation, if the Chief Commissioner decides a settlement offer is reasonable, you cannot refuse the offer without risking having your complaint dismissed.

[The] commission is not required to issue an annual report outlining the number, nature, and result of complaints. [There's] no transparency.

Mr. Speaker, how can you put the current plan against the proposed plan and not conclude this is a step backwards?

Mr. Speaker, one of the key words here is voice and secrecy. We have understood, over the course of many, many, many years of human rights development, Mr. Speaker, we have understood that the Human Rights Commission, the Human Rights Code, the Human Rights Tribunal is a process that gives voice to the victims. It brings the discrimination, Mr. Speaker, to the public eye. It puts the process of removing discrimination in our society in the public realm, Mr. Speaker.

The entire proposal of Bill 160 takes the voice away from victims, Mr. Speaker. It's built around secrecy. Mediation is all about secrecy. The Chief Commissioner reviews the complaint. The Chief Commissioner says this goes forward or this does not. Mr. Speaker, there's no public process here to be engaged in. When the mediation takes place, Mr. Speaker, it's to reach a mediated settlement, not to get rid of discrimination, not to provide any sort of embarrassment process, Mr. Speaker, that says to somebody, you did wrong. It's not a matter of you're trying to do something for somebody else, Mr. Speaker, which is what mediation does. It's about removing the discrimination itself. So the bottom line is, Mr. Speaker, mediation ensures that a settlement is reached or tries to ensure a settlement is reached, and that is done behind closed doors and in private, Mr. Speaker.

And then finally, to add insult to injury, the commission is not required to issue an annual report. There's no indication whatsoever therefore, publicly, how many complaints were made, how many were dealt with, how many were pushed aside, how much resolution was achieved, Mr. Speaker. We're moving from a public process that assures a voice for the victims, Mr. Speaker, to a process of complete secrecy, a cover-up, a hiding of the issue, something that takes discrimination and puts it back behind the barn, Mr. Speaker. If you can't see it, it doesn't exist. We're way beyond that in human rights legislation over the width and breadth of this country, Mr. Speaker. We're way beyond that.

I'm going to give you now, Mr. Speaker, a few other comments about that process. The Human Rights Commission, Mr. Speaker, under current legislation, *The Saskatchewan Human Rights Code* has a number of duties that it is responsible by legislation, Mr. Speaker, to the people of Saskatchewan. I just want to read for the members opposite, members of the government, and for the public who are watching what the Human Rights Code says the duties of the Human Rights Commission are. And remember, Mr. Speaker; it's the Human Rights Commission and the commissioner that will play a pretty significant role in the new legislation, 160, Mr. Speaker. And I think we've got to keep all this in mind.

Let's just also remember the fact that human rights are fundamental. There's just no getting away from that, Mr. Speaker. Human rights are fundamental. That's why the commission itself is meant to be independent from any other body, Mr. Speaker, especially the government.

So what are the duties of the commission? Under *The Saskatchewan Human Rights Code*, section no. 25, "The commission shall . . ." "Shall" is important in legislation. I think members here know — the public may not know — "shall" means, this is what the commission is mandated to do. This is their statutory duty. This is what you are required to do.

So section 25:

The commission shall:

- (a) forward the principle that every person is free and equal in dignity and rights without regard to religion, creed, marital status, family status, sex, sexual orientation, disability, age, colour, ancestry, nationality,

place of origin, race or perceived race or receipt of public assistance;

These are the principles that the commission must forward, Mr. Speaker.

- 25(b) promote an understanding and acceptance of, and compliance with, this Act;

So the commission is responsible to ensure that the principles are complied with. That's important when we go forward and take a look at Bill 160, Mr. Speaker. Compliance is a critical part of the statutory duty of the commission. Also:

- (c) develop and conduct educational programs designed to eliminate discriminatory practices;

Enshrined in legislation in *The Saskatchewan Human Rights Code*, Mr. Speaker, is the principle of developing and conducting educational programs.

You will recall a few moments ago I talked about members of the public who were in the Chamber at second reading, hadn't seen the Bill, but were supporting the Bill, Mr. Speaker, 160 in front of us, because it had an educational component to it. When we read Bill 160, Mr. Speaker, not a single word relating to education.

The statutory duty, Mr. Speaker, of the commission: develop and conduct educational programs. So education is already a statutory responsibility of the commission, Mr. Speaker. They don't need new legislation to do any of that. They have the authority, and in fact they are required to develop and conduct educational programs as part of their mandate.

I continue on the duties of the commission, section 25:

- (d) disseminate information and promote understanding of the legal rights of residents of the province and conduct educational programs in that respect;

- (e) further the principle of the equality of opportunities for persons, and equality in the exercise of their legal rights of persons, regardless of their status;

- (f) conduct and encourage research by persons and associations actively engaged in the field of promoting human rights;

- (g) forward the principle that cultural diversity is a basic human right and fundamental human value.

The statutory responsibilities of the commission, Mr. Speaker, forward the principle, promote the understanding and compliance with those principles, develop and disseminate educational programs and other matters, Mr. Speaker.

[19:45]

This is a powerful piece of legislation, the Human Rights Code, Mr. Speaker. It's a powerful piece of legislation in that it actually overrides other legislation in the province of Saskatchewan, Mr. Speaker. This is a powerful piece of



legislation, and we have to recognize that every change to it will have consequences somewhere down the line, Mr. Speaker. So we have to ensure that every word is scrutinized, both in terms of what is in the legislation and what the intent of the legislation is, Mr. Speaker. And we'd better be able to pull the two of those things together. It's not good enough, Mr. Speaker, for a consultation process to be held generally about human rights legislative development and actually delivering a Bill which may in fact be different than that which is brought forward.

So what is the commission's job? I've just outlined to you what is required by the commission. Now, Mr. Speaker, one other section here that I think is relevant and important to us as we look at *The Saskatchewan Human Rights Code*, it's section 47, which is subtitled "Programs, orders or approval of by commission."

So, Mr. Speaker, let me just read you the first couple of sentences of section 47 of *The Saskatchewan Human Rights Code*, and I quote:

On the application of any person or on its own initiative, the commission may approve or order any program to be undertaken by any person if the program is designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be or are based on or related to the race, creed . . . [etc. etc., the principles of the legislation].

So what we're seeing in section 47 is that the commission basically has no limits as to what it can create or have done, Mr. Speaker. No limits on the application of any person or on its own initiative, Mr. Speaker. The legislation says, ". . . the commission may approve or order any program to be undertaken by any person . . ." Very clear in the legislation that the commission has the ability to do all sorts of things on its own initiative. And, Mr. Speaker, one could argue that, if the tribunal isn't succeeding at 100 per cent of its activities, that the commission can order and the government will fund an initiative that helps to correct those inadequacies.

I say this, Mr. Speaker, because of course the Sask Party government is saying there's an inadequacy in the tribunals. They aren't working fast enough. They aren't moving things through the tribunal process fast enough. Well, Mr. Speaker, do we eliminate the ability of victims to be heard in order to expedite the process? Do we eliminate the public hearing or the public information or the public reporting and accountability in order to facilitate or expedite the process?

Mr. Speaker, the commission has the ability, and the government must fund the commission's initiative to deal with slow process through the tribunals without giving up any of these other things, Mr. Speaker. It's already in the legislation. There's nothing here that says the government needs new legislation in order to do something that the commission already has the ability to do on its own.

And finally, Mr. Speaker, the last point that I wanted to make with regards to *The Saskatchewan Human Rights Code* is something under the heading "Objects." And this is section 3,

the objects of the Act that put *The Saskatchewan Human Rights Code* in place:

The objects of this Act are:

(a) to promote recognition of the inherent dignity and equal inalienable rights of all members of the human family; and

(b) to further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

Mr. Speaker, this is about as clear as you can get about what the commission is supposed to do, Mr. Speaker: eliminate discrimination. How does an Act that removes the voice of victims, covers up the arguments and the debate, hides the discriminatory practice itself, refuses to document for the public or even number them, Mr. Speaker . . . How many cases have been heard? We wouldn't even hear that, Mr. Speaker. How do we eliminate discrimination if at the end of the day we don't know it exists?

Bill 160 is designed to ensure that we will not see discrimination in the province of Saskatchewan, Mr. Speaker. We know it exists. We know from our history, Mr. Speaker. In 1952 we passed *The Equal Pay Act*, mandating that a woman is paid the same wage as a male for doing similar work; 1952 we passed that legislation, Mr. Speaker. Did it cease to exist? Did the problem, the discrimination cease to exist because the Act was passed? No, Mr. Speaker, because there are individuals out there who will try to get around the Act by discriminating. And thank goodness for the public process because, Mr. Speaker, we are still fighting that debate. We are still fighting that argument today, Mr. Speaker. I think we can say that progress has been made. But in those immortal words of the Saskatchewan Party in the last two years, there's more work to be done, Mr. Speaker. There's more work to be done.

Darn rights there's more work to be done, Mr. Speaker, because we have to monitor, we have to make public the information. And we have to carry that information forward, Mr. Speaker, to ensure that when the public knows what's going on they can hold the government accountable, and we can ultimately work towards that object of the commission "to further public policy . . . that [ensures] every person is free and equal in dignity and rights and to discourage and eliminate discrimination."

Now, Mr. Speaker, human rights in Canada as defined by Wikipedia, which everyone has access to. I see lots of scrambling around on little devices that we have in the Chamber, Mr. Speaker. We can visit Wikipedia on a regular basis. Wikipedia says human rights in Canada, this is the first paragraph off the Wikipedia website:

Since signing the Universal Declaration of Human Rights in 1948, the Canadian government has attempted to make universal human rights a part of Canadian law. There are currently four key mechanisms in Canada to protect human rights: the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act, the Canadian Human Rights Commission, and provincial human rights laws and legislation.

Provincial human rights laws and regulation. Mr. Speaker, the pillar, the fourth wheel on this vehicle, Mr. Speaker, is the provincial wheel. As far as Canada is concerned, you've got three federal wheels. You've got one provincial wheel. And this government is wanting take that fourth wheel off, Mr. Speaker, reduce the Saskatchewan or the provincial component, Mr. Speaker, and weaken not just Saskatchewan human rights, but weaken all of human rights across Canada, Mr. Speaker. We cannot have this. We cannot have this going forward.

Now, Mr. Speaker, for the last couple of weeks — the legislature's only been sitting for a couple of weeks — I'd mentioned earlier about the duty to consult and the fact that the government had not actually brought forward legislation on which there had been specific consultation.

But for the last couple of weeks, as we have consulted more broadly and we are finding more and more people who have objected to Bill 160, Mr. Speaker, we're also finding that Saskatchewan residents are signing petitions right across the province, Mr. Speaker. And the member from Saskatoon Meewasin has been presenting those petitions, Mr. Speaker, on a daily basis here in the Assembly.

Mr. Speaker, I know that when we present petitions in the legislature we read the prayer and not the whereas clauses. But, Mr. Speaker, I think it's important that members of the Legislative Assembly here during debate on Bill 160 actually get to hear everything that's written in the petition that's being presented in the Chamber. So, Mr. Speaker, I would like to read the petition in its entirety here during debate, Mr. Speaker, to ensure there is this complete understanding.

People of Saskatchewan are reading this petition in their hometowns, in their coffee shops, on the desks of certain lawyers across the province, Mr. Speaker, and at the kitchen table of their friends and neighbours. They are reading the petition on Bill 160. They are signing the petition on Bill 160. They are sending it to the legislature, Mr. Speaker, and it's being presented by the member from Saskatoon Meewasin. And this is what this petition reads:

We, the undersigned residents of the province of Saskatchewan, wish to bring to your attention the following:

The citizens of Saskatchewan are concerned with the fact that Bill 160, The Saskatchewan Human Rights Code Amendment Act, 2010, was introduced into the Legislative Assembly of Saskatchewan despite the fact that it will make the system for hearing human rights complaints less accessible to victims of human rights violations. Furthermore, the citizens of Saskatchewan are concerned with the fact that Bill 160 was introduced into the Legislative Assembly of Saskatchewan without first being subject to an extensive and public consultation process. Still further, the citizens of Saskatchewan are concerned with the fact that the Government of Saskatchewan has been supporting an information campaign that explains the abstract aims of the Chief Human Rights Commissioner, but not substantive portions of Bill 160 itself.

Then there's the prayer . . .

[Interjections]

**The Speaker:** — Order. Order. Order. I think the member from The Battlefords is giving a very sound explanation of his views of the Bill, but I'm having a hard time hearing him because there's members that are entering into private discussion. I'd ask them to go behind the bar and have that discussion. I recognize the member from The Battlefords.

**Mr. Taylor:** — Thank you very much, Mr. Speaker. So as I was saying, I was reading the petition that's being signed by Saskatchewan residents right across the province. And now the part of the petition, Mr. Speaker, that members are familiar with, it's the prayer that's read daily, Mr. Speaker, in the House by the member from Saskatoon Meewasin. And the prayer reads:

We, in the prayer that reads as follows, respectfully request that the Government of Saskatchewan withdraw Bill 160 from consideration by the Legislative Assembly of Saskatchewan and hold extensive public consultation informed by a public policy paper before any amendments to the Human Rights Code, the law that supersedes all others in our province, are even considered.

Mr. Speaker, again this is very clear direction from the people of Saskatchewan presented daily in the Chamber. And, Mr. Speaker, we know this is presented daily, as I said in coffee shops across the province, at kitchen tables, in law offices, and in other locations, Mr. Speaker. The message from Saskatchewan people is very clear: withdraw the Bill, do the public consultations that were said to have been done but haven't been done, tie it to a policy paper, Mr. Speaker, that tells us where all this stuff fits in the continuum of that which is human rights legislative development and, Mr. Speaker, ensure that *The Saskatchewan Human Rights Code* in the province of Saskatchewan continues the leadership shown by this province in so many years in the past. Mr. Speaker, this is all very, very important as we move forward.

[20:00]

Mr. Speaker, a number of other things that I wanted to ensure gets on the record here before I conclude my remarks tonight. I had mentioned earlier this process about representation when I was reading from the pamphlet that I read from earlier. When I was reading from that pamphlet, Mr. Speaker, the pamphlet indicated that we need to spend some time thinking about representation.

Human rights legislation is meant to provide voice to victims. Victims, Mr. Speaker, are sometimes articulate; sometimes they are not. Sometimes they are educated; sometimes they are not. Sometimes victims have an emotional capacity to express their feelings; sometimes they don't. Mr. Speaker, sometimes a person who feels they've been subject to a discriminatory practice needs help. Sometimes, Mr. Speaker, that help is legal representation. Sometimes that help is a friend or a neighbour. Sometimes that help, that representation is a relative. Sometimes that help, Mr. Speaker, is a community advocate. That representation or that help is very important, Mr. Speaker,

to someone who is unable, for one reason or another, to give voice, his or her individual voice, to their complaint.

So, Mr. Speaker, what's happening today with representation compared to what will happen tomorrow if the Saskatchewan Party gets their way and passes Bill 160? Well, Mr. Speaker, let's just think about this for a minute. Some human rights cases proceed with the complainant having the right to a friend or a community advocate representing them. Will these amendments, Mr. Speaker, remove the right from complainants to have their representative appear on their behalf in court, is a question that's being asked in our communities.

Mr. Speaker, if we get rid of the tribunals, move these cases into a courtroom, the judges will decide whether or not representation must be from a member of the bar or not. Depending on the judge, depending on the mood of the day, depending on any number of circumstances, Mr. Speaker, it is possible under Bill 160 that an individual's right to be represented by someone other than a lawyer is in jeopardy. Mr. Speaker, the ability of someone who is emotionally challenged by the complaint that they've brought forward, and they rely on their friend or a community advocate to represent them, Mr. Speaker, could be jeopardized by Bill No. 160.

Also, Mr. Speaker, the Human Rights Code specifies that tribunal members must have human rights expertise. Let's remember there is a tribunal in place right now. The tribunal will let you make your own complaint, will let you have representation from anyone you wish, and more importantly, Mr. Speaker, the code specifies tribunal members must have human rights expertise.

Not all judges today, Mr. Speaker, have got human rights expertise, and human rights is sometimes subjective, Mr. Speaker. Human rights . . . The reason why there's a tribunal and a mediation process, Mr. Speaker, is because sometimes there is a little give and take, there's a little bit of understanding that's not formalized by the rights of the court.

Well, Mr. Speaker, if all cases specified and moved forward by the commissioner are now going to be heard by the Court of Queen's Bench, what guarantee will we have that those cases will be heard by individuals with human rights expertise? This is really important, Mr. Speaker, because legislation and practice has already evolved to the point where it's not just the letter of the law that's important. It's the intent of the law, and it's the goal, Mr. Speaker, to eliminate discrimination that's behind the evolutionary process of human rights law; eliminate discrimination, not simply recognize it, and establish a mediation process.

Mr. Speaker, I want to come back to Wikipedia that I talked about a little earlier. Not that I get all my information from Wikipedia, but sometimes I like to review what's at Wikipedia before I search out and research other information, Mr. Speaker.

From Wikipedia again, they talk about the history of human rights legislative development in Canada, Mr. Speaker. And I want to quote two paragraphs, maybe a third one if I'm really feeling good about this, Mr. Speaker, from the Wikipedia. This is from the History section of "Human rights in Canada":

From the 19th Century to the advent of the Canadian Bill of Rights and the first provincial Human Rights Act, the laws of Canada and provinces did not provide much in the way of civil rights and it was typically a limited concern to the courts.

Before we developed this process, Mr. Speaker — and this is me talking now, not Wikipedia — before we developed this process of adjudicating publicly human rights complaints, they were dealt with by the courts. Bill 160, I might note, is taking us back to the courts. Is this a step forward, Mr. Speaker, or a step back? That may be clear in a moment.

Here I will quote again from the next paragraph from Wikipedia's history section, and I quote:

During this early period there were a number of legal cases arising from discriminatory or repressive conduct. The courts typically dealt with these cases strictly as a matter of law with no explicit consideration to the social element of the matter.

Mr. Speaker, what I had said just a few minutes ago: is the letter of the law all you want from human rights legislation or is there something more? That's why expertise in human rights law and practice, Mr. Speaker, is so important.

And let me move to another area of interest here, Mr. Speaker, before I wind myself down on this. Let's talk about the adequacy of resources, Mr. Speaker. I had mentioned earlier that the commission by statute has the ability, on its own initiative, to do anything it wants to, Mr. Speaker, and the resources will be provided by the government. Obviously there would be some consultation back and forth, but if the goal is to eliminate discrimination, then what do we need to do to take us forward in that regard?

It is clear, crystal clear, Mr. Speaker, just as it is from some of the media stories in the health care field, Mr. Speaker, the Human Rights Commission is presently underfunded and understaffed, and it does not currently have the resources to carry out its full mandate as stated in the code concerning investigations, education, initiating complaints, ordering programs on its own initiatives without a complaint, enforcing equal pay provisions pursuant to *The Labour Standards Act*, and generally doing workplace and community monitoring for the "eradication of discrimination in the province."

Mr. Speaker, there are resourcing, financial resourcing challenges facing the Human Rights Commission. And it would appear — I don't want to try and say this is what's going on over there, Mr. Speaker — but it would appear that this government that's starving health regions and schools of funds to operate is also starving the Human Rights Commission and is bringing forward legislation that removes the victim's voice and puts into secrecy human rights complaints in order to save a few dollars, Mr. Speaker, in order to save a few dollars at a time when this government has advertisements on television across Canada claiming that Saskatchewan is undergoing boom times, has more money than it knows what to do with, Mr. Speaker, and is demonstrating that we have more money than we know what to do with by promoting these major projects like a domed stadium in Regina when we can't get long-term care beds open

in smaller communities across Saskatchewan.

Mr. Speaker, the Human Rights Commission is presently underfunded, and it's understaffed. It does not have the resources to carry out its full mandate, a mandate that's clearly outlined in the statutes of this province. This suggests, Mr. Speaker, a shift to less stable funding for an already badly underfunded body. The government, instead of sending human rights complaints behind the barn, away from the prying eyes of the public — Mr. Speaker, instead of sending it out — properly funding the Human Rights Commission, doing the educational component that's required, opening the doors, Mr. Speaker, holding more hearings in more public locations will do more, Mr. Speaker, to eradicate discrimination in this province than Bill 60 even purports to do, Mr. Speaker.

The other piece that I think that we've got to keep in mind as we look at Bill 160, Mr. Speaker, and this is another thing that is significantly important to anyone who cares about human rights in Canada, Mr. Speaker, and that is this whole idea of who's in control? Who's going to determine how things move forward, Mr. Speaker? And of course, Bill 160 makes the gatekeeper or provides for gatekeeping authority to rest with the Chief Commissioner.

Mr. Speaker, where is the justification for making it mandatory for complainants to mediate their complaints? Why has the government taken away the right of citizens to appeal a dismissal of their complaint? Remember what was said earlier, Mr. Speaker. The Chief Commission can decide that we're just going to dismiss this case off the bat; it's not even going to go court, Mr. Speaker. Or if it goes to court and there isn't success in the eyes of the victim, Mr. Speaker, there's no appeal process. The Chief Commissioner decides all these things. Begg the question, why did the Sask Party government give the Chief Commissioner the power to dismiss a complaint in the beginning and especially if the complainant does not agree to accept the settlement that the Commissioner finds reasonable? Think about that for a second, Mr. Speaker. We go back to what this legislation, the power this legislation gives to the Chief Commissioner.

If the Chief Commissioner reviews a case — remember, not a tribunal yet, not the court but the Chief Commissioner — reviews the case and says, I think there's a settlement that needs to be reached here, you should accept this settlement. If you as the complainant, Mr. Speaker, under the rules of Bill 160, say to the Chief Commissioner, I don't accept the settlement, I'm not keen on a settlement that benefits me. I'm keen on a settlement that helps to eliminate discrimination, that helps the collective out there that's affected by this same issue. I don't want the settlement, Mr. Speaker. For the individual who says that, the Chief Commissioner then dismisses the case.

There's no right of appeal and the public doesn't even know this has happened, because it has all taken place behind closed doors. There is no annual report, no reporting of any kind, Mr. Speaker, to indicate that this activity even took place. How is this adding a fifth wheel to our vehicle, Mr. Speaker? It is taking a wheel off of our human rights trailer, Mr. Speaker, and that is wrong.

Now, Mr. Speaker, the Chief Commissioner is also given a new

catch-all phrase or reason to dismiss a case, Mr. Speaker, because the legislation says to the Chief Commissioner that if you want to dismiss a complaint, all you have to say is, and I quote, "having regard to all the circumstances of the complaint, a hearing of the complaint is not warranted." Simple phrase given to the Chief Commissioner. That's it — you're done. So long. Goodbye. The discrimination may still exist, but nobody knows anything about it because the gatekeeper is the Chief Commissioner.

[20:15]

So we've got a lack of transparency. We've got all the power resting in the hands of an individual. We've got no duty to consult. We've got no access to representation. We have an underfunded body. We have the voice of the victim being silenced. Mr. Speaker, how can the Minister of Justice stand in his place and say to the people of Saskatchewan, we are taking human rights legislation to next level? We are moving this forward, Mr. Speaker, when every clause in this piece of legislation in and of itself is taking us backwards. Sid Caesar, Mr. Speaker, would not say that there is any smartness or brilliance or practicality in Bill 160 or in the government's attempt to prove or to give us reason to believe that anyone in the Sask Party understands what human rights legislation is all about.

Mr. Speaker, we are all equal under the law. We all have equal rights under the law. We all have the right to be treated with dignity under the law. And, Mr. Speaker, we all have the right to be judged under the law in the same way. Discrimination by its very definition means some person, some group of people is treated differently than another individual or group under the law. Human Rights Commission, the Human Rights Code, the human rights tribunals are all mandated to work towards the elimination of discrimination.

Bill 160 does not take us there. Bill 160 doesn't even come close to addressing the issues that need to be addressed to allow human rights legislation to continue to evolve, to make Saskatchewan a leader again in the field of human rights legislation development, Mr. Speaker. We are moving backwards. We are taking a giant step backwards, Mr. Speaker.

An award-winning, Nobel Prize-winning human rights advocate came from somewhere in the world to the province of Saskatchewan, Mr. Speaker, because Bill 160 angered him. Alex Neve, for my friends at Hansard, last name spelled N-e-v-e. Alex Neve, Mr. Speaker, came to Saskatchewan to tell us that this legislation doesn't work across the world, Mr. Speaker. An award-winning, world-recognized expert and advocate on human rights across the world, Mr. Speaker, he had a wealth of knowledge of human rights violations all over the world. And he chose to come to Saskatchewan at this moment in our history, Mr. Speaker, to tell us not to take this step backwards.

And the public is responding, Mr. Speaker, all across this province. People the Minister of Justice thought were supporting Bill 160 are not supporting 160 anymore. The more they learn about the Bill, the more they read the clauses, the more they understand these various pieces of it, Mr. Speaker, the less they are supporting it. In fact, Mr. Speaker, they've

gone to the point of saying, I oppose the legislation. And they're signing petitions that say, withdraw the Bill.

Mr. Speaker, I'm here today to say that I am disappointed, I am saddened, and to a certain extent I am angry that all of the work that has been done in this province, all of the work that has been done across Canada, North America, and the world, working towards the elimination of discrimination is being set back, that victims are being denied a voice, and the Saskatchewan Party doesn't seem to understand. They haven't taken the time to understand the needs of people who are being discriminated against and the needs of our society to ensure that discrimination is eliminated ultimately for the benefit of all of us. There is no understanding of this.

The presentation is we have to move cases faster through the system. Faster doesn't mean the goals are being achieved. Faster doesn't mean we're making it better, Mr. Speaker. For somebody whose case is not resolved adequately is not happy it got done faster. Somebody whose case that could be reviewed by someone with expertise and adjudicated adequately will not be happy if that case is not adjudicated well but is done faster, Mr. Speaker. We cannot silence the victims. We must ensure we continue to develop human rights legislation, Mr. Speaker.

I say to the members of the Saskatchewan Party, listen to the people of Saskatchewan. Listen to the experts. Withdraw the Bill. Broadly consult if you want to do something more for human rights. Broadly consult, put the money necessary into the commission to do the job it's mandated to do by law, and then, Mr. Speaker, see how the people of Saskatchewan respond.

A simple understanding and some of the new resources of this province will go a long way, Mr. Speaker, to improving the circumstances of everybody who lives in this province. I call on the members opposite to do what the Saskatchewan public is saying to them: withdraw Bill 160. Move forward, not backwards. Let's put another wheel on this wagon, Mr. Speaker. We can't afford to take one off.

Mr. Speaker, I move that debate on Bill 160 be now adjourned.

**The Speaker:** — The member from The Battlefords has moved adjournment of debate on Bill 160, *The Saskatchewan Human Rights Code Amendment Act*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

#### Bill No. 147

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Draude that **Bill No. 147 — *The Public Interest Disclosure Act*** be now read a second time.]

**The Speaker:** — I recognize the member from Regina Coronation Park.

**Mr. Trew:** — Thank you, Mr. Speaker. It's my pleasure tonight to rise and speak to Bill 147, *An Act respecting the Protection of Public Servants who make Disclosures*. I am particularly

pleased to be making this speech this evening following the tremendous speech made by the member for The Battlefords on the Bill he was speaking to.

Mr. Speaker, Bill 147 is ostensibly . . . The government claims it's there to protect public servants who make certain disclosures, and yet the very Bill itself seems to be all about internalizing any disclosures so that they're made internal as opposed to external. It's in some ways contrary to what they had promised during their . . . in their last election platform.

So, Mr. Speaker, Bill 147, I will be outlining some of the concerns that I have with it, that members on this side have, and certainly that I have. But I want to pick up on TV personalities because the hon. member for The Battlefords talked about TV personality Sid Caesar. And he quoted, it said something about that Sid Caesar said that the individual, the person who invented the wheel was brilliant, was smart. And the person who invented the other three was inspired, absolutely brilliant.

Well, Mr. Speaker, Bill 147 for Saskatchewan public servants is more like the Wayne and Shuster version of the Caesar thing, where the quote goes something like this. I told him, I said, "Julie, don't go. Julie, don't go." So talking about one Caesar to another and TV personalities.

Now I will use the remainder of my speech, Mr. Speaker, to say why we say, Julie, don't go there. Don't do this. Don't, don't, don't weaken the whistle-blower protection that's already in place. We support . . . And in fact in the last two sessions, we have had not one but two Bills proposed by members of the opposition dealing with this very issue. Not one, but two Bills dealing with this very issue. So don't for a minute think that it's New Democrats are somehow opposed to strengthening whistle-blower legislation or to protecting individuals, workers from their employers wrongfully firing them when these workers see a wrongdoing and blow the whistle. We think this is a perfectly logical thing.

You don't want to have the whistle blown on you, don't do something that's illegal or morally wrong or just, just plain bad. If you do good works every day, you'll find that your employers, the public servants will support those good works that you do, and in fact you'll have virtually no incidences of whistle-blower legislation being needed.

Mr. Speaker, the Sask Party election platform was fairly, fairly clear on what it was promising and fairly straightforward. Page 42 of *Securing the Future*, it says, "Strengthening protection for public servants and whistle-blowers in the workplace by establishing a Public Integrity Commissioner." That's the promise, Mr. Speaker. It's a very straightforward promise. And yet we have the different situation now where in this Bill we hear, according to a *Leader-Post* November 10th, 2010 story:

There won't be a large budget requirement, she said, [referring to the minister responsible] noting there are three other provinces with similar offices and they sometimes field just a few complaints a year. The government is considering having the commissioner role as part of the existing office of the ombudsman, she . . . [said].

Well, Mr. Speaker, that's not what the more accountable government document, "Securing the Future", of the Sask Party said prior to the provincial election in 2007. The words are different and the results are clearly different. And that's part of why I say, Julie, don't go there.

Do, if you must, do what you promised in the election booklet. Do what you promised there, but don't water it down and call it an election promise that is another promise made, a promise kept, I think is what the Premier and government members opposite are fond of saying. Because it's clearly not another promise kept. It is clearly not, Mr. Speaker.

Instead of having the public integrity commissioner office, what we have is the potential of maybe a desk in the Ombudsman's office, maybe a desk rather than a public integrity commissioner as promised in the previous election. And we have the minister saying, and really it's not a very busy job anyway because we don't expect civil servants, public servants to be blowing the whistle.

And, Mr. Speaker, what I have to question is, why was it such a big issue in their minds previously and now it's not an issue at all? And I know that the flippant and easy answer is to say, well it's because they're in office now and it's not the big, bad NDP [New Democratic Party] in office doing things wrong. And I know this is the easy and the flippant answer, but governments do know this, and I know that the Sask Party know it too. Governments are to introduce and pass legislation that will stand the test of time, not simply be a piece of legislation that's convenient for the government this day. It should stand a longer term test of time, and I submit that this piece of legislation fails in that regard, Mr. Speaker. So again, how can we believe that this Bill protects public servants from their employer when it's a different version than what they had been promising?

[20:30]

And I remind you, Mr. Speaker, that last year we were fighting Sask Party government legislation on essential services and on union-busting in the construction, the building trades industries. There was a number of pieces of anti-democratic things that we were busy fighting that legislation on last year. And now they're going to pretend to be somehow the saviours of public servants. Somehow they're on the side of the working people. Somehow they're on the side of some of the health care workers that are getting an inadequate contract offer as we speak. Mr. Speaker, it is difficult to be on both sides of the fence at the same time. It just tends to feel a little bit like there's a picket stuck somewhere that it doesn't really belong.

We have a situation where we have a government introducing what should be a good piece of whistle-blower legislation, Mr. Speaker. But it's a government that's difficult to trust on that regard because it's a government that fired a OH & S [occupational health and safety] officer, fired because that OH & S officer was advocating for safer and better working conditions in that workplace. And they had to hire her back. They were proven wrong, but they went ahead. They fired and then had to hire her back.

In another case, we have a situation where the Sask Party government fired a Corrections worker in Regina. And they got

the wrong person, if there is such a thing as the right person. They fired the employee that they incorrectly, incorrectly are determined was the whistle-blower, was the person that provided some information that led to some, frankly, embarrassment for the government. Well, Mr. Speaker, instead of firing people, we should have a government that is more determined to deliver the services of the ... I call them departments, but ministries is the term that the Sask Party government has used. They've switched it to ministries. So for the sake of simplicity, I'll talk about ministries.

You want to have good programs? Well have your ministries deliver good programs. Give them straightforward directions. Give them the tools they need to deliver on the job and the direction needed to deliver it efficiently and safely and effectively and, without fail, with integrity, Mr. Speaker. Always with integrity. So that's not where we're at right now.

And Bill 147, the Act respecting the protection of public servants who make disclosures, again I say it's a Bill whose title we support wholeheartedly on this side, having twice in recent years proposed legislation dealing with whistle-blowers. Twice on this side we've made proposals; twice it was flatly rejected by the Sask Party government. Now there is a Bill before the Assembly that, my fear is, weakens whistle-blower protection for public servants in Saskatchewan.

It takes me back, and I don't like to go there because it sounds like I'm just dealing with ancient history. But the previous right wing government that we had was the Devine Conservative government where the Premier was a chief of staff in that particular administration. It's where he cut his teeth and where he claimed to have learned some things about politics. And indeed I suspect he did learn some things.

But in the 1980s we had a situation where, certainly in Regina, if you met a public servant they would just sort of clam up as soon as they found out that you were in any way involved in the political world because, Mr. Speaker, they were terrified of losing their jobs. They were afraid that the word would get out and they'd wind up terminated, fired. And what I learned then was that public servants need protection from their employer, and they need that protection to be effective. They need to be able to count on it, they need to know unequivocally that when the need is there — which should be very seldom — but when the need is there, when they have an issue, that they've got a legal protection. They've got some ability to in fact blow the whistle on whatever the wrongdoing is.

So, Mr. Speaker, I have outlined in a nutshell my concerns with this Bill 147, *An Act respecting the Protection of Public Servants who make Disclosures*, commonly known, called the whistle-blower Act. I've made my case, and I do know, Mr. Speaker, that I have other colleagues that are yet interested in having their opportunity to speak to the Bill. So at this time, I move to adjourn debate on Bill 147.

**The Speaker:** — The member from Regina Coronation Park has moved adjournment of debate on Bill No. 147, *The Public Interest Disclosure Act*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried. I recognize the Government House Leader.

**Mr. D'Autremont:** — Thank you, Mr. Speaker. I move the House do now adjourn.

**The Speaker:** — The Government House Leader has moved that this House do now adjourn. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried. This Assembly stands adjourned until tomorrow afternoon at 1:30 p.m.

[The Assembly adjourned at 20:38.]





**TABLE OF CONTENTS**

**EVENING SITTING**

**GOVERNMENT ORDERS**

**ADJOURNED DEBATES**

**SECOND READINGS**

**Bill No. 162 — *The Local Government Election Amendment Act, 2010***

**Furber** .....6821

**Bill No. 160 — *The Saskatchewan Human Rights Code Amendment Act, 2010***

**Taylor**.....6823

**Bill No. 147 — *The Public Interest Disclosure Act***

**Trew** .....6831

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