



FOURTH SESSION - TWENTY-SIXTH LEGISLATURE

of the

Legislative Assembly of Saskatchewan

**DEBATES
and
PROCEEDINGS**

(HANSARD)

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The Honourable Don Toth
Speaker



MEMBERS OF THE LEGISLATIVE ASSEMBLY OF SASKATCHEWAN

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

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Bjornerud, Hon. Bob	SP	Melville-Saltcoats
Boyd, Hon. Bill	SP	Kindersley
Bradshaw, Fred	SP	Carrot River Valley
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Norris, Hon. Rob	SP	Saskatoon Greystone
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Reiter, Hon. Jim	SP	Rosetown-Elrose
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Schriemer, Joceline	SP	Saskatoon Sutherland
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Taylor, Len	NDP	The Battlefords
Tell, Christine	SP	Regina Wascana Plains
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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 met at 13:30.]

[Prayers]

ROUTINE PROCEEDINGS

INTRODUCTION OF GUESTS

The Speaker: — I recognize the member from Cypress.

Mr. Elhard: — Thank you, Mr. Speaker. Mr. Speaker, to you and through you to all members of the Legislative Assembly I'd like to introduce today Catherine Craig, sitting in your gallery. Mr. Speaker, Catherine is working in my constituency office as a summer student. She's an English major at the University of Regina.

She's come with great curiosity, a willingness to learn, and we've been very pleased with her attitude so far. She's going to learn the role of the MLA [Member of the Legislative Assembly] and a little bit about the political experience in this province, and so we have made this a part of her learning experience. And we'd ask all members to welcome her to her Legislative Assembly.

The Speaker: — I recognize the member from Saskatoon Massey Place.

Mr. Broten: — Thank you, Mr. Speaker. I see seated in your gallery two individuals I'd like to introduce to you and through you to all members. In your gallery, Mr. Speaker, is Kent Peterson and Paige Kezima, newly installed president and vice-president of the University of Regina Students' Union, who are here to watch the proceedings today. And I would ask all members to join me in welcoming them to the Assembly.

The Speaker: — I recognize the Minister of Advanced Education.

Hon. Mr. Norris: — Thank you very much, Mr. Speaker. To you and through you, I'd like to join the member opposite in welcoming these student leaders from the University of Regina here to their Assembly. Obviously the University of Regina is a vitally important institution, not just within the city but right across the province. And, Mr. Speaker, I'd ask everyone in the Chamber to join me in welcoming these student leaders to their Assembly.

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

Mr. Trew: — Thank you, Mr. Speaker. For what is probably the last time, I have the honour of welcoming an individual in the east gallery. This is someone I've introduced previously, and it's always a pleasure to see my old friend, Gunnar Passmore. I say old friend not because of Gunnar's advanced age but because of the length of time that Gunnar and Dee, his wife, and myself have been friends and acquaintances.

And I want to say a couple of things about Gunnar. One, he is with the Saskatchewan Building Trades Council and is the government liaison. So anyone looking for any information in

this place of all, Gunnar's the guy to talk to.

The other thing I want to say is, because I haven't had time to connect with Gunnar on this, but I'm very much looking forward to the Building Trades Dollars Against Diabetes golf tournament coming up where Gunnar and I pair up and finish somewhere around dead last in that fundraiser. But it's a fun fundraiser and I very much look forward to golfing in it again this year with Gunnar Passmore.

I ask, Mr. Speaker, all colleagues to help me for my last time in welcoming Gunnar to . . . I should say for anyone that's watching, my last time because I'm not running again and time is running out here. It's not that Gunnar is in any way challenged health-wise. It's all me. Please help me welcome Gunnar for the last time here. Gunnar.

The Speaker: — I recognize the member from Saskatoon Southeast, the Minister of Justice.

Hon. Mr. Morgan: — Mr. Speaker, I'd like to join with the member opposite in welcoming Mr. Passmore to the legislature. I realize it's the member's last time introducing him, and probably we'll have occasion to introduce Mr. Passmore again in his capacity with organized labour. I'd like to welcome him to the legislature and thank him for the respectful way he's dealt with us in the various meetings we had. He has indicated to me that he lives in the constituency of Indian Head-Milestone. He's also indicated he does not support the current MLA from that area, but indicates that he's a nice person in any event. So please welcome Mr. Passmore.

The Speaker: — I recognize the member from Rosetown-Elrose, the Minister of Highways.

Hon. Mr. Reiter: — Thank you, Mr. Speaker. Mr. Speaker, to you and through you to this Assembly, I would like to introduce, in the west gallery, 40 grade 8 students from my home, Mr. Speaker, from Rosetown Central High. They're accompanied by their teachers, Richard Berezowski, Terry Hall, and Ken Boyd, and also chaperone Shona Braun. They have a big day planned here today, Mr. Speaker. I look forward to talking to them a little bit later this afternoon. And I ask all members to please give these great young people a warm welcome to their Assembly.

The Speaker: — I recognize the member from Wood River.

Hon. Mr. Huyghebaert: — Thank you, Mr. Speaker. Mr. Speaker, to you and through you to all members of the Assembly I'd like to introduce a fine looking group of grade 9 students from Gravelbourg High School in Gravelbourg, Saskatchewan. There are 17 students and they're accompanied by their teacher, Crystal Stark, and Darcey Huyghebaert. And yes, there is a relationship there; Darcey's my son. So I would ask all members to welcome these individuals to their Assembly and I'll be meeting with them shortly after question period. So please help me welcome them.

PRESENTING PETITIONS

The Speaker: — I recognize the member from Moose Jaw

Wakamow.

Ms. Higgins: — Thank you very much, Mr. Speaker. I rise to present a petition that speaks to the issue of educational assistants and the support that they provide to students with intensive needs.

Mr. Speaker, we have seen the number of educational assistants drop over the past number of years and many people point to the Ministry of Education's document, *Enhancing Opportunities through Full-Service School Divisions*, which actually called on the reduction of EAs [educational assistants]. So, Mr. Speaker, we know the importance of EAs, and many parents are feeling the loss of not having an adequate number to support students. And the prayer in this petition reads, Mr. Speaker:

We, in the prayer that reads as follows, respectfully request that the Legislative Assembly of Saskatchewan take the following action: to cause the government to provide appropriate funding for the required number of educational assistants to provide intensive needs students with the supports that they require to maintain a positive learning environment for all Saskatchewan students.

Mr. Speaker, I so present on behalf of residents in Indian Head and Regina.

The Speaker: — I recognize the member from Saskatoon Centre.

Mr. Forbes: — Thank you very much, Mr. Speaker. I rise today to present a petition in support of eliminating poverty here in Saskatchewan. And we know that freedom from poverty is an enshrined human right by the United Nations and that all citizens are entitled to social and economic security. And we know the gap, the income gap between the rich and the poor continues to grow, and now one in five children in Saskatchewan live in deepening poverty.

And citizens living in poverty have long identified affordable solutions. Recent national-provincial initiatives including the Saskatoon health disparities report and the Canada Without Poverty, Dignity for All campaign all call for a comprehensive poverty elimination strategy. I'd like to read the prayer:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the government to act as quickly as possible to develop an effective and sustainable poverty elimination strategy for the benefit of all Saskatchewan citizens.

And as in duty bound, your petitioners will ever pray.

I do so present. Thank you very much.

The Speaker: — I recognize the member from Saskatoon Massey Place.

Mr. Broten: — Thank you, Mr. Speaker. I stand today to present a petition on behalf of my constituents who live in the neighbourhood of Hampton Village. The petition reads:

We, the undersigned residents of the province of Saskatchewan, wish to bring to your attention the following: that Hampton Village is a rapidly growing community in Saskatoon with many young families; that Hampton Village residents pay a significant amount of taxes, including education property tax; that children in Hampton Village deserve to be able to attend school in their own community instead of travelling to neighbouring communities to attend schools that are typically already reaching capacity.

We, in the prayer that reads as follows, respectfully request that the Legislative Assembly of Saskatchewan cause the provincial government to devote the necessary resources for the construction of an elementary school in Hampton Village so that children in this rapidly growing neighbourhood in Saskatoon can attend school in their own community.

Mr. Speaker, the individuals who signed this petition are residents of Hampton Village. I so present.

The Speaker: — I recognize the member from Prince Albert Northcote.

Mr. Furber: — Thank you, Mr. Speaker. I'm pleased to rise again today in support of potash royalty review, presenting this petition because the people of Saskatchewan are owners of a 1,000-year strategic resource and they deserve to receive the maximum benefit from that resource. Additionally, Mr. Speaker, a CEO [chief executive officer] of a big potash company in Saskatchewan said that there's a new norm for potash, and that's been proven through their first quarter results which saw \$732 million in gross profits. Mr. Speaker, the prayer reads:

We, in the prayer that reads as follows, respectfully request that the Legislative Assembly of Saskatchewan take the following action: cause the government to begin a comprehensive, transparent, and public review of Saskatchewan's potash royalty system with a view to maximizing the return from this strategic resource for its owners, the people of Saskatchewan, who wish to use these additional potash royalty revenues for needed investment in health care, child care, education, affordable housing, infrastructure, and other social programs as well as public initiatives such as debt repayment.

Mr. Speaker, the petition today is signed by good folks from Aberdeen, Langham, Saskatoon, Moose Jaw, and Pleasantdale. I so present.

The Speaker: — I recognize the member from Regina Walsh Acres.

Ms. Morin: — Thank you, Mr. Speaker. Mr. Speaker, I rise again today to present a petition to restore funding equity to Regina Catholic schools. Regina Catholic schools received \$275 less per pupil than Regina public schools in the school year 2009-2010, amounting to a funding inequity of \$2.7 million, and that is growing, Mr. Speaker.

This funding inequity places program delivery and staffing and

levels at risk, not just at the Regina Catholic schools, but Catholic schools throughout the province. The Government of Saskatchewan has denied Catholic school boards in the province representation on the government-appointed committee mandated to develop a long-term funding formula for Saskatchewan school boards. And the petition reads as follows:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the government to address the funding inequity between Regina Catholic schools and Regina public schools that provides \$275 less per pupil funding for Regina Catholic school students, totalling \$2.7 million, and make known that the continuation for another school year of funding inequity places program delivery and staffing levels at risk in Regina Catholic schools; and in so doing, immediately restore funding equity to ensure that every student in Saskatchewan, whether enrolled in a Catholic or a public school, receives equitable resources to ensure every student in Saskatchewan has access to a quality education.

Mr. Speaker, these petitions are signed by the residents of Regina. I so submit.

The Speaker: — I recognize the member from Saskatoon Fairview.

Mr. Iwanchuk: — Mr. Speaker, I rise today to present a petition in support of personal care home funding. Mr. Speaker, Saskatchewan residents require different levels of care in their senior years, and personal care homes play a vital role in providing seniors who live in them an appropriate level of care. The Saskatchewan Ministry of Health currently does not fund personal care homes, although it does fund special care homes which provide services to seniors requiring higher levels of care. Mr. Speaker, therefore:

We, in the prayer that reads as follows, respectfully request the Legislative Assembly of Saskatchewan cause the government to provide a subsidy to personal care homes, permitting seniors who rely on them to live in dignity and independence without bearing an undue financial hardship.

Mr. Speaker, these petitions are signed by people from the constituency of Saskatoon Fairview, Saskatoon, and La Ronge. I so present.

The Speaker: — I recognize the member from Saskatoon Meewasin.

Mr. Quennell: — Mr. Speaker, I rise again today, as I often have during this sitting, to present a petition by citizens of Saskatchewan concerned about the detrimental effects that Bill 160 will have on human rights law if enacted. And the prayer reads as follows:

We, in the prayer that reads as follows, respectfully request the Legislative Assembly of Saskatchewan withdraw Bill 160 from consideration by the Legislative Assembly of Saskatchewan and hold extensive public consultations 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.

Today the petition is signed by residents of Radville, Duck Lake, La Ronge, Biggar, Patuanak, Yorkton, Cumberland House, Saskatoon, Tisdale, Martensville, Allan, Star City, Aberdeen, Naicam, Warman, Creighton, Langham, Lloydminster, Perdue, Estevan, Domremy, Birch Hills, Moose Jaw, Esterhazy, Ituna, Melville, Kamsack, Weyburn, Regina, Watson, Melfort, Lumsden, Craven, Arcola, Nipawin, LeRoy, Air Ronge, Stanley Mission, Rouleau, Pilot Butte, Churchbridge, Cochin, North Battleford, Cut Knife, Mervin, Canora, Liberty, Swift Current, Big River, Battleford, Kindersley, Prince Albert, Maple Creek, Cupar, Southey, Duval, Belle Plaine, Lang, Fort Qu'Appelle, Balcarres, Raymore, Buena Vista, Grenfell, White City, Humboldt . . . [inaudible] . . . Lemberg, Montmartre, Bruno, Lanigan, Wadena, and Margo. I so present.

[13:45]

The Speaker: — I recognize the member from Regina Rosemont.

Mr. Wotherspoon: — Thank you, Mr. Speaker. I rise once again to present petitions on behalf of concerned residents from across Saskatchewan as it relates to the mismanagement of our finances by the Sask Party. They allude to a record that includes the running of deficits and increasing of debt at times of record highs in revenues in this province, Mr. Speaker, all coming at a consequence both to this generation but to future generations, Mr. Speaker, a record that includes increasing debt by more than \$1.3 billion over the last three consecutive years and increasing our public debt by \$548 million this year alone, Mr. Speaker. And the prayer reads as follows:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly condemn the Sask Party government for its damaging financial mismanagement since taking office, a reckless fiscal record that is denying Saskatchewan people, organizations, municipalities, institutions, taxpayers, and businesses the responsible and trustworthy fiscal management that they so deserve.

And as in duty bound, your petitioners will ever pray.

These petitions are signed by good folks and concerned citizens of Prince Albert, Redvers, and Regina. I so submit.

STATEMENTS BY MEMBERS

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

Champions of Mental Health Awards

Mr. Taylor: — Thank you, Mr. Speaker. I want to bring to the attention of members of the Legislative Assembly today a new awards program in support of those who care for people with mental illness or those who struggle with mental health issues.

On May 7th, people from around the province gathered in North Battleford for the second annual Champions of Mental Health Awards sponsored by the North Battleford branch of the

Registered Psychiatric Nurses Association of Saskatchewan. This 2011 program recognized Koopmans Autobody for the Supportive Employer Award; Chris Ebach, an extended psychiatric rehabilitation facilitator with Saskatchewan Hospital, North Battleford, and Lucy Bendall, an RPN [registered psychiatric nurse] community mental health nurse for the Mental Health Staff Awards; the Shellbrook bingo volunteers for the Volunteer Award; and Marilyn McGowan for the Community Based Mental Health Organization Award.

Marion Palidwar, president of the North Battleford branch of the RPNAS [Registered Psychiatric Nurses Association of Saskatchewan], says the Champions of Mental Health Awards not only acknowledges those in the community who are making a difference in the lives of people living with mental illness, but brings an awareness to the public, locally and further afield, of the continuing need to improve mental health services.

I ask all members to join me in congratulating the organizers and thanking the participants in this effort in support of those who are making a difference in the lives of so many of our province's vulnerable citizens.

The Speaker: — I recognize the member from Saskatoon Silver Springs.

World Lupus Day

Hon. Mr. Cheveldayoff: — Thank you very much, Mr. Speaker. Today is World Lupus Day. The World Lupus Day proclamation was first developed in 2004 when an international steering committee representing lupus organizations from 13 different nations met in Eton, United Kingdom to organize the observance of World Lupus Day. The proclamation is a call to action to increase support for lupus research, awareness, and patient services.

Lupus is a chronic autoimmune disease which often attacks young women of child-bearing age, but individuals of any age or gender can develop lupus. The ongoing and complex nature of lupus causes a wide range of symptoms and effects with repercussions on family, friends, work colleagues as well. Despite these facts, lupus remains a relatively invisible health issue in the public, health professionals, and governments worldwide, thus continuing the need for increased lupus awareness.

World Lupus Day focuses on the need for heightened public awareness, improved patient health care services, increased research into the causes, and a cure for lupus.

Mr. Speaker, I would like to remind everyone that this weekend there will be lupus groups from around Saskatchewan participating in Lupus Canada's awareness-building fundraiser called a Walk for Lupus.

In closing, Mr. Speaker, on behalf of the government I would like to commend the Lupus Saskatchewan Society for their continuing efforts to raise awareness of lupus throughout the province of Saskatchewan. Thank you, Mr. Speaker.

The Speaker: — I recognize the member from Saskatoon Meewasin.

Mr. Quennell: — Mr. Speaker, today, May 10th, is World Lupus Day. Because of the many different ways in which it appears, lupus has been called the disease of 1,000 faces and affects more than 5 million people worldwide. An autoimmune disease, lupus causes its sufferers pain, swelling, and damage to their joints, skin, bones, and internal organs.

May 10th is a day on which the worldwide lupus support community makes a special effort to educate the broader population about lupus, its symptoms, and its impact on those who suffer from it. Such education is one of the most important services undertaken by members of the lupus support community. Knowledge is crucial since the widely varying types of symptoms that can be exhibited by someone with the disease mean that lupus can often be misdiagnosed.

With increased education and awareness, people afflicted with lupus can sooner recognize their symptoms. Doctors will be more likely to diagnose the illness correctly and much suffering can be avoided by shortening the time between the disease's appearance and the beginning of a proper treatment regimen.

Lupus has no cure, but as the knowledge of this disease grows, so will the opportunity for work towards a final cure.

Lupus Saskatchewan Society joins Lupus Canada and the related organizations worldwide in recognizing World Lupus Day. On May 28th at 2:30 p.m., the LSS [Lupus Saskatchewan Society] will be hosting a Walk for Lupus here in Regina beginning on the east side of the Legislative Building by the Trafalgar Fountain. I ask all members to offer their support for this and other efforts to show support for people with lupus, their families, and friends.

The Speaker: — I recognize the member from Moose Jaw North.

Family First Radiothon

Mr. Michelson: — Thank you. Mr. Speaker, I'd like to commend the Moose Jaw Health Foundation, who raised over \$300,000 in its fifth annual Family First Radiothon held Thursday and Friday of last week.

During the 36-hour radiothon, residents of Moose Jaw and area phoned or stopped in at the Town 'N' Country Mall and showed their support for the hospital with donations in all denominations. The success of the event was amplified by a \$50,000 anonymous donation and \$113,630 bequeathed by Hazel Lewry, who had formerly worked as a nurse at the Moose Jaw Hospital. The grand total of \$309,526 is very much appreciated, as the money will provide new chemotherapy equipment for the Moose Jaw Union Hospital, including an Invacare recliner, PCA [patient controlled analgesia] pulse pump, along with transport stretchers, electric hospital beds, and vital signs monitors, all to help and care for cancer patients.

The success of the fundraiser is indicative of the support for the hospital in Moose Jaw serving the Five Hills Health Region. Over the past five years, over \$1 million has been raised through the radiothon for equipment upgrades.

Thank you to the Moose Jaw Health Foundation for their

commitment and dedication, to the volunteers who donated their time answering the phones and accepting donations during the radiothon, and a special thanks to all the supporters who graciously donated for the improvement toward chemotherapy equipment at the Moose Jaw Union Hospital. Thank you, Mr. Speaker.

The Speaker: — I recognize the member from Prince Albert Northcote.

National Mining Week

Mr. Furber: — Mr. Speaker, National Mining Week is on, and it runs from May 9th to 13th. It provides a great opportunity for us to take stock of the wonderful resources we have right here in Saskatchewan. National Mining Week is about celebrating the hard-working people of the industry and acknowledging their huge contributions to our province.

The mining sector in Saskatchewan is an essential component for economic and social fabric. Having emerged among the top of Canada's mineral producers, our province's mining sector contributes greatly to our prosperity. The mining industry spends more than \$3 billion annually on wages, goods, and services and provides over \$2 billion in revenue to the provincial treasury. These revenues support government programs and services such as health care, education, and infrastructure development. With more than 25 operating mines, Saskatchewan is a significant player in the global mining scene and is currently among the world's largest producers and exporters of both potash and uranium. Mr. Speaker, from Coronach to Points North, Saskatchewan is a mining province.

The NDP [New Democratic Party] celebrates Mining Week and recognizes the important contributions of the mining industry and the thousands of Saskatchewan families who contribute to its sustained prosperity. I ask that all members join with me in celebrating National Mining Week to reflect upon the hard work and dedication of the people who work in our province's mining industry, and celebrating the rich and diverse mining industry that we have in our province. Thank you, Mr. Speaker.

The Speaker: — I recognize the member from Batoche.

Head Office Relocates to Saskatoon

Mr. Kirsch: — Thank you, Mr. Speaker. Today the province received good news. One of the world's largest mining companies, BHP Billiton, has decided to relocate its diamond and specialty products head office to the city of Saskatoon. In addition to the head office senior management team, we will also see a relocation of over 30 support positions. According to this morning's news release, this relocation will phase over the coming months and reflect the company's commitment to establish a premier potash business managed from Saskatchewan near its flagship potash development project.

Tim Cutt has also been announced as the new president of the diamonds and specialty products division. Mr. Cutt has said, and I quote:

I am delighted to be returning to Canada . . . and to be playing my part in developing an industry leading potash

business in Saskatchewan that creates value for shareholders, plays an active role in the community and creates new jobs and opportunities for the Province.

Mr. Speaker, what we are witnessing are positive spin-offs of a stable royalty regime, where businesses want to invest and create new jobs and opportunities in Saskatchewan. BHP's major investment in Saskatchewan continues to demonstrate the Saskatchewan advantage.

The Speaker: — I recognize the member from Regina Rosemont.

Bargaining With Teachers

Mr. Wotherspoon: — Thank you, Mr. Speaker. Last Thursday teachers left the classroom across Saskatchewan and joined together to kick-start the stalled contract talks with government.

Saskatchewan teachers have been without a new contract since last August. The action last Thursday marked the first ever province-wide job action by teachers in the history of Saskatchewan — a rare event, Mr. Speaker, and certainly not an act taken lightly by Saskatchewan teachers. Mr. Speaker, our teachers took this action with a 95 per cent endorsement by their members, a very strong mandate.

It should be noted that neither the Premier nor the minister could find the time or respect to address the thousands of teachers assembled on the steps of the legislature.

Further, it's disappointing that this Sask Party government is trying to sway public opinion by using taxpayers' money to negotiate against the teachers through advertising rather than engaging in good faith bargaining. Take for example the full-page ad in Saturday's *Leader-Post* and the website established by this government. Teachers' tax dollars are being used against them. I question why this money is not better spent to provide a fair contract and ensure the necessary investments required in education . . .

The Speaker: — The member's time has elapsed . . . [inaudible interjection] . . . Okay. Then I would allow the member to . . . My apology.

[Interjections]

The Speaker: — Order. Order. Order. Order. Given the fact that we had just a miscalculation on the clock, I would ask the members if we'd allow the member to do his full statement. Go ahead.

Mr. Wotherspoon: — Thank you, Mr. Speaker. Last Thursday teachers left the classroom across Saskatchewan and joined together to kick-start stalled contracts with the government. Saskatchewan teachers have been without a new agreement since last August. This action last Thursday marked the first-ever province-wide job action by teachers in the history of Saskatchewan — a rare event, Mr. Speaker, and certainly not an act taken lightly by Saskatchewan teachers.

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Mr. Speaker, I call on this Premier to cut the wasteful taxpayer-funded propaganda war on teachers and to invest in them today. Quite simply, not only do teachers deserve better, Saskatchewan people deserve better. Thank you, Mr. Speaker.

QUESTION PERIOD

The Speaker: — I recognize the member from Saskatoon Fairview.

Negotiations With Teachers

Mr. Iwanchuk: — Mr. Speaker, last Thursday 12,000 teachers took job action for one day. Three thousand of them came to the legislature to try to get the government to listen to them and to treat them fairly. Yesterday, after exhausting every other avenue, 60 health care professionals held a one-day strike in Prince Albert to highlight chronic understaffing and unfair contract offers.

Mr. Speaker, the government has given a 24 per cent wage increase to the director of House business, but they have no money for a fair contract for teachers or health professionals. To the minister: in light of the 24 per cent wage increase to their director of House business, how is it fair to offer people who educate our children and the front-line people who provide help to our families 5.5 per cent over three years, an increase less than the cost of living?

[14:00]

The Speaker: — I recognize the Minister of Education.

Hon. Ms. Harpauer: — Thank you, Mr. Speaker. Mr. Speaker, it's very encouraging that a formal invitation was given to the teachers to return to the bargaining table. We are very encouraged that the teachers have accepted that invitation, and a date will be set up at the earliest possible date where the two bargaining teams can get together. I'm being told that that will probably be early next week. So I encourage that the negotiations resume and the discussions take place where they need to take place, Mr. Speaker, which is at the bargaining table.

The Speaker: — I recognize the member from Saskatoon Fairview.

Mr. Iwanchuk: — Mr. Speaker, the only way this government negotiates is with the help of Bills 5 and 6. Bill 5 has

completely corrupted the collective bargaining process, and Bill 6 allows employers to bargain in public and the government to publicly threaten employees.

The government is running ads in the paper saying if teachers get the wage increase they're asking for, there'll be massive layoffs. SAHO [Saskatchewan Association of Health Organizations] is putting flyers on bathroom and stall doors, bulletin boards, and running ads through the media trying to intimidate health care workers. To the minister: is this the government's idea of fair negotiating process with teachers, health science professionals, and other employees?

The Speaker: — I recognize the Minister of Education.

Hon. Ms. Harpauer: — Mr. Speaker, there are indeed ads that are being run. The ads are to lay out the facts. Mr. Speaker, there is comparisons that both sides, both bargaining teams agree to as far as what wages are in other provinces. And I would like the other side to say that they don't think that the public is entitled to any of those facts. It would be interesting to hear them say that publicly, we should not allow the public to be aware of the facts.

There was however wage numbers that was agreed upon on both sides of the bargaining, both the teachers and the trustee-government bargaining teams, and those wages are being published as to what they are, as well as where the wages are here in Saskatchewan.

Should we keep the public in the dark? Is that what the NDP would like to see happen? I know they did it when they were in government. They kept many people in the dark. But, Mr. Speaker, we think the facts should be made public.

The Speaker: — I recognize the member from Saskatoon Fairview.

Mr. Iwanchuk: — Mr. Speaker, we hear oftentimes that on the floor they will not negotiate collective agreements on the floor of this legislature. Yet we heard from the minister right now that they are prepared to advertise and use taxpayers' dollars to bring forward the facts — their facts, not according to these people.

Mr. Speaker, Saskatchewan is doing well not because of anything the Sask Party government has done, but because of hard-working professionals like teachers and health care workers who do the heavy lifting. Mr. Speaker, we have record revenues this year and almost 1 billion in the rainy day fund. We know the Premier controls the purse strings.

To the Premier: the government has money to give health region CEOs up to 60 per cent wage increases. Will the Premier return to the bargaining table with an increased mandate to provide the people who help build the province with a contract that really values their hard work and dedication?

The Speaker: — I recognize the Minister of Education.

Hon. Ms. Harpauer: — Mr. Speaker, there is a number of professionals within our province. In fact all the workers in our province deserve to be valued, Mr. Speaker. And that is why the

government put forward what they believe to be fair and competitive. When you compare the offer that has been put forward, it'd be, if accepted, it would be the second highest of the Western Canadian provinces, and it is above the Canadian average. If you put forward a fair offer, Mr. Speaker, I believe that is showing that you value the work of that profession.

The Speaker: — I recognize the member from Saskatoon Meewasin.

Membership in the Enterprise Club

Mr. Quennell: — Thank you, Mr. Speaker. My question is to the Minister of Justice. The annual returns for the 2010 political donations are now out. Well most of them, Mr. Speaker. As we know, people who purchased \$1,000 Sask Party Enterprise Club memberships in 2010 are not disclosed necessarily in these returns that disclose every other donation over \$250 because the Sask Party hasn't done their wining and dining exemption yet, Mr. Speaker.

Does the minister agree that it is in the public interest to know everyone who has given \$1,000 to a political party in Saskatchewan in the previous year, Mr. Speaker?

The Speaker: — I recognize the Minister of Justice.

Hon. Mr. Morgan: — Mr. Speaker, I thank the member for the question and appreciate the opportunity to get up and explain what exactly has happened with this year's return.

I'm advised by party officials that for donations that were given in the previous year by way of memberships in the Enterprise Club, they were issued tax receipts in early 2011 for the 2010 taxation year. But, Mr. Speaker, in addition to that, there is a very small handful of people that had given donations that will actually apply for the next taxation year. So in fact, Mr. Speaker, there is a supplementary list of people who have given donations or bought memberships who have not yet been entitled to receive tax receipts.

So, Mr. Speaker, either way we are in full compliance with the legislation, Mr. Speaker, and if the member wishes to go back and re-review the return, he'll see that the list is complete with both those members and individuals that received a tax receipt and those that had made a donation for which a tax receipt cannot yet be given.

The Speaker: — I recognize the member from Saskatoon Meewasin.

Mr. Quennell: — Well, Mr. Speaker, we are hearing from individuals who believe that they are members of the Enterprise Club, but can't find disclosure of their donations in the 2010 returns.

We know that the Sask Party has set up the Enterprise Club, an exclusive \$1,000 membership club, that allowed individuals, businesses, and corporations the ability to buy time to meet with the Premier, Sask Party cabinet ministers, and MLAs and other government officials. The Sask Party is appointing people to boards and positions, public responsibility. These appointees are supposed to be unbiased in their political views and working

for the public good.

To the minister: does he agree that the public has a right to know if the people being appointed to public boards and positions of responsibility are members of \$1,000 Enterprise Club and if they have had special access to the Premier and his cabinet? And is he saying today that the Sask Party has reversed its policy of failing to disclose these donations for an entire fiscal year?

The Speaker: — I recognize the Minister of Justice.

Hon. Mr. Morgan: — Mr. Speaker, we've been through this a number of times before. There is a very complex process to determine what a person is entitled to by way of a tax receipt. It contemplates determining the entire cost of an event and dividing it by the number of people that attended the event. It's stipulated in the legislation. And, Mr. Speaker, it will be the practice of this party and this government to ensure that that takes place, as I expect it will be with the members opposite.

And, Mr. Speaker, I can advise as well that where monies have been received, but we are not yet able to determine what tax receipt is there, we have disclosed that not because of a reversal in policy, but we have done that out of abundant caution.

Mr. Speaker, I can advise you as well that during the previous government, when they were in government, they just chose simply not to disclose these donors at all. They did nothing, Mr. Speaker. There was a large number of people that they received donations from that they did nothing whatever with, Mr. Speaker.

It is the policy and practice of this government and this party that we will disclose things fully and completely. We have absolutely nothing to hide, Mr. Speaker.

The Speaker: — I recognize the member from Saskatoon Meewasin.

Mr. Quennell: — Well, Mr. Speaker, anybody who's given the New Democratic Party \$1,000 once has their name on a little brass plaque down at provincial office. So if the minister's concerned about non-disclosure, he can just go down and check that, check that list of plaques.

In 2009, Mr. Glen Kobussen, former CEO of St. Peter's College, Carlton Trail, and some other combined college at the same time, made a \$1,000 contribution to the Sask Party which was not disclosed in the annual return for the year in which it was made. St. Peter's College reimbursed Mr. Kobussen the \$1,000 he paid to be a member of the Enterprise Club. So the taxpayers paid for the donation, which again was not disclosed in the fiscal year it was supposed to be.

Considering the discrepancies in reporting and the fact that it was taxpayers' dollars being paid to the Sask Party for the Kobussen donation, will the Minister of Justice provide us with an update as to the investigation by the Chief Electoral Officer into the appropriateness of delaying this, this delay of disclosing political donations, Mr. Speaker?

The Speaker: — I recognize the Minister of Justice.

Hon. Mr. Morgan: — Mr. Speaker, the members opposite chose to communicate with the Chief Electoral Officer. I received no information from the Chief Electoral Officer nor have I sought any information. The Chief Electoral Officer is an independent officer of the Legislative Assembly, and I trust that that individual will do whatever investigations he deems appropriate. And, Mr. Speaker, it would be inappropriate for us to interfere with that process whatever.

I can advise the House, Mr. Speaker, and advise members of the public, it is and will always continue to be the practice of this government to ensure that the legislation is complied with. And I can advise as well that the party chose to provide additional information on monies that had been received but tax receipts have not yet . . . And, Mr. Speaker, I cannot fault them for doing that. In fact the only thing I can do, Mr. Speaker, is to commend them for the appropriate full and thorough method in which they have chosen to handle their affairs.

And, Mr. Speaker, this matter we regard as being nothing more than the opposition raising issues because they have no other real issues to deal with, Mr. Speaker. We have a great province and things are going well in our province. And, Mr. Speaker, they should be focussing on the strong economy and the robust life the people have in our province.

The Speaker: — The member's time has elapsed. I recognize the member from Saskatoon Massey Place.

Relationship With Teachers

Mr. Broten: — Mr. Speaker, yesterday in committee, the Minister of Education was discussing a large teachers' rally that occurred here at the legislature last Thursday. I asked the following question:

I heard either through a scrum tape or through the media that you watched it from your window. Was that an accurate description of how you took in the events on Thursday?

The minister replied, saying:

No, you didn't hear that. I'm sorry, but you might have thought you heard that. I know for a fact you did not hear that in a scrum or otherwise.

Does the minister still stand by the answer she gave yesterday evening?

Hon. Ms. Harpauer: — Mr. Speaker, I don't recall telling anybody that I watched it from the windows, so I do not recall saying those words.

The Speaker: — I recognize the member from Saskatoon Massey Place.

Mr. Broten: — Mr. Speaker, in a media scrum last Thursday, the minister said this: "I looked out the window and there were a large number of teachers."

Yet when I asked her about those comments yesterday, when I asked her about those comments yesterday, she said:

No, you didn't hear that. I'm sorry, but you might have thought you heard that. I know for a fact you did not hear that in a scrum or otherwise.

It may seem like a little thing, Mr. Speaker, but for a minister to say one thing one week and the exact opposite the next is deeply concerning. So to the minister: what's the truth, what she said yesterday to the committee or what she told the media last Thursday?

The Speaker: — I recognize the Minister of Education.

Hon. Ms. Harpauer: — Mr. Speaker, the member opposite may not be aware, I have windows on two sides of my office. To go from the desk, I go past two sets of windows in order to go to the front office. Mr. Speaker, I do have interactions with the staff in my office, and from time to time throughout the day I walk from my desk to the administration . . .

The Speaker: — Order. Order. Order. I'm having difficulty hearing the minister's response. Order. Minister of Education.

Hon. Ms. Harpauer: — Thank you, Mr. Speaker. I would have, as I often do on any given day, will look out the window as I walk past those windows, Mr. Speaker. I suppose I could cover up the windows. I suppose that I could put blinders on, the NDP should know how that works quite well, and not look sideways at all.

But, Mr. Speaker, yes, I did glance out the window. I did walk past my windows a number of times. So I, you know, truly I didn't stand there watching. I do have other things to do, Mr. Speaker. But did I look out the window? Yes, Mr. Speaker, I probably did.

[14:15]

The Speaker: — I recognize the member from Saskatoon Massey Place.

Mr. Broten: — Mr. Speaker, again this may seem like a small matter, but when you can't trust someone on small matters, when you can't trust someone on small matters, you certainly cannot trust their word on big matters.

Mr. Speaker, thousands of teachers came to rally at the legislature last week in order for their concerns to finally be heard. They invited the minister and the Premier to attend but they chose not to, and teachers were curious where they were. One day, one day, Mr. Speaker, the minister claimed she was looking at the rally through the window. Another day she adamantly denied that she was looking at the rally through the window.

So to the minister: at a time when teachers are already feeling incredibly disrespected and undervalued by the Sask Party government, will she apologize to them for her vastly different stories about where she was when they came to the legislature last Thursday?

The Speaker: — I recognize the Minister of Education.

Hon. Ms. Harpauer: — Mr. Speaker, I want to share with this

Assembly a letter that I received from a teacher from Prince Albert who does not agree, does not agree quite frankly with the offer that the government has given them. But the letter says this:

Dear Mrs. Harpauer [and I'm quoting]:

I wish to express my most sincere appreciation for your response to my letter of March 2, 2011, in which I communicated my concerns and beliefs regarding the state of collective bargaining between the government trustees and the teachers of Saskatchewan.

I greatly appreciate the respectful and positive tone of your letter. I appreciate even more your recognition of the invaluable work that we do as the educators in the publicly funded K-12 education system. At the moment, the two sides in teacher contract negotiations are very far apart in their opinions of what is a fair, reasonable and competitive settlement. Nevertheless, it is reassuring that for both sides it is possible to disagree without being disagreeable.

[It ends with] Thank you again for your polite, respectful letter. It is reassuring that despite our differences, we can still remain a positive, respectful relationship.

Thank you, Mr. Speaker.

The Speaker: — I recognize the member from Saskatoon Centre.

Response to Rent Increases

Mr. Forbes: — Thank you, Mr. Speaker. We raised the issue some weeks ago about a group of renters in Regina who are facing rent increases of as high as 63 per cent. When we initially questioned the government about the people from Portnall on April 4th, the response was that increases were, and I quote, "unacceptable."

To the minister: now that more than a month has passed since our first discussion specifically about the rental situation at 3211 Portnall and more generally about rent controls, what has the government done to protect the tenants from this kind of unacceptable rent increase?

The Speaker: — I recognize the Minister Responsible for Social Services.

Hon. Ms. Draude: — Mr. Speaker, Mr. Speaker, I agree at that time . . . And I do know the rent controls of 100 per cent are totally unacceptable, and that is the only time we've heard of that time of rent increase.

Mr. Speaker, there is many people around this province who are looking for homes, and they are actually very pleased with the fact that the vacancy numbers have increased right across the province. They've gone from 1.2 per cent to 2.5 per cent. Mr. Speaker, there is opportunities because of the summit and because of the consultation work we've done and the five-point plan on housing where there will be more units. The individuals that the member opposite is speaking about have been spoken to, not only from individuals in my office but from the

Rentalsman, and we are working very hard to make sure those individuals have a place they can call home.

The Speaker: — I recognize the member from Saskatoon Centre.

Mr. Forbes: — Thank you, Mr. Speaker. That's interesting that she's working with the people. The people at the Portnall agree with the government that a rent increase of 63 per cent is truly unacceptable. And in your gallery today, Mr. Speaker, is one of the residents. In your gallery today, Mr. Speaker, is one of the residents, Gaby. A student, Gaby can't afford such steep increases in her rent. Like many in Saskatchewan, Gaby is facing economic eviction, and she is feeling like she's being spoken to by the minister.

To the minister: when we spoke about the people at Portnall back in April, the government said there might be measures that could be taken to protect renters like Gaby. So I want to ask what measures, specific measures have been looked into, and will any of these come into effect to keep Gaby and her neighbours from being economically evicted from their homes?

The Speaker: — I recognize the Minister Responsible for Social Services.

Hon. Ms. Draude: — Mr. Speaker, Mr. Speaker, we all are aware that the housing issue is one of the big ones, challenges that we have in the province right now, and that's why our government has spent a lot of money on making sure that we can have new units that are available so people will have not only a home but will be moving out of what is rental space and allowing them into the entry-level homes that we have in the province.

Mr. Speaker, the vacancy rates have increased in seven out of nine of our largest cities, and we do know that there is opportunities working with the developers to make sure that there are more units that we have. Mr. Speaker, at the summit not too long ago, we had an opportunity to speak to developers who are well aware that Saskatchewan is a great place to invest. And they would like to not only build more units, but know that we have put more money into the pockets of the people of the province so they have money to pay for rent.

Mr. Speaker, I know that there are individuals that are still being affected by this, and our government is working very hard to make sure that we can look at everybody in an individual basis to make sure that there are homes for people. Overall we know that we have to have more units and more money in the pockets of our people.

The Speaker: — I recognize the member from Saskatoon Centre.

Mr. Forbes: — Well I'm not sure Gaby's feeling like she's up more money in her pocket after a 63 per cent rate increase.

Now one of the few people in this province, the Premier, has the ability to say something is unacceptable and actually take the steps to do something about it. And he's sitting right across the aisle. The government has said that this kind of rent increase is unacceptable, but nothing has been done. To the minister:

when will this government start taking responsibility for protecting the people of Saskatchewan? This government agrees this is an unacceptable situation, so I'll ask again: what steps, what specific steps is the government ready to take to protect tenants in this province from being gouged by their landlords?

The Speaker: — I recognize the Minister Responsible for Social Services.

Hon. Ms. Draude: — Mr. Speaker, we've been watching the markets. We're watching rate increases, and we know that Saskatchewan's overall rate increase in the province is not higher than any other province. We do know that the vacancy rate is improving right across the province. And we know that there's more work to be done, Mr. Speaker.

We know that we have, we've put more money into 114,000 taxpayers' pockets because they no longer pay taxes in this province. Mr. Speaker, we've worked ensuring that we've increased the rental supplements and shelter rates six times and indexed them to the cost of living.

Mr. Speaker, I do know that there's more work to do with individuals. I am very pleased with the fact that we've had individuals represented at the housing summit that came from non-profit . . .

[Interjections]

The Speaker: — Order. Order. The Minister of Social Services.

Hon. Ms. Draude: — April 19th to 21st, we had people from 19 different non-profit organizations that came and talked about their concerns. I met with these individuals for an hour and a half and answered their questions, and they agreed that there's more work to be done, but we have to do it together. Mr. Speaker, there's more work to be done. The work has to be done in partnerships, not only with municipalities but with developers, and making sure that we work together to understand that there is an advantage in our province and that everybody has a right to share in that advantage.

The Speaker: — I recognize the member from Saskatoon Centre.

Mr. Forbes: — Mr. Speaker, this minister gives us rhetoric after rhetoric. She fails to understand the urgency of this situation. Vacancy rates won't help out Gaby today. What specific measures has she taken, what this government has taken to help out the tenants at Portnall?

The Speaker: — I recognize the Minister of Social Services.

Hon. Ms. Draude: — Mr. Speaker, when the issue first came forward, there was a number of the tenants from Portnall came to our office, and we had a chance with the Minister of Justice to sit down and talk with them and talk about some of the work that the Rentalsman could do as well. We had a chance to talk about their individual needs and to see if there's other places they can be in.

Mr. Speaker, the members opposite had an opportunity when

they were in government three and a half years ago to talk about things like rent controls and building more houses, but they didn't do that. Instead they decided it would be better to take taxpayers' money and spend it outside of our province, outside of the country, and they did not concentrate on our province.

The Speaker: — Order. I recognize the Minister of Social Services.

Hon. Ms. Draude: — Mr. Speaker, we know that in the next few months there has to be work done to make sure that these individuals, who were affected by this tremendous rate increase, will have a place to stay.

But I do think that the members opposite have forgotten that not too long ago, when they were in government, they thought it was okay to raise taxes and not look at all at the people that were . . . They raised income taxes twice. They raised PST [provincial sales tax] three times. They raised fuel taxes twice. They raised tobacco taxes five times. All the time, it was talking about individuals, Mr. Speaker, and not looking at the people that need their help but looking at their own pockets.

The Speaker: — Why is the member on his feet?

Hon. Mr. Harrison: — Point of order, Mr. Speaker.

The Speaker: — The Government Deputy House Leader is asking for a point of order. I ask the member to state the point of order.

POINTS OF ORDER

Hon. Mr. Harrison: — Mr. Speaker, during question period, the member from Saskatoon Centre referred to the presence or absence of a member, which is clearly contrary to the rules and practice of the Assembly and has been for some time, Mr. Speaker.

The Speaker: — I recognize the Opposition House Leader.

Mr. Yates: — Thank you very much, Mr. Speaker. If you listen very carefully to the question that was asked, the member was referring to the seat where he sits, Mr. Speaker. He wasn't talking — the chair — he was not talking about his absence. He said he sits on the opposite side, Mr. Speaker. And, Mr. Speaker, it was clearly, clearly about where the Premier sits.

The Speaker: — Order. Order. Order. Order. The member raises a point of order. Order. I've listened to the point of order. I've listened to the response from the Opposition House Leader.

Members have agreed to the rules. Rule 50(b) says, "reflect on the absence of another Member." It doesn't say anything to do with regards to the presence or absence. I find the point of order not well taken.

Why is the member on his feet?

Mr. Yates: — Mr. Speaker, during question period today, the Minister of Education referred to a letter . . . Point of order, Mr. Speaker. Referred to a letter, Mr. Speaker.

The Speaker: — Order. I ask the member to state his point of order.

Mr. Yates: — During question period today, the Minister of Education referred to and quoted directly from a letter. Mr. Speaker, I simply ask that that letter be tabled. Under the rules, if a minister reads from a letter — and she referred to it as a letter — it is to be tabled in the Assembly upon request.

The Speaker: — I would ask the minister to table the letter, and I thank the minister.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

The Speaker: — I recognize the Chair of the Economy Committee.

Standing Committee on the Economy

Mr. Stewart: — Mr. Speaker, I'm instructed by the Standing Committee on the Economy to report Bill No. 157, *The Oil and Gas Conservation Amendment Act, 2010* without amendment.

The Speaker: — When shall this Bill be considered in Committee of the Whole? I recognize the Minister Responsible for Energy and Resources.

Hon. Mr. Boyd: — Thank you, Mr. Speaker. Mr. Speaker, I request leave to waive consideration in the Committee of the Whole on the Bill and that the Bill be now read the third time.

The Speaker: — The minister has requested leave to waive consideration of Committee of the Whole on Bill No. 157, *The Oil and Gas Conservation Amendment Act, 2010* and that the Bill be now read the third time. Is leave granted?

Some Hon. Members: — Agreed.

The Speaker: — The minister may proceed to move to third reading.

THIRD READINGS

Bill. No. 157 — *The Oil and Gas Conservation Amendment Act, 2010*

Hon. Mr. Boyd: — I move that this Bill be now read a third time and passed under its title.

The Speaker: — It has been moved by the Minister Responsible for Energy and Resources that Bill No. 157, *The Oil and Gas Conservation Amendment Act, 2010* be now read the third time and passed under its title.

[Interjections]

Some Hon. Members: — Agreed.

The Speaker: — I didn't get there yet.

Order. I'd ask members to come to order so that we can hear the proceedings.

Is the Assembly ready for the question?

Some Hon. Members: — Question.

The Speaker: — Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

Law Clerk and Parliamentary Counsel: — Third reading of this Bill.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

The Speaker: — I recognize the Chair of the Economy Committee.

Standing Committee on the Economy

Mr. Stewart: — Mr. Speaker, I'm instructed by the Standing Committee on the Economy to report Bill No. 144, *The Litter Control Amendment Act, 2010* without amendment.

The Speaker: — When shall this Bill be considered in Committee of the Whole? I recognize the Minister of Justice.

[Interjections]

The Speaker: — Order. I'd ask members to come to order so that we can hear the proceedings in the Chamber so that members can follow and understand when they're supposed to be involved in the Chamber.

We're discussing Bill No. 144, *The Litter Control Amendment Act*. I've asked when shall this Bill be considered in Committee of the Whole.

I recognize the Minister Responsible for the Environment.

[14:30]

Hon. Mr. Duncan: — Mr. Speaker, I request leave to waive consideration in Committee of the Whole on this Bill and that the Bill be now read for the third time.

The Speaker: — The Minister of the Environment has requested leave to waive consideration of Committee of the Whole on Bill No. 144, *The Litter Control Amendment Act, 2010*.

[Interjections]

The Speaker: — Order. Order. And that the Bill be now read the third time. Is leave granted?

Some Hon. Members: — Agreed.

The Speaker: — The minister may proceed to third reading.

THIRD READINGS

Bill No. 144 — *The Litter Control Amendment Act, 2010*

Hon. Mr. Duncan: — I move that this Bill be now read the third time and passed under its title.

The Speaker: — It has been moved by the Minister Responsible for the Environment that Bill No. 144, *The Litter Control Amendment Act, 2010* be now read the third time and passed under its title. Is the Assembly ready for the question?

Some Hon. Members: — Question.

The Speaker: — Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

Law Clerk and Parliamentary Counsel: — Third reading of this Bill.

**PRESENTING REPORTS BY STANDING
AND SPECIAL COMMITTEES**

The Speaker: — I recognize the Chair of the Economy Committee.

Standing Committee on the Economy

Mr. Stewart: — Mr. Speaker, I am instructed by the Standing Committee on the Economy to report Bill No. 155, *The Natural Resources Amendment Act, 2010* without amendment.

The Speaker: — When shall this Bill be considered in Committee of the Whole? I recognize the Minister Responsible for the Environment.

Hon. Mr. Duncan: — I request leave to waive consideration in Committee of the Whole on this Bill and that the Bill be now read the third time.

The Speaker: — The Minister Responsible for the Environment has requested leave to waive consideration of Committee of the Whole on Bill No. 155, *The Natural Resources Amendment Act, 2010* and that the Bill be now read the third time. Is leave granted?

Some Hon. Members: — Agreed.

The Speaker: — The minister may proceed to third reading.

THIRD READINGS

Bill No. 155 — *The Natural Resources Amendment Act, 2010*

Hon. Mr. Duncan: — I move that this Bill be now read the third time and passed under its title.

The Speaker: — It has been moved by the Minister Responsible for the Environment that Bill No. 155, *The Natural Resources Amendment Act, 2010* be now read the third time and passed under its title. Is the Assembly ready for the question?

Some Hon. Members: — Question.

The Speaker: — Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

Some Hon. Members: — No.

The Speaker: — Those in favour say aye.

Some Hon. Members: — Aye.

The Speaker: — Those opposed say nay.

Some Hon. Members: — Nay.

The Speaker: — The motion passes. Call in the members.

[The division bells rang from 14:32 until 14:36.]

The Speaker: — Order. Those in favour of the motion, please rise. Order.

[Yeas — 33]

Morgan	Norris	Draude
Krawetz	Boyd	Eagles
McMorris	Cheveldayoff	Duncan
Huyghebaert	McMillan	Harpauer
D'Autremont	Harrison	Hickie
Reiter	Hutchinson	Brkich
Elhard	Hart	Schriemer
Stewart	Allchurch	Weekes
Ross	Wilson	Michelson
Wyant	Ottenbreit	Chisholm
Kirsch	Bradshaw	Hepner

The Speaker: — Those opposed to the motion, please rise.

[Nays — 19]

Lingenfelter	McCall	Belanger
Harper	Trew	Higgins
Atkinson	Nilson	Forbes
Vermette	Brotten	Furber
Morin	Yates	Iwanchuk
Taylor	Quennell	Wotherspoon
Chartier		

Clerk: — Mr. Speaker, those in favour of the motion, 33; those opposed, 19.

The Speaker: — The motion carries.

Law Clerk and Parliamentary Counsel: — Third reading of this Bill.

The Speaker: — I recognize the Chair of the Economy Committee.

**PRESENTING REPORTS BY STANDING
AND SPECIAL COMMITTEES**

Standing Committee on the Economy

Mr. Stewart: — Thank you, Mr. Speaker. I'm instructed by the Standing Committee on the Economy to report that it has considered certain estimates and to present its ninth report. I move:

The ninth report of the Standing Committee on the Economy be now concurred in.

The Speaker: — The Chair of the Economy Committee has moved:

That the ninth report of the Standing Committee on the Economy be now concurred in.

Is the Assembly ready for the question?

Some Hon. Members: — Question.

The Speaker: — Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried. I recognize the Chair of the Intergovernmental Affairs and Justice Committee.

Standing Committee of Intergovernmental Affairs and Justice

Mr. Michelson: — Thank you, Mr. Speaker. Mr. Speaker, I'm instructed by the Standing Committee on Intergovernmental Affairs and Justice to report Bill No. 169, *The Saskatchewan Financial Services Commission Act* without amendment.

The Speaker: — When shall this Bill be considered in Committee of the Whole? I recognize the Minister of Justice.

Hon. Mr. Morgan: — I request leave to waive consideration in Committee of the Whole on this Bill and the Bill be now read the third time.

The Speaker: — The Minister of Justice has requested leave to waive consideration in Committee of the Whole on Bill 169, *The Saskatchewan Financial Services Commission Amendment Act, 2011* and that the Bill be now read the third time. Is leave granted?

Some Hon. Members: — Agreed.

The Speaker: — The minister may move to third reading.

THIRD READINGS

Bill No. 169 — *The Saskatchewan Financial Services Commission Amendment Act, 2011*

Hon. Mr. Morgan: — I move this Bill be now read the third time and passed under its title.

The Speaker: — It has been moved by the Minister of Justice that Bill No. 169, *The Saskatchewan Financial Services*

Commission Amendment Act, 2010 be now read the third time and passed under its title. Is the Assembly ready for the question?

Some Hon. Members: — Question.

The Speaker: — Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

Law Clerk and Parliamentary Counsel: — Third reading of this Bill.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

The Speaker: — I recognize the Chair of the Intergovernmental and Justice Committee.

Standing Committee on Intergovernmental Affairs and Justice

Mr. Michelson: — Thank you, Mr. Speaker, I am instructed by the Standing Committee on Intergovernmental Affairs and Justice to report that it has considered certain estimates and to present its 10th report. I move:

That the 10th report on the Standing Committee on Intergovernmental Affairs and Justice be now concurred in.

The Speaker: — It has been moved by the Chair of the Intergovernmental Affairs and Justice Committee:

That the 10th report of the Standing Committee on Intergovernmental Affairs and Justice be now concurred in.

Is the Assembly read for the question?

Some Hon. Members: — Question.

The Speaker: — Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

ORDERS OF THE DAY

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

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 Saskatoon Meewasin.

Mr. Quennell: — Thank you, Mr. Speaker. Mr. Speaker, I rise today to speak to Bill 160, a Bill that proposes amendments to *The Saskatchewan Human Rights Code*. And I want to begin by stating, because there's been a lot of confusion amongst the public who are interested in this Bill, what the Bill actually does and what the Bill actually does not do, what the Bill is actually about and what the Bill is not about, Mr. Speaker, and what the government's Bill will have the effect of doing, what is the intent of the Bill to do and what it will not have the effect of doing and does not have any intent to do, and what the opposition supports in respect to human rights reform and what the opposition opposes, and what the public supports and what the public opposes, Mr. Speaker.

What this Bill is not about is the much talked about by the government, the government spokesman, the much talked about four pillars. The opposition has no difficulty with the four pillars, support the four pillars. It's our view, and I think of reading of the current Human Rights Code unamended by this Bill, is that the four pillars are supported by the current legislation.

As a matter of fact, in a couple of cases and one case for sure, Mr. Speaker, the current Human Rights Code better supports one of the pillars, the first pillar, more than the amendments. Anything the amendments proposed in this Bill seek to undermine one of the four sacred pillars that the government uses as a defence and argument for this legislation, for this Bill that is before the Assembly.

The four pillars — and now I'll cite a government document in this respect prepared by the Human Rights Commission — the first and foremost pillar is investigation, prosecution, and gatekeeping for complaints of discrimination. It is the prosecution and adjudication of human rights complaints that will be greatly diminished towards zero, or as diminished as this government can affect, with this legislation. That's the first pillar. That pillar is obviously supported by the current Code. Members of the government, the government itself aren't fond of the controversy that is sometimes raised by the investigation, prosecution, and adjudication of human rights complaints. And this Bill is primarily about ending those adjudications and ending that controversy and attendant issues to it.

[14:45]

The second pillar is a focus on early resolution using mediation, collaboration, talking circles, and other forms of alternative dispute resolution. Well none of those are prohibited from the current Code. No changes have to be made to the Code. It still doesn't have to be passed to allow for the second pillar. Matter of fact, mediation is often used by the Human Rights Commission currently. It's not the type of coercive mediation that is set out in Bill 160. And the other types of dispute resolution that are mentioned in the document circulated by the government aren't mentioned in the Bill. The Bill makes

passing reference and, I would argue given the current Human Rights Code, superfluous and redundant reference to seeking alternative dispute resolution mechanisms.

The third pillar is systemic advocacy for issues that affect multiple persons or groups. And again already that pillar is there in the current Code in the objects of the current Act, Mr. Speaker.

And the fourth, and this is the most scandalous, in some ways disingenuous, conflation of the Bill, Bill 160 and the pillars, because the fourth pillar is in respect to education. And the Human Rights Commission wants to develop pre-kindergarten to grade 12 civics material and teach citizenship rights, responsibilities, and respect in all Saskatchewan schools. A high-sounding, high-minded principle and purpose, Mr. Speaker. But interestingly enough, Bill 160 does not contain the word education. Anything that is done in respect to this fourth pillar is being done pursuant to powers that are already set out in the current legislation, unamended by this Bill, the current Human Rights Code.

Now in passing I'll say that in estimates we discussed a modest increase that was made to the Human Rights Commission in this year's budget — \$100,000 has been provided for development of this curriculum — another \$100,000 apparently to the Ministry of Education. The development of this curriculum if everything proceeds apace, if the government maintains its commitment to it, will take another three or four years according to the questions and answers that we received in estimates.

At the end of that time, this Bill and this strategy would see the front line for solving another social problem — the problem of sexual discrimination, racism, homophobia — we transfer it from people in the justice system to school teachers. So the plan here is to off-load these issues from where they are now currently dealt with and load those down on already overstressed, overworked teachers who are today still without a contract for the work they already do, Mr. Speaker.

But that aside, that is the decision, to put a greater emphasis on education about human rights and tolerance of diversity into the schools. It doesn't require Bill 160 to do it, Mr. Speaker. It simply doesn't. And Bill 160 doesn't even contain the word education. The government when it drafted the legislation didn't even bother to put the word education in the Bill, thinking that if they just kept talking about the four pillars, and every time they had occasion to speak to or respond to questions about Bill 160, people would assume that the four pillars in Bill 160 had something to do with each other. And I think it's been a fairly successful strategy.

On the occasion of the first reading of this Bill, a number of representatives of different groups came to this Assembly to express their support for the four pillars. And it was interesting because often groups are invited to come and hear the second reading speech of the minister because when the Bill receives first reading, you don't hear very much about what the Bill actually does. But if they had come for the second reading speech of the minister, then they would have actually heard what the Bill does do. Even given that it would have been the best possible light the government could put on the Bill, the

minister couldn't have mentioned really in a second reading speech, in defence of Bill 160, an explanation of Bill 160 had anything to do with education on human rights issues. Because it doesn't. The word's not in the Bill.

Now I had occasion to talk to some of the representatives in the rotunda before we came into the Assembly, and on that day's business, among other things, had first reading of Bill 160. And one individual from one organization had come down from Saskatoon to express his support for what he thought was in Bill 160 because he's all in favour of anything that has to do with education and education to do with social responsibility. Well to this day I expect that that individual may not know that Bill 160 has nothing to do with education, that there is nothing about education in Bill 160. It's simply not there.

The information provided by the government, the frequently asked question document about Bill 160, is interesting in some other respects besides taking as the number one primary paragraph the occasion, the opportunity to conflate and confuse the four pillars, which the opposition supports, Mr. Speaker. The Amnesty International, who oppose Bill 160, support all the people from all the communities . . . And I think I read out more than 70 communities today who have signed petitions asking for the withdrawal of Bill 160 and public consultations on human rights reform. They all expect we'd actually support the four pillars, Mr. Speaker, but they don't support Bill 160 because that's not what Bill 160 is about.

Bill 160 is about moving from adjudication of human rights complaints, which are sometimes controversial, sometimes make the news, which sometimes upset people, moving away from that adjudication to coercive mediation or never getting very far at all, Mr. Speaker, because what Bill 160 does is allow a government appointment, a government appointee operating the Human Rights Commission to dismiss human rights complaints that have merit, that show that there was discrimination but are not, in his opinion, warranted.

And what does that mean? How could a human rights complaint have merit, show that there was discrimination, and not be warranted? No one knows what that means. I don't think the government knows what that means. When pressed, when pressed, a government spokesman will say, well it might not be warranted if it would be controversial. Well, Mr. Speaker, that's not, that's not right that one be denied one's redress, one's remedy because somebody might be upset even though your case has merit, even though your case shows discrimination.

Now there was a check on this discretion which is more limited today. It would be much more expansive, this discretion, if Bill 160 becomes law. There was a check on the discretion of the Chief Commissioner of the Human Rights Commission, and that check was a tribunal, an independent body, independent of the commissioner, independent of the Human Rights Commission. There was a check so that if you thought your complaint had, indeed it had merit, that there was evidence you'd been discriminated against, and now, if this Bill becomes law, it's warranted — whatever warranted or unwarranted might mean — and the Chief Commissioner said, no, no one's going to hear your complaint; it's not going to proceed anywhere, well that wasn't the end of the day. You could go the Human Rights Tribunal, and they could overrule that decision.

Well now the Human Rights Tribunal isn't going to exist any more if Bill 160 becomes law. And there was a lot of talk about elevating these matters to the Court of Queen's Bench and providing, you know, better decisions. And I'll come to that, Mr. Speaker.

But now if the Chief Commissioner exercises this much wider discretion in a way that the complainant who feels that they've been discriminated against, and who the Chief Commissioner doesn't argue that they've been discriminated against, doesn't argue that the case has merit but says, it's not warranted anyways, what can that individual do? Well if you're not happy with the decision of a board or a tribunal or of somebody acting in this capacity of gatekeeper, you can apply for administrative review.

Now the law around administrative review I expect is not understood by one in 100 citizens of this province. And actually my suspicion is that the law around administrative review isn't understood very well by a number of lawyers in this province, Mr. Speaker. It's a rather specialized practice. Labour lawyers particularly would be fairly familiar with it, but a lot of lawyers would not be. But certainly the idea that somebody would go to the Court of Queen's Bench by themselves, without legal counsel, to request administrative review of the decision of the Chief Commissioner that their complaint — even though it had merit and showed discrimination — wasn't warranted, well I think you'd want to have a lawyer for that, Mr. Speaker.

And when it's suggested by the government, as it was in the second reading speech of the minister and by government spokespeople . . . And I know the minister himself has tried to avoid commenting on this legislation, defending this legislation, explaining this legislation to the people of Saskatchewan as much as he can. But whenever the minister or any delegate of the minister comments on this legislation, they say, well you know, an individual doesn't have to pay to have their human rights complaint go even to the Supreme Court of Canada.

But that's actually not accurate, Mr. Speaker, because the complaints that go forward, and there'll be very few of them if Bill 160 becomes law . . . That's the plan. That's the plan of the government. That's the plan of the current Chief Commissioner of the Human Rights Commission. There'll be very few of them that go forward but the ones that go forward are not the complaints of the individual. They become the complaints of the commission. The lawyer is the commission's lawyer. If you want to complain about the exercise of the Human Rights Commission's discretion, you get your own lawyer. If you want to argue your own complaint because you're not happy with the way the commissioner is arguing it, you get your own lawyer.

But of course we know that these individuals, the vast majority of them, can't afford to do that, Mr. Speaker. The suggestion that their lawyers would be paid by the public to be in the Court of Queen's Bench is just not the case. Your complaint doesn't get to the Court of Queen's Bench. It only gets to the Court of Queen's Bench if your complaint becomes the commission's complaint, Mr. Speaker. And this legislation is directed at making sure that there are very few complaints by the commission, by anybody.

The frequently asked questions document talks about elevating,

elevating the adjudication of human rights complaints away from human rights tribunals, which are going to be abolished, and into the courts. Now this turns out not to be the case. I don't know when this document was issued, but by March of this year, the minister was saying that's not what's going on here. What's going on here is we're not going to have a lot of human rights cases. Maybe one a year. Maybe two a year. Three are a max, maximum. It's not about elevating the cases, Mr. Speaker, it's about eliminating the cases from adjudication.

But in the original document, in an earlier document, the government isn't being very upfront, in my view, about the real effect of the legislation, which is to dismiss more complaints, coercively force settlement of more complaints, and to have far fewer complaints heard by anyone, not only to the detriment of complainants to actually have their rights treated as important rights that, if they are violated, deserve a remedy by an adjudicator. And the government, you know, gives a backhanded slap to tribunals but then deprives really, or wants to deprive really, most complainants of any adjudication at all by anybody.

But in this earlier document, the government says these cases are too important to be relegated to administrative adjudicatory bodies overseen by lawyers acting as part-time quasi judges. And it goes on to say how important human rights cases are. They ensure, shape, and interpret our rights as citizens. These cases should be heard by full-time judges whose neutrality and fairness is guaranteed by their judicial independence.

[15:00]

That's what the government says on one day, but by March of this year the minister is saying, well don't worry about the formality of the Court of Queen's Bench because almost no cases are going to be heard. These important cases that need be heard by the superior courts of the country, well they're not so important. They're not going to be heard, so just relax about that. We're not going to be spending a lot of time in the Court of Queen's Bench.

And again, the document that the government had circulated stated that if prosecution is required . . . Now that's in the opinion of the commissioner, and the commissioner can decide it won't be prosecuted for a number of reasons. One is that, well I think the respondent made a reasonable settlement, and you didn't take it, so I dismiss your complaint. That's in Bill 160. Or I just don't think it's warranted; we don't want to do it. And if you don't like it, you can go off to Court of Queen's Bench, and you'll have to hire your own lawyer to find out, to define for the people of Saskatchewan — because the government doesn't do it — what does warranted mean.

Now what marginalized, impoverished, disenfranchised victim of a human rights violation is going to be forced to raise funds to get a lawyer to go to the Court of Queen's Bench to define what warranted means in this legislation? Why is this discretion even being provided? But for the government to suggest that complainants won't have to hire their own lawyers, well if complainants want to argue their own case, complainants will have to hire their own lawyers because these are the commission complaints. The only complaints that will proceed are the complaints the commission allows to proceed, and the

commission is given a wide discretion and a number of avenues to stop complaints from proceeding. So there's been a lot of confusion.

And I expect that this is not a vote-determining issue in any constituency in the province of Saskatchewan and that when it does come up, a lot of people will be persuaded because a lot of people were told that this legislation has something to do with the four pillars, that this legislation has something to do with elevating cases away from administrative tribunals which, you know, can't make important decisions.

They make decisions about labour law all the time. They make decisions about occupational health. They make decisions about whether somebody can be released from a mental health care facility if they've been ordered to be there. They make decisions about so many things. They make environmental decisions. They make decisions about . . . Well the parole board, Mr. Speaker, the parole board is not a superior court. I mean whether someone has to stay in prison or not and serve out more of the term is not decided by a superior court. Surely that's an important decision. It's an important decision for the individual; it's an important decision for the society; and there's some very controversial cases, some affecting Saskatchewan citizens, about early release. But we don't have the Government of Saskatchewan calling for these administrative tribunals to be dissolved, for the parole board to be dissolved, by the Labour Relations Board to be resolved.

The board that hears appeals on compensation for automobile accidents in this province, Mr. Speaker, no superior court judges on that. That's not the Court of Queen's Bench; that's a commission. That's a tribunal very much like the Human Rights Tribunal. The only tribunal, the only tribunal so far, so far in the province of Saskatchewan this government does not like, is the Human Rights Tribunal.

And I can understand some people think that the Human Rights Tribunal has misinterpreted human rights law and therefore we need to move away from this tribunal. In fact, Mr. Speaker, those people should look at the record. I don't believe that there is more than one case where the Human Rights Tribunal has been overturned by the Court of Queen's Bench or by any other court in Saskatchewan. Ultimately one tribunal decision in the history of the Human Rights Tribunal of Saskatchewan has been overturned. That's a pretty good record. I think a lot of so-called lower courts, provincial courts, even the Court of Queen's Bench when they're looking at their decisions going to the Court of Appeal, would be pretty proud, nay, surprised, at a record like that, Mr. Speaker, where they are so rarely overturned. So the Human Rights Tribunal has served the province well and served every other jurisdiction in this country well.

It was interesting to note that very recently, the leader of the Progressive Conservative or the Conservative Party in Ontario who's been committed to, if he becomes premier of that province, committed to abolishing the Human Rights Tribunal in Ontario, he has reversed himself, Mr. Speaker. He has reversed himself on that because the Ontario public thinks that that's a little right wing. And the leader of the Conservative Party in Ontario wants to play to the centre. Entirely appropriate on his part. He wants to play to the centre and he's abandoning

that promise. So even if a Conservative government is elected in Ontario, the Human Rights Tribunal in Ontario will survive. But the one in Saskatchewan, if this Bill becomes law, will disappear.

And one of our primary concerns is not the one that's discussed much, is not that, only that, not only that the tribunals offer a more informative or informal, less intimidating venue for complainants to talk about the abuse of their rights and their complaints than the Court of Queen's Bench. Not only are tribunal members actually specialized in human rights law because they spend a lot more time hearing those cases, reviewing those cases, writing those decisions than any member of the Court of Queen's Bench ever will, if you add this area of the law to all their other work . . . These are judges who hear a lot of family law cases, the more serious criminal law cases, most of the commercial cases in the province of Saskatchewan. None of them will develop the specialty or expertise in human rights law that Human Rights Tribunal members have. But that's only a couple of the concerns.

A primary concern, one that's less talked about, is that the tribunal is a check on the discretion of the government-appointed human rights Chief Commissioner, who . . . The current Chief Commissioner supports this legislation, I believe. But even if he did not, we don't design legislation around one office holder or another. The fact is that the Chief Commissioner of the Human Rights Commission in the province of Saskatchewan is not like the Chief Electoral Officer. He's not like the Ombudsman. He's not like the Provincial Auditor. He's not like the Children's Advocate. He's not an independent officer of this legislature. He's a government appointee, Mr. Speaker. And the public needs to be concerned about the discretion and powers granted to public appointees by government appointees because they are not independent. And we saw what the government was willing to try to do in the case of the Chief Electoral Officer and make that a government appointment and appoint somebody who we expect would have been a lot more supportive of a Bill I will speak to later, *The Election Act* amendments, Mr. Speaker. They don't have to try to reverse the non-partisanship appointment of the Chief Commissioner of the human rights. It's not there.

Mr. Speaker, the current Human Rights Code, in section 25, empowers the commission . . . No, not empowers the commission, requires the commission to "develop and conduct educational programs designed to eliminate discriminatory practices." The fourth pillar is not enabled by this Bill; the fourth pillar is required by the current Act, the current Human Rights Code, Mr. Speaker. The current Human Rights Code, section 47, requires that:

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 race, creed, religion, colour, sex, sexual orientation, family status, marital status, disability, age, nationality, ancestry or place of origin of members of that group, or the receipt of public

assistance by members of that group by improving opportunities respecting . . . facilities, accommodation, employment or education in relation to that group or the receipt of public assistance by members of that group.

In other words, Mr. Speaker, Bill 160, which makes passing reference to the pillar in respect to systemic advocacy, doesn't advance that pillar and is not needed to promote that pillar. That pillar is clearly promoted by the current Human Rights Code, specifically section 47, which I have just read. To pretend, as the government does, that Bill 160 is required for systemic advocacy when the current Human Rights Code already sets those powers out and much more broadly and in much more detail than the proposed legislation is bordering on the disingenuous, Mr. Speaker.

The objects of the current Saskatchewan Human Rights Code are set out in section 3 of the code:

- (a) to promote recognition of the inherent dignity and equal and 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.

All the powers that one needs to advance the strategic four pillars which the government says they believe in, which the opposition certainly supports, is contained in the current code.

What the legislation does is increase the discretion and the powers of the Chief Commissioner to dismiss complaints, force settlement, or dismiss those complaints or refuse to advance complaints of human rights abuses. It removes the tribunal that is a check on that discretion and require what some have called coercive mediation.

Now we're all for mediation, Mr. Speaker. If we have a dispute with our neighbour about a property line or some such matter, as equals it's best if we can possibly sit down perhaps with the help of a mediator and work out that dispute. But we are not, Mr. Speaker, talking about people who are acting as equals.

Somebody feels that they have been discriminated by an employer in respect to employment because of a prohibited ground — race, sex, whatever — Mr. Speaker, or has been refused accommodation or has been refused some public service or has been . . . Well this is a person in power denying a person without power something that to which they are entitled to at law. This is not a group of equals. This is not two equals coming to mediation.

[15:15]

That said, there are cases that perhaps can be mediated. And you never get a perfect balance of power. Nothing is ever equal, Mr. Speaker. But Bill 160 allows the Chief Commissioner to say, the respondent has made what I consider to be a fair and reasonable settlement, and you've refused it. And perhaps because the complainant wants someone to say what the law is, that their rights have violated, but that's not good enough. If there is some kind of . . . Well I don't know what it would be. It

could be money. I have no idea. The legislation's not that specific. The Bill's not that specific.

But if some proposals made by the respondent where the Chief Commissioner decides it's fair and reasonable, and it's not accepted by the complainant for whatever reason, the complaint can be dismissed. If the complainant makes what the Chief Commissioner would consider to be a fair and reasonable offer, there is no, there is no equivalent sanction against the respondent who turns down the offer. The sanction's only against the complainant. The sanction's only against the person who purportedly has been discriminated against or had their human rights, set out in the Human Rights Code, violated, Mr. Speaker. And that's the climate in which the coercive mediation, as some have called it, within Bill 160 is set out.

Now, the Speaker will know, because he's been listening and members of the Assembly will know because they've been listening, that Amnesty International, an organization that won a Nobel Prize — Peace Prize — for its promotion of human rights opposes this Bill. They at least want to see the Bill withdrawn and there to be public consultations on human rights reform before it proceeds.

And the Speaker will know, and members of the Assembly will know, that almost every day of this sitting, I have risen and presented petitions, today from, I think, over 70 communities of people who want the Bill withdrawn and it become public consultations on human rights legislation. The people who think they support the Bill often only support the four pillars, Mr. Speaker. They wouldn't support the Bill if they knew what was in the Bill.

All these people who don't support the Bill, what they've had to say falls on deaf ears. The minister has heard the petitions. He's read, I assume, or he's responded to actually, so I know he's read them. He's responded to them March 31st. That's this year. That's when he said well don't worry about the Court of Queen's Bench because we're not going to take very many cases there anyways. He's responded to constitutional lawyers, former deputy minister of Justice in the province of Saskatchewan, human rights lawyers, and Amnesty International, all of whom oppose this Bill and almost every aspect of this Bill because of some of the issues that I've raised. All this falls on deaf ears. They know that there was no consultation with the public before this Bill was drafted and introduced, and there's been no consultation with the public or listening to the public since then, only a repetition of the four pillars because we don't want to, Mr. Speaker, really the government doesn't want to actually talk about Bill 160.

And I have here an email that was sent to one of my colleagues, the member from Saskatoon Centre, from a member of the, I believe, of the board of the Individuals with Disabilities Equity Alliance of Regina. And that organization had received a letter from the minister that said, "As you are aware, Bill 160 amends the Saskatchewan Human Rights Code to support the Saskatchewan Human Rights Commission four pillars strategic plan and provides a renewed mandate for the commission."

Well if they are aware of that, Mr. Speaker, they're aware of something that's not accurate, at all true, because that's not what the Bill does. But that is of course the minister's spin,

that's the minister's sell on it. But nonetheless this individual emailed a member of the opposition said:

We also remain concerned about Bill 160. It is not clear to us that it will result in enhanced justice or even equal justice for people with disabilities. It is not clear to me if any effort will be made to monitor complaint satisfaction with a new mediation process, or will people be forced to accept less than satisfactory outcomes?

The government's letter, and I just finished quoting to the letter, makes reference to extensive SHRC [Saskatchewan Human Rights Commission] consultations in regards to Bill 160. All I can tell you is that IDEA [Individuals with Disabilities Equity Alliance of Regina] was not consulted, and I'm informed that neither was the Sask Voice of People with Disabilities, SVPD. Given that SVPD represents the largest source of human rights complaints in the province, one has to wonder. On the other hand, if someone came to me, saying would you support a less confrontational complaint process but offered not particulars, I might support the general idea also.

And so I think, Mr. Speaker, we see how the Bill has been marketed as if it actually enables the four pillars when in fact it is the current, the current Human Rights Code that enables those four pillars, and any renewal in mandate requires a commitment from the government in resources to the Human Rights Commission to pursue those pillars. The legislative authority exists and has existed for some period of time.

Mr. Speaker, I want to, because I've referenced Amnesty International and its opposition to the Bill, read into the record a letter from Alex Neve who is the secretary general of Amnesty International Canada and a human rights lawyer. And this was written December 10th, 2010, to the Hon. Minister of Justice and Attorney General:

Dear Minister,

Amnesty International is writing this open letter to urge you to reconsider the plans for reform of Saskatchewan's laws and institutions for the protection of human rights in the province, as contained in Bill 160, which you recently introduced in the provincial legislature.

Amnesty International is, in particular, deeply concerned about the proposal in the Bill to abolish the Saskatchewan Human Rights Tribunal and leave adjudication of human rights complaints in the hands of the provincial Court of Queen's Bench instead. We are concerned that this will impede access to human rights remedies for many individuals, as court proceedings are inevitably more complex, formal and time-consuming.

We recognize that Bill 160 also proposes changes to the role of the Saskatchewan Human Rights Commission, including an increased focus on dealing with systemic patterns of discrimination and on . . . [matters of using] alternative dispute resolution methods, such as mediation. Those are enhancements to the system that would very likely make positive contributions to greater human rights protection. But informality and accessibility of the adjudication process itself plays a crucial role in

maximizing human rights protection, given the very nature of the complaints and the fact that they are often brought forward by individuals from marginalized groups and sectors in society.

It is well recognized, in Canada and globally, that human rights institutions other than the courts have an important role to play in adjudicating human rights complaints. Notably, the Paris Principles relating to the Status of National Institutions adopted by the UN General Assembly in 1993 expressly set out that a national human rights body “may be authorized to hear and consider complaints and petitions concerning individual situations.”

Across Canada, that is precisely the model that has been adopted in all jurisdictions. Provincially and federally, human rights tribunals with informal procedures that aim to maximize accessibility are empowered to make the first level decision in human rights complaints which proceed to the stage of adjudication. The role of the courts is left to hearing appeals and supervising tribunals. Amnesty International considers that to be [the] best practice.

Such a significant change to the process available to the people of Saskatchewan for enforcing the protection of their rights should, at a minimum, be subject to extensive public consultation. In fact, given what is at stake there should be public consultation before any significant changes are made to human rights legislation, institutions or procedures. It is our understanding that did not take place before Bill 160 was introduced.

Minister, systems for the protection of human rights can most certainly benefit from ongoing improvement. I am writing to you on International Human Rights Day which marks the 62nd anniversary of the adoption of the United Nations of the Universal Declaration of Human Rights. It is an apt occasion to call on you and your government to commit to an approach to reform that would strengthen and not risk undermining provincial human rights protection. In that spirit we urge that, rather than proceed with Bill 160 at this time, your government launch a public consultation process to consider possible reforms that would strengthen the province’s human rights laws and institutions.

Sincerely
Alex Neve
Secretary General

Well, Mr. Speaker, I also want to cite, and I could in the case of Professor Ken Norman, cite a couple of comments that he’s provided. One on December 3rd, but there was also another on December 11th where he and John Whyte, the former deputy minister of Justice in the province, addressed this issue pointing out that:

For decades in Canada there was no legal redress against racial and other forms of discrimination. However, the law relating to compensation for harms is dynamic and, in due course, a civil law remedy for discrimination would have been created by the courts. As it happens, provincial legislatures and Parliament did not wait for courts to

develop an anti-discrimination law, but, instead, legislated human rights codes and created administrative agencies to enforce them.

There were three reasons for this. First, statutory rules against discrimination were immediate and direct — no discrimination based on race, gender, nationality, religion (and, now in Saskatchewan, ten other categories) with respect to housing employment, education and services available to the public. Second, deciding what constitutes discrimination and what remedies and accommodations will provide the best response is a complex and subtle process and there are advantages to having experienced adjudicative bodies develop their own procedures and rules of evidence. Third, human rights agencies have responsibility to bear the substantial costs of investigating complaints and seeking effective remedies for complainants when their complaints are found to be justified.

Now they go on to state that:

All Canadian jurisdictions have adopted less formal and more accessible mechanisms of human rights tribunals to adjudicate claims of discrimination. But, now, through Bill 160, the Saskatchewan government has decided to close . . . [the] Human Rights Tribunal and, instead, send discrimination claims to the Court of Queen’s Bench to be determined.

Now, Mr. Speaker, we know that that in fact is not actually, according to the minister in his comments in *The StarPhoenix* on March 31st of 2011, “It’s not the intention of the government to send human rights cases from the tribunal but instead to the Court of Queen’s Bench but to not have them heard by an adjudicator at all.”

In the final paragraph of the column, the opinion piece written by Professor Norman and Professor Whyte, who are both professors of law at the University of Saskatchewan, they say, and I quote:

The shift to Queen’s Bench adjudication will weaken the province’s anti-discrimination project. On Nov. 29, Ezra Levant, Canada’s most out-spoken opponent of human rights commissions and tribunals, was introduced to the Saskatchewan legislature as a person who came to Regina to mark the introduction of Bill 160. That makes sense.

So, Mr. Speaker, if Amnesty International opposes this Bill, if the professor Ken Norman, was actively involved in human rights law for many decades, opposes this Bill, if a former deputy minister of Justice and an expert on constitutional law, John Whyte, opposes this Bill, if hundreds of Saskatchewan citizens from every community in the province have signed petitions opposing this Bill, who exactly is happy about this Bill, Mr. Speaker, and why?

Members will recall, the public will recall that the government had a never say die attitude, to a certain extent, about the decision by courts, well really, the Supreme Court of Canada. But they were decisions that started with human rights tribunals in different provinces, including the province of Saskatchewan,

to the effect that marriage commissioners had to perform civil marriage ceremonies to everybody that's entitled by law to a civil marriage ceremony. And the government took taxpayer money and hired a lawyer to argue that marriage commissioners should be exempt, despite clarity of the decisions that had been made all the way up to the Supreme Court, and hired a lawyer to argue the other side. And taxpayers paid to have both of those sides argued. And of course the Court of Appeal unanimously said that the legislation that the government proposed was — well some judges went further than others — but essentially they said it was outrageous, Mr. Speaker, and simply could not be supported in the context of decisions that had already been made by the courts in respect to the decisions in the Charter of Rights.

Well the government really had no place to go except one place, Mr. Speaker, where they did not want to go. The Government of Saskatchewan because of the notwithstanding clause . . . And there was some discussion about the notwithstanding clause recently at a memorial service for Allen Blakeney because he was a key proponent negotiating that clause. This government has a majority in this Legislative Assembly, and this government could have moved the notwithstanding clause — notwithstanding the Charter of Rights, notwithstanding those interpretations of the Charter of Rights, the law in Saskatchewan in respect of marriage commissioners will be different.

But the government did not have the political courage to do that, Mr. Speaker, and they don't have the political courage to actually amend any human rights law. All they have the courage to do, if I can call it that, is give a backhanded slap to the human rights tribunals that have successfully and almost without exception correctly interpreted human rights law.

[15:30]

And who is made happy by that, Mr. Speaker? Who is pleased by this legislation? Well there was an article after January 18th, I believe in *The StarPhoenix*, after the government announced that they would ignominiously accept the unanimous decision of the Court of Appeal. I don't think they had very much choice about that, Mr. Speaker. There was some discontent amongst self-described social conservatives in the province of Saskatchewan quoted in the article. And in particular there was a Saskatchewan Party member and lawyer — I'm just citing the title from the article — Tom Schuck, Mr. Speaker, who was not very happy about the government throwing in the towel on the issue of marriage commissioners but he, and I quote from the article:

Schuck praised the government's move to scrap the Saskatchewan Human Rights Tribunal, which he described as a "kangaroo court" in favour of having cases heard by the Court of Queen's Bench.

That's who Bill 160 is for, Mr. Speaker. Bill 160 is for people who are unhappy with the state of human rights law in the province of Saskatchewan and in the country of Canada and who are somewhat appeased to the point of praise by the abolishment of the Human Rights Tribunal, Mr. Speaker.

And it's interesting, the phrase kangaroo court, Mr. Speaker,

because if one looks it up and the history of that phrase, it has nothing to do with Australia. It's an American term, and it refers to sort of ad hoc courts of justice in the frontier of the American West where they didn't have the benefit of the North West, later Royal Canadian, Mounted Police and were left to their own devices to a certain extent. And some of these courts would leap over evidence and law — whether they were aware of what the law was or not — to decisions, and they were, because of this quick leaping and quick justice, rough justice, called kangaroo courts.

Well the complaint against Human Rights Tribunals is just the opposite of course. It's that it takes too long because they do consider the evidence, they do consider the law and, as I said, have an admirable record of not being overturned by the superior courts of the province and the country because they're not kangaroo courts.

And what Mr. Schuck is expressing dismay about is not how the . . . I don't think Hansard will pick up the pronunciation in any case. What he's concerned about . . . [inaudible interjection] . . . And the member from Weyburn's concerned about my pronunciation. Personally acquainted with him, I'm not. But what he's concerned about, Mr. Schuck, is not that the courts are too careful, the tribunals are too careful. He's supposedly concerned that they're not careful enough for their kangaroo courts. But of course that's not the reason the government will give. The government will say, well tribunal decisions take too long. Now those of us who are familiar and have waited a long, long time and our clients have waited a long, long time for Court of Queen's Bench decisions, we have to be a little bit bemused by the suggestion that it would be any faster than the Court of Queen's Bench.

But we know that in fact we're not moving from kangaroo court to the Court of Queen's Bench. We're moving from specialized, expert, capable tribunals that provided a check on the discretion of the exercise of government power in relation to powerless people, Mr. Speaker, moving from that to not the Court of Queen's Bench but, in most cases, coercive mediation and dismissed complaints that in the view of a government appointee are not warranted, even if they have merit and show discrimination.

All of this is happening. And now there is no prospect of this happening in Ontario because the leader of the Progressive Conservative Party or Conservative Party of Ontario has withdrawn his commitment to abolish that tribunal if he ever happens to become premier. All this is happening only in Saskatchewan, Mr. Speaker, only in Saskatchewan, the home of John Diefenbaker and Tommy Douglas, the founding authors of bills of rights in Canada. That, above all else, is simply an embarrassment.

The Speaker: — The question before the Assembly is the question presented by the Minister Responsible for Justice that Bill No. 160, *The Saskatchewan Human Rights Code Amendment Act, 2010* be now read the second time. Is the Assembly ready for the question?

Some Hon. Members: — Question.

The Speaker: — Is it the pleasure of the Assembly to adopt the

motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

Law Clerk and Parliamentary Counsel: — Second reading of this Bill.

The Speaker: — To which committee does the Bill stand referred? I recognize the Government Deputy House Leader.

Hon. Mr. Harrison: — To the Standing Committee on Intergovernmental Affairs and Justice.

The Speaker: — The Bill stands referred to the Standing Committee on Intergovernmental Affairs and Justice.

Bill No. 147

[The Assembly resumed the adjourned debate on the proposed motion by 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 Dewdney.

Mr. Yates: — Thank you very much, Mr. Speaker. I am very pleased this afternoon to enter into this debate on a piece of legislation which I would have to say, I think, is well intended but, Mr. Speaker, fails to meet the mark or the test that a piece of legislation protecting employees from public disclosure should, Mr. Speaker.

Mr. Speaker, first off, looking at a piece of legislation like this, you have to look at the background and the purpose behind it, Mr. Speaker. And the purpose behind a Bill like this is to protect the professional public service of Saskatchewan in the performance of their duties, Mr. Speaker. The public service of any province in Canada, or for that matter any government in the world, are the professional employees who are hired and which hired to deliver services on behalf of the people of Saskatchewan, Mr. Speaker. They're not hired by a particular government. They are not employed by the government, Mr. Speaker. They're employed by the people of Saskatchewan. Because the government will come and go, Mr. Speaker, but the civil service should be there to provide professional, non-partisan advice to any government, Mr. Speaker.

Mr. Speaker, I'd like to refer to a definition of the civil service in any jurisdiction in the country, Mr. Speaker, as the body of civilian employees of any level of government not subject to political appointment and removal, normally hired and promoted largely on the basis of competitive examination, Mr. Speaker. That's in a definition that has long been held in esteem by governments who believe in professional civil services or public services, Mr. Speaker.

Now, Mr. Speaker, this Bill is an attempt by a government to allow for disclosure of information, but containing that information to within only the government, Mr. Speaker. And our system of democracy in Canada, Mr. Speaker, and across North America, Mr. Speaker, the premise is that the civil

service, or public service in the case of the province of Saskatchewan, work for the people. And where they see something that they believe is, in the public interest, should be disclosed to hold the government accountable, Mr. Speaker, they should be able to reveal that information without any fear of reprisal in any form, Mr. Speaker, should be able to bring forward their concerns, Mr. Speaker, because the government is the employer of these people, Mr. Speaker.

And they need protections to ensure that that government cannot act to terminate somebody's employment if they believe they've done something, Mr. Speaker, if that information is in the public interest to be disclosed. Because those people work for the people of Saskatchewan, Mr. Speaker, not for the government. That's a long established definition, Mr. Speaker. They are to be non-partisan, Mr. Speaker, and they are to be professional in their actions. But, Mr. Speaker, if they see a wrongdoing, they also have to have the ability to bring that forward if in fact it's not being addressed within the government department or government unit that they work in, Mr. Speaker.

So, Mr. Speaker, this particular piece of legislation I think has an intent that we admire, Mr. Speaker. But its development, its process, and its rules, Mr. Speaker, do not accomplish — do not accomplish, Mr. Speaker — what should be intended. Because who do you get to report to, Mr. Speaker? Well you get to report to an officer appointed within each government agency or department, Mr. Speaker. Or you can go to a commissioner appointed by this legislation, Mr. Speaker. But it's still controlled and contained within the government because that commissioner makes a report one year later perhaps to — who? — the very department, the very department or senior officials who may be responsible for not protecting the public, Mr. Speaker, or not following the rules, the regulations, or policies that are in place, Mr. Speaker. So there is no public disclosure.

The public doesn't know what their government's doing, so this is an attempt by a government to control what the public gets to know about the internal operations of the government, about how they operate their government, about the things they do, about the decisions they make. This is about controlling information, Mr. Speaker. It's not about disclosing information. It's not about making something public so the public know what their government's done.

And, Mr. Speaker, we have a government here that in their election platform stated that they were going to be . . . They say:

Saskatchewan people expect their government to be open, honest, and accountable. A Saskatchewan Party government will provide Saskatchewan people with more transparency and accountability than any previous government [Mr. Speaker].

Well this doesn't do that, Mr. Speaker. In fact it puts rules in place that prevents any public servant or civil servant from making public any information in regards to the operations of the Government of Saskatchewan. It allows the information only to be disclosed to an official of a department of government, Mr. Speaker, or to a commissioner. And that commissioner then can make a report back to the department

and in its annual report can make it public without any information as to what the details of the files were about, Mr. Speaker. So a year later, we might find out some miniscule detail, Mr. Speaker.

Why is this a problem? I'll tell you why it's a problem, Mr. Speaker, and why it's a very significant problem — because, Mr. Speaker, a timely, a timely release of pertinent information about the safety or protection of the public, Mr. Speaker, allows you to provide that protection and safety. Finding out about it 10 months later allows you only to ask who made mistakes and what mistakes were made, Mr. Speaker. It does nothing to protect the public if the government's not acting in their interest, Mr. Speaker. And you need to be able to, be able to act in the interest of the public.

Now, Mr. Speaker, there's members over there talking about particular cases that happened in the past that were brought forward to the public and they asked about in this Assembly. Mr. Speaker, they were able to ask about those things in this Assembly because people were able to bring that information to members of then the opposition to ask the government, Mr. Speaker. What they're proposing prevents that from occurring, Mr. Speaker.

So who does it protect, Mr. Speaker? It protects a government who's afraid of the people and afraid to let information become public. Mr. Speaker, transparent and accountable and open government has no fear of information becoming public. They have no fear of being questioned. They have no fear of answering the expectations of the people of the province of Saskatchewan, Mr. Speaker.

So a Bill like this, what's it do? It contains information or controls information and allows the government to suppress people versus allowing information to become public. Mr. Speaker, who benefits from that? Not necessarily the people of Saskatchewan, Mr. Speaker. The government does because they're able to control what information is made public.

Now, Mr. Speaker, how does that square round with their commitment to being the most accountable, open, and transparent government in Saskatchewan history, Mr. Speaker? Well that makes that an untruth, Mr. Speaker. It makes it less, less than reliable, Mr. Speaker, and it very clearly indicates that what they say out of one side of their mouth is not what they're trying to deliver out of the other. And, Mr. Speaker, that's shameful. That is shameful, Mr. Speaker.

Now, Mr. Speaker, on the contrary, on the contrary, the official opposition has put forward two Bills. One, Bill 607, which is *An Act to provide for the Public Safety, Security and Protection of the People of Saskatchewan* that allowed any public servant, where there were breaches of safety or security or the environment or theft, to make that information public, Mr. Speaker, without any reprisal whatsoever, including taking it to members of . . . taking it to their MLA, to any legal authority, Mr. Speaker, to their deputy minister of department, Mr. Speaker, any independent officer of the Assembly. It allowed that information to be made public, Mr. Speaker. It allowed for things concerning the public safety of the people of Saskatchewan to be brought forward by an employee, Mr. Speaker.

And, Mr. Speaker, that is what an open, honest, transparent, and accountable government would do, Mr. Speaker. It wouldn't try to control the information that was in its own sphere of control, Mr. Speaker, because the public doesn't know if they're being properly protected if the information's never allowed to be made public, Mr. Speaker.

[15:45]

Now, Mr. Speaker, we have had a long history in Saskatchewan of leading the nation in progressive legislation in protecting people. We were one of the first, if not the first, to have a Human Rights Code in Canada. I believe we were the first, Mr. Speaker. We were the first to have occupational health and safety language, Mr. Speaker. We were the first to do many things in protecting individuals, Mr. Speaker, but here we are passing legislation that is both regressive, Mr. Speaker, and prevents the protection of employees.

Mr. Speaker, if I could just take a couple of minutes and talk about a couple of examples of why this type of legislation isn't meeting the needs of the people of Saskatchewan. Mr. Speaker, I'd like to start with, we made a freedom of information request on a contract signed by the Government of Saskatchewan with a third party, Mr. Speaker. We got more than 1,000 pages of blacked out information, Mr. Speaker — 1,000 pages of blacked out information. Now how open and transparent is that, Mr. Speaker?

And then over the next coming months, we got several of those pages unblacked out from anonymous sources, Mr. Speaker, telling us of a deal that wasn't fair. It wasn't in the best interest of the people of Saskatchewan, Mr. Speaker, but the government didn't provide the information when we requested it officially so the official opposition could do their jobs and ensure that the province's finances were being spent appropriately and in the best interest of the people of Saskatchewan.

Mr. Speaker, it's the role of the official opposition to hold the government accountable, and the government needs to provide information in order for the opposition to provide or to be able to provide that information to the public and to hold the government accountable, Mr. Speaker, through its questions in this Assembly. Mr. Speaker, we have a government that is trying to hide everything, that's not being open and transparent in any way. And now if a civil servant were to bring forward any information, they have to bring it forward in a manner in which the government controls its release so that it may never be released, Mr. Speaker. How is that open and transparent? How is that accountable to the people of the province of Saskatchewan? Mr. Speaker, if you have faith in a professional civil service, you don't worry about something being brought forward unless it should be brought forward, Mr. Speaker.

Then, Mr. Speaker, my second major concern is this. In one hand, they will deal with one situation one way. In the next, they'll deal with it in a totally different way when you have the same problem, Mr. Speaker.

I'm going to use an example of a question I raised in this Assembly about a convicted sexual offender that was out before he was appropriately to be released, Mr. Speaker. And what did

we do? We had a denial by a minister and subsequently had to admit that it had occurred, Mr. Speaker. And what did they do? They went and they fired an employee they believed to have provided that information, Mr. Speaker.

A month later or a month and a half later, we in this Assembly raised an issue about their budget, Mr. Speaker, which could be construed in no other way but as a budget leak, Mr. Speaker, a budget leak, something that should be extremely important to any government, Mr. Speaker. We brought forward a budget leak, and there was a trail, quite frankly, that anybody could follow, Mr. Speaker, and they didn't even attempt to follow it up, Mr. Speaker. They didn't even attempt to follow it up.

So one hand, when a minister is embarrassed, an employee gets him fired whether he's the right employee or not, Mr. Speaker, because they want to send a message to the civil service and intimidate them, Mr. Speaker . . . Then a month later there's a budget leak, Mr. Speaker, a budget leak, and they don't even take the time to follow up and see if it's serious who released it, Mr. Speaker. And there was a trail that a blind man could have followed back to the source, deliberately left a trail a blind person could have followed back to the source, Mr. Speaker. And what did we find? They didn't even bother to try.

Then, Mr. Speaker, we have releases of people's personal information in various government departments, Mr. Speaker, what they claimed happened in the Department of Corrections, Public Safety and Policing, Mr. Speaker. And what did those people get, Mr. Speaker? They get moved to another job where they don't have access to some information, Mr. Speaker. They get a day's suspension.

On one hand somebody gets fired. On the other hand somebody gets a day suspension for releasing information. What's the difference in those two situations? One, the government was publicly embarrassed; on the other hand the minister wasn't asked a question in the House.

So, Mr. Speaker, they don't deal with breaches of information. They don't deal with problems in the same consistent manner. They're inconsistent, Mr. Speaker. And that is why you need to have ironclad protection for employees, Mr. Speaker, because you got a government that is not consistent in their approach to dealing with breaches, Mr. Speaker.

And, Mr. Speaker, first of all in all three of those occasions, the information had a right to be made public because the government was putting at risk the public. And, Mr. Speaker, that is what, that is what whistle-blower legislation is about, Mr. Speaker. That's what public disclosure information or public disclosure legislation and protection is about, Mr. Speaker. It's about protecting employees when and if public information is needed to be made public in the public interest and to protect the public, Mr. Speaker.

Well what we have before us, Mr. Speaker, is a Bill that just allows the government to sweep things under the carpet. It doesn't get made public. We don't know if protections are ever taken, Mr. Speaker.

And why are they doing this, Mr. Speaker? Because I think they're afraid, Mr. Speaker. They're afraid to have the

information of what they're doing made public, Mr. Speaker. That's what it boils down to because otherwise they would be willing to have total open and accountable transparent government as they campaigned on. But yet they don't want to deliver, Mr. Speaker. So they campaign on one thing, Mr. Speaker, and then they deliver another.

Now, Mr. Speaker, I want to point out a number of things that I think that need to be pointed out to the public as well, Mr. Speaker. Mr. Speaker, they fired a occupational health and safety officer for refusing to, Mr. Speaker, to deal in the manner . . . They brought forward public information and refused to change their report, Mr. Speaker. This occupational health and safety officer was fired, Mr. Speaker, later, later, Mr. Speaker, had to be rehired. And the taxpayers of this province paid tens of thousands of dollars, if not hundreds of thousands of dollars, in back pay, Mr. Speaker — tens of thousands, if not hundreds of thousands, of dollars in back pay. And that employee was reinstated to their job, Mr. Speaker, because a third party, a third party, Mr. Speaker, said what they did was appropriate.

Now, Mr. Speaker, we have a government here that says they want to be open and accountable and transparent, Mr. Speaker. The one test, the one test in this issue that's gone before a third party, they've lost. They've lost after firing that person, Mr. Speaker. And there's more to come.

Because, Mr. Speaker, you can't beat up and abuse people. You can't go and fire people because you think they've done something. And you can't go and fire people if they brought something forward that the public has a right to know, Mr. Speaker, because, Mr. Speaker, those people work for the people of Saskatchewan, not for a government, not for a minister, not for a ministry. They are hired by the professional civil service and a professional Public Service Commission that have a responsibility, have a responsibility, Mr. Speaker, to act in the best interest of the people of Saskatchewan, Mr. Speaker. They don't have it as their objective to act in the best interest of any political party, any minister, or any government, but in the public of Saskatchewan, Mr. Speaker.

So, Mr. Speaker, the inconsistency and how this government applies its own application to two things, Mr. Speaker, and their history in being punitive if anybody says anything about them or speaks out against them, Mr. Speaker, is the reason why you need a piece of legislation that's open and accountable. And, Mr. Speaker, this Bill doesn't do that. What it actually does is it fails to allow the disclosure of information, Mr. Speaker. It's a controlled mechanism so the government can control employees, and if they don't like what they're doing, Mr. Speaker, down the road they can punish them and even fire them even though they said they won't.

Because, Mr. Speaker, we've seen this, we've seen this already. We've seen them fire employees already, and we've seen them had to rehire an employee in the occupational health and safety branch, Mr. Speaker. Mr. Speaker, and to define it right down to where it was, it was in the harassment branch of the occupational health and safety unit, Mr. Speaker. Now, Mr. Speaker, that's because this civil servant, professional civil servant disagreed with the minister's office, disagreed with the government, Mr. Speaker, wouldn't back down when the government demanded that she back down. Well, Mr. Speaker,

they got rid of her. They fired her. But, Mr. Speaker, when it got before a third party, Mr. Speaker, what happened? The person was rehired. They were rehired, Mr. Speaker, and why is that? Because this person did their job because she was a professional career civil servant that stood up and did what was appropriate and what was right.

Now, Mr. Speaker, that's what we ask of our civil servants. That's what we ask of those we employ. They're to be professional, non-partisan, Mr. Speaker. And, Mr. Speaker, that doesn't mean that they may not have political beliefs, because we believe every citizen has political beliefs, but it's how they do their job on the job, Mr. Speaker. It's how they do the job, Mr. Speaker.

You know, Mr. Speaker, I've known many, many people who've supported other political parties and were very adamant about it and had the opportunity, could have done the similar things that we see this government do and behave in a similar way — didn't do it, Mr. Speaker. Why would we? They were doing their job, Mr. Speaker. They were professional and doing their job, and that's what we need to gauge. That's what we need to do, Mr. Speaker. We need to gauge the role and job they're doing, Mr. Speaker, and not whether we believe as politicians we like what they're doing or not. They're paid to do a job for the people of Saskatchewan not a political party, not a minister, not a government but the people of Saskatchewan. That's what a civil servant is about and what a professional civil service is about. And, Mr. Speaker, we need to keep that in mind as we're looking at what role we want our civil servants to play.

And, Mr. Speaker, I've been on both sides of the House. I've been both in government and opposition. And seeing the now members of the government bringing forward information provided by civil servants, Mr. Speaker, that hurt the government, severely hurt the government, Mr. Speaker, and we didn't fire any of them. We didn't fire any of them, Mr. Speaker, and there's a reason for that. We didn't fire anybody. Mr. Speaker, you can go to the nine women who brought forward the Murdoch Carriere issue, Mr. Speaker. None of them were fired by this government. Mr. Speaker, they weren't because they had a right to bring that information to the opposition. They had the right to make the information to the opposition, Mr. Speaker.

And, Mr. Speaker, they can laugh and they can, you know, play up anything they want, Mr. Speaker, but the reality is the role of the opposition is to hold the government accountable, Mr. Speaker. To do that you need information, Mr. Speaker. And the civil service role is, in fact, to act in the best interest of the people of Saskatchewan, Mr. Speaker, not of a political party. So, Mr. Speaker, they should not be intimidated. They should not fear reprisal. They should not have their ability to bring information forward stifled, Mr. Speaker. And, Mr. Speaker, that's what this piece of legislation does.

Mr. Speaker, who is this piece of legislation in the interest of? It's in the interest of a government who wants to stifle information from becoming public. It's not in the interest of the people of Saskatchewan, and that's the role that legislation should play. It should be good public policy for the people of Saskatchewan, not in the interest of a government, Mr. Speaker.

Mr. Speaker, we wouldn't know about things like St. Peter's College, Mr. Speaker, and the problems to do with St. Peter's College, Mr. Speaker, if people hadn't brought that information forward. We had a minister deny it when we brought it up in committee. It's not till we had the facts and the proof did we get to the point of having a real investigation to what was going on, Mr. Speaker. And those investigations are in the public interest, Mr. Speaker. They're in the public interest. Now, Mr. Speaker, things are in the interest of the public, Mr. Speaker. That is what you need to do. You need to stand up for what you believe in, Mr. Speaker. Mr. Speaker, Mr. Speaker, we need to act in the interest in the public.

Now, Mr. Speaker, one of the members opposite is saying something opposite . . . I don't know what he's speaking about.

An Hon. Member: — Nothing to do with the Bill.

[16:00]

Mr. Yates: — Nothing to do with the Bill? All right. I won't pay much attention to what he's saying. But, Mr. Speaker, what we're talking about is a piece of legislation that needs to be in the public interest. And, Mr. Speaker, you need to do things that are in the public interest, and you need to stand up for what you believe in, Mr. Speaker. And civil servants have to have the right to do that, Mr. Speaker.

Now, Mr. Speaker, this Bill, if you look at it and its construction and design, is about controlling information. It's not about disclosure of information. It's about controlling information, who you can disclose the information to. Now, Mr. Speaker, Mr. Speaker, we didn't fire people for disclosing information ever. We didn't fire people for disclosing information.

Now, Mr. Speaker, they're trying to twist something around or do whatever, but we have, Mr. Speaker, we have an adjudicated case where an occupational health and safety officer in the harassment unit was fired for not being willing to change her report and her mind when ordered to by the government. Mr. Speaker, she was dismissed. Fired. Fired. A third party, Mr. Speaker, a third party reinstated her, put her back to work, and taxpayers paid tens of thousands, if not hundreds of thousands of dollars in back pay, Mr. Speaker, taxpayers' money. Because a government ministry acted, acted not in the best interest of the public, but in their own best or self-interest, Mr. Speaker.

And this Bill that we have before us, Mr. Speaker, Bill No. 147, *An Act respecting the Protection of Public Servants who make Disclosures*, is all about controlling information, Mr. Speaker, not about information ever being made public, but about controlling information and controlling what civil servants can do, Mr. Speaker. And it allows information to only be disclosed to two people: an officer appointed by the deputy minister in each department or the commissioner who then can report back to the deputy minister of that department, Mr. Speaker, and in an annual report — much like the Ombudsman's report or the Children's Advocate's report or even the Provincial Auditor's report — make something public months and months later, Mr. Speaker, when the pertinence and the timing of the information is irrelevant, Mr. Speaker.

So, Mr. Speaker, this is about controlling information. This is about a government preventing information from being made public that may in fact hurt them politically, Mr. Speaker, rather than having respectful public disclosure of information if civil servants believe it should be made public. Now, Mr. Speaker, Mr. Speaker, the information that civil servants would feel important enough to be released, Mr. Speaker, that they are prepared to risk dealing with, Mr. Speaker, they need protection to bring forward information. And they need greater protection even, Mr. Speaker, when you have a government who believes to fire people if you bring information forward, Mr. Speaker.

And, Mr. Speaker, Mr. Speaker, the government of today is a government that tries to prevent information from being made public. We saw it in St. Peter's College, Mr. Speaker. We saw it in Carlton Trail and St. Peter's College merger, Mr. Speaker. We raised questions. We couldn't get answers. It wasn't until we had concrete evidence of wrongdoing, Mr. Speaker, that there was any action, Mr. Speaker. And there were civil servants who wanted to bring forward information much earlier, Mr. Speaker. They wanted to bring information but they were afraid, Mr. Speaker. They were afraid. They were afraid of this government, Mr. Speaker, because this has a pattern of firing people who bring information forward, Mr. Speaker.

Now, Mr. Speaker, Mr. Speaker, people who behave in this manner aren't behaving in the public interest. People who fire people for bringing information forward, they're behaving in their own interests, Mr. Speaker. So, Mr. Speaker, are they protecting the public interest when they bring forward a Bill that prevents openly accountable transparency, Mr. Speaker? No. No, Mr. Speaker. No, Mr. Speaker, they're looking after their own self-interest, Mr. Speaker. They have a belief that they're always right and everybody else is always wrong, Mr. Speaker.

And we see that. We see that, Mr. Speaker, when in the whole Carlton Trail issue, we asked public questions, Mr. Speaker, in committee. We get no answers. We get sloughed off by the minister. He doesn't do anything about it, and the more, it takes more than a year, Mr. Speaker, before we get that concrete proof, concrete proof of wrongdoing, Mr. Speaker. And then we get some action. In the meantime it cost taxpayers of Saskatchewan an incredible amount of money. We don't know the total number yet because it's going to take months before the auditors will be done their reviews, Mr. Speaker. But, Mr. Speaker, that's why you need to have the ability of civil servants to come forward without any reprisal, Mr. Speaker, without any fear of reprisal, Mr. Speaker. And this Bill doesn't do it.

This Bill is about containing information, allowing the government to block, block information from being made public, Mr. Speaker, through a process that contains it and closes it within the government structures which the cabinet can control. That's what it's about. It's about cabinet control of information, Mr. Speaker. It's not about public disclosure. It's about anything but public disclosure because it prevents it from ever being made public. It allows you to tell it to an official that ends up going full circle back to the deputy minister in a department. That's what happens. Mr. Speaker, it's not about public disclosure. The only thing that is about public disclosure in this Bill is using the words public disclosure. The Act has

nothing to do with public disclosure, Mr. Speaker. In fact it's the furthest thing from it.

Now, Mr. Speaker, this is a Bill that serves the self interest of the Sask Party government, Mr. Speaker, certainly does not serve the interests of the people of Saskatchewan, certainly does not serve the interests of the public service of Saskatchewan, Mr. Speaker. And, Mr. Speaker, it should not surprise the members when this comes to a vote that we won't be supporting this Bill, Mr. Speaker.

Mr. Speaker, if this government truly wanted to live up to what they said in their platform, Mr. Speaker — and I'd like to read that again — if they'd like to live up to what they said in their platform, Mr. Speaker:

Saskatchewan people expect their government to be open, honest and accountable. A Saskatchewan Party government will provide Saskatchewan people with more transparency and accountability than any previous government [Mr. Speaker].

Mr. Speaker, this Bill doesn't do it and the members opposite over there are talking a lot from their seats and chirping a lot about things, Mr. Speaker, because they're uncomfortable because they know this piece of legislation is not in the public interest. They know it's not good legislation. They know it's not in the interest of the civil service of Saskatchewan, Mr. Speaker. They're trying to ram something through that's in their own self-interest, a way to control — to control, Mr. Speaker — any information that's within the civil service and prevent public servants from ever bringing that information to the actual public, Mr. Speaker.

So, Mr. Speaker, clearly this Bill is not in the interest of the people of Saskatchewan, Mr. Speaker and clearly, Mr. Speaker, we'll have many, many questions in committee, Mr. Speaker, to get things on the record, Mr. Speaker, and we will want to do that, Mr. Speaker. So at this time, I simply want to state that this Bill is in the interest of a government that wants to control information, not in the interest of a professional civil service, not in the interest of the people of Saskatchewan, Mr. Speaker, but in the interest of a Sask Party government that wants to control people and control information.

The Acting Speaker (Mr. Bradshaw): — Is the Assembly ready for the question?

Some Hon. Members: — Question.

The Acting Speaker (Mr. Bradshaw): — The question before the Assembly is the motion by the Minister of Social Services that Bill No. 147, *The Public Interest Disclosure Act* be now read a second time. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Acting Speaker (Mr. Bradshaw): — Carried.

Law Clerk and Parliamentary Counsel: — Second reading of this Bill.

The Acting Speaker (Mr. Bradshaw): — To which committee shall this Bill be referred? I recognize the Deputy House Leader.

Hon. Mr. Harrison: — Mr. Speaker, to the Standing Committee on Crown and Central Agencies.

Bill No. 161

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 161 — *The Election Amendment Act, 2010*** be now read a second time.]

The Acting Speaker (Mr. Bradshaw): — I recognize the member from Saskatoon Meewasin.

Mr. Quennell: — Thank you very much, Mr. Speaker. Mr. Speaker, I rise today to address amendments to *The Election Act*, specifically Bill 161, *The Election Amendment Act*.

Mr. Speaker, this Bill to a certain extent is historic. Now usually when one rises and says that something is being done in the Legislative Assembly and it's historic, one means that with praise. But in this case, the history, historic occasion is the breach of a long-standing convention of this Assembly and a practice in respect to election law, which long-standing convention and practice I think is unique to election law in the province. And in this Assembly, has been a long time, Mr. Speaker, a long, long time — certainly precedes me and precedes the history of most of the members in this Assembly — since a government has brought in changes to election law in this province without the agreement of the opposition.

So this legislation is being brought in, changing dramatically election law in the province of Saskatchewan, without the agreement of the opposition. And that truly, Mr. Speaker, is historic. But it is a retreat, an historic retreat back to a history when a majority government would force election law changes — whether or not the opposition agree with them — on the opposition, and change the rules of elections to, you would assume, Mr. Speaker, given where the legislation is coming from, to suit the government of the day. That practice was abandoned a long time ago, Mr. Speaker. It is being resurrected with this Bill.

And that is not the most significant aspect of this legislation, but it is not insignificant. It is not unimportant. It is certainly worth noting, Mr. Speaker, today that that convention has been breached — and breached in quite an interesting way, Mr. Speaker. And I think it shows the little power that the Attorney General has in the Saskatchewan Party government and the lack of respect for the minister responsible for ensuring the government governs by the rule of law, because the Minister of Justice said that he would honour that convention.

There were a number of recommendations made by the Chief Electoral Officer coming out of the last election and the last by-elections that have been held since the last general election in the province of Saskatchewan, a number of recommendations made by the Chief Electoral Officer to make elections more efficient, more effective, more adapted to modern circumstances to improve voter turnout.

The government ignored those recommendations and ignored them and ignored them. And for a number of terms, a government prior to this first Sask Party government, long ago there would have been an all-party committee of this Legislative Assembly looking at the recommendations of the Chief Electoral Officer and agreeing which ones would go forward into legislation. And that didn't happen. Well it hasn't happened, Mr. Speaker. It's not going to happen. There's no time for it and the government has no will to do it. So all those recommendations are ignored, and something that the Chief Electoral Officer does not recommend and we believe does not actually approve of or see the need for is going ahead.

But the Minister of Justice said the practice of the two parties — or if there's more in the Legislative Assembly; there happens to be two today — getting together, working over the recommendations by the independent officer of the Legislative Assembly and other concerns, and determining how election law should be updated, that practice would be followed. I don't think that the Minister of Justice and the Attorney General believed anything other than that would be the case, but that is not what has happened.

And so the Premier's office said no. Despite the promise to the Attorney General, that convention's going to be breached, and we are not going to have an all-party agreement on the updating election law and we'll do it unilaterally. And it is the hubris and arrogance of the Sask Party government that we will breach that convention. We will break the promise made by the Attorney General and just as a matter of style, we will do both those things in a Throne Speech, Mr. Speaker.

Imagine the surprise of members of the Legislative Assembly, aware of the convention that election law would be updated by agreement — and only election law, Mr. Speaker, only election law, and I'll come to the reasons for that — election law would be updated by agreement between the parties. Imagine the surprise to members of the Legislative Assembly when that convention, having been recommitted to by the Attorney General of the province, was breached in a Throne Speech.

When I first saw the Throne Speech last fall, Mr. Speaker, I thought well they're going to break their convention if they're going to break their undertaking to the opposition and to the people of Saskatchewan, if they're going to do that and they're going to put it in the Throne Speech, well why don't they just bring in a property requirement to vote or why don't they bring in the kind of literacy test we used to have in the Deep South, United States if they just want to restrict people's voting? Why do this?

[16:15]

Well why do this, Mr. Speaker? Because this will pass muster. Those would have been too outrageous. This is as far as this government can go to restrict people's voting rights, and they're going to go as far as they can go. And they know the opposition wouldn't agree, and that's why the convention was broken and that's why the commitment of the Attorney General was broken because they know we wouldn't have agreed.

Why did that convention come into place in the first place, Mr. Speaker? It was very unusual when opposition are consulted on

any other legislation, doesn't expect to be in advance of it being introduced into the Legislative Assembly. Well that convention is there because the people of Saskatchewan want to be assured that the rules by which elections are conducted are fair.

And the people of Saskatchewan know that those rules are fair if the major parties, the parties who are represented in the Legislative Assembly, agree to them. If the party that's in the minority or parties that are in the minority in the Legislative Assembly agree to the changes, then the people of Saskatchewan have confidence that the changes in election law are fair. The people of Saskatchewan can have no such confidence in the motive of the government in making these changes and breach of that convention, the intent of this legislation or the effect it will have on voting turnout.

Now before I forget this comment, Mr. Speaker, the provisions are similar in this Bill to provisions that have been adopted federally. And at least one minister of the Crown thinks that has allowed for a record turnout. In fact, in the last federal election under those rules, the turnout wasn't the lowest it's ever been, but it was pretty close, Mr. Speaker. It's close to the lowest it's ever been.

And the minister said, the Minister of Municipal Affairs said in committee — because there's also a Bill dealing with municipal election law, Mr. Speaker, and I'll come to that — said in committee, well I didn't have any trouble voting in the federal election. Well, Mr. Speaker, that misses the point and makes the point at the same time. Of course the minister didn't have any problem voting. The legislation, the federal legislation isn't designed to stop him from voting. It's not designed to stop him from voting, Mr. Speaker. It's not designed to decrease the likelihood that he will vote — a white, privileged male with a driver's licence and a passport. That's not going to be the effect of this legislation.

And I don't know if the Minister of Municipal Affairs was assuming some persona of naïveté or something, but surely he doesn't believe that the concern of the opposition and people of Saskatchewan about this legislation, federally, provincially, or municipally, was that it would stop a minister of the Crown or impede a minister of the Crown from voting in an election.

But I think at some fundamental level this legislation demonstrates — and quite dangerously because of its possible effects, its likely effects as some have said — a fundamental misunderstanding on the part of the government and members of the government about the right to vote. And the analogies that ministers of the Crown and members of the government draw between the right to vote and other human activities in an industrial economy, in a modern economy are quite remarkable.

Ministers and government MLAs will say well it's, you know, if you want to apply for a credit card, you want to open a bank account, you want to borrow money, you have to be able to prove who you are. You have to have identification. You have to have all these, whatever the bank requires to lend you money. Well you want the bank's money, you want to borrow the bank's money, you have to make the bank feel secure within the restrictions of the law on what the bank can require.

The ability to borrow money, if you can persuade a financial

institution that you can pay it back or provide sufficient security so that they can feel secure in lending you the money, the ability to do that and the right to vote are fundamentally different things. And the government doesn't seem to understand the difference between Saskatchewan residents as consumers and Saskatchewan residents as citizens, between whatever privileges come with status or wealth or income, and what rights exist whatever those statuses might be. It's because they just don't seem to understand that and the analogies that they put in place to argue in defence of this Bill, an historic Bill but historic for fundamentally bad reasons, Mr. Speaker, show that they don't understand that fundamental difference.

Mr. Speaker, the statement by the Attorney General and the Minister of Justice in defence of the Bill in the Throne Speech, because this was, this breach and this broken promise was made in the Throne Speech, which has also got to be historic, Mr. Speaker. At least, I hope it remains unique. This was defended by the Minister of Justice saying, well you know, if people want to vote, it's like — and he used the example of opening a bank account — they'll have to have their identity papers in order.

And as I said in my response to the Throne Speech, Mr. Speaker, it had the whiff of the authoritarian about it that people would have to have their identity papers in order if they wanted to vote in a provincial or municipal election in the future in Saskatchewan. Because the benefit of the doubt doesn't go to the citizen; the benefit of the doubt goes to those who would challenge the citizens' right to vote.

Perhaps the most telling in some ways and disturbing analogy was made by the government member from Regina Qu'Appelle who, following my remarks said, well you know, in my former career and life as a police officer, when I pulled somebody over, I expected them to be able to produce a driver's licence and show who they are and that they have a right to drive that car. And, Mr. Speaker, quite frankly I was a little shocked by that. The analogy between policing and democratic elections is not one that is made in any state that anybody in this Assembly or anybody in Saskatchewan would want to live in.

The policing around the privilege of driving and policing the participation in democratic elections, Mr. Speaker, is an analogy that could best be drawn in states in which elections can't really be called fair at all. As someone once said, policing is only easy in a police state, and policing elections and treating elections as police action would only be done in a police state. And there are citizens in Saskatchewan, there are citizens in Saskatchewan . . . I think the member from Regina Qu'Appelle is rethinking her remarks. There are citizens in Saskatchewan who have left places where the attitude is that you demonstrate that you have a right, you demonstrate that you should be able to vote here.

So there's a fundamental, I think, misunderstanding that grounds, that grounds this legislation. And I think there's also, to be fair to the members opposite, some of them are adherents, and I think sincere adherents perhaps, to an urban myth. The Minister of Justice, I think even the Premier mentioned cases in Saskatchewan of buses of people voting in constituencies — busloads of people, excuse me; buses don't vote — busloads of people voting in constituencies where those people aren't entitled to vote.

Now when pressed by reporters or anyone else, they quickly backtracked. Because there are no examples, Mr. Speaker, there are no examples you can point to. As the member from Meadow Lake says from his seat, never happened. There's no evidence of it. There's no proof of it. There's no reported case of it. But it fuels, I think, particularly for the Deputy House Leader, the member from Meadow Lake, it fuels the animus behind this Bill and the requirement that we have a Bill that removes the benefit of the doubt from the citizen coming forward to say, I live here. I'm a citizen here, I want to vote here.

And if this election is close, then that's going to be examined. And nobody thinks they've won a provincial election unless they've got more than 100 votes over their nearest opponent, Mr. Speaker, because you know that under that number there's going to be a recount. Your opponent's going to be looking for irregularities. If they're there to be found, they're going to be found and there could very well be a by-election. I mean there's a remedy. There's a remedy. And the remedy is not to, before the vote, deprive people of their vote. That's not the remedy. The remedy is to address those rare cases where irregularities in people voting in the wrong place, whether intentionally or not, usually not, Mr. Speaker. There's a remedy to address those, but it's after the fact. And in the cases where there's, it's actually an issue and not in the many constituencies, the many local elections where if there is, of course, no issue.

Some members in this debate have quoted from a *New York Times* editorial which I'm going to read in its entirety, partly because it's not very long and because it's almost exactly on point with the Bill that's under consideration. Matter of fact when I first read it in April it, I thought well, change the names and the locations and we could be talking about the same legislation that's before the Legislative Assembly of Saskatchewan.

It's entitled, well, it's dated April 26th, 2011. It was in the *New York Times*. It's an editorial and it's entitled "The Republican Threat to Voting." And I quote:

Less than a year before the 2012 presidential voting begins, Republican legislatures and governors across the country are rewriting voting laws to make it much harder for the young, the poor and African-Americans — groups that typically vote Democratic — to cast a ballot.

Spreading fear of a nonexistent flood of voter fraud, they are demanding that citizens be required to show a government-issued identification before they are allowed to vote. Republicans have been pushing these changes for years, but now more than two-thirds of the states have adopted or are considering such laws. The Advancement Project, an advocacy group of civil rights lawyers, correctly describes the push as "the largest legislative effort to scale back voting rights in a century."

Anyone who has stood on the long lines at a motor vehicle office knows that it isn't easy to get such documents. For working people, it could mean giving up a day's wages.

A survey by the Brennan Center for Justice at New York University School of Law found that 11 per cent of

citizens, 21 million people, do not have a current photo ID. That fraction increases to 15 per cent of low-income voting-age citizens, 18 per cent of young eligible voters and 25 per cent of black eligible voters. Those demographic groups tend to vote Democratic, and Republicans are imposing requirements that they know many will be unable to meet.

Kansas' new law was drafted by its secretary of state, Kris Kobach, who also wrote Arizona's anti-immigration law. Voters will be required to show a photo ID at the polls. Before they can register, Kansans will have to produce proof of citizenship, such as a birth certificate.

Tough luck if you don't happen to have one in your pocket when you're at the county fair and you pass the voter registration booth. Or when the League of Women Voters brings its High School Registration Project to your school cafeteria. Or when you show up at your dorm at the University of Kansas without your birth certificate. Sorry, you won't be voting in Lawrence, and probably not at all.

That's fine with Gov. Sam Brownback, who said he signed the bill because it's necessary to "ensure the sanctity of the vote." Actually, Kansas has had only one prosecution for voter fraud in the last six years. But because of that vast threat to Kansas democracy, an estimated 620,000 Kansas residents who lack a government ID now stand to lose their right to vote.

Eight states already have photo ID laws. Now more than 30 other states have joined the bandwagon of disenfranchisement, as Republicans outdo each other to propose bills with new voting barriers. The Wisconsin bill refuses to recognize college photo ID cards, even if they are issued by a state university, thus cutting off many students at the University of Wisconsin and other campuses. The Texas bill, so vital that Gov. Rick Perry declared it emergency legislation, would also reject student IDs, but would allow anyone with a handgun license to vote.

A Florida bill would curtail early voting periods, which have proved popular and brought in new voters, and would limit address changes at the polls. "I'm going to call this bill for what it is, good-old-fashioned voter suppression," Ben Wilcox of the League of Women Voters told *The Florida Times-Union*.

Many of these bills were inspired by the American Legislative Exchange Council, a business-backed conservative group, which has circulated voter ID proposals in scores of state legislatures. The Supreme Court, unfortunately, has already upheld Indiana's voter ID requirement, in a 2008 decision that helped unleash the stampede of new bills. Most of the bills have yet to pass, and many may not meet the various balancing tests required by the Supreme Court. There is still time for voters who care about democracy in their states to speak out against lawmakers who do not.

[16:30]

Well, Mr. Speaker, there's not much time left for voters to speak out here because we know the majority Saskatchewan Party will be driving this Bill through. And we know that, Mr. Speaker, well, because when haven't they, Mr. Speaker? I mean I just spoke about human rights legislation a few moments ago that hundreds of Saskatchewan people from over 100 communities have petitioned against, professors of law and former deputy ministers of Justice have spoke out against in editorial comments. The secretary general of Amnesty International, Nobel Prize winning organization which won the Nobel Peace Prize for its work on human rights internationally, opposes that human rights legislation, Mr. Speaker. But before we leave this spring, that legislation opposed by so many thoughtful people, that legislation will no doubt be given Royal Assent. Mr. Speaker, it will certainly be given third reading.

So of course that's one way I know that this Bill is going to go through. I mean if the government wanted to listen to people about these election changes, it would have honoured the long-standing convention of this Assembly to consult the opposition. It would have honoured the promise of the Attorney General and Minister of Justice to do just that. It would have sought support from the independent Chief Electoral Officer, Mr. Speaker. But they did none of those things. So this is obviously a Bill that the Sask Party government wants to see for effects that *The New York Times* comments upon in similar legislation being passed by state legislatures in the United States of America.

Now in defence of the Bill, the government will argue that they sort of indirectly consulted on this Bill because this Bill is the mirror image of the municipal election law changes and they consulted on that Bill. At least that's what some government members believe. It may not be the case. It is actually decidedly not the case, Mr. Speaker, which I think will become clear.

I believe on March 17th, 2011, there was a debate, a 75-minute debate in this Assembly initiated by the government. And the House Leader, the member from Cannington for the government, the Government House Leader got up and said that the municipal election law changes that mirror the ones in this Bill, Mr. Speaker, were requested by, among others, but primarily the Saskatchewan Urban Municipalities Association, Mr. Speaker. They wanted this photo ID [identification]. They wanted voter ID requirements, new voter ID requirements. And so since the municipalities wanted them, Mr. Speaker, it would only make sense — I'm not sure why because the circumstances are different — but it would only make sense was the argument from the Government House Leader, it would only make sense that the province have similar rules, not identical rules.

Now when the member from Cannington, the Government House Leader, said that SUMA [Saskatchewan Urban Municipalities Association] had been consulted and SUMA had requested these changes to election law in the province of Saskatchewan, I believe that the member from Cannington believed it or why would he say it in this Assembly, Mr. Speaker? But in fact it's not the case. Not only did SUMA not ask for the voter ID requirements, did not promote the voter ID requirements, did not agree with the voter ID requirements, SUMA doesn't like the photo ID requirements. SUMA wanted the voter ID requirements removed from the municipal election

legislation, Mr. Speaker.

And in a letter to the Minister of Municipal Affairs dated April 19th, 2011, the president of SUMA says:

We ask the government to remove the voter ID sections of Bill 162, the amendment, during committee deliberations after which SUMA will be prepared to work with the government to draft voter ID provisions that are practical and effective.

The president of SUMA goes on to say in the same letter that the proposed voter identification amendments in the municipal election Bill and in the provincial election Bill — but he is speaking of course to the municipal election law — as they stand “present numerous challenges.” Including “they appear to be unnecessary.” And they “raise the possibility of voter intimidation.”

Now, Mr. Speaker, let me comment on that phrase, voter intimidation, which was used by the president of SUMA in criticism of voter ID requirements that the government wants to impose in municipal elections and in provincial elections. That's a phrase that I would not have used in this debate if it had not been in this letter. That's pretty strong language, Mr. Speaker.

I think the language that's in the editorial is understandable language. The intent and effect of this type of legislation seems to be to suppress voting by groups that already disproportionately don't vote compared to the general population. But the phrase voter intimidation is a phrase that I will now adopt because it is used in criticism of the legislation of the government, and I think it's a fair phrase. And the reason I believe that the phrase is fair — and again it's not mine, but it's one I adopt — the reason the phrase is fair is because the deputy returning officers at polling stations, whether they understand the law and all of the exceptions that the government puts in by regulation or doesn't put in by regulation or talks about putting in regulation or, you know, and the difference between the regulations of municipal elections and provincial elections and federal elections around these voter ID requirements, the DRO [deputy returning officer] is going to be assumed, at least by the DRO, to understand what these all are.

And the person who's maybe voting for the first time, maybe voting with some trepidation because it's not the practice in their family — it certainly hasn't been their individual practice, but they decided that they want to vote; they want to exercise their right as citizens — maybe they don't have the kind of identification that would allow one to open a bank account. Maybe they don't have the driver's licence because they don't drive a car, so there's no concern about being pulled over by the member from Regina Qu'Appelle and asked to identify herself. Maybe they don't have any of that. But they know where they live and they know they're a citizen and they know that in some cases their people have been here for thousands of years and that they're entitled to vote. They know all that. But they don't know the law, Mr. Speaker, and I sometimes wonder how much law some of the legislators know. But they don't know the law around election Acts. And if their right to vote is challenged, they are not going to be able to mount a defence. They are going to be intimidated. They are going to withdraw. And they

are going to lose their vote. And the likelihood of them wanting to go out and vote again and confront that again in the future, well it's small, Mr. Speaker. It's small. And the DRO may not even be right.

Because the response of the government to the criticisms of this legislation is not to withdraw these requirements. The response of the government is, well we'll have this exemption, we'll allow this, we'll allow that, and we'll allow the other thing, requiring every deputy returning officer in the province to be an expert on exactly what these are and to enact them in the spirit of, or what should be in the spirit, of election law that people are entitled to vote and they should lose that vote only if they're not entitled, Mr. Speaker. And the onus should be on somebody to establish that they're not entitled to vote, not the onus on this person who perhaps is not comfortable — because this is the first time they've ever been in a polling station — to explain the law to a deputy returning officer.

But that's what this legislation is aimed at doing, Mr. Speaker. That's the effect that this legislation will have, and that's where the concern of the president of SUMA about possible voter intimidation, the possibility of voter intimidation arises from, Mr. Speaker. And that concern, which I'm sure is shared by many other people, not just by SUMA, although that's a large institution and addressing an issue about law about which they clearly were not consulted, Mr. Speaker. If they'd been consulted and listened to, the Bill wouldn't had the provisions that they're asking to have removed as late of April 2011.

But that's where the concern about voter intimidation comes from. It's a real concern. I think I would have expected members of the government to be making light of my use of that term, but they can't do so because it's not mine. It's the president of SUMA's term, and they can't do that, Mr. Speaker. I think they have to treat that concern with a little bit more respect because it's not coming from a member of the opposition but from another leader, a civic leader within the province of Saskatchewan.

And another reason in the letter that they want the voter identification amendments, which are identical to the ones in the Bill that is now under discussion, removed is that they are "likely to negatively impact voter turnout," Mr. Speaker. So here we have legislation that the government promised not to bring in without consultation with the opposition, then broke that promise, brought in without the consultation with the opposition. And civic leaders have said the identical legislation in respect to municipal law would possibly cause voter intimidation and likely negatively impact voter turnout. And that's the Bill that we have. That's the Bill that we have before the House. That's the Bill that we're debating now.

The president of SUMA goes on to say in the April 19th, 2011 letter:

The primary argument to justify requiring voter ID is the ability to limit voter fraud during local elections. SUMA supports the principle of voter fraud reduction and enhancing legitimacy by democratic institutions and processes; however, in discussion with urban elected officials across Saskatchewan . . .

This is a quote, Mr. Speaker:

. . . we are hard-pressed to identify occurrences of local election voter fraud, or urban election results that are called into question due to potentially illegal practices. With no obvious fraud issues to resolve, SUMA believes that there is no immediate need to introduce voter ID provisions.

Now what was the government's response to a major, one of the two major municipal government organizations saying, we don't want the voter ID requirements that are in your legislation. We don't want them.

The Speaker: — Why is the member on his feet?

Mr. Hart: — With leave to introduce guests.

The Speaker: — The member from Last Mountain-Touchwood has asked for leave to introduce guests. Is leave granted?

Some Hon. Members: — Agreed.

The Speaker: — I recognize the member from Last Mountain-Touchwood.

INTRODUCTION OF GUESTS

Mr. Hart: — Thank you very much, Mr. Speaker. Mr. Speaker, I'd like to thank the member opposite for yielding the floor.

With us this afternoon, Mr. Speaker, in your gallery, are three very important people in my life. My wife, Marlene, who I've introduced once or twice before, and with her are our two granddaughters, Tenaisha, if she'd give us a wave — that was Alyx that just waved — and our youngest granddaughter Alyx.

As members would know, they are living with us now and keeping grandma mostly company. They seem to manage quite well while I'm here and they're at home at Cupar. In fact they tell me on the odd occasion that sometimes they think they do better when grandpa stays in Regina, Mr. Speaker. Both of the girls are involved in activities in the school. Tenaisha's in grade 8 and involved in volleyball and in dance and currently in drama. I believe today she's actually missing a practice; their drama club is getting near their performance. And Alyx, the younger one, is also very involved in hockey and in soccer and in dance.

And one further thing I might say, Mr. Speaker, all the years when we were raising our older family we never allowed, and that was mainly me, never allowed any pets in the house, but Alyx managed to talk grandma into a having a cat in the house, Mr. Speaker. So I think we mellow with age.

And I would just ask all members to welcome them to the Assembly.

[16:45]

The Speaker: — I recognize the member from Saskatoon Meewasin.

ADJOURNED DEBATES

SECOND READINGS

Bill No. 161 — *The Election Amendment Act, 2010*
(continued)

Mr. Quennell: — Thank you, Mr. Speaker. I want to say to the member from Last Mountain-Touchwood that I had no difficulty yielding the floor to him. I know the member from Last Mountain-Touchwood very well. I did not for a second suspect a legislative tactic. I knew he would want to be introducing people that are, as he said, important in his life. And I have no difficulty in yielding the floor to him to do that. I'm glad that, I'm glad that we were able to accommodate him.

Now, Mr. Speaker, as I was saying before I was so courteously interrupted, politely interrupted, as I was saying, what was the response of the government to being told that, by SUMA, that they didn't want the voter ID requirements?

And since the election, the next municipal elections are in 2012, we have lots of time to draft another Bill. We can deal with the four-year terms. We can deal with everything in this municipal election Act, Bill, that we all like. We can deal with all that. But we have a year. We have a year to draft new voter ID and put, new requirements, and put that in the Bill, in the Act, where it should be, not in regulation, Mr. Speaker. We have time to do that.

The government has demonstrated with this legislation, provincial election law legislation, that we can change election law legislation on the very eve of a provincial election. There's not very many sitting days before the next provincial election, Mr. Speaker, and at this point, without any consultation, without, you know, looking to the recommendations of the Chief Electoral Officer, we're changing provincial election law.

Next year we could bring in voter ID requirements for the next set of municipal elections in 2012 that SUMA actually do support, they'd actually been consulted on, they actually agreed to. But SUMA was given a false choice, Mr. Speaker. And that's clear from the letter of April 27th, 2011, one of the letters that the Minister of Municipal Affairs thinks settles the issue of the failure to consult with SUMA and the imposition of voter ID requirement in municipal election law, that one of the organizations representing municipal governments and the majority of people in Saskatchewan, I expect, one of those organizations doesn't support. And in the April 27th, 2011 letter, the president of SUMA says, and I quote:

Based on our recent discussions with your officials it was our understanding that our interest in making changes to the provisions could not be accommodated within the remaining sitting days of the Twenty-sixth Legislative Assembly.

Well, Mr. Speaker, nothing could be further from the truth. At that time, Mr. Speaker, at that time there were at least another three weeks, another 12 sitting days of the twenty-sixth Legislative Assembly. And as I've said before, when the opposition and the government agree, we can draft and pass whole Bills, Mr. Speaker.

And one of my examples was the profits against criminal notoriety Act, which the government was dragged kicking and screaming to. One argument was that it wouldn't be constitutional, and the other was, well we don't have time, Mr. Speaker. But the opposition continued to press, and lo and behold, we had time. A whole Bill was drafted. And not only was a Bill drafted, and in a day received — almost I think within a day — first, second, and third reading, Mr. Speaker, or certainly within two days. Not only was that done, but the Bill was no hurried, rushed affair.

It didn't collapse at its challenge. It was challenged by Colin Thatcher who was going to be the first subject of the legislation. It was drafted really so he couldn't profit from telling the story, his version of the story, about the murder of his ex-wife, JoAnn Wilson, of which he was convicted. But not only was the government and the opposition willing, able to draft an entire Bill, when the government finally surrendered on their arguments about constitutionality and the time required, but the Bill withstood the constitutional challenge, Mr. Speaker. It's good law. It's a precedent for the country.

So both the government's arguments failed, but the government is making those same arguments again to SUMA. They're saying, well there's no time. There's no time to make the changes.

First of all, Mr. Speaker, when the Minister of Municipal Affairs says there's no time to make these changes because we need extensive consultations, well the argument is laughable. It's ridiculous. It's absurd. There were no extensive consultations on the Bill. There were no extensive consultations on voter ID requirements. If there had been, SUMA wouldn't have been making the objections in the first place.

So now there's going to be extensive consultations on their reaction to the legislation, now that they know what's in it. It's absurd. It's ridiculous. But it's also a false choice, Mr. Speaker, because that's not what SUMA asked for. SUMA didn't ask that new, practical and effective voter ID requirements be drafted and put in this legislation by amendment within the sitting of this Legislative Assembly that ends on May 19th, 2011. That's not what they asked for, Mr. Speaker.

What they asked for is to simply have excised — which we could do in 10 minutes in committee, we still have a number of days to do that in, Mr. Speaker — excised from the Bill the voter ID requirements. Just remove them and deal with the issue when they've been consulted in a future Legislative Assembly, preferably before 2012. That's what they asked for. They didn't ask for extensive consultations on new, new voter ID requirements. They asked to have these ones removed because they may result in voter intimidation. They will likely lower voter turnout.

That's what they asked for, and they were told that can't be done. That can't be done. There's no time left. It can't be done within the twenty-sixth Legislative Assembly which doesn't rise till, as you know, Mr. Speaker, May 19th. Simply not the case.

But why were they told that, Mr. Speaker? Well to go back to the March 17th comments of the deputy, of the Government

House Leader, excuse me, of the Government House Leader, to go back to those comments, the support for these provincial election law changes that are likely to lead to voter intimidation and lower voting turnout, support for them is, well we're going to have those changes municipally, and the support for having them municipally is SUMA asked for them.

And so if you admit that SUMA didn't ask for them and you remove them at the request of SUMA, then what defence is there now for the provincial election law that will possibly lead to voter intimidation and likely negatively affect voter turnout? In the words of the president of SUMA, what defence is there? There is no defence any more.

They can't, they can't admit they didn't consult with SUMA. They can't admit that what's in there is not requested by the municipal organizations and municipal governments. They can't admit that because then there is no defence for the provincial election Bill that is before this Assembly.

The Minister of Justice made another analogy in defence of this legislation. He said well there's always a trade-off. There's always a trade-off in criminal law. You don't want to send innocent people to jail, and you don't want to let guilty people go free. I think that is actually an excellent analogy, Mr. Speaker, because it is a foundation of our democratic society which respects the rights of individuals and the rule of law. It's a foundation of our society that we don't send people to jail unless they're guilty beyond a reasonable doubt. And so it is often said better that 10, better that 100 guilty people go free than one innocent person go to jail.

And that's the beauty of this analogy of the Minister of Justice. It's actually better that dozens of people vote where they're not entitled to because we can correct that if the election is close and irregularities are investigated. It's better that dozens of people vote where they're not entitled to — not that there's any history of that in the province, not that there's any evidence of that happens — but better that dozens of people vote where they're not entitled to than one person who has the right to vote, who's a citizen of this country and this province, be denied the right to vote.

The analogy is ideal, Mr. Speaker. That should be our principle. Better that there be some voting irregularities than that we be depriving people of their right to vote because they do not have, as this government would require, their identity papers in order, Mr. Speaker.

The Speaker: — Is the Assembly ready for the question?

Some Hon. Members: — Question.

The Speaker: — The question before the Assembly is the motion by the Minister of Justice that Bill No. 161, *The Election Amendment Act, 2010* be now moved the second time. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

Law Clerk and Parliamentary Counsel: — Second reading of

this Bill.

The Speaker: — To which committee does the Bill stand referred? I recognize the Government Deputy House Leader.

Hon. Mr. Harrison: — To the Standing Committee on Intergovernmental Affairs and Justice.

The Speaker: — The Bill stands referred to the Standing Committee on Intergovernmental Affairs and Justice. I recognize the Government Deputy House Leader.

Hon. Mr. Harrison: — Thank you, Mr. Speaker. Being near the time of adjournment, I move that this House do now adjourn to facilitate the work of committees.

The Speaker: — The Deputy Government House Leader has moved the House do adjourn to facilitate the working of committees. 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 16:57.]

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