



FIRST SESSION - TWENTY-SEVENTH LEGISLATURE

of the

**Legislative Assembly of Saskatchewan**

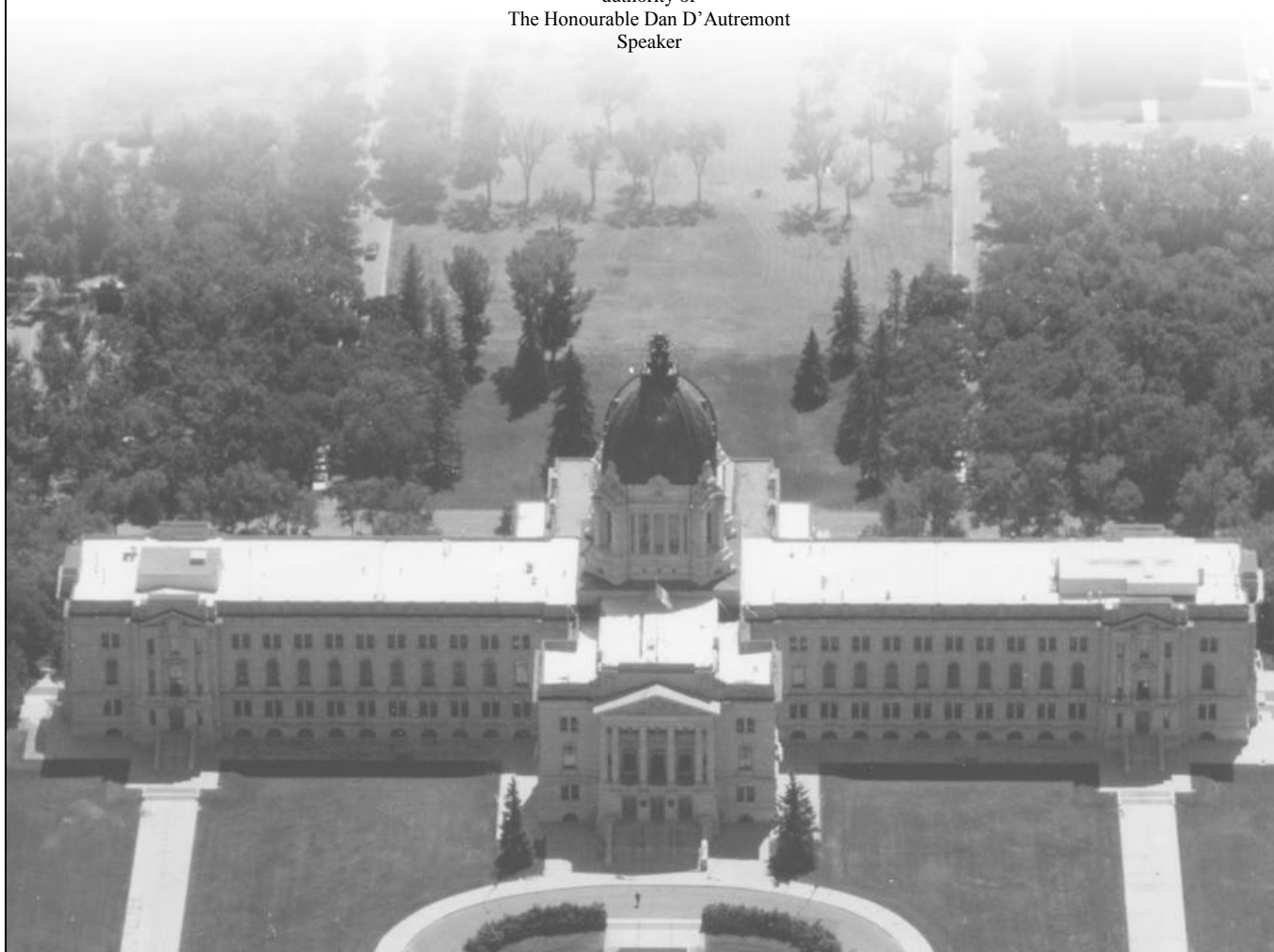
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**DEBATES  
and  
PROCEEDINGS**

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(HANSARD)

Published under the  
authority of  
The Honourable Dan D'Autremont  
Speaker



**MEMBERS OF THE LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**

Speaker — Hon. Dan D'Autremont  
 Premier — Hon. Brad Wall  
 Leader of the Opposition — John Nilson

<b>Name of Member</b>	<b>Political Affiliation</b>	<b>Constituency</b>
Belanger, Buckley	NDP	Athabasca
Bjornerud, Hon. Bob	SP	Melville-Saltcoats
Boyd, Hon. Bill	SP	Kindersley
Bradshaw, Fred	SP	Carrot River Valley
Brkich, Greg	SP	Arm River-Watrous
Broten, Cam	NDP	Saskatoon Massey Place
Campeau, Jennifer	SP	Saskatoon Fairview
Chartier, Danielle	NDP	Saskatoon Riversdale
Cheveldayoff, Hon. Ken	SP	Saskatoon Silver Springs
Cox, Herb	SP	The Battlefords
D'Autremont, Hon. Dan	SP	Cannington
Docherty, Mark	SP	Regina Coronation Park
Doherty, Kevin	SP	Regina Northeast
Doke, Larry	SP	Cut Knife-Turtleford
Draude, Hon. June	SP	Kelvington-Wadena
Duncan, Hon. Dustin	SP	Weyburn-Big Muddy
Eagles, Doreen	SP	Estevan
Elhard, Hon. Wayne	SP	Cypress Hills
Forbes, David	NDP	Saskatoon Centre
Harpauer, Hon. Donna	SP	Humboldt
Harrison, Hon. Jeremy	SP	Meadow Lake
Hart, Glen	SP	Last Mountain-Touchwood
Heppner, Nancy	SP	Martensville
Hickie, Hon. Darryl	SP	Prince Albert Carlton
Hutchinson, Hon. Bill	SP	Regina South
Huyghebaert, Hon. D.F. (Yogi)	SP	Wood River
Jurgens, Victoria	SP	Prince Albert Northcote
Kirsch, Delbert	SP	Batoche
Krawetz, Hon. Ken	SP	Canora-Pelly
Lawrence, Greg	SP	Moose Jaw Wakamow
Makowsky, Gene	SP	Regina Dewdney
Marchuk, Russ	SP	Regina Douglas Park
McCall, Warren	NDP	Regina Elphinstone-Centre
McMillan, Hon. Tim	SP	Lloydminster
McMorris, Hon. Don	SP	Indian Head-Milestone
Merriman, Paul	SP	Saskatoon Sutherland
Michelson, Warren	SP	Moose Jaw North
Moe, Scott	SP	Rosthern-Shellbrook
Morgan, Hon. Don	SP	Saskatoon Southeast
Nilson, John	NDP	Regina Lakeview
Norris, Hon. Rob	SP	Saskatoon Greystone
Ottenbreit, Greg	SP	Yorkton
Parent, Roger	SP	Saskatoon Meewasin
Phillips, Kevin	SP	Melfort
Reiter, Hon. Jim	SP	Rosetown-Elrose
Ross, Hon. Laura	SP	Regina Qu'Appelle Valley
Sproule, Cathy	NDP	Saskatoon Nutana
Steinley, Warren	SP	Regina Walsh Acres
Stewart, Lyle	SP	Thunder Creek
Tell, Christine	SP	Regina Wascana Plains
Tochor, Corey	SP	Saskatoon Eastview
Toth, Don	SP	Moosomin
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

[The Assembly resumed at 19:00.]

**EVENING SITTING**

**The Speaker:** — It now being 7 o'clock, the House is reconvened. And I recognize the member for Athabasca.

**SECOND READINGS**

**Bill No. 35 — *The Legislative Assembly and Executive Council Amendment Act, 2011/Loi de 2011 modifiant la Loi de 2007 sur l'Assemblée législative et le Conseil exécutif***  
(continued)

**Mr. Belanger:** — Thank you very much, Mr. Speaker. And I was just determining over supper what's the best course of action to kind of wrap up debate on this particular Bill. And I did have plans to adjourn the debate, but I only had five seconds left before it hit 5 o'clock, Mr. Speaker. But nonetheless, as I'm given the opportunity to speak on this Bill one more time, I just want to point out to the people of Saskatchewan that the whole notion of this Bill is primarily to extend the election date from 2015, the fall of 2015, to the spring of 2016.

And, Mr. Speaker, again as we mentioned in the outset, we always are trying to find ways and means and their true intent of some of these Bills. And I think certainly from our perspective that the whole notion of being courteous to the federal Conservative government as they go through their re-election time frame much the same as this, that certainly that's not the objective of this Bill, that there is some other plans and there's other things that are at play here.

Now, Mr. Speaker, I think what's important as well is that if you look at the whole notion of the set election dates, it's something that I think the people of Saskatchewan like, and they want to see that continue. And I guess the whole notion is after the election of the federal government, if they are successful, whoever wins in the federal election of 2015, they will obviously set their date to four years down the road to 2019. So is this a permanent thing where you are going to be postponing the next election to every four and a half years as opposed to every four years? These are some of the questions that we have to ask because obviously the Government of Canada will want to hold their election every four-year time frame. And is this a permanent adjustment or are we going to be able to go from six months after or six months before? Like how does that scenario work its way through?

So, Mr. Speaker, that's the reason why we are asking the question that we are asking on this particular Bill. There is a lot of questions that other groups and organizations may want and may have to offer in terms of advice to the opposition. And that's why it's important that we ask people to take the time to look at the Bill and see if there is anything that they are aware of as to why the timing has changed. What situation occurs that we have to do this? Just the one . . . Is this the one-off? And the list kind of goes on and on.

So, Mr. Speaker, with that in mind, I move that we adjourn debate on this Bill.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 35, *The Legislative Assembly and Executive Council Amendment Act, 2011*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

**Bill No. 36 — *The Constituency Boundaries Amendment Act, 2011***

**The Speaker:** — I recognize the Minister of Justice.

**Hon. Mr. Morgan:** — Thank you, Mr. Speaker. I rise today to move second reading of Bill 36, *The Constituency Boundaries Amendment Act, 2011*. Mr. Speaker, Saskatchewan has enjoyed significant growth over the past several years. Since the census upon which our current boundaries were drawn, our population has increased by over 5 per cent, and we are proud to say that this dramatic increase is continuing.

Under *The Constituency Boundaries Act, 1993*, a Constituency Boundaries Commission is to be struck following each decennial census. This commission is to prepare a report on the establishment of constituencies for the province of Saskatchewan.

Mr. Speaker, it is the view of this government that this process must reflect the increase in population since the boundaries were last drawn. It should also anticipate the population growth that we are confident will occur before the next commission is struck based on the 2021 census. For these reasons, the time has come to recognize the population change in the province of Saskatchewan and the need for increased representation by members of the Legislative Assembly by increasing the number of constituencies in the province from 58 to 61.

This 5 per cent increase in the number of seats will be achieved by increasing the number of constituencies south of the dividing line, as that term is currently defined in the Act, from 56 to 59 members. There is no direction provided in this Bill or the legislation as to where these three new seats may be situated. That will be for the independent Constituency Boundaries Commission to determine.

The other amendment that is made by this Bill will provide that the term total population in the Act refers to that portion of the population of Saskatchewan that is 18 years of age or older as determined by the most recent census data.

Mr. Speaker, it is a fundamental principle in our democracy that each vote should be roughly of the same value throughout the province. While the two northern constituencies have special rules for obvious reasons, in Saskatchewan we have one of the lowest permitted size variances of plus or minus 5 per cent between constituencies. It is our view that to ensure votes of equal value in Saskatchewan, it is the number of voters in a constituency that should be established as roughly equal rather than an equal overall population.

By using the most recent census data to determine who is of

voting age in a constituency, rather than using the voters list as has been done in some other jurisdictions, we are using the best available data. Otherwise future boundaries commissions may be required to work with data from a three-year-old voters list. Furthermore given that the census participation is mandatory, we feel that it is a better source for this information, rather than a voluntary enumeration. While the census data may include citizens over 18 years of age who are ineligible to vote, it will certainly include far fewer ineligible voters than is currently the case. Mr. Speaker, it is the voters who elect the members of the Legislative Assembly, and in our view it is the voters who should therefore be the focus of the constituency boundary process.

Finally, Mr. Speaker, this Bill will clarify that if a commission is already established under the terms of the Act at the time this Bill comes into force, the commission will proceed to prepare its reports on the basis of the direction contained in this Bill. This is the result that *The Interpretation Act, 1993*, would provide without this amendment, but to avoid any confusion we have included a transition provision to make this result clear.

Mr. Speaker, I am pleased to move second reading of Bill 36, *The Constituency Boundaries Amendment Act*.

**The Speaker:** — The Minister of Justice has moved Bill No. 36, *The Constituency Boundaries Amendment Act, 2011*. Is it the pleasure of the Assembly to adopt the motion? I recognize the member for Athabasca.

**Mr. Belanger:** — Thank you very much, Mr. Speaker. Again it's my pleasure to join in the debate. And this of course is a debate that is going to pique a lot of interest from a lot of different groups and different organizations throughout Saskatchewan. And I want to point out, Mr. Speaker, that of course as an opposition we're pleased and we're happy that the population growth in Saskatchewan is continuing, that it's something that we're embracing, and we certainly want to make sure that the people that are making Saskatchewan their new home, that they feel welcome and that they continue being part of our province for many, many, many years.

So, Mr. Speaker, no question in our mind that we see that growth as something positive. And the people of Saskatchewan, as we all know, they enjoy the economy that's as strong as it is. And we must make sure we're vigilant in terms of making sure that the economy stays strong and that we also must ensure that the whole notion of making people understand and comprehend that Saskatchewan has got a population that is vibrant, a population that is multicultural, a population that is excited, and of course a population that is highly trained and professional. And so of course we want to continue building up on that success.

There is no question that as our population growth continues that the question has to be asked when we're getting more seats. Because right now in the Assembly, we have a certain amount of seats, and as the minister alluded to, as the population grows, do we have the need for more seats, for more MLAs [Member of the Legislative Assembly]? And the obvious answer is yes, as the population grows. And you should have more MLAs as the population should reflect that in the number of seats that we have in the Assembly.

I think the important point that I want to point out is that in respect of the population growth, as I pointed out, we as an opposition applaud that, and we continue making sure that we spread that message. And that work began early in the 1990s, Mr. Speaker. It certainly didn't occur five years ago when the Sask Party took office. This would have occurred anyways. Saskatchewan was getting ready for the boom. Lucky on them that they managed to get elected at that time. And now every second word they're saying, oh we did it, we did it, we did it. The people of Saskatchewan know that the bottom line is that this economy was going to move. The resource base that we have in Saskatchewan was going to . . . the people were going to take advantage of it, and that's what we're seeing in this day and age.

So I think the vast majority of people in Saskatchewan know that no matter who was in government, the boom was going to happen and is going to continue building this province and make Saskatchewan a greater province as time went on.

And as the greater province that we aspire to become, Mr. Speaker, of course the more people want to move here, Mr. Speaker. In spite of the Saskatchewan Party government, more people will move here because this is a hot economy, Mr. Speaker. And the members across the way laugh. Members across the way laugh. In four years . . . The population was growing before you guys even got to your seats. The economy was starting to build. The economy was starting to build, Mr. Speaker. Things were on the move. Saskatchewan's star was rising. And all of a sudden the Saskatchewan Party got elected and they are saying, oh, we did it. We did it.

And you know the people of Saskatchewan, they don't like self-serving politicians, Mr. Speaker, that tend to say, oh, we did it, we did it. Mr. Speaker, they inherited the booming economy. Mr. Speaker, they inherited the growing population. Mr. Speaker, they inherited billions of dollars in money and, Mr. Speaker, to sit on that today and they're saying, oh, we did it.

The fact of the matter is, Mr. Speaker, the people of Saskatchewan know who started the work. They know who started the work, Mr. Speaker, and they know who got the trend going. But the fact of the matter is right now, due to timing, they became the elected Government of Saskatchewan. And every second word is, look what we've done. Look what we've done.

And the growing population, Mr. Speaker, I found that kind of funny. One of the ministers across the way was saying, oh, people were waiting at the border, and as soon as we were elected, they all piled in. And I said, yes, is that what happened? Absolutely, absolutely. And the problem, the problem is if they keep saying that and saying that over and over again, then they'll start to tend to believe it, Mr. Speaker. And that's the problem They are starting to believe it, but the public of Saskatchewan is saying, oh come on you guys. That thing was . . . The work was done before you got there. Admit it. But the most important message is don't mess it up, don't mess it up. That was the most important message, Mr. Speaker.

So that was the key point in this whole notion is that on

November 7th, 2007, there was 60,000 people waiting along the Lloydminster border and on the Manitoba border, and as soon as they declared the Saskatchewan Party victorious in their election bid, they all moved in. They all moved in. Now we got more people thanks to these guys, Mr. Speaker.

That's exactly my point is why a lot of people smile when they hear these guys say these things. We don't . . . We laugh over here. We laugh when they say that, but the people of Saskatchewan are a bit more polite. They simply smile and they say, okay. Okay you guys, you know, go ahead and say it. We know what happened, but what the heck, you know. And the main thing is to continue building on this positive economy and building for the future of Saskatchewan.

And of course as New Democrats, we want to see the population growth. We're telling people we want to see that growth continue. And we're telling the people of Saskatchewan, it doesn't matter whose done the work. The most important thing is where we go from here. Where we go from here, Mr. Speaker, is to continue building on the economy and continue hoping to see the population grow and of course to make our communities and our province stronger and grander and certainly make sure that they continue to boast about our province and they continue boasting about our communities, our future, and our people.

So, Mr. Speaker, that's the point that I think is really important is that as you have more people and as you have more services and as you have a growing population, what we find happens is that the Saskatchewan Party's solution is to say, well we want more MLAs because the population is growing, thanks to the NDP's [New Democratic Party] policies of the early 2000 era and thanks to some of the great work of some of the leaders of the NDP, but we'll claim it anyway. But because the population is growing, because the population is growing, we need more MLAs.

So we on this side of the Assembly generally agree. If you have a growing population, have more MLAs. But the problem is, as you turn around then you begin to cut services. Then you begin to fire people. So if you have more population and you have less people to service that population, less workers to serve the increased population, whether it be teachers or whether it be union workers or whether it be the steelworkers, as you have a growing population, the theory is you'd have more services. You'd have more demand for services because you have more people.

[19:15]

Well their answer is let's have three more MLAs, and that'll solve our problems. That'll be it; the three MLAs will be able to do all this wonderful work. And the 60,000 people waiting at the border there, you are now served by three MLAs. So every MLA can serve 20,000 new people. And that's it. That's their idea of getting ready for their growth agenda, as their phrase . . . as they often use that phrase, ready for growth. You know just say, we inherited their growth; we're trying to figure out how we keep it going. That would be a better phrase.

But the problem is, Mr. Speaker, as you have the growing population, you will begin to see the frustration set in because

you're doing a lot of cuts to labour. You're doing a lot of cuts to the service industry. And as you begin to cut public service what happens is the people that, well to their theory, that flooded in after they were elected, you know, they'll begin to say, well where are the services here? I've got a great job, but our highways aren't being cleared. I've got a great job, but our kids are in a classroom that's twice the size from where I come from, with one teacher. Or I need some policeman service, and there's no police around.

As you see, as you have more people, the theory is you should have more services, not just more MLAs. So as you sit there wondering what's going on, here they are; they're cutting public service. They're attacking the working people. They go to war with the teachers. And yet they turn around and say, oh the population growth is great. We're doing things for you guys. We're a wonderful government, but we're going to be cutting services on this side.

It just simply doesn't add up, Mr. Speaker. So either you prepare for the growth as you say you are and do the basic common sense things to make sure, to make sure that you're able to serve that population . . . That's a very simple, simple thing to understand, Mr. Speaker, very simple to understand.

Now the thing that's also kind of worrisome, Mr. Speaker, is that if you look at the independence, if you look at the independence of how you appoint these boundaries and the commission that will appoint these boundaries, we on the opposition side we're asking for complete independence, Mr. Speaker, free of any political interference of the Saskatchewan Party, Mr. Speaker.

And the people of Saskatchewan are saying okay, we have a growth agenda, and we're able to do things that are going on. We see our population growing. We don't want politicians messing up that process. At the very least keep your nose out of the whole notion of trying to do the design work for these new MLAs to make sure you position your Sask Party candidate well. We'll take this part and that part and make sure we get him elected kind of thing. Stay out of it. Stay completely out of it. Make sure it's completely independent because if you're appointing any of your buddies to these commissions and they get to make a decision as to who they want on these boards, well, they might as well get the Premier to go out and write out those boundaries if that's the case.

Because what you've got to do is you've got to make sure that they're independent and that they assess everything that they should be assessing and they hear from the public, and to hear from the public as to how and where these boundaries or these new constituencies should be set up and how they should look, Mr. Speaker. There are many factors. There are many factors at play here, and that's what is really important.

The other thing too that's kind worrisome, Mr. Speaker, on this particular Bill is the notion of the people that are under 18 years of age. No question that that's the date or the age in which you are allowed to vote. And many younger people that are maybe 17 or even 16, they're asking if they could possibly look at the opportunity to participate in the democracy at an earlier age. Is 16 years of age too young to vote? Are they kind of important to us as politicians? And the obvious answer is yes. But it

doesn't appear that that's so for the Saskatchewan Party because they don't seem to be wanting to look at that particular issue when we talk about it on this side of the Assembly.

We think those discussions have merit, that we should actually look at that and say, is this a distinct possibility, as opposed to slamming the door shut and saying no, it's everybody over 18 and that's it. I think we want to value our young people, and we want to make sure that they are engaged in the political process younger. Because as they start the process when they're younger, they understand things quicker and a lot faster than some guys like me and the member from Cumberland. It takes us some time to figure things out. But these younger folks, they can catch up on things fast. And that's one of the things that's also really important is to make sure that they engage younger people and perhaps at a younger age as opposed to 18, maybe one thing that should be considered. And that's something that I think has a lot of merit, and I think the opposition members agree with me.

So, Mr. Speaker, I think *The Constituency Boundaries Act*, while we want to sit here and say, yes, we applaud the continuing growing population of Saskatchewan, yes, we want to see the economy continue staying strong making sure that it's steady and the growth is steady and to make sure that Saskatchewan continues to build for the future, a sustained future, and that's what's really important. But when we see them focus on just having three new MLAs, we ask them to do two or three things — one, to keep their noses out of it so it's completely independent, not to politically interfere, and not to have some Sask Party hacks appointed as commission and they decide where the boundaries are. And that would be very hurtful to the people of Saskatchewan.

And secondly, and secondly, Mr. Speaker, that the services that they cut, the services that they cut for a growing population, how does that work? How does that work is you'll have less people working and serving the public, yet you have more people moving here. Like I can't understand. And that's why when we make the references that you inherited all this great news, that's been the easiest job in the world is being government now because they have all this money. But if you have all that money and you're talking about ready for growth, Mr. Speaker, they're not ready for growth. They have people coming in. They have no place to live, and they have no services. And guess what? Eventually they'll want to move somewhere where they have affordable housing and where they have services available to them.

So it's a lot more than simply saying, oh we have a growing population. Let's pat ourselves on the back. Let's get three more MLAs and that'll solve our political future. That's not the case, Mr. Speaker. That is not the case. Obviously there's going to be a lot of scrutiny to this Bill. There'll be a lot of scrutiny to this Bill.

And I look at some of the history of how parties have manipulated boundaries to their benefit. I look at our boundary in northern Saskatchewan where, you know, from our riding — Churchill riding area — we have communities like Meadow Lake, like Big River. I think Hudson Bay is in there as well. But all these communities are lumped in with the northern communities. And the economies are different. The language is

different. The population is different. And I always ask myself, why didn't we have our own separate, our own separate riding, our own separate federal riding, Mr. Speaker? And well that's the way the boundaries were drafted up many, many years ago.

And you look at the history of that, and you don't think that there was some political manipulation to make sure that the people of the North didn't have their own strong voice in Ottawa? So they lumped them in with three or four other southern communities that have a greater population than some of our biggest community. Absolutely, Mr. Speaker, there was that manipulation of how those boundaries, federally, were designed. And I would suggest today that if we don't watch this very closely and see who the Sask Party appoints to do the provincial boundaries, that you're going to see the same kind of result that occurred with our federal ridings.

So you don't think that hurts democracy, that discourages people? So you lump all these factors in, Mr. Speaker, you can see how this Bill is so, so vitally important to the basic principles behind democracy, and that is to be fair, to be representative, and of course to allow people to vote. And on all those three fronts, we don't see no evidence of the Saskatchewan Party doing anything to really, to really embrace those ideals and to make a big difference with the people of all of the province.

Now, Mr. Speaker, we don't have any idea as to what they're planning on doing in terms of the proposed members. We don't know what areas that they're considering expanding these three MLAs. We don't know what they're doing with these people that are under 18, how they determine that choice as to why they're not involving them. We have very little detail as to when this whole commission is supposed to start. They have some timelines attached to the Bill, but when is their work supposed to be done? And who are they going to consult with? Who else are they going to be consulting with? We don't have that information, and that's why we're going to try and find the information and take our time in the Assembly to really dig and to research as to what the objectives behind this Bill are. It's really important that we understand this Bill as best we can.

So, Mr. Speaker, I think in the overall thrust of the Bill in terms of having more MLAs, and we think it's a great idea, but please don't cut public service because they need those people to serve the growing population. And if it's more MLAs we need because of the growing population, we would suggest on this side we need more people to service that growing population so stop firing the working men and women of our great province.

And finally, Mr. Speaker, I would point out that I go back to our federal riding, the federal boundary in northern Saskatchewan. It is a split boundary, Mr. Speaker. There are people that live in totally different ways than other people within the riding. And if you look at how it's set up, Mr. Speaker, there's no question that the northern communities, given their population base and the fact that they have to have voter ID [identification] now to vote and a bunch of other factors facing them, that it's really a split riding, Mr. Speaker, that there's so many different, different aspects of the southern part of the riding versus the northern riding. And it's just totally a different culture, different people, different language, different circumstances, and so on and so forth. And somebody

lumped them all together to try and get the Conservatives to keep that seat and keep it for, you know, for many, many years.

And, Mr. Speaker, it's too bad. Because in northern Saskatchewan, had we had our own federal riding for northern Saskatchewan, the DNS [Department of Northern Saskatchewan] line, then I can assure you that northern Saskatchewan would have had a great MP [Member of Parliament], Mr. Speaker. We would have had a great MP to be able to speak up for all the people of the North as a whole. This MP would have done wonderful things for us in making sure that we grew accustomed to have somebody in Ottawa fighting for us. And, Mr. Speaker, we would know that this person would also be understanding of all of our issues and share those issues and those beliefs and those challenges as a person themselves.

So it's something that's really, really important to democracy. And that's why I think when you look at this Bill, we tell people out there we don't trust the Saskatchewan Party. They say it's supposed to be independent. We have to ensure that it's independent. And that is one of the critical things when we look at this constituency boundaries argument that they are making today. It's something that we will definitely be paying attention to and that we hope never, ever again what happened to northern Saskatchewan by lumping us in with some larger southern communities just to stifle the opportunity for a northern person to become a MP, that was done deliberately. And we lost great opportunity and great time under that scenario and that the design of our federal riding was manipulated for the benefits of certain parties. And that's a shame, Mr. Speaker. It's an absolute shame.

And we encourage people out there to listen to this particular Bill. And they may want to offer comments on this Bill, that we point out that there are some significant challenges on the boundaries that may be drafted, and we hope not by the Saskatchewan Party but by an independent body that people can go to speak to and can participate in the discussions and to know that they are respected and that they are heard. And that's the only way that this thing can work, Mr. Speaker.

So I will close on the note that we embrace growth. We embrace population increasing. We want to see the economy continue being very strong. We want to be inclusive of all the people, not exclusive to the Saskatchewan Party friends, and to make sure that we build this province for all of us. Otherwise it's no good for any of us. And that's one of the key points that I want to raise as I close my comments on this particular Bill.

So again, Mr. Speaker, we would encourage different groups out there that are aware that the Sask Party wants to put up three more seats by using the argument that there's a growing population and we need more seats. We agree with that, that there is a growing population and more seats are necessary. We would applaud that, and certainly from the opposition perspective, don't be cutting services if there is a growing population. It confuses people. And secondly, why are you excluding people under 18? And the third and most important point is if there is going to be a boundaries commission for the provincial election, that this boundaries commission be impartial and be solidly independent and that they're not being politically interfered or they're not being driven by the

Saskatchewan Party, which I think people of Saskatchewan will not appreciate.

So on that note, Mr. Speaker, I would move that we adjourn debate on this particular Bill.

**The Speaker:** — The member has moved adjournment of Bill No. 36, *The Constituency Boundaries Amendment Act, 2011*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

## ADJOURNED DEBATES

### SECOND READINGS

#### Bill No. 6

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. McMillan that **Bill No. 6** — *The Miscellaneous Business Statutes Amendment Act, 2011* be now read a second time.]

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

**Mr. Broten:** — Well thank you, Mr. Speaker. It's a pleasure this evening to join in to the discussion on Bill No. 6, *The Miscellaneous Business Statutes Amendment Act, 2011*. Before I get into the comments of the Bill, Mr. Speaker, I would like to thank the member from Athabasca for the speeches he made throughout the afternoon and into the early evening during second reading speeches. Thank you for the comments that he made and the discussion that he has started. I know many members on this side of the House look forward to jumping in on the debate and carrying on the discussion that the member from Athabasca began.

[19:30]

Mr. Speaker, when looking at Bill No 6, the miscellaneous business statutes, this was a piece of legislation that was introduced by the minister with a second reading speech on December 13, 2011, so before the Christmas break. And now we're at a point, Mr. Speaker, where adjourned debates are continuing the discussion from what the minister has said. As the minister identified in his remarks on this piece of legislation, this is legislation that's being brought forward in order to make some of the changes that are coming out of the New West Partnership, the agreement that members opposite have engaged in with neighbouring provinces. Well provinces to the west, Mr. Speaker.

The rationale that is provided as to why this piece of legislation is important is under the guise of or with the intent, I should say, of streamlining practices and making things simpler for businesses and allowing for co-operation between the provinces in terms of registering businesses as well as one annual return. When looking at this piece of legislation, Mr. Speaker, and looking at this explanation, I think it's important to first make a few remarks about the role of business. And most certainly

business is very important to Saskatchewan in terms of providing many of the jobs that Saskatchewan people enjoy and appreciate, and provide livelihoods to their families as well as providing diversity in our economy for the different types of activity and ensuring that we have a wide range of economic activity. Local businesses do this.

The steps that are being proposed here in this legislation, while I would imagine it's the intention of members opposite that it would benefit all types of businesses, I imagine that it is their desire that it would have an effect on businesses of a smaller scale when making and taking the necessary steps for registration in the province.

Just to quote from the minister's second reading speech so that listeners at home have a sense of his intent for this piece of legislation, he stated that "Effective July 1st, 2012, businesses registered as a corporation will no longer need to be registered separately in each of the three jurisdictions." He goes on to say that "It also allows business corporations to file one annual return in their home province instead of three separate returns."

So we can see, Mr. Speaker, that the filing as I would see, the reduction of steps and the reduction of . . . or the simplifying of the steps and the streamlining of the process may have some benefits for local businesses. When I'm thinking about, in my own constituency, some of the people who are establishing and creating businesses which are supporting the local, the provincial economy and the economy in Saskatoon, some of them, Mr. Speaker, are new individuals coming to the province. And I do, Mr. Speaker, think it is a good thing, especially in the context of international migration and people from abroad wanting to come to Saskatchewan.

Now it is, Mr. Speaker, important to have the correct balance in paying attention to the needs here at home, especially with First Nations and Métis communities, at the same time as we look at international migration. And I personally think, Mr. Speaker, that's a balance that members opposite don't quite yet have right, and a balance, Mr. Speaker, that hasn't been benefiting everyone in the province, and an approach, Mr. Speaker, that has not yet demonstrated itself to be proper long-term thinking. But that is perhaps a discussion for a different piece of legislation on a different night.

But when I think of some of these individuals coming to the province and wanting to establish a business, it's at least comforting, Mr. Speaker, to hear members opposite wanting to talk about how the process could perhaps be simplified. Because whenever government can improve its operations and what it does, that's a positive thing.

I think of some of the international new residents to Saskatchewan coming from abroad, and I think of their recent experience that many of them would have with the Saskatchewan immigrant nominee program — a program, Mr. Speaker, that has been effective in bringing people into Saskatchewan. And I, you know, I would like to thank the previous member for Saskatoon Nutana for having the foresight and the work that she did in bringing the Saskatchewan immigrant nominee program into existence.

But what I am increasingly hearing from people, Mr. Speaker,

in Saskatoon, especially when it comes to the family class for the Saskatchewan immigrant nominee program, are the huge delays, the shortage of resources allocated to the program, and the uncertainty and the frustration that it's causing with many of the people that want to come to Saskatchewan or the people that have just recently arrived to Saskatchewan or the people that have been here over a year and are choosing to sponsor family members. And I know members opposite, I'm sure some of them have had similar . . .

**An Hon. Member:** — Relevance?

**Mr. Broten:** — The member opposite is worried about the relevance. And he just needs to have a little bit of patience here because we're talking about individuals' experience with government, with programs, and how members opposite have chosen to allocate resources in order to have effectively running programs. And I think when many of these new individuals who are coming to the province through the Saskatchewan immigrant nominee program, individuals who would be looking at establishing a business, I think if the members opposite are sincere in what they say that they want to streamline the process and make it more effective — they want to make it better — I think that's a positive thing because I know many of them have had a less than positive experience with the Saskatchewan immigrant nominee program, based on the decisions that members opposite have made in terms of allocating resources and processing applications in a timely manner.

So when I look at this piece of legislation and hear that members opposite are wanting to improve a situation or a process of registration or wanting to look at ways to make it more effective and to make it more friendly for the citizen, for the user, I think that's a positive thing. And I know for the people that are recently coming through the Saskatchewan immigrant nominee program, that may in well, may in fact be a breath of fresh air based on their most recent experience.

When looking at any piece of legislation, while it's always, while the minister may be willing to identify the advantages as he or she sees them, it's also important, Mr. Speaker, to look at any of the potential pitfalls or drawbacks that may be associated with a particular piece of legislation. And in going through the minister's comments on this piece of legislation, I didn't see too much of a recognition of potential problems or concerns or at least flags that members opposite ought to be aware of and be perhaps taking steps to reduce any potential harm or drawbacks that may be associated with the legislation.

So I do wish that the minister's comments had a bit more detail in some of the areas. I think it's also . . . Well let's go back to the legislation, specifically based on the intent stated by what the minister has said. The first section, as I stated earlier, was so that businesses registered as a corporation would no longer have to do so in each jurisdiction but it would apply for the provinces under the agreement and one return would have to be made, not one in each of the jurisdictions.

Another aspect of the legislation as identified by the minister in his remarks states that the first phase of the business portal is up and running now. The business registrations Saskatchewan website provides one easy-to-use online process to complete the steps required to (1) register a business with the corporate



registry; (2) as an employer of a workmen's compensation board; and (3) the provincial sales tax with the Ministry of Finance.

So it's another step here by using the portal to assist with businesses in having a better service which, Mr. Speaker, may be a positive thing, and I look forward to hearing from different organizations and businesses that would have an opinion or a view on that. I think it's also though important, Mr. Speaker, when looking at this suggestion, is to have a discussion about what the associated costs are. And while there may be savings in one area, as promoted by the minister, there may also be expenses. And in the minister's comments I don't see much detail about the potential expenses associated with these steps. And I think that might be a concern.

When looking at the legislation, as I said earlier on in my remarks, this piece of legislation falls under the New West Partnership. And as with any type of agreement, Mr. Speaker, while there may be advantages in certain aspects, there may also be drawbacks. And there may be trade-offs that need to occur in order for the agreement to come into full effect and take place. And, Mr. Speaker, the benefits may in fact outweigh some of the drawbacks. But I don't see that, Mr. Speaker, as the discussion that members opposite are having. I don't have a sense, based on the minister's remarks, that we're having a full discussion about the potential drawbacks or problems.

Yes, there may be advantages. Yes, there may be some efficiencies that are gained. But there may also be some negative aspects to the legislation. And when that's not flagged as a concern or a problem by ministers opposite in their second reading speech, it causes me to pause and wonder what else might be in there, what negative aspects may be a result of this piece of legislation, and why aren't members opposite being open in discussing what those challenges are.

So on that note, Mr. Speaker, I've identified that there may be some positive aspects to this piece of legislation. I've identified that if efficiencies are in fact gained, and it helps small businesses, or large businesses for that matter, that could be a positive thing. And I've stated, Mr. Speaker, how for some of the new arrivals to Saskatchewan — if they've just dealt with other programs that are being administered by the Sask Party government — if this new program is more efficient, that might be a welcome change for the new residents of the province. And I think members opposite could spend some time looking at other programs where things could be improved and where more resources need to be allocated in order to experience the full benefits of the various programs.

So I see, Mr. Speaker, I see an absence of a discussion about what associated costs may be with this approach, whether it be a savings or whether there would be increased expenses, either in the short term or the long term. I think that's a concern for residents, for taxpayers, for this Assembly. And I think more discussion is warranted on that note.

So with those comments, Mr. Speaker, I look forward to hearing from more people in Saskatchewan about this piece of legislation. I look forward to hearing from more of my colleagues on this piece of legislation and I would hope they might also spur on a bit of discussion among members opposite

instead of simply only promoting what's positive — instead of only focusing on a positive, always positive, nothing but glowing news releases, to look at some of the challenges and some of the potential drawbacks based on the decisions that they're making. I'm not confident that they will in fact have that change of heart and change of course but, Mr. Speaker, I suppose members, people in Saskatchewan can always hope that they do come to that position sooner or later.

So with that, Mr. Speaker, I would move to adjourn debate on Bill No. 6 and thank members of the Assembly for the chance to speak to it. Thank you.

**The Speaker:** — The member for Saskatoon Massey Place has moved adjournment of Bill No. 6, *The Miscellaneous Business Statutes Amendment Act, 2011*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 7

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. McMillan that **Bill No. 7 — *The Co-operatives Amendment Act, 2011/Loi de 2011 modifiant la Loi de 1996 sur les coopératives*** be now read a second time.]

**The Speaker:** — I recognize the Opposition House Leader.

**Mr. McCall:** — Thank you very much, Mr. Speaker. It's a pleasure to rise and debate this evening on Bill No. 7 with amendments to *The Co-operatives Act, 2011*.

It's interesting, Mr. Speaker, this past week of course in the city of Saskatoon we saw the convention for the Federated Co-op, certainly a large, vibrant co-operative organization in the province of Saskatchewan. And anyone that was in the city of Saskatoon certainly saw the co-operative delegates from around the province gather to tend to the business of Federated Co-op.

So when we look at legislation such as this, Mr. Speaker, you'll forgive me if I tend to get a little parochial in how I look at this as a member of the Sherwood Co-op and, you know, how that fits into the Federated Co-op, Mr. Speaker. Of course he's, you know, got multiple co-operative memberships down there in the Southeast. Arcola and Redvers, I think, were two just off the top of his head there. But certainly the well-being of the co-operative sector is something that is a fairly widespread concern in this legislature, as should be the case in a province like Saskatchewan where the co-operative sector has played such a critical role in the development of our provincial economy and in people banding together to make sure that they had some control over their own economic destinies, Mr. Speaker.

So when we see legislation that comes forward, that moves . . . that deals with the regulatory regime under which the co-operatives conducted business, it is with a great deal of interest that we analyze that legislation, Mr. Speaker. Now I have the pleasure of following in this debate after the member from Saskatoon Massey Place who is considering the

miscellaneous business statutes Act. This is a parallel piece of legislation of course for the co-operative sector with a couple of key differences though, Mr. Speaker.

[19:45]

Whereas both — the business side with the co-operative side — both are intended to be actioned after 2011, the co-operatives follow a bit behind the business in this regard and aren't anticipated to be brought on board until 2013, if I am reading the minister's second reading speech from December 13th, Mr. Speaker, correctly. So we wonder why that is, why there's the lag time in the implementation for this legislation around co-operatives. Certainly BC [British Columbia], Alberta, Saskatchewan, as well as Manitoba, these are economies in which the co-operative sector is a significant and a vibrant contributor to the economic well-being of all four Western provinces. So I guess that leads me to another question, Mr. Speaker, which is, why the aim of streamlining registration, the extraprovincial designation? Is it the case that this would have had to . . . Is it the case where we needed the New West Partnership Agreement to move on this front?

And I somehow doubt that, Mr. Speaker, and I also think that by limiting it to the New West Partnership Agreement and not pursuing it through other venues such as the four Western premiers, that perhaps this legislation is not all that it could be or should be, Mr. Speaker. And again I'd reference the significant co-operative sector that exists in the province of Manitoba.

So this is brought forward as somehow evidence that the New West Partnership has triggered this co-operation. Fair enough, Mr. Speaker, but I can't help but think that there have been other venues in the past and that are ongoing that could have served to prompt this legislation and perhaps made it more comprehensive as regards the four Western provinces. And perhaps that will be remedied in the days, months, or years ahead, Mr. Speaker.

So the substance of the legislation seems to be fair enough, Mr. Speaker — the streamlining of the registration process, the providing of the category of extraprovincial whereby you register as such as a co-operative and then are considered to be registered for each of the three Western provinces. That seems to be straight ahead enough.

But again, Mr. Speaker, we're interested to see how this is perhaps limited by the scope of the New West Partnership and whether or not there's a bilateral consideration been given to Manitoba or whether or not the New West Partnership, while in one breath serving to broaden the perspective, is perhaps limiting that perspective and curtailing this legislation and not enabling it to be all that it could be or should be.

In terms of the role that is played in this legislation by the Information Services Corporation, Mr. Speaker, I'm sure yourself, following the evolution of ISC [Information Services Corporation of Saskatchewan] over the years, it's interesting to note the progress that has been made on that file. And I think back to the good work of many people who did a lot to bring the registry, the land titles registry and the attendant information services into the 21st century. I can remember the

committee meetings where at the time it was compared to taking a cow path and paving it and bringing it into the 21st century in terms of the paper-based land titles system that we had at the time and bringing it into a more modern digitally based service, and the troubles that were inherent in that.

And I think of the good work that was done by people such as Mark MacLeod, who stepped in and played a key role in not just helping to get the corporation on the right track but turning it from a troubled start-up into something that is, I think in a number of different categories, one of the finest of the Crown corporations in this province, Mr. Speaker.

So the ISC is used as one of the central instruments in this endeavour to improve the process whereby businesses are registered between the provinces or at least between the three western-most provinces. It makes some sense, Mr. Speaker, in terms of the progress that has been made over the years. We're not sure, of course, what's happened lately with the Information Services Corporation because we have considerations to undertake with the Crown Corporations Committee. And I appreciate the good work on the part of the Chair of the committee, the member from Arm River-Watrous, in working with the opposition to try and get that work up to date. And we look forward with great interest, Mr. Speaker, to the consideration of the annual reports for the Information Services Corporation.

So to recap, Mr. Speaker, in terms of the streamlining of regulation, in terms of making it easier for co-operatives alongside businesses to register in the three Western provinces, we think that is a positive thing as long as equal attention is being paid to make sure that the purpose of those registrations in the first place is not being forgotten to make sure that there is that assurance of quality, to make sure that there is that balance struck between ease of registration but also proper oversight on the part of due authorities to make sure that that is maintained, Mr. Speaker. We think that's a balance that obviously gets a bit trickier when you're involving three separate provincial jurisdictions. So we will be watching what happens on this front very closely.

And again on the same footing, Mr. Speaker, given that this is brought forward under the aegis of the New West Partnership, we can't help but wonder, given the vibrant co-operative sector in Manitoba and the close relationship that we share with our eastern neighbours but certainly one of the proud four Western provinces, why they need be left by the wayside, Mr. Speaker, in terms . . . If this is really about reducing barriers in the name of increasing productivity and increasing economic growth and doing what we can as co-operative government entities to facilitate that while striving to maintain the appropriate oversight, we think the exclusion of Manitoba from this is perhaps a limitation and detracts from what this Bill sets out to do.

I guess I'd also point out, Mr. Speaker, that the Bill was brought forward en français, and we're happy to see that. Certainly amongst the Fransaskois there is a great interest in the co-operative sector of the economy, as you well know, Monsieur le Président. So we are glad to see that the French version of the legislation has been included as well.

That is about all I would say at this time, Mr. Speaker. Perhaps one of my colleagues will get into a greater discussion of how this relates to providing the Canada Revenue Agency the business number identifier, how that relates to this legislation. And certainly steps on that front have already been taken in five other provinces and several other federal ministries.

So again it would seem that there is a bit of catch-up being played here, Mr. Speaker. But again I will perhaps leave that to one of my other colleagues to discuss at greater length in consideration of this Bill during second readings, Mr. Speaker, during adjourned debates. So with that, Mr. Speaker, I'd conclude my remarks, and I would move to adjourn debate.

**The Speaker:** — The Opposition House Leader has moved adjournment of debate of Bill No. 7, *The Co-operatives Amendment Act, 2011*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 8

[The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. McMillan that **Bill No. 8 — *The Land Titles Amendment Act, 2011*** be now read a second time.]

**The Speaker:** — I recognize the member for Saskatoon Nutana.

**Ms. Sproule:** — Mr. Speaker, I am pleased to enter into the debate tonight on this Bill, *An Act to amend the Land Titles Act, 2000*. As stated by the minister, the purpose of this particular piece of legislation is introduce a new division or a division into the Bill to provide for a document storage library. The minister indicated in his comments on the Bill that this enhancement to the service is a direct result of consultations with representation from legal and financial sectors. And I was part of a focus group, Mr. Speaker, several years ago where this was identified as a pressing need for the registry, and I'm pleased to see that the government is considering this amendment to the Act.

*The Land Titles Amendment Act* of course is part of the . . . is further enhancement to *The Land Titles Act, 2000*. As you know, Mr. Speaker, the land in Saskatchewan was developed along the Torrens system, which was the foundation for *The Land Titles Act* in Saskatchewan, and it certainly is the envy of the eastern provinces. I have done a lot of work nationally with land titles registries, and the Torrens system itself in the original land titles registry was a gem of western land management regimes. And the amendments in 2000 were very welcome although they did introduce some new complexities and nuances to the land titles registry system that have been worked out through the last 10 years and 12 years but were certainly challenging at the time the Bill was introduced.

Certainty is the critical feature of the land titles system. So what happens in Western Canada with the Torrens system is that when we have a title, that is guaranteed by the government to be the be-all and end-all of ownership, is that the buck stops there basically, Mr. Speaker. In Eastern Canada they had the

deed registry type of system which required a lot of work to prove ownership and going through the deed registry back to the original deed. And the western Torrens system made it much easier for landowners and for the Government of Saskatchewan to manage land development in the province.

Some of the complexities that have come up in land ownership in recent years after the development of the paper system was the complexities in oil and gas ownership and mineral ownership and also condominiums, which presented special challenges for the land titles system. So those were some of the things that the Government of Saskatchewan changed when they introduced *The Land Titles Act, 2000*. They made it much more clear. Well originally it was a bit confusing but the condominium Act and the mineral title layer have been continuously improved since the introduction of the Bill and is certainly again the envy of Western provinces as well as Canada as a whole. And I would say other countries are looking to the quality of this registry as a model for modernization of their land titles as well.

The system basically helps people of Saskatchewan and the government deal with transfers of land ownership, the management of estates when it comes to real property, also the management of mortgages. And I think this particular Bill speaks to the mortgage aspect because the types of documents that the legal and financial sector are looking for storage in the document storage library would generally be large and long mortgage agreements or any kind of registrations against property for financing and security.

So these types of documents are very complex and cumbersome even in electronic format, Mr. Speaker, because there is a number of pages. And the data, the electronic data that is needed to store these documents is quite large, so it's a burden on the system. But it's also a lot of these documents are identical and so it doesn't make sense to have them registered over and over and over again, taking up space on the electronic database.

Other things that *The Land Titles Act, 2000* dealt with is the whole layer of leasing which has been changed from the paper-based system where it used to be you could get a certificate of lease. Now it's just registered as an interest against the title. And a new feature in *The Land Titles Act, 2000* was the abstract directory, which was a very interesting addition because it's not a registry. It was merely a directory registering abstract land which is typically Crown land in the name of the province of Saskatchewan.

One of the pieces that was missing from the original Bill was dealing with federal Crown land and there was a number of very complex and involved debates and focus groups on how to improve the abstract directory as it relates to federal Crown land. And certainly in 2003, Mr. Speaker, I was seconded to provide some expert Crown legal advice on that abstract directory.

[20:00]

The registrar's priorities were also changed under the new land titles Act, 2000. And I guess another main feature of *The Land Titles Act, 2000* was the introduction of *The Land Surveys Act*,

2000. And again this is an introduction of a piece that was unique, I think maybe in North America, but certainly in Canada, where the title information, electronic title information, was directly tied to the land surveys information that was available at the time. So it was a major shift in the way land titles were operating and also the way the land geographical information was stored. So the GIS [geographic information system] system was greatly enhanced and considerable investment was made into the GIS in order to be able to tie each one of those geographical information parcels to the actual certificate of ownership. So that the marriage of those two layers and the integration of those two layers was incredibly significant to the modernization of this particular registry and ownership in Saskatchewan. So that was something that was very helpful for landowners at the time.

The GIS system also exposed many deficiencies in the land titles system, which is an interesting, I guess, offshoot of the introduction of the new system. There's two areas where there were many deficiencies in the old paper-based system and that was particularly in the area of the abstract, what we now call the abstract directory. In the old days, in the paper days, there would merely be a marker placed in the paper registry if there was any action or any kind of interest registered against the abstract directory and this was often inconsistent and there was incorrect markings on those abstract recordings simply because it was not an area that was often used. So as the paper abstracts were converted into electronic abstracts, a number of problems appeared in the registration there, and those have been fixed as we go along.

The other issue that I think became a critical issue was in the mineral layer. *The Land Titles Act, 2000* actually separated the surface ownership of land from the mineral ownership of land and previous to that in the paper-based system the surface title and the mineral title could've been on the same title or not. Quite often it was abstract minerals and so those were just simply part of the Crown's holdings, but as we went through the conversion we understood that there was a number of issues with mineral titles and quite often they were Crown mineral titles because of certain actions that had been taken by the government in relation to an individual property title.

So there was a considerable backup there in the early 2000s that had to work with the certification of mineral titles, and there was a lot of uncertainty in the mineral sector on ownership on some of those. I think by and large that has been cleared up over the years, but it certainly was interesting to see the new broom sweeping clean and how the mineral title layer really had a number of deficiencies in it that was corrected by the new system.

In terms of this particular Bill, Mr. Speaker, what the Bill is attempting to do is create a new division in the Act. First of all the definition of application is being amended. And an application typically in the land titles system is where an individual applies to have something done to a title, so I am not sure that the inclusion of a document storage library in this particular definition is the best place for it. But typically when you have an application, you get a title issued. You would register a transfer, an interest, or somehow deal with a registered interest against the title. You may want to file a document in the abstract directory. That's another form of

application. Or you may want to register a writ or a maintenance order in the registry against a particular piece of property, maybe even do some other things like adding, changing, or removing information.

So to file a document like this is not really an application in the context of the existing provision and the interpretation provided, but I suppose they had to pick a place to put it, and that's where it ended up. The filing of a document in the document storage library is more like filing something to back up an application so it's in support of an application, but the way the Bill is currently written, it looks like it's an application. So that's something we want to take a look at, Mr. Speaker.

The second part that the Bill is looking at is creating a new definition for authorization. It's being done in a curious manner, Mr. Speaker, because what it's doing is creating a definition as defined in the regulations. And I suggest to you that there might a better way to do that because definition should really be found in the Act itself, and I would prefer to see them there than placed in the regulations and then referred back to in the Act. It makes it somewhat awkward for the reader, and certainly I think the Bill should be the first place that the definition is located.

The document storage library itself is also established in the existing, or it's added as a new definition into the definition section. So basically it just talks about the document storage library being that which is established under section 74.2 which is a new provision being introduced. And following that, there is a new definition called standard interest terms which again uses the definition in the regulations to refer to a definition in the Act. These types of things are very confusing for readers, even those who read legislation as a matter of course, but it's also . . . Well it's more difficult for people who aren't used to dealing with legislation, and to flip back and forth between the legislation and the regs is quite awkward, so it would be helpful to have that just directly referred to as a definition in the Act itself.

Now section 50 is also being added or amended in this particular Bill, the amendment Bill, and what it's talking about is standard interest terms. So that what the document storage library will do is store what they call documents that have standard interest terms, and in this case, interest is referring to an interest registered against the title. So I expect that the document storage library will really only contain documents that are interest-based, and I suspect that the intent here is basically for mortgages because back in I think it was 2003 and 2004 when I was on a focus group, that was certainly the interest of the financial institutions of the day, was to have these sorts of standard interests, which would be mortgages, able to be filed and accessed through the registry rather than submitting them each time from an individual basis. And certainly the financial institutions that were on the focus group were very, very keen to have this in place, so it's something I think they'll be very happy about.

Following that, the next part, the section establishing the standard interest terms just really sets it out that they're incorporating them, as the application to use that standard document is made, those terms are being incorporated into the application itself. So it's just basically a pro forma situation

where the document is just being dragged electronically from its storage in the library and now being applied to a particular registration for a particular property.

The document storage library is established as a new part in *The Land Titles Act* for the document storage library, and it gets its own little section in the Act right now, so that's where it's being placed. And of course filing in this case means an electronic filing and it will say this is, the filing means entering into the document storage library one set of standard interest terms for the prescribed type of interest. So I'm assuming that's the way it's going to work is that a mortgage company will establish its one mortgage that it wants to use, or perhaps a whole bank of different types of mortgages, and then they would reuse them from time to time.

So in section 74.2, the proposed new section, there is a whole list of requirements for the standard interest terms and the subsequent authorizations that will be filed. Again I'm not sure how authorizations can be filed in the document storage library, but there is a provision for that in section 74.2(4), so I would have to talk to a few more people about the actual intent of that particular part of the Bill, the proposed Bill. It makes it clear in 74.2(5) that the documents contained in the library are not part of the land registry. So again it is a distinction I think that is supported in my view of this. And certainly my earlier comments about how this really isn't part of an application and may not fit in that definition in the Act, I think that supports that. So I am not sure what the intent would be here and would certainly want to see some clarity around that if at all possible.

The existing provision . . . There is a new provision, 74.3, that is being created as well, and it talks about how an individual or an organization could file these standard interest terms and authorizations. Again we would need to take a closer look at some of that to be sure that it is clear and not too confusing for the users.

I'd like to look at section 85 right now because the amendments to it, I think there is something missing. In particular, if you look at section 85, there is a whole host of things that the Lieutenant Governor in Council can make regulations for. The list is long, but . . . I'm sorry. That's section 187. In section 85, there's a number of things that are filed for no compensation. So this is where the registrar isn't responsible if something goes wrong. There is no compensation for these particular things. There's one that's being added here, and that's there's no compensation for any errors "occasioned by the filing of standard interest terms or reference to standard interest terms stored in the document storage library." So again the registrar is always looking for ways to avoid compensation when necessary, and I think that's an essential feature of the land registry.

In this particular case, the only thing I'm concerned about is that the Bill proposes to strike out the word "or" after clause (q) and add an additional clause (s), but not inserting "or" after clause (r). So I think there's a slight typographical issue there that should be looked at and cleared up.

And then the last major change is in clause 187(1)(1.1). And the Bill proposes to add (1.2) to that section. And it's really a prescriptive list of the types of standard interest terms and

authorizations, and the types of, the rules that will apply to the use of those standard interest terms and the document storage library.

Again my only concern here is that this section has a long, long, long list of authority and power that's being delegated to the regulatory sphere, which means less scrutiny by the public, and certainly more ability for the government to make changes without bringing them before the Legislative Assembly. So that's something that I'm always concerned about, is when there are prescriptive powers being delegated off to legislation, and that the scrutiny of this Assembly is not brought to bear as closely as it would be if they were kept in the legislation. I understand in a complex society, as things become more regulated and more complex, that it isn't possible for this Assembly to look at everything. But the trend is certainly there, and it's one that is of concern.

So I think, Mr. Speaker, in general the idea of the document depository, document storage library, is one that's long overdue, and it will be one that's very welcome to the focus groups that the minister has consulted with. Certainly there are other issues in the land registry that could use the same kind of scrutiny. And I think in particular the mineral layer itself still needs a lot of work, as the historical development of the mineral layer was basically one of overlooking until 1950 when major changes were made to the land titles system to allow registrars to provide more scrutiny. And that's when you first started seeing certification of minerals. But between 1885 and 1950, there were a lot of mineral titles that simply were overlooked because there was no need to look at them, for a lack of a better description.

What's happened now is that in a lot of cases, errors and compounded errors in the mineral layer have led to situations where there is a lot of orphan mineral titles, and certainly the Ministry of Energy and Resources has been loath to proceed in court to escheat those titles back to the Crown. But I think there is ample reason for the government to consider doing something like that as it would simplify a lot of wee little orphan mineral titles that were just left behind through neglect. And there is a number of resources being applied to that, both within Information Services Corporation, certainly in the private sector and in the Crown sector to try and resolve those issues, but really there is no ability within the legislation itself to deal with them. So those are some things that I think are still overlooked and need to be addressed as part of the modernization of land titles in Saskatchewan.

So I think at this point, based on my first look at this Bill, I think it's something that's been called for. Certainly I was aware of the need for this in the early 2000s. It will provide better search capabilities and access to documents. I guess much remains to be seen about how the regulations will be written in terms of this, and exactly what kind of scrutiny the public can have of these documents, how accessible they will be when searching in the search function in the Information Services Corporation electronic search portion of the registry, and what kind of uptake this library will actually see within the financial sector and the legal sector.

[20:15]

The minister has said that the functionality of the library will improve the ability of ISC and the customers to manage files and documents of all types of transactions including mortgages and leases, interests in such easements and assignments of rent, various authorizations such as court orders, powers of attorney, and letters probate. I'm not sure that there's standard letters probate or standard powers of attorney that would be used to file in the registry, but it could very well be that there be a standard established and there's an uptake on the part of the public for those types of things. And I think the ultimate benefit, as the minister has said, will be quicker and easier submissions of land transaction documents. And that's certainly something that would be of benefit to the public when using the land registry.

So at this point, Mr. Speaker, I think that I would wrap up my comments on this Bill. I just want to acknowledge that I think my colleagues will also have additional comments and I want to make sure I leave room for that and also debate on other Bills this evening. So at this point, I will move to adjourn the debate on Bill No. 8.

**The Speaker:** — The member for Saskatoon Nutana has moved the adjournment of debate on Bill No. 8, *The Land Titles Amendment Act, 2011*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

#### Bill No. 11

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 11 — *The Court Officials Act, 2011/Loi de 2011 sur les fonctionnaires de justice*** be now read a second time.]

**The Speaker:** — I recognize the member for Regina Rosemont.

**Mr. Wotherspoon:** — Well thank you, Mr. Speaker. And it's my pleasure to join in discussion here this evening and debate here this evening as it relates to Bill No. 11, *The Court Officials Act, 2011*.

Just to start off, I'd like to recognize the court officials that serve Saskatchewan people and Saskatchewan courts in providing the services that they do in the important roles that they do all across Saskatchewan. And I'd like those individuals in their various capacities to know that they're valued, whether they're registrars or whether they're clerks and in all the capacities that they fulfill for Saskatchewan people. We'd like them to know that we greatly appreciate the role that they fulfill to our province and for Saskatchewan people. These roles are fundamental to the efficient delivery of justice in our province and effectively running our court system, Mr. Speaker. And their contributions to our province and to timely justice and to fair consideration and proper hearing is vital and is something we appreciate.

When I'm looking at the Bill here and in reading the minister's comments, I recognize that this changes a piece of legislation

that in fact hasn't been changed since 1984 and that it reflects an institution or an organization that has gone through some changes and reflects likely in many ways a modernization or some updating to the legislation to reflect those court changes that have occurred that were entrenched in the 1984 legislation and now defining some of those roles as they reflect the new reality in our courts across Saskatchewan.

But what I think is important any time we're taking a look at a piece of legislation is to not only read the minister's comments and to get an understanding of what the intent of, or objective of legislation is of government but for us to also to make sure that we are incredibly cautious and thorough in understanding and examining any of the unintended consequences through that. And to allow for that, certainly strong and wide consultation is important. And on this front I know certainly consultation is something that we'll be engaging in and certainly carrying that forward through the committee structures of this Assembly, Mr. Speaker.

I know we'll be engaging with the Law Society of Saskatchewan on this front as well the Canadian Bar Association, and understanding and gaining their perspective and their understanding both of the intent of this Bill, how it reflects, and whether it does reflect in fact the needed changes to reflect the changes that exist in our courtrooms across Saskatchewan, but also to make sure that there is not a host of unintended consequences for which are complications or undesirable aspects of this piece of legislation. So that's the thorough process that the official opposition New Democrats will undertake as it relates to this piece of legislation, making sure that it's in the best interest of Saskatchewan people and reflects the demands and pressure and needs in the current court environments, Mr. Speaker.

And that work will occur in the days and weeks forward and is an important piece. And certainly it's vital to any aspect. And I'm not going to get into it here tonight but certainly we've seen a government that far too often, on so many fronts, brushes aside the thoughtful consultation that needs to occur with the individuals for whom understand what the changes mean when a Bill is put forward but also for whom are impacted by the changes of a Bill.

And we've seen from that reckless legislation, unconstitutional legislation by this government, and we need to make sure that we're, as the official opposition, doing all we can to have that oversight, that scrutiny that's required, that engagement with the public and with stakeholders to make sure that we're serving Saskatchewan people. Because the unfortunate reality, Mr. Speaker, is we have learned very early on with this Sask Party government that thoughtful consideration and consultation, scrutiny and oversight aren't this government's strengths. And certainly in absence of that, we are often in a position where legislation or programs or changes are made that aren't in the best interests of Saskatchewan people, that are detrimental or that unintended consequences haven't been considered. Or we've seen a government rush forward with sort of a populist agenda in the past but then left with unconstitutional legislation, Mr. Speaker, that in some cases have, or in one case in fact was all about taking away workers' rights, Mr. Speaker.

So we'll be thoughtful in how we go about examining this piece of legislation. We'll be engaging the Law Society of Saskatchewan, the Canadian Bar Association, other legal stakeholders, and making sure that we put forward the kind of analysis that's required.

I know that this piece of legislation, just to get to the meat of it a little bit as well, Mr. Speaker, there's two new court officials that are established through this piece of legislation that I understand, and that the registrar of the Provincial Court. This relates . . . and as well the registrar of the Provincial Court and also court transcribers. These are some of the new roles that are addressed in this piece of legislation.

And I guess the question is, is this process that we've established here by way of this legislation the most efficient process to serve our court system? Questions of, how does this connect to the role of the minister? Does it diminish the role of the minister? Does it have the proper connect or disconnect, shall we say, Mr. Speaker? And I know the minister suggested that this will allow a process of a backup to exist within the court system in the event that the registrar is away and establishes a delegate structure and defines the relationship between the registrars to assist the courts to operate effectively.

So this lays out a definition of role and establishes some process and arguably, and put forward by the minister with some intent, is that this puts forward some capacity by way of a backup system if a registrar is away. And certainly, if that serves efficient and effective delivery of court services in this province, then that's something that we would welcome. Like I say, there is more analysis to make sure in fact that this process put forward is the way to best serve that end.

When I look, there are some changes as well to *The Jury Act* in this piece of legislation and the jury selection process and we need to gain a broader understanding. We really haven't had it clarified yet by this government.

And we need to make sure that we're understanding the consequences of these changes with the legal stakeholders as they exist, Mr. Speaker, but we need to make sure that we have an understanding of why these changes have occurred. Is it a question of bringing a broader cross-section of society forward for a jury selection process? That might be a reasonable case to consider such changes, Mr. Speaker, but at this point in time, without clarity from the minister, it's hypothetical. And so we're looking for that sort of clarity. We're looking for engagement of stakeholders, and that's important to make sure that we get this piece of legislation right, to make sure that our courts can serve Saskatchewan people in the way that they should.

I guess just as another piece here too there is some concern, I believe, across the province in the judiciary, Mr. Speaker, as it relates to timely justice and consideration of matters, Mr. Speaker. And I know that the Supreme Court upholds constitutional requirements of timely court use. And this is an important aspect, and that constitutional requirement and expectation of a timely and fair hearing, court process, is important. It's important on many fronts, Mr. Speaker. It's about relevance of the case and the evidence and the witnesses, Mr. Speaker, but it also is important because of the

constitutional requirements. We put ourselves at risk, if not considering court cases in a timely manner, of having dismissals or having cases tossed out, for which in some cases are quite egregious and really do need to be considered. So it's a matter of proper upholding of justice and proper efficient and effective delivery of justice to Saskatchewan people.

And I'm not sure that this Bill gets to the heart of that matter at all, Mr. Speaker, but I do look forward and we look forward to engaging the legal community on that front to gain an understanding of their perspective as it relates to this Bill, but also to the minister and to the government in committee structures to see if that challenge that's been relayed through, you know, in this province by way of the judiciary, if that in fact is being addressed by this piece of legislation, Mr. Speaker.

So on the face of it, Mr. Speaker, I've read the minister's comments. They're short. They're concise. They're to the point. There's some merit to what's being said. What we need to do now is make sure that in fact that is the case as far as the impact of this piece of legislation, making sure that this is the best way to move forward, Mr. Speaker. And certainly it's incredibly important, Mr. Speaker, that we ensure timely justice in this province and the importance of that to our province and to Saskatchewan people.

And just to close, this Bill is about court officials. We'd like to thank the court officials from across Saskatchewan for the important role they fulfill to our justice system and to Saskatchewan people.

So we'll engage in our consultation. We have many conversations to move forward. We invite the input of the Saskatchewan public, like we do on all pieces of legislation, and certainly the significant stakeholders as it relates to these changes. And at this point in time, Mr. Speaker, as it relates to Bill No. 11, *The Court Officials Act*, I now adjourn debate.

**The Speaker:** — The member for Regina Rosemont has moved adjournment of Bill No. 11, *The Court Officials Act, 2011*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 12

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 12 — *The Court Officials Consequential Amendments Act, 2011*** be now read a second time.]

**The Speaker:** — I recognize the member for Regina Rosemont.

**Mr. Wotherspoon:** — Thank you, Mr. Speaker. I'm pleased to enter into debate here this evening as it relates to Bill No. 12, *The Court Officials Consequential Amendments Act, 2011*, Mr. Speaker.

And I've read the minister's comments on this as it relates to this piece of legislation. From that I've extracted some level of

intent on behalf of government on this piece of legislation. But as I've said, Mr. Speaker, on so many pieces of legislation, it's so important for us to make sure that we do the thoughtful consideration and consultation that unfortunately, Mr. Speaker, often hasn't occurred with this government, Mr. Speaker. And certainly as it relates to Bill No. 12, we'll engage in that thoughtful and sincere consultation with legal stakeholders, Mr. Speaker, to ensure that the changes that are put forward in Bill No. 12 as it relates to coroners and inquests and handling of recording of information, Mr. Speaker, to make sure that this in fact is an appropriate way to move forward and in fact in the best interests of Saskatchewan people.

We'll be engaging the Law Society of Saskatchewan, Mr. Speaker, on this front. We'll also be engaging the Canadian Bar Association to gain their perspectives as to what this Bill's impact will be as we move forward, Mr. Speaker, to make sure that in fact the intent of government is fulfilled by way of this Bill without bringing a host of undesirable impacts or undesirable unintended consequences to Saskatchewan people or to our process as it exists here, Mr. Speaker.

[20:30]

But the way I look at this piece of legislation, I understand it amends *The Coroners Act* of 1999 and it reflects changes in how evidence is collected and transcribed and collected in coroners' inquests, Mr. Speaker. That's my understanding by way of what I see in the Bill and from some understanding that's been put forward or some comments put forward by the minister.

Right now, I believe, as it's my understanding that in court inquests most evidence is in fact recorded by a court reporter using shorthand or a recording device. And that occurs in most, if not all, coroners' inquests as it stands right now, Mr. Speaker. And what I believe this Bill, as I read the legislation, what this Bill intends to do is to make that not a standard practice in coroners' inquests, and in fact make it optional and to make that sort of recording only to occur by request of the minister, Mr. Speaker, or by request of the coroner, the chief coroner, Mr. Speaker.

So I think we have questions about why that change has been made and in the circumstance that it doesn't occur, we recognize that that information can be provided to an individual or group that requires that information or wants that information. But we understand that it will come at a cost, Mr. Speaker. So as I read the legislation, it'll come that anyone else who requests or pays for a transcript can and will receive that information.

And I do look forward to having some thoughtful questions with the minister as to why the change of structure on this front. I'm not certain of why this government would choose to limit the access of this to, let's say, a grieving family who now will have to both request that information and pay for that information. And I would think that many, many individuals — say a spouse or a widow or a grieving family — would in fact request that information. Now that comes at a cost.

So I guess if I look at this piece of legislation, Mr. Speaker, it may be nothing more than a budget cut of this government

where they no longer transcribe in all scenarios and circumstances, only by order of the minister or the chief coroner, in that it's a cut in what's been a service in the past. So I think questions to the minister about the usage of that information, the past uptake of that information, and then the impact potentially on grieving families, Mr. Speaker, otherwise it would be a question of why the change of practice. The only piece I can extract at this point in time without further consideration is that it falls in line with some of the budgetary cuts that we're seeing from a government that's really put Saskatchewan people in a challenging and precarious circumstance by way of their mismanagement of our public finances; when I say their mismanagement, the Sask Party government's mismanagement of our public finances, Mr. Speaker.

So we have questions that remain and exist as it relates to Bill 12, the changes put forward to *The Coroners Act* and making sure that this piece of legislation and then the impact back into the processes of a coroner's request is in the best interest of Saskatchewan people. So we'll go about our work, as we do, consulting the stakeholders that are engaged and that understand the impacts of this work. And we'll make sure that we're listening to Saskatchewan people on this front.

As I've said, Mr. Speaker, it's unfortunate that we have to be so diligent as an opposition on this front to make sure that we're providing the oversight that often hasn't occurred by the governing party, Mr. Speaker, when they put forward these many pieces of legislation, Mr. Speaker. But we've learned in very short order that that's an important requirement of the opposition and something that this, a responsibility that this government unfortunately doesn't take very seriously as it relates to consulting stakeholders. And that's as it relates to certainly education where you see all sorts of changes occurring, Mr. Speaker, with no consultation with partners in co-governance across the education sector. And of course certainly we've seen that on other pieces of legislation, Mr. Speaker, where in some cases, Mr. Speaker, we have actually seen legislation that was put together in such a reckless and foolhardy fashion, Mr. Speaker, that's been ruled unconstitutional, Mr. Speaker.

So we as the official opposition in our roles as respective critics will take very seriously our role to undertake the proper review and scrutiny of legislation put forward by that government. Certainly as it relates to Bill No. 12 we have questions for the minister, but we also have questions for stakeholders. And we have questions about why this service that was provided once to all individuals and provided in all circumstances is now going to be something that a family, for example a grieving family, will have to pay for, as I understand the legislative changes, Mr. Speaker.

In some ways this foreshadows, I believe, many of the concerning budgetary cuts that have been signalled by this government, Mr. Speaker. And I know it's a concern to Saskatchewan people, as they look forward into their own lives but also into the plans of this government, how the programs and services that they find important to their lives, Mr. Speaker, how they're going to be impacted by this reckless government, Mr. Speaker. Is there going to be cuts inside the classroom, Mr. Speaker? Is it going to be reductions in community school



services, Mr. Speaker? Is it reductions as it relates to, in this case, how we deal with evidence in coroner's inquests, Mr. Speaker?

What we hope to not see is a theme, but unfortunately we do see a theme in so many areas, Mr. Speaker, whether it is in housing programs or in Education or in Health, Mr. Speaker, where we see the consequences of fiscal mismanagement of this government directly bearing an impact on Saskatchewan people, Mr. Speaker. And we have a Premier right now that is over in Ireland on the taxpayers' dime, who just before he left talked about the fact that Saskatchewan people are going to have to brace themselves for budget cuts.

So we have a lot of information, a lot of questions that we have, both of this minister on this piece of legislation just to make sure that the proper consultation has occurred, to make sure that the changes are not going to be detrimental to Saskatchewan people. And then of course, Mr. Speaker, we have so other questions of ministers up and down those rows, Mr. Speaker, as it relates to this broader theme of budget cuts resulting from financial mismanagement.

But at this point in time, Mr. Speaker, we will engage in our thoughtful consideration of this piece of legislation. We will certainly look forward to further committee processes, Mr. Speaker, and it's been my pleasure to enter discussion here this evening. At this point in time, I move adjournment of Bill No. 12, *The Court Officials Consequential Amendments Act, 2011*.

**The Speaker:** — The member for Regina Rosemont has moved adjournment of Bill No. 12, *The Court Officials Consequential Amendments Act, 2011*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 13

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 13** — *The Constitutional Questions Act, 2011/Loi de 2011 sur les questions constitutionnelles* be now read a second time.]

**The Speaker:** — I recognize the Opposition House Leader.

**Mr. McCall:** — Thank you very much, Mr. Speaker. I guess it's time for my evening constitutional.

Bill No. 13, *The Constitutional Questions Act, 2011* again provides a bit of a clarification if you will. It's a new bilingual Act as iterated in both official languages, Mr. Speaker.

But it's interesting that it comes forward at this time, Mr. Speaker, given that this is the very day when we've seen action on the constitutional front in the province of Saskatchewan, wherein the Government of Saskatchewan of course has . . . having been ruled unconstitutional — in the case of Bill No. 5 in stripping away the rights of workers — by Justice Dennis Ball in his ruling of February 6th of this past month, that the Government of Saskatchewan of course has seen fit to appeal

the constitutionality of Bill No. 5 and the way that it attacks workers' rights, Mr. Speaker. It's interesting that we'd be participating in another front procedurally on the question of constitution and what it means.

And I guess, Mr. Speaker, rising in this Chamber, when it comes to this constitution, and serving as I do, having the honour to serve as the member of the Legislative Assembly for the riding of Regina-Elphinstone, wherein one of my predecessors was the now departed Allan Blakeney, Mr. Speaker, and the role that Mr. Blakeney, along with many others of course played in the patriation of the constitution and serving as a modern-day father of Confederation, Mr. Speaker. Also the role that then Attorney General Roy Romanow, former premier of the province — went on of course to be the premier of the province, and at the time the member for Riversdale — the role that people like Blakeney and Romanow, and also then Deputy Minister Howard Leeson for Intergovernmental Affairs, people like John White, the role that they played in the patriation of the Constitution. That of course, following on the constitutional battles and talks of the '70s, Mr. Speaker, it's interesting to rise in a debate about the Constitution.

I guess the contribution is made out of Saskatchewan, I like to think, of the Quebec secession reference that was made to the Supreme Court in 1998. And Saskatchewan of course was an intervenor in those proceedings. There's a great line about Canada and how constitutions come together to represent the wishes of the people or the fact of the people. There's a line in that intervention from then Deputy Minister of Justice John White wherein he wrote the threads of a thousand acts of accommodation or the fabric of a nation. It's an elegant and eloquent comment on what it is to be a nation, Mr. Speaker, and the role that a constitution plays within that.

Of course the Quebec succession reference, Mr. Speaker, refers to the overall constitution and the terms by which one of the provinces, in that case Quebec, might seek to separate the clarification that was brought to that process by the subsequent *Clarity Act*. All of these things are actions that the province of Saskatchewan impacted mildly, Mr. Speaker, and certainly given the history of this province and the history, not just engaged in but made by people like Blakeney and Romanow, it's certainly for myself something that informs my headspace when I come to a question like *The Constitutional Questions Act* of 2011.

And it's also something that comes to mind again on a day like today when the government of Saskatchewan having been ruled unconstitutional when it came to Bill 5 and the attack that it represents on workers' rights by Justice Dennis Ball, again I believe, head of the Labour Relations Board in the 1980s under the then Grant Devine Progressive Conservative government. That Justice Dennis Ball found this to be an attack on the rights of workers and unconstitutional, I think says a lot about the legislation, Mr. Speaker. But we'll see where that winds up and the government has certainly availed themselves of the options open to them under the legislation.

But again we can be, I guess, at once thankful that we live in a country like Canada with a Charter of Rights and Freedoms where rights of workers are constitutionally guaranteed. But we are reminded that those rights come with a cost of eternal

vigilance, Mr. Speaker, and the need to continually safeguard those rights, not just in our legislatures but as the case requires in the courts of the land. And this provincial government having been ruled unconstitutional has sought to take this to the higher courts. So be it, Mr. Speaker, but that fight will go on. And that they have been ruled unconstitutional in this, what represents an attack on the rights of workers and especially for something that was presented as fair and balanced labour legislation, Mr. Speaker, the irony of it is self-evident. And this is a fight that is not over and will be carried out on down the line.

[20:45]

As it relates to Bill No. 13 specifically, *The Constitutional Questions Act*, it arises from an ongoing sort of review that the government undertakes of various pieces of legislation. Certainly a number of the things that are sought to be accomplished in this legislation are in the order of clarification and to make sure that extra judicial or separate judicial proceedings aren't required to resolve judicial proceedings themselves. So you know, in and of themselves, that's not exactly earth-shattering or something to stop the presses about, Mr. Speaker, but should hopefully be helpful in terms of providing a clarification to the process and ensuring that where there is uncertainty and doubt that may give rise to a further protest of the proceedings that would arise under *The Constitutional Questions Act*, that there might be some certainty given there and that the process not become a point itself but rather that the questions of law be first and foremost.

The current Act gives the Lieutenant Governor in Council the power to refer any constitutional or legal . . . [question] to the Saskatchewan Court of Appeal for its opinion. The opinion of the Court of Appeal is considered to be a judgment for purposes of an appeal to the Supreme Court . . .

I quote there from the second reading speech of the Minister of Justice from December 13th. And again, what the Bill attempts to do through a number of amendments is to clarify what happens following such a reference. The status of the parties, who is granted intervenor status, who is granted status of the full party, who needs to be notified, these are things that are further clarified under the legislation.

So again, there are some fine legal minds on this side of the House, Mr. Speaker, that I'll await their intervention in this debate on Bill No. 13, *The Constitutional Questions Act* with certain interest and will certainly . . . You know, from an intergovernmental perspective, from a legal constitutional perspective, what's the broader sort of impact of this legislation? But on its face or prima facie, Mr. Speaker — if I can use such an expression in a question considering a piece of legislation — on its face, it seeks to clarify a number of the proceedings under *The Constitutional Questions Act* and as such it seems to be more helpful than harmful. But again I guess I'll retain my right to seek a second opinion on this, Mr. Speaker.

Again I'm entering into this debate on a piece of legislation that relates to constitutional questions on this day when the government of Saskatchewan has sought to appeal a decision whereby they were judged to be unconstitutional when it came

to an attack they had made on the rights of workers. I guess I underline that, Mr. Speaker, both in connection to the proud history that we have as relates to this province. The first Bill of Rights that was introduced provincially in 1947 by the then Tommy Douglas government, the Co-operative Commonwealth Federation, one of the drafters of that particular piece of legislation was a gentleman named Frank Scott, long-time dean of law at the McGill law school and certainly someone whose thoughts and ideals on charters of rights and freedoms and constitutions was seen to be realized in 1982 through the work of one of his one-time pupils, Pierre Elliott Trudeau.

So this is a province where we've had the first Bill of Rights in 1947. This is a province that sent John Diefenbaker to the House of Commons where he sought to bring in the federal Bill of Rights, the precursor of course to the Charter of Rights and Freedoms. But it of course was not enshrined in the Constitution and was therefore somewhat less robust, less of a North Star for a country than what was achieved in 1982. And then of course again, Mr. Speaker, the role that Saskatchewan played in the patriation of the Constitution and the establishment of the Charter of Rights and Freedoms.

So we look at this piece of legislation with its attempts at housekeeping and clarification. We think that is helpful but we think that the broader sort of debate around the constitution and its meaning and the attitude of this government when it comes to the defence of that constitution and the respect that a government should have for the Charter of Rights and Freedoms. We think that the appeal that was launched today speaks much more loudly about that government's attitudes towards questions of rights and freedoms under the Charter or the constitution than this piece of legislation.

So, Mr. Speaker, I am very interested to hear what my colleagues have to say on this piece of legislation, and in that regard I will thereby conclude my remarks in this debate and move to adjourn.

**The Speaker:** — The member has moved adjournment of Bill No. 13, *The Constitutional Questions Act, 2011*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

#### Bill No. 14

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 14 — *The Securities Amendment Act, 2011*** be now read a second time.]

**The Speaker:** — I recognize the member for Saskatoon Nutana.

**Ms. Sproule:** — Mr. Speaker, it's my pleasure to rise to speak to this Bill, *The Securities Amendment Act, 2011*. *The Securities Act* was introduced in Saskatchewan in 1988, and this is a series of changes to the existing Act that the government is proposing.

From the minister's comments when it was first introduced, we understand that the first goal of this Bill is to permit financial

advisers to conduct their business through a professional corporation, and he stated that this privilege is enjoyed by many other professions in the province, and it will allow people to make better succession and tax planning decisions, Mr. Speaker.

The minister stated that Saskatchewan has taken a lead role by introducing this legislation and that other provinces are considering similar amendments. We will be sure to look into the other provinces and how they are considering to amend their securities legislation and whether they're following the same path as the minister is here. Sometimes we need to understand that professional corporations and the establishment of professional corporations comes with certain prices, Mr. Speaker, that need to be carefully considered as they create a certain eliteness around their operations that can exclude other people from conducting the same type of business. So those are things that we will be looking at in the development of this Bill.

The second thing the minister has stated is that it will grant powers to audit oversight organizations such as the Canadian Public Accountability Board. We know that audits are complicated, and particularly in this day and age when things can be hidden very carefully and cleverly through electronic manipulation of data, that it's difficult to have clarity around a lot of audits. And he's stating that the auditor oversight organizations perform a key role in the financial services sector as they ensure information made available to investors and the general public are reliable and of high quality. And that's certainly a tall order, Mr. Speaker, for audit oversight organizations to be able to do, when the complexity of auditing and financial accountability is such these days that it's very difficult to monitor properly. I am not sure whether the amendments as being proposed here will allow Saskatchewan to be able to do that with any better ability than our counterparts in other provinces, but we will certainly be watching that as it goes along.

He goes on to say that the amendments will provide these organizations, the auditor oversight organizations, with a statutory power to compel disclosure of documents and records from accounting firms that audit publicly traded companies. And I think this is a very good addition to the securities legislation because it ensures that disclosure is required and people can be compelled to disclose. We have certainly seen disasters in our neighbour to the south where disclosure didn't always happen and a lot of people were hurt in the process financially.

Again the minister stated that other provinces are planning to implement these amendments if they haven't already done so. So that is something that we will take the time to ensure and review as this Bill progresses through the legislature.

The next statement he made in his introductory comments was that the amendments would ensure that officials of auditor oversight organizations can't be subpoenaed or are otherwise compelled to disclose privileged and/or confidential information in third party proceedings. It's not clear to me why that they would be given that opportunity to be protected from subpoena and that is something that I will be looking to some of the experts in the area on more clarification on and perhaps get some clarification from the minister on that because it seems

unusual to give them an ability to compel disclosure and yet be protected from subpoena. So this is an interesting part of this proposed legislation that I think requires some further examination.

The minister goes on to talk about credit rating organizations and their role of providing information on creditworthiness of particular securities and financial obligations of particular companies. I agree totally that the importance of these opinions to investors and other market participants and their influence on the securities markets have increased significantly over the past decade. Again because of the complexities of the securities area, it's not something the ordinary lay person has a good understanding of, and it's very difficult to understand. So the layers of understanding are . . . People who are investing are relying more and more on these types of organizations to give them good advice and reliable advice. And as the minister pointed out, it's due in part to the increased number of issuers and the advent of new and complex financial products. Certainly this is something that I struggle with understanding, and I think a lot of people are in the same boat as I am.

The minister spoke about the suffering of losses in the stock market in 2008, and his statement is that many investors purchased asset-backed securities and other investments that were tied to these sub-prime mortgages that were extremely unstable. And, Mr. Speaker, I was reading an article today from *Maclean's* magazine, and they talked a little bit about how Canada is starting to progress down the same, the same path. And there's some very serious concerns about what's happening in Canada that actually reflect what happened in the United States.

One of the quotes from the magazine says that one really terrible narrative that we've allowed to develop is that Canada is somehow better than the US [United States] when it comes to the mortgage situation. Everybody points out . . . This is a quote from David Madani who's a former Bank of Canada analyst. And he says:

Everybody points out the differences in the U.S., about financial regulations and subprime mortgages. But [he says] to me this is all a borderline attempt to misdirect the whole debate because we're engaging in that type of discussion and only that discussion. It ignores the . . . elephants in the room.

And, Mr. Speaker, the elephants that Madani identifies are these. First of all, a sharp run-up in house prices compared to income. He states the average Canadian home now costs five times the average income, well above the multiple of three that is considered acceptable. He goes on to say that there's "a sharp rise in home ownership rates, which at about 68 per cent of Canadians mirrors . . . the 69 per cent at the top of the U.S. bubble."

He said, "The biggest elephant of all is how much the boom has been fuelled by cheap and abundant credit thanks to a low interest rate policy pursued by the Bank of Canada, along with government-insured mortgages." And the article goes on at length about those two particular things.

Another quote from the article, from TD Economics chief

economist Craig Alexander. He says:

Low interest rates are like a drug. The low interest rates are encouraging people to buy houses and take on debt. When they're unhooked from that drug, they're going to have to be unhooked very gradually because going cold turkey is going to hurt them.

Madani, the economist I referred to formerly, he says that the Canadian housing market has already hit a wall. "Overconfidence is what's driving the market. It's been fuelled by cheap credit. That just can't keep going on forever," he says. "I think it's going to end badly."

[21:00]

So that's the views of the economists on Bay Street.

[But] getting back to normal interest rates of 3 to 4 per cent becomes increasingly difficult the longer interest rates stay low. Carney may be caught between trying to boost employment by getting businesses to spend their unused capital and trying to stop consumers from digging themselves into a hole.

But our economist from the TD Economics, he goes on to say that "an interest rate hike of two percentage points would push 10 per cent of Canadians into danger territory where they would be spending upwards of 40 per cent of their income on debt payments." And he says, "The economy is very sensitive to shocks."

I don't think we are immune here in Saskatchewan either. But they go on to say at the end of the article that mortgage rates are especially vulnerable and that it may be too late for the discussion.

As the U.S. showed in 2005 [the article states] no matter how loud the alarm bells and how long they have been ringing, a housing crash always comes as a surprise to the people paying the mortgage.

And the article closes by quoting John McCallum, who says, "The thing with household debt is it's not a problem until it's a problem. But when it becomes a problem, it's usually a really big problem."

So, Mr. Speaker, the proposed amendments to *The Securities Amendment Act* are looking at ensuring that credit ratings and market turndowns won't be affected by unstable mortgage markets, and unfortunately I think *Maclean's* magazine is pointing out that we may already be there. So this Bill is building on something that may already be too late. So this is something that we are going to have to watch as we go through.

The minister also identified concerns that credit rating organizations have relied on flawed methodologies to determine these ratings. And many investments failed as a result of it, and then there was a serious negative impact on the people with retirement savings and pensions and other long-term investments.

So, Mr. Speaker, just to look a little bit at the actual provisions

of the Bill itself, there's a whole section of new definitions, including things like auditor oversight organizations, and this is a whole section in the proposed Bill called recognition of entities. This is a fairly complex change to the Act, to an increasingly complex area and a very complex Act to begin with, so these are things that we will need to take a close look at to ensure that it reflects the needs of people like me and my neighbours and my community, and to ensure that their investments are properly reflected and protected by these changes to *The Securities Act*.

Some of the things the minister's proposing to get rid of are things like the insiders of income trusts, and his explanation is that it's contained already in a national instrument so that it's no longer required provincially. We'll take a look at that. There's an interesting provision in section 15, the confidentiality of the Act, and what the proposal is that the new definition will narrow the current section 15 to address a decision of the British Columbia Court of Appeal which struck down an equivalent provision in their Act. So I guess it's interesting to see that they're worried about British Columbia's Court of Appeal decisions. I'm thinking that we will be seeing a similar decision from our Court of Appeal now on the essential services legislation, and I'm hoping that if indeed the appeal is not successful, that the government won't want to proceed to the Supreme Court, that they will respect the decision of the Court of Appeal as it comes down to see whether they protect the freedom of association that's been established in 1982 as a right of all Canadians in our Charter of Rights and Freedoms. So we'll be watching that closely for sure, Mr. Speaker.

Another part of the Act that is being added, I believe, is part V, self-regulation, and it's a fairly long part that's being installed in the Act. It's new, according to the explanatory notes, and it updates provisions relating to the recognition of entities. I'm always concerned about self-regulatory type provisions in legislation, Mr. Speaker, because it's putting the fox in the chicken house. When organizations are given the right to regulate themselves — and I think we're going to see that in the new changes in the environment Act in Saskatchewan — that the impetus for enforcement and maintenance of these types of provisions, when left to the proponent or the organization itself, the incentive is taken away to be vigilant about those things and that often it can be overlooked and perhaps neglected. And so those are some of the concerns that we have about this type of parts in this particular Bill and in other Bills as well.

They do give the commission, the new provisions give the commission the power to recognize auditor oversight organizations and quotation and trade reporting systems and clearing agencies — all very complex organizations in the securities world, Mr. Speaker. There's a lot of provisions in this new section 5, and I won't go through them all tonight. I'm sure that at some point some of my colleagues may want to address some of those as well. The rest of the Bill, as identified by the minister in his introductory comments, is dealing with some housekeeping items that I think will provide some clarity for the securities people and the people that use this Bill. One other final comment about the changes is the removal of \$100,000 limit on the amount of financial compensation that the Financial Services Commission can award to individuals who have suffered financial loss. I think this is a welcome improvement to the Bill.

Certainly people that are hurt by misleading information and mismanagement of credit rating organizations or using poor methodologies is something that individuals shouldn't have to suffer through, nor should individuals have to suffer through mismanagement of mortgage schemes that are set up for the benefit of the banks and not of the people.

So those types of things are things I think that are welcome, and it protects individuals who are the vulnerable ones in these types of situations. So I think at this point, Mr. Speaker, the complexities of this area are great and the impact on individuals can also be great. So it requires vigilance, and I think the intent of that is to provide this kind of vigilance. We're not sure that it's striking the mark entirely, and certainly I'm sure my colleagues on this side of the House will want to make further comment on that.

So on that basis, I would like to move to adjourn this Bill and pass on the mike.

**The Speaker:** — The member from Saskatoon Nutana has moved adjournment of Bill No. 14, *The Securities Amendment Act, 2011*. Is it the pleasure of the Assembly to adopt the motion.

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 15

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Huyghebaert that **Bill No. 15 — *The Uniform Building and Accessibility Standards Amendment Act, 2011*** be now read a second time.]

**The Speaker:** — I recognize the member for Saskatoon Riversdale.

**Ms. Chartier:** — Thank you, Mr. Speaker.

Mr. Speaker, I am pleased tonight to enter the discussion on Bill No. 15, *An Act to Amend The Uniform Building and Accessibility Standards Act* or UBAS as the minister had referred to it.

I just want to talk a little bit about what this Bill proposes to do, Mr. Speaker, some of the minister's comments and what he's outlined this Bill is expected to do. So currently through *The Uniform Building and Accessibility Standards Act*, right now the province adopts the national building code as the minimum standard of construction applicable to new buildings and the renovation of existing buildings throughout the province.

So municipalities right now are required to administer and enforce the standards. But this isn't the case for farm buildings, including one- and two-unit dwellings or houses on farms. So if a rural municipality wishes to apply building standards to farm buildings within their jurisdiction, they have to pass a resolution stating this. Then they have to request that the government authorize the application of the building standard for farm buildings. And then finally, the government must pass a regulation allowing them to apply these standards. So no such

provision exists for cities, towns, villages, or resort villages to apply building standards to farm buildings.

So to speed up the process and to provide all the municipalities with the autonomy to apply building standards to farm buildings within their jurisdiction, the new subsection 7(3) will remove the need for the province to pass a regulation each time a rural municipality wishes to apply these building standards and extend the same authority to other municipalities, but this doesn't change the requirement that municipalities still have to submit their bylaw for ministerial approval.

So on the face of it, Mr. Speaker, this sounds like a reasonable thing. The minister pointed out that he's had people contact his ministry, farm families actually, who want to ensure that their homes and other buildings are built or renovated to the same standards as in the non-farming community, so that makes perfect sense, Mr. Speaker. We all need to ensure that we all have acceptable standards for our homes and buildings.

I actually would like to chat a little bit about the National Building Code under which the province runs the building codes. I'd like to talk a little bit about the building codes. So the 2010 National Building Code is an objective-based code format in which all the requirements are linked to one or more of the following objectives. They have to be linked to safety, health, accessibility, fire, and structural protection of buildings.

So under safety, one of the objectives is to limit the probability that as a result of the design or construction of the building, the person in or adjacent to the building will be exposed to an unacceptable risk of injury due to fire. You will find actually in many of these National Building Code objectives, fire safety is mentioned throughout them. But the interesting thing, Mr. Speaker, we've seen in some of our newer communities because of building materials and because of close proximity of houses, when one house catches fire, it's not long before the next house catches fire. And I've had an opportunity to speak with firefighters who have some concerns that actually even the National Building Code needs to change to reflect some of these issues or concerns around building standards.

Also under safety, a second objective is structural safety to limit the probability that as a result of the design or construction, a person in or adjacent to the building will be exposed to an unacceptable risk of injury to structural failure. It also addresses safety and use, that as a result of the designer construction of the building, a person in the building or adjacent to it will be exposed to an unacceptable risk of injury due to hazards. It also talks about resistance to unwanted entry. So the National Building Code, one of its objectives is that as a result of the designer construction of the building, a person in that building will be exposed to an unacceptable risk of injury due to the building's low level of resistance to unwanted entry.

They also talk about the safety at construction and demolition sites to ensure that . . . to limit the probability that, as a result of the construction or demolition of the building, the public adjacent to a construction or demolition site will be exposed to an unacceptable risk of injury due to hazards.

Under health, the goal is to limit the probability that a person in the building will be exposed to an unacceptable risk of illness

due to indoor conditions. We also have sanitation. That goal is to limit the probability that a person in the building will be exposed to an unacceptable risk of illness due to unsanitary conditions. So, as you see, this building code is quite far reaching Mr. Speaker, or sweeping.

So another one of the objectives is to limit the probability that a person in the building will be exposed to an unacceptable risk of illness due to high levels of sound originating in adjacent spaces in the building.

A fourth objective under health is to limit the probability that, as a result of the design or construction of the building, a person in the building will be exposed to an unacceptable risk of illness due to high levels of vibration or deflection of building elements.

Number five under health. I think it's really important to understand how our building standards here are informed, Mr. Speaker, so this is why I'm walking us all through this list. Number five here under health, an objective of the National Building Code is to limit the probability that the public will be exposed to an unacceptable risk of illness due to the release of hazardous substances from the building.

And in terms of accessibility, accessibility is addressed under the National Building Code, Mr. Speaker. So under accessibility, the goal is to ensure that we limit the probability a person with a physical or sensory limitation will be unacceptably impeded from accessing the building or circulating within it. And as well under accessibility, one of the other objectives is to limit the probability a person with a physical or sensory limitation will be unacceptably impeded from using the building's facilities. The last thing we want is to limit the opportunity of people with varied abilities in their opportunity to access our public buildings, Mr. Speaker, or the buildings in which we call home as well.

[21:15]

And the last piece here around the National Building Code actually is the fire instructional protection of buildings. As I mentioned a few minutes ago there's a big piece here on fire safety, Mr. Speaker. So under fire protection of the building, one of the objectives of this code is to limit the probability the building will be exposed to an unacceptable risk of damage due to fire.

A second is that we want to limit the probability that the building, or part thereof, will be exposed to an unacceptable risk of damage or loss due to structural failure or lack of structural serviceability.

A third piece, Mr. Speaker, is the protection of adjacent buildings from fire. We want to limit the probability that adjacent buildings will be exposed to an unacceptable risk of damage due to fire.

And finally, Mr. Speaker, the fourth objective is, under fire and structural protection of buildings, is to limit the probability that adjacent buildings will be exposed to an unacceptable risk of structural damage.

So that is basically the objectives of the National Building Code of Canada which our Bill actually . . . which is being amended right now, Bill No. 15, *The Uniform Building and Accessibility Standards Act* refers to or defers to actually, Mr. Speaker.

In the minister's notes, he did talk about how, as I mentioned earlier, he had heard from many people in the farming community that their homes and other buildings should be up to the same code as everybody else here in Saskatchewan. So there's been some consultation or some feedback there. As well he wraps up his speech or he wrapped up his speech, Mr. Speaker, by saying that the Saskatchewan Association of Rural Municipalities has been consulted on this amendment and has confirmed its support for that amendment.

So that's great to hear, Mr. Speaker. On this side of the House, we're big believers that when you're creating any kind of public policy, it should be in fact connected to people's realities. So if you're making, say a child care policy, Mr. Speaker — and we're talking about any policy here — it's so important to consult. So if you're creating child care policy, Mr. Speaker, you should talk to child care providers. You should talk to educators. You should talk to families. You should talk to people who are impacted by the legislation or the policy that you're proposing, Mr. Speaker. It's absolutely imperative that when you're creating public policy, if you want it to be effective, you need to ensure that you've connected with people who are impacted by this policy.

Mr. Speaker, I have to say that this government has not been stellar in that regard. We can look to Bill 5. Recently we've heard the Court of Queen's Bench has ruled Bill 5 unconstitutional. We can look to an Act that passed last legislative session, *The Wildlife Habitat Protection Act*. There was no consultation with First Nations and Métis people and all kinds of other communities, Mr. Speaker.

Consultation is absolutely imperative when you're creating public policy — and not consultation after the fact — and real and meaningful consultation, Mr. Speaker, which isn't always easy to do. There is many groups who don't . . . You might run an ad in the paper and say, if you're interested in this, come out and speak. But the whole goal of consultation, when you think about participatory democracy, it's about you going out as a government and with your bureaucrats and making sure that you're doing the work to engage with citizens and groups who know something about the policy that you're proposing. That's absolutely imperative.

We could look to maybe another piece of legislation that's before us right now, Mr. Speaker, when we're talking about consultation. I have to say, like I said I'm glad to hear that the government has consulted with SARM [Saskatchewan Association of Rural Municipalities] and with some individuals, but there is usually a broader field that you can pursue in terms of getting feedback.

So I'd like to talk about another piece of legislation that this government hasn't consulted on, and that would be *The Constituency Boundaries Amendment Act*. I want to know and this side of the House wants to know with whom the government has spoken about the need to add three more MLAs, Mr. Speaker. So consultation is the most important

thing, we believe, in creating public policy when you want to ensure you are addressing real issues impacting real people but you're also thinking about unintended consequences.

We have all sat around tables, I'm sure, Mr. Speaker, we've all sat around tables, Mr. Speaker, where maybe someone new comes to the table. We've had a little bit of groupthink, or we've all been talking about the same thing, and we're all on the same page. And then someone new comes to that table and says, hey, did you ever think about that? And I think, yes, yes, you know what? That's true; I hadn't thought about that. And it amazes me actually, Mr. Speaker. So some of these . . . In my short time in this Legislative Assembly, just over two years, when we as opposition review these Bills that come before us — and we have the opportunity to take them out and consult and try to connect with organizations who will be impacted — and when you first look at a Bill, you think, there's not too much too this. It maybe isn't that big of a deal, or maybe this is just housekeeping. But then someone will raise an issue that you think, that's a really good point. So again, Mr. Speaker, consultation and real and meaningful consultation is absolutely imperative.

This is a Bill, Mr. Speaker, about building standards for renovations and new buildings so . . . You know what? I actually want to talk a little bit more about consultation — sorry, Mr. Speaker — as this is one of my favourite pet topics actually, Mr. Speaker. So again, again the ministry has spoken to farm families, and they said they've spoken to SARM. But it might be helpful to find out, did they speak to First Nations and Métis people? Have they spoken to people on a reserve who are facing huge housing issues? That's what I'd like to know. Has the government engaged with people other than First Nations and Métis people . . . or pardon me. Has the government engaged with a broad range of people? They've left out First Nations and Métis people out of this equation. And that's, as one of my colleagues pointed out, that would be a first for this government.

My point around building standards, Mr. Speaker, this is a Bill about building standards. I know in my own constituency, Mr. Speaker, I've had the opportunity to tour houses in my own constituency of Saskatoon Riversdale where people are living in derelict conditions. These are older houses, so the new building part doesn't necessarily apply. But when it comes to the renovation part, making sure that when contractors and people are coming in that renovations are done to the best possible standards is absolutely important, absolutely critical. I've toured houses, Mr. Speaker, in my constituency. One in particular stands out. Standing in the second floor of this house, Mr. Speaker, and there was a giant hole in the floor. You could see through to the main floor. There was no toilet, no operational toilet in this house, Mr. Speaker. The family living in this house was using a bucket. So building standards and fire and safety standards are really, really important, Mr. Speaker.

Housing, while I'm on the topic of housing, housing is a really pressing topic. So we have farm families here saying that they want to make sure that their houses are up to the same standards as everyone else's. And that is absolutely fair and right, and we should be pursuing that. But when it comes to housing, Mr. Speaker, housing is close to absolutely everything. If you don't have a good roof over your heads, how do you go to school?

How do you attend work on a regular basis? How do you make sure you raise happy, healthy, secure families? And, Mr. Speaker, I would argue — and I can tell you from the casework that comes into my constituency — that housing is top of mind for most people here in this province. There's not a day that goes by that someone doesn't come in who can't afford to rent a house; they have to move because they haven't been able to pay rent. They are living in substandard conditions.

This is, with respect to Bill 15, a point around substandard conditions. We have many people living in substandard conditions because they're too afraid to raise the issue of the kind of living conditions they're in because there's nothing else out there. The availability of housing is so scarce that people are willing to live in a house or an apartment that is derelict and run down because they have no other options. People in Saskatchewan are our best resource, and we should be treating them with more respect than they do. I know that there are many people concerned that this government's housing strategy is not meeting people's needs today — not six months down the road, not two years down the road. The housing crisis is something that needs to be addressed today. And there's all kinds of different ways of doing that, Mr. Speaker, but this Bill is talking about building standards, Bill No. 15.

And so as I've said, I'm glad that the minister has heard from people around the necessity for this Bill, and the opposition will do its due diligence and still continue to reach out and talk to people and see if others have any other concerns or pressing issues around this Bill. As I've said, at face value it seems like it's a very reasonable proposal, but we will continue to do our due diligence. We will continue to do our due diligence to ensure that no piece is being missed, Mr. Speaker.

And, Mr. Speaker, with that I know that I will have colleagues who will also want to enter into debate on this particular topic. So with that, I would like to move to adjourn debate.

**The Deputy Speaker:** — The member from Saskatoon Riversdale has moved to adjourn debate on Bill No. 15, *The Uniform Building and Accessibility Standards Amendment Act, 2011*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Carried.

#### Bill No. 16

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Huyghebaert that **Bill No. 16** — *The Correctional Services Act, 2011* be now read a second time.]

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

**Mr. Broten:** — Thank you, Mr. Speaker. It's a pleasure at this hour to join in on the debate around Bill No. 16, *The Correctional Services Act, 2011*. For individuals who are following at home or reading in *Hansard* at a later date, Mr. Speaker, the minister responsible for this piece of legislation did the second reading speech on December 13th, 2011, where there are remarks made outlining many of the aspects of this

piece of legislation and the implications that it will have for the issue of corrections here in our province.

Mr. Speaker, this piece of legislation is a fairly extensive piece, having had the opportunity to read through it as well as to look at the minister's remarks and to look at some of the explanatory notes associated with the Bill. It's a substantial piece of legislation, Mr. Speaker, and a piece of legislation that has such an important relevance and input and influence on a very important part of what occurs in correctional facilities here in the province deserves close attention and deserves the proper kind of scrutiny in order to ensure that the approach being taken is a wise approach, is one that is forward thinking, and one that has the best interests of all of Saskatchewan in mind.

And when I say that, Mr. Speaker, I am thinking of a few different components of the province, and I think it's important to ensure that the legislation serves a number of interests. It's important that it meets our communities' needs. As someone who represents a number of neighbourhoods in Saskatoon, the issues of safety, issues of crime are something that are raised with me on a fairly regular basis. And I've had many discussions with constituents about incidents that have occurred — how they've been affected, how that influences some of their views of the world, and how things are going. It really affects their safety, Mr. Speaker, and their sense of security.

I think as many members here in the Assembly would think about door knocking when it's getting dark or shortly after dark, and I know that there's been more than one instance where, you know, after ringing the doorbell, you can tell someone's inside but you know that they're just maybe not quite comfortable coming to the door and having a conversation with you because they're not sure who is on the other side. So I give that little example, Mr. Speaker, because it demonstrates the importance of the issue, of corrections, and the issues of security in our communities.

And it has a big effect on people in terms of how they structure their days, how they live out their life, but more the psychological mindset that people have — whether they feel secure in their homes and secure in their communities, whether they feel part of the community, or do they feel like they need to be withdrawn and in their homes. So when looking at a piece of legislation about corrections, one area to consider, Mr. Speaker, certainly is the issue . . . the Saskatchewan communities, individuals who are living out in homes, on streets, and want to be safe.

[21:30]

When looking at a piece of legislation dealing with corrections, it's also important, Mr. Speaker, to look at the people working in the system, men and women who work in correctional facilities doing their best to keep individuals in the facility safe, keep themselves safe, and keep the community safe. And I can think of attending, over the years, attending different ceremonies where these people are recognized, medals are given out, long service awards, those types of things. And many people devote their working career to the job of working in correctional facilities, and it's an important job. It's a very difficult job. It has its challenges. It has its rewards. And I think it's important, Mr. Speaker, to look at the piece of legislation

on corrections through their eyes as well and see how the changes can affect how they do their jobs and how effective they can be in doing their jobs.

Mr. Speaker, I know many individuals also working in correctional facilities want to do the best that they can in terms of enabling the best rehabilitation possible with offenders. And the goal, Mr. Speaker, is that when someone leaves a correctional facility, that they're less likely to perform another criminal act than more likely. And, Mr. Speaker, unfortunately, that's not always the case in our experience with corrections here in the province. But I know that's the desire of correctional workers. I would hope that's the desire of members opposite. I would assume it is. It's a pretty common sense idea, and I think it's an approach, Mr. Speaker, that all people of whatever political stripe would strive towards in order to have a stronger and safer society.

So, Mr. Speaker, there's the . . . When looking at a piece of legislation to do with corrections, it's important to look at it from the community perspective. It's important to look at it from the perspective of correctional officers. And, Mr. Speaker, it's important to look at it from the perspective of the inmate, the perspective of the individual who has done a crime, has been convicted, or has agreed that he or she was responsible for something and is spending time in a correctional facility. And, Mr. Speaker, I say it's also important to look at it, the legislation, through their eyes because, as I said in my earlier comments about the desire of correctional officers to have a better outcome for people at the end, I know for many inmates in correctional facilities it's their desire to improve their lives and to break cycles of bad behaviour and turn over a new leaf and start again for many individuals. There are some hardened criminals that don't want that, but there are many, many individuals who do want that, Mr. Speaker.

So it's important when looking at a piece of legislation, we have to ask ourselves, is this legislation improving the likelihood of an offender to not reoffend? Is it improving the likelihood of rehabilitation? Is it improving the connections and the ties that one has to their community and an understanding of empathy with other people? Is it improving their ability to be high functioning outside of a correctional facility, to have the educational opportunities they need, to have the job training opportunities they need?

It's my hope, Mr. Speaker, that changes to legislation would enable that kind of change for inmates, for people in correctional facilities. Because I think if we are to have a better society, if those senior citizens that I'm thinking of living in their homes who are afraid to answer their doors at night, if young people in our schools are to feel safe and to be able to reach their full potential, we need to have that kind of approach, Mr. Speaker. We can't simply make matters worse when people are spending time in correctional facilities. We must do our best to stop cycles of bad behaviour in order to ensure that we have a stronger province as a whole.

In the minister's remarks on this piece of legislation, the minister stated that the changes in the legislation are a result of an outside panel that was put together in response to an incident in 2008 when there were inmates who escaped from a Regina provincial correctional centre. And, Mr. Speaker, I am glad to



hear and glad to read in the minister's second reading speech that the ministry utilized an external investigation team's recommendations. Based on my reading of the minister's speech, he doesn't state who exactly made up this recommendation group. But the fact that they went outside of the minister's office, I think that's a positive thing in order to have the expertise and the insight from other individuals who are able to comment on what should be needed and what could be needed.

That's not to say that every recommendation might be perfect, but it's the idea and at least the recognition, Mr. Speaker, that other people need to contribute. Because when we look at the track record of Sask Party ministers on the issues of corrections, and Sask Party members and MLAs, I think there are a number of troubling aspects that we've seen.

We had one minister tell us that gangs weren't a problem in our correctional facilities. And I'm not a criminologist; I'm not an expert on correctional facilities. But, Mr. Speaker, I do know that gangs are a problem in Saskatchewan and a problem in correctional facilities. So to have a minister make that kind of remark, I think, is a bit problematic. And it's for that reason, Mr. Speaker, I'm glad that when looking for advice they went outside of the minister's office in that instance.

We also saw, Mr. Speaker, with a different minister, when there was an incident of someone being, I believe it was, released early or when they were not supposed to and on the outside. And the minister got in a bit of hot water with respect to wanting to go after an opposition member for information or something like that. It was some time ago, but I do recall it was a problematic time for the minister because of the approach that the minister took in dealing with the issue. The approach that the minister took did not demonstrate that he had a reasonable approach. It indicated that he did not have a balanced approach. It indicated that he did not have a common reserved approach. But it was an approach, Mr. Speaker, that proved itself to be very heated. It proved to be an approach that was not well-thought-out and caused some problems for the minister. And for listeners at home that want to go back to that, they can go back, search through *Hansard*, and see the debate that occurred at that time.

So I say that, Mr. Speaker, recognizing some of the problems the members opposite have had when it's come to dealing with issues to do with the correctional facilities in the province. And when it comes to legislation, I think we have to keep that in mind that it is a concerning track record.

We can also think, Mr. Speaker, when we look at the issue of corrections and when we look at the issue of policing, it's not long ago, Mr. Speaker, that members opposite were vocally calling for boot camps — an approach to, in their view, rehabilitate offenders, Mr. Speaker. Now admittedly in the last few years they've tempered at least publicly some of that talk, but I'm sure members of the caucus and maybe some of the members of caucus who are a bit more moderate and some of the others, they know the individuals in caucus and in cabinet who still have these views. And I think it's still a fairly prominent view that many individuals on the opposite benches would have.

And I think that's concerning because it ties, Mr. Speaker, into the earlier comments I made about having an approach to punishment that is a good approach, an approach to punishment that is actually effective, an approach to punishment that is evidence-based and serves the interests of all of society, especially those that are offenders and then those that are working within the system, proofs that I have identified as being very important and that we must take into consideration when looking at legislation around the issue of corrections.

So, Mr. Speaker, in the minister's remarks he identifies that there was an outside report based on an escape of inmates and that outside sources were used in making recommendations. I think that's a good thing, Mr. Speaker, because what we've seen from Sask Party ministers are a number of troubling incidents when it comes to corrections such as saying gangs aren't a problem in our jails, such as getting into hot water in the Assembly here with making actions and threats against other members. Not a great approach.

And, Mr. Speaker, we've seen from past actions, in previous statements on the public record, members opposite who are in favour of an approach that would not be the best approach for the rehabilitation of individuals, as the evidence would suggest, and as I think most people in the province would see as well.

But, Mr. Speaker, I still have my concerns when looking at a piece of legislation about corrections based on another fact, based on another incident that has happened recently. And that, Mr. Speaker, has to do with the federal government's legislation, the crime Bill that will increase the number of convictions here in the province, or I guess increase the demand for correctional facilities.

And, Mr. Speaker, when the federal Conservatives' crime Bill has come down, we've heard very, very little, if anything at all, but very, very little, Mr. Speaker, from members opposite about what the implications will be for our provincial correctional system. Not only our correctional system but also, Mr. Speaker, the provincial books because we know there is a high cost associated with correctional facilities, keeping people in custody. And, Mr. Speaker, there's a cost as well with dealing with the rehabilitation and the effects of crime, as people live in the communities. And what we haven't heard from members opposite is any sort of voicing that the federal Conservatives may not have it right, that they may not have it well-thought-out, their approach to crime and increase in the number of individuals that will be going into the jails.

And, Mr. Speaker, even if members opposite thought that was the correct approach from a rehabilitation perspective by having more people in jails, Mr. Speaker, they certainly aren't looking out for Saskatchewan's best economic interests when considering that the tab for incarcerating many of those individuals will be experienced by the provincial government. And we haven't heard any sort of clear statement to the feds that there needs to be some consideration from a financial perspective to deal with the effects.

It's another speech on another day but, Mr. Speaker, it's not unlike the situation that we've seen with changes to OAS, Old Age Security, and how that will increase the demand and need for programs here provincially with the federal government's

decision. But that is another topic, and I would hate to be accused by members opposite of being off-topic, so I will leave that for another evening.

But when looking at corrections, Mr. Speaker, by members opposite, it's not a strong track record. It's a concerning track record. And it's a track record that causes me and I know it causes many people on our benches, but more importantly in the broader public, to ask some real questions and have some real concerns about the approach of the Sask Party government.

Mr. Speaker, when looking at the issue of corrections, I think there are a number of important components to consider, a number of important factors to have the correct mix of, the correct emphasis on each of them in order to reduce the amount of crime in society, but also to allow victims of crime to have a feeling that justice has been served and that their needs and their concerns have been respected throughout the process.

Mr. Speaker, I think the first area of consideration is a strong focus on prevention, crime prevention. And, Mr. Speaker, this cuts to the root. I mean I think all members opposite would agree that it is better to deal with individuals before the crimes get too serious, before an individual decides to pursue a crime, to commit a wrong. So if we can make investments, Mr. Speaker, at the prevention level, reduce the demand, provide young people with real opportunities, provide supports to families so that crime is not the natural option, the natural choices that would seem to them, but is a less preferred option, Mr. Speaker, that is the best approach.

So when I was going through the legislation, I didn't see too much about prevention. I didn't see too much about taking proactive steps. And you would think, Mr. Speaker, that, I think most members would agree, that prevention is important. But sadly, Mr. Speaker, when it comes to the evidence, when it comes to the legislation that members opposite are introducing, I don't think there's an adequate focus on it. I don't think appropriate attention has been paid to it, and I don't think the appropriate resources have been devoted to the issue of prevention. So we're more than happy, Mr. Speaker, based on federal Conservatives' wants to increase the number of people in our jails, to increase the number of correctional facilities. We're happy to spend money there, Mr. Speaker. But there's not the proper focus at the beginning on the prevention aspect, and I think, Mr. Speaker, it's short-sighted. And I think that's a real deficit and something that's lacking in this piece of legislation.

Mr. Speaker, of course prevention is a key component as is policing. When individuals know that a crime has been committed, individuals want the police there. Police serve a wonderful, very important role in society. It's a job that's very trying and taxing, a job that deserves a lot of credit by all people for what they do. And in the same way that corrections officers have served proudly for many, many years, police officers have done the same. But the right approach to policing is necessary. And I realize while this legislation is specifically addressing the correctional service, it's important, I think, to have a larger view of the issue. It's important to ensure that proper approaches to policing are occurring. And, Mr. Speaker, you know, just based on the actions and some of the comments that Sask Party members have made opposite, I'm not

convinced that that same reality is understood by all members.

[21:45]

And, Mr. Speaker, I've addressed the issue of prevention. I've addressed the issue of policing. And then there's the issue of punishment, Mr. Speaker. And yes, there does need to be proper punishment for individuals who commit crimes, but punishment needs to be smart, Mr. Speaker. As I said earlier, it's important that when an individual leaves a correctional facility that they're less inclined to reoffend. It's important, Mr. Speaker, that they be given every opportunity that they can to make the proper decisions, to make good decisions, and be a productive, contributing member of society.

And when looking through the legislation, the different examples which we'll be getting into, Mr. Speaker, I'm not convinced that everything included in this piece of legislation is smart punishment. And just based on some of the comments that members opposite and members of the Sask Party have made in the past on the issue of corrections, I just don't have a great deal of confidence, Mr. Speaker, that it's a well-thought-out approach.

So, Mr. Speaker, let's look at some different sections here of the legislation. For individuals, as I said before, who want to, I refer back to the minister's second reading speech. It was on December 13th, and it's Bill No. 16, *An Act respecting Correctional Services and making consequential amendments to other Acts*. And as I said before, it's a fairly extensive piece of legislation. And as the minister stated in his second reading speech, this piece of legislation is intended to replace an earlier piece of legislation, and the design and much of the content has been produced by an outside team. My concern, Mr. Speaker, is that those recommendations are still being given to the minister and whether or not he gets it right is an entirely different question.

Mr. Speaker, the minister pointed out that this Act has a component of principles. And I'd like to read the principles that are identified by the minister. And he says, quote:

The key features of these guiding principles are: protection of the public is paramount; offenders are required to comply with correctional facility rules and community supervision conditions; offenders are entitled to fair treatment; and staff members adhere to a code of professional conduct.

So, Mr. Speaker, those principles in themselves sound decent. But as I said before, based on members' track record, based on comments made by members, I'm not sure that they . . . I'm not willing to place a blind faith in them to trust that they'll simply get it right.

This legislation, Mr. Speaker, or the principles rather, are being enshrined in legislation. I think it is important to state principles and put it in legislation so that it does provide a guide. And it's important to have those principles there as a guide, Mr. Speaker, because we can think of incidents in the past where perhaps those principles would have been helpful in a situation and would have better guided the minister's actions or would have served as a better reference, a better frame of reference

when some pretty out-to-lunch things were being said, Mr. Speaker. So I think the fact that these principles are enshrined in the legislation can be a positive step, but it's important to look what lies beyond the principles. And as with anything, the question is in the application of those principles and what the implications are for the different groups that I identified earlier — the community, the workers in correctional facilities as well as the inmates.

Mr. Speaker, the minister identified that this new piece of legislation has a code of professional conduct that all Corrections staff are required to follow. And, Mr. Speaker, a code of conduct is a good thing. It's something I think that indicates an evolution or a progress in any given profession when there is a code of conduct that is enshrined. It's my hope, Mr. Speaker, though, that the code of conduct was done in proper consultation with correctional workers themselves and it wasn't simply done by the minister, because we know the relationship between the current minister and correctional workers hasn't always been the strongest, we'll just say.

So it's my hope, Mr. Speaker, that proper consultation, proper discussion occurred. Because in order for any code of conduct to have meaning, to have an effect, a positive effect, it's important that members that are impacted or will be affected by the code of conduct, that they actually buy in and support what is being proposed. If they don't, Mr. Speaker, it's fine for the minister to enshrine whatever he wants in legislation, but if there isn't the buy-in through the productive consultation that needed to occur with the workers, then, Mr. Speaker, it's not going to be productive in the long run. And the minister can put words on paper to make himself feel better or words on paper to sound good or to look good, but it's not going to have the desired effect. And that is a concern that I have, Mr. Speaker. So I would like to hear more detail about what interplay occurred between the profession and between the minister in terms of establishing the professional code of conduct and whether it's fully embraced and supported by those that do the very important, very difficult — I'll emphasize that — very difficult work in correctional facilities.

There were also changes, Mr. Speaker, to the section on inmate discipline, or there are changes proposed in this piece of legislation. And, Mr. Speaker, I'm not for a second suggesting that correctional facilities aren't dangerous places. I'm not for a second suggesting that we should not take seriously the crimes that people have committed and the sometimes very strong likelihood that individuals pose a real threat to society and pose a threat to fellow inmates and to workers. But, Mr. Speaker, when we're looking at the issue of inmate discipline, it's important that it be done in a smart way. In the same way that I said punishment needs to be done in a smart way, I think inmate discipline, which is a form of punishment in the larger context of what is a correctional facility, needs to be done properly. It needs to be done in such a way that it's not creating more problems than it seeks to solve.

Mr. Speaker, if a short-sighted approach to inmate discipline is taken — a reactionary approach that doesn't consider the long-term implications of something — that, Mr. Speaker, can be a concern. And I think that would be a problem because the end result will be an increase in crime, an increase in disciplinary problems in a correctional facility, and that, Mr.

Speaker, is not the point of a correctional facility. The point is to allow for the . . . to remove threats from communities and to, one hopes, allow for the best possible rehabilitation that can occur.

But as I said before, Mr. Speaker, based on comments from the minister and based on comments from other members opposite, based on comments not too long ago about the need for boot camps, I'm just not convinced and I just don't trust members opposite to take a wise approach and take an approach that considers long-term ramifications of what they may be doing.

There's another section, Mr. Speaker, of this legislation as identified by the minister in his second reading speech and as very well detailed in the actual legislation itself, and that has to do with inmate transfers. There is a quote here from the minister's second reading speech and it says:

Mr. Deputy Speaker, in relation to inmate transfers, new provisions recognize that emergency and voluntary transfers of inmates can occur without prior notification to the inmate.

So, Mr. Speaker, the idea being here that if it's within the purview of the correctional facility or those in charge and they may need to be removed without the proper notification, it can be done. There are changes being made that would enable that and better facilitate it. And, Mr. Speaker, there may be instances when it is appropriate and it is smart to transfer an inmate but, Mr. Speaker, for taking a smart approach to punishment it's also important to weigh the possible consequences of an inmate transfer, and it's important to think about what other implications a transfer may have to a specific inmate and perhaps to the rehabilitation of an inmate.

I can think of one example I heard, Mr. Speaker, about an individual who was at one correctional facility and that facility was working well for him in the sense, Mr. Speaker, that it was planting the seed and it was allowing for some of the good quality rehabilitation that needs to occur. That is the desire of all of us from a government perspective, but also from a correctional perspective. What was occurring there, because the inmate was in one location, he was still close to his family supports. And while this individual wasn't a hardened criminal, this individual was someone who was early on in making some bad decisions but ended . . . but was convicted and was sentenced to a correctional facility. But the individual was in a specific area where he still had some family supports. His grandfather was able to visit him and this was a huge encouragement to him because it was a tie to normal life. It was a tie to an aspiration of wanting to do something better with his life. It was a tie and it was an example of perhaps one of the few positive role models that this individual ever had in his life. And he was still able, Mr. Speaker, to have enough contact with his grandfather in this location that the individual was able to make some progress and could see a future, a future that was a positive one — not a future of simply getting involved in a gang in the facility. Not a future of trying to . . . of hoping to get out into the street and getting back involved into crime as soon he could, but a future where he was making positive decisions. And he was able to do that because he had the influence, because he had fairly regular contact with a loved one.

So, Mr. Speaker, it's important to keep scenarios like that in mind when we're talking about possible transfers of inmates. I recognize that there are likely many occasions when it's important and necessary to transfer an inmate for his or her safety and for the safety of workers perhaps. But we need to look at what other consequences there may be for that action. If one finds themselves in a situation where the family supports are in a given area, and their transfer would be counterproductive to the well-being of that individual and his or her hopeful rehabilitation, then maybe some alternatives need to be looked at. Maybe some other options exist that can still meet the needs for safety, still meet the needs for smart punishment, but give this individual a chance at rehabilitation in a real way.

Mr. Speaker, I hope the minister would take that into consideration when making changes to legislation. I would hope that wisdom would be there. But, Mr. Speaker, based on the actions and the comments that we've seen from members opposite, I'm just not, I'm just not at ease with trusting them blindly.

Mr. Speaker, the legislation also highlights that their inmates still have some protections in place in terms of having a route to express concerns or mistreatment by the system as it may be. As the minister states in his second reading speech, he says:

I should point out that inmates also have the right to ask an investigator from a number of independent offices created by legislation to review the facility director's decision. This includes the Provincial Ombudsman, the Saskatchewan Human Rights Commission, and the Privacy Commissioner.

So, Mr. Speaker, it is good that these avenues exist, independent offices, and I think that is a positive step. I am curious, Mr. Speaker, what consultation occurred, whether Elizabeth Fry or John Howard were consulted on this issue, and whether they're of the opinion this is a satisfactory accommodation for prisoners' concerns, for inmates' concerns. I would hope that it is, but again, based on the track record that we've seen on the issue of corrections and based on the track record of consultation, maybe it isn't, but maybe it is. I will give members the benefit of the doubt on that issue and hope that it has occurred.

Mr. Speaker, it's also important, as the minister identifies in his speech, to have the proper kinds of steps and measures in place that are constructive in providing safety and security for correctional workers and inmates. But also as I said before, provide the best possible chance at rehabilitation and integration back into society at some point. The minister said in his second reading speech that:

This new legislation will augment the existing authority already found in the Criminal Code and will ensure that Corrections staff not only have the authority to use force and restraints, but they also have a legal protection when they are authorized to do so.

And, Mr. Speaker, it is important that when we ask correctional officers to do a job that is very difficult, that is very challenging from many perspectives, whether it be physically or emotionally, the strain that it can put on them and their families

as they continue to function in the community, it is important that correctional officers have the appropriate and expected safeguards in place for them doing their job. I think the important phrase that I would identify in this aspect of the legislation, or at least in the minister's second reading speech, is that "when they are authorized to do so." So that indicates, Mr. Speaker, that when taking steps for discipline, when taking steps for using restraints and force, that it happens within a structure, that it's not based on an approach that is not well thought out and not based on proper protocols in place, that is not simply based on reacting to an incident, but that, Mr. Speaker, it's an appropriate response for the threat and for what has occurred. And, Mr. Speaker, I have to once again give my compliments to the correctional officers that do a very difficult job for many years as many of them do.

[22:00]

There is a brief passing reference, Mr. Speaker, that the minister makes in his second reading speech about rehabilitation and treatment, Mr. Speaker, but it's not very thorough and it's not very detailed. And as I said before, it's very important when looking at issues of crime and safety in order to have the proper mix of prevention, policing, and punishment. And what I see missing, Mr. Speaker, from the legislation and especially from the minister's second reading speech, is an indication that the minister wants to do punishment in a smart way. There may be some aspects, but I don't think, Mr. Speaker, that the approach is necessarily well thought out and I'm not willing to simply provide a blind trust that he has it right in this situation.

The minister once again identifies *The Road Ahead* report, and this was the report that was put together in response to the inmates who escaped, the outside panel that provided recommendations. So again, Mr. Speaker, I think it's good that this wasn't simply and solely drafted in the minister's office, but I still do have questions, Mr. Speaker, about what filtering or what changes, Mr. Speaker, may have been made to the recommendations based on an ideological view of members opposite or the minister for that matter.

There is reference, Mr. Speaker, in the speech, to other pieces of legislation in other jurisdictions, other provinces, and some legislation, Mr. Speaker, that is federal. I think that that can be a good thing and it's my hope, Mr. Speaker, that they drew upon best practices in different jurisdictions and sincerely sought to hear from different areas about what is working well and what perhaps needs to be tweaked in a way to better reflect the reality here in Saskatchewan, but also simply to learn how a piece of legislation, though it may be well intended, doesn't meet the expected outcomes or the desired outcomes, for that matter. And so I hope, Mr. Speaker, that in looking at what occurred in the different jurisdictions, that appropriate attention was paid to what has been working well in different areas.

So, Mr. Speaker, I do thank you for the opportunity to join in on the debate on Bill No. 16, *An Act respecting Correctional Services and making consequential amendments to other Acts*. As I said before, there are many, many factors that contribute to the quality of life that people appreciate here in the province. There are many different components. There's things like health care. There's things like an educational system. There's

things like the beautiful environment that we have in our province.

And, Mr. Speaker, our quality of life is determined by the sense of security and the sense of peace that we have in our communities. And, Mr. Speaker, when crime is a problem and individuals don't feel secure in their communities, when criminals who are caught and convicted are treated poorly, and when the likelihood of rehabilitation decreases as opposed to improves, Mr. Speaker, I think that is a concern. And it's my hope, Mr. Speaker, when looking at a piece of legislation, I hope that is the lens that members opposite took to developing the piece of legislation. It's the lens that I have sought to bring in terms of examining some of the strengths but also some of the pitfalls and problems that may exist with this legislation.

I look forward to hearing from more members on this side commenting on this piece of legislation. I look forward to hearing from other members in the community, from individuals involved with corrections, and sometimes from inmates themselves perhaps, Mr. Speaker, in terms of what their views are on this legislation — what is strong, what is weak, where the Minister may have it right, but also where there may have been some shortcomings.

And as I said before, Mr. Speaker, based on comments from Corrections ministers opposite, there have been concerning comments and concerning actions that have been made by members opposite. And I think it's because of those comments that we need to be very careful when looking at any piece of legislation to do with corrections here in the province of Saskatchewan that comes from the Sask Party. So with that, Mr. Speaker, I will thank you for the chance to contribute to this debate, and I would at this time adjourn debate on Bill No. 16. Thank you.

**The Speaker:** — The member for Saskatoon Massey Place has moved adjournment of Bill No. 16, the correctional services amendment Act, 2011. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 17

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Harpauer that **Bill No. 17 — *The Child Care Amendment Act, 2011*** be now read a second time.]

**The Speaker:** — I recognize the member for Regina Rosemont.

**Mr. Wotherspoon:** — Mr. Speaker, it's my pleasure to enter into debate here this evening as it relates to Bill No. 17, *The Child Care Amendment Act, 2011*. Now to be frank, Mr. Speaker, when we saw this piece of legislation put forward and saw the title on the order sheet, Mr. Speaker, we anticipated something significant, Mr. Speaker. We looked forward to a bold plan that reflected the needs and reality of Saskatchewan people and families, and we hoped that it would be a response to the significant challenges that so many families face across

our province, Mr. Speaker.

But what we saw, Mr. Speaker, was that in fact these are small changes to an Act for which we'll certainly analyze and engage in full consultation with the child care stakeholders, Mr. Speaker. But we're disappointed that we're not seeing something more bold, more significant by way of a vision and a plan from this government as it relates to child care and early learning in this province, something that we know is so vital to the future economic and social well-being of individual children and people, but also of course as our province as a whole, Mr. Speaker.

So we'll look at the Bill that has been put forward, and there's been a couple of changes, Mr. Speaker, that have been put forward by the minister, spoken to by the minister. And certainly it's going to be our goal to make sure we fully understand the intent of this piece of legislation as put forward by the minister to make sure we're clear of the objectives that they've put forward here, and making sure that we're seeking that broad-based consultation to understand any consequences that are not desirable, that are unintended, and that in fact aren't in the best interests of Saskatchewan people or families.

One of the changes that we see is as it relates to decisions regarding a child care facility's licence and what occurs in the review process that will occur if a disagreement occurs between a provider and the ministry on a decision that's been made. Now what I see here is a change to remove the Family Services Board, and that that will be dealt with fully and completely by the minister or by the ministry.

Now what I understand too, as I've read a little bit from the minister's statement and taking those statements at face value, is that that Family Services Board has never been utilized as a function in these debates or to resolve these circumstances or these reviews. So certainly we have a little bit more to learn about why that board was never utilized in its function that it could have been, but also to understand and make sure that it is in fact a fair and transparent process that will occur by shifting that full and whole responsibility, not just by way of practice, but by way of legislation now, Mr. Speaker, to the minister's office.

Is this the best course of action? Is this fair to those providers and to children and to families? Those are questions we'll be seeking as we engage in our consultations, Mr. Speaker.

Another change that we see is, as it relates to this legislation, is bringing forward a change as it relates to retroactive regulations establishing fee schedules or payments to providers. And as I understand in reading through this legislation, and a little bit of historical context but also the minister's statements, is that historically that would have to be made by order of the minister or by an order in council, an OC. And this process here for changing what could be fee schedules for providers, Mr. Speaker, has been described by the minister as a process for which we'll be more efficient in implementing that change, an increase to fees.

So that's something we need to verify with the child care and early learning sector, Mr. Speaker, folks like the Saskatchewan Early Childhood Association and the Saskatchewan Association

of Child Care Homes. Those are the kinds of discussions, many other stakeholders across this province. And we invite that input, Mr. Speaker, and those perspectives, that learned perspective from individuals who are operating in the system under the current structure, and making sure that changes we're making are in fact serving the greater good and enhancing supports to the child care sector.

But when I look at a couple of these pieces here, what it just really speaks to, Mr. Speaker, is that a government given an opportunity to act in child care has fallen far short of meeting the demands that exist across communities, across neighbourhoods within our province. I know in my constituency there's hardly a matter of greater importance to so many young families, Mr. Speaker, when we're talking about child care. And I know that's to be true in other constituencies across this province, and not just in urban Saskatchewan but in rural Saskatchewan as well and even, you know, in some of our vibrant, smaller urban centres such as Estevan, I know that there is great demand and great pressure on families as it relates to inadequate access and affordability of child care.

If we're talking about child care, we need to make sure that we're speaking about facilities that are safe and healthy and rich environments where children can play and learn and grow, become as strong as they can be. And of course this is very important for so many young families that are seeking child care spaces for their children. And in many ways it's impeding our economy and economic activity as well and can certainly be viewed through the lens of an economic plan, not just one of social development, but one of economic development as well, Mr. Speaker. So what I think when we look at this, is we first of all need to implore the government to look to the research that exists across — I mean, international research — and certainly that that exists here in Canada that puts out best practice and examples of why this is in our economic and social best interests.

I found it interesting to — and I don't have it here with me tonight, Mr. Speaker, — but I found it interesting recently to read a report from PISA [Programme for International Student Assessment], an organization that provides educational assessment and outcomes; assesses educational programs, literacy, numeracy. And they put out a report just, I believe, in January of this year that stated the incredibly strong correlation to well-developed early learning and child care strategies and plans and programs in a respective jurisdiction or country and that direct correlation to significantly improved educational results, literacy, numeracy — significantly improved results.

I know recently we've had a couple of MLAs travelling the province talking a little bit about math. I know that it's also maybe as part of their considerations. And the government opposite, they should reference that article as well, and that those results that highlight and substantiate that, when we put forward a strategic plan that supports young families and children as it relates to early learning and child care, that we see the return in those educational outcomes. We see the direct positive impact in the literacy and numeracy, the maths and the reading, and that children experience later on as students. And of course we see then that impact manifest itself in a positive way many years forward as it relates to economic involvement of those young individuals as they grow through the educational

system and then contribute so mightily to their communities, but also by way of the employment and careers that they'll be able to fulfill.

It's a great equalizer in life, Mr. Speaker, and an area of inadequate service right now in this province. And so I take the opportunity to speak to this Bill and to point to the fact that there's a couple of changes put forward by the minister. And we'll certainly examine those changes with the stakeholders who are relevant and on the ground delivering these services. But I take this opportunity, Mr. Speaker, to point out a failed opportunity of this government for many years now, Mr. Speaker, into a second term to put forward an adequate and responsible plan to the needs of and realities of families across Saskatchewan.

[22:15]

And when we talk about a plan, we're not just talking just about the discussion just of a few more spaces, Mr. Speaker. And I know this government's made some gesture where they're going to get Saskatchewan to a total of around 13,000 child care, licensed child care spaces. And they speak as if this is some sort of great achievement. But we need to measure ourselves in relation to others, Mr. Speaker. And if we compare ourselves, as one of my colleagues highlights, to our neighbour in Manitoba that has set forward a plan and a five-year plan and has achieved some results, right now they're well over 30,000 licensed child care spaces.

But when we're thinking about that plan, it's not just about spaces, Mr. Speaker. And I know the member from Riversdale articulates this so well around our caucus table routinely, that it's not just about how many thousand new spaces that are required, but what else is in that plan is so important, aspects such as looking at the dynamics of Saskatchewan families and the pressures and the demands and the non-traditional work arrangements that so many are forced to engage in, Mr. Speaker, have limited opportunities to engage in other opportunities at a given point in time in their life. And we need to be making sure we're looking to solutions that provide non-traditional hours for families working all sorts of shift work and hours that are outside what's been seen as traditional work schedules, Mr. Speaker.

And this is the reality that so many Saskatchewan families face, so we need to look at that. We need to make sure that we're looking at recruitment and retention within that sector, Mr. Speaker, and making sure that we're able to retain those individuals who have taken training, taken training, Mr. Speaker, and then are there to provide a service within our communities.

And I know in lots of consultations across the province this is one area that I hear from so many communities that this a great challenge. And I know down in the southeast corner of the province, down in Estevan this was something that routinely gets reflected to me that's of a great challenge: not only that there's not the adequate number of spaces, not only that young families can't find those spaces, but that the providers themselves struggle so significantly to retain and to recruit child care workers to those facilities to provide the dignified and important service that they do to the public and at such an

important and vulnerable and influential time in a child's life. So we need to make this a larger part of that plan, a plan for which right now doesn't exist in our province.

We need to make sure part of that is adequacy of wages and respect for the training that one that enters child care engages in, certainly takes certificate and diploma programs, all of which come at a cost to an individual as well, and then are challenged in many ways with some pretty paltry wages, Mr. Speaker, with some pretty exorbitant living expenses. And it's rather common sense why we can't fill some of these spaces that providers are challenged to meet the needs of communities with. So it all fits into that recruitment and retention strategy, Mr. Speaker, and it's simply not, it's not part of, it's not on the radar with this government. We urge them to put that onto their radar.

And we need to make sure that we have some cultural sensitivity built into our facilities, Mr. Speaker, to make sure that it's representative of the province that we are and the individuals that enter into those facilities, the families that are engaged. And we need to make of course, Mr. Speaker, make sure that those facilities are safe and healthy. And there was a discussion earlier about code and building codes and these different pieces. And certainly we need to make sure that we have high standards and a strong level of accountability to make sure that we're putting forward solutions that Saskatchewan families can trust and that they can rely upon, Mr. Speaker.

When I was doing just a little bit of research on this Bill, I took a little look at the OECD, Mr. Speaker, the Organization for Economic Co-operation and Development's website. And I'll just read and quote from their web page, Mr. Speaker:

Early childhood education and care (ECEC) has become a policy priority in many countries. A growing body of research recognises that ECEC brings a wide range of benefits, including social and economic benefits; better child well-being and learning outcomes; more equitable outcomes and reduction of poverty; increased intergenerational social mobility; higher female labour market participation and gender equality; increased fertility rates; and better social and economic development for society at large.

Well these are admirable outcomes, Mr. Speaker, and outcomes that we should be learning from as a jurisdiction, Mr. Speaker. And that's why I reference an international economic organization, OECD, Mr. Speaker, and some of the findings that they have.

And when we're looking at a plan that brings forward economic development, social development, and then has a direct impact on quality of life and well-being, Mr. Speaker, these are the kind of plans that should be a priority of this government and to meet the needs of Saskatchewan people. We need to make sure that there's consultation across the province on any changes and developments of plans, and a plan should come from Saskatchewan families and child care workers informed by Saskatchewan values, Mr. Speaker. So while we need to certainly be mindful of the research that exists, the body of research that says that this is in our best interests to be

addressing this critical need for so many families, we also need to make sure that our Saskatchewan values are reflected in the delivery of child care and early learning in this province.

When we look at some of the results that were there in the OECD's report and those outcomes, Mr. Speaker, these are the kinds of goals we should be pursuing — the stronger economic outcomes that we see as it relates to employment, as it relates to jobs, the educational outcomes. And we look at information that's highlighted not enough, Mr. Speaker, but Aboriginal education gaps, Mr. Speaker, and certainly learning outcomes for all students, Mr. Speaker. And certainly this is an important tool and strategy for both, Mr. Speaker, something that's certainly in our best interest as a province and certainly in the best interests of the individual lives of children across this province, Mr. Speaker, in all communities — rural, First Nation, and urban, Mr. Speaker.

And when we look at the body of data that exists out there of supporting early learning and care and child care and the enabling of circumstance for families, Mr. Speaker, these are the kind of policies that we should pursue, the kind of policies that we should double down on, Mr. Speaker, and they should be a top priority of a government, Mr. Speaker. And unfortunately this Bill sets to do none of that.

So, Mr. Speaker, there's much work to be done on this front. It's certainly my pleasure to enter in on discussion here this evening. We'll continue our consultation but, Mr. Speaker, we need to make a priority, a strategy, a plan, and make real the kind of economic opportunities and social opportunities that we should be achieving in this province, Mr. Speaker. But at this point in time, as it relates to Bill No. 17, *The Child Care Amendment Act, 2011*, I move adjournment of debate.

**The Speaker:** — The member has moved adjournment of Bill No. 17, *The Child Care Amendment Act, 2011*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

### Bill No. 18

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Norris that **Bill No. 18** — *The Degree Authorization Act* be now read a second time.]

**The Speaker:** — I recognize the member for Saskatoon Nutana.

**Ms. Sproule:** — Thank you, Mr. Speaker. It's with great pleasure that I rise this evening to enter into the debate on Bill 18, *The Degree Authorization Act*. This is an interesting Bill. It's a new Bill, Mr. Speaker. It's not an amendment. It's a brand new idea that's been put across . . . [inaudible interjection] . . . Do you think I can do it? This Bill puts across a brand new idea, and it's the idea that there's a need to enhance post-secondary education in Saskatchewan by offering the opportunity to potentially expand degree-granting authority to post-secondary institutions other than the two universities.

And, Mr. Speaker, it's not clear what the huge public policy void is, that the minister mentions a couple of times in his

comments, and the need to actually implement a Bill of this sort. So we have some serious concerns about this Bill. And first of all, we're not exactly clear what's being fixed because we're not sure what's broken, Mr. Speaker. There are two quality degree-granting authorities and universities in Saskatchewan, and indeed the minister went out of his way to exempt these two institutions from this proposed Bill. So our biggest concern is, why is this necessary at this point in time? And we need to understand better the public policy void or, as the minister said, the public policy gap that exists, although he wasn't clear on exactly what that was.

There's a number of concerns about this particular Bill. He holds out that there are three key tenets to the Bill, and first is to bolster accessibility for students in this province. He also identifies that because the population is continuing to grow in Saskatchewan so are the needs of the province to meet an increasingly vibrant labour market demand. And yet we find that the same minister is currently in Ireland seeking out the same types of people when he's identifying that the population here in Saskatchewan is growing and that the labour market here is vibrant. So it's not clear to us what the need is to seek trained people from outside Canada when he states in this particular introduction that there is a sufficient population here to meet the demand. So it's a bit of a contradiction, Mr. Speaker. And it's unfortunate that he's not here to seek that clarification, but I'm sure we will be able to ask him that question at some point.

He says it's important to stay receptive to the needs of students and their aspirations and the opportunities that await them in the new Saskatchewan, so he's saying it's providing a framework to acknowledge those needs. But again it's not clear what needs are being met by this Bill. In fact some of the commentary that we've received from our research in the past while identifies that they felt that when the consultation was going on it was kind of a backwards approach, and that in fact the solution had been identified before the problem, and that there seems to be a need to introduce this kind of legislation for reasons other than the fact that there is a problem with the degree-granting institutions of this country . . . or of this province. I'm sorry, Mr. Speaker. So it's not clear about that. The information we got also indicated there's a number of other concerns about the Bill.

But I'll go on at this point to talk about the second tenet that the minister identified as being important, and it's the robust quality assurance process. Again, Mr. Speaker, we have a robust quality assurance process in the institutions in Saskatchewan that are granting degrees. They're exempted from the Bill, so the implication is that that quality assurance process is adequate. And yet we have the minister creating a brand new body instituted through appointment through Lieutenant Governor in Council. And he's identified as arm's length but is certainly appointed by the ministry and not by the universities or the degree-granting institutions that currently exist in Saskatchewan. So there's a problem there.

He says that the robust quality assurance process will help . . . and have the necessary expertise to help assess and evaluate new degree proposals. Again, Mr. Speaker, it's not clear what the issue is here. We already have that type of quality assurance process built into our universities. And in fact it's through a

bicameral governance scheme that the quality assurance is being maintained right now. It's healthy. It's robust, and it seems to be working. So we're not sure what the issues are in respect to the quality assurance of the existing process. I don't know, it just seems like maybe we're creating a whole new body that is completely unnecessary and will cost taxpayers money. So we want to look at that closely.

He points out the third tenet of the Bill is to protect the long-standing reputations of the University of Regina and the University of Saskatchewan. And to that end he's assured us in the draft Bill that they're the only ones who get to call themselves a university. And I guess that's a good thing from my perspective because those are the two institutions that are doing the job here in Saskatchewan right now. So it's not clear why we need other degree-granting authorities.

One of the critiques of the Bill that we received was that establishing this quality assurance process and committee will include additional costs with setting up and maintaining those programs, and we're not sure why that's necessary at this point in time.

**The Speaker:** — It now being after the hour of adjournment, this House now stands adjourned until 1:30 p.m. tomorrow.

[The Assembly adjourned at 22:30.]



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