



SECOND SESSION - TWENTY-SEVENTH LEGISLATURE

of the

**Legislative Assembly of Saskatchewan**

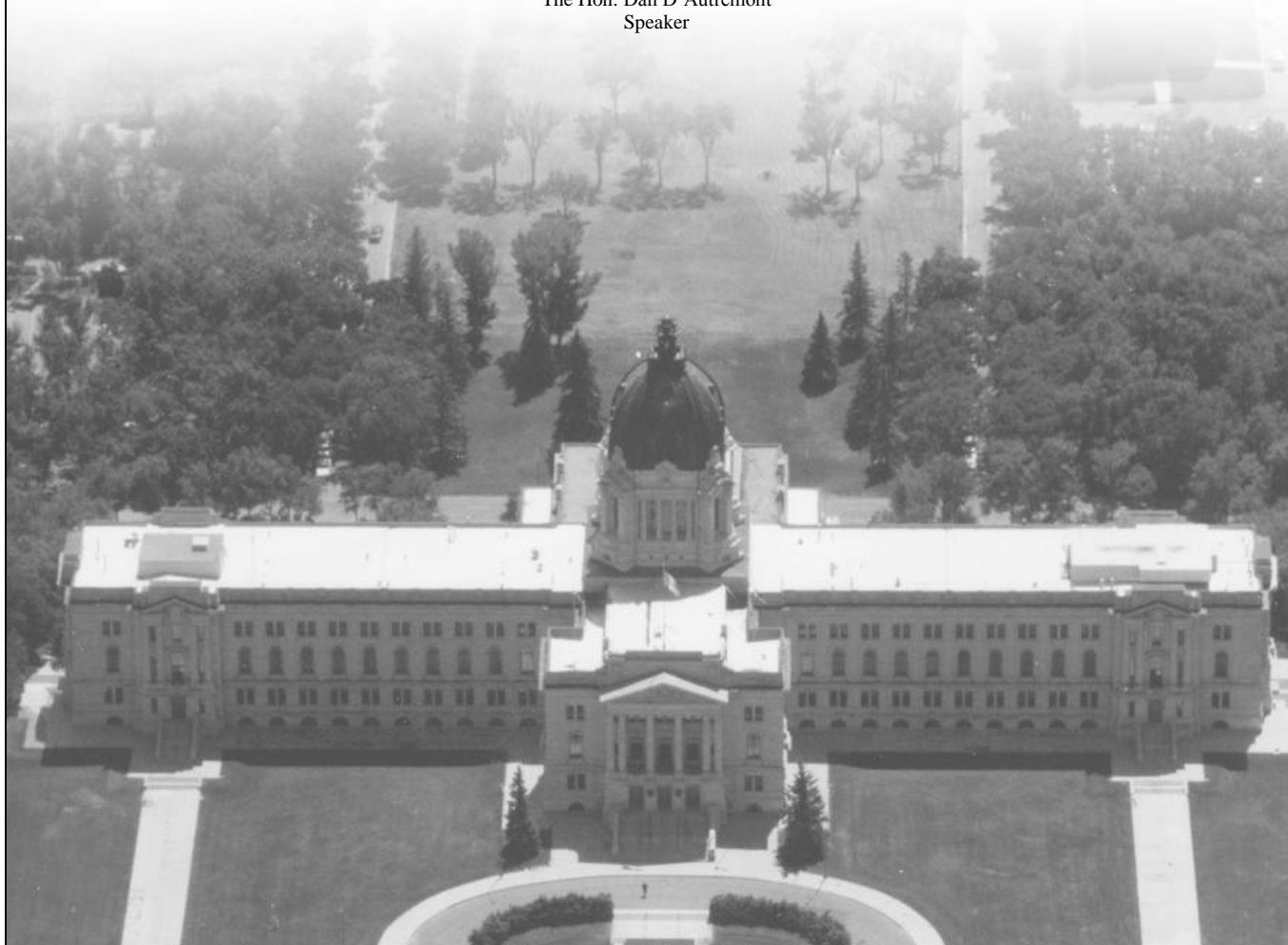
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**DEBATES  
and  
PROCEEDINGS**

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(HANSARD)

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The Hon. Dan D'Autremont  
Speaker



**MEMBERS OF THE LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**

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| Hart, Glen               | SP                           | Last Mountain-Touchwood   |
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| Hickie, Darryl           | SP                           | Prince Albert Carlton     |
| Hutchinson, Bill         | SP                           | Regina South              |
| Huyghebaert, D.F. (Yogi) | SP                           | Wood River                |
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| Kirsch, Delbert          | SP                           | Batoche                   |
| Krawetz, Hon. Ken        | SP                           | Canora-Pelly              |
| Lawrence, Greg           | SP                           | Moose Jaw Wakamow         |
| Makowsky, Gene           | SP                           | Regina Dewdney            |
| Marchuk, Hon. 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           |
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| Morgan, Hon. Don         | SP                           | Saskatoon Southeast       |
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| Tochor, Corey            | SP                           | Saskatoon Eastview        |
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| Vermette, Doyle          | NDP                          | Cumberland                |
| Wall, Hon. Brad          | SP                           | Swift Current             |
| Weekes, Hon. Randy       | SP                           | Biggar                    |
| Wilson, Nadine           | SP                           | Saskatchewan Rivers       |
| Wotherspoon, Trent       | NDP                          | Regina Rosemont           |
| Wyant, Hon. Gordon       | SP                           | Saskatoon Northwest       |

[The Assembly resumed at 19:00.]

### EVENING SITTING

**The Deputy Speaker:** — It now being past the hour of 7 o'clock, we will resume adjourned debates, Bill No. 49, *The Forestry Professions Amendment Act, 2012*. I recognize the member from Cumberland.

### GOVERNMENT ORDERS

### ADJOURNED DEBATES

### SECOND READINGS

#### Bill No. 49

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Cheveldayoff that **Bill No. 49 — *The Forestry Professions Amendment Act, 2012*** be now read a second time.]

**Mr. Vermette:** — Thank you, Mr. Deputy Speaker. And having a lunch, I feel refreshed. And a phone call from one of the constituents saying he got only two minutes of what I was saying, and he was interested. He would like me to repeat some of it. So I said, for you, I will do that, but only for you. So here we go.

I'm going to go through this all over. I was very clearly trying to show what Bill 49, what I think the minister was trying to do or the message he was trying to get across or legislation we're trying to fix. It's a certification, it's showing how the foresters will deal with the profession. And it talks about a seal and being certified, making sure they're qualified to give their opinion about the forest.

And I made it very clear that a lot of people rely on the forest, people that go out there. It's about the environment. There's a lot of conditions that can be impact if we lose our forests. And we know exactly what the forest does.

Now I went back to that, and I talked about the duty to consult and accommodate our traditional trappers because the forest and most of the forest area are covered by a lot of the trapping in northern Saskatchewan. And there are individuals who do respect the forest, who are stewards of the land, stakeholders. They want to be consulted. They want to make sure.

You know, it's interesting. We have an organization like the northern trappers. We also have the Saskatchewan Trappers Association, and I know they had their meeting last weekend or so, or last week. They had their Saskatchewan Trappers Association. We are talking about the Northern Trappers Association. Their meeting is just coming. But having said that, they raise a lot of the concerns. And it's good to go and listen to them at their meetings, whether you go to a trappers' meeting or you go around the table and you talk with some of the trappers and you watch how they handle their grandchildren, their children. And they want to pass on their traditions.

But having said, you know, the concerns, they want to make

sure that whoever, whether it's the forestry industry, whether it's the environment, Department of Environment, the ministry, whether it's the officials, whether it's the minister, whether it's the Sask Party government who are failing to deal with the issues that are at hand to our northern trappers. And it's about the environment. It's about the quality of life. It's about survival. It's about the customs, their tradition, the culture. It's so vital to so many northern people who live off the land, who live their traditional lifestyle.

They're so compassionate, and when you listen to them and you hear their stories of our elders and you talk to the mushom and the kohkom and they express what their life was growing up on the trapline, and you listen to the stories. And so many of them share the stories of a good quality of life, the life they had. But today it's being impacted in so many different ways, whether it's the mining industry, whether it's individuals wanting to harvest the forest where their traditional lands are, where the wildlife that they trap live. And they need the forest and they need that for the wildlife, to make sure that their . . . And I talked earlier about, Mr. Deputy Speaker, about clearly they are stewards of the land. They know exactly how many certain animals to trap and the way they do it, and I watch the stories they talk about.

And you talk to people who have relationships with the trappers and have a good understanding, and it takes a government who's willing to consult, to understand, not just to hear them, but to listen and respond to their concerns and their issues in northern Saskatchewan when it comes to the trapline.

Clearly, you know, clearly the concerns need to be raised in this House. And the government has legislation coming forward, and it has regulations that will impact those communities and the northerners — First Nations, Métis, non-Aboriginal — that trap.

And it's not always just First Nations and Métis, and I understand that, that trap. There are non-Aboriginal people who are northerners who trap. Some of them have been born and raised in the North. That's all they know, and the lifestyle is all they know. And they're proud of that and that culture, the heritage, and they share that openly with people. And they try to educate people from their side of it. And they want to make sure people understand — whether it's harvesting berries, mushrooms, fish, whether it's a deer, the meat — they truly live off the land and live a traditional lifestyle.

And there are many who do that, who want to share that to the next generation. And they do that. And when you go into communities throughout the North, you'll see that, whether it's Wollaston Lake, Southend. There are so many. Whether it's Stanley Mission, you have so many — Pelican Narrows, Sandy Bay — you have so many individuals. Whether it's Hull Lake, whether it's Deschambault, Hull Lake, whether it's Ile-a-la-Crosse. You know, there are so many northern communities, Green Lake . . . [inaudible interjection] . . . No, you can't drive into Wollaston. I'm sorry, my colleague said, drive into Wollaston. Unfortunately that can't happen because the government made a promise to them and then, you know, after the election said, no, we're not going to do that. And that's pretty sad.

But anyway, we'll go on. I want to talk about Bill 49, just using that. And we're going to talk about Bill 49 very clearly. And I'm getting a little bit of help over there and I appreciate that. I like that when they get in on it because they're concerned about it. But I wish they would get a little more concerned about it and actually act on some of the issues rather than just talk about them and put out press releases that they're going to do stuff, and then the Finance minister doesn't do anything about it. Pretty sad. They announce it, then he doesn't follow through on it. Pretty sad.

But anyway having said that, clearly, you have a bill that is supposed to certify. And they talk about the seal, and I've talked about that. And it's clearly that they want to make sure that this group is organized, that they're trained to deal with forestry — which is a serious issue, what impacts our forestry. It is amazing how that helps our environment to clean the air. And people talk about that, and I think that's important.

Now having said that, Mr. Deputy Speaker, I wanted the chance to come back and, you know, just to highlight a little bit about this. We went for lunch; we come back. The seriousness of these issues. There are so many serious issues facing the northern people. And they're raising those issues, whether it's our trappers, our commercial fishermen, whether it's the wildfire management policy this government doesn't want to review or change. Those are the issues that are affecting northern Saskatchewan.

You know, and when we have our trappers and we have individuals asking for a little bit of money, a little bit of help from the government who talks about all the money it has, but no. There's more money to do other things, more money to do other projects that they think are a priority. And northern Saskatchewan, our trappers are not a priority. Like hardwood floor, advertising — get ready for a bad budget — \$92,000. Those are the type of things that the people back in the rural areas that are struggling in northern communities, the middle classes, a lot of people struggling and they don't understand the priorities of that government. And that government needs to respond better. And we'll continue to work on these files and do that.

But having said that, I've got a chance to express some of the concern for the North, about the forests and the way they're going to bring in these regulations. So we've got a lot of questions and we will have in committee and we'll continue. So at this time I'm prepared to adjourn debate on Bill 49.

**The Deputy Speaker:** — The member from Cumberland has moved to adjourn debate on Bill No. 49, *The Forestry Professions Amendment Act, 2012*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Carried.

#### Bill No. 50

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Duncan that **Bill No. 50** — *The Medical Profession Amendment Act, 2012* be now read a

second time.]

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

**Mr. Wotherspoon:** — Mr. Speaker, a pleasure to weigh in here this evening here on Bill No. 50, *The Medical Profession Amendment Act, 2012*. This bill brings forward a couple different changes that are of interest. What I did find noteworthy, and something that I'm always looking for when I'm looking towards legislation, is what's caused this legislation to hit this floor and what sort of consultation has occurred.

And when I look here, certainly at first glance and taking the minister at his word, it seems that there's been significant consultation. That's important. We know that on many fronts this government has rejected consultation with those who are impacted, haven't listened to stakeholders and people that are directly impacted by the choices that they've made.

But in this case it would seem that stakeholders have been engaged. And I'll just reference some of those stakeholders that have been consulted as it relates to this Act, that the minister has referenced. And certainly we'll be following up with our own consultation and our own listening with each of these stakeholders and of course our province as a whole, the people and communities all across our province. But specifically it's been referenced that the College of Physicians and Surgeons has been consulted, so has the Saskatchewan Registered Nurses' Association; the SMA, the Saskatchewan Medical Association; the Association of Licensed Practical Nurses; the Saskatchewan College of Pharmacists; the Registered Psychiatric Nurses Association of Saskatchewan; and all of our regional health authorities.

Now that's what has been put forward as some of the consultation conducted by that minister, that ministry. I suspect that the scope of consultation is broader than that as well, and the minister has referenced that those organizations have certainly put forward contributions and insight into this process. Now it's going to be important for us to fully understand their thoughts on this legislation, any of their analysis they have as well. Because what we do know is that sometimes when this government pushes forward in a bit of a rush with legislation that they've often neglected to do that thoughtful listening and then have created a whole set of unintended consequences, Mr. Speaker, with their legislation.

When I look the couple of changes that are being brought forward here, I see that some of these relate to registered nurses and broadening, expanding the scope of practice for nurses. This is something that, done in a responsible way, it's something that I certainly support. Certainly I want to make sure through consultation that this is exactly what's been done in this case. But it also, as I understand, will allow the college to be able to respond more quickly to some national changes as it relates to nursing, and that's important. So it seems that some of this may have come at the direct request of the registered nurses. That's important.

And I'm very interested in what this means fully on the expanded scope of practice piece, Mr. Speaker, but certainly

I'm a supporter of looking at making sure that we can ensure accessibility to primary care for all Saskatchewan residents, something that's being denied to far too many in Saskatchewan right now, Mr. Speaker, under this government. And we're not making the progress that we should.

And in many ways, Mr. Speaker, as I listen across our province, I know that far too many communities, far too many people are struggling to access those very primary care services that are important to our quality of life, that are important to peace of mind, that are important to the protection that communities are needing. And of course this is to be true in rural Saskatchewan in many circumstances, Mr. Speaker, but it's also to be true in many of our urban circumstances where one of the challenges is access to a family doctor for far too many. So the whole concept of primary health care teams and fully utilizing the health care professionals to their fullest extent in a safe way, in a coordinated way, and finding synergies within them and best meeting the needs of patients is something I support.

So I want to fully understand what the minister is putting forward here by way of discussion of scope of practice for registered nurses. That may be a start. I want to understand what this means on the ground, in communities, in addressing those challenges that exist. But certainly I'm supportive of discussion with our medical professionals as to how do we fully utilize their skills, their abilities, their knowledge to meet the needs of Saskatchewan people.

And of course our focus when we're looking at health care as it relates to legislative changes has to be towards the quality of care to the patient, has to be towards the safety of that patient, and then there also has to be a consideration towards the safety of the health care workers, the health providers, the professionals in the field, in practice in communities across Saskatchewan. And these health providers, through the full range, through our physicians through to our licensed practical nurses and all through the full range of health professionals, provide such vital services to the people of this province. And certainly to them I say thank you for the work they do on a day-to-day basis providing the safety, the security, the health to Saskatchewan people that they deserve.

[19:15]

So that's certainly aspects that I'll be following up, both with our health professionals and certainly we'll be following up as well through the committee process with the minister, just asking him to flesh out just a little bit more as to what this means in a practical way on the ground in the delivery of primary care, and making sure we can do a better job of making sure that whether you're in Kamsack, or whether you're in Torquay, or whether you're in Estevan, or whether in Regina, the access to those services are there for Saskatchewan people . . . [inaudible interjection] . . . And one of the ministers suggested, I just heard something, or a member suggested something about shutting hospitals. And I wouldn't that recommend that to the members opposite if that's what they're contemplating.

And one of the challenges that the members need to realize is that many of these emergency rooms, many of our health centres, many of our hospitals are currently strained right now

because of a failure to meet the challenges and properly providing the resources, the human resources needed to keep those services available in communities.

I call on this government, and if they're suggesting that they're going to be further constraining those services, I'd suggest they need to be stepping it up in the other direction and making sure that we're able to provide those services. And I think certainly the scope of practice of professionals is part of that and to be done in a respectful way, to be done in a respectful way and to be done in a way that makes sure that quality of care of patients is our number one focus.

It's kind of an interesting group across the way here tonight, Mr. Speaker, heckling from the other benches when we're talking about a piece of legislation that should be about providing solutions to Saskatchewan people. And you know, I guess this is, you know, this is coming from the government that's running a set of ads to say that they've got a bad budget coming and that communities should brace for the budget that's coming and the potential cuts that might be in place, Mr. Speaker.

But what we need to make sure is that we are taking the opportunity that exists in this province and addressing the challenges that communities are facing and the opportunity that exists, and that's going to be about making sure we're building those healthier, stronger communities for tomorrow. Certainly making sure the provision of health services and quality health care is something that's critical on those, those fronts.

Another aspect that's important in this piece of legislation for us to fully understand what's being contemplated is that of the privacy and the storage, the transfer and the disposal of medical records. And this is important; it's something that's certainly arisen at various times when sensitive, private, sensitive information has become available to the public or has in some cases been found in dumpsters, Mr. Speaker. And we need, we need to make sure that we're doing all we can as a legislature, as a government, to be making sure that the piece of mind of residents is certain around the storage of their private, sensitive health data.

And what I see here is, I understand, some improvements to ensure just that. And certainly if that's the case — and we'll make sure that these measures are as strong as they can be, as effective as they can be — but it's certainly something that we would support because this is something really important to Saskatchewan people.

And it's not just the storage of those records or the transfer of those records or the disposal of those records. Also I'm thinking about, how are we protecting those records by way of disaster and what protections are we putting in place to make sure that residents have the piece of mind, as I say, that they should deserve.

And in many ways, if you think in the era, the digital era that we live in, we really have to do all we can to make sure that we're not putting the information of Saskatchewan people, their private information in a position that's compromised or threatened. And any attention that government can be putting forward here and any broad consultation with all stakeholders

to make sure they're being as effective as they can be is valued.

So this is, I would hope, a positive step, I believe, in recognizing this challenge. Part of what they've set out to do is to have better access to the information of our physicians and where they're practising and making sure that there is better dialogue, better communication with physicians, whether a physician is joining a practice or leaving a practice. And this has been identified as something that can put data at risk, or I guess strengthen the protection of that data. And in that case certainly I would be supporting any reasonable provisions that have been built out in consultation with Saskatchewan people, with our important health care stakeholders, to make sure we're protecting our data to the fullest extent.

I'd also want to make sure that I had the full opinion of the Privacy Commissioner on this front. And we'll be seeking that through this process as well and, as I say, listening to all stakeholders to make sure that this legislation is as effective as it can be, whether it's the changes to the scope of practice to make sure that we're able to effectively deliver primary care to all Saskatchewan people.

Far too often I hear about inadequate access to family doctors. I hear about lack of access to emergency rooms and to services that are needed, even some of the counselling services that are required. And we need to do a better job as a province with tremendous opportunity in making sure that Saskatchewan people derive those benefits by way of their quality of life. And that access to those health care services are something that's so important.

And by way of the improvements to protecting the data — private, sensitive data — of Saskatchewan people, we certainly need to make sure we're doing all we can to do just that. And certainly this looks to be a step in the right direction, but we need to make sure we're doing our thoughtful consultation with stakeholders.

At this point in time, without further discussion required in this Assembly, I would like to refer this bill to committee. And that being Bill No. 50, *The Medical Profession Amendment Act, 2012*, I now move to committee. Thank you, Mr. Speaker.

**The Deputy Speaker:** — The question before the Assembly is the motion by the Minister of Health that Bill No. 50, the medical professions Act, 2012 be now read a second time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Carried.

**Principal Clerk:** — Second reading of this bill.

**The Deputy Speaker:** — To which committee shall this bill be referred? I recognize the Government House Leader.

**Hon. Mr. Harrison:** — Thank you, Mr. Deputy Speaker. To the Standing Committee on Human Services.

**The Deputy Speaker:** — This bill stands referred to the Standing Committee on Human Services.

## Bill No. 51

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 51 — *The Public Inquiries Act, 2012/Loi de 2012 sur les enquêtes publiques*** be now read a second time.]

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

**Mr. Wotherspoon:** — Thank you, Mr. Speaker. I'm pleased to enter in on discussion of Bill No. 51, *The Public Inquiries Act, 2012*. This bill relates specifically to commissions, to public inquiries that are taken on by the province. And I understand that it's in many ways been pushed to make sure that it's adhering to uniform national legislation, also making it bilingual, which is in compliant with the national legislation. And so in this case it seems to be federal changes or national body changes that are causing us to make changes provincially.

But when I go through the piece of legislation it actually seems that what's being put forward seems to be quite reasonable. I want to make sure as we go through this process that we've done the broad consultation that we need to as it relates the rights of individuals and making sure that this is the most effective and fair way to provide justice to Saskatchewan people.

But certainly it's fair to say that I understand that the former Act hadn't been changed for quite a few years, for many decades. And certainly I recognize the vital importance of public inquiries to providing a service to Saskatchewan people, protection to Saskatchewan people, fairness and justice, and recognizing that in reading some of the justifications for the changes that there seems to be strong rationale for many of the changes that have been put forward.

Now of course what we'll need to do as well with this piece of legislation, as we do with all pieces, is to do broad listening and consulting with stakeholders, with Saskatchewan people and communities, to make sure we fully understand the impacts on those that are on the ground.

And we've also recognized that this is a very important process for us as an opposition because often we've noticed a government that's pushed ahead with a rushed agenda or its own agenda with a selective hearing if you will, Mr. Speaker, only hearing from a selective group of stakeholders and pushing forward their agenda. Now I don't think that's the case with this piece of legislation, but certainly with any piece of legislation it's important for us to make sure that thoughtful, broad consultation has occurred and that it's not selective hearing and an agenda simply of members opposite that's driving changes. What I recognize is that this provides some policy as to the governance of inquiries in Saskatchewan, also providing them statutory powers to conduct those proceedings. That's important.

We recognize as well that the changes that are being put forward have been recently reviewed by the Uniform Law Conference of Canada and that the new public inquires legislation was in fact recommended for implementation across Canada. So that's what the minister has told this Assembly and

sort of the impetus for this legislation.

I also recognize that this is about modernization of public inquiries and making sure that they have the structures, the framework that they need to deal with the various and broad circumstances that they deal with but also have the flexibility required to respond to scenarios that are relevant to today and to our future.

Certain provinces, I understand, have enacted legislation, such as British Columbia and Newfoundland, and I understand that this is in many ways based on that Act. So certainly it might be worthwhile as well to do some consultation with those jurisdictions to understand what their experience has been from a practical perspective on these ends and whether or not public commissions or public inquiries have been commissioned or put forward since legislative changes have, and what learning they've maybe had by way of the changes that have been brought forward.

I understand the current Act has five sections, Mr. Deputy Speaker, and that they've been in force for nearly a century, as I've said. So certainly a modernization to this process would seem to be reasonable, would seem to be common sense. And the current Act provides only a bare framework of powers for the implementation of a public inquiry. And a detailed order in council is required to set out the terms and conditions and operational mandate for any public inquiry, and this is based on the information provided by the minister opposite.

And so what the challenge is is that there's a very base framework in place, and then a lot of this is being driven by order in council directly by executive government. And you know, I think there is some merits in making sure that there's a strong framework that's in place that's well understood, that's transparent, that's consistent, that can be applied to multiple scenarios and then just making sure that the flexibility is still there for the inquiry to have the scope and the role and the mandate that it must.

I understand that the new Act contains specific provisions that change some of the authority in a few different areas and, as stated by the minister opposite, "These include standing and participation, procedure, evidence, compellability of witnesses, investigations, search and seizure, and reporting."

So that's what the new legislation brings forward and, as I say, brings I guess a framework that's stronger than it was before and possibly more clear to the public as to how a public inquiry could be applied.

I also understand that the new Act creates two types of potential commissions, one of which allows it to not be a full judicial inquiry. And I understand that government is suggesting that in certain circumstances, a certain study or examination or analysis is sufficient as an inquiry. And you know, at first blush that seems to make sense. And certainly we'll continue to ensure that's the case through consultation, but reflective as government saying that certain scenarios that a government may wish to apply a public inquiry, don't mean necessarily the full judicial inquiry to be applied.

So the two types that they've put forward, now the one type

would be of the nature of this study commission to research or examine and provide advice on public policy. And this could be really useful on a whole host of areas and certainly, depending on the area that they're entering into, certainly a full judicial inquiry may be something that's not required.

And then there's a second sort of hearing which would be a commission to investigate and make findings in fact, in matters where there's a possibility of finding of misconduct. And that would be, I would suspect, where the full judicial process would be afforded and made fully, fully available.

[19:30]

Maybe those larger scale type inquiries where there's, as it said, a question of misconduct, that's important. But then for some of the smaller scale ones where, you know, there's a study inquiry and able to examine an aspect of public policy, I think certainly it makes sense to have a different structure to those inquiries and not, not necessarily require all the resources of the other. So that's important.

And it would as well I guess, I recognize that the minister suggested is that this leaves less to the order in council and creates stronger terms and conditions, but also does the flexibility required based on, based on specific circumstances around the matter in question. And something that's going to be important is to make sure that this is the type of a piece of legislation that will allow us to work with other jurisdictions. There's a passing mention to that in this piece of legislation, but certainly that's something we're going to want to make sure is practical in the way this legislation is laid out. How do we work with another jurisdiction, federal or provincial, in a public inquiry? And making sure that this legislation allows and enables that sort partnership is something that is important.

Another piece that's very important by way of a public inquiry of course, Mr. Deputy Speaker, is that of public reporting, the timeliness of that public reporting. Of course that information is very valuable to a government to make sure that they're able to make the steps, make the changes, make the protections that are required, hold the accountability in place that's required.

But also it's important for the public to be fully aware. And anything that's examining a circumstance by way of an inquiry, it's important to have timeliness of that reporting. And certainly I support that this calls upon, after two weeks of that being received by government, to then be shared with the public at large. So that's something that I value.

I recognize that the minister goes on to talk about the important flexibility that's in place for a specific scenario and for the role of executive government to exercise its flexibility, and that seems reasonable.

The other aspect here is it talks about making sure that there's, when a public inquiry is finding misconduct against a person, that that person has been given reasonable notice of the allegations and has been provided the opportunity to respond to those allegations. That's an important consideration in ensuring justice and ensuring fairness. I guess my question might be who's deciding that, what's reasonable, and what mechanisms or opportunities exist for someone who's responding to

allegations.

And also the fact that this makes, puts provisions in place to make sure that inquiries are done in the public light, under the spotlight — that's important. It does highlight that it has the ability to make sure that certain matters that could be dealt with privately. And I guess it states here just that the consequence . . . that the hearing be public except where considerations of privacy, the consequence of disclosure of personal information, public interest, or the right to a fair trial weigh in favour of closing a hearing. So that's the statement there. It's maybe a bit broad yet, and I'd want to have a full understanding of who's making those decisions to possibly close an inquiry and not make that available to the public. Certainly for many matters the public involvement and access is important.

This Act puts forward the authority for the communication of an inquiry with the public, the transmittal of that information, and has put forward a bill as well that has consequential amendments, and I'll be speaking to that.

So what I see here is a bill at first blush that seems to be reasonable. Wanting to make sure that where there's areas of discretion, that we understand who's making those decisions and making sure that that's as fair as it can be. Making sure that the framework that's been built out is a framework that can apply to all scenarios, and then that the flexibility that's afforded is a flexibility that's going to be as effective as it can be and to make sure that the administration of public inquiry is as effective, as fair as it should be.

So you know, certainly making sure that a public inquiry moving forward is enabled and supported is something that's important to me. It's certainly an important aspect of protecting the public and providing fairness, providing justice. And the steps that have been put forward seem to come from a reasonable perspective. And we'll be just making sure through our consultations that we fully understand the impacts on all stakeholders, the views, the analysis of all stakeholders that are impacted — making sure that this government has listened in this case. It seems as though that may have occurred in this case.

We know far too often with that government, Mr. Speaker, they exercise selective hearing, that they only listen to a select few, those that may be close to them, Mr. Speaker, as opposed to the many and to all, and making sure they understand all the . . . not just the intended consequences but also the unintended consequences in driving legislation, making sure that we are building legislation that's going to serve the best interests of all Saskatchewan people, not just today but well into the future. And that's certainly the consideration and the lens that we'll be applying to our further analysis to this piece of legislation.

I believe we've had enough discussion of this bill on the floor of this Assembly. What I do look forward to is further discussion, consultation with stakeholders — or this side of the Assembly does — and certainly we look forward to having the minister clarify some of what is broad right now and making sure he's specific as to the changes. And so as it relates to Bill No. 51, *The Public Inquiries Act, 2012*, I would now move it to committee. Thank you, Mr. Speaker.

**The Acting Speaker (Mr. Tochor):** — The question before the Assembly is the motion by the Minister of Justice that the Bill No. 51, *The Public Inquiries Act, 2012* be now read a second time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Acting Speaker (Mr. Tochor):** — Carried.

**Principal Clerk:** — Second reading of this bill.

**The Acting Speaker (Mr. Tochor):** — To which committee shall this bill be referred?

**Hon. Mr. Harrison:** — Thank you, Mr. Speaker. I designate that Bill No. 51, *The Public Inquiries Act, 2012* be referred to the Standing Committee on Intergovernmental Affairs and Justice.

**The Acting Speaker (Mr. Tochor):** — The bill stands referred to the Standing Committee on Intergovernmental Affairs and Justice.

#### Bill No. 52

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 52 — *The Public Inquiries Consequential Amendments Act, 2012*** be now read a second time.]

**The Acting Speaker (Mr. Tochor):** — I recognize the member from Regina Rosemont.

**Mr. Wotherspoon:** — Thank you, Mr. Speaker. I'm pleased to weigh in on Bill No. 52, *The Public Inquiries Consequential Amendments Act*. Of course this is in direct response to Bill No. 51, *The Public Inquiries Act, 2012*, consequences of that legislation, and so as such it's practical in nature, changing Acts, various Acts, doing so I understand in English. The other one was bilingual. And really it's simply a consequence to make sure the Act can be applied. And this Act again is driven by national recommendations to ensure uniform legislation across Canada. Other provinces have stepped forward, as I understand, and have brought forward Acts to provide some refinements to their Acts by way of how public inquiries are managed, how they're struck, how they're mandated, and certainly recognizing that the legislation that's in place has been in place for many years.

And the rationale that's been laid out by the minister seems to be quite rational, quite reasonable, quite common sense. We certainly see merit in the changes. The question is just making sure that the changes as described by the minister don't come with some unintended consequences that aren't described by way of his comments in the Assembly, and making sure we've done so in full consultation with all those that are impacted.

But making sure that we have our public inquiries in a position to be effective today and well into the future is something that is important. The changes that allow both flexibility of executive government but less flexibility than has been in place in the past and a broader framework that applies to all circumstances is something that I value.



And one of the other aspects that seems to make a lot of sense is to break out two different types of inquiries. Those that require the full judicial inquiry, those of the larger scale consideration, those that are considering findings of misconduct — making sure that all resources are available for those types of inquiries are certainly important, Mr. Speaker. And then understanding that inquiries are helpful, useful, important to Saskatchewan people and the government on other matters of a policy nature sometimes or other circumstances, that those types of study commissions or those that are there to examine, research, and make recommendations back to government aren't necessarily required to have the full judicial inquiry is something that seems to make sense to this member of the Assembly, Mr. Speaker.

In the days, weeks, months ahead, we'll certainly be conducting full consultation with all stakeholders to make sure that that's their analysis as well, to make sure that the kind of consultation that we'd expect has occurred on this legislation. I've said a few times, Mr. Speaker, that often we've been disappointed. Far too often we've been disappointed by this government for utilizing selective hearing, Mr. Speaker, only listening to those sometimes that are close to them, Mr. Speaker, not listening to those on the ground, all those that are impacted, people across our province, the communities across Saskatchewan. And we'll be making sure that's not the case with this piece of legislation.

It does seem to be driven by very reasonable changes on a national agenda in being uniform with other jurisdictions on this front, but also to respond to some of the practical, modern challenges that we face in conducting public inquiries.

So at this point in time . . . We will certainly spend time in committee, certainly be spending time with listening to stakeholders as it relates to this legislation, listening to Saskatchewan people and communities, Mr. Speaker, to make sure we're able to bring forward their voice; to make sure we're building legislation that's as effective as it can be; to make sure we're doing all we can to make sure that public inquiries are in a position to serve the public's interests in the way that they should be; making sure that that reporting is done in a timely way back to the public and that governments are going to be in a position to have that information, but the public's also going to be in that position to have that information; and being willing to understand the kinds of changes that we need to be working towards together in this province.

But at this point in time, I thank the minister for the comments he's put on to the record. We will certainly seek further clarity from him and his officials at the committee structure. But at this point in time as it relates to Bill . . . I'd like to move in fact Bill No. 52, *The Public Inquiries Consequential Amendments Act, 2012* to committee. Thank you, Mr. Speaker.

**The Acting Speaker (Mr. Tochor):** — The question before the Assembly is a motion by the Minister of Justice that Bill No. 52, *The Public Inquiries Consequential Amendments Act, 2012* be read the second time. Is it the pleasure of this Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Acting Speaker (Mr. Tochor):** — Carried.

**Principal Clerk:** — Second reading of this bill.

**The Acting Speaker (Mr. Tochor):** — To which committee shall this bill be referred? I recognize the Government House Leader.

**Hon. Mr. Harrison:** — Thank you, Mr. Speaker. To the Standing Committee on Intergovernmental Affairs and Justice.

**The Acting Speaker (Mr. Tochor):** — This bill stands referred to the Standing Committee on Intergovernmental Affairs and Justice.

### Bill No. 53

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 53** — *The Miscellaneous Statutes Repeal Act, 2012 (No. 2)* be now read a second time.]

**The Acting Speaker (Mr. Tochor):** — I recognize the member from Cumberland.

**Mr. Vermette:** — Thank you, Mr. Deputy Speaker. I'll join in on debate on Bill 53. And looking at this bill, it's housekeeping items that they're going to clear up and repeal some of the legislation that's in there maybe for years. But I'm going to go through line by line with these because they're interesting, because I can use these to talk about some of the conditions that are happening in our province. And some of these programs, you know, they're repealing them but it's exciting to hear. And I think I want to show some examples, like in one of the areas where right away I'm thinking about.

[19:45]

There are some federal regulations, and it seems like it's simple housekeeping. You don't want to be . . . When we talk about fruit, vegetables, and honey, the sale in our province, and we realize there's federal regulations and inspectors so they're repealing some of the legislation. Makes sense. It's housekeeping, you know, pretty simple stuff and we'll go ahead. But you know, that's one area and that's fine, and I understand there is still protection for people so citizens of our province will know that the federal regulations come into play and they will protect the fruit, the vegetables, and the sale of honey. And that's pretty simple.

But you go into some of the ones, the other ones that they're going to repeal. And it's interesting, just the wording that they talk about. And it's interesting to see. You know, you talk about municipal development and loans, like interesting time when we have our municipalities in northern Saskatchewan. And I'm going to show some of the problems that the infrastructure, the challenges that our leadership . . . And they're doing an excellent job; I want to say that. Municipalities are working hard on behalf of the people that elect them and they trust them to take care of their dollars and the funds, the public dollars, tax dollars that are given, just like they've given the government, Sask Party government, the opportunity in the election. And we know it. Nobody, you know, disagrees with that. That's fine. They're there. But they also make it very clear: take care of the dollars. Trust that's put in, and repealing this one . . . And I

want to show the example, and I want to show reference.

And you know, you want to build bridges to communities to make sure they have the infrastructure. Oh, except for in Prince Albert. You can't build, you know; there's not enough push to do that. You can't build. And to the North — no second bridge for there to go towards the communities in the North when we have an industry.

And they talk about, they talk about the booming economy. This government talks about the booming economy. In northern Saskatchewan where there's an opportunity, P.A.'s [Prince Albert] working hard. And I give credit to the community of Prince Albert because the citizens are not going to stand still anymore. The leadership, the mayor and his council are working hard to make sure.

So when I see a bill like this being repealed, it's just interesting to see it's being repealed when it's something that could help communities, but we're repealing it. And I understand there might be reasons because they're saying they're housekeeping items, and I understand that. But I see the good work that the good people of Prince Albert, the mayor and council and the citizens . . . And not only in Prince Albert; in the North relies on that bridge, and if that bridge goes down . . .

So when I see about them repealing certain things, that's very concerning to me, you know. And I know they're saying — again I want to go back — these are housekeeping items that they're taking care of. Well why don't they take care of . . . And maybe it's time that the members from Prince Albert fight for a second bridge for the municipality of Prince Albert, but they don't, and the MLAs [Member of the Legislative Assembly] in the surrounding areas. They're quiet, very quiet, you know, the members in the area of Prince Albert.

Who's fighting for them? We have to. Our critic for Highways, myself, the mayor and council are doing an excellent job. The community, the petition, they're raising a lot of concern.

That second bridge would have given opportunity to northern Saskatchewan as well with the economy booming. And we keep hearing about the jobs and the mining. And you know, the government likes to have photo ops and brag about it. They take care of their inner friends and we know that. So there's an opportunity here for the government to do the right thing. Will they? No, because they made their decision. P.A. and area is not important.

It's not a priority for this government when the government has more money than it knows what to do, more money except for — you know what? — except for very clearly, Mr. Deputy Speaker . . . They do for hardwood floors, and I've said that — 22,000 for the Premier's office, hardwood floors. They have money, lots of money for advertising, 92,000 to tell the people, get ready for a budget that may not be so good. That's pretty sad. That's their priorities. Or they've got millions for more MLAs.

Now I want to come back to this bill. And you know, just talking about Bill 53, they're repealing things, and we don't know exactly what communities will be impacted by repealing these loans to municipalities Act that they're repealing. It's

very concerning. Could the community of Prince Albert, could maybe they have got the government to come up with some money to help them? I don't know if that loan would have helped them, but it's in there. We're repealing it.

And it's interesting when I see . . . Now here's the other one: "*The Municipality Improvements Assistance (Saskatchewan) Act* is repealed." They're going to repeal that. Now assistance — oh, like the community of Air Ronge, La Ronge, whether it's infrastructure, whether it's in our smaller northern communities, whether it's in our rural communities that are struggling with infrastructure — could that have assisted those communities? But we're repealing that because we don't need that program anymore.

Well that's odd. Could that program have worked? And what is in place? And I think in committee we have to ask these questions. What is in place then to cover off the lack of the Sask Party government's responding to the municipalities and the infrastructure in our province?

Now you're repealing this Act. Now by repealing this Act, does this really leave the municipalities stuck now, holding the bag with infrastructure because maybe this provision assistance program that we're repealing could have actually assisted those municipalities with infrastructure and helped those community members have the quality that, in a province of ours with the growing economy and everything going really good, here's where we go? And here's the problem where people are saying the Sask Party government is not in touch with the people of our good province, whether it's middle class, whether it's people living in poverty, whether it's people who are working sometimes two and three jobs to make ends meet. Our young people, our seniors on fixed income, how are they being helped by this government's priorities? That's the problem. They're not. They're not.

So when we look at them repealing certain areas of legislation because they're saying, well we don't need those, so I understand the vegetables, the fruit, and I understand the honey because the federal regulations cover that. So I understand that. They're the federal government's responsibility and they're covering that, so we can repeal it. But here's what I'm saying: you're removing loans and assistance to municipalities. You're repealing. So is the federal government the one that's going to kick in the money? How are those communities like Prince Albert to build a second bridge? And other communities, how does that happen?

Unfortunately, Mr. Deputy Speaker, those are the realities. Those are the challenges that we're being faced with. The government misses the responsibility to the people. It's pretty sad — pretty sad that, you know, you're removing provisions that would have given the municipalities what they're asking for. And that's what the municipalities are asking for, is support by a government when the government has so much money. And they keep talking about that, yet they're spending \$92,000 to advertise, get ready for the March 20 budget. It's not good. It's not good.

People are wondering about how can your priority . . . Or more MLAs. It's shocking. It's just shocking to see a government willing to repeal assistance programs, loans to municipalities.

Now they say they're housekeeping. Well while they're cleaning up these housekeeping items, who is going to assist? Who will assist the municipalities and the community members who are struggling? Who do we know? Who do we know? It's pretty sad, pretty sad.

You know, at the end of the day, here we have a Sask Party government who doesn't care about municipalities, about the people. Look at Prince Albert's second bridge. Look at before the election. Oh yes. And you had the Premier of the province going there for a sold-out supper. And I think his words were, yes, P.A. needs a second bridge. It was something like that. I'm not sure exactly the quote, but people are saying that.

So that was before the election. But after the election . . . Members said, oh yes, yes, P.A. needs it. P.A. needs a second bridge. Now the election's over. They were elected and what happens? Those poor communities, municipalities, that this one may be assistance program that they're going to repeal, or a loan. I don't know. They're going to get a loan? Were they going to give them money out of their pocket or what to loan them to build a bridge? Like who knows?

But you know, people in Prince Albert, you know, deserve respect — the citizens, our seniors that work hard. Northern communities deserve to have access to Prince Albert, and they do. They work together. Those communities work together. They see the need. And you'll see northern municipalities supporting the industry. You'll see the New North doing its job to bring awareness to this government. And I hope the government will listen to them when the New North brings . . . [inaudible].

When you look at the mining industry, you know, all you'll have to do is have one accident on the bridge, Prince Albert bridge, and then what happens? One accident of one of the big trucks, and then what's happening? So is it time for a second bridge? And I mean the government says they're not going to support a second bridge for P.A.

Well before the election . . . Like I want to be clear, and this is really, you know, this is really frustrating. I've talked to some people from the P.A. area just recently this weekend and they're very frustrated. And they're saying they're not going to sit back. They're going to do something. And they're saying, where are their MLAs? Where are the surrounding MLAs in the area? How come they're not fighting for P.A.? How come you don't hear a word from them? Not a word anymore. Where are they?

Well you know what? Why don't they talk to their . . . I guess they can go bang on the table if they would like to. Go do something at least. Stick up for the people of Prince Albert and say, let's develop a loan. Let's get assistance program for the municipality of Prince Albert to build them a second bridge. Let's do that. Could they do that? But no, here they're repealing stuff.

So I'm really curious. And we're going to go through these because these are going to give us an opportunity to discuss. We see communities struggling with infrastructure. We see constant communities asking for more help from government because of the infrastructure need. And we see some of the

infrastructure that's falling apart in some of the cities. And the cities are doing a good job of trying to balance out the resources, and I give them credit. They're doing what they can, but unfortunately when you see a government that has the type of priorities that the government has . . . [inaudible] . . . When it had money coming in, there was so much money in the coffers, they were just spending it wherever they could spend it, their priorities.

But if you're not . . . Well I guess if you're not in the inner circle, if you don't have the right connections I guess you don't get any of that money. It's only for, you know, what is that? I guess the inner circle group. And if you're connected, then you might get some of that money. If you're not connected, maybe you don't get any of it.

So when we look at municipalities and the repealing of these Acts, it's kind of, it's alarming I think to a lot of people out there who are truly struggling, whether our seniors, whether it's municipalities.

And you look at — I want to talk about a little bit about because I think this is good — the rural municipalities, they're doing an excellent job. You know, we look at farming families out there. And unfortunately since the Sask Party has taken over, let's look how many farm families have left the farm. Does anyone know the numbers? We're doing a little bit of research and people are giving me some numbers, and those numbers are alarming, small farm families that are leaving the rural areas. Why is that? Why are so many families in the rural area and farm families struggling today? They're small farmers trying to make ends meet. So we're hearing those kind of stories and they're sharing that.

And that's pretty sad, pretty alarming. So nobody, nobody can say, you know . . . Clearly there are some families out there, and there are big farm companies out there doing quite well. We know that. Some of the bigger producers, we know that they're doing well. But there are small farm families out there that are struggling.

And I know the Sask Party are bragging and they want to yell that they're all doing good. Well maybe they need to go back to their rural communities and find out exactly what's going on. Like it's time that they ask, because I heard some of the farmers out there. And the small family, the small family farm are struggling. It isn't as good. So we see that.

So talking about that, somebody has to stick up for them because you don't hear much from the members opposite. They're in government, and some of the backbenchers at the cabinet table, they don't get a chance to say anything. They say, well we can't say anything because we're not a minister. Well what are you doing then? Like, do something. Speak up. Fight for the constituents that are struggling in this province. Do the right thing. Don't just worry about the little clique. There's a little clique and a little group of ministers that get to make the decisions. Fight — stand up and do something. Say you need to fight for those individuals. That's what you were elected to do to come here, not sit there and be quiet, sit on your hands, read a member's statement every once and a while. Do some fighting for the people that asked you to represent them.

And I talk about trust. You know, just keep doing what you guys are doing as a government, the men and women on that side. Just keep doing what you're doing, the members opposite. Keep doing, the members of the government, and you will pay a price at the end of the day. The people will hold you to account. They will. They've entrusted you. You were elected here, and you are trusted. Just remember that.

And you know what? Maybe the Premier won't be as popular as everyone thinks in the next election, and maybe there aren't going to be so many backbenchers sitting around here. You made it in. Remember that. Remember that. The people decide who comes here — the people. And they trust, and they put that trust in individual candidates. You have to earn that trust, and you have to be able to fight for them. And that's what they ask.

It's a simple thing. Go to their doors, and you tell them what you're going to do for them. And you say, yes, here's what I'm going to do, and if they try to get more MLAs, I will fight for them. You share that information with them. You don't not share that with them. Everyone's expecting good times. So it's interesting to see.

Now at this time I've got more I want to say and I would like to say because there was an opportunity to go through some of the . . . and show comparisons. And you know, people just sometimes they just want to know that somebody is speaking up for them, somebody is fighting for them. And I'll do exactly that — bring in the concerns here. And my colleagues do that, and they do a fine job to raise the concerns, not like the government. We hear what the people are saying. They raise the issues, and we bring those issues here, and we try to fix those situations with the government.

[20:00]

And sometimes we work in co-operation with the government. Certain legislation, it make sense for Saskatchewan people. And I'll be the first to say that. I'm willing to work.

But I'll tell you one thing: when a government doesn't want to work and take care of certain areas — whether it's northern Saskatchewan, whether it's the rural area, whether it's urban, whether it's First Nations, Métis, whether it's any of our citizens in this province, whether it's our seniors, our youth, our young students — when a government turns their back and quits listening to the issues and doesn't support the working men and women of this province, then, you know, we will bring those issues. And we will speak loud for them. We will make sure their concerns are raised in this House.

And those are the individuals that, come the day for an evaluation, will evaluate every one of you sitting on that side of government and how your track record is. And trust me, you are developing a record. People are watching. And it's taking one stone in your backpack at a time. Just keep doing it. But you know, you keep talking about . . . And you know, they can chuckle some days when we raise issues, and the members opposite will laugh and they think things are funny. And there will be a price for that. There will be a price for that. Mark my words. And my colleague from Athabasca says that.

You know, you've been granted the trust of the people, and I've

said that I'm sincere when I say that. You have. And I fight for the people back home. And I will work with the government when I can, in co-operation. But when the government won't listen to the issues, whether it's facing our northern trappers, our commercial fishermen, our First Nations, our Métis communities, our municipalities, our students, our mushom, our kohkom, when they won't respond to the issues facing northern Saskatchewan and you can't work with them in co-operation, then you have to do what you can to make sure people hear the issues and fight the government and get people to vote against the government.

And I want to say one last thing about this, and it's in a movement, you know, the movement that's very clear that's going on, the Idle No More movement. Those are issues that people are raising, concerns. And they're doing an excellent job in this province and all over Canada of raising the issues, raising the issues that mean something to people. If you think that the people are sitting quiet, they are silent no more. They are going to raise their voice. And if you look at social media, you look at all the areas where the Idle No More movement is moving, it's amazing to watch.

And maybe the P.A. second bridge needs to get that group saying, help us with this; how do you do it? Because it's amazing the way that grassroots movement is moving. It isn't leaders. It isn't, clearly, it isn't the leaders. It isn't. It's the grassroots movement that's leading it. And it's got support by many leaders supporting it, supporting the Idle No More movement. And it's amazing to watch. They're moving forward and they're getting ready for a battle. And they're going to be silent no more.

And they're going to vote. Come provincial and federal elections, they are going to vote. They're youth, and they're sitting no more. There's so many of them. And they're going to wake up and they're going to send a message to governments who have not responded to the needs of their communities, of their grandpas, their grandmas, of the next generation. They will voice their concern. So at this time, Mr. Deputy Speaker, I'm prepared to adjourn on Bill No. 53.

**The Acting Speaker (Mr. Tochor):** — The member from Cumberland has moved to adjourn debate on Bill No. 53, *The Miscellaneous Statutes Repeal Act*.

**Some Hon. Members:** — Agreed.

**The Acting Speaker (Mr. Tochor):** — Carried.

#### Bill No. 54

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 54** — *The Seizure of Criminal Property Amendment Act, 2012* be now read a second time.]

**The Acting Speaker (Mr. Tochor):** — I recognize the member from Saskatoon Nutana.

**Ms. Sproule:** — Thank you very much, Mr. Deputy Speaker. It's my pleasure to rise this evening to speak to Bill 54, *The Seizure of Criminal Property Amendment Act, 2012*. And sadly

I won't be able to be nearly as informative and entertaining as my predecessor colleague in his comments, the member from Cumberland. And I'm sadly going to have to get into the nuts and bolts of this bill and just look at it clause by clause because that's the way I roll, Mr. Deputy Speaker.

So first of all just some general comments on the comments of the minister when he introduced the bill back in November. And what he indicated here was that the bill was passed originally in 2009, so this is a new bill that's now being amended — or newer bill anyways — is now being amended.

When that bill was passed, it gave the provincial government authority to take responsibility for seizing criminal property processed from the police services. What he indicated, the minister indicated that there have been some successful seizures under the legislation since it's been enacted, but the council for the ministry and the operational staff have identified a number of changes to make it more efficient and effective.

So the first thing he indicates the bill does is change the definition of instrument of unlawful activity, so I will get into that in a little bit. The second big change is that the director now is allowed to make application to the courts by way of statement of claim, and prior to that it was only through a notice of motion. So I'll speak to that in a minute. And further the bill will make procedural changes allowing for a sealing order regarding the respondents' affidavits. So I'll get into that a little bit as well.

And his closing comments — and his comments were quite short on the bill — his closing comments indicated that the legislation represents a balance between due process for individuals who may face an allegation of holding criminal property and ensuring that criminals do not benefit financially from their criminal activities. So that was the essence of the comments of the minister when he introduced the bill in November.

Certainly this type of legislation is no stranger to Canadian law and indeed a number of provinces have some form of civil forfeiture Act or civil remedies Act. We know that Ontario was one of the first to do that, but since they passed their bill back in 2007, I think — or no, sorry, 2001 it first came into force — a number of provinces have also passed similar bills including British Columbia, Alberta, Saskatchewan, Manitoba, and Quebec.

So if we want to just take a look, Mr. Deputy Speaker, at the actual changes that are being proposed, the first major change that we see is a change to the definition of instrument of unlawful activity. And in order to look at that, we'll take a look at what it said originally, and that is found in the 2009 bill under clause 2(i). So what this bill does is add some substance to that. And what it does, originally the clause said, it was an instrument of unlawful activity was property that was used to engage in unlawful activity, and they're adding “. . . or was likely to result in or was intended to result in the acquisition or production of property . . .”

So I think what this does, Mr. Deputy Speaker, is it allows for a bit more flexibility and actually quite a bit more breadth of scope for the director when they are trying to determine

whether there is an instrument of unlawful activity. So I think you could imagine there's a number of things that could be fit into that definition and it gives a lot more breadth for the enforcers in this particular Act. There may be some concerns on the part of civil libertarians to say that this could infringe on people's personal rights because not only is it property that has been actually used to engage in unlawful activity, but it's property that “. . . was likely to result in or was intended to result in . . .” So you're taking away certainty there and adding a lot more of a vague definition.

Now I assume this was done because the actual enforcers of the law and, as the minister indicated, his lawyers and his operational staff have indicated these changes. I'm pretty sure the minister wouldn't have heard these changes from people that are actually engaged in unlawful activity because it definitely expands the scope of what can be seized under the law. And when cars are being seized and homes are being seized, in this case you could seize a home if it was used or if it was — what's the word again? — was likely to result in unlawful activity. So that's a pretty broad scope for some very significant seizure abilities on the part of the ministry and the director. So I think that's something that needs to be watched as this bill, if it is passed and when it's passed, how the courts will interpret these clauses because it is much broader than it was prior in 2009.

There is a change to the definition of defendant. There is a new definition that's being added, and that's the new clause 2(e.1). So there is now a definition of defendant, and that isn't anything particularly significant. I think it's probably helpful for interpretation.

The definition of respondent has been amended in this case to include applications for notice of motion and possible respondent, so the definition of respondent under section 2(t) has been expanded.

The next clause that's being amended is clause 3, and in clause 3 there is a new clause being added after subsection 3(1) and that's subsection 3(1.1). So section 3 is about how to apply for a forfeiture order and it's all part of part 2 of this Act, which is how property is actually taken by the director.

So in order to seize people's property, the director has to make an application to the court, and they're applying for a forfeiture order. So the director just can't go in and take your house, for example. He would have to go to the court first, give his evidence, and then the court would make the order. So the new clause that's being added there is . . . well, the existing clause is he can apply to the court if he's satisfied that the property is proceeds of unlawful activity or an instrument of unlawful activity. And now it's saying this can be made by two ways to the court. You can either do it by way of notice of motion or statement of claim. So it's up to the director; he has the discretion to determine how the action is, how the application is made to the court. So that's a change now.

It's not clear to me from the minister's comments why a statement of claim is preferable to a notice of motion and why a notice of motion wasn't sufficient, so that is something that maybe would require some clarity when we get to the committee stage. Maybe we could ask at that point just for

some clarification on that distinction.

Section 3(3) of the existing Act details how you would make an application or how the director would make an application for a forfeiture order. There are a number of things he must do. He has to describe the property for which the forfeiture order is sought with enough detail, and then he would name the respondents or defendants as the case may be. So if it's notice of motion, it would be the respondent, and of course if it's a statement of claim, it would have to be a defendant. So that change was required to bring in the statement of claim provisions that are being introduced.

And what this clause also does — and if you look at the explanatory notes that were provided with the bill, we're describing what has to be in the application — what this is doing is removing reference to the owner of the property as an individual that must be named as a respondent. And what this does is allows the director to proceed where it's difficult to determine who the actual owner is or how to serve them for the purposes of an application under the Act.

Quite often when there's . . . I think the law enforcement officers might know there is criminal activity going on but they don't know who the owner of the car or the house or the activity, when they can't easily determine the owner, this will still allow for an application to the court to forfeit even though it's not absolutely sure who the owner is. So I think that's something that will greatly assist the law enforcement people and the director himself or herself when they are trying to forfeit this property.

Again I think civil libertarians will probably take exception to this type of broad clause where you can actually apply to forfeit property where you can't even say who the owner of the property is. And certainly it's a broad power and it's one that I would hope and anticipate that the law enforcement people and the directors won't take advantage of unduly, because this is a really sweeping, broad power when it comes to seizing people's personal property. And I expect the minister will get some pushback from the civil liberties groups who are concerned about freedom of the individual and their property. When we start talking about seizing people's property, this is a fairly broad and maybe invasive clause. So we'll see how this is interpreted by the courts.

[20:15]

The next change that we see in the bill is in clause 3(3). No, that's the one I just referred to where we now are taking out the requirement for the owner to be identified. We're now going to look at clause 6(1)(a) of the old Act because that's the next change in the new Act or the new bill. And in 6(1)(a) there's a change there because it's no longer just a respondent. It could be a respondent or a defendant.

So this is regarding *ex parte* applications. *Ex parte* applications are applications made where, I believe it's where the defendant or the respondent are not able to be served. They're not locatable. So we go back to where there's no clear certainty as to who the owner of the property is so there's no real, actual name to put there, or that there's no one to serve. Then the application can be made *ex parte* which means the other party

isn't actually there when the court is hearing the application. So there's a change here in 6(1)(a) where we're taking out the word "respondent" and adding ". . . the person named in the *ex parte* application as the respondent or defendant." So that's another change.

Then if we're looking at clause 6(5), there's an extension of time here. So clause 6(5) is how long the order can be made for. And originally it was 30 days, and it's being changed to 60 days. So I'm assuming that the ministry's officials and the lawyers are finding that that's just not enough time for the order to be in existence. So it's being doubled to 60 days. No further comment there.

Clause 6(6)(b) has been repealed now, and there's a change which allows an extension of the order. So 6(6) is how you would get the order extended. And in this case, the first part of the section, 6(6)(a), talks about how the notices have to be going out. But in (b), it used to say "for a further period not exceeding 30 days from the date that the extension is granted." So the original clause limited the extension to 30 days. The wording that's being suggested here is that the period ". . . be determined by the court or until there's a further order of the court." So this gives the court the discretion to extend the application or the order . . . Sorry, the application to extend the order can be for a period of time that would be determined by the court, and it would be entirely in their discretion to decide what the appropriate term would be.

Further in section 6 . . . which I didn't really talk about what this section is about. It's about how the orders, interim orders regarding the property are made. It's a fairly long section, and probably one of the key sections of the original bill. So we see that they're adding or suggesting that we add two more clauses to that procedural clause.

6(11) is a new clause, and this is one that the minister referred to about a sealing order. And what he said is this will now provide for the order to be sealed regarding the respondent's affidavits, provided that they're not charged with an offence. So if we look at the explanatory notes for this new clause, it says, well basically it just says it ". . . provides for a sealing order with regards to a respondent's affidavits."

So this is something we may have further questions for the minister on in terms of how and why a seal would be necessary in this type of application or affidavit. So I guess what it's saying is that when they're responding or defending the order, the court could allow their affidavits to be sealed and not reviewable by anyone except the court or a party to the proceedings. So that may protect their identity, I suppose, if they're people that aren't actually involved in the crime but somehow became peripherally involved. I assume this is a protection for the individuals, but that's something that the minister didn't clarify in his comments, and we would look for further clarification on that once this bill is being reviewed in committee.

Following that there's another new subclause and it's basically an ability to change the orders. So the new subclause 6(12) reads, "On application by the director, the respondent or defendant, the court may vary, amend or rescind an order granted pursuant to subsection (11)." And that's the order for

sealing. So just a basic procedural clause there, Mr. Deputy Speaker.

Section 7 of the original Act talks about forfeiture orders and that's not being changed. Section 8(1) deals with protection orders and 9(1) or section 9 deals with protected holders of prior registered interests. That's not being changed. Section 10 is other people entitled to a protection order. That is not being changed as well.

The next part of the Act is the conduct and the proceedings themselves. And in this case there are a few changes that are being made, one fairly substantive and the rest are rather procedural. So the first change is in clause 12, and 12, section 12 is entitled the "Proof of offences." So in this case if an application is made:

In an application pursuant to this Act:

(a) proof that a person was convicted, was found guilty, or was found not criminally responsible on account of mental disorder, with respect to an offence is proof that the person committed the offence.

So because this kind of action can be taken with civil courts, there has to be a way to bring in proof from criminal courts as to the culpability of the individual or, as it says, as to the mental state of the person named in the application. So it allows for proof there.

The second part of the clause currently says that:

(b) evidence that a person was charged with and acquitted of an offence, or that such a charge was withdrawn or stayed, is not relevant in making a finding of fact.

So although we can bring in proof when they are actually convicted and that's something that supports the case, the judge is not entitled to take into account if a person was found not guilty or the charges were stayed. And this goes quite a bit further; the change that's being proposed at this time is to add another part to that clause. So here we're saying now the new changes, that even if they weren't even charged with an offence, that can't be taken into account in this civil procedure, which goes pretty far. When you think about the burden of proof or the test that's used in civil courts, it's far lesser of a test than what you would find in the criminal courts, which is beyond a reasonable doubt. In civil trials we're only looking for reasonableness or a balance of probabilities.

So in this case, someone's house could be seized, Mr. Deputy Speaker, and if it can be shown they were charged with a criminal offence and found not guilty or that the charges were withdrawn or that they were even never charged, that kind of information cannot be used in making a finding of fact. So I would think again civil libertarians are going to take a very close look at this kind of bill and see whether it actually infringes people's personal rights because it's a very broad, broad — especially their property rights — it's a very broad application and there could be some concern from people's property rights where, you know, it's an important right for people to have. And for courts to be able to come in and take people's property is of concern, Mr. Deputy Speaker. So we'll

have more questions for that when we get to the committee stage.

We're also looking at a change to section 17, and this is the new process. And I think it's the most substantive change in the bill because, as I indicated earlier, prior to this amendment the only way for the director to bring an application was by notice of motion. And now we're adding section 17.1, which is entitled proceedings by statement of claim. And it's a fairly long clause. I won't get into the details on that, but it just sets out the rules for that kind of procedure. I think that's the biggest change to the Bill for sure.

Section 35, now we're going to jump ahead. The rest of the clauses that I'm not referring to are basically procedural. But there's a wee change being made in section 35, and that's the addition of 35.1, and it's just a limitation on the proceedings. So we're saying that an application can't "... be commenced after two years from the day on which the director becomes satisfied that the property is proceeds of unlawful activity or an instrument of unlawful activity." So what that's doing is just saying the director only has two years to bring the application, and that's within ... notwithstanding *The Limitations Act*, which I believe is six years now, but I'm not exactly certain about the length of time in *The Limitations Act*. So notwithstanding *The Limitations Act*, the director must bring the application within two years.

There's a new section being added after section 38. And section 38 is whether or not the director could be compelled in any other proceeding to give evidence. And it's saying it cannot, so you can't force the director to give evidence in a criminal procedure, for example.

The newest section that's being added is 38.1, and that's evidence based on information and belief is admissible with respect to any application pursuant to this Act. So I'm assuming that there was some clarity required for the type of evidence that is being allowed. Again, the minister did not talk about this a whole lot, other than that evidence is now admissible based on information and belief, and this is in order to lessen the burden on testifying police officers. So, that's something that obviously the council responsible for this bill have thought as appropriate.

So, Mr. Deputy Speaker, basically those are my comments on the individual clauses in relation to this bill. As I indicated, I think there is some very broad sweeping powers that are found within the original bill in 2009, *The Seizure of Criminal Property Act* where people's property can be taken on application to the court by the director. And the director, I believe, is identified in section 6 of the Act and that would be somebody appointed by the minister to act as the director. And, I'm just going to back to the definition of director. Sorry, section 22 of the Act is where you find the appointment of the director. I'm just going to make a quick reference to that as well. The minister can appoint anyone as the director and may appoint one or more people as deputy directors. So it's entirely within the minister's power to appoint a director who can go in and seize people's personal property on the belief that they're involved in criminal activity.

It's a broad power, and it's one that I think could be subject to review under the courts. As far as I know it hasn't yet, but this

is . . . [inaudible interjection] . . . and my colleague is referring to the money. There is some numbers in on terms of how much money this government has taken in. As of the year-end, to March 31, 2012, we see there is about half a million dollars already that's been put in the revenue fund, \$500,000 for these properties that have been forfeited. Now naturally, this is also intended to assist law enforcement people from sophisticated criminals who are able to distance the proceeds of their crime from the actual criminal activity.

So it's always a balance. I think that's what necessary. I think this bill is trying to find that kind of balance, but we see a broadening of the powers of the director here. We see a larger scope for the director to make his applications. And those kinds of things, I think, Mr. Deputy Speaker, really need to scrutinized and looked at closely by us in committee and also by the courts because these are people's personal rights that are being affected.

So at this point, Mr. Deputy Speaker, I believe that's the extent of my comments on this bill. And we're looking forward to having an opportunity to talk to the minister and his officials in committee, so I would like to refer this bill to committee.

**The Acting Speaker (Mr. Tochor):** — The question before the Assembly is a motion by the Minister of Justice that Bill No. 54, *The Seizure of Criminal Property Amendment Act, 2012* be read a second time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Acting Speaker (Mr. Tochor):** — Carried.

**Principal Clerk:** — Second reading of this bill.

**The Acting Speaker (Mr. Tochor):** — To which committee shall this bill be referred? I recognize the Government House Leader.

**Hon. Mr. Harrison:** — Mr. Speaker, I designate that Bill No. 54, *The Seizure of Criminal Property Amendment Act, 2012* be referred to the Standing Committee on Intergovernmental Affairs and Justice.

**The Acting Speaker (Mr. Tochor):** — This bill stands referred to the Standing Committee on Intergovernmental Affairs and Justice.

I recognize the Government House Leader.

**Hon. Mr. Harrison:** — Thank you, Mr. Speaker. In order to facilitate the attendance by members at this evening's meeting of the Commonwealth Parliamentary Association, I move that this House do now adjourn.

**The Acting Speaker (Mr. Tochor):** — It has been moved that this Assembly do now adjourn. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Acting Speaker (Mr. Tochor):** — Carried. This

Assembly now stands adjourned until tomorrow at 1:30.

[The Assembly adjourned at 20:30.]



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