



THIRD SESSION - TWENTY-SEVENTH LEGISLATURE

of the

**Legislative Assembly of Saskatchewan**

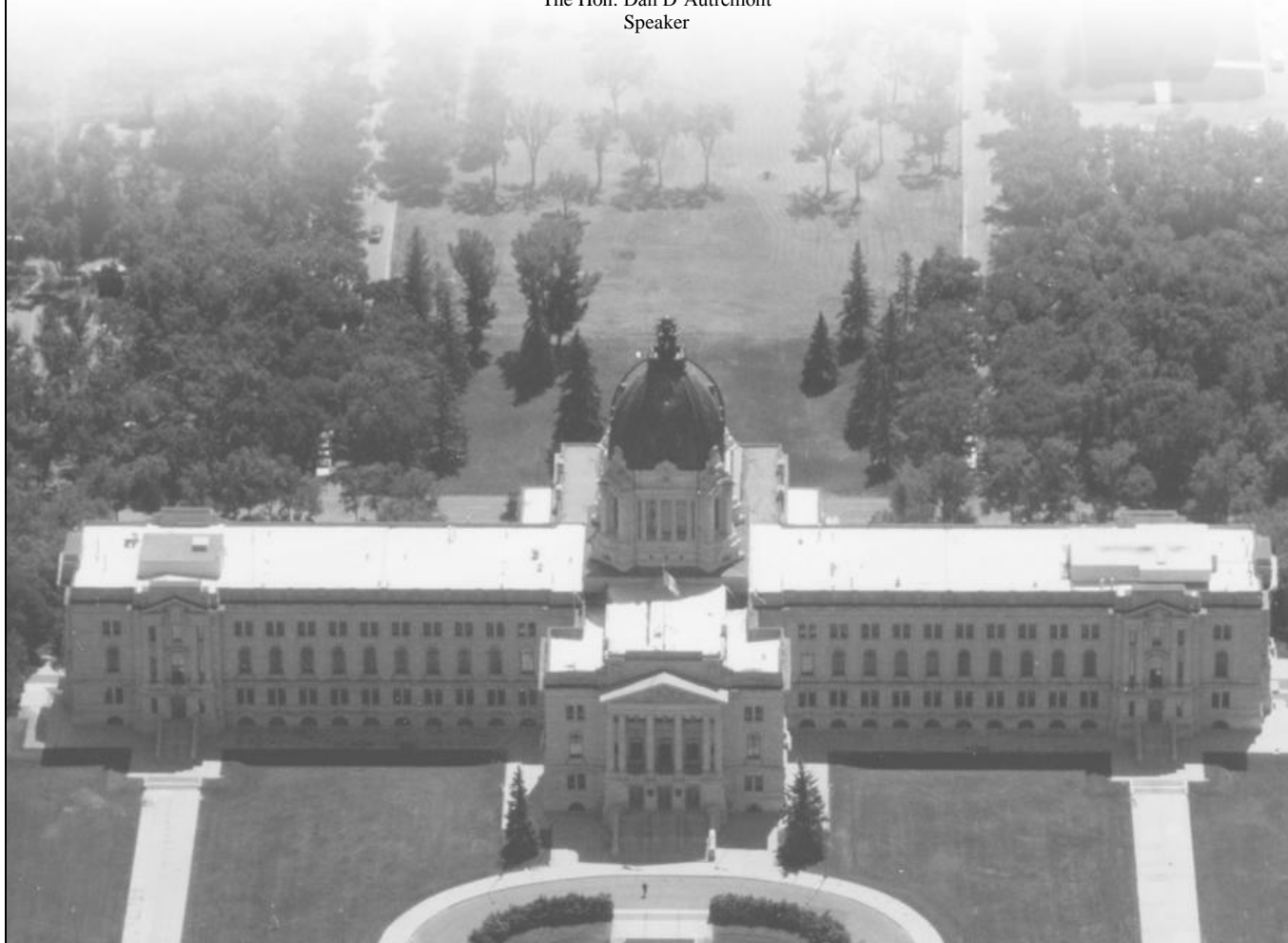
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**DEBATES  
and  
PROCEEDINGS**

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(HANSARD)

Published under the  
authority of  
The Hon. Dan D'Autremont  
Speaker



**MEMBERS OF THE LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**

Speaker — Hon. Dan D’Autremont  
 Premier — Hon. Brad Wall  
 Leader of the Opposition — Cam Broten

<b>Name of Member</b>	<b>Political Affiliation</b>	<b>Constituency</b>
Belanger, Buckley	NDP	Athabasca
Bjornerud, 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, Hon. 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, Hon. Nancy	SP	Martensville
Hickie, Darryl	SP	Prince Albert Carlton
Hutchinson, Bill	SP	Regina South
Huyghebaert, 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, Laura	SP	Regina Qu’Appelle Valley
Sproule, Cathy	NDP	Saskatoon Nutana
Steinley, Warren	SP	Regina Walsh Acres
Stewart, Hon. Lyle	SP	Thunder Creek
Tell, Hon. 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, Hon. Randy	SP	Biggar
Wilson, Nadine	SP	Saskatchewan Rivers
Wotherspoon, Trent	NDP	Regina Rosemont
Wyant, Hon. Gordon	SP	Saskatoon Northwest

[The Assembly met at 13:30.]

[Prayers]

### TABLING OF REPORTS

**The Speaker:** — In accordance with provisions in section 14.1 of *The Provincial Auditor Act*, I table the 2013 report volume 2.

And in accordance to section 80.3 of *The Legislative Assembly and Executive Council Act, 2007* and in accordance with the *Rules and Procedures of the Legislative Assembly of Saskatchewan*, I table the Legislative Library annual report for the period of April 1, 2012 to March 31st, 2013.

### ROUTINE PROCEEDINGS

#### INTRODUCTION OF GUESTS

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

**Hon. Mr. Stewart:** — Mr. Speaker, it's my pleasure to introduce to you and through you to all members of this honourable Assembly, producers and industry representatives seated in your gallery. I'd like to recognize first — and I ask them to wave when I introduce them — Levi Wood from the Western Canadian Wheat Growers Association; Wayne Truman, SaskCanola; Murray Purcell, Saskatchewan Irrigation Projects Association; Tim Oleksyn, producer from Prince Albert and Chair of the Ag Development Fund board; and Dave Marit, president of SARM [Saskatchewan Association of Rural Municipalities]. And I also want to recognize the entire SARM board of directors and I hope I don't miss anybody: Tim Leurer, Rod Wiens, Doug Steele, Norm Nordgulen, Don Taylor, Harvey Malanowich, and Ron Stevens.

Mr. Speaker, earlier today we learned that Stats Canada has estimated Saskatchewan's 2013 crop production is a record 38.4 million tonnes. This surpasses the growth plan target we had set for 36 million tonnes by 2020. The credit for this accomplishment goes to our producers and our entire industry.

I ask all members to join me in thanking these industry reps for all they do for our province, congratulating them and all producers on this significant achievement, and welcoming them to their Legislative Assembly.

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

**Ms. Sproule:** — Thank you very much, Mr. Speaker. And on behalf of the official opposition, we too want to congratulate all the producers in Saskatchewan for a fantastic crop year and production year. And I also want to welcome these individuals from the various groups here from Western Canadian Wheat Growers, SaskCanola, the irrigation board, Ag Development Fund board, and the SARM board for all your contributions to the industry here in Saskatchewan. And we want to welcome you to your Legislative Assembly. Thanks.

**The Speaker:** — I recognize the Minister for Government Relations.

**Hon. Mr. Reiter:** — Thank you, Mr. Speaker. Mr. Speaker, to you and through you to this Assembly, I would like to introduce a couple of people that are sitting in your gallery, Mr. Speaker, staff members in my office and the Minister of Government Relations office. We have Meaghan Kosloski, administrative assistant, and with Meaghan is Linda Roy. Linda's a senior administrative assistant, and she's accompanied today by her husband, Guy.

Mr. Speaker, Linda's had a lengthy career in public service, including stints in Education, Advanced Education, and Health. And in 2007, she joined the staff in the building here, Mr. Speaker, as administrative assistant in Advanced Education. For the last 18 months, I've had the opportunity to work with her.

And the reason I'm telling you this, Mr. Speaker, is because later this month, Linda will be retiring. Mr. Speaker, her and her husband, Guy, I think are planning on spending much of the cold winters in sunny Arizona. They've purchased a property down there, and they're very much looking forward to it. And I would ask all members to not only welcome Linda to her Legislative Assembly but also to wish her well in her retirement. Thank you, Mr. Speaker.

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

**Mr. Forbes:** — Thank you very much, Mr. Speaker. I'd like to introduce to you a few special guests that are in the galleries today.

We have in the east gallery, Mr. Larry Hubich, president of the Saskatchewan Federation of Labour, and also Heath Smith of the SFL [Saskatchewan Federation of Labour] staff. And in your gallery, we have Kirby Benning, president of the Saskatchewan firefighters here again, well for the second day in a row. So I ask all members in joining me in welcoming them to their legislature. Thank you.

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

**Hon. Mr. Morgan:** — Thank you very much, Mr. Speaker. I'd like to join with the member opposite in welcoming these three individuals to the Assembly today. Mr. Hubich and Mr. Smith are no strangers to the people here, but I would like to take this opportunity to thank Mr. Hubich for his contribution to the advisory committee over the last year. And I'd like to thank all of the people that participated on that, and would of course like to recognize and welcome Mr. Benning back who was of course, as people know, here yesterday and no doubt will have some interest in legislation that's being introduced later today.

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

**Mr. McCall:** — Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to all members of this Assembly, two individuals seated in the eastern gallery. I'm speaking of Nathaniel Cole and Taylor Apperley. Now Nathaniel is an activist, he's a community-minded individual, and it's good to see him here today in his Legislative Assembly.

But you'll forgive me, Mr. Speaker, I want to say a special word of how good it is to see Taylor Apperly here today in her

Legislative Assembly. I've known Taylor since before she was born, and she's now a second-year university student at the University of Regina. And she comes from a pretty proud line of community activists. Her grandmother used to be active helping Allan Blakeney in north central Regina. She used to help pinch the perogies for the annual bake sale. Her mother works with me in the Regina Elphinstone-Centre constituency office and does a tremendous amount of work for the people of Regina Elphinstone-Centre and Taylor, who's got the mind and the heart to carry that proud tradition on. So it's really good to see Nathaniel and Taylor here today at their Legislative Assembly.

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

**Mr. Merriman:** — Thank you very much, Mr. Speaker. It is my honour and privilege to introduce my better half to her Legislative Assembly, my wife, Leane Durand, sitting in your gallery, Mr. Speaker. Mr. Speaker, she is a 10-year businesswoman in Saskatoon, recently featured as a huge entrepreneurial success with her editorial that was on the front page of the *National Post* about a month ago. So very proud of her. Very proud that she is promoting Saskatchewan in many, many ways and also, one foot at a time, improving the footwear in Saskatchewan. So thank you very much to my wife for all of her support while I'm down here working on behalf of the people of Saskatoon Sutherland. Thanks, Mr. Speaker.

#### PRESENTING PETITIONS

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

**Mr. Forbes:** — Thank you very much, Mr. Speaker. I rise today to present a petition calling for greater support for anti-bullying initiatives. And we know that bullying causes serious harm, and the consequences of bullying are devastating, including depression, self-harm, addictions, and suicide, and that other provinces have brought forward legislation and various tools and programs showing swift and effective government action. We know that bullying is a human rights issue, one of safety and inclusion. I'd like to read the prayer:

We, in the prayer that reads as follows, respectfully request that the Legislative Assembly of Saskatchewan take the following action:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly call on this government to take immediate and meaningful action to protect Saskatchewan children from bullying because lives of young people are at stake and that this government must do more to protect our youth.

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

I do so present. Thank you, Mr. Speaker.

**The Speaker:** — I recognize the Opposition Whip.

**Mr. Vermette:** — Mr. Speaker, I rise today to present a petition because the leaders and residents of northern Saskatchewan are concerned about seniors' care in the North. The Croft report of

2009 showed a serious shortage of long-term care beds for seniors, and the problem has only gotten worse. The seniors have done their part for this province, and it's time for the government to do their part. And the prayer reads:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the government to treat northern Saskatchewan senior citizens with respect and dignity and to immediately invest in a long-term care facility in the La Ronge area.

And it's signed by many northern Saskatchewan residents. I so present.

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

**Mr. McCall:** — Thank you, Mr. Speaker. I rise to present a petition in support of replacing the gym at Sacred Heart Community School. Mr. Speaker, the petitioners point out that the gym at Sacred Heart Community School in north central Regina is now quite literally falling apart, has been closed indefinitely, and is no longer safe for students or staff. The petitioners are well aware that there is a temporary solution that has been provided in refurbishing the old sanctuary at the old Sacred Heart Church, but they call for a permanent solution.

The petitioners also point out, Mr. Speaker, that the Sacred Heart Community School is the largest school in north central Regina with 450-plus students, 75 per cent of whom are First Nations and Métis. They point out that enrolment has increased by 100-plus students over the past four years and that attendance and learning outcomes are steadily improving. And they point out that as a matter of basic fairness and common sense, Sacred Heart Community School needs a gym.

In the prayer that reads as follows:

The petitioners respectfully request that the Legislative Assembly of Saskatchewan take the following action: to cause the Sask Party provincial government to immediately commit to the replacement of the gymnasium of Sacred Heart Community School.

Mr. Speaker, this petition is signed by citizens from Regina. I so present.

#### STATEMENTS BY MEMBERS

**The Speaker:** — I recognize the member for Cut Knife-Turtleford.

##### Collaborative Emergency Care Model a Success

**Mr. Doke:** — Mr. Speaker, I'm pleased to stand in the Assembly today to speak about the success of the Maidstone Collaborative Emergency Centre during its premiere months. The success of the new model or new care model which opened in September is terrific news for the Maidstone community and Prairie North Health Region.

The 24/7 CEC [collaborative emergency centre] model was introduced to address the challenges of providing health care in rural communities. This model of health care delivery ensures

the community has access to stable, reliable primary health care, reduces emergency room visits, and increases patient and provider satisfaction.

Of the patients seen at the Maidstone CEC during its first two months, less than a quarter had to be transferred to hospitals in Lloydminster or North Battleford for more intensive care. The remainder were able to get the care they needed in the comfort of their own community, Mr. Speaker.

Mr. Speaker, this model was the first of its kind in Saskatchewan. Introducing this innovative model of health care delivery in our province was the result of collaborative effort by many partners to improve patient care, and it was great to see Maidstone lead the way.

Mr. Speaker, I ask all members to commend the Maidstone Health Complex, Prairie North Health Region, and all other supportive partners on a successful implementation of the CEC model. Thank you, Mr. Speaker.

**The Speaker:** — I recognize the Opposition Whip.

#### Remembering Catherine Charles

**Mr. Vermette:** — Mr. Speaker, it is with a heavy heart that I stand to recognize the life of Catherine Charles.

Catherine Charles was a deeply respected elder of the Lac La Ronge Indian Band. She became known for her large family gatherings attended by many children, grandchildren, and great-grandchildren. She was and is a pillar of our community. I am lucky to have been included among the many community members Catherine welcomed as part of her extended family. I am grateful for the love and support she gave me.

Over the years, Elder Catherine played an important role providing guidance and support on many topics and issues that affected our communities. She fought hard to overcome adversity, personal tragedy, and the struggle facing Aboriginal women. Elder Catherine showed her love of children and community through the La Ronge school committee, and also as a representative with Indian Child and Family Services. In her lifetime, Catherine served on many boards and committees within our community.

I was honoured to have nominated and presented Catherine with the Queen Elizabeth Diamond Jubilee Medal last December at the family Christmas meal. Elder Catherine was an insightful woman. After winning the Saskatchewan Centennial Medal in 2005, she humbly suggested there was much yet to be done for her people.

Mr. Speaker, I ask all members of this Assembly to please join me in recognizing the kindness, wisdom, and caring spirit of Elder Catherine Charles. She will be truly missed. I and many others will have her in our hearts and prayers. Tiniki, Catherine.

[13:45]

**The Speaker:** — I recognize the member for Melville-Saltcoats.

#### Record Harvest in Saskatchewan

**Mr. Bjornerud:** — Thank you, Mr. Speaker. Mr. Speaker, earlier today StatsCan released the 2013 crop production numbers, and I'm pleased to report that Saskatchewan producers have harvested the largest crop in the province's history at 38.4 million tonnes. This is a 40 per cent increase above 2012 production, a 48 per cent increase above the 10-year average, and a 63 per cent increase since 2007. Mr. Speaker, this record crop is not possible without the hard work of everyone involved in our agriculture industry across Saskatchewan, especially our producers.

In 2012, as part of the Saskatchewan plan for growth, we set out an ambitious goal of increasing crop production by 10 million tonnes, from 26 million tonnes to 36 million tonnes by 2020. Many people thought it couldn't be done. But, Mr. Speaker, our producers have achieved the goal in just two years by producing this 38.4 million tonnes this year.

And while we know the weather plays an important role in producing a record crop, we should not discount the innovation and technology that goes into producing a successful crop. Saskatchewan is home to one-third of Canada's agriculture biotech research. Our producers are world leaders in adopting new technology and research, and it certainly showed this year.

Mr. Speaker, while we achieved this growth plan goal, we know there is more work to do to maintain this level of production. Mr. Speaker, I ask this Assembly to join me in thanking our producers for their dedication and commitment and to congratulate them on producing the largest crop in Saskatchewan's history.

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

#### Professor Wins Community Service Award

**Ms. Sproule:** — Monsieur le Président, je tiens à féliciter un de mes électeurs francsaskois qui a récemment reçu un prix très spéciale.

[Translation: Mr. Speaker, I would like to congratulate one of my Fransaskois constituents who has recently received a very special award.]

Professor Wilfrid Denis was presented the Margaret Dutli Professional and Community Service Award last month for his activism in the Fransaskois community. This special award aims to acknowledge sustained involvement in and commitment to community service by a St. Thomas More faculty member.

Professor Denis has worked tirelessly trying to secure community minority rights and encourage the thriving Fransaskois culture and language rights in this province. He has been an advocate, spokesperson, and policy maker for the French community for over three decades.

Dr. Denis has been a Saskatoon Francophone School Board member and was involved in the creation of the first French as first language school in Saskatoon. He's also a member of the provincial Fransaskois foundation and Chair of the fundraising

committee of la Fédération des Francophones de Saskatoon. Dr. Denis has helped raise over a quarter of a million dollars for the creation of a Fransaskois community centre. These are several examples of how Dr. Denis has contributed to his community in his 30-plus years of leadership.

His intense engagement with the Fransaskois community has made Professor Denis an invaluable contributor to the St. Thomas More College's mission and a deserving recipient of the Professional and Community Service Award.

I ask all members to recognize the tireless work of Dr. Denis in shaping and contributing to the Fransaskois community in this province. Thank you.

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

#### **Honouring Whitewood Volunteer Firefighter**

**Mr. Toth:** — Thank you, Mr. Speaker. Last weekend I had the honour of attending a retirement service for a constituent of mine, Mr. Gordon Johnson of Whitewood. Gord is retiring after donating his time as a volunteer firefighter for a remarkable 54 years, Mr. Speaker. He has also managed the duties of the Whitewood volunteer fire department as fire chief since 1968. Mr. Speaker, you can be sure that he has jumped from a dead sleep on many nights, as well as raced out in all kinds of weather, in response to fire calls over the years.

Volunteer firefighters like Gord are invaluable to a community, Mr. Speaker, and we owe them many thanks for the work they do in addition to their regular jobs. We also thank their wives and families for their ongoing support.

Many volunteer firemen trained under Gordon's leadership and, thanks to his dedicated efforts, the local volunteer fire department grew into one that can respond to a variety of fire and rescue calls with some of the best vehicles and equipment available. While Gordon never asked for recognition or thanks, it was an honour for his fellow firemen from the Whitewood volunteer fire department to invite the community to honour him last weekend.

Mr. Speaker, I ask all members to join me in thanking Mr. Gordon Johnson and all the volunteer firefighters across this province for his contributions and their contributions to volunteer firefighting in the province of Saskatchewan. Thank you, Mr. Speaker.

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

#### **2014 Saskatchewan Winter Games**

**Ms. Jurgens:** — Thank you, Mr. Speaker. I rise in the House today to share some good news about the 2014 Saskatchewan Winter Games, which will take place February 16 to 22 in Prince Albert. The games will bring approximately 1,800 youth athletes from across the province to compete in 16 different events during the week-long event.

On Friday my colleague from Prince Albert Carlton and I were privileged to attend the announcement that the 2014

Saskatchewan Winter Games would receive up to \$125,000 from the Saskatchewan Games Council. The funding will be matched by the city of Prince Albert host organizing committee, which would take the maximum amount received up to \$250,000. The Winter Games organizers plan to use the funding for facility upgrades and new equipment purchases ahead of the 2014 event.

Mr. Speaker, this funding is a tremendous opportunity for the games to leave a legacy for all sports happening in the city of Prince Albert, as nearly all of them will receive some sort of support from the grant. Al Dyer, chairman of the Prince Albert 2014 Saskatchewan Winter Games, feels the legacy the updates and new equipment will leave will provide better competition for all sports.

Mr. Speaker, I ask all members to join me in thanking the Saskatchewan Games Council for their generous contribution and in wishing the 2014 Winter Games organizing committee all the best for a successful event. Thank you Mr. Speaker.

**The Speaker:** — I recognize the member for Estevan.

#### **Festival of Trees in Estevan**

**Ms. Eagles:** — Thank you, Mr. Speaker. Mr. Speaker, this past weekend, Estevan's St. Joseph's Hospital Foundation hosted its first ever Festival of Trees, which I attended. It was a fantastic weekend to ring in the Christmas season that included plenty of seasonal activities, as well as a beautiful hall full of decorated trees and Christmas ornaments.

The well-attended dinner featured a great traditional Christmas feast and allowed people to support the St. Joseph's Hospital Foundation through an auction of the decorated trees donated to the event, as well as many other auction items. Guests were also treated to a special Christmas performance by the well-known musical comedy act, The Arrogant Worms.

The event did a great job of raising awareness about the meaning and purpose of the Hospital Foundation and was also a great way for the community to give back to the local hospital that maintains and saves the lives of family and friends.

Mr. Speaker, the Festival of Trees was a huge success, thanks to the great work done by event organizer Becky Conly, Greg Hoffart, the sponsors, and volunteers from the community. Mr. Speaker, I ask all members to join me in congratulating the St. Joseph's Hospital Foundation and all those involved in this successful event. Thank you.

#### **QUESTION PERIOD**

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

#### **Emergency Room Wait Times**

**Mr. Broten:** — Thank you, Mr. Speaker. We've had a fair bit of discussion about emergency rooms over the past few weeks. The auditor's report released today contains some very concerning information about the state of emergency room care here in the province. Even if you don't count the length of time it takes from showing up at the ER [emergency room] to being

triaged, nearly half of the patients who show up in the emergency room are not seen within the recognized minimum standard time frame. To the Premier: how on earth is it acceptable that nearly half of emergency room patients in our province are waiting longer than the recognized minimum standard time frame?

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

**Hon. Mr. Duncan:** — Thank you very much, Mr. Speaker. The Provincial Auditor has made a recommendation to the Saskatoon Health Region as it relates to triaging emergency patients. Mr. Speaker, the health region accepts those recommendations. And in fact, Mr. Speaker, the health care system in this province will be incorporating much of those recommendations within the emergency room, emergency department wait time initiative, which has set a goal for this province to eliminate waits in the emergency department by 2017.

Mr. Speaker, we have identified a number of ways to improve the flow of patients within emergency rooms by reducing those people that are in the hospital waiting for either discharge or admission to long-term care in Saskatoon Health Region. That's down 22 per cent over the last two years.

Mr. Speaker, we're also looking at doing some innovative things around primary health care, Mr. Speaker, increasing the hours of primary health care such as the Meadow clinic here in Regina that is open from 9 to 9, seven days a week, and over the course of December will in fact be open until midnight, Mr. Speaker.

We also have integrated a new bed management system that will significantly help the flow of patients in emergency rooms and free up emergency room physicians to deal with new patients that come in.

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

**Mr. Broten:** — Mr. Speaker, even if you leave out the length of time it takes for someone waiting to see a triage nurse, Mr. Speaker, nearly half of the patients who show up in emergency rooms are not seen within a time frame that is recognized as a minimum standard. That's shocking, Mr. Speaker, and that's not acceptable. We know it's far worse, Mr. Speaker, if you actually include the length of time people wait in the triage line.

The auditor says that processes are not in place to address this problem, and in her report she calls on this government to put processes in place that do not exist, Mr. Speaker, in order to address this issue. To the Premier: when will the government put processes in place in order to ensure that emergency patients in our province are not waiting for unacceptably long periods of time?

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

**Hon. Mr. Duncan:** — As I have mentioned before, Mr. Speaker, the Saskatoon Health Region does accept the findings of the Provincial Auditor and will be working to implement those as well, Mr. Speaker. The system as a whole will be looking to incorporate the findings of the Provincial Auditor as

we work towards a province-wide zero wait time initiative within emergency departments, Mr. Speaker.

The members opposite in the past have talked about a national paper that came out from the Canadian association of emergency room physicians. Mr. Speaker, they identify a number of ways to improve emergency care. I'll talk a little bit about those.

Improving primary care access. Mr. Speaker, we're doing that through initiatives like the Meadow primary clinic.

Improving EMS co-ordination. Mr. Speaker, Saskatoon Health Region at St. Paul's for example has reduced the handover time from emergency personnel through EMT [emergency medical technician] to the emergency room staff by 90 per cent. As well, STARS [Shock Trauma Air Rescue Society] here in Regina, Mr. Speaker, we're seeing significant turnover time, reducing the turnover time because the helicopter will now be able to land right at the hospital.

And engage in process improvement management. Techniques such as lean have shown that many hospital and ED [emergency department] processes can be simplified. Mr. Speaker, we're leading the way in Canada on this front.

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

**Mr. Broten:** — Mr. Speaker, the Health minister is suggesting that everything is great and that we're leading the way. It is the Provincial Auditor who says that the processes are not in place and nearly half of the people showing up at the ER are not receiving care within a recognized minimum standard time frame. The auditor also says, Mr. Speaker, the way that this government measures wait times in ER doesn't actually reflect the reality that patients experience.

The government only calculates ER wait times after patients have been triaged. But we know the length of time that the patient can wait for the triage can be significant. The health region says most patients wait at least 25 minutes and the auditor talks about patients waiting over an hour just to be triaged. ER times shouldn't be something that this government manipulates in order to make the picture look rosier than it actually is.

My question to the Premier: when will this government start accurately reporting ER wait times?

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

**Hon. Mr. Duncan:** — Mr. Speaker, just as soon as the Leader of the Opposition starts to accurately portray the picture that is actually taking place in Saskatchewan. The Provincial Auditor has identified this in Saskatoon Health Region, Mr. Speaker. Saskatoon Health Region accepts the findings of the Provincial Auditor and is working to make improvements. In fact, Mr. Speaker, we have begun a province-wide initiative to eliminate wait times within emergency departments by 2017. We've brought together all the health regions just in the last three weeks in this province, Mr. Speaker, to start to put together the benchmarks that will be used province-wide so that we have a consistent measure across the province, Mr. Speaker.

So, Mr. Speaker, we acknowledge that this needs to be improved and that's why we've set a target that nobody will wait for emergency department services by 2017. We're not afraid to set those goals, Mr. Speaker. Mr. Speaker, we don't disregard the findings of the Provincial Auditor on this front. And we will be implementing this, and we will be achieving our goal.

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

**Mr. Broten:** — Mr. Speaker, the Provincial Auditor accurately describes the situation. Recommendation here on page 232:

We recommend that the Saskatoon Regional Health Authority accurately measure and report the total wait time, starting from the patients' arrival into its emergency departments until the time they see a physician [Mr. Speaker].

The auditor reports that one of the big problems affecting our emergency rooms is that patients are waiting far too long to be admitted to the hospital. The auditor found that 40 per cent of ER beds are occupied by patients waiting to be admitted to acute care beds. Four out of every 10 emergency room beds occupied by people just waiting to get into a regular hospital bed.

The auditor notes that the government has a goal to reduce the time that ER patients wait to be admitted to acute care beds, but she says, "It has not yet identified action plans or established processes to achieve this goal." My question to the Premier: why not?

[14:00]

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

**Hon. Mr. Duncan:** — Mr. Speaker, the Provincial Auditor is correct, and not just in Saskatoon Health Region, to have a province-wide goal to, not just Saskatoon Health Region, to have a goal of having no ER, emergency department waits by 2017. It's a province-wide goal, Mr. Speaker.

That's why, just in the last three weeks, after the Provincial Auditor would've completed their work on this important file, Mr. Speaker, we had a stakeholder session, a two-day session in Saskatoon where we brought together all health regions and other stakeholders like the SMA [Saskatchewan Medical Association], like the Canadian association of emergency room physicians, like SUN [Saskatchewan Union of Nurses], and other organizations, Mr. Speaker, to identify a plan forward on how we achieve no waits in emergency departments.

Mr. Speaker, that meeting just took place in the last number of weeks. We're collecting the information from that two-day session and that information will be put forward to the public so that we can have a plan to achieve no waits in emergency departments by 2017. We're not afraid of those goals. We're not afraid of setting those plans and having a plan to actually achieve it, unlike the members opposite.

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

## Seniors' and Long-Term Care

**Ms. Chartier:** — Mr. Speaker, the Health minister has repeatedly referred to patients who are in hospitals waiting for placement in a care facility as bed blockers. The Canadian Association of Retired Persons recently said the term bed blocker is offensive. "It belies a worrisome attitude toward a certain population of patients. I'm not being hypersensitive. I'm worried that they are not going to give them priority, that they won't be treated well."

We've seen many examples of that worrisome attitude, Mr. Speaker, and many examples of seniors not being treated well. One such case was the Phillips family which had to pay \$1,000 per week, Mr. Speaker, for private care aids to care for their mom in hospital, Sylvia, someone the Health minister would refer to as a bed blocker. To the minister: will he stop using this term, bed blocker?

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

**Hon. Mr. Duncan:** — Mr. Speaker, Mr. Speaker, with respect to the member's question, I appreciate her question. We are certainly very much concerned about those people who are in beds waiting for placement either in long-term care, Mr. Speaker, or perhaps to be discharged back to their home with the proper supports, Mr. Speaker. That is absolutely a certainty by this government that we are concerned about those individuals. And I will endeavour to choose my words more correctly, more properly in the future, Mr. Speaker.

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

**Ms. Chartier:** — Mr. Speaker, the reason that seniors are occupying beds in hospitals is because there is nowhere else for them to go. The minister has admitted that this government has hardly added any new long-term care beds despite having six years and record revenues with which to do so. No wonder Barbara Blyth, the senior from La Ronge who was pushing for a much needed seniors' care facility, said recently, "To stand up in the legislature and say, oh we've been aware of the problem for some time, my question then is, then why the hell haven't you done something about it?" To the minister: how does he . . .

**The Speaker:** — Order. It's true. Even the Deputy Premier can't get away from that and neither can the member for Saskatoon Riversdale. The member knows to use appropriate wording in the House and I would caution her not to use that kind of wording in the future. I recognize the Minister of Health.

**Hon. Mr. Duncan:** — Thank you very much, Mr. Speaker. Mr. Speaker, I think it is evidently . . . It's clear to the people of this province that this government has undertaken significant work in just six years of government, knowing that not all of the problems left by the NDP [New Democratic Party] have been fixed. Mr. Speaker, we have invested nearly \$1 billion in health care capital and maintenance, Mr. Speaker. Mr. Speaker, we are in the process of building 13 long-term care facilities across this province, Mr. Speaker, long neglected by the NDP. Over \$230 million invested into those projects, Mr. Speaker. Mr. Speaker, and significant dollars put into maintenance of our existing



facilities, whether they be long-term . . . That is, Mr. Speaker, in comparison to the NDP who only invested \$300 million in their last six years. We wouldn't be in this position of trying to dig ourselves out of this problem had they only invested more dollars, Mr. Speaker, in their six years, last six years of government.

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

### Landfill Management

**Ms. Sproule:** — Mr. Speaker, people in Saskatchewan take their water quality very seriously. So it's no wonder people are concerned that some landfills in the province could contaminate sources of drinking water and affect the safety and health of Saskatchewan families. In her report released today, the auditor found that this government is not properly regulating landfills. In nearly half of the landfills classified as moderate to high risk, the auditor found they didn't even have environmental monitoring requirements. And that's on page 213, Mr. Speaker. The result could be severe water contamination.

To the minister: why is this government leaving people open to the risk of drinking water contamination by not putting in place proper environmental monitoring of landfills?

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

**Hon. Mr. Duncan:** — Thank you very much, Mr. Speaker. Mr. Speaker, I'd be pleased to take this question on behalf of the government. We thank the auditor for her report and the recommendations. Mr. Speaker, in this regard we generally accept all of the auditor's recommendations and are working towards implementation. And we will implement recommendations as part of the development of a solid waste management strategy for the province.

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

**Ms. Sproule:** — Mr. Speaker, this is not the first time that this government has heard these concerns. The government's own Water Security Agency acknowledged in their *State of the Watershed Report* in 2010 that 18 of the province's 29 watersheds are under moderate- to high-intensity stress from landfills. Let me repeat that. Sixty-two per cent of Saskatchewan's watersheds are under moderate- to high-intensity stress as a result of landfills. Now today the Provincial Auditor is saying that this government needs to do much more to protect ground and surface water from contamination by landfills.

To the minister: when will the government stop ignoring this problem?

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

**Hon. Mr. Duncan:** — Thank you very much, Mr. Speaker. Again we thank the auditor for her report, accept the findings of the report. Mr. Speaker, the solid waste management strategy will incorporate the Environmental Code which will help facilitate a more efficient regulation of waste management in

Saskatchewan. We recognize that need for enhancing the landfill management program and have already undertaken some initiatives, Mr. Speaker. We've created a dedicated landfill section within the Ministry of the Environment, Mr. Speaker. And we've implemented an annual compliance plan that addresses monitoring, inspections, and follow-up, Mr. Speaker. Mr. Speaker, I think this government has indicated that we are prepared to meet that challenge and are working hard to do so.

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

**Ms. Sproule:** — Mr. Speaker, we've been told that landfill contamination is a significant problem in Saskatoon. Even though the landfill is downstream from the water intake system, what we've been told is that contaminated water from the landfill is flowing into the river upstream from the water intake system. To confirm this, we put in an FOI [freedom of information] request. But this government has delayed the release of any documents until next week after the fall legislative session concludes.

With the Provincial Auditor confirming that landfill contamination is still not receiving the attention it needs from this government, the fact that the government is delaying release of internal documents on this is highly concerning. So my question to the minister: what does he know about landfill contamination of the river in Saskatoon, and what is this government doing about it?

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

**Hon. Mr. Duncan:** — Thank you very much, Mr. Speaker. Mr. Speaker, I don't think anyone can make the claim that this government doesn't take water very seriously within the province, Mr. Speaker. We put together a 25-year water security plan for the province, Mr. Speaker. We began testing our pristine northern lakes for the first time, Mr. Speaker, when the members opposite chose not to do so, Mr. Speaker. And we've instituted a five-year boreal watershed management strategy, Mr. Speaker, something that unfortunately the members opposite failed to put in place during their time.

Mr. Speaker, with respect to the auditor, we accept the findings of the auditor, Mr. Speaker. We are implementing recommendations to develop a solid waste management strategy for the province, Mr. Speaker, to ensure that our environment is protected for this generation and the next. Thank you, Mr. Speaker.

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

### Financial Reporting

**Mr. Wotherspoon:** — Mr. Speaker, that government's two sets of books don't even meet basic standards of accounting, made clear again today by our Provincial Auditor. Today's auditor's report is scathing and condemning, highlighting an appalling dismissal of accountability by that government. The auditor called the accounting of that government, the books of that government, misleading and wrong, and in today's report the auditor states the books are "not reliable as they contain

significant material errors.”

That’s because in part, Mr. Speaker, the auditor says the province ran over a half billion dollar deficit in the GRF [general revenue fund] instead of the false spin of surplus that they pretended and boasted about to the public. And the auditor said these two sets of error-filled books cause confusion and are inappropriate.

How can that government continue to ignore the Provincial Auditor and table cooked, inaccurate, misleading books?

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

**Hon. Mr. Krawetz:** — Thank you very much, Mr. Speaker. What we’re committed to is . . . We’re committed to full and transparent financial accounting to the public of the province of Saskatchewan.

Mr. Speaker, even at the time of the NDP in government, there was a position taken by the Government of Saskatchewan, which we have followed, which is to produce two sets of statements, Mr. Speaker. The General Revenue Fund, which I have often referred to as the operating account or the chequebook account, Mr. Speaker, that’s where the public monies come in and are disbursed accordingly to the ministries. On the other side, Mr. Speaker, are the financial statements, the summary financials.

Mr. Speaker, the member opposite who has asked the question has asked that we only follow the summary. Well, Mr. Speaker, we’ve taken a different approach. We’ve taken a different approach because we want to ensure that both of the statements are presented. And, Mr. Speaker, we do exactly that.

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

**Mr. Wotherspoon:** — Mr. Speaker, in an unprecedented step, the auditor has for the first time ever issued an adverse opinion on the financial statements. Mr. Speaker, this is no small matter. The auditor says adverse opinions are rare and “should cause concern for legislators and the public.” The significant errors in these sets of books shows that the public’s being spun incorrect information by that government. And the auditor says today in her report that this should be a red flag for the public. She says, “Readers should not rely on the financial results reported in these statements.”

Mr. Speaker, this is an appalling failure of transparency and accountability by that government. How can that government knowingly report incorrect information with their cooked and misleading books to the people of our . . .

**The Speaker:** — Order. In the past, Speakers have made a decision, Speaker Kowalsky, that the term “cooked” was not parliamentary. I would ask that the member withdraw it and apologize.

**Mr. Wotherspoon:** — Withdraw and apologize.

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

**Mr. Wotherspoon:** — How can that government knowingly

report incorrect information with their incorrect, misleading books to the people of our province, forcing the auditor to . . .

**The Speaker:** — Order. The member stated that the government was deliberately providing incorrect information and then said it was misleading. Again, the member has been here long enough to know which words he can use and which he can’t, and the context in which he is using them. Again I ask that you withdraw those remarks and apologize.

**Mr. Wotherspoon:** — Withdraw and apologize.

**The Speaker:** — You’re done. I recognize the Minister of Finance.

**Hon. Mr. Krawetz:** — Mr. Speaker, if there are people watching this display, they would tend to look at the summary financial and wonder what the member opposite is actually asking for.

Mr. Speaker, this is not a new position, Mr. Speaker. It’s the Public Accounts . . . Mr. Speaker, it’s the Public Accounts document from March 31 of this spring. And I want to read one paragraph, Mr. Speaker, about the summary financial statements which the member opposite has asked that we follow only, Mr. Speaker. And this is the opinion of the auditor then, Mr. Speaker. It says this:

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Government of Saskatchewan as at March 31, 2013, and the results of its operations, changes in its net debt, and its cash flows for the year then ended in accordance with Canadian public sector accounting standards [Mr. Speaker].

That is the position of the auditor on summaries. We have had 20 years of not qualified statements on the summaries and we’re going to continue to do that.

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

**Mr. Wotherspoon:** — Mr. Speaker, it’s bizarre that that government would brush off an adverse opinion of the Provincial Auditor. If this were a publicly traded company, this would be unacceptable, would impact trading, would have a direct impact on the board of directors and administration, Mr. Speaker.

And that government knows that the errors in these books are huge. In one of its two sets of books, the government is found to have understated the province’s debt by over \$6 billion — \$6 billion, Mr. Speaker. She finds that they understated expenses and liabilities and overstated a surplus when they actually ran a deficit of more than a half billion dollars.

Mr. Speaker, when the auditor raises a red flag and says the books are “materially incorrect,” the public has serious cause for concern about the lack of transparency and accountability from that government. How can this government stand by these books that mislead Saskatchewan people, hiding the true state of the province’s finances . . .

[14:15]

**The Speaker:** — If the member wants me to continue to intercede and use up question period time, he can continue to use wording that . . . The auditor's words were not those words that you used. You quoted the correct . . . If you wish to argue with me, you will do so from outside of the Chamber, Mr. Member. And that goes for all of the members. Now I ask the member to again withdraw the remarks and apologize.

**Mr. Wotherspoon:** — Withdraw and apologize.

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

**Hon. Mr. Krawetz:** — Thank you very much, Mr. Speaker. Mr. Speaker, for decades now the Government of Saskatchewan has operated on two systems. In fact, Mr. Speaker, to begin with, prior to 2004, the former NDP government only operated with the General Revenue Fund budget, Mr. Speaker. And they operated it the same way we do, Mr. Speaker.

We have never said and nor did the New Democratic government ever say that the General Revenue Fund statements were a replacement for the summaries. They are simply not, Mr. Speaker, and the auditor is indicating to us that there are two issues that she has that would create a situation that are different than the other two that were there before the NDP, Mr. Speaker.

Mr. Speaker, our position and the position of the accountants within Finance is that we disagree with that, Mr. Speaker. We have followed the rules that have been in place. There are agreements in place, and we have followed them to the letter, Mr. Speaker.

#### INTRODUCTION OF BILLS

##### **Bill No. 128 — *The Saskatchewan Employment Amendment Act, 2013***

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

**Hon. Mr. Morgan:** — Mr. Speaker, I move that Bill No. 128, *The Saskatchewan Employment Amendment Act, 2013* be now introduced and read a first time.

**The Speaker:** — The Minister of Education has moved that Bill No. 128, *The Saskatchewan Employment Amendment Act, 2013* be now introduced and read the first time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

**Law Clerk and Parliamentary Counsel:** — First reading of this bill.

**The Speaker:** — When shall this bill be read a second time?

**Hon. Mr. Morgan:** — Next sitting of the House, Mr. Speaker.

**The Speaker:** — Next sitting.

##### **Bill No. 129 — *The Executive Government Administration Act***

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

**Hon. Mr. Wyant:** — Mr. Speaker, I move that Bill 129, *The Executive Government Administration Act* be now introduced and read a first time.

**The Speaker:** — It has been moved by the Minister of Justice and Attorney General that Bill No. 129, *The Executive Government Administration Act* be now introduced and read a first time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

**Law Clerk and Parliamentary Counsel:** — First reading of this bill.

**The Speaker:** — When shall this bill be read a second time?

**Hon. Mr. Wyant:** — The next sitting of the House, Mr. Speaker.

**The Speaker:** — Next sitting.

##### **Bill No. 130 — *The Executive Government Administration Consequential Amendments Act, 2013/Loi de 2013 portant modifications corrélatives à la loi intitulée The Executive Government Administration Act***

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

**Hon. Mr. Wyant:** — Mr. Speaker, I move that Bill No. 130, *The Executive Government Administration Consequential Amendments Act, 2013* be now introduced and read a first time.

**The Speaker:** — It has been moved by the Minister of Justice and Attorney General that Bill No. 130, *The Executive Government Administration Consequential Amendments Act, 2013* be introduced and read a first time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

**Law Clerk and Parliamentary Counsel:** — First reading of this bill.

**The Speaker:** — When shall this bill be read a second time?

**Hon. Mr. Wyant:** — Next sitting, Mr. Speaker.

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

**Hon. Mr. Harrison:** — Thank you, Mr. Speaker. I'd like to ask for leave to make a motion regarding the Ombudsman.

**The Speaker:** — The Government House Leader has asked for a leave to make a motion regarding the Ombudsman. Is leave granted?

**Some Hon. Members:** — Agreed.

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

## MOTIONS

### Ombudsman for Saskatchewan

**Hon. Mr. Harrison:** — Thank you, Mr. Speaker. I move:

That pursuant to section 3 of *The Ombudsman Act, 2012*, Ms. Mary McFadyen be appointed Ombudsman for Saskatchewan;

And further, that pursuant to section 27 of *The Public Interest Disclosure Act*, Ms. Mary McFadyen be appointed Public Interest Disclosure Commissioner with both appointments effective April 1, 2014.

**The Speaker:** — It has been moved by the Government House Leader:

That pursuant to section 3 of *The Ombudsman Act, 2012*, that Ms. Mary McFadyen be appointed Ombudsman for Saskatchewan;

And further, that pursuant to section 27 of *The Public Interest Disclosure Act*, Ms. Mary McFadyen be appointed Public Interest Disclosure Commissioner with both appointments effective April 1, 2014.

Is the Assembly ready for the question?

**Some Hon. Members:** — Question.

**The Speaker:** — Does the Assembly approve the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

Why is the Government House Leader on his feet?

**Hon. Mr. Harrison:** — To ask for leave to move a motion regarding committee membership.

**The Speaker:** — The Government House Leader has asked for leave to move a motion regarding committee membership. Is leave granted?

**Some Hon. Members:** — Agreed.

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

### Committee Membership

**Hon. Mr. Harrison:** — Thank you, Mr. Speaker. I move:

That the name of Russ Marchuk be substituted for that of Rob Norris on the Standing Committee on Intergovernmental Affairs and Justice.

**The Speaker:** — The Government House Leader has moved a motion:

That the name of Russ Marchuk be substituted for that of Rob Norris on the Standing Committee on Intergovernmental Affairs and Justice.

Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

## ORDERS OF THE DAY

### GOVERNMENT ORDERS

### ADJOURNED DEBATES

### SECOND READINGS

#### Bill No. 126

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 126 — *The Seizure of Criminal Property Amendment Act, 2013 (No. 2)*** be now read a second time.]

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

**Ms. Sproule:** — Thank you very much, Mr. Speaker. And I'm pleased to rise today to join in the debate on the introduction of Bill 126, *An Act to amend The Seizure of Criminal Property Act, 2009*. The seizure of criminal property is a fairly new legislative initiative in criminal law proceedings, Mr. Speaker. And this is something that has followed, I guess, through with difficulties in law enforcement when it relates to criminal activity where there's offenders making a lot of money basically from criminal activity but being able to keep that profit even though they've been convicted of a crime.

And quite often I think this comes in the context of places like where there's illegal grow ops or different kinds of drug activities and sales of drug activities, where people use the proceeds of crime to purchase houses, cars. And in the example of grow ops, the houses themselves that are purchased are used to produce the illegal chemicals and the illegal drugs that are then sold for further profit.

So over the years, lawmakers and law enforcement officials have expressed frustration with the inability to seize this property that's gained from illegal activity, even though the criminals have been convicted in a court of actually breaking the law. So we've seen a gradual progression through the last few years of different types of laws introduced to allow the seizure of criminal property. And the law in 2009 was that type of law where the law then was to provide for the seizure of criminal property.

And I know that law enforcement officials have had difficulty with some of the aspects of this law and so, at this point in time, the Minister of Justice has indicated that this will actually enhance and balance, ensuring that there's due process for the criminals or the individuals who've been charged with these crimes and who have profited from them, and ensuring that there is due process as well.

So there's a few things that the bill has presented that are going to, first of all, I think enhance the process itself and, secondly, ensure that due process is followed, which is always very, very important in any criminal justice system. And then that the actual proceeds of those crimes are forfeitable in a way that is fair to the public and also fair to the criminals themselves.

So some of the changes that we see would be a sort of a streamlining of the legal documents that are required. So at this point in time, the extensive documentation that is required would not be done unless the respondent opposes the application for the forfeiture. So what that does is that it prevents a lot of unnecessary paperwork if indeed the respondent is choosing not to oppose the forfeiture of their property. And on the other hand though, to ensure that their rights are protected, the respondent will receive notice of the intention to seize his property, and if they oppose, it has to go to a full court hearing. So in most cases the matter to ensure balance is that if they decide they want to oppose the forfeiture order, then they have time to go to court and then all the full preparation of all the legal documents would be required.

The new process here that's being initiated is going to be limited so this wouldn't happen in every context but it would happen in the context of seizure of . . . It would be limited to a monetary limit, which seems to be fair also. Mr. Speaker, at this point the limit is being set. Well we don't know what the limit is going to be set, but we're told that in Alberta and in British Columbia, the limit is at \$75,000.

So it would be helpful in the minister's comments to understand whether or not that is the intent, but I'll guess we'll have to wait until we get the regulations which, as you know, Mr. Speaker, is something that is of concern I guess. Because we always see the ministers giving their second reading speeches, they provide general highlights of what will be happening under the new bill, but we never really seem to get the full detail of what's going to be proposed under the regulations.

So we know that if the value is set at \$75,000, according to the minister 80 per cent of Saskatchewan seizures would fall under this dollar threshold. So we know that if that's what they choose, which we'll have to wait and see, that we would be looking at 80 per cent of all the seizures for proceeds of crime would be following this expedited process. So that's something that we will look for once the bill is passed, and then we have an opportunity to look at the regulation.

Also under this new Act, we see a direction for the seized funds. And they're going to be retained in a separate fund — the criminal property forfeiture fund — and what this will do is support police operations in the province and the Victims' Fund, which provides programming to victims of crime.

And I just want to take a moment at this point, Mr. Speaker, to

point out that the victims of crime procedures, or the funding for the victims of crime is woefully inadequate in this province in certain circumstances. And an example of that is when a victim of crime receives physical damage to the extent that they're never able to work again and that they're permanently disabled, they're brain injured. And in those instances, an individual who uses a car to run into somebody and cause those kinds of damages, they would be covered, but when they use their fists or their feet, as in the case of Kutler Lange, there is no ability for an award to help the young individuals like Kutler Lange. And I've spoken about him before in this legislature. The victims of crime fund just doesn't cover the kind of costs that he would have received had he been hit by a car criminally. So there's a huge inequity in the way that the victims of crime fund is being administered.

[14:30]

And there are other jurisdictions, and indeed Saskatchewan used to have a fund for rehabilitation or protection of the catastrophic victims of crime. And certainly when I've spoken to judges about this issue, Mr. Speaker, at the time that the criminal trials are happening for these victims, the judges don't feel that they have adequate time within the criminal court system to have a hearing and understand the true actuarial import of the damages that are done to the individual. And those types of hearings are complicated and would require a fair bit of evidence to the criminal court judge, so quite often they simply don't feel that the criminal system is up to it.

But when you move it over to the civil court system, in most cases these are young individuals who are impecunious and simply do not have the wherewithal to bring a civil trial to fruition, and knowing full well that the perpetrator of the crime, who is often also impecunious, won't be able to provide the payment because there's no insurance fund that's available for that type of payment.

So these young individuals are caught both ways. The criminal justice system is letting them down and the civil court system is letting them down. And then thirdly, I would suggest this government is letting them down because they're not introducing legislation that would offer a fair and equal and just system to provide assistance to those victims of crime when people in motor vehicle accidents are provided that kind of assistance. So this is a clear inequity in the criminal justice system.

And you know, when you see this kind of bill that provides the proceeds of the forfeitures to go into the Victims' Fund, I would suggest that that's really not enough, Mr. Speaker. And it's laudable in and of itself, but those types of funds simply won't assure that folks like Kutler Lange are able to live a life of decency, and their families as well who are often very impacted by these types of horrific crimes that seem to . . . You know, the criminal justice system does its part, but the damage that's left for these individuals is lifelong and significant. And even though the perpetrator may do the time that they are allocated for their crimes, they can move on with their lives. But these victims can't, Mr. Speaker, and that's the real injustice that we see.

So we see just basically the main point of this new Act is to

establish an administrative seizure process that will operate in addition to the existing court process. And we're glad to see that the government is trying to ensure that the profit from crime is dealt with and that any profit from crimes is actually put back to the people of Saskatchewan through the police operations and the Victims' Fund.

And we know that, you know, the way police remuneration is dealt with in this province is certainly more fair than what we've heard about remuneration for fire protection workers, and it's difficult to see the inequities in that sense, Mr. Speaker. And we would hope that again police operations are supported by something like this, and we want to ensure that firefighters also have opportunity to secure adequate living wages and fair and equitable wages in the same fashion, Mr. Speaker.

So I think at this point, that's the highlights from my perspective on this bill. Certainly more of us will want to have an opportunity to comment on it. It was just recently released. And until that point, Mr. Speaker, I think I would move to adjourn debate on Bill No. 126, *The Seizure of Criminal Property Amendment Act, 2013 (No. 2)*.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 126, *The Seizure of Criminal Property Amendment Act, 2013 (No. 2)*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

#### Bill No. 109

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Boyd that **Bill No. 109 — *The Labour-sponsored Venture Capital Corporations Amendment Act, 2013*** be now read a second time.]

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

**Mr. Forbes:** — Thank you very much, Mr. Speaker. It's a pleasure to rise into the debate on Bill 109, *The Labour-sponsored Venture Capital Corporations Amendment Act, 2013*. And it's an important piece of legislation because, you know, as we know, investment is critical to the province of Saskatchewan and that we get it right and of course that these kind of things also have a major interplay with the federal government because of the tax incentives that are in play.

And we understand now that the federal government is backing off on some of the tax incentives that have been in place for a number of years for these funds. So we need to monitor the ability of these corporations and make sure that these funds can attract new investment. It's pretty important that they do. We see the kind of good work that these funds do and that investments do in our province. And clearly when an economy is doing well, it's critical that entrepreneurs and the business community take advantage of the pools of money that are out there, and if there can be a good working relationship between the two, then it's important to be able to do that good work and make sure investment happens in Saskatchewan.

And I do want to reflect on what the minister responsible had to say about this back on November 26th. He talks about that the Act be amended so it can prescribe in regulation a percentage of pooled funds' annual capital that must be invested into innovation type of investments, and that the minister will set the form by which tax credits will be issued to investors in the future, and some other housekeeping that goes along with that.

So it's really important that we do think about this in terms of innovation. And you know, today we had folks in the gallery today from the agricultural sector. And the point was made in terms of not only are we living within the challenges of our natural environment and the weather and such, but you know, a big factor in how we succeed is the innovation and what we do, and whether that's been agriculture and health, anywhere where . . . in mining with resource extraction, that if we can encourage that kind of entrepreneurial, innovative way of approaching business. This would be really important. So he talks about the great track record. The minister talks about our researchers, developers, entrepreneurs already have a great track record of introducing or improving products into the Saskatchewan marketplace. And I agree that's a great record, and as the minister says, we need to do more. And that's very important.

I note that he talks about how these labour-sponsored venture capital corporations have been prudently supporting provincial businesses. In fact they're investing funds from more than 40,000 Saskatchewan people. So that's a good thing. That's a really good thing. So we need to make sure that we keep this going, that we have a way of stimulating our innovative sector and how we can make sure that not only do we have the inventions, the ideas, the approaches to how we can be more effective, how we can meet more needs, that in fact that we take that invention to innovation and have it . . . applications within the economy.

And so this is a critical piece. And when you have funds that are supported by some 40,000 people, clearly, clearly this is important legislation to make sure. It is unfortunate and I'm not sure what the reasons were that the federal government backed off on some of the tax incentives, but we need to make sure that there is still work that they can do.

So the Minister of Economy is suggesting that we want to see the various funds increase the amount of innovation investments in the portfolio by up to 25 per cent by 2016. And that's only a few short years from now, so this is very, very important. So this is critically important.

It does seem though that more power is being given to cabinet to pass regulations, and that is a worrisome trend that we see with this government, that they actually have . . . that they're doing more with that.

So as we have said many times and we will continue to say it, where it makes common sense to support a government initiative, then we will be there. And of course in this kind of investment we want to make sure it makes common sense, and we'll be there. If not, we'll have questions because we don't want to allow this government to continue on some of their paths that they've seemed to have chosen where they're being more secretive, more dismissive, and that's unfortunate. You can't . . . This needs to be transparent and accountable,

especially when you come to this kind of investment environment. So that's hugely, hugely important.

So we have a lot of questions about, who have they consulted? Where is the ideas? Where have they come from? Is this the right track for investment? So those will be the kind of questions we have in committee on this. Have they listened to the people involved? And what was their advice? Did they listen to it? Did they not? We have concerns that quite often they seem a little dismissive about it, and we have some concerns about that.

So with that, Mr. Speaker, I know many of my colleagues will want to speak on many topics today. But this particular bill, Bill No. 109, *The Labour-sponsored Venture Capital Corporations Amendment Act, 2013*, I move that it be adjourned, Mr. Speaker.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 109, *The Labour-sponsored Venture Capital Corporations Amendment Act, 2013*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

#### Bill No. 108

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Doherty that **Bill No. 108** — *The Athletics Commission Act* be now read a second time.]

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

**Mr. Nilson:** — Thank you, Mr. Speaker. It's my pleasure to rise today to speak to Bill No. 108, *An Act respecting the Athletics Commission and Professional Contests or Exhibitions*.

Mr. Speaker, this legislation has been brought forward at the request of many groups throughout Saskatchewan. And it's clearly legislation that is based on precedents from other provinces and I think states in the United States where the rules are created that govern the activities of sports that have a certain possibility of injury involved in them. And traditionally it's been sports like boxing or wrestling that have been involved in this, but in the last few decades there have been an increase in the number of sports that are effectively violent contests between individuals.

And, Mr. Speaker, I think it's important to understand why this type of legislation is important for the people of the province, but also more importantly why it's important for those who are contestants in the various battles that may occur, also those people who rent the venues where these activities may take place and also where the general public stands as far as coming to be a spectator related to some of these activities.

Now ultimately I think the big question for the hosting of these kinds of activities in Saskatchewan relates to the ability to provide insurance coverage as it relates to the particular event. And I think the types of insurance and insurance coverage that's been available usually will have a clause that relates to the fact

that the activity is regulated within the province where the activity takes place. And up until this point when this legislation was brought forward, we have not had regulation in this particular area.

Now it ends up being that there will be, the way this legislation is drafted is that there will be a special commission created which is called the Athletics Commission, and this particular commission's job will be to regulate and supervise professional contests and license and permit these and then enforce the Act and the regulations that are set out in this Act.

[14:45]

Now practically, the commission will be citizens of the province and maybe some from outside of the province who understand these particular activities, but it's very clear that the powers of the commission will be delegated to officials or employees of the commission. And as I said before, some of the main activities will be issuing the licences that allow the activities to go forward, setting up special permits. If something goes wrong, then their job will be to investigate what happened and why things went wrong, and also then to keep track of these activities and what things have gone well or what things have gone wrong.

What we know is that this is an area where people are willing to spend much money to attend the events. We see some of these events that are hosted in other provinces or states in North America, and people are willing to spend quite a bit of money. And so what this legislation does is sets up the procedure whereby Saskatchewan entrepreneurs, or entrepreneurs from other places who want to do business in Saskatchewan, will be able to rent the largest venues that we have in the province and host the kinds of fights or martial arts activities that are to be licensed here. And as I said, the reason that the industry, if I can call it that, pushes for legislation like this is because that they're concerned to make sure that they are fully insured to cover any kind of injury that may occur.

I think it's important in a jurisdiction where these activities haven't taken place in any official capacity that we will have good legislation that provides the regulation, that provides the rules, that makes sure that all of these activities are done appropriately.

Now, Mr. Speaker, why is it important that we have this good legislation? Well we know that in activities that are presently taking place in the province, people are identifying issues that have arisen. We know last week that there are now 200 hockey players that are involved in a lawsuit against the National Hockey League. And, Mr. Speaker, that's a . . . It's those kinds of injuries, the concussions and some of the others that are the concern and that relate to some of the kinds of activities that will be regulated under this athletics commission.

And, Mr. Speaker, I think that making sure that we have a very robust system, that we've taken all of the best rules from other jurisdictions, will give us some assurance that people attending events in Saskatchewan will be seeing things that are done in an appropriate way, and also that those people who participate in these events will have some of the best protection possible.

Now unfortunately, I don't think that setting up an athletics commission is going to be an insurance policy against something going wrong. And so I know that there would be some people who say, why are we even allowing these kinds of activities in our province? So I know that that perspective exists. I think that our role here is to make sure that we have the best system in place and make sure that it's here and available for the public.

Now, Mr. Speaker, there are a number of other ways of doing the kind of thing that we're doing here. We know for example that there are many places where each municipality has their own rules and sets up their own methods of dealing with this. I think that given the size of Saskatchewan, having a province-wide athletics commission makes sense, but we have to acknowledge that it would be possible to allow for municipalities to set up their own system and follow some province-wide rules.

Ultimately the questions are the ones that relate to the liability for any injuries that may happen. What happens if there are the brain injuries that come from these sports as well? How will they be dealt with? Also I think that it will also relate to how the forum or the whole place where this activity takes place will be regulated. We know that quite often there are crossovers or there are connections with some of our liquor and gaming rules as it relates to these types of contests, and that will have to be monitored as well. I assume that there would be some interconnection between this legislation that creates the Athletics Commission and some of the rules as it relates to liquor and gaming.

Another question that arises is one that we have to ask all the time. Where there are First Nations jurisdictions, will they be part of this particular legislation or will there be some accommodations? Has there been consultation around activities under an athletics commission that may or may not take place on a First Nation? Some of these are the kinds of questions that we all need to look at as we proceed with what we have here.

Now, Mr. Speaker, there are, as I said, entrepreneurial options and opportunities that this type of legislation will provide. We had a number of guests in the legislature that clearly identified that. And what we'll have to make sure is that everything will be done in a straightforward manner to protect our Saskatchewan people who may want to be participants and spectators as it relates to this legislation.

Now it's interesting. One other piece around the protection of the actual participants in these events is clearly something that's been learned from other jurisdictions. And that's where the minister set out in his second reading speech where he said that "The commission will ... be responsible for tracking competitors' fighting histories and ensuring safety protocols are enforced."

Mr. Speaker, this goes to this not necessarily new-found but very much emphasized situation now where head injuries and the information about head injuries becomes crucial in monitoring sporting activities. And it's true in hockey or football or lacrosse or other sports, but as it relates to these contests, these physical contests, it's even more crucial. And so, Mr. Speaker, I know that the people who will be appointed to

do this kind of work, to be on the commission, and then the staff that they hire will be diligent in enforcing these kind of safety protocols. But, Mr. Speaker, I think it's an area where we can't do enough to emphasize the fact that there is a responsibility to protect the participants in these types of activities.

Mr. Speaker, the legislation itself has been presented around to people who have some knowledge of this activity. I know that we will have some chance over this winter to review the legislation even in more detail and talk to some of the people who may have some questions about it. And, Mr. Speaker, I think that that will be entirely appropriate.

From my initial review, they appear to have captured most of the issues that are of concern. I think there would be one area that may be helpful for all of us is to understand how the insurance policies work as it relates to the certification or regulation by an athletics commission. And that may be something we can get before the next, before the spring session or that we may be able to discuss when it goes to committee. But at this point, Mr. Speaker, I have no further comments, and I will adjourn debate.

**The Speaker:** — The member has moved adjournment of debate of Bill No. 108, *The Athletics Commission Act*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

#### Bill No. 102

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 102 — *The Builders' Lien Amendment Act, 2013*** be now read a second time.]

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

**Mr. Nilson:** — Thank you, Mr. Speaker. It's my pleasure to rise to speak to *The Builders' Lien Amendment Act, 2013*. Mr. Speaker, this is a quite a short bill, but it effects some issues that are of great importance to people who are building new properties or improving old properties. And so I think it's important to talk a little bit about why some of these changes are being made and why we need to look at them as carefully as possible.

Mr. Speaker, *The Builders' Lien Act* is the legislation that we have in our province to protect workers and contractors who do activity to improve a property. And that improvement could be taking bare land and building a brand new building, or it could be going to a building and putting on an addition or putting on a new roof or doing lots of different activities. And effectively what the Act does, it allows for anybody who makes an improvement to a property to put a lien or a warning on the property if they don't get paid for the work that they have done or that their company has done.

And so, Mr. Speaker, most often *The Builders' Lien Act* becomes an issue when something goes awry, when something



doesn't quite turn out the way everybody expects. And it's like some of the projects we've been hearing about in the last month or two where they cost way more money than people anticipated than when they started. And people start looking around. Well who is causing the problem on this?

But let's just talk about a pretty practical situation where you've bought a house and you're interested in improving it before you move in. So you hire a contractor to put in new windows. You hire another contractor to put on the new siding. And you hire a roofing contractor to put on a new roof on your house. And so, Mr. Speaker, all of those people have the ability under *The Builders' Lien Act* to file a claim against the property when they're not paid for the work that they've done.

And I think that all three of those types of activities, you can try to get a fixed price contract for getting them done — fixing windows or putting on siding or putting on a new roof — but all of them have aspects when you're dealing with an old house that may entail surprises. And when surprises arise, costs go up. And it's those situations where the costs have gone up and the original person who purchased the house who is trying to get all these done doesn't have enough money to do the job.

[15:00]

Now why am I telling that story? Because when it relates to a house or a property, often to get the money to pay all the contractors, you have to go to the bank and borrow sufficient money to pay these people who are doing the improvement as well as paying for the original property itself. But what this legislation does is add in, as somebody who improves the value of the property, a land surveyor.

Now traditionally land surveyors haven't been included because it's not obvious what they do to increase the value of the land. But as somebody who's dealt with land surveyors over the years in my professional law practice, you always knew that once you had an official survey of property, it made a big difference in how you dealt with the purchase or sale of the property, how you dealt with assisting people in borrowing money by putting a mortgage on the property. And in many instances, you couldn't even do any of those activities unless you had the land survey done.

And so, Mr. Speaker, obviously there have been some situations that have happened in Saskatchewan where land surveyors have done their work — and it's sometimes quite expensive to get all of the appropriate boundaries created and put on a map — and then they haven't been paid. And because they weren't included under *The Builders' Lien Act*, they were the ones that were sometimes or often stuck on the outside without being paid, even though they were a crucial part of the whole project. And so, Mr. Speaker, what this legislation does is add that definition in here so that the definition of improvement includes the services of land surveyors.

Now the next change to this legislation relates to inflation. I think that would be the simple way to put it. And traditionally there was sort of a nominal amount for contracts that were involved with builders' lien, and whoever originally drafted this legislation must have thought it was around \$100,000 because they ended up putting in the fact that you could basically have

99 per cent completion if it was something less than \$1,000 that was outstanding. And so what this particular provision does is it says 99 per cent of the total price or of the value of the contract is what is completion, and you don't have a choice of using the term \$1,000. So, Mr. Speaker, it costs a lot more to build these days. I think we all acknowledge that, and this legislation acknowledges that.

Now the third change in the legislation is another practical one, and it relates to the limitation period as to when you can apply for money that's been held in trust under this, under *The Builders' Lien Act*. And traditionally it's been one year, and this has now been changed to two years. And practically, that's a reasonable change in that often there's a fair amount of negotiation and back and forth between the contractor and the owner and the general contractor and others involved in a project, and sometimes one year is not enough time to get all of the various negotiations completed.

And so, Mr. Speaker, this short bill allows for these kinds of changes to be made. They're practical changes. They do relate to making sure that people are properly paid for the work that they've done. And, Mr. Speaker, I think that they will end up providing some additional remedies for some of the people who participate in these projects.

Now there may be some others who feel like they should be included in this builders' lien amendment Act, and I know that we'll have some time over the winter to hear from anybody who has a perspective that would maybe engender an amendment to this legislation in the spring. The reason I say that is that *The Builders' Lien Act* isn't one that's opened up very often, and so if there are others who want to join in along with the land surveyors and correct some problems, I encourage them to get a hold of the minister and see if some other changes can be made.

But, Mr. Speaker, with those comments, I think that we'll look forward to hearing from people over the winter and getting ready for a number of further discussions. And at this point, I'll adjourn debate.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 102, *The Builders' Lien Amendment Act, 2013*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 103

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 103** — *The Enforcement of Maintenance Orders Amendment Act, 2013/Loi de 2013 modifiant la Loi de 1997 sur l'exécution des ordonnances alimentaires* be now read a second time.]

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

**Mr. Nilson:** — Thank you, Mr. Speaker. It's my pleasure to rise and speak to *The Enforcement of Maintenance Orders Amendment Act, 2013*. And, Mr. Speaker, there are a number of changes that are made in this legislation and some of them are

relatively straightforward. But this particular piece of legislation, I think the most substantive part relates to *The Wildlife Act* and hunting licences.

But, Mr. Speaker, let's take a look at the bill here and see what happens. Now I think I'll start out by saying that *The Enforcement of Maintenance Orders Act, 1997* that's being amended is legislation that I introduced when I was minister of Justice in 1997. And it was built on much consultation and discussion across the province around the issue of unpaid maintenance orders.

And I think probably every year since 1997 we've had some amendments to this legislation that provide further powers to the officials in the maintenance enforcement office to make sure that parents or spouses are paying the support that's needed for the family members that require the support. And practically by the time these amendments show up in the legislature, they've had a fair bit of discussion in quite a number of places, and they usually are in a position where they make sense. And as this system has developed, kind of like knitting a sweater or something that's got all the pieces pretty well covered, what happens though is that the director of maintenance enforcement and the various people involved in maintenance enforcement identify particular areas where maybe they need some assistance.

And so what we have this year is information that's brought forward around the fact that suspending the ability to purchase a hunting licence may be a way to have people pay maintenance that there's no other way to get them to pay the maintenance. And so, Mr. Speaker, we have here in the legislation then particular clauses which give the ability to the director of the maintenance enforcement office the possibility of directing the minister responsible for *The Wildlife Act* to prohibit a person from applying for or obtaining a hunting licence in certain circumstances.

So it's a pretty interesting power because it effectively, what it does is, it gives the director of the maintenance order legislation the power to direct a minister to do something which is within their discretion in their particular area. So the practical aspect of this, I understand, would be that the director of the maintenance enforcement office, who is a member and part of the Ministry of Justice, would be able to tell the Minister of Environment that, don't issue a hunting licence to that person until they've paid up the money owed for the care of their spouse or child. And so, Mr. Speaker, it's an interesting power, and it's one that does give some extra impetus, if I can put it that way, to a person who's delinquent in their payments to get them in order. So presumably, since most of the hunting takes place in the fall, that would be when a lot of these payments are made and everything is caught up.

Now I think I should make it quite clear, this only applies if you're hunting in the province of Saskatchewan. You can't go to another place and direct that the person couldn't hunt in some other jurisdiction. But given the fact that if people like to hunt — there are many opportunities in Saskatchewan — this is a fairly powerful tool that's being given to the maintenance enforcement office.

And so basically how it works, as far as I can see here, is that

the director of maintenance enforcement would serve the person who hasn't paid their maintenance with a written notice that they intend to get a prohibition from the Minister of Environment to make sure that that person can't apply for or obtain a hunting licence. And they have to give them 30 days notice they're going to do that. And the preferred response of the delinquent payer would be that they would immediately go to the maintenance enforcement office and pay up, and then there wouldn't be any necessity for the direction to the minister to go ahead.

But if these payments aren't made, then the whole process gets into place and the ability of that person to get a hunting licence is eliminated. And so to effect all of this, which is quite complicated when you have the orders going between different ministries, we have a whole number of changes, and maybe more changes and more sections than would seem like it on sort of a relatively simple situation.

And so what also happens is that it can relate to a fishing licence, and so there are changes that have to be made that deal with that specific issue. It's also bilingual legislation, and so we need to look at the legislation itself to make sure that it's accomplishing the same thing in both of our official languages.

And so, Mr. Speaker, the process as set out in the legislation has the ultimate goal of getting the payments made for the benefit of the family members who require the support. And so I think practically we're hopeful that this actually accomplishes the intent of what is the purpose of maintenance enforcement legislation, which is that families are properly provided for.

[15:15]

We're a bit sad that it takes this much activity, this much work to actually get the process in place, but I think that, based on the request from the maintenance enforcement office, we accept that there are these extraordinary measures necessary in some very specific cases to enforce the maintenance orders.

Now, Mr. Speaker, the legislation itself has some other challenges that have arisen over the last few years, given that much of the work related to licensing in Saskatchewan has been moved out of province. And so I think the legislation is drafted in a way so it won't cause any difficulties. But when people are buying and getting their licences through private contractors outside of the system, there may be some challenges in the legislation itself. And so I'm not sure how that will be dealt with exactly if there are jurisdictional questions. I think it's something that we need to watch. If in fact all of the activity around preventing somebody to get a hunting licence or a fishing licence happens in a Tennessee call centre, not in the province of Saskatchewan, will there be issues around the enforcement of this legislation? I don't know how that works.

What we do know is that many small businesses in Saskatchewan, whether they're local gas stations or co-ops or whatever, are having difficulty meshing with the new licensing systems that have been set up. And if this legislation causes further complications in that process, I think we would all need to pause a bit and make sure that the ultimate goal of providing financing for families doesn't interfere or mess with a whole number of other things.

So, Mr. Speaker, those are the kinds of questions that we will be asking in committee, but I think they're . . . Over the winter now, we will have a chance for people to provide us with further information as to the effect of this legislation. But at this point, I don't have any further comments. I know some of my colleagues will want to talk about this legislation as well. And so at this point, I will move to adjourn the debate. Thank you.

**The Speaker:** — The member has moved adjournment of debate of Bill No. 103, *The Enforcement of Maintenance Orders Amendment Act, 2013*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

#### Bill No. 104

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 104** — *The Enforcement of Maintenance Orders Consequential Amendment Act, 2013* be now read a second time.]

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

**Mr. Nilson:** — Thank you, Mr. Speaker. It's my pleasure again to rise to speak to *The Enforcement of Maintenance Orders Consequential Amendment Act, 2013*. And, Mr. Speaker, this legislation only has one section, and it's basically to deal with the issues under *The Fisheries Act (Saskatchewan)*. And what it does is make sure that the minister responsible for the fisheries Act will also follow the direction from the maintenance enforcement office to enforce a maintenance order by refusing to issue a fishing licence. And, Mr. Speaker, this legislation is only in English, not in English and French, so it requires a different piece of legislation than Bill 103. And so it's for that reason that it's quite a short piece of legislation. But all of the comments about Bill 103 relate to this particular bill as well.

The issue is whether there are problems that will be created in the present regime for fishing licences which involve an out-of-province contractor doing much of the work, whether there will be any legal challenges to, any attempt to prevent the issuance of those licences as it relates to this legislation. I'm not sure if I can think of any circumstance where that would take place, but I think it's an issue that needs to be addressed.

And, Mr. Speaker, the ultimate purpose of this legislation is the same as the previous legislation, which is to make sure money is available for families when they need it and to make sure that people who are responsible to make those payments for their families do make those payments.

But I think practically the consultation and the questions around this legislation will happen at the same time as Bill 103, and we look forward to hearing any comments. And as we proceed in the process in our legislature, we'll look forward to looking to ask questions in committee about the effect of this.

But, Mr. Speaker, I know there's a couple of other of my colleagues that are interested in speaking to this particular piece of legislation in conjunction with Bill No. 103 and, as a result, I

will adjourn debate on this bill as well. Thank you, Mr. Speaker.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 104, *The Enforcement of Maintenance Orders Consequential Amendment Act, 2013*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

#### Bill No. 105

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 105** — *The Informal Public Appeals Act* be now read a second time.]

**The Speaker:** — I recognize the member for Athabasca . . . for Cumberland, sorry.

**Mr. Vermette:** — Thank you, Mr. Speaker. On Bill 105, the information public appeals Act, just want to talk a little bit about I guess fundraising in general. And you know, I want to compliment the different organizations, groups out there, individuals who sometime take it upon themselves, whether it's a family maybe loses their house in a fire, a flood. There's different ways. They lose a loved one. And community will come together. And you know, our rural communities are great for that. Northern communities are great for that. But also our urban centres do that. There's different ways. And some organizations, they're bigger, they're organized, whether it's I guess the Elks clubs, Kinsmen. There's different ones. There's many of them. They do great work, and I commend all the clubs that do that.

You could apply, and families . . . And there's different ways to apply for the funds. They fundraise all year round, different activities. You know, I think of the La Ronge Elks, the lodge up there. It does a lot of fundraising, whether it's at the fair. They have different functions that they operate within their hall, the building they own and operate. And they generate revenue, and they help out the community members. When people apply to them, they do that.

So you know, I want to talk about the Elks, and there's many of the lodges in the province that do that, Elks. But also groups who do a lot of great work fundraising. You know, and I think about even some of our seniors groups. They fundraise, have bake sales, bingos. I know I volunteer and have helped out with the seniors in La Ronge at the fair. They hold the bingos and that's how they do fundraising. And they help out community members when things are happening. And they do some great work and I commend that.

But we also have local groups, and they're not clubs or organizations, but it's individuals. And there might be an individual in a community that decides to say, you know, I've heard this happened. So they organize community members . . . a loss for someone who has a family needing help, a community member. In Saskatchewan we have a good track record of helping out. When times get tough for families, individuals, we come together and we help out.

And I think that has been shown in the records when you look at Saskatchewan. The volunteer time we put in fundraising, it's amazing. Whether it's Telemiracle, all the different organizations that are out there doing great things, we get behind. There's so many of them, you know, to name. And I apologize. You know, I may not name all of them. But there's so many great groups that work, work, work, work endless hours. They volunteer and they do great work for Saskatchewan residents. And you know, Mr. Speaker, it is amazing to see. And when we get the numbers and the support of the volunteer hours that are put in by Saskatchewan residents, families, individuals, you know, it's amazing to see the work that goes into it. And there's all kinds of them.

But you know, it's not just that type . . . It's fundraising for sports, for young people. We have a lot of youth programs. And without the fundraising of those individuals, you would not, you would not be able to see some of the sporting activities go on, tournaments, different things that go on. And I know it's important. They run programs, and you can do advertising in them, and it's amazing. It helps out small towns when they're trying to run their sports clubs and the hockey games and tournaments. And there's ways you can advertise in it. You can do certain things. And they have people, but they do a lot of fundraising.

And it is to take care of I guess the costs to . . . Some of the athletes cannot afford the registration, cannot afford all the equipment. Sometimes it's costly, and some of the families, they just don't have the resources. They're working hard. Some of them are two family members are working hard, mom and dad, doing their part, and they still with the cost of . . . Every day today we see the cost for rents, utilities going up. It's alarming for Saskatchewan people, residents. So they might not be able to provide the dollars that they would like for their kids for sports and activities that are going on in the community.

So there's ways that there's fundraising. And some of those organizations have fundraising, and they sell tickets, bake sales. They do many different things to fundraise. And at the end of the day clearly it's because of the cost that they can't provide. They want their kids involved in some of the sports, some of the clubs, organizations that are going on, running activities in their communities. But when they can't afford it, it's unfortunate. So here's an opportunity that groups, individuals can fundraise and do different type of activity to allow . . . Children are not turned away or turned around.

So having said that, when it comes to fundraising, and I realize maybe there's a reason why obviously the government's looking at this, Bill 105. And I'm wondering who they consulted with. Who did they talk to? And who asked the minister and the government to bring this bill forward? That's an interesting question that I have. We're not sure who's done that.

Now having said that, was there individuals, organizations that have asked government to bring forward legislation? And it sounds like in the bill . . . And we're going to have to go through this. And I know my colleagues will have lots in committee, will ask a lot of questions. And right now we'll share some of our views and the good work that's going on. But who's asked for this legislation? Has it been organizations,

individuals? And what is the reason of it? We want to know what the reason is. Why is government introducing this bill and legislation?

It talks about they don't want to create hurdles for individuals or organizations, from what I can understand. They don't want to create hurdles. But I wonder then, what's the purpose of it? Who requested this bill? Who asked for this information to come forward? And how will it impact service clubs, groups? How will it impact, legislation like this — and I've been thinking about this as I was talking — First Nations communities? Because I know they do a lot of fundraising. They do their bingos. They do . . . You name it. They do all kinds of tournaments, whether it's hockey, football, volleyball. They do amazing fundraisers, constantly trying to help the youth, and they do a great job on it.

So will this provision that's going to be . . . And it might be online that they get access to the forms it talks about. Will they have access, and will this impact them in any way? And if it is going to impact them, has the government approached them saying, are you aware we're introducing legislation that may impact First Nations on their communities, may impact Saskatchewan residents? We're bringing that in. Now I'm not sure, and I know with, through committee we'll have to ask that. But I'm going to be checking on it because I know there's a lot of organizations . . . And you know, I have five First Nations that I represent in the Cumberland constituency. I want to make sure that this won't impact them, and if it is, that they're aware that there's legislation coming in.

So you know, hopefully they're hearing this and they'll get the message, the news, and hear about the government introducing this legislation. And if, you know . . . And I encourage the leadership and the community members, if they're doing fundraising, if they have concerns, they should ask the government to clarify this. Why are you bringing this? Will it impact us?

[15:30]

Or you know, is it . . . And if it's not going to impact them, then that's great. They'll continue to do what they're doing. And I know out of this . . . It sounds like there are some individuals that'll continue to do the fundraising the way the communities have done it. And government is saying it's not creating any hurdles. So I wonder if you have 30 individuals in a community who do fundraising, if 10 of them use the process, the legislation . . .

Now it talks about some of them won't have as much protection if they don't use the form. If they don't comply with I guess the regulations or the legislation, they're not going to have as much protection. That I think through committee we have to find out, what did the minister mean in his comments when he referred to this bill? What was he talking about? Some will have . . . And some of his comments, and you look at them and you wonder, okay, some will have I think better protection than others. The legislation will protect . . . It's designed to I think protect all of them is what I got from it. But those that comply and I guess apply to a, I don't know if it's going to be a licensing, if there's going to be regulations that will come out, or is this at the end of the day government going to be monitoring. And will

government be monitoring every fundraising now?

When we have a teacher who does fundraising in her classroom with students and stuff because they want to go on class trips, will they have to do some type of reporting? Filling out forms or reports to government saying, well here's what we fundraised for the class trip. We collected, you know, \$38.12, and they'll have to report that to the government because the government wants to see how much money is being fundraised. And that's very concerning to me because I know the good work . . . And I've talked about that.

I just want to talk about the teachers for a minute, the good work they're doing with students. They do a lot of fundraising and, you know, I say to them, thank you for all the great work they do with our students. And they do. They make sure our students get to the activities, get to go visit places when they do the class trips. Some of them come to the Legislative Building and some of that's done by fundraising. And it's small little pennies here and there, a dollar here and there. It's amazing what they do. And you look at the good work that they're doing to bring individuals and students to this Legislative Assembly for a tour. And they do the tour and the RCMP [Royal Canadian Mounted Police] barracks, the Science Centre. It's amazing. They do some good tours but they do a lot of fundraising.

So I get a little worried when we see government wanting to monitor now. Government will say, well no, no, they're going to have to report every penny. But I'm not sure. We need to find out exactly, you know, the details. We've got to look into the details and at the end of the day what comes with . . . Legislation is fine. You can have a discussion here, but I guess at the end of the day we're going to see what comes out in the regulations, that the minister then has the power, and the ministry, to develop the regulations.

Now are they consulting with the individuals I talked about today, you know, First Nations, municipalities? Are they talking with the mayors that know a lot of fundraising goes on with recreation in their communities, whether it's bingos . . . Some of the smaller communities, they operate bingos. They do a lot of fundraising. It's amazing. Like I said, a lot of good work because, you know, unfortunately there isn't an endless pool of money and resources for some of the small communities. They're isolated. So they do a great job of fundraising and doing all they can to clearly make sure that their students, their residents, and the children have access to programs.

And that's so important, Mr. Speaker, that we make sure kids can be involved and have a quality . . . whether it's education, educating them with coming, like I said, to a tour, whether it's taking part in sports, volleyball, basketball. There's so much of it that they do from the schools and, you know, some of the schools just do amazing. Their recreation programs, after school programs, they run some amazing programs.

Then we have organizations throughout the province do a lot of fundraising. I'm hoping that this doesn't create hurdles for them. And after the fact, after this legislation comes into power and then we see the regulations and the so-called rules that individuals are told you can fundraise by, but you're going to have to report this, this, this, we want to make sure that, you know, you do the due diligence.

But government says that they're protecting them. And I'm really concerned. Well did these individuals ask to be protected? Has there been some reason why? And I would like to know, and I think in committee those are some of the questions we're going to ask. Is there correspondence that asked the minister and the ministry to come up with this legislation to protect people who are doing, like I said whether it's, you know, someone's lost their house in a flood, in a fire, if they lost a loved one? We want to know. At the end of the day, are those individuals the reason why they're monitoring this? And that's the concern I have, and we have to ask those tough questions to make sure that those individuals doing the fundraising for all the different programs that I've talked about and mentioned, and great programs, that it's not going to create hurdles for them. And the minister's comments says he doesn't believe it will create hurdles and that's not what the idea of this legislation is.

So I wonder in the details, Mr. Speaker, then what will come out in regulations and everything else and who will they be talking with to find out what is best for individuals who do the fundraising? And there's so many of them. Whether you have, you know, a pie-eating contest, you have . . . Our province is so great when we come up with ideas and fundraising. Communities have to do the fundraising, and they're amazing.

You have small communities. It's amazing some of the amounts of fundraising. And you know, I think about . . . MBC [Missinipi Broadcasting Corporation] did the, you know, a fundraiser. They did the telethon for the children's hospital. It's amazing what they do. It just shows when you take the province and you take the North doing its part to support the children's hospital in that way, I commend the leadership with MBC and all the other organizations that fundraise and do whatever they can to promote. So we see when you have corporations matching, it's amazing how big the donations. But we're talking about the little, you know, fundraisers that people do. It might be a little meal. It might be a turkey supper. It could be a fundraiser on hockey. There is so much goes on in this province that individuals do and the great work they do.

So I'm a little worried at the end of the day and we're going to have to get into details that this doesn't create hardship for individuals who are just trying to fundraise to help out a family or help out an organization that needs it for some reason, whether it's a school, after school program. So there's lots of things, whether it's the food bank. And you know, I think about the food banks and the great work they do. There's a lot of fundraising, door knocking that's done. They collect food.

And you know, I realize that some of them are bigger chapters and you know, they have . . . You can make donations and you get a tax receipt, so that's different. I think they have a way of reporting and they report on some of that stuff and that's good because they have a board and they're bigger organizations. But when you get down to just the small, you know, individuals and maybe a few family members, a few community members get together and they say, we want to do some fundraising. We have this idea. We heard about this family or this organization's in trouble for whatever reason. They can't operate, keep the lights on because of the cost of electricity and stuff in our province. We see the cost of electricity going up and, you know, that's the government's deciding to do that. We see what

the government's doing.

So when we see all these challenges facing our rural and, you know, urban, the North, all the groups that do a great job of fundraising and dealing with some of the challenges, you know, and families suffering and, you know, we want to make sure that the government consults with individuals that will be impacted by this legislation, individuals . . . And I think the government should go out and talk to students. I think they should talk to teachers. I think they should talk to municipalities, to municipalities that have radiothons for fundraising.

And I know Pelican Narrows does a great job of that. They do a lot of fundraising for families and, you know, I've been there. You hear them on the local radio stations and they're fundraising. And I mean many northern communities do that and I've watched the way they do that. It's amazing how they come together. When their family members, their community members are struggling and having challenges, they come together.

Now government wants a reporting of that, and I'm worried about that and that concerns me. Too much reporting. And it's not, you know, government says, well we don't want to create hurdles. I hope at the end of the day, all of a sudden we don't look at some of this stuff and then say, well we're going to take this a little further and these organizations, these individuals will have to go through a . . .

It's like the bingos. And I think about the bingos, you know. The bingos, people used to . . . Different groups belonged to bingos. They did a lot of fundraising. And it generated a lot of resources to help whether it's volleyball, hockey. I don't care what recreation activity was going on, they did it, whether it was canoe trips. You had to take part whether you were in minor hockey. You had to work bingos and you had to do your part as parents. You had to do your part and you would do the fundraising.

But sometimes I think it got too complicated and of course with the government agencies and with the rules and regulations, they overdo it and they complicate it so bad that those volunteers don't want to volunteer to do it anymore because the government makes it too hard and creates more hurdles than it's worth. And that's the challenge. When you're creating these hurdles and you think, well you're giving protection to individuals and groups, well I don't think they see it that way sometimes, and they just see government interfering again in a good thing that individuals are doing.

So if there's a lot of complaints and if that's why the government's doing this, I wish the minister would say that and hopefully we can flesh that out in committee by questions asking, well did you get a lot of complaints? Who's complained? Who's requested it? You know, is it the courts are saying this? Is it individuals? Who's asking you, you know, who's asking for this type of legislation to make sure that the monitor . . . And I want to say this. Government says they're not creating more hurdles and they don't want to. That's not the idea of the legislation. It's to work with those and to give them protection.

I sure hope at the end of the day, like I've said, this is very concerning because there's so many . . . And I mean this is a big thing. We may think it's not but there are so many groups and, you know, organizations, individuals that do so much fundraising, like I said about class trips. You name it. And we're all probably, as members of this Legislative Assembly, have been involved in different groups and helping out fundraisers, whether it's, you know, you're donating out of your pocket to buy bakeries, they're having bake sales, all the different things we either . . . or working or volunteering, whether it's a pancake breakfast or, you know, there's so many different activities that go on and we take part and try to assist when it's a good cause. And you see it. And you hope at the end of the day you trust the individuals that they're going to do the right thing with those resources and the money that they collect, they fundraise, that they'll do the good thing and the right thing. Most I think people feel that way.

But if the government's saying that they're having issues with that, then I hope we'll flesh that out and find out what's the reason why. Have there been complaints? Or is this really not to create hurdles but to give supports?

So I know my colleagues have a lot of questions more, and I know in committee we will get a chance to ask more on this. So having said this at this point, Mr. Deputy Speaker, I'm prepared to adjourn debate on Bill 105.

**The Deputy Speaker:** — The member from Cumberland has moved to adjourn debate on Bill No. 105, *The Informal Public Appeals Act*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Carried.

#### Bill No. 106

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 106 — *The Legal Profession Amendment Act, 2013*** be now read a second time.]

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

**Ms. Sproule:** — Thank you very much, Mr. Deputy Speaker, and I'm pleased to rise to join in on the debate on Bill No. 106, *An Act to amend The Legal Profession Act, 1990*. The minister gave some fairly thorough explanations of what's being attempted here in this bill in his comments on November 18th, 2013 when he gave the second reading speech from the government on this proposed bill.

The bill attempts to make a number of changes to provisions in *The Legal Profession Act*. And as you will know, Mr. Deputy Speaker, *The Legal Profession Act* is the Act that governs the law profession here in Saskatchewan. I'm a member of that profession, and certainly this is something that is very important to the profession. And I think these changes that are being proposed add more to what the profession is desiring to do in terms of being accountable to the public.

I think it's fair to say that lawyers sometimes get a bad rap, Mr. Deputy Speaker, and are often the butt of a lot of criticism in the profession. But if you look back over the years and the history of this profession, it's a very noble profession and one that takes its obligations very seriously. And lawyers are often brought in when things are at their very worst, Mr. Deputy Speaker. And that's I think sometimes where some of the bad rap comes from, is that lawyers by their very skills sometimes charge fees to provide services to the public. And sometimes it's seen as a bit difficult for members of the public to do that.

So, Mr. Speaker, I'm going to start out by just looking at some of the proposed changes. The minister indicated the first provision that's being changed is one that's clarifying that when regulating the profession, the public interest is paramount. I think this is really important, Mr. Speaker, and I think I want to read that whole clause for you because it's something that I think is really important for the law profession.

[15:45]

I'm enjoying some of the comments from across the way, Mr. Deputy Speaker, and certainly I do enjoy speaking to the provisions of the bill so I'm going to keep trying to do that.

The new clause that's being inserted here in terms of protecting the public is clause 3.2, and I'm going to read that proposed clause. It says:

In any exercise of the society's powers or discharge of its responsibilities or in any proceeding pursuant to this Act, the protection of the public and ethical and competent practice take priority over the interests of the member.

And I think it's a very clear message from the Law Society and the lawyers in Saskatchewan that the protection of the public is paramount and that ethical and competent practice is the most important aspect of the legal practice. And it's not the interests of the member. And I think too often a lot of people presume the opposite. But I think the attempt here by the Law Society is that indeed the protection of the public is the number one responsibility for any lawyer practising law in Saskatchewan, and this provides clarity to that.

As the minister indicated, all of these requests come from the Law Society of Saskatchewan. This is not something that's being imposed by the Law Society, but it is this professional association who wants these changes and wants them to be absolutely clear so that the public understands what the view of the Law Society is.

And any member that does not take the protection of the public or the ethical and competent practice as a priority will be challenged and disciplined by the society. That's the whole intent of this.

The second change that the proposed amendments are making is in section 6(2), and in that one we see a change in the composition of benchers. And benchers are the people that are responsible for disciplinary action and admissions and all the administrative items that the Law Society deals with. So there's a new change or a proposed change to who will be benchers.

The thing that remains the same is that the dean of the College of Law will always be a bencher, and then there should be 17 benchers elected. Now what's being changed here is, rather than a very complex legislative formula that is proposed under the current Act under 6(2) — it's quite a long formula that's being imposed by legislation — that's being wiped out. And now the benchers, there's still 17, but they will be elected pursuant to the rules of the society. And I'll get into some of the details of the powers to make rules here in a minute.

So what we're seeing is a removal of strict legislative formulas of 50 per cent and 40 per cent. It's quite complicated. That's being removed. And as the minister indicated, the society itself is being given more control over the number of elected members on its council to accommodate demographic changes and improve governance. So I think this is an improvement, Mr. Deputy Speaker.

And another change that we see in the definitions is that the society is now given authority to regulate law firms as well as individual members. So that's a change as well. We see a new definition of firms being introduced so that the society can discipline a law firm as well as an individual member. And again I think that's a good change and I commend the Law Society for coming forward with that proposal.

The next change that the minister speaks to is found in section 10, and these are the rules that I just referred to. There's a long list of rules that the benchers can make about governance of the society, establishing committees, the election of benchers, the powers of the benchers. And it's a very long list that goes on for over two pages in the current legislation.

So there's sort of a clerical change being made at the beginning of the section, and all that we're told there is that they're incorporating the definition that's used in BC [British Columbia] right now, so it adds some clarity about who the benchers are making rules for, and it includes firms. So again, it's more clarity that the Law Society and the benchers have authority to make decisions relating to firms and not just individual lawyers. So they've adopted a new definition there.

But the substantive change, there's two here. One is in 10 article . . . Sorry. Section 10(f.2) is a new provision. And this is that they can make rules respecting the establishment of an admissions panel. And there's two important things about this. The admissions panel currently is the entire benchers, which as you know is made up of 18 members. I think the Law Society was finding that rather onerous, so they're now suggesting we just have an admissions panel. So who can be admitted to the Law Society? There's two groups of people. One is articling students, or students-at-law, as they're referred to in the legislation. And the second piece is new members of the Law Society.

And certainly I remember both of those instances very clearly in my law practice, Mr. Speaker. Back in 1994 when I finished my degree of law, I then applied to be admitted to the Law Society. It's a really big deal. And so that's under section 23 of the Act. And now instead of this being reviewed by the entire benchers, it would be reviewed by a smaller panel. They can make rules about who's going to be on that panel, and that's the change here.

And then the second big deal when you become an official lawyer is you actually get admitted to the Law Society of Saskatchewan by that . . . now it'll be the special committee. And again that's a very, very important day in any lawyer's life, when you get to go down to Regina to the Law Society of Saskatchewan and you actually sign the rolls. And every lawyer who's ever been admitted to practice in the Law Society of Saskatchewan is able to go to Regina, and you sign your name in the rolls. It's much like as MLAs [Member of the Legislative Assembly] when we sign the official record-keeping book here in the Assembly — same idea. And it's a very important time for a new lawyer, for sure. So that's a change you see in the rules.

And the other big change that's being proposed is the new clause (n.1), and that reads as follows: "providing for the appointment and composition of panels to carry out the discipline provisions of this Act." And the description that's given in the Explanatory Notes for that clause tells us that this " . . . gives the Law Society the power to make rules for appointment of members of the general public to discipline hearing panels." The minister in his comments indicates that this is something the Law Society wants. They want members of the public to be able to be part of panels that are hearing disciplinary complaints against individual lawyers or firms.

And I think this is again a good move on the part of the Law Society to ensure that the transparency and accountability of individual members is scrutinized not only by members of the Law Society but by members of the public. And we often fear that when people are being disciplined by their own colleagues that perhaps the tendency to be lenient perhaps, if I could suggest, is more of a temptation when you're being disciplined by your colleagues. But what this does is it opens it up to the public. And I think the view then of the Law Society is that that fear or concern is dissipated because we no longer have just people and their friends judging each other, which could be appeared as being inappropriate. And I'm not suggesting it ever is, but it's the appearance of that that's concerning.

So the Law Society is suggesting that also members of the public can now be involved in the disciplinary panels, and I think that's a very important change, Mr. Speaker. What the minister said is that the changes are proposed to change the way appeals are conducted . . . Sorry. In terms of the disciplinary actions, will provide that members of the public can also be involved in those decisions. So that's something that's important.

So yes. And when I mentioned earlier the change to the admissions panel, there's another change that's being suggested in section 23. This is when a Law Society, when a student-at-law applies to be admitted and they're refused admission to the Law Society. This is where instead of having the entire bench review the refusal or the appeal of the refusal, it's now going to be a smaller panel that's established under the rules. And that applies for a student-at-law under section 23. So there's some amendments relating to that.

And it also applies for when a person applies to be a lawyer and is refused. And again, instead of asking the entire bench to review the appeal of that refusal, we'll see an admissions panel. And that's a couple of changes to section 24 that are being

proposed. And again, I think they make eminent sense, Mr. Deputy Speaker.

Section 35 is also being changed, and in this case . . . That's what I referred to earlier, is the conduct investigation committee. Now that the rules allow it, this section 35 tells us how the conduct investigation committee is established. It's no longer prescribed in the legislation, but it's prescribed in accordance with the rules. Now we know that section (2) has been amended quite a bit, and it just reads, "The majority of members of the . . . committee must be benchers."

So the Law Society is insisting on a disciplinary action that no matter how many people are hearing it — and we know that members of the public will be part of that committee now — a majority of the members of the committee still must be benchers of the Law Society. So it's not like they're throwing it wide open to a bunch of members of the public doing the disciplinary hearing. There still has to be a majority of the members that are from the Law Society.

So I think then we have a couple more changes that I want to mention. One is in section 53. It used to be that the hearing committee had to report back within 45 days. Now they're proposing that it be heard as soon as possible. So I think that just is to provide some flexibility because in complex cases it's been difficult to achieve that 45-day period.

And in section 86 there's some changes here. There's a statutory exemption from liability for a number of people in that section already, and they're just extending it to the Law Foundation or members of the Law Foundation, as long as those members are acting in good faith.

So, Mr. Speaker, a number of these changes seem very appropriate. Again they were brought forward by the Law Society, and I think that they're designed to promote accountability and including members of the public in some of the decision making that is made by the Law Society of Saskatchewan, which seems very appropriate. So at this point, Mr. Speaker, I want to, I would like to move to adjourn debate on Bill No. 106, *The Legal Profession Amendment Act, 2013*.

**The Deputy Speaker:** — The member from Saskatoon Nutana has moved to adjourn debate on Bill No. 106, *The Legal Profession Amendment Act, 2013*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Carried.

### Bill No. 113

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 113** — *The Powers of Attorney Amendment Act, 2013/Loi de 2013 modifiant la Loi de 2002 sur les procurations* be now read a second time.]

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

**Ms. Sproule:** — Thank you very much. Thank you very much,



Mr. Speaker. And I'm glad to note that my colleagues across the way are hanging on my every word and finding out what the true substance of these bills are. So I really appreciate the attention by members opposite as well as my colleagues.

So I'm very pleased to be able to get up and speak today to Bill No. 113, *The Powers of Attorney Amendment Act*. Mr. Speaker, one of the things that I want to start with is . . .

**The Deputy Speaker:** — There seems to be quite a bit of noise in the Assembly. I'm having a great deal of difficulty hearing the member from Nutana. Those members that are in the back, if they would like to take their conversations outside, it would be much appreciated. I recognize the member from Saskatoon Nutana.

**Ms. Sproule:** — Thank you, Mr. Speaker, for your attempts to obtain a quieter Chamber, but we'll carry on. One of the first things I wanted to bring to the public's attention when we're debating this bill — because it's a complicated area of law and it deals with powers of attorney, and there's lots of words that get thrown in when you're talking about powers of attorney — but I'd like to share with the people that are interested in this a small piece from the government's web page, the Ministry of Justice web page, on the purpose of an attorney because I think this is an important point to embark on this discussion. And I'm going to quote what's on the web page. It says:

People who are growing older may be unable to look after their basic financial transactions. They may be unable to do their own banking, look after day-to-day bills, buy personal items, buy food, shelter and services, and collect payments to which they are entitled or deal with assets they own such as a house or investments. This makes them extremely vulnerable. It also affects other people such as dependants, service providers and those who own property together with the grantor. The role of an attorney is to step into the shoes of the grantor for the purpose of financial decisions and transactions on the person's behalf. This serves to protect the welfare of the grantor. It also indirectly benefits others whose own financial interests are connected to those of the grantor.

This obligation is a very serious one. Almost every aspect of the grantor's life is affected — directly or indirectly — by the attorney's actions. By performing the role diligently and sensitively, the attorney will give the grantor the most comfortable, enjoyable and safe life that the grantor can afford. On the other hand, extreme harm can result to the grantor and to others if the attorney does not act diligently and honestly. Therefore, the highest standards of honesty, integrity and trust are demanded from the attorney.

Passing control of . . . [one's] income and assets to an attorney does not mean that the attorney assumes ownership of the income and assets. Ownership remains in the name of the grantor. He or she is simply responsible for managing, in the best way possible, what the grantor has.

So, Mr. Speaker, you can see that in these circumstances the role of an attorney is incredibly important. And I know many of us have aging parents, or many of us are responsible for

dependents who are often unable to exercise their own will in terms of property or personal issues.

There's two types of an attorney. There's a personal attorney, and then there's a property attorney. And those can be two different people, but either of them are given the power to act under what we call the power of attorney.

[16:00]

So this is a very important issue that many of us in the Assembly may be asked to do at some point in time, or certainly we know individuals who are asked to perform this role. And it's certainly one I think that's very delicate, very sensitive. It's extremely . . . As the web page says, “. . . the highest standards of honesty, integrity and trust . . .” are invoked in these types of situations because of the vulnerability of the individuals. Most often these individuals are seniors, as we get older and aren't as able to look after our own affairs. So you know, it's something I think that the most vulnerable people are affected by.

And we hear a lot about vulnerable seniors these days. I know on this side of the House we've been talking a lot about the vulnerability of seniors in long-term care homes and personal care homes, and it's something I think that we have to continually be extremely vigilant about.

So I think there's a few changes that are being proposed at this point to *The Powers of Attorney Act*, and these changes reflect I think the extreme importance and the level of integrity and honesty that are required by the attorney, if it's a personal attorney or a property attorney, in maintaining and protecting that individual because of the vulnerability of that individual. And you know, many of these individuals as they get older have significant assets, significant property assets, banking assets, or personal affairs that are very complex and involved. So I think this vigilance that's imposed in these types of legislation can never be high enough. I think it's something we need to continually strive to ensure that these attorneys are held to the highest standard and also helped to reach those standards.

So I think some of these changes make a lot of sense and will make some clarity around issues where there was some confusion. And indeed the minister, when he rose to speak to this on November 18th, indicated that there's some aspects of the law respecting powers of attorney that are unclear.

I just want to point out that he said that there was consultation on this recently, but to me it's unclear with whom he consulted with. So that's one of the questions I think we're going to want to find out once we have an opportunity to question the minister in the committee is, exactly who did he consult with? Because he said he consulted, but we don't know with whom he consulted. So we're hoping that folks like the Seniors Mechanism, who I understand are having their Christmas party today, but those are the types of folks who we'll be . . . we assume and hope that the minister consulted with. But we will certainly need to find out when we have an opportunity to ask him that question.

Anyways as he was indicating in his comments, there are some aspects of the law respecting powers of attorney that are unclear. So the first example he gives is that let's say the

grantor, the person he's acting for, he or she's acting for, has a substantial estate and would normally have been making donations or gifts to various people as a matter of course. There was nothing in the law that said that the power of attorney could also make gifts on behalf of the grantor, and so there's a number of changes that are being proposed here. And I'm just going to pull out the actual change that we find in the Act.

This is a new section, and it's going to be called section 16.1, and it's called "Gifts." That's the marginal title of it.

So what we see here is there's three ways that a property attorney can make a gift out of the grantor's estate, and there's no other way to do it. This is limiting to these three conditions. So we're saying:

(2) Subject to the regulations and any limitations . . . in the enduring power of attorney that appoints the property attorney, a property attorney may make a gift out of the grantor's estate if:

(a) the portion of the estate that constitutes the gift is not required to meet . . . [their] needs . . .

So if he's going to give away more money than the grantor needs, it's not allowed.

Second thing, if the property attorney should have reasonable grounds to believe that, based on the grantor's actions when they had capacity, that they would've made the gift. So the power of attorney can't start giving money willy-nilly, even if the money's there, if the grantor had never done that before they lost capacity to make decisions. So again I think that's, that's an important restriction on this.

And then finally, "the value of the gift does not exceed the prescribed amount." We see that under regulations there will be a prescribed amount that caps the amount of money that a property attorney can make.

I guess another point here, Mr. Speaker, is I had to double-check what's the difference between a power of attorney and an enduring power of attorney? And this section is for the enduring power of attorney. I could appoint you, Mr. Deputy Speaker, as my power of attorney now, I still have capacity to make my decisions, but you would as well. But once I lose capacity to make decisions, then you would become the enduring power of attorney. So the enduring portion of the description here, it's only enduring powers of attorney who can make gifts, and those are when I have lost or the individual grantor has lost their own capacity to make gifts.

So you know, you can give power of attorney. Let's say you're going to go out of the country for six months or you have to, you know, undergo some medical treatment and you don't want to run your own affairs. You can appoint a power of attorney for that, but it wouldn't become an enduring power of attorney until you have lost capacity.

And I'm just going to quote a little bit of this from the web page as well, just to make clear what an enduring power of attorney is, and it says, "An enduring power of attorney is a power of attorney that states that it is to continue in effect even if the

grantor becomes incapacitated."

There's two types of enduring power of attorney. One is the first type that takes effect immediately, and the second comes into effect on a specified future date or the occurrence of a specified event. And they have an example: so it was when the grantor becomes mentally incapable or when grantor leaves the country for an extended period. This is a contingent power of attorney.

So I think many, many adults, as they get older and become senior and realize they're not able to deal with their affairs as well as they would like to, will appoint a power of attorney. And they'll continue to make their own decisions as long as they're capable of doing so, but the power of attorney can make those decisions. Or once they lose capacity, then the enduring power of attorney would take over.

So in terms of the gift portion of the changes to the Act, this only relates to enduring powers of attorney when the grantor can no longer make those decisions. And as I said, they can give gifts in the very specified provisions here in the new section 16.1.

The next section that is being amended is in relation to fee schedules. And I know this is often a problem that I think we encountered in my . . . the father of my children when his father died. His father had provided for a trust company to look after his estate. And the fees they charged, Mr. Deputy Speaker, were absolutely massive; I was quite surprised at what they charged for my father-in-law's estate. And I think it's very important that individuals are protected and dependents and beneficiaries are protected against exorbitant fees.

So the proposed changes here are I think in section 17 of the existing Act. And what's being proposed here, they've actually basically replaced the existing clause. In the existing clause there was a provision that said that you can charge a fee that's reasonable and that you have to provide an accounting for those fees. Now the new section reads:

An attorney acting pursuant to an enduring power of attorney shall not charge a fee unless:

[it's] . . . set out in the enduring power of attorney.

And again the power of attorney is the document that outlines the responsibilities of the attorney. So you can't charge a fee unless it's set out in the document that makes you the attorney or the court has made an order setting a fee for you. Or if it's not set out in there but there's a prescribed fee schedule in the Act, then it can't be more than the prescribed fee schedule.

So again I think it protects the vulnerability of the grantors in this case, that unless the grantor has said, here's the fees you can charge, or if a court has said, these are reasonable fees you can charge, or if they're not any higher than what's in this schedule in the regulations, then you can't do it. So that's a very important protection for the vulnerable people that are the grantors in these circumstances.

The other changes that we find in the Act . . . Let me find these again, Mr. Deputy Speaker. In terms of accounting in section 18

there's a few changes that are being made, basically that there will be a prescribed form for accounting so that we know that proper forms are being used.

There's also a new subsection (4.1) that gives the government or the public guardian and trustee the power to carry out an investigation to ensure that the accounting is appropriate and mirrors the provision in *The Adult Guardianship and Co-decision-making Act*. And we know now there's going to be some regulations that will give the form for accounting. So there's going to be a standard accounting process for any attorney who is collecting fees as a result of being appointed as an attorney.

And the amendment to subsection (6) allows also an order to terminate the authority of an attorney who does not provide an accounting. So it gives some powers to the court and to protect the vulnerable people against unscrupulous attorneys who do not properly account for their fees and do not follow the rules, basically. So again it's another protection for the vulnerable people that are placed in the position of having a power of attorney.

Section 19 is also being amended somewhat. There's just a few provisions being added here: what happens in the case of a missing person, and presumption of people who are presumed dead. They also, if they have a property guardian that's appointed — because you can do that under *The Missing Persons and Presumption of Death Act* — the changes here now just reflect the ability to cross-reference that Act. Those are found in clause 19(1), and it's just adding a couple of clauses here: subclause (g.2) and (g.3) for orders presuming death of the grantor, or orders appointing a property guardian for the estate of a missing person. A couple of small changes also in that clause in terms of the definition of spouse, which are just modernizing and reflecting the amended description of a spouse.

And the final change that's being proposed under the regulations is a few new ability clauses to make regulations. Clause (d.1) — and this all relates to the other changes I've talked about — so clause (d.1) of regulation powers says that they can prescribe the maximum value of a gift. So we can now do that. Under (d.2) we can prescribe a fee schedule for the attorney's fees. And then finally under (d.3), we are going to have an ability of regulations prescribing the form of the accounting that takes place.

So again, Mr. Speaker, I think the vulnerability of the grantors is paramount in any of these provisions. And for those of us with aging parents who will need that kind of help, or maybe already we are dealing with those kinds of responsibilities for vulnerable seniors — and of course this doesn't only relate to vulnerable seniors, but any dependant who has affairs that need to be looked after — then I think these kinds of changes are very important. And I think, as the minister said, the protection of vulnerable adults who have given a power of attorney is now enhanced with the proposed changes.

So I've really appreciated the opportunity to speak to this bill. And I believe other of my colleagues want to speak to it, so at this point I would like to move that we adjourn the debate on Bill No. 113, *The Powers of Attorney Amendment Act, 2013*.

**The Deputy Speaker:** — The member from Saskatoon Nutana has moved to adjourn debate on Bill No. 113, *The Powers of Attorney Amendment Act, 2013*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Carried.

[16:15]

#### Bill No. 114

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 114 — *The Health Care Directives and Substitute Health Care Decision Makers Amendment Act, 2013*** be now read a second time.]

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

**Mr. Nilson:** — Thank you, Mr. Deputy Speaker. It's my pleasure to rise to speak to *The Health Care Directives and Substitute Health Care Decision Makers Amendment Act, 2013*.

Mr. Speaker, this legislation which we're amending is an important part of the health care system in Saskatchewan. It looks at and sets up procedures whereby people can make decisions about their health care in a way that's organized and reflects careful thought by an individual as to how they want to be treated in situations where right now they don't anticipate that such legislation will be needed.

So, Mr. Speaker, this is the kind of legislation that deals with tough decisions that are made by families or others so that the appropriate and the right decisions can be made. And as we know, as people age and as they get into situations where tough decisions are made based on medical advice and sometimes legal advice, the more accurate legislation that we have, the fewer problems that there will be later in interpreting them.

So what we have here, Mr. Speaker, is legislation then that amends the directives, health care directives legislation or substitute health care decision makers Act. It appears that the rationale for this legislation is that there are and have been quite a number of situations where decisions around health care are difficult. And I think the most practical one was identified by the minister in his second reading speech, and that relates to day-to-day decisions made in a health care institution.

So you have a spouse or a parent in a long-term care facility where there are decisions that need to be made on a day-to-day basis about particular treatments that are needed or particular activities, and when the person is not in a position to make those decisions themselves, somebody else has to do that and make those decisions. And so what the legislation does is say that day-to-day treatments can be made in a fashion that is without complication, and it's made by people who are in care.

So basically what's going to happen is that the power will be here in the legislation for regulations to be created to prescribe who will be the caregiver that makes these day-to-day decisions. So it could be, you know, something related to a

certain type of medication or it could be something related to dental treatment, eyeglasses, things like that, where a person can't make the decisions. And so what they're doing here is to set out a way whereby these treatments can be accomplished.

I think the specific language in the legislation says:

If a person requires a day-to-day treatment but lacks the capacity to make a health care decision with respect to the day-to-day treatment, and neither a proxy, nearest relative nor personal guardian is readily available, the person's caregiver may make a health care decision for the person requiring the day-to-day treatment.

So practically, that's acknowledging the fact that caregivers do have relationships with patients and that they can in many cases make decisions in a relatively straightforward manner. And so the legislation will be amended to include that kind of an option. And, Mr. Speaker, that seems reasonable. I'm sure there will be situations where there may be some difficulties as a result of that, but I think practically that it's a reasonable solution to what sometimes is a difficult situation.

One of the factors for Saskatchewan is that we often have people who are aging here whose family is spread out across the world. And they're available and will be diligent in coming back to visit senior family members, but they're not there for some of these day-to-day decisions. So this is a method whereby some of those particular situations can be dealt with.

And, Mr. Speaker, I think that this is a relatively good solution for now. I also understand that there may be situations where this isn't going to satisfy everybody involved. But we'll have to see whether two years or three years or four years down the road there doesn't need to be some amendments to define what day-to-day treatment is and what a caregiver is. But practically, this appears to be a reasonable solution.

And so the way the legislation is set up is things like the term, day-to-day treatment, will be defined in the regulations. I think that much care will have to be taken in developing those regulations, and I would urge that there be much consultation around that because it's on that practical side of this legislation where problems will arise.

Now then the next section in the legislation, they've set out a priority order I guess if I can put it that way, for people who will make a decision for somebody who can't make a decision around application to a long-term health care facility. And this is another place where there sometimes arise difficulties because you have different people who think they have authority, and they all have concern about the person who requires the care, but some may have more priority in the list than others. So what this legislation will do is to set out that priority. And I think if you look at the new section 18.1(2), and we can go through it and listen to what's said here, we'll see the priority that's been set out.

And so it says, "If a person requires long-term care but lacks the capacity to make a health care decision, the personal guardian . . ." is number one. If they can't do it, the proxy is number two. If they can't do it, the nearest relative is number three. And if that's not the solution, then two treatment providers can make

the decision.

So effectively we have a four-tiered layer. The personal guardian, and the personal guardian would be somebody who has that status under the legislation or under some agreement. A proxy is somebody who's been appointed a health care proxy. And then you go then to the nearest relative, and the legislation itself now does have a whole list of relatives in order as to who has the power.

And just for review purposes, I'll set that out so that people can understand. So basically if somebody has an issue around making decisions for health care, the order as set out in the Act is as follows: "the spouse or person with whom the person requiring treatment cohabits and has cohabited [in a spousal] . . . relationship of some permanence." Now that gives a little flexibility, but effectively it's the spouse or partner is the first person to make a decision. Then if they're not there or not available, it's the adult son or daughter of that person. If they're not available and they have a parent or legal custodian, then they take the decision. If that person isn't around, it goes then to an adult brother or sister of the patient. If they're not around, then it goes to a grandparent, and then if the grandparent's not around, it slips down to the adult grandchild, and then it goes to adult uncle or aunt or an adult nephew or niece.

And I think that it's interesting to see how that sort of hierarchy works, and it's important to keep that in mind when some decisions are made. Now often in larger families there may be more than one person in each of these categories. So you'll have some other issues around how to make the decision, but ultimately the goal is to have as much information and conversation, and that if there are disputes, then you will have some rules.

And so what the legislation does here is say that if there is nobody in that nearest relative category, which is the third tier after the personal guardian and the proxy, you can still have the two treatment providers make the decision. And I think that's kind of a fail-safe clause. I think it's important. It adds some clarity to how these applications can be completed. It also makes it easier for the enrolment organizations, which we know are part of our regional health authorities, to be certain that they have the right people applying for long-term care in a long-term care facility.

So it's a broader structure, and part of what our job here in the legislature is is to try to make sure that there aren't any gaps, that there aren't any places where somebody will end up with a dispute over in the hallway around what kind of care a person should get.

Now the next part of this legislation relates to identifying and making sure that it's clear that an enduring power of attorney, which my colleague was just talking about under *The Powers of Attorney Act* amendments, but an enduring power of attorney does not have the effect of giving that attorney the power to make health care decisions. And this is a bit of an interesting issue, but it's a further clarification of the differences around creating the personal guardians for somebody under a health care decision kind of agreement and somebody who has a power of attorney or enduring power of attorney to deal with a person's assets.

And there, I think, has been some sort of on-the-street perspective that, well, an enduring power of attorney does cover this whole array of health care decisions as well as financial decisions, and rather than leave that fuzziness in the legislation, what's being brought forward here is to make it absolutely clear that the enduring power of attorney does not relate to health care decisions that are part of this particular legislation.

[16:30]

The net effect of that is that if a person enters into an enduring power of attorney, they do that because they have concerns that they may end up with some memory issues or Alzheimer-related types of dementia that is going to make it difficult for them to make decisions around their property and other areas. But they'll have to be clearly advised that it is not an agreement or an arrangement that is transferring authority to deal with health care decisions. That those kinds of decisions are to be dealt with through health care directives and through the types of instruments that are mentioned in this legislation.

And I know that this particular clause that's been introduced in this legislation actually does, you know, would relate to those situations where people are convinced, as the person who holds an enduring power of attorney, that they have this right to make all of these decisions in the health care area. But they do not. And it's setting out very clearly that the health care directives and the powers that are made under those documents will trump anything that's in a power of attorney or in an enduring power of attorney.

So it's a whole interesting area and it's important to see how it's developed over the years. I mean clearly, as issues arise, new words are added to both the health care directives and the enduring powers of attorney to reflect what happens here in Saskatchewan.

Now the other thing that I would point out is that each province, and most likely each of the states in the United States, have their own legislation as it relates to similar activities. So in Alberta, the rules may be slightly different. In Manitoba, a little bit different here and there. I know there's an attempt to try to have them as similar as possible, but they aren't exactly the same. And that does, you know, raise the question sometimes that an understanding of a particular document or a particular directive in Saskatchewan may be different than what the person in British Columbia or Ontario is thinking based on what they know about their British Columbia or Ontario legislation. And so it is part of the whole concern around getting as much clarity in our legislation as possible, but also getting the clarity around the words that are used across jurisdictions, at least in Canada. But given the fact that many of our citizens spend a lot of time in the States or other parts of the world, to make sure they're clearly interpreted in those places as well.

Now, Mr. Speaker, the last section in the legislation relates to some of I think the regulations that can be created. And effectively what it does is put into effect where and how the decisions are made as it relates to the changes that are there in section 18.1 around who can make a decision about entry into long-term care and also who can make the day-to-day decisions about treatments and types of treatments. And so what we see in the regulatory power clauses is that the minister, through

regulation, will be able to designate all of those positions that are caregiver positions, and those are the people then that have the ability to make the day-to-day treatment decisions.

Then also in the same regulatory phrase that's used in this legislation, it will prescribe and list out all the types of treatments that are to be subject to the day-to-day decisions. And so, Mr. Speaker, this is going to be an interesting task to see. I encourage the minister to put out draft regulations as quickly as possible so that people can discuss whether their decisions are too wide for day-to-day type decisions or whether they're too narrow. Because practically the heart of the changes that are here will be in those particular regulations and so, Mr. Speaker, you end up with concepts that are in the legislation and then these definitions that will be in the regulations themselves.

Another regulatory power that will be given to the minister will be the power of designating facilities as long-term care facilities pursuant or for the purposes of section 18.1, and that effectively may be that a long-term care facility, as we understand it under other legislation of the province in the Health ministry, might be slightly different than the long-term care definition that's going to be under this particular legislation. So that will be another area where we'll want to watch and see how the legislation is implemented. And once again in that area I think it would be wise to send out draft regulations many months ahead of them going into effect to make sure that we don't end up with some strange anomalies between one place that is called a long-term care facility and another which is exactly the same but doesn't have that designation.

So, Mr. Speaker, on this type of legislation, it's usually brought forward by the minister to deal with specific issues that have arisen. I know that you often can't talk about exactly the situation that's arisen, but I think that we'll all be looking to the minister to provide us with the context where some of the problems have arisen so that we can assess whether this actually will solve the problem that has been identified.

Mr. Speaker, I know that some of my colleagues will also want to speak to this legislation, probably from an angle of some of their own personal experiences in dealing with this because I think it's important to also put that on the record as showing the importance and the urgency of these types of changes.

It may also be that as we look at the legislation over the coming winter that there are other changes that should have been made in this area which are not included in this legislation. And if they're practical and reasonable, I'm sure we will bring them forward or it may be that the minister would bring them forward because they're so practical and reasonable. So we would see about that.

But I want to give other of my colleagues opportunity to speak to this legislation, and so I think at this point, Mr. Speaker, I will adjourn debate. Thank you.

**The Speaker:** — The member has moved adjournment of debate of Bill No. 114, *The Health Care Directives and Substitute Health Care Decision Makers Amendment Act, 2013*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

**Bill No. 115**

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 115 — *The Public Guardian and Trustee Amendment Act, 2013*** be now read a second time.]

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

**Mr. McCall:** — Thank you very much, Mr. Speaker. Good to be recognized in the Assembly and, as ever, nice to get the thumping support from the member from Regina South. The guy's got a gift for thumping that desk, Mr. Speaker, and it's always nice to hear him putting that gift to use.

Bill No. 115, *An Act to amend The Public Guardian and Trustee Act, to repeal The Mentally Disordered Persons Act and to make a related amendment to another Act*, Bill No. 115, is a pretty interesting piece of legislation, Mr. Speaker. It comes forward as part of a suite of legislative amendments tabled this fall session by the government to provide better legal responses under the existing legislation for dealing with individuals that for different reasons, either through the health care system or through the legal system . . . But again we've dealt with the matters under the health care directives Act, under *The Powers of Attorney Act*, and again we're here today with Bill No. 115 dealing with measures under *The Public Guardian and Trustee Act*.

I've had recent experience, Mr. Speaker, as I know you have yourself, as I know other members in this Assembly have, to pay a bit closer attention to the work of the Public Guardian, Mr. Speaker. And again in the person of Ron Kruzeniski, you've got a long-standing public servant, a real trailblazer in a lot of respects, someone who has done a fine job on behalf of the people of Saskatchewan in many, many different capacities over the years, Mr. Speaker, but of late in the Office of the Public Guardian and Trustee.

And I know that looking at the legislation, it would seem to bear certain of the grace notes evident in the work of that individual. And certainly making sure that the Act is keeping up with the best in modern practice, the best in interjurisdictional best practices is very important. And again we're glad to see the refinements brought forward in these various pieces of legislation here today.

As regards the Act itself, Mr. Deputy Speaker, in terms of what I'd like to discuss here today, what I'd like to do first is consider the minister's second reading speech and then work through the legislation itself and then maybe situate that in the context of the current work being undertaken by the Public Guardian and Trustee.

But when the minister brought the legislation forward in the second reading speech, Mr. Speaker, November 8th, 2013, the Minister of Justice stated that:

The main portion of this bill moves the provisions

respecting certificates of incapacity from *The Mentally Disordered Persons Act* allowing that legislation to be repealed.

Carrying on with the quote, Mr. Speaker:

Some changes from the provisions found in the former Act include: a change in terminology from incompetence, which some of the respondents from consultations found objectionable, to a concept of capacity or incapacity; a new ability for physicians to examine a person for capacity without a request from a chief psychiatrist; and a reduction in the time period that can be imposed between re-examinations for capacity from one year to six months.

So there, Mr. Speaker, you find some valuable concepts being deployed in this legislation. Moving from the terminology that denotes incompetence to one of competence or capacity, obviously a more positive definition of the situation for people. And again these are folks who are often quite vulnerable, Mr. Speaker, and they have some pretty wrenching situations that have led them to trusteeship. And stating their situation more positively, making a more accurate assessment of the skills and the competencies and the capacity that they bring, Mr. Speaker, is a good way to go.

[16:45]

In terms of the ability for physicians to examine a person for capacity without a request from a chief psychiatrist, in this, Mr. Speaker, we see again I think an adaptation of the system to make the system more responsive, to provide for more timely assessments as regards capacity or competency. And again the balance that need be struck there, Mr. Speaker, is in terms of the previous bar being one, with involving the chief psychiatrist, ensured that the gravity of what is entailed in a decision or a designation of competence is a very serious one, Mr. Speaker, and entails some pretty significant changes in the ability of a person to govern their own affairs so that the bar should be set high with the chief psychiatrist.

And that that is now being changed to provide for different physicians to be able to make the assessment of competence without application first to the chief psychiatrist. Again we'll be looking to see how that works. We'll be looking to make sure that there aren't abuses that accrue to that.

Again in terms of the different regulations that oversee physicians and the different individuals empowered by this legislation, there are safeguards in place. And we'll see if this does indeed meet that balance of both responsive and timely assessments being made as regards competence but at the same time the assurance of making sure that this is undertaken in the absolute spirit of solemnity and gravity that it need be undertaken in.

And then the reduction in the time period that can be imposed between re-examinations for capacity from one year to six months, again, Mr. Speaker, this should make for a more timely regime, a more responsive regime as regards these very critical assessments and the fairly significant restrictions and curtailment of individual liberties that it involves. But we'll be looking to see how that is utilized and how that works its way

through the system. But again, given the sort of time periods involved, this is something that should become evident over the immediate and medium term of this legislation upon being enacted.

Again returning to the second reading speech, Mr. Speaker:

Other amendments update the powers of the Public Guardian and Trustee by adding the power to revoke an acknowledgement to act that was signed in error, and adding the power to administer the estate of a deceased dependent adult client of the public trustee and guardian pending administration by someone who is not a court-ordered personal representative.

Mr. Speaker, this is again clarifying what are fairly significant powers under the Act and fairly significant powers that are exercised on the behalf of individuals under the office of the guardian and trustee that we're able to revoke, that they'll be adding the power to revoke "... an acknowledgement to act that was signed in error ..." Again that would seem to be a fairly straightforward proposition, but we'll have questions I think, Mr. Speaker, in terms of the previous approach that needed to be followed and what sort of anticipation there is around using that provision.

"... adding the power to administer the estate of a deceased dependent adult client of the public trustee and guardian pending administration by someone who is not a court-ordered personal representative." Again, Mr. Speaker, this is a very significant power that is vested in this office and that we've seen in other jurisdictions go significantly wrong on behalf of people abusing that authority, people abusing that trust. And again, so the laws rest upon human shoulders, Mr. Speaker.

Again, we've been blessed with a Public Guardian and Trustee who takes that job very seriously, but the legislation and the conduct under that legislation is of course critical. And that there can be a refinement made is referenced there by the minister in his second reading speech. Again this is a good thing, but we've always got to be vigilant in ensuring that this is the best possible legislation and that the legislation itself is being conducted and applied in a way that is worthy of that tremendous trust and authority that's been vested in the Office of the Public Guardian and Trustee.

And again, not so much in Saskatchewan of late, Mr. Speaker, but we've seen examples in other jurisdictions where that trust is abused and that trust is not carried in a way that is consistent with the tremendous authority that is invested in this legislation. And when that happens, Mr. Speaker, people get hurt. People's lives are made for the worse, and damage to property and to livelihood can accrue. And it's not unlike, you know, if you've got people behaving poorly in any sort of circumstance, where they're not living up to the authority entrusted to them, then people can go wanting in terms of situations of fraud or the abuse of seniors.

And I note for the record, Mr. Speaker, different sort of examples coming out of British Columbia, where there's an entire organization, Seniors at Risk, that has sprung up in response to different circumstances that have come around questions concerning the conduct of the Public Guardian and

Trustee in that province and questions of abuse of authority and fraud in managing the estates of seniors placed under their control. I'm citing from Seniors at Risk, May 14th, 2012. They reference:

1. A Public Guardian and Trustee staff member who was convicted of embezzling millions of dollars of real estate and other assets from seniors for whom the PGT was appointed guardian,
2. The Public Guardian & Trustee seized the joint bank accounts of an elderly couple after the husband complained about mistreatment and neglect of his wife by care facility staff, and forced his wife to remain in an institution rather than be cared for at home, with home care, and
3. [An allegation around] Public Guardian and Trustee staff ... [ransacking] the home of an elderly woman who was under the PGT's legal care, made the last months of her life "miserable."

Again, Mr. Speaker, these are circumstances where if you don't get that balance right between the legislation and the legislative framework and oversight and execution of the legislation, then things have an opportunity to go very badly wrong. And in the situations that I'm listing here, Mr. Speaker, that is exactly what has happened there, and how unfortunate.

So again in terms of making that balance between the very vulnerable situation that individuals are under when they come to orders being placed under the purview of the Public Guardian and Trustee and that keen balance that must be struck in terms of making sure that we've got the best practices, making sure that we've got the best possible legislation, and making sure that we've got good people to carry these very critical duties out, Mr. Speaker. And you know, at the same time, with great power comes great responsibility and the responsibility under this legislation to make sure that all of that trust vested in this office and represented here today by the legislation is not just warranted but is well carried through.

Mr. Speaker, I know that we in the opposition benches have a number of questions that we'd like to ask about the legislation. We'll be looking to see, now that we've got a better idea of what's in the Assembly before us in terms of the legislative agenda of this government, to see how these different pieces fit together and whether or not they do truly provide for a better protective regime for vulnerable adults and those placed under trusteeship under the Public Guardian and Trustee office or as regards to the different measures brought forward under powers of attorney or the different sort of circumstances envisioned under the health care directives legislation previously under discussion by my colleague from Lakeview here just this afternoon.

So we'll be looking to see how those fit together. We'll be consulting certainly with seniors but those who are experts in the fields who are out there practising and interacting with this legislation on a day-to-day basis and hopefully with individuals that are subject to the provisions of these Acts themselves, Mr. Speaker.

So those are some of the things that we'll be looking to undertake in the days and weeks and months ahead as we consider the different pieces of legislation, but in particular Bill No. 115, *An Act to amend the Public Guardian and Trustee Act, to repeal The Mentally Disordered Persons Act and to make a related amendment to another Act*. And with that, Mr. Speaker, I would move to adjourn debate.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 115, *The Public Guardian and Trustee Amendment Act, 2013*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

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

**Hon. Mr. Harrison:** — Thank you, Mr. Speaker. I move that this House do now adjourn.

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

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried. This House stands adjourned to 10 a.m. tomorrow morning.

[The Assembly adjourned at 16:58.]





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