



FIRST SESSION - TWENTY-EIGHTH LEGISLATURE

of the

**Legislative Assembly of Saskatchewan**

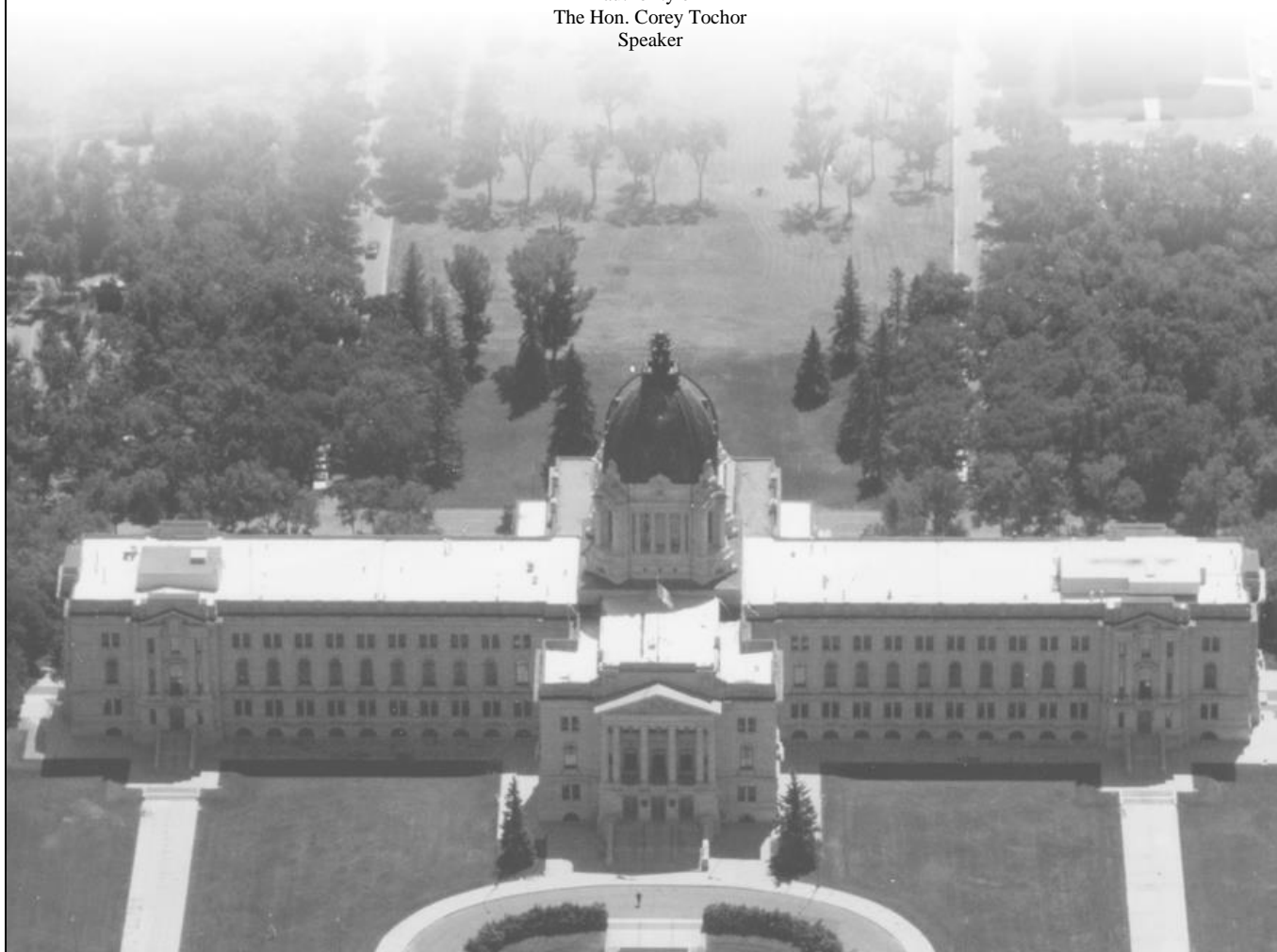
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**DEBATES  
and  
PROCEEDINGS**

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(HANSARD)

Published under the  
authority of  
The Hon. Corey Tochor  
Speaker



**MEMBERS OF THE LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**1st Session — 28th Legislature**

**Speaker** — Hon. Corey Tochor

**Premier** — Hon. Brad Wall

**Leader of the Opposition** — Trent Wotherspoon

**Beaudry-Mellor**, Hon. Tina — Regina University (SP)

**Beck**, Carla — Regina Lakeview (NDP)

**Belanger**, Buckley — Athabasca (NDP)

**Bonk**, Steven — Moosomin (SP)

**Boyd**, Bill — Kindersley (SP)

**Bradshaw**, Fred — Carrot River Valley (SP)

**Brkich**, Greg — Arm River (SP)

**Buckingham**, David — Saskatoon Westview (SP)

**Campeau**, Jennifer — Saskatoon Fairview (SP)

**Carr**, Lori — Estevan (SP)

**Chartier**, Danielle — Saskatoon Riversdale (NDP)

**Cheveldayoff**, Hon. Ken — Saskatoon Willowgrove (SP)

**Cox**, Herb — The Battlefords (SP)

**D'Autremont**, Dan — Cannington (SP)

**Dennis**, Terry — Canora-Pelly (SP)

**Docherty**, Mark — Regina Coronation Park (SP)

**Doherty**, Hon. Kevin — Regina Northeast (SP)

**Doke**, Larry — Cut Knife-Turtleford (SP)

**Duncan**, Hon. Dustin — Weyburn-Big Muddy (SP)

**Eyre**, Hon. Bronwyn — Saskatoon Stonebridge-Dakota (SP)

**Fiaz**, Muhammad — Regina Pasqua (SP)

**Forbes**, David — Saskatoon Centre (NDP)

**Hargrave**, Hon. Joe — Prince Albert Carlton (SP)

**Harpauer**, Hon. Donna — Humboldt-Watrous (SP)

**Harrison**, Hon. Jeremy — Meadow Lake (SP)

**Hart**, Glen — Last Mountain-Touchwood (SP)

**Heppner**, Nancy — Martensville-Warman (SP)

**Kaeding**, Warren — Melville-Saltcoats (SP)

**Kirsch**, Delbert — Batoche (SP)

**Lambert**, Lisa — Saskatoon Churchill-Wildwood (SP)

**Lawrence**, Greg — Moose Jaw Wakamow (SP)

**Makowsky**, Gene — Regina Gardiner Park (SP)

**Marit**, Hon. David — Wood River (SP)

**McCall**, Warren — Regina Elphinstone-Centre (NDP)

**McMorris**, Don — Indian Head-Milestone (Ind.)

**Merriman**, Hon. Paul — Saskatoon Silverspring-Sutherland (SP)

**Michelson**, Warren — Moose Jaw North (SP)

**Moe**, Hon. Scott — Rosthern-Shellbrook (SP)

**Morgan**, Hon. Don — Saskatoon Southeast (SP)

**Nerlien**, Hugh — Kelvington-Wadena (SP)

**Olauson**, Eric — Saskatoon University (SP)

**Ottenbreit**, Hon. Greg — Yorkton (SP)

**Parent**, Roger — Saskatoon Meewasin (SP)

**Phillips**, Kevin — Melfort (SP)

**Rancourt**, Nicole — Prince Albert Northcote (NDP)

**Reiter**, Hon. Jim — Rosetown-Elrose (SP)

**Ross**, Laura — Regina Rochdale (SP)

**Sarauer**, Nicole — Regina Douglas Park (NDP)

**Sproule**, Cathy — Saskatoon Nutana (NDP)

**Steele**, Doug — Cypress Hills (SP)

**Steinley**, Warren — Regina Walsh Acres (SP)

**Stewart**, Hon. Lyle — Lumsden-Morse (SP)

**Tell**, Hon. Christine — Regina Wascana Plains (SP)

**Tochor**, Hon. Corey — Saskatoon Eastview (SP)

**Vermette**, Doyle — Cumberland (NDP)

**Wall**, Hon. Brad — Swift Current (SP)

**Weekes**, Randy — Biggar-Sask Valley (SP)

**Wilson**, Hon. Nadine — Saskatchewan Rivers (SP)

**Wotherspoon**, Trent — Regina Rosemont (NDP)

**Wyant**, Hon. Gordon — Saskatoon Northwest (SP)

**Young**, Colleen — Lloydminster (SP)

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**Party Standings:** Saskatchewan Party (SP) — 50; New Democratic Party (NDP) — 10; Independent (Ind.) — 1

**Clerks-at-the-Table**

**Clerk** — Gregory A. Putz

**Law Clerk & Parliamentary Counsel** — Kenneth S. Ring, Q.C.

**Principal Clerk** — Iris Lang

**Clerk Assistant** — Kathy Burianyak

**Sergeant-at-Arms** — Terry Quinn

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[The Assembly met at 13:30.]

[Prayers]

## ROUTINE PROCEEDINGS

### INTRODUCTION OF GUESTS

**The Speaker:** — I recognize the Ministry of Crown Investments.

**Hon. Mr. Hargrave:** — Thank you, Mr. Speaker. I am pleased to be able to stand today to introduce some guests seated in your gallery. These individuals are associated with the Inroads program. Inroads is a leadership training and employment internship program for post-secondary Aboriginal students. Since 2005 Crown Investments Corporation and Inroads have partnered together to provide opportunities for Aboriginal students through career-specific summer employment, professional development, leadership development, and academic coaching. To date 196 students have participated in this program.

Mr. Speaker, I'd like to introduce our guests, and if you could stand please when I say your name. I know I can hardly see them, but they're up there: Ayten Archer, who's the director of Inroads Canada; Aimee Prefontaine, an Inroads ambassador; Jason Schell, an Inroads alumni; and Dayna Inkster, also an Inroads alumni.

And, Mr. Speaker, I was fortunate to meet with these amazing individuals this morning, and they are our future leaders. It was very informative, and I commend them all for the work that they've put into their presentation and the passion they have for the Inroads program. Mr. Speaker, I'd ask all members to join me in welcoming these individuals to their Legislative Assembly.

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

**Ms. Beck:** — Thank you, Mr. Speaker. I'd like to join with the minister in welcoming our guests to their Legislative Assembly. This Inroads program, which focuses on development and leadership skills, is certainly something that's very important, and we are very honoured to have you here in your Legislative Assembly today. So if all members would join with me in welcoming Ayten and Aimee and Jason and Dayna to their Legislative Assembly. Thank you.

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

**Hon. Mr. Ottenbreit:** — Thank you, Mr. Speaker. It's my pleasure to stand in the Assembly today to join with everyone in welcoming a group of individuals and introducing them. They're seated in your gallery. In fact they take up, I think, the whole west side of the Speaker's gallery.

Mr. Speaker, I met with this group earlier today, along with their MLA [Member of the Legislative Assembly]. And it's a group of individuals here to honour the life of Mr. Adolf

Karakochuk while also recognizing the exemplary intercollaborative care that was provided to him in his final days.

Adolf's family joins us today, starting first with his wife of 62 years, Margaret Karakochuk — you wave, Margaret. She is also joined by Judy and Joy Karakochuk.

Joining Mr. Karakochuk's family today is the care team who worked together to deliver innovative, patient-centred care for Adolf. Here today from Midway and Shamrock Ambulance Care are Mr. Steve Koroluk, primary care paramedic, along with his parents, Terry and Glenys Koroluk; Ms. Cheryl Rosher, primary care paramedic; Mr. Kelly Prime, paramedic chief; Mr. Tom Prime and Mrs. Bonnie Prime, co-owners of Midway and Shamrock Ambulance.

And from Saskatoon Health Region, Mr. Speaker, Ms. Karrie Anne Prisiak, continuing care aid; Ms. Debbie Dakeniwich, continuing care aid; Ms. Natalie Bishop, occupational therapist; Ms. Kelly Tokarchuk, manager of rural home care east; Ms. Shirley Nordlund, manager of rural therapy services; Ms. Sherri Julé, manager of the pre-hospital emergency medical services.

Mr. Speaker, we'll hear more about their story in members' statements to follow. I ask all members to welcome them to their Legislative Assembly.

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

**Ms. Chartier:** — Thank you, Mr. Speaker. It's my pleasure to join with the Minister of Rural and Remote Health in welcoming Adolf Karakochuk's family here today and the intercollaborative care team that worked with him. There were paramedics, care aids, a whole gamut of health care professionals, Mr. Speaker, who the minister mentioned. I'm looking forward to hearing the member's statement a little bit, in a short while here and hearing about the experience here, Mr. Speaker. But with that, on behalf of the opposition, I'd like to welcome you to your legislature here today, and I ask all my colleagues in joining me as well.

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

**Hon. Mr. Stewart:** — Thank you, Mr. Speaker. It's a pleasure for me to introduce to you and through you to all members of this honourable Assembly, a group of people in the visitors gallery, Mr. Speaker, including Garth Whyte, CEO [chief executive officer] of Fertilizer Canada and a number of members of Fertilizer Canada.

Mr. Speaker, they're here today for the signing of a memorandum of co-operation with our government to work on the implementation and adoption of fertilizer application processes using the 4R Nutrient Stewardship nomenclature. And this is a great opportunity to get the message out about the terrific job that our producers do of using fertilizer products in an environmentally sustainable fashion, Mr. Speaker. I'd like all members to welcome our guests.

**The Speaker:** — I recognize the member from Saskatoon

Nutana.

**Ms. Sproule:** — Thank you very much, Mr. Speaker. And on behalf of the official opposition, I would like to join the Minister of Agriculture in welcoming these guests to the Legislative Assembly.

Certainly the program, the 4R Nutrient Stewardship program, is an important one. It's one I know, I think about 70 per cent of producers are working towards right now. It'd be great to get it up to 100 per cent, and with your leadership I'm sure that that goal will be in reach. So looking forward to seeing the work that you do in co-operation with the ministry.

And also I think we see up there Mr. Gay Patrick from Potash Producers is behind the clock, but also a very important member of the fertilizer scene here in Canada. And we look forward to meetings tomorrow on the work that you're doing. So on behalf of the official opposition, I'd like to welcome you all to your Legislative Assembly.

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

**Ms. Sarauer:** — Thank you, Mr. Speaker. To you and through you and to all members of this Assembly, I'd like to introduce an individual seated in your gallery, Mr. Larry Kowalchuk. He is a well-respected member of the Saskatchewan bar and a lawyer, Mr. Speaker, with practice experience exceeding 20 years. He's most well known for his work in areas of human rights law, constitutional law, environmental law, as well as Aboriginal law, Mr. Speaker. So I ask that all members join me in welcoming him to his Legislative Assembly.

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

**Hon. Mr. Wyant:** — Well thank you, Mr. Speaker. I too would like to join with the member opposite to welcome Mr. Kowalchuk to his legislature. But I do want to correct her. She indicated that he's been practising for 20 years, and I think it's been 30. Mr. Kowalchuk is a classmate of mine and I know that, looking at the two of us, one of us has aged a little bit better than the other one perhaps. And I think that's you, Larry. Anyway, I would ask everyone in the legislature to invite Larry again and welcome him to his legislature.

## PRESENTING PETITIONS

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

**Ms. Chartier:** — Thank you, Mr. Speaker. I'm pleased to rise again today to present a petition to reverse cuts to the Lighthouse program. Mr. Speaker, the petitioners point out that in April 2014 the Minister of Social Services said that the Lighthouse in Saskatoon would "... take pressure off of existing detox facilities, hospitals and police cells, while keeping people safe, especially in our brutally cold winters." That same day, Mr. Speaker, the petitioners point out that the then-minister of Health said, "We want to ensure that individuals with mental health and addictions issues have a safe place to stay."

And the petitioners note that this government has repeatedly indicated that the Lighthouse stabilization unit keeps individuals out of hospital emergency rooms and jail cells. And they also point out that in 2015 the Provincial Auditor called upon the Ministry of Social Services to provide the correct amount of assistance, not to revoke this essential service and thereby putting the most vulnerable at extreme risk.

And the petitioners also point out that the ministers are now trying to place the responsibility for repairing budget deficits on those experiencing addictions, unemployment, and poverty, and who are living from day to day without proper services.

I think it's important to note, Mr. Speaker, that in light of the pressures that the Saskatoon Health Region is experiencing in its hospitals, that although the stabilization unit isn't the whole problem, making these cuts certainly doesn't help the record over capacity, Mr. Speaker. I'd like to read the prayer:

We, in the prayer that reads as follows, respectfully request that the Government of Saskatchewan immediately reverse their recent cuts to funding that allows extremely vulnerable people to access the services of the Lighthouse stabilization unit in Saskatoon, and revisit their imposition of a strict and narrow definition of homelessness in November of 2015 which forced the Lighthouse to cut back its hours of essential services in February of 2016, and take immediate steps to ensure that homeless people in Saskatchewan have emergency shelter, clothing, and food available to them before more lives are lost.

Mr. Speaker, this petition is signed by citizens of Saskatoon, of Swift Current, and of Regina. Mr. Speaker, I so submit.

**The Speaker:** — I recognize the member from Saskatoon Churchill-Wildwood.

**Ms. Lambert:** — I am pleased to rise today to present a petition from citizens who are opposed to the federal government's decision to impose a carbon tax on the province of Saskatchewan. 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: to cause the Government of Saskatchewan to take the necessary steps to stop the federal government from imposing a carbon tax on the province.

Mr. Speaker, this petition is signed by citizens of Saskatoon, Radisson, and Humboldt. I do so present.

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

**Mr. Belanger:** — Thank you very much, Mr. Speaker. I am proud to present a petition as it refers to SaskTel. SaskTel is owned by all of us. It was built by Saskatchewan hard work, innovation, and pride, and creates thousands of good jobs and serves service to parts of the province that other providers ignore, and offers the lowest mobile rates in the country. And as a Crown corporation, SaskTel delivers hundreds of millions of dollars more than private companies back to Saskatchewan people. In the last five years alone, SaskTel has returned \$497

million to support government programs and services like education and health care. So:

We, in the prayer that reads as follows, respectfully request that the Legislative Assembly of Saskatchewan call on the Saskatchewan Party government to keep their promise, stop their plan to sell off SaskTel, and keep our valued Crown corporations in the hands of the people of Saskatchewan.

And the people that have signed this petition are from all throughout the land, Mr. Speaker. And I so present.

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

**Ms. Sproule:** — Thank you, Mr. Speaker. I'm presenting a petition regarding wetlands in Saskatchewan. The people who have signed this want to bring to our attention the following: wetlands serve a very vital function in our ecosystem. They take the form of marshes, bogs, fens, swamps, and open water. Wetlands are home to wildlife, including waterfowl. They clean the water running off of agricultural fields. They protect us from flooding and drought, and they are playgrounds where families can explore and play. In the worst cases, such as some areas on the prairies, as much as 90 per cent of our wetlands have disappeared. As they continue to disappear, so too do the many benefits they provide. So I'd like to read the prayer:

We, in the prayer that reads as follows, respectfully request the Government of Saskatchewan to:

Increase funding to do the proper inventory work, putting Saskatchewan in a better position to manage the water resource;

Speed up the evaluation of high-risk watersheds where there is significant damage annually from flooding. This evaluation must include a recognition of drainage works that could be closed or restored that will alleviate some of the issues downstream with respect to flooding and nutrient loading;

Create a sound and transparent mitigation process that adequately addresses sustainable development. The sequence should first focus on minimizing the harm with compensation being sought only when the development is deemed essential and the first two stages cannot be met.

Mr. Speaker, this particular petition is signed by citizens of the town of Wadena. I so submit.

[13:45]

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

**Mr. Forbes:** — Thank you, Mr. Speaker. I rise today to present a petition in support of Wakamow Valley Authority. We know that as a result of the passage of *The Wakamow Valley Authority Amendment Act, 2016* on June 30th, the Wakamow Valley Authority lost its statutory funding of \$127,000 from the Saskatchewan government in addition to the \$30,000 in

supplemental funding.

This loss of annual funding negatively affected the ability of Wakamow to maintain its lands and repair its facilities and provide services to Moose Jaw and the surrounding communities. And we also know this funding cut resulted in the layoff of one-third of the park staff, which included two summer students and two regular employees.

Mr. Speaker, on June 21st, 2016 the provincial government — including the two members from Moose Jaw, Moose Jaw Wakamow and Moose Jaw North — voted in favour of this bill, resulting in cuts to Wakamow and subsequent job losses.

Mr. Speaker, 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 immediately repeal *The Wakamow Valley Authority Amendment Act, 2016* and reinstate statutory funding to the Wakamow Valley Authority.

As in duty bound, your petitioners will ever pray.

And, Mr. Speaker, the people signing the petition today come from the city of Moose Jaw. I do so present. Thank you.

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

**Ms. Rancourt:** — Thank you, Mr. Speaker. I'm pleased to present to you a petition condemning the Sask Party's cuts to the SAID [Saskatchewan assured income for disability] program. The residents signing this petition want me to bring to your attention the following: after nearly a decade of wasting the economic boom and blowing through the savings, the government is now forcing the province's most vulnerable people to pay for the Sask Party mismanagement.

The Sask Party's latest cold-hearted cut will take money away from people who are unable to work due to a disability; and that the government's heartless decision to cut funding to the SAID program will hurt approximately 2,700 Saskatchewan residents with disabilities; and that many of the people who are hurt by the Sask Party cut live with serious illnesses such as multiple sclerosis, cancer, autism, among other illnesses; and that contrary to the Minister of Social Services' claims, the government underfunds clients in regards to shelter allowance and that shelter allowance should be reflective of the current rental costs, not availability. So I'll read the prayer, Mr. Speaker:

We, in the prayer that reads as follows, respectfully request that the Legislative Assembly of Saskatchewan call on the Saskatchewan Party government to stop their plan to cut the SAID funding and immediately restore funding for those living with a disability; that shelter allowance is reflective of the current rental costs; and that the Saskatchewan Party government implement the

recommendations of the advisory group on poverty reduction.

Mr. Speaker, people signing this petition come from the communities of Saskatoon, Battleford, and North Battleford. I do so present.

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

**Ms. Beck:** — Thank you, Mr. Speaker. I'm pleased to rise today and present a petition regarding child care centres in Saskatchewan. Mr. Speaker, those who signed this petition are residents of the province of Saskatchewan and wish to bring our attention to the following: across Saskatchewan, licensed non-profit child care centres are taxed inconsistently. Many of our licensed non-profit child care centres pay commercial property taxes. This is not done in Alberta, Manitoba, Ontario, BC [British Columbia], or New Brunswick.

Child care is essential to our economy, yet most centres struggle to balance their budget. This issue threatens both the number of child care spaces and the quality of care. Quality child care has an enormous positive impact on a child's future outcomes and yields high rates of economic return. Child care centres are institutions of early learning and childhood development. It is appropriate that they have the same tax treatment as schools. I will read the prayer:

We, in the prayer that reads as follows, respectfully request that the Legislative Assembly of Saskatchewan recognize that licensed non-profit child care centres provide programs that are foundational to a healthy society by including them in the Saskatchewan education Act and exempt all licensed non-profit child care centres in Saskatchewan from property tax through changes to the appropriate legislation.

Mr. Speaker, we have received literally thousands of signatures from all across the province on this petition. The ones I am submitting today are signed by residents of Regina. I do so submit.

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

**Ms. Sarauer:** — Thank you, Mr. Speaker. I rise yet again today to present a petition calling on the government to reverse their short-sighted cuts to the Aboriginal court worker program. Those who have signed this petition wish for us to bring attention to the government the following: the Government of Saskatchewan cut the budget for the Aboriginal court worker program in the 2016-2017 provincial budget, along with alternative measures programs, deputy sheriffs we're now learning, and now court employees, most recently.

As those on this side of the House know, Aboriginal court workers play an important role helping Aboriginal people in criminal and child apprehension cases. Aboriginal peoples are disproportionately represented in Saskatchewan's correctional centres, and Aboriginal court workers successfully help to make our communities safer through reduced recidivism rates. I'd like to read the prayer:

We, in the prayer that reads as follows, respectfully request that the Government of Saskatchewan reverse its short-sighted and counterproductive cuts to the Aboriginal court worker program.

Individuals who are signing this petition today are from Nipawin and Melfort. And I do so submit.

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

**Mr. Vermette:** — Mr. Speaker, I rise today to present a petition to stop the redirection of funding of the Northern Teacher Education Program Council, Inc. A recent report shows that 94 per cent of NORTEP [northern teacher education program] grads found employment in the North. NORTEP has improved teacher retention in the North. NORTEP has a positive economic impact in northern Saskatchewan. NORTEP provides high-quality, face-to-face instruction and services to students. The province's financial deficit cannot be fixed by cutting indigenous education in the North and a program that has served the North for over 40 years. The prayer reads:

We, in the prayer that reads as follows, respectfully request that the Legislative Assembly of Saskatchewan call on the Saskatchewan Party government to immediately restore the five-year agreement to fund the Northern Teacher Education Program Council, Inc. and to continue to fund NORTEP-NORPAC programs in La Ronge.

It is signed by hundreds of people in northern Saskatchewan. I so present.

## STATEMENTS BY MEMBERS

**The Speaker:** — I recognize the Premier.

### A. E. Peacock Tornadoes Win Semifinal

**Hon. Mr. Wall:** — Thank you, Mr. Speaker. Last week I made a wager, a friendly wager with the MLAs from Moose Jaw, the member for Wakamow and the member for Moose Jaw North, as to a football game that occurred over the weekend. It was the 3A high school semifinal in the Moose Jaw league between A.E. Peacock Tornadoes and my hometown Swift Current Comprehensive High School Colts. Mr. Speaker, the wager was that whoever's team lost, they would stand in their place and make a member's statement. So I'm going to tell you the score, but I think you understand who lost the game, unfortunately.

Mr. Speaker, the Tornadoes, to their credit, won their fifth consecutive Moose Jaw High School Football League championship. They beat the Colts 57 to 20 at Gutheridge Field in Moose Jaw. This is incredible. This program's been incredible over a long period of time. This is their astounding 37th game in a row that they have won, dating back to 2012. They got off to a quick start with running back Dawson Kurz, who scored a touchdown early in the first quarter. Kurz went on to score two more touchdowns while gaining 192 total yards. For their part, the Colts were led by their running back who had a great season, Tristan Lockman. He gained 156 yards on 19 carries, scoring a 62-yard touchdown.

I'd be remiss if I didn't also acknowledge one of my best

friends since grade 10, Tom Christianson, who is a D [defensive] coordinator for the Colts, and all of the coaching staff, and all of the parents, but mostly the kids across the Moose Jaw League and especially with respect to the Tornados team and the Colts for this great game in the final. Congratulations to all the players, the coaches, the volunteers, and the parents on a great season.

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

### **Strength of Our Women Gala and Awards**

**Mr. Forbes:** — Mr. Speaker, I had the honour of attending the Strength of Our Women Gala and Awards held this past September 8th at TCU Place in Saskatoon, Treaty 6 territory. The awards and gala, hosted by the Saskatchewan First Nations Women's Commission with the Federation of Sovereign Indigenous Nations, acknowledge the contributions and achievements of First Nations women.

I quote:

“First Nations women in Saskatchewan are artists, advocates, businesswomen, and mothers — they are leaders. We commend every one of these women and all the other nominees for their extraordinary work in their families, Nations, province, continent, and beyond each and every day . . .” said FSIN Vice-Chief Heather Bear.

Proceeds from the Strength of Our Women Awards Gala are dedicated to the initiatives that support the families of missing and murdered indigenous women and girls.

Delia Opekow, a lawyer from Canoe Lake Cree Nation was recognized with a lifetime achievement award. Other recipients included Tasha Hubbard in arts and entertainment, Nancy Linklater in culture and spirituality, Doris Greyeyes in business, Belinda Daniels in education, Dr. Bonita Beatty in health and wellness, Beverly Poitras in law and justice, Myrna LaPlante and Darlene Okemaysim-Sicotte in leadership and advocacy, Bridgette Laquette in sports, and Deseray Robillard in youth, and Barb Lavalley in environment. Mr. Speaker, 15 matriarchs were also honoured.

Mr. Speaker, I call on all members to recognize these amazing First Nations women for their selfless contributions. Thank you, Mr. Speaker.

**The Speaker:** — I recognize the member from Canora-Pelly.

### **Preeceville Emergency Room Reopens**

**Mr. Dennis:** — Thank you, Mr. Speaker. Mr. Speaker, two weeks ago I stood to announce the 10 new physicians that had begun practising in Saskatchewan thanks to the SIPPA [Saskatchewan international physician practice assessment] program, a program created by this government. I was proud to announce that Preeceville, a town in my constituency, received one SIPPA graduate along with one second new local doctor, bringing the physician complement to Preeceville to three.

Nearly five months ago, our government stood in this Assembly

and promised that the disruption in our emergency services in Preeceville was temporary. We committed to working with the community and Sunrise Health Region to restore the level of emergency services. Mr. Speaker, we keep our promises on this side of the House, and starting yesterday the ER [emergency room] in Preeceville is once again open.

Mr. Speaker, rural health care is important to the government, and we are committed to meeting the health care needs of rural residents. Not only have we added 650 more doctors and over 3,000 nurses across the province, but we have also stabilized physician services in over 25 rural communities. We recognize there is more work to do and we will continue to work hard for the residents of this province. Thank you.

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

### **BreakOut West and the Western Canadian Music Awards**

**Ms. Sarauer:** — Mr. Speaker, BreakOut West and the Western Canadian Music Awards are the primary events hosted by the Western Canadian Music Alliance, an organization created by the Music Industry Associations of British Columbia, Alberta, Saskatchewan, Manitoba, the Northwest Territories, and the Yukon Territory, to promote and celebrate Western Canadian music.

Each year, the event is held in a different Western Canadian region on a rotational basis. This year was the 14th year and the event was held here in Regina from October 13th to 16th. Multiple venues across the city were alive with independent music and, Mr. Speaker, I had the pleasure of attending some great performances at two venues located at the University of Regina.

The festival had performers from across Western Canada but was not short of Saskatchewan talent. Some of our province's brightest acts performed, including Alex Runions, Andino Suns, Bears in Hazenmore, Belle Plaine, Blake Berglund, The Dead South, Jay Semko, Jeffery Straker, Megan Nash, Nick Faye & the Deputies, Rah Rah, Ryan Hicks, and the Surf Dads.

The Western Canadian Music Alliance's music and awards festival was possible because of such a vibrant music scene right here in Saskatchewan, and because of the many enthusiastic organizers and volunteers who helped achieve a fantastic week of musical celebration. Mr. Speaker, I ask all members in helping me congratulate the organizing committee, the talent, and the volunteers for a making this regional cultural music event such a success.

**The Speaker:** — I recognize the Minister of Energy and Resources.

### **Hospital Donation Honours Dylan Piper**

**Hon. Mr. Duncan:** — Mr. Speaker, for those of us that knew Dylan Piper, it's hard to believe that 10 years have gone by since his untimely passing. Originally from Midale, Dylan was in his third year as a police officer with the Saskatoon city police when he passed away at just 25 years of age.

On the news of his death, Police Association President Stan Goertzen called Dylan, and I quote, “one of the top ten best recruits of the last 20 years.” It was later determined that Dylan died from cardiac arrhythmia, an abnormal heartbeat that disrupted the normal functioning of his heart.

The Piper family has always tried to make the best out of their incomprehensible tragedy, and that continued earlier this year. Dylan’s memory will live on at the children’s hospital of Saskatchewan thanks to a generous gift that will ensure that children and families receive the specialized cardiac care that they need. Thanks to a \$125,000 donation made in loving memory of Dylan, children needing specialized care for heart-related conditions will soon see their specialists in a state-of-the-art echo exam room within pediatric outpatients at the children’s hospital.

I ask all members to join with me in thanking Dylan’s parents, Dave and Tami, and the entire Piper family for honouring Dylan’s memory in such a meaningful way that will help children from all across this province for many years to come.

**The Speaker:** — I recognize the member from Kelvington-Wadena.

#### **Working Together to Meet End-of-Life Needs**

**Mr. Nerlien:** — Mr. Speaker, we are joined in your gallery by some very special people from Wynyard, in my constituency. I was pleased to have met with them earlier today with the Minister of Rural and Remote Health, and to hear a story of family and care providers working together to meet end-of-life needs for Mr. Adolf Karakochuk.

What began as request for home care to paramedics to aid with lift and move for Mr. Karakochuk quickly morphed into paramedics, home care aides, therapists, physicians, nurses, friends, and family all working closely together as a team to keep Adolf at home until his passing this February.

Mr. Speaker, this is a story about a caring community of professionals and family putting the patient first. Adolf wanted to stay at home with Margaret, his wife and love of his life for 62 years, who joins us here today. Margaret said, “I call them my angels, my stars from up above. That’s what they are to me.”

Mr. Speaker, today we honour Adolf’s memory and, with Margaret and his family, we thank this incredible team that did everything possible to find innovative ways to respect the spirit of the patient-first initiative. Thank you, Mr. Speaker.

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

#### **Royal Canadian Humane Association Bravery Awards**

**Mr. Doke:** — Thank you, Mr. Speaker. It’s my pleasure to rise today to celebrate three citizens who displayed acts of heroism in my constituency of Cut Knife-Turtleford. In October, the Lieutenant Governor presented Royal Canadian Humane Association Bravery Awards to Clark Whitecalf, RCMP [Royal Canadian Mounted Police] Constable Daniel Dempster, and

Constable Brenda Diachuk.

Mr. Speaker, the RCHA [Royal Canadian Humane Association] Bravery Awards recognize the heroic deeds of people who have gone above and beyond to save or attempt to save lives of others.

Constable Dempster and Constable Diachuk were awarded the bronze medals for bravery they showed in saving a man from a fire at a truck stop restaurant and motel near Maidstone in April 2015. The constables entered the complex around 2:30 a.m. and rescued a man who was asleep inside an apartment at the rear of the building.

Mr. Speaker, Clark Whitecalf was acknowledged with the silver medal for rescuing an 18-year-old woman from a burning home on the Sweetgrass First Nation in August 2015. With the home fully engulfed in flames, Mr. Whitecalf heard coughing coming from the inside. So he entered the house, sustaining severe smoke inhalation while pulling the woman safely outside.

I ask all members to join me in thanking Clark Whitecalf, Constable Diachuk, and Constable Dempster for their heroism and in congratulating all of the RCHA Bravery Award recipients. Thank you, Mr. Speaker.

#### **QUESTION PERIOD**

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

#### **Public Accounts Committee Meeting and Details of Land Transaction**

**Mr. Wotherspoon:** — Mr. Speaker, at the Public Accounts meeting this morning, the official opposition proposed a motion to invite four officials to appear before the committee as witnesses: the deputy minister of the Economy; the former CEO of the Global Transportation Hub, Mr. John Law; the former CEO of the Global Transportation . . . interim CEO of the Global Transportation Hub, Mr. Chris Dekker; the current CEO of the Global Transportation Hub, Mr. Bryan Richards.

Mr. Speaker, surrounded by Sask Party MLAs and staff from executive council, all but one, all but one of the Sask Party MLAs voted against inviting these officials. They blocked them. And they even moved their own motion to invite only two officials. After weeks of the Sask Party refusing to answer basic questions on the floor of this Assembly and pretending they’re wanting to be open and transparent, can the Premier explain why he refused to support an open process to get to the bottom of the GTH [Global Transportation Hub] scandal?

**The Speaker:** — I recognize the Premier.

**Hon. Mr. Wall:** — Mr. Speaker, let’s be very clear. All of those four individuals that the members in their work, the opposition in their work at Public Accounts Committee, each of those four members they want to appear before Public Accounts to talk about this transaction were interviewed by the auditor in the report that they asked for. The NDP [New Democratic Party] asked for the auditor to report, then they asked for this meeting as the committee is wont to do.



Well we should actually look very carefully at the content of the Provincial Auditor's testimony today before the Public Accounts Committee. She systematically answered every single question that the Leader of the Opposition has been asking in this House. She said there was no fraud or conflict of interest. She said that the reason she noted the April 2012 phone call was to show that there was "knowledge within the general community" about the government trying to acquire this land, and that by sharing the phone call with officials it showed the minister was concerned about this and wasn't trying to keep the call secret. In other words, the fact that he shared it with officials was pretty good evidence that it wasn't the secret call that the member opposite has claimed it to be.

She also said the negotiations in December 2013 that the NDP and others called a "cabinet leak" was not a cabinet leak. She said when cabinet makes a decision, it shares that decision with affected individuals. She said that is not a breach of cabinet confidentiality.

And, Mr. Speaker, she went on to say a number of other things that answer every single allegation from members opposite, and I'm going to be happy to get into those in the subsequent question.

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

**Mr. Wotherspoon:** — Unbelievable, Mr. Speaker. And of course this is from the scathing report of the auditor that exonerated no one, that was a forensic audit . . . or was not a forensic audit, in which she said she couldn't even follow the money, Mr. Speaker.

And you know, government can make all the noise they want. They wasted millions of dollars. The people of our province deserve answers.

And let me remind the Premier that the Public Accounts is chaired by the opposition because it's its role to review actions of government. And instead of supporting a fair investigation into this scandal, the Sask Party committee MLAs shamefully were playing games here today. Mr. Speaker, they blocked all but two officials, including the key negotiator of this scandal.

Mr. Speaker, why did the Premier block the deputy minister of the Economy? It just makes sense to have him there. Blocking this is totally unacceptable.

**The Speaker:** — I recognize the Premier.

**Hon. Mr. Wall:** — Mr. Speaker, nobody was blocked in the investigation. In fact all four individuals were interviewed by the Provincial Auditor.

The member in his preamble just said that he didn't accept the Provincial Auditor's report as a fair investigation. That's what you just implied. Mr. Speaker, that's what he implied. Mr. Speaker, he needs to stand in his place and confirm for the record that he supports the work of the Provincial Auditor and that her investigation was fair.

He went on now to say, well it wasn't a forensic audit. The auditor answered that question today in the very meeting he's

talking about. Here's what she said. She said she didn't need to conduct a forensic audit because she saw no evidence of conflict of interest or wrongdoing. She said her audit was in fact actually broader than a forensic audit.

And then she said this, Mr. Speaker. She even said they actually engaged a forensic auditor to be a part of the team, and the quote is, here from this morning's meeting "... to figure out if we needed to pursue . . . [other] lines of inquiry . . ." And they determined, and this is important, with the forensic auditor on her team, they determined that further investigation was not necessary because there wasn't a conflict of interest that has been alleged.

None of this fits with the conspiracy the members have offered opposite. None of this fits with the smear campaign they've been doing against a member in this House. But the facts came out today. The Provincial Auditor testified no conflict of interest. No wrongdoing. No secret phone call. No cabinet leak. Mr. Speaker, yes or no, does the Leader of the NDP support the work of the Provincial Auditor?

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

**Mr. Wotherspoon:** — Mr. Speaker, no answer there again, and the Premier's pretty fired up here today. We support the auditor and the scathing report she brought forward, but we don't have any faith in the Sask Party government who hide day after day from providing basic answers to some pretty important questions.

Let's get this straight. It would be standard practice, standard practice for the DM [deputy minister] of the ministry responsible, for them to be there. But instead the Sask Party today blocked him from coming to committee as a witness. The auditor has confirmed, the auditor confirmed that he set up the deal. So again, why block the DM to the Ministry of the Economy from a committee that is looking into a deal that he's at the heart of? The Sask Party's actions are indefensible on this front.

**The Speaker:** — I recognize the Premier.

**Hon. Mr. Wall:** — Mr. Speaker, I think the opposition leader is starting to realize he is on very thin ice here. He doesn't have a case to support what he is alleging. Because, Mr. Speaker, all of the four individuals that they've said they would like to appear before the Public Accounts Committee to be questioned, were questioned as a part of the Provincial Auditor's report — all four of them. And the Provincial Auditor's conclusions are very clear.

Now, Mr. Speaker, we believe on this side of the House that the Provincial Auditor should do the work assigned to it by the Public Accounts Committee. That work was done, Mr. Speaker.

The auditor appeared before the Public Accounts Committee today, Mr. Speaker. Having all of those people interviewed again because it fits their political agenda and their conspiracy is not frankly for the purpose of the Public Accounts Committee, especially when the auditor, who is a professional, a trained professional, has done all of this work. And she concluded no conflict of interest, no wrongdoing. Noted that

there was a forensic auditor as a part of the team. Noted that the secret phone call wasn't really a secret phone call, and noted in questions from the member from Nutana that there was no cabinet leak, despite the fact that they said it over and over again on the floor of this House.

Mr. Speaker, again I say to that member: with respect to her testimony today on these substantive, material items, does the Leader of the NDP support the Provincial Auditor or not?

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

**Mr. Wotherspoon:** — Mr. Speaker, the DM was a key negotiator in this deal. There's no excuse to exclude him. But that's not all. The government also excluded allowing a long-serving, experienced professional public servant who worked under both parties. He was the CEO just before the first deal was discussed at cabinet and was booted after he raised concern and recommended that the GTH should not buy the land.

So I guess the question is, can the Premier explain why they voted twice, twice to exclude the former CEO of the Global Transportation Hub, Mr. John Law? What's the Premier hiding?

**The Speaker:** — I recognize the Premier.

**Hon. Mr. Wall:** — Mr. Speaker, these are the words of the auditor this morning. The Leader of the Opposition has been caught again, not necessarily telling the truth, presenting facts in a way that may not be consistent with parliamentary practice.

Mr. Speaker, here's what was said this morning with respect to the question of the former CEO:

We didn't ask for specific documentation. We did interview both parties [Mr. Law and Mr. Dekker]. And we did, in our interviews, we did afford them the opportunity to . . . like the open-ended question if there was anything they felt necessary to share with us . . . And there was nothing that was relevant to the audit.

Mr. Speaker, whatever the future of any of the individuals involved, the former head of the GTH, whatever happened with respect to his future employment, was not related to the transaction.

I know again, I know again this fact does not fit with the member's conspiracy. He's invested almost every day in question period since we began sitting this fall on this issue, on something he calls a scandal, where none exists. The auditor's report wasn't good enough, so now the auditor came before the committee and testified that there was no conflict of interest, there was no wrongdoing.

Where is the questions today about the secret phone call? Is it because the auditor said it didn't happen? Where is his questions today about his so-called leaked cabinet document? There are no questions because the auditor today said it wasn't a leaked cabinet document. Why won't the NDP support the work of this independent officer of the Legislative Assembly?

**The Speaker:** — I caution members with their language and

their respect for each other today. I recognize the Leader of the Opposition.

**Mr. Wotherspoon:** — You know, I think the Premier might forget that 20-some million dollars of Saskatchewan people's hard-earned money has been wasted on this deal. And if the Premier thinks he's going to make a bunch of noise that's going to scare us off from asking the questions for Saskatchewan people, then he's got another thing coming, Mr. Speaker.

They not only blocked the DM for the Ministry of Economy and the long-standing civil servant that was booted by this government when he raised concerns, they also blocked their own political operative who was in place as the interim CEO at the Global Transportation Hub.

[14:15]

I think the Premier perhaps forgets that this committee was open to the public here today. And it's clear to everyone that this was a coordinated effort that came out of Executive Council and the Premier's office. So can the Premier explain to the people of Saskatchewan how he can justify that he is being open and transparent while he shuts down debate and denies access to very key witnesses at the heart of this scandal? It's simply indefensible.

**The Speaker:** — I recognize the Minister of the Economy and the GTH.

**Hon. Mr. Harrison:** — What a bunch of nonsense, Mr. Speaker. The Leader of the Opposition clearly wants to talk about process issues, which we've addressed. The individuals in question were interviewed by the Provincial Auditor. The auditor had full access to them. She indicated in the meeting even, when asked, she had no obstacles put in her way, that people were very co-operative with respect to interviews.

Mr. Speaker, what we saw this morning was the Provincial Auditor confirming emphatically the conclusions of the report that she made to the Public Accounts Committee and refuting very directly all of the allegations and the conspiracy theories that we've seen put forward in this House day after day after day, the attempted smearing of a member of this Assembly with unfounded allegations that are completely contrary to the facts. Those were dealt with head on today, Mr. Speaker, by the auditor, and the allegations of those members were found to be complete nonsense.

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

### SaskPower Rate Increase

**Ms. Sproule:** — Mr. Speaker, there's no denying this fact. Nearly 11,000 more Saskatchewan people are looking for work today than they were a year ago; 11,000 families who are being left out in the cold because of this government's mismanagement, scandal, and waste. Yesterday the rate review panel recommended cutting the planned SaskPower rate hike for January, the third in less than two years.

Mr. Speaker, job creators are speaking out. The Meadow Lake

Mechanical Pulp mill employs 716 people, and electricity represents 20 per cent of their input costs. They told the rate review panel, “Meadow Lake is not driving the need for increased costs due to expansion or infrastructure upgrades — but is paying for it.” Mr. Speaker, how did the SaskPower minister justify to the member from Meadow Lake that his \$1.5 billion job-killing carbon capture tax could cost jobs in his riding?

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

**Hon. Mr. Wyant:** — Thank you, Mr. Speaker. It’s my first time to be able to stand up in this House and talk about our BD3 [Boundary dam 3] project, Mr. Speaker: 800 000 tonnes of carbon out of the atmosphere; 200,000 cars off the roads, Mr. Speaker.

And, Mr. Speaker, there’s a great demand for electricity and great demand for a consistent and reliable delivery of electrical service in this province, Mr. Speaker. The demand is growing: over 8,000 new connections to the system in just one year, Mr. Speaker. So with our target of 50 per cent renewables by 2030, Mr. Speaker, there is going to be demands on the system, Mr. Speaker.

And so these rates reflect the fact that we’re going to have to continue to invest significant amounts of money in our infrastructure, Mr. Speaker, over the next number of years to ensure that we can continue to provide a safe and reliable source of electricity to the people of this province, not only residential customers, Mr. Speaker, but industrial customers as well.

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

**Ms. Sproule:** — Mr. Speaker, I’m used to ministers shrugging off my concerns, but how about the Saskatchewan Chamber of Commerce:

... after making such a significant capital investment in new technology, we think now is the time for SaskPower to look for smaller scale improvements and that large investments in new untested technology should be put on hold.

Or how about the Canadian Association of Petroleum Producers who said, “In future capital expenditures, CAPP encourages SaskPower to examine all possible alternatives to obtain the lowest possible source of supply.”

And further to that, the Saskatchewan Industrial Energy Consumers said that their members “... must manage significant price and margin compression and aggressively drive operating costs and capital spending lower. This is not a time for SaskPower to raise rates . . .”

Mr. Speaker, their messages are clear: stop dumping money in carbon capture and stop hiking the rates.

Will the minister commit to stopping any plans to expand their job-killing carbon capture tax?

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

**Hon. Mr. Wyant:** — Thank you, Mr. Speaker. Mr. Speaker, the success of our carbon capture project down at BD3 is clear. Mr. Speaker, it’s part of the solution to climate change. Mr. Speaker, we can quote article after article that speaks to the efficiency and the importance of carbon capture as a component of ensuring that we can deal with the issues of climate change, Mr. Speaker. We’ve spoken this again and again.

But, Mr. Speaker, there’s no denying the fact that we need to make significant investments in infrastructure to ensure that we have a safe and reliable delivery of power in this province to all consumers and all customers of SaskPower.

And I might say this, Mr. Speaker. One of the recommendations of the rate review panel yesterday was to engage the public in a full dialogue, Mr. Speaker, a consultation with how we’re going to continue to move forward with renewables, what the impact on rates is going to be in the future so that the public and all consumers of SaskPower, Mr. Speaker, have a full understanding of the importance not only with respect to the delivery of renewables as part of our overall package, Mr. Speaker, but with respect to all the carbon mitigation that we need to do in this province, Mr. Speaker, to ensure that we can have a good handle moving forward when it comes to climate change. And we’re going to continue down that road.

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

#### Measures to Protect Against Bovine Tuberculosis

**Ms. Sproule:** — Mr. Speaker, on a different topic, a diagnosis of tuberculosis in a single cow is taking a terrible toll on Alberta cattle ranchers in southeastern Alberta. Cattle have been quarantined and herds could be at risk. The CFIA [Canadian Food Inspection Agency] has been called in and is doing testing.

Obviously there is a need for calm, but it is equally important that here in Saskatchewan we’re doing all we can to protect our cattle and our ranchers. Once a diagnosis is found, the testing and the quarantine is a federal responsibility. But until then, it is the provincial government’s responsibility to keep our cattle safe.

Mr. Speaker, what is the Minister of Agriculture and the Minister of Environment’s plans to protect Saskatchewan herds? And is there any sort of testing planned here in Saskatchewan?

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

**Hon. Mr. Stewart:** — Thank you, Mr. Speaker, and I thank the member for that question. It’s very unfortunate that tuberculosis was found on a ranch in Alberta and that since the CFIA has been called in to investigate the issue, the issue has expanded to include a number of herds in Alberta. And of course, they border on Saskatchewan. And so there is concern for sure, and it’s a valid question.

Our chief veterinarian is working with CFIA, who have the responsibility to run the investigation and direct the appropriate protocols.

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

#### Construction of a Road to Wollaston Lake

**Mr. Vermette:** — Mr. Speaker, community members have been pushing for a road into Wollaston Lake for years, and yet there are still no firm plans to build this road. Yes, it would benefit northern communities, but it would benefit the entire province too. Not only will it grow the economy in the North, it is essential to getting resources from the North.

We hear lots of talk about the road, but it is clearly not a priority for the Sask Party. They still haven't dedicated any capital money towards this project. Mr. Speaker, as they sit back and watch thousands of jobs cut in Saskatchewan, why won't the Sask Party get moving on this road that will provide jobs for northerners and bring money into our province?

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

**Hon. Mr. Marit:** — Thank you, Mr. Speaker, and I thank the member opposite for the question. I had the privilege yesterday of meeting with the northern community leaders and industry representatives to discuss this very issue on the Wollaston Lake road.

We have received official . . . a letter from the federal government and INAC [Indigenous and Northern Affairs Canada] in support of this. And we are in the process now, the Ministry of Highways, in the budget process of bringing this road to a priority like we have many other roads in the province of Saskatchewan, Mr. Speaker.

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

**Mr. Vermette:** — Mr. Speaker, this road would grow the economy, increase public safety, and help us get fish to markets. Waiting for the ice road and crossing the lake is getting less and less reliable. The whole community felt the impact when a teacher lost her life. Mr. Speaker, just last year the barge was frozen in, but the ice road was not safe. There was a shortage of gas and food shortage in Wollaston Lake. And, Mr. Speaker, the issues with the fire evacuation is an area we all know well.

We often hear a lot of words from this government about the desire to help the North. So will the Sask Party commit to moving forward with this opportunity to do something concrete to address it in a real way, many of the issues facing northerners in these communities?

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

**Hon. Mr. Marit:** — Thank you, Mr. Speaker. Our government does recognize and realize the importance of the North and northern communities. We have invested over \$52 million in northern projects this year, Mr. Speaker. And we are looking at this project with great interest, and we are in the process now of evaluating the project and trying to move this project forward,

Mr. Speaker.

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

#### Donations to Political Parties

**Mr. Forbes:** — Mr. Speaker, yesterday just moments after I asked the Premier if he'd be willing to stop using corporate dollars to fill his pockets and his party coffers, he pulled this stunt, calling for public money to fill corporate coffers. Irony is not dead, Mr. Speaker, and the people of Saskatchewan . . . our democracy to be alive and well too. On this side of the House, we're committed to updating the elections Act to ban corporate union and out-of-province donations and making our democracy more democratic.

Mr. Speaker, both the Premier and the Minister of Justice have stood in this place and argued corporations from Alberta are Saskatchewan people too. Is there another minister who would like to join them and proclaim that they will ignore the will of the people of Saskatchewan who are calling for changes to legislation and instead side with the corporations who are filling the Sask Party coffers?

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

**Hon. Mr. Wyant:** — Well thank you, Mr. Speaker. Yesterday the member opposite stood in his place and said Saskatchewan democracy belongs to Saskatchewan people. And I said this yesterday in the House, that we couldn't agree with that more, Mr. Speaker.

The fact of the matter is that the companies that are making contributions, Mr. Speaker, have significant presence in this province, Mr. Speaker, both in terms of employees and by economic investment in this province. And it seems reasonable to us, Mr. Speaker, that in terms of public policy that affects the people that work for those companies, all of whom, Mr. Speaker, live in Saskatchewan, pay taxes in Saskatchewan, Mr. Speaker, and support our economy should have that voice, Mr. Speaker. And we're going to continue with this.

**The Speaker:** — I recognize the member from Saskatoon Centre, and I would caution him in his words that he uses.

**Mr. Forbes:** — Mr. Speaker, the Sask Party just can't get enough of that corporate money. Mr. Speaker, when discussing government business, the appearance of influence is as bad as actual influence. It's all pay-to-play, Mr. Speaker.

One example, one example: a single lobbying firm hired the Sask Party's former development director in 2011. Prior to that hiring, this lobbying firm had donated nothing to the governing party. Since then, they have given nearly \$27,000. And since the lobbyist's registry went live in August, that former staffer has lobbied the government on behalf of 19 clients — 19 clients.

Mr. Speaker, we have a problem. So will the government work with us to change the financing rules and ensure Saskatchewan democracy rests in the hands of Saskatchewan people?

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

**Hon. Mr. Wyant:** — Thanks, Mr. Speaker, and I'm glad the member opposite referenced *The Lobbyists Act* because prior to *The Lobbyists Act* — which was introduced on the floor of this House, Mr. Speaker, supported by this government — there was no ability for the people of Saskatchewan to learn who are lobbying their elected officials, Mr. Speaker. And now we have a full process, Mr. Speaker, where the member opposite can get that information, so he knows exactly who's talking to members on the government side of the House, Mr. Speaker.

So it seems to me that there's no, there's no conflict here, Mr. Speaker. *The Lobbyists Act* is in place to ensure that people in Saskatchewan know who are lobbying their elected officials, Mr. Speaker, and so it should be.

**The Speaker:** — Why is the member on her feet?

**Ms. Sarauer:** — Point of order, Mr. Speaker.

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

#### POINT OF ORDER

**Ms. Sarauer:** — Thank you, Mr. Speaker. During question period today, the Premier said that the Leader of the Opposition, quote, did not use the truth. Mr. Speaker, you've been recently making attempts to bring more decorum to the House and preventing language exactly like this. The rules of debate are clear that this is against both the rules of debate and it's unparliamentary language. I'm asking that you, Mr. Speaker, find that those comments were out of order.

**The Speaker:** — Today I cautioned both sides of the House on two different examples. I do not believe . . . I believe the caution that I expressed on this one goes enough towards returning decorum into the Assembly, so we will not be hearing this point of order or other point of orders that may have been raised because caution was expressed to said members.

[14:30]

#### ORDERS OF THE DAY

#### WRITTEN QUESTIONS

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

**Mr. Lawrence:** — Thank you, Mr. Speaker. I wish to order the answers to questions 140 through 143.

**The Speaker:** — The Government Whip has ordered answers to questions 140 to 143.

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

**Mr. Lawrence:** — Thank you, Mr. Speaker. I wish to table the answers to question 144 and 145.

**The Speaker:** — The Government Whip has tabled answers to

questions 144 and 145.

#### GOVERNMENT ORDERS

#### ADJOURNED DEBATES

#### SECOND READINGS

#### Bill No. 5

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 5 — *The Electronic Information and Documents Amendment Act, 2016*** be now read a second time.]

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

**Ms. Sarauer:** — Thank you, Mr. Speaker. It's my pleasure and honour to rise this afternoon to speak to Bill No. 5, *The Electronic Information and Documents Amendment Act, 2016*. Now, Mr. Speaker, I've had the pleasure of reading the comments from my colleagues and others in the other second reading debates with respect to this bill, Mr. Speaker, but I've also had the opportunity to read the minister's comments with respect to this bill as well, Mr. Speaker.

From what I understand, Bill No. 5 updates references that stayed in the legislation from "department" to "ministry." Now I'll specifically point out where those changes are. Now it sounds like it was actually noted in a lot of different portions of *The Electronic Information and Documents Amendment Act*, Mr. Speaker, including section 17. It used to have a reference to "department" and we're now substituting "ministry" there.

Similarly section 26 will be removing "department" and substituting that with "ministry," and subsection 28(1) this is happening, as well as subsection 28(3), subsection 29(1), similarly clause 30(2)(b), Mr. Speaker. This makes sense. It's simply just modernizing the language. Typically "department" isn't used as much anymore, but more "ministry" is what's referred to, Mr. Speaker. So as with all things, things move slowly, and we need to make sure that we're continually updating the language in the Acts to reflect what we see in our legislation, or to update the legislation to reflect what we see in real life, Mr. Speaker. So it makes sense to make those fairly minor changes in keeping with the current vernacular.

There is a few other changes that I wanted to comment on with respect to this bill, Mr. Speaker, one of which repeals clause (e) of section 4(1), which are the exceptions to the Act. Now the purpose of *The Electronic Information and Documents Act* is essentially to oversee the electronic documents provisions. And essentially instead of having to change all of the legislation to allow for electronic documents, what was created was this Act so that this Act could sort of supersede and allow these changes without us having to go through each and every piece of legislation in Saskatchewan, and making sure that there's nothing that's excepted except for what's explicitly provided within the Act now, Mr. Speaker.

So the exceptions that currently exist include wills and health care directives, Mr. Speaker. And that makes sense because

there's some specific legal requirements for valid wills, Mr. Speaker, as well as valid health care directives, Mr. Speaker. So it makes sense, and it makes sense that those are being essentially preserved and do not fall within *The Electronic Information and Documents Act*.

Similarly trusts created by wills, they have a similar base of legal requirements that have been set out in years of common law as well as in statute, Mr. Speaker. So it makes sense that we have those as well as powers of attorney. And a lot of that has to do with ensuring that we have original signatures on documents and that we're not using copies of things. They're very highly sensitive documents, and they're often subject to legal challenges. So it's important that we have those provisions in place, and I'm happy to see that those aren't being removed from the Act.

Now the one that is being removed from the Act is subsection (e) like I said, and I quote, "documents that create or transfer interests in land and that require registration to be effective against third parties," Mr. Speaker. So this is the portion of the exceptions that are going to be repealed in the Act once the bill is passed into law.

Now I'm just going through the . . . Now when we were handed the explanatory notes it didn't much explain why this repeal was done, but when you look at the discussion that the minister has provided it does provide a little bit more information. Now when the minister tabled this bill he indicated that the reason to remove this exemption was first of all led by requests made from the real estate and credit union communities, essentially to update the bill. From what I understand, Mr. Speaker, I believe that this legislative change is going to be or is supported by both the Sask Chamber of Commerce, SaskCentral, and Sask realtors' association.

Now based on what the information the minister has provided, the new land registry process already renders this void, so I'm not sure. Now he says specifically:

. . . the modern electronic registry process has removed this concern and overrides the Act by specifically . . . [providing] the electronic registration requirements for the land registry. Accordingly, transactions for real estate matters between private parties are not caught by this exemption as they are not actual documents used by . . . [Information Services Corporation] to file transfers in the electronic registry.

But I believe there was some concerns just making sure that there was some common understanding, that in fact then that people aren't caught under this exemption just to clarify essentially what's been going on based on the information that the minister has provided. And at committee I am hoping I can ask a few more questions with respect to how that works in particular.

And that's the important thing here is making sure that everyone is properly consulted and that essentially all the i's are dotted and the t's are crossed with respect to this legislation, especially when it's legislation like this that's essentially modernizing and keeping us up to speed. And it seems, generally speaking, supported by most of the main players in

this area, but we want to make sure that, like I said, there's been no stone left unturned and no unintended consequence with respect to this legislation.

Because you don't ever want to have to . . . And sometimes you often see having to go back and correct an error or there's an unintended consequence of a legislation that can result sometimes in very expensive legal proceedings between either private parties or it could involve government, which can involve a lot of tax dollars essentially going to waste trying to clarify confusing legislation when really, if the due diligence had been done, that the legislation would be clear to begin with, and we wouldn't have had to deal with that issue in the first place, Mr. Speaker.

So it sounds like — and I'm going to need clarity on this in committee — that essentially this has become somewhat a redundant exemption with respect to private land transfers and how they relate to ISC [Information Services Corporation of Saskatchewan].

But I'm going to ask some questions about whether, or what exemption . . . who is still caught by this exemption, if there were any type of other land transfers that wouldn't have been caught under this, although I can't think of any off the top of my head because I know ISC is the main land registry body for Saskatchewan, which is an interesting organization to talk about.

You know, Mr. Speaker, it was once a Crown and is now essentially a public . . . Well it's a publicly traded company so it's not a Crown any more, and even though it still provides a very invaluable service to the people of Saskatchewan of managing all of land titles, mineral titles, also manage the personal property registry amongst other things, Mr. Speaker. I believe it's also part of . . . It also runs vital statistics . . . [inaudible interjection] . . . Oh it used to, my apologies. It used to run vital statistics but that's been now transferred to eHealth, although it does also run the corporate registry and business registrations Saskatchewan. So it is a really important company and it's very interesting.

In my past years of practice, I found them to be very efficient and the turnaround time to be very quick in terms of getting requests filed, getting documents filed. Since I've become critic, I've heard from lawyers who have expressed some concerns as to the lag time in terms of what's . . . the lag time in terms of responses being received at ISC. So I'm not too sure what's been going on over there since the ISC has been privatized, Mr. Speaker.

It was once one of the . . . a very successful, essentially very profitable Crown corporation. And it was also, I believe, one of like a very . . . It was a very highly respected employer in Saskatchewan. I believe it actually won even some awards back in the day. 2012 and 2013, I understand ISC was named as one of Canada's Best Diversity Employers and a top 20 Saskatchewan employer, and was also one of Canada's Greenest Employers. Oh, it looks like also, Mr. Speaker, in 2012, ISC was named by Mediacorp as one of Canada's Top Employers for Young People, Mr. Speaker.

And it was also well respected within the legal community, as I

had said, in terms of being very effective. And sometimes you always . . . You know, your clients always want to get things yesterday, so nothing is every quite fast enough in terms of this modern day and age, Mr. Speaker. But if there was one thing, we always felt that we got very good service, and there's still good service. But as I had said, I have heard complaints recently from lawyers who are concerned about what they're seeing in terms of some slowdown in the quality of responses that they're receiving. And as critic, I think it's important that I make sure government is aware of those concerns, Mr. Speaker.

So with respect to that, the removal of that clause (e), Mr. Speaker, I'm going to have the opportunity, and I look forward to having the opportunity, to asking more questions with the minister. But in seeing that both the credit unions, the realtors' association and the Saskatchewan Chamber of Commerce are both in favour of removing this exemption, I'm somewhat happy to see that.

And if members opposite can't hear me then, which they've apparently said, they're more than welcome to stop heckling, Mr. Speaker, and they're more than welcome to listen because these are very important bills that we're talking about. We do have earpieces for a reason, Mr. Speaker, and I know that the members opposite, I feel, are fully capable of using them. So I have no intention of raising my voice because I think it's important, Mr. Speaker, that in this House we maintain a level of decorum and respect for members opposite, and we'll continue to do so.

[14:45]

But I'm happy to see that some members opposite are interested in the thoughts that I have with respect to these bills, and the thoughts that the members on this side of the House have with respect to these bills. And I'm happy to see that some members opposite on the government side are listening intently and closely. It's very good to see, Mr. Speaker.

I do have a few more things I want to speak to with respect to this bill. One of them . . . Now I've lost my note. I apologize. There was one other change that I noticed here, including the exemption and then the ministry. There was this update to the regulations allowing for . . . Oh no, I've got that one. That was another change to the prescribing . . . or "department" to "ministry" as another change, Mr. Speaker, so I don't think that one's too exciting, frankly, Mr. Speaker.

There's been a lot of work lately in terms of the law surrounding electronic documents, and there's definitely a trend universally towards modernizing and accepting more electronic documents, electronic signatures, Mr. Speaker, and things of that sort, so it makes sense in this day and age that we do what we can in terms of modernizing our legislation to reflect that, to reflect what's become the standard across the world while at the same time ensuring that the documents that we're submitting and those that we're relying on in terms of doing important transactions like land transactions, Mr. Speaker . . .

Oftentimes land transactions and mortgages are the most expensive thing that you'll ever buy in your lifetime, so it's important that these documents aren't void and are held up to a high esteem. And I know the people at ISC and the good work

we've been doing here has helped maintain that level of respectability and allows us to move forward in terms of modernizing, so it's essentially just another step, another process in terms of modernizing business, frankly, Mr. Speaker.

More and more often we're seeing that business is being conducted online, so it simply makes logical sense that as more and more business is conducted online, more and more paper documents become electronic documents. I know we talk a lot about creating a paperless world and a paperless industry, and that would be one thing that we would focus on for sure. And I think it's really important to do what we can, essentially, to . . . you know, it's a little step in terms of preserving the environment, but it's an important step. I know a lot of law firms are looking towards creating a paperless work environment. It's a slow, slow process, but it's one that's important. And frankly, Mr. Speaker, land transactions are some of the most paper burdensome transactions. So if we can do anything to break down the amount of paper that's being used in these transactions, then I think we're heading in the right direction, Mr. Speaker. So that makes sense essentially to me.

Now I'm looking forward, Mr. Speaker, to having the opportunity to speak to this bill and to speak with the minister about this bill at committee and ask him questions. Like I said, I'm going to be focusing a lot on . . . less on the minor vernacular changes from "department" to "ministry" but probably more so on this repeal of clause (e) of section 4(1), the exemptions to the Act, just to ensure that all the i's are dotted and the t's are crossed with respect to this change, just seeing as it's very important to make sure that everything has been thought through and we're making important legislative change, Mr. Speaker.

So with that, I think I'm prepared and ready to move this bill to committee. So with that, I will conclude my comments.

**The Speaker:** — The question before the Assembly is a motion by the member that Bill No. 5, *The Electronic Information and Documents Amendment Act, 2016* be now read a second time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

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

**The Speaker:** — To which committee shall this bill be committed? I recognize the Minister of the Economy.

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

**The Speaker:** — This bill stands committed to the Standing Committee on Intergovernmental Affairs and Justice.

### Bill No. 9

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 9 — *The Enforcement of Canadian Judgments Amendment Act***,

*2016/Loi modificative de 2016 sur l'exécution des jugements canadiens* be now read a second time.]

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

**Ms. Sarauer:** — Thank you, Mr. Speaker. It's my pleasure and honour to rise today and speak with respect to Bill No. 9, *The Enforcement of Canadian Judgments Act* amendments.

Mr. Speaker, I've had the luxury of hearing and listening in on my colleagues' comments with respect to Bill No. 9 over the past couple of weeks. I found them very helpful, and I'm very grateful to them for their hard work in speaking to bill adjournments day after day and night after night, often until 10:30 at night, Mr. Speaker. But that time has given us the opportunity to take a look at these bills and really investigate them and have an opportunity to really go through them and thoroughly digest them, Mr. Speaker.

This bill amends *The Enforcement of Canadian Judgments Act*. Essentially it's another wording change, but this one is much more beefier, Mr. Speaker, than the last bill, Bill 5, that I just spoke to.

Now it amends the definition of "Canadian judgment," Mr. Speaker, to now include "Canadian tax judgment." And then there's a definition for "Canadian tax judgment." And then it also updates a cross-reference that's made to the Criminal Code.

Now "Canadian tax judgment," like I said, Mr. Speaker, has been added to section 2, the section's provision of *The Enforcement of Canadian Judgments Act*, Mr. Speaker. And it now includes . . . And I think that it's important that I read it into the record, Mr. Speaker, as this is essentially the crux of this legislative change. Canadian judgment means:

- (a) a judgment for the recovery of an amount of money payable under a law imposing a tax made by a court of a province or territory of Canada other than Saskatchewan; or
- (b) a certificate of an amount of money payable under a law imposing a tax that is:
  - (i) registered in a court of a province or territory of Canada other than Saskatchewan; and
  - (ii) deemed under the law of that province or territory to be a judgment of that court.

Now, Mr. Speaker, I understand that this is a trend that is quite new in Canada but has been recommended by the Uniform Law Conference in terms of something that we can do to . . . Understanding that this is jurisdictionally a provincial matter, but it's important for courts and for those who work within the . . . or who are trying to enforce judgments to be able to work within a similar scheme wherever they are, Mr. Speaker, to be able to look at this and to be able to use a similar pattern and similar enforcement mechanism no matter which jurisdiction they're in, Mr. Speaker.

And it's also important for those who are . . . who essentially receive a judgment order in a province outside of Saskatchewan but wish to enforce that order within Saskatchewan, have the ability to do so. And that's essentially the crux of why *The Enforcement of Canadian Judgments Act* exists.

I had the opportunity and the honour of learning a lot about this Act from one of the most, I would say, well-respected academic leaders in this area, Mr. Speaker, Ronald Cuming, QC [Queen's Counsel] I believe, who is a professor at the University of Saskatchewan. He's an expert in the area of judgments and judgment enforcement. I think I might have gotten him . . . It might have been my only A in law school, Mr. Speaker, so I hang pride with that. I think there's a joke that those who get As in law school end up as judges; those who get Bs in law school end up as lawyers, and those who get Cs make adequate politicians. So I think I've lived up to my expectation in terms of the average grade I got, but I will take a point of pride in getting my one A in judgment enforcement.

So, Mr. Speaker, Professor Cuming taught me a lot about this, and I understand that he's taught at the law school for 50 years, Mr. Speaker, which is quite, quite incredible to have that long of a distinguished career. It's quite impressive. But I digress, Mr. Speaker.

The importance of this bill and this change, like I said, the importance of *The Enforcement of Money Judgments Act* is to recognize and create the ability to enforce judgments outside of Saskatchewan in Saskatchewan. Now what this changes, is it going to include Canadian tax judgments? I understand there was some lack of clarity as to whether or not Canadian tax judgments were included under this Act. And it just makes it a little bit clearer and makes it a little bit easier for those who need to enforce Canadian tax judgments that are ordered outside of Saskatchewan, now can be enforced inside of Saskatchewan.

And from what I understand, as I said, it's one of the recommendations that had been made in the Uniform Law Conference. And it's also been confirmed as something that is important to do by the Supreme Court of Canada. Now thankful to the minister for providing some good information as to this bill, and from what I understand, he's explained that Manitoba has recently implemented these amendments. But Manitoba is the first jurisdiction to implement these amendments, and we will now be the second jurisdiction once this . . . as long as no one beats us to the punch, I suppose. But we will, I guess that will mean we'll be one of the top, one of the first jurisdictions in Canada to start creating this more uniform code. And it's important for us to lead by example. Oftentimes, especially in recent years, our government unfortunately has failed to do that. So it's nice to see that in some legislation we are actually doing that, Mr. Speaker.

Now the minister indicates that "Extending the Act to . . . tax judgments will make administration easier and will allow for uniform and equitable enforcement of Canadian tax judgments," Mr. Speaker, which makes sense. Now I'll be interested to hear — and I'm hopeful that at committee I can ask questions with respect to this — this change with respect to essentially the Supreme Court's recommendations and the Uniform Law Conference's recommendations, just to ensure that there isn't any recommendations that have been missed and



to ensure that we're doing all we can in terms of creating an enforcement of judgment regime that's helpful to everyone, Mr. Speaker.

Now another thing I noticed that's a bit of a change with respect to this bill is subsection 7(4) which requires an application to the court for directions on enforcement. So this creates a mandatory requirement that there must be an application to court for the court to direct how enforcement shall proceed. Now the Canadian tax judgments, the new definition — or there wasn't a definition before, I suppose — so this definition will be exempted from this requirement. But that doesn't necessarily mean that those who wish to apply to the court for directions are required to not apply to the court, so it provides that avenue.

Now I'm not sure off the top of my head . . . I think those who would be trying to enforce any type of Canadian tax judgment wouldn't be, you know, obviously wouldn't be an unrepresented litigant. It would likely be the other municipality perhaps or someone . . . [inaudible] . . . some sort of government body perhaps. Maybe not, but that's the point of having committee is that I can ask these kinds of questions.

But I'm less worried about . . . Sometimes I worry about creating extra steps in terms of the judicial process and what that can mean in terms of money that it costs individuals to go through that court process to get what they need out of the court system.

[15:00]

But I'm less worried about this specific change and this requirement for an application as it's likely, more likely than not it's going to create more of a burden on tax enforcers which would typically, I would think, not be smaller clients. However I will have that opportunity. I'm not sure if there's some mom-and-pop shops that I'm not thinking of or if I have some tax lawyer friends who are watching this who will quickly prove me wrong or make sure that I know that I'm wrong later, which is always a good thing, Mr. Speaker.

Another change that's happening is that this or these changes are going to be retroactive with respect to Canadian tax judgments. Now that's a bit of a unique legislative change, Mr. Speaker. Typically and traditionally, legislation that's imposed can't be retroactive and typically isn't retroactive for a variety of reasons. Mainly, it's hard to enforce legislation. I believe it's been found to be historically unconstitutional in certain situations to have retroactive legislation. And those are some questions I'm going to be asking at committee.

However from my understanding, the Uniform Law Conference . . . and in my reading under the Uniform Law Conference recommendations, which I printed off and have now . . . seem to have magically walked away from my desk during question period, Mr. Speaker. It's always a bit of a wild time, and there's always papers flying in the air and who knows where it's gone off to now. But it's probably found a better place, Mr. Speaker, than on my desk, and I'm sure it's with someone who's a much more eloquent speaker than myself.

In any event, when I did read portions of the Uniform Law Conference, Mr. Speaker, I did note that there was a

recommendation that this change with respect to Canadian tax judgment be made retroactively so to essentially require, Mr. Speaker, some consistency in terms of enforcing tax judgments. We don't want or the Uniform Law Conference didn't want any type of confusion or inconsistency around which judgments could be enforced through these changes and which judgments could not be enforced because they were done perhaps prior to this bill being tabled, Mr. Speaker.

So I'll be interested to hear comments from anyone who works in this field as to any concerns that they may have with respect to these changes and whether or not there's any issues that they're seeing.

Oh, lucky me, Mr. Speaker, I found the Uniform Law Conference printout that I had made, and I guess it didn't take off as far as I thought it had. Now just to be clear, as I know that this was what was used mostly when making these legislative changes to the enforcement of judgments Act, I think it's important that we understand fully what this report is saying.

I believe what happened, the creation of the report . . . and I am looking at an application, and now this may not be the actual report that was used because it wasn't actually clarified in the minister's remarks. But what I was able to find was a civil section application drafted by Vincent Pelletier and Isabelle Paradis of Quebec called "Application of the *Uniform Enforcement of Canadian Judgments and Decrees Act to Tax Judgments*," Mr. Speaker.

And I believe that the reason why this was created, and it was created back in . . . or the report was tabled back in 2006 at an annual conference held in Edmonton. So I'm not too sure what the delay was in terms of including this, but often, as I well know, that the wheels of justice turn painfully slow. And what I'm learning now in my days as a politician is that the wheels of legislative change turn almost slower.

Although I'm sure that the good people and the good lawyers at the Ministry of Justice and the good legislative drafters at the Ministry of Justice have been working long and hard on this for quite a long period of time, probably consulting with quite a bunch of different . . . quite a numerous amount of jurisdictions to make sure that we're coming in line with legislative changes that will likely happen in the future and in other jurisdictions, not just Saskatchewan and Manitoba, Mr. Speaker. I absolutely respect the hard work that they do and the long days of slogging over legislation that I know that they do, Mr. Speaker.

What I did want to point out with respect . . . and it goes to what I was talking about in terms of the retroactive nature of these legislative changes, because I think it's a bit important to speak to that. This paper spoke to that a little bit. It makes it clear that, and I'm just going to quote from this:

While true in Canada under the non-retroactivity principle applying to legislation in both civil law and common law jurisdictions, it ensues that statutes are presumed to be void of any retrospective effect. That presumption, however, is not a rule of law, being but a rule of interpretation for cases of doubt as to the statute's temporal operation. Canadian courts have always been respectful of the lawmaker's right

to depart from the presumption.

So, Mr. Speaker, it's clear that the drafters of this paper saw a need and were advocating for this legislative change to be retroactive and are presenting a case for why legislative drafters can make legislation retroactive.

So at committee I'll be interested to speak a little bit more to this and to ask the minister what's been done in terms of the constitutional branch of the Ministry of Justice in terms of ensuring that there's nothing in here that's going to subject the government to any type of constitutional challenge in the future because that would be . . . essentially we wouldn't want any type of undue waste on taxpayers' money, Mr. Speaker, at least any more than this government already seems to be fine with doing, Mr. Speaker.

So those are the main changes to this bill, and I think it's important and imperative that we have gone through them.

*The Enforcement of Money Judgments Act* is a very important piece of legislation that we have in Saskatchewan. Oftentimes regular, everyday folk don't have to encounter it until, unfortunately, either they have received a judgment, perhaps in small claims court, that they need to enforce or any other type of judgment that requires them to go through the court process to enforce, whether that's Queen's Bench or something else to that matter.

However there are people that work within this area every single day. Oftentimes there are business owners who have to utilize the provisions in this Act, so it's very important that when we're opening this Act up for legislative change that we're making sure that everything we're doing is kosher, essentially, Mr. Speaker. I'm sure there's a much better word for "kosher," but that's what I can think of right now.

So I'll be very interested to see, like I said, how those who are in this field feel about these changes. I think it's going to be very important to make sure, as I said, that we are very careful and cautious with these legislative changes. It sounds like, according to what the minister has said, this isn't going to change this area all that much, that it's essentially just adding a definition for the purposes of clarifying some potential confusion within the legislation. But I do want to make sure that there isn't anything untoward, or there's anything that we haven't thought of with respect to this change.

So with that, Mr. Speaker, I think I'm . . . With that, Mr. Speaker, I think I will conclude my remarks with respect to this bill. I'm prepared for this bill to now go to committee.

**The Speaker:** — The question before the Assembly is the motion by the member that Bill No. 9, *The Enforcement of Canadian Judgments Act, 2016* now be read a second time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

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

**The Speaker:** — To which committee shall this bill be committed? I recognize the Minister of the Economy.

**Hon. Mr. Harrison:** — Thank you, Mr. Speaker, I designate that Bill No. 9, *The Enforcement of Canadian Judgments Amendment Act, 2016* be referred to the Standing Committee on Intergovernmental Affairs and Justice.

**The Speaker:** — This bill stands committed to the Standing Committee on Intergovernmental Affairs and Justice.

### Bill No. 15

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 15 — *The Provincial Court Amendment Act, 2016*** be now read a second time.]

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

**Ms. Chartier:** — Thank you, Mr. Speaker. It's my pleasure to wade into the discussion on Bill No. 15, *The Provincial Court Amendment Act, 2016*. Please bear with me; I'm using all different kinds of resources here to enter into the debate here, between my laptop, my phone, my notes, and many different articles here. So please have a little bit of patience here when I'm searching for a document or an item.

So Bill No. 15, *The Provincial Court Amendment Act*, I think it's important to recognize that, starting out . . . I'm just going to go to a source that I normally actually would discourage my 18-year-old daughter from using when she's writing a paper, Mr. Speaker, but Wikipedia certainly does have its advantages at times. I'd like to point you to the Provincial Court of Saskatchewan Wikipedia page, because I think people at home need to understand the level of court that we're speaking of right now. So the Provincial Court of Saskatchewan is this particular bill and the court amendment Act, 2016.

The Provincial Court of Saskatchewan is a provincial court of record for the province of Saskatchewan. It hears matters relating to criminal law, youth law, civil law, family law, traffic law and municipal bylaws.

And the jurisdiction of the provincial court, it's a creation of a statute. And that is the statute actually, Mr. Speaker, that is before us right now.

. . . [It] is a creation of statute and as such its jurisdiction is limited to those matters permitted by statute. It has no inherent jurisdiction, other than to the limited degree in which it may control its own procedures.

In criminal matters, it is a trial court for all summary conviction offences. For indictable criminal offences, it can be a trial court if an accused person elects to have his or her trial in that court. When an accused charged with an indictable offence elects trial by a superior court (the Saskatchewan Court of Queen's Bench), the preliminary inquiry will be held in the Provincial Court. The Provincial Court is also designated as the Youth Justice Court under the *Youth Criminal Justice Act* of Canada.

In civil matters, the Small Claims division of the court is limited to claims for up to \$20,000. The Provincial Court also has limited family law jurisdiction, except for divorce proceedings and the division of matrimonial property.

Mr. Speaker, the Judges of the Court:

The Court is composed of the Chief Judge and 48 other judges. The judges are appointed by the provincial government. To be eligible for appointment, a person must have at least 10 years' experience as a lawyer, or have other legal experience which is satisfactory to the Judicial Council of Saskatchewan.

And we'll talk a little bit about the Judicial Council here in a short bit, Mr. Speaker.

Once appointed, judges are independent of the government, and can only be removed from office following the procedure set out in the Act. The judges serve until age 65, although the Chief Judge may grant an extension up to age 70 [Mr. Speaker].

The Sittings of the Court, Mr. Speaker:

The Provincial Courts has permanent offices in 13 towns and cities [and those include]: Estevan, La Ronge, Lloydminster, Meadow Lake, Melfort, Moose Jaw, North Battleford, Prince Albert, Regina, Saskatoon, Swift Current, Wynyard and Yorkton. The Court also sits in almost 70 smaller centres across the province. Judges of the Provincial Court are [you might be interested in knowing this, Mr. Speaker] ... as "Your Honour," or "His/Her Honour."

So, Mr. Speaker, that tells us a little bit about the court of Saskatchewan, Provincial Court of Saskatchewan, whose statute we have before us for an amendment, Bill No. 15, *The Provincial Court Amendment Act*, Mr. Speaker.

So I would like to walk you through the explanatory notes that point to what some of the changes are, Mr. Speaker, and I will make some comments about a few, a few more in-depth comments about sections when I get there. So the explanatory notes, which describe what is actually being changed in this bill ... So we have an existing provision of the current bill, Mr. Speaker, that states that we have:

#### **List of names**

**18(1) The Lieutenant Governor in Council** [which is the Executive Council] may cause a list to be compiled of persons who are eligible to be appointed as temporary judges.

(4) Except as the result of a request pursuant to subsection (3), a removal pursuant to subsection (4.1) or section 62 or the death of a person, the Lieutenant Governor in Council shall not remove any names from the list mentioned in subsection (1).

(4.1) The Lieutenant Governor in Council may remove a person mentioned in subclause (2)(b)(iii.1) from the list mentioned in subsection (1) if that person has been

suspended or removed from office as a provincial court judge in a province other than Saskatchewan.

[15:15]

So that's the existing provision in the bill that is to be amended, Mr. Speaker. And I'll tell you a little bit about the amendment. So:

Section 18 is amended to substitute "minister" for "Lieutenant Governor in Council" wherever it appears.

So the minister now will be the individual ... Sorry, Mr. Speaker, I have way too many notes that I'm referring to. This kind of looks like my desk in my office in the caucus office, Mr. Speaker. So let me just ... So, Mr. Speaker, this authorizes, as I said, this moves the authority from the Executive Council to the Minister of Justice instead here, Mr. Speaker.

And as well a "New subsection (4.2) establishes that the list must be published in the Gazette." Mr. Speaker, I'm not a lawyer and I know there are many in this Chamber. So it's always interesting to me to hear sort of practices on how our judicial system works.

Another existing provision is review and investigation of complaint. So the council currently ... So what this particular Act right now that we're amending states, is that in section 55(1):

The council shall review and, where necessary, investigate the conduct of a judge where the council:

- (a) receives a complaint respecting the judge alleging misconduct or incapacity; or
- (b) otherwise becomes aware of possible misconduct by the judge or possible incapacity of the judge.

(2) On completion of a review and any investigation, the council may:

- (b) review the matter with the judge, make a finding of misconduct or incapacity and make an order pursuant to clause 62(2)(b), (c), (d), (e) or (f) or clause 62(3)(a), (b), (c) or (d) where the council is of the opinion that the matter may appropriately be resolved by it without the appointment of a hearing committee and the judge consents to a resolution of the matter without the appointment of a hearing committee.

So that's how the current piece of legislation reads, Mr. Speaker. So to explain a little bit further about that, the changes being made in:

Subsection (1.1) provides that for the purposes of conducting a review or an investigation pursuant to subsection (1) the council may ask the chairperson or another single member of the council to act on behalf of the council.

(1.2) Where designated, the chairperson or member may dismiss the complaint without further consideration where the complaint is determined to be frivolous, vexatious, or without merit.

The matter may also be referred back to the full council for further review and investigation.

(1.3) A decision by a single member acting on behalf of the council is deemed to be an action of the entire council.

The new clause 55(2)(b) clarifies that the council may make any of the orders in clause (i) as well as such other remedial order as the council considers appropriate.

And before I move on to other clauses, Mr. Speaker, I'd like to speak a little bit further about that particular piece. So we had a case . . . So we've heard that this bill, I've mentioned earlier that this bill takes the power to create a list of temporary judges from cabinet and gives it to the Minister of Justice. And right now I'm speaking about the point that allows the Judicial Council to dismiss frivolous or vexatious complaints against judges, and it allows the Judicial Council to have one member respond to a complaint rather than the whole council.

So just drawing on the minister's second reading comments for a definition of the Judicial Council, he describes in his second reading comment:

The Judicial Council is comprised of representatives from all levels of the judiciary in Saskatchewan, as well as members of the bar and government appointees under the chairmanship of the Chief Justice of the province.

So that is the definition of the Judicial Council, so all professions, Mr. Speaker.

I am a social worker. We have a code of ethics, and we are committed to our profession, our professional body. You can't call yourself a social worker unless you are a registered social worker meeting certain criteria and abide by your code of ethics. The same goes, Mr. Speaker, for teachers, for doctors, for registered nurses, all kinds of professions. And this goes for judges as well, Mr. Speaker. And as in every profession, we all need to be held accountable for our actions and our role as professionals, Mr. Speaker. So that is what the Judicial Council does.

I want to . . . This point actually, and this change actually interested me or stuck out for me, that this particular change will allow the Judicial Council to dismiss frivolous or vexatious complaints against judges and allow the Judicial Council to have one member respond to a complaint rather than the whole council. And why that's interesting, I just would like to draw everyone's attention back to just this year actually, Mr. Speaker. There was a judge in Alberta actually, Mr. Speaker, Robin, and I'm forgetting his last name. I just need to find my papers here. I will reference this a little bit more fully here, Mr. Speaker.

So just this last year a federal court judge was under review for berating a sexual assault complainant. So that is the headline from a story, actually, Mr. Speaker, from CBC [Canadian Broadcasting Corporation]. Actually it was last year. It was already last November, Mr. Speaker, that the Canadian Judicial Council was reviewing the conduct of a federal court judge who questioned the efforts of a sexual assault complainant to fend off her attacker.

So I'll speak a little about that, but I think the important thing to note is that having the body that deals with complaints or misconduct is very important. As all professionals, we need to adhere to certain codes of ethics. And we're all human, Mr. Speaker, and sometimes people err. And there needs to be the mechanism to file a complaint or express concern, Mr. Speaker. And sometimes some of those complaints that arise are more serious in nature and actually speak to something perhaps culturally entrenched, Mr. Speaker.

So Justice Robin Camp, during a 2014 case he adjudicated while serving as an Alberta provincial court judge, was being reviewed last year. And this case involved the alleged rape of a 19-year-old woman by a Calgary man whom she accused of sexually assaulting her over a bathroom sink during a house party. The review came after a complaint from four law professors at Dalhousie University and the University of Calgary who described Camp as dismissive if not contemptuous towards sexual assault laws and the rules of evidence.

In the 11-page complaint, Elaine Craig, Jocelyn Downie, Jennifer Koshan and Alice Woolley said that in the 2014 case, Camp asked the complainant, "Why couldn't you just keep your knees together?" and, "Why didn't you just sink your bottom down into the basin so he couldn't penetrate you?"

So those were comments made during a trial.

The legal rules that Justice Camp took issue with were those aimed at removing from the law outdated and discredited stereotypes about women and sexual violence.

That was the complaint to the Canadian Judicial Council, Mr. Speaker. So again, acknowledging that sometimes complaints are sort of a micro or individual nature, Mr. Speaker, but sometimes there's broad social context as well.

And we can talk a little bit about rape culture here and abroad. Actually it's interesting on this day of the American election that we have a president, Mr. Speaker, who has used language that has been captured on tape that was, I would argue, perpetrates this rape culture. Sexual assault is normalized, Mr. Speaker.

I want to talk a little bit about rates of sexual assault, Mr. Speaker, here in Canada. And why when you have a court, the arbiter of justice at the highest levels, Mr. Speaker . . . Acknowledging rape culture and addressing it has to happen from the grassroots, from everyday life, Mr. Speaker, up to those who make some of these decisions.

But I want to talk about some of the rates of sexual assault. So according to the Sexual Assault Services of Saskatchewan, some statistics:

All people are potential victims, regardless of gender, age, race, religion, sexual orientation, education or physical description.

One of every 17 Canadian women is raped at some point in her life.

Girls and young women between the ages of 15-24 are the most likely victims.

80% of assaults happen in the victim's home.  
 70% of rapes are committed by a perpetrator who knows the victims (relative, friend, neighbour, colleague, or other acquaintance).  
 Approximately one half of all rapes occur on dates.  
 62% of victims are physically injured in the attack; 9% are beaten severely or disfigured.  
 Statistics Canada has found that one in four girls and one in eight boys have been sexually abused by the time they are eighteen.

Mr. Speaker, when it comes to bringing these issues forward, actually there was a — I'm just going to refer to my phone here — there was a Ipsos Reid poll done on the issue of why victims don't report sexual assault to police: 56 per cent feeling young and powerless; 40 per cent feel shame; 29 per cent, self-blame; 26 per cent, desire to move on; 21 per cent have the belief that reporting wouldn't do any good, Mr. Speaker, that concern around bringing issues forward; 19 per cent don't want to turn in a family member; 18 per cent are concerned about the effect on future relationships; 15 per cent are afraid of further damage from the attacker; 11 per cent are afraid of the legal process; and 9 per cent knew the person and didn't want to destroy their life.

So often, if members of the judiciary have this dismissive attitude around sexual assault, it permeates down to the rest of us, Mr. Speaker, and women don't come forward. And then when they see women who do come forward — or not just women, but victims who come forward — and then go through the court process and it is a negative experience, it means that they're not going to want to come forward either. So it's this cyclical process, Mr. Speaker.

So I think it's important to talk a little bit. So again, with respect to this bill and the amendments around vexatious complaints, obviously, clearly that can very much happen. But I'm just again drawing your attention to a case in Alberta where a Provincial Court judge had made some comments during a trial, completely unacceptable actually in 2016, Mr. Speaker. As the mother of an 18-year-old and a 9-year-old, both girls, I have huge concerns that that is a message that that judge was sending, that there is a way for women to stop sexual assault from happening.

There's an article here I think that's quite interesting from Global News about "Why don't women report rape? Because most get no justice when they do." So in this particular news story, it points out that "Chances are a woman in Canada will be sexually assaulted while you're reading this and never tell police," Mr. Speaker.

The reporter goes on to say that:

Decades after the Criminal Code was changed to better protect rape survivors and punish their assailants, fewer than one in five victims of sexual assault say they reported their violation to authorities.

So we've heard those kinds of numbers. And then I talked about the:

... Ipsos poll for Global News found that while 30 per cent

of those surveyed said they'd experienced sexual assault in their lifetimes, fewer than one in five (about 18 per cent) of those had told police.

Some felt young and powerless, or ashamed, or they blamed themselves or just wanted to move on. Many felt reporting would do little good.

And in the last respect, the reporter goes on to write that "... the evidence bears them out, at least when it comes to conviction."

So when you look at conviction around sexual assault:

Twenty-three per cent of sexual assault charges in 2011-12 adult criminal court resulted in a guilty verdict, according to Statistics Canada.

And that's only the cases that go to trial ... [and many don't] make it that far.

Women reported being victims of 472,000 sexual assaults in 2009, according to Statistics Canada's General Social Survey; men [reported] 204,000. Yet police-reported crime statistics for that year show barely 21,000 incidents of sexual assault, and 7,951 persons [actually] charged.

And the writer goes on to point out that:

... the women most vulnerable to sexual exploitation — those with mental illness; anyone new to Canada or the English language who may not know her rights or her way around; First Nations and Inuit women; women who are poor or ... [sex-trade workers] — are also those least likely to get justice through the legal system.

[15:30]

So those are some of the reasons, Mr. Speaker, why people don't come forward. So it's important that the Judicial Council is a place where complaints, if a judge errs or says things that are rules, or says things that are inappropriate, that there's a place to go, Mr. Speaker.

I want to tell you a little bit, something that I read in a CBC article actually around, "How should Canada's court system deal with sexual assault cases?" So again we've got a high number of unreported cases and a relatively low number of convictions. Sexual assault cases are under increasing scrutiny in Canada, and I think the issue last year of Robin Camp's comments actually brought some or shone some light on this issue, as well as high-profile cases: the Dalhousie dentistry students who had a Facebook group that had some really awful things on that Facebook group, Mr. Speaker — misogyny and sexual assault, all kinds of things, or talk of behaviours that were not befitting of most individuals, Mr. Speaker. So some of the suggestions that have come about:

Separate, specialized courts, similar to courts that already exist in Ontario for mental-health cases, drug-related cases and for domestic violence. This could include giving complainants in sexual assault cases access to free legal advice, and giving extensive training to everyone involved,

from first responders to judges.

The reporter goes on to point out that:

Restorative justice, which one researcher described as “a community-supported process whereby survivors are able to outline their needs and also perpetrators are pushed by communities to take accountability in alignment with survivors’ needs, but also in alignment with working to change their beliefs.”

And a third point that has been raised about improving the culture around being able to report sexual assault:

More education about consent and more sexual education generally, at an earlier age.

Mr. Speaker, so it was interesting, because in this CBC forum many people weighed in. It was a live hosted discussion about topics, about this particular topic. And many commentators felt that little could be done. One commentator felt that:

Restorative justice is all very well, but how can it apply until after guilt or innocence is determined? That’s the part of our justice system that seems to be difficult here: finding ways to minimize trauma for the complainants without compromising the necessarily high standard of proof required for a guilty verdict.

And that was from someone named JamesPH, the handle he went by.

Others stressed the importance of educating people long before the court system is needed. One person whose handle was Off the post:

As a father of a 17-year-old girl, those stats give me chills. Luckily the B.C. curriculum has been very good at teaching concepts like consent, and at home we’ve made sure that we’ve talked about her staying safe.

Another quote, Mr. Speaker, again someone thinking that education is the way to do this:

I agree with the idea of more education in school. If all genders are more aware from a younger age, I believe it would make a difference. Teaching empathy skills, how to talk about emotions and mental hygiene is part of the puzzle too [Mr. Speaker].

So the piece around education is absolutely imperative. And it’s interesting, I’ve got an almost — well she’s eight, almost nine — and that’s actually one of the tools that I’m trying to use to better equip my daughter. There is a book, actually, called *Talk Sex Today* and it’s actually written by two Canadian authors who have framed sexual education and sexual health in a really great way starting with really young kids. And I actually . . . My nine-year-old, or almost nine-year-old, I think has way more information than many of her peers. But I think the whole goal, and the authors of this book actually make the whole point of this, is about equipping our next generation to better be able to deal with consent and to have some power and capacity and agency in their own sexuality, Mr. Speaker, which I think is

part of the solution here.

One of the other suggestions was making sexual assault trials private, and that was a common suggestion. So these are just general people who are weighing in on the issue around how to make it easier for sexual assault victims to come forward or turn the abysmal record of reporting rates around, Mr. Speaker. So around that point around making sexual assault trials private, a poster with a handle Stop To Think said:

Were we to grant anonymity to the accused as well as the accuser, it would remove the power of false accusations and reduce the frequency. Secondly, it would make it easier for some victims to come forward.

Another poster with the handle Abc says:

Complete media ban on reporting of sexual assault trials. No identifying the defendant or the complainant. If the verdict is guilty, then release the defendant’s name. Do not identify complainant unless he/she are later convicted of perjury or a crime similar. Do not allow either party to waive ban.

And another individual weighing in on the sexual assault trials being private:

There are conflicting ends: deterrence means publicity, and restoration calls for a more private process. I would like to see a hybrid: a quasi-criminal process by consent of all parties with non-publication of proceedings, and a result with meaningful fines and/or peace bond/probation.

And that is by a poster called Pundit bear.

Mr. Deputy Speaker, there were a number of other suggestions in this open forum and many of them, though, would reduce the usual rights of defendants which is not something that I would be advocating, Mr. Speaker. But I just think they’re interesting, the ideas and notions that people throw out when they are talking about trying to find solutions to issues. So again, this is not . . . I don’t think throwing out rights of anybody is a good thing to do, but I’ll just read into the record what this particular poster, with the handle j23 said:

Maybe the defendant should not be allowed to opt out of testifying. If the complainants have to suffer through cross-examination, surely the defendant shouldn’t get to bypass that.

Someone else noted — he posted as Jim:

Having been on a jury and witnessing its weaknesses, I can safely say that no jury should be used in such trials. I believe these cases need to be heard by a tribunal consisting of judges and subject-matter legal experts.

And some people actually feel like this system doesn’t need to change. And I would argue, I think, that that person is off base when you look at reporting rate versus actual . . . police reporting rates versus women-self-reported or people-self-reported numbers of sexual assault. And I’ll talk a little bit about that in a moment. But the individual who felt that

the system doesn't need to change went by the handle Bilbo Baggins, and said:

The current court system is OK and tinkering with it to produce a 'kangaroo court' will not help anyone. False accusations do happen, so complainants must be required to explain themselves in as much detail as is required for juries to be able to make a safe decision.

So, Mr. Speaker, I'll just . . . I think although really traumatic and probably horrific for the 19-year-old in the Robin Camp case, I think that the one good thing this has done is shone a light on the fact that even the judiciary can make mistakes or be prone to cultural biases as well, Mr. Speaker.

So there is a paper from the Government of Canada called "Addressing the Needs of Victims of Abuse," and this is *Making the Criminal Justice System More Responsive to Victims*. And I'd just like to read a little bit of this into the record, because I think it's important.

Improving the experience of victims of crime in the criminal justice process is a continuing priority for the Government of Canada. As the Law Commission emphasizes, victims and survivors have unique needs characterized by their victimization, their gender, their relationship with the offender and with their community, and their own personal characteristics.

Victims are not a homogenous group, and they do not speak with one voice in identifying needs and approaches. While there are many common strategies that can help victims . . . [to] participate in the criminal justice system, no template for services and "rights" or national standards will meet all the various needs of victims of crime. A range of approaches and flexibility in justice system responses is required, but all must be grounded in dignity, courtesy and respect.

And just a few minutes ago I read into the record some of what the general public thinks some of the responses should be. In terms of taking responsibility . . . Actually you know what? I'd like to read into the record "Protections for Victims in the Criminal Justice Process." And in this particular paper, the federal government, I'd like to read:

The federal government has worked with the provinces and territories to make many victim-related reforms to the law in recent years. This section considers existing protections for victims in light of the Law Commission's recommendations, and describes initiatives that are aimed at improving the experiences of victims in the criminal justice . . . [system].

Victims currently benefit from a number of protective measures within the criminal justice process. For example, the process of providing testimony has been made easier, victims' safety is considered in bail decisions, and victims are allowed to submit victim impact statements at the time of sentencing. Other measures that consider the victim's needs within the criminal process include providing them with better information about this process, and sensitizing the judiciary about the needs of victims.

And I think that last piece, "sensitizing the judiciary about the needs of victims" is really important, Mr. Speaker.

I want to draw your attention to a paper written by Holly Johnson on *Limits of the Criminal Justice Response: Trends in Police and Court Proceedings of Sexual Assaults*. On page, again, 613 of her paper, she says:

Sexual assault is the most gendered of crimes. Only 3 percent of those charged by police with sexual assault offences in Canada in 2007 were women, yet 86 percent of those victimized were women and girls.

So although it happens to both men and women, you put that gender lens on and it has a larger impact on women and girls. And she goes on to write it is no . . . And that's from, and data from . . . So that number that I just presented where 86 per cent of those victimized were women and girls, that is referenced. That's:

Data for this article were retrieved from Statistics Canada's Uniform Crime Reporting Survey, which incorporates data provided by all police departments across the country on an annual basis since 1962. Aggregate trends on sexual assault are available back to 1983, and data on rape and indecent assault back to 1977. The more detailed Revised UCR Survey contains complete information about victims, accused persons, and incidents for 2007 only.

So Ms. Johnson goes on to talk about trends in sexual assault that:

The stigma, shame, and blame associated with sexual violence have cast a shroud of silence over women's experiences and affect their willingness to report to police or to disclose to other public agencies.

And this was interesting to me, Mr. Speaker. This is not my area of expertise but interesting. She points out that:

The most reliable information available to chart the prevalence of sexual assault among women in the population is obtained when researchers bypass police and other agencies and interview random samples of women directly.

So that's interesting when we talk about how we gather statistics. So sometimes you might look at one body of statistics and they are not necessarily what you should use.

I can refer actually back to my experience on the Traffic Safety Committee and thinking about impaired driving rates, people actually charged and convicted compared to death, impaired driving death rates. Police convictions are not always the best method for getting a good handle on that because obviously, from jurisdiction to jurisdiction, enforcement varies. Police ability to actually catch people, it depends on the jurisdiction, Mr. Speaker. So statistics, sometimes you might look at a number and think that's a shocking number, but there are other ways of measuring it that give you a more accurate picture, Mr. Speaker.

Her point here is — and as I said, found this quite interesting —

that academics say that:

The most reliable information available to chart the prevalence of a sexual assault among women in the population is obtained [by researchers] when researchers bypass police and other agencies and interview random samples of women directly.

She goes on to write that:

These victimization surveys are based on a methodology developed in the 1970s to interview samples of the population about their experiences and perceptions of crime without having to rely on victims or witnesses reporting to police. However, these early surveys skirted around the issue of sexual violence based on an assumption that it was inappropriate to ask women about such private experiences. Early versions of the National Crime Victimization Survey conducted annually by the [this is the] US Bureau of Justice Statistics did not ask respondents directly about rape or attempted rape but screened them into questions about rape only if they said they were attacked or threatened. The first such large-scale survey in Canada, the 1982 Canadian Urban Victimization Survey, was somewhat more direct and included a screening question that specified that an attack included rape and molesting. Precise definitions were not provided leaving it up to respondents to determine whether their experiences fit within these categories. [And then] In the 1980s, feminist researchers began to conduct independent surveys of rape and intimate partner violence, the results of which raised questions about the reliability and validity of estimates of rape produced by government surveys. One of the most influential was the Sexual Experiences Survey developed by US researcher, Mary Koss, which incorporates detailed questions about rape and attempted rape as well as unwanted sexual experiences. When applied to college women, more than one-quarter disclosed experiences of rape or attempted rape, which was significantly higher than the rate of 0.12 percent estimated by the NCVS. [And the NCVS is the . . . I've mentioned earlier.] Later replicated with Canadian colleges and universities, the Sexual Experiences Survey produced similar results. Canadian researchers Michael Smith and Melanie Randall and Lori Haskell were among the first in this country to develop innovative methods of interviewing women about partner violence and sexual violence. This work led to doubts about the validity of estimates produced by [the] Canadian government [in] victimization surveys.

[15:45]

The work of Koss, Diana Russell, and others was influential in persuading the Bureau of Justice Statistics to rethink their method of measuring sexual violence and intimate partner violence on the NCVS. In 1992, this survey underwent a significant redesign. Questions about sexual violence were expanded and question wording improved to ask more directly about experiences of rape, attempted rape, and other unwanted sexual experiences involving threats or harm. Rates produced by this expanded method jumped three to four times what they had been in previous years. Influenced by these events,

Statistics Canada determined that a survey dedicated entirely to women's experiences of violence would yield the most comprehensive information. The agency fielded the national Violence Against Women Survey in 1993 [so still a ways back, Mr. Speaker], funded by the federal department of health and welfare and developed through extensive consultation with community groups, advocates, service providers, and researchers. Its unique methodology took account of safety concerns and incorporated a broad range of questions on sexual harassment, sexual assault, and intimate partner violence in recognition of the interconnections among these acts. Similar surveys followed in several other countries, and aspects of this approach have been incorporated into Statistics Canada's ongoing crime victimization survey. [And the researcher points out that] . . . the breadth of questions on sexual violence is much more limited in scope compared to the specialized survey.

She points out the victimization . . . So again this is . . . Holly Johnson points out that:

Victimization surveys produce more reliable estimates of the prevalence of sexual assault compared to police statistics [and we've talked about that]; however, they are conducted only periodically and thus are an imperfect measure of trends over time. Victimization surveys have been conducted in Canada in 1993, 1999, and 2004 and all estimate that the incidence of sexual assault has affected about 3 percent of women in the previous twelve-month period.

But again, making that contrast with reported assaults, Mr. Speaker:

By contrast, police recorded a drop in the rate of sexual assault since 1993. Over the longer term, police recorded a small but steady rise in rates of rape and indecent assault on females prior to law reform in 1983, followed by a sharp increase following implementation of the new law of sexual assault. By 1993 the rate of sexual assault reached a peak of 121 per 100,000 of the population, and by 2007 had dropped to 65 per 100,000.

Holly Johnson, the researcher, or the author of this paper, points out that:

It is not clear whether this trend reflects a real rise and fall in the occurrence of sexual assaults in the population, changes in the way police respond to the assaults reported to them, or a rise and fall in women's confidence in the criminal justice system reflected by their reporting behaviour. Some researchers attribute the rise prior to 1993 to an increased willingness of sexually assaulted women to report to the police to a result of law reform and other social changes that occurred simultaneously, such as an expansion of services, growth in specialized sexual assaults units and training for police, and development of Sexual Assault Nurse Examiner programs in hospital-based sexual assault care centres. [And Holly Johnson points out that] It is difficult to test this claim empirically since so few women report to the police and victimization surveys are conducted too infrequently to establish with certainty



whether reporting behaviour has influenced this trend. Yet, in all three victimization surveys between 1993 and 2004, fewer than 10 percent of sexual assaults were reported to police. If improvements to the justice system response to . . . sexual assaults prior to 1993, it is feasible that negative experience with the legal process since that time may have reduced women's confidence that they will be treated with dignity, fairness, and compassion, resulting in a decline in willingness to engage with the criminal justice system.

And so writes Holly Johnson in her paper, "Limits of a Criminal Justice Response: Trends in Police and Court . . . [Proceedings] . . . Sexual Assault."

So I actually . . . I think her conclusion of this paper is quite important, Mr. Speaker. She writes that:

Twenty-five years ago, law makers and equality-seeking groups were optimistic that, by reforming sexual assault laws that were prejudicial towards women, rape myths and biases could be eliminated, women would be encouraged to come forward, and rates of attrition would be reduced. It is clear that rape law reform and the efforts of grassroots feminist organizations to raise awareness and challenge widespread discriminatory stereotypes have not resulted in improvements to women's willingness to come forward, or in the response of the criminal justice system towards women who report. This analysis suggests that while law reform can eliminate the formal expression of rape myths, on its own it cannot alter the harmful attitudes and behaviour that continue to influence the reactions of women, perpetrators, and bystanders, police screening practices, court processes, jurors' decisions, conviction rates, and sentencing practices. Far from emphasizing the assaultive nature of the crime, police practices unfound large numbers of complaints and classify almost all remaining cases as level I. The effect has been to portray sexual assault complaints as vexatious and frivolous. [Interestingly enough, that's the language used in this particular bill, Mr. Speaker, in Bill No. 15.] Until a commitment is made to address the prejudices in the response to sexual violence [Ms. Johnson writes], women's experiences will continue to be trivialized, male-centred definitions of women's sexuality will be reinforced, violent men will not be held accountable, and women's rights to sexual integrity, equality, and justice will continue to be denied.

So on that provision around . . . So we have a justice in Alberta, again who was before the Canadian Judicial Council.

And this particular bill is talking about the Provincial Court and the Judicial Council here in Saskatchewan being able to dismiss frivolous or vexatious complaints against judges and allow the Judicial Council to have one member respond to a complaint rather than the whole council.

So I think in terms of questions, the one thing that the minister didn't do in his second reading speech is talk about consultation. With whom did he speak about making these changes? And undoubtedly the Minister of Justice, he is a good man, and I have no doubt that he would do . . . I like to think and believe that due diligence would take place, Mr. Speaker.

But in his comments, his reference to with whom he would have consulted is completely absent. And it's always important to think about where the changes are coming from and why they're coming forward and who they will impact and how they will impact them.

And I was just pointing to this one particular issue around the justice in Alberta because complaints do arise and the respective bodies need to deal with those issues when they do. And I'm not sure if . . . This obviously makes this a little bit easier, it sounds like, to dismiss frivolous or vexatious complaints against judges. And again perhaps those complaints do happen, but we need to ensure that all the right processes are in place.

So our critic who is responsible for this bill and will be responsible for committee will undoubtedly do her work in asking the minister all kinds of questions around who brought, who suggested the changes. Who was pushing for them? Was it just a simple review of the legislation? Those are all important things to think about.

And in light of some of the literature around . . . well just in one particular area of the legal system around sexual assault, I think that there . . . We need to think about all the ways in which we deal with those potential complaints, Mr. Deputy Speaker.

So I have more than . . . I have focused a little bit on one narrow aspect of the bill, but I know that I have colleagues who will also enter the debate on Bill No. 15, *The Provincial Court Amendment Act, 2016*, and with that I would like to move to adjourn debate.

**The Deputy Speaker:** — The member from Saskatoon Riversdale has moved to adjourn debate on Bill No. 15, *The Provincial Court Amendment Act, 2016*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Carried.

## Bill No. 16

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Harpauer that **Bill No. 16** — *The Adoption Amendment Act, 2016/Loi modificative de 2016 sur l'adoption* be now read a second time.]

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

**Ms. Sproule:** — I thank you very much, Mr. Deputy Speaker, and it's my particular honour to rise in the Assembly today to speak to this bill.

The whole story of adoption is one that touches every family I think. If you think and ask yourself, who do I know who's been adopted? I know I have friends. My cousins when I was growing up were adopted. And for me, Mr. Speaker, I mean it has an additional interest because I actually did give up a child for adoption 26 years ago on November 1st. And so I want to talk a little bit about that experience today particularly in light

of some of the changes that are being proposed here with the Act.

But I'll speak to the Act directly at this point. And I just want to talk about some of the changes that the minister is proposing. In some of the changes, they relate to inter-country adoptions, and there's some serious issues. There's an international agreement on adoptions because of the trafficking in children that occurs from time to time. And we know that so many parents who cannot have children of their own are very desperate to have children. And so obviously there are a lot of children in other countries who don't have parents and you'd think that would make a perfect fit from time to time, but unfortunately there are people who traffic in that.

And the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption only applies to the countries for whom we have signatories, and not every country is a signatory to the Hague Convention. And I looked on the map. A lot of Africa is actually not a signatory to the Hague Convention, and we know that through the AIDS [acquired immune deficiency syndrome] epidemic in Africa, there are many, many children who could be exploited. And they're not a member of the Hague Convention.

So those changes are being made particularly in section 27.1. And the original clause is section 28, that's in the existing Act. So I just want to comment a little bit on some of those changes and how that's going to affect the agencies here in Saskatchewan when a child from another country is being adopted, and particularly a child that's not from a country that's a signatory to the Hague Convention.

So that's in section 28 and 27. Right now section 27 sets out the process for international adoptions, and there has to be approval if you're a parent, a resident here who wants to adopt a child who's not a resident of Canada. You have to go the director of adoption services in Saskatchewan, and you have to file a written report that includes information about the people that are applying, the reasons for the adoption, the ability of them to undertake an intercountry adoption, and the characteristics of the children that they'd be qualified to care on, and so on and so forth.

Now in this case there's a new section being added, and that's I think probably the singly most important part of this bill. And that's under 27.1. It's a new section. Under the explanatory notes we have an explanation here. We already — and as I indicated — we already have rules for if the child is from a country that's a signatory to the Convention, but if they're not, then the CIC [Citizenship and Immigration Canada], the citizen and immigration Canada, are going to ask the director for adoption services or the ministry about our position on the placement. And so there should be a "Letter of No Objection," but the ministry has to exercise due diligence to review that documentation.

So what the proposal here is that section 27.1(1) and (2) will "lay the foundation to strengthen the minister's position when considering such cases." So it's a fairly lengthy clause with six or seven subclauses in it, but what it does is it sets out the process that the minister, through the adoption services people, will have to go through to ensure that the child's rights are

protected, the parents of the child's rights are protected, and that the adoptive parents are protected as well.

And I was able to find some information on the Internet about some of these criminal actions on the part of people that are, you know, in the business for money to deal with these adoptions. And it's an article from the Adoptive Families Association of BC, and I'll just read you one story here that happened when a mother describes her experience adopting her daughter in Cambodia. And this is a quote:

[16:00]

"Galindo took from me \$3500 in new US \$100 bills. This was supposedly my 'donation' to the orphanage, to keep the children clothed and fed and cared for. Looking at the deplorable conditions of the orphan centre gave me the first feeling that something was not as it should be. If Ms. Galindo was indeed donating \$3500 from each American couple who adopted a child, then the orphanage should have been in much better condition than it was. American dollars go a long way in Cambodia, and it was very evident that this orphanage was not benefiting from the \$3500 donation required of each parent.

My new daughter, Pheary, was waiting for me at the orphan centre, sitting next to a woman I assumed was her orphanage caretaker. Mr. Visoth said something to Ms. Galindo, whereupon she told me that the woman with my daughter was not a caretaker but her birth mother. I was numb, in total . . . [belief.] Those words, 'She is your daughter's birth mother,' were just the beginning of a nightmare for . . . [my] family.

I immediately expressed concern, and told Lauryn that Pheary's paperwork indicated that she was abandoned and her parents were 'unknown.' How then could her birth mother be here with her at the orphanage? At the orphanage I learned that Pheary's sisters and brothers were there, along with her father . . . Being at that time the mother of a three year old daughter, I told Lauryn that I could never remove a child from her family. No matter how much I wanted . . . a family of my own, I would never build it at the expense of another mother and child. I was crying. I was very distraught. Pheary was crying. Pheary was frightened. I asked Lauryn why I was taking this child when it was obvious she already had a family?

Lauryn was irritated with me. She said I should take Pheary back to the hotel and we could talk about it more the next day. She said that if I did not take Pheary back to the hotel I might precipitate some negative consequences for Pheary and the adoption program. I was constantly reminded that if my actions caused any of the Cambodian officials to lose face I might jeopardize the entire adoption program and cause trouble for many other families. I reluctantly agreed to take Pheary back to the hotel, though I was very upset and concerned . . . By this time, Lauryn had told me that if I did not adopt Pheary, she might die or meet a worse fate (implying a brothel) . . ."

The Galindo cases and this Galindo, there was a number of charges. She was actually charged . . . facilitated over 800

adoptions. She took \$9.2 million in fees.

So, Mr. Speaker, this is an example of how, just one small example of how international adoptions can go wrong. So I think the changes being made here are going to give the minister and the officials the ability to make sure that all the processes are followed properly and that these children are going to be appropriately adopted, basically.

Another thing that I just came across in the news is the change in Nova Scotia. This was on November 7th, on CBC news, and it indicates that Nova Scotia is soon to be one of few provinces with closed adoption records. And the reason I bring this up is it's a recent story. And this is certainly not, I don't think, Mr. Speaker, a change that would be acceptable in Saskatchewan. And I really hope that we don't see these changes brought forward here in Saskatchewan. The only other provinces is New Brunswick, PEI [Prince Edward Island], and Quebec that would not allow birth mothers and adult adopted children to get information about one another.

And that really goes back to my experience back in 1990 when I found out I was unexpectedly expecting and I wanted to find an adoption process that would work for me. So there was two options I had at the time. This was back 26 years ago. You could do a closed adoption where you would not be able to get information about where your child was placed, and then there was the ability to, only one place to do an open adoption at that time and that was with Catholic Family Services. Or I don't know if it was Catholic Family Services, but it was a faith-based organization that would place you with families.

And I wasn't entirely comfortable with either one of those, but I was 28 years old so I kind of had a few wits about me at the time, although I wasn't happy about being in the situation I was in. And to me the option of a closed adoption completely would close the door for me being able give up a child. I mean to not know where your child went or where it would even . . . you know, whether you could find them when they were adults was something that I just couldn't contemplate. And so I worry about other women who were in the same situation, and that definitely for me would have been a barrier.

So this law that's being changed in Nova Scotia — it was just posted yesterday, on November 7th — is particularly concerning. And I think my choice ultimately was a private adoption because I wanted to be able to know where this child was being placed, and that was very important to me.

And I think, you know, there's a lot of maybe myths or misunderstandings about birth parents, birth mothers, and making those decisions. So for example, one of the changes that's being made here in this bill is to change the number of days where you can change your mind after you give up a child for adoption. And currently . . . I want to find the actual clause. Here it is. It's currently in section 7 of the bill, is "revocation of consent or transfer of guardianship." So the current bill right now says that you can change your mind "at any time within 14 days after the day on which the consent to adoption or transfer of guardianship was signed."

I think this is probably the second most important change to the bill. I just have to find it. There's one other change too that I

want to speak to. Oh yes, so now it's being changed and it's being extended to 21 days. So this is clause 7(2)(a) which says:

. . . a consent to adoption or transfer of guardianship of the child may be revoked by the person who made it by delivering to the director a written notice of revocation:

(a) at any time within 14 days after the day on which the consent to adoption or transfer of guardianship was signed; and

(b) after the expiry of the period in clause (a), at any time prior to the child being placed for adoption pursuant to section 14.

Now I know everyone's experience is different, Mr. Speaker. I mean that's very clear. Back in '88-'89 the government reduced the revocation period from 30 days to 14 days and the ministry indicated the rationale was that "a longer period of time would possibly unnecessarily put a child's future in doubt." Because you can imagine, if you've been with a baby for the first 14 days and then all of a sudden the birth mother changes her mind:

The focus has since shifted to the needs . . . [for] the child to remain connected to its birth family and for birth parents to have sufficient time to consider this very important decision.

Well I can tell you, Mr. Speaker, I had nine months to consider this very important decision. And certainly the arrival of my first-born son changed a lot for me, but it never wavered me from my conviction that my belief at that point in my life was that I couldn't provide for a child. And although I knew I was healthy enough to deliver a healthy child, that I wouldn't have the ability . . . I was unemployed and I was, you know, I wasn't just in a position to be able to provide for a child in the way that I would want to be able to do that. But I knew, I knew that adoption was an option for me, and so as I went through the process, obviously by the time the nine months rolls along, I had thought about it long and hard.

So I'm a bit not sure whether this extension to 30 days is going to be necessary, and I don't know what sort of statistics the ministry would have in terms of 14 days versus 30, you know. And certainly I think the one thing I wasn't ready for . . . You prepare your mind, you know, and you know when you're leaving the hospital, you can imagine that and you go through it in your head. So there's a certain mental preparation.

The one thing I was not prepared for was signing the adoption papers. I hadn't thought about it. I hadn't prepared my mind. And as I was coming in to talk to the bill, I was thinking, one thing that would have really helped me is sort of a guide to sort of walk you through that. And I don't know if they do that for birth moms often. I feel that birth mothers are sort of shoved aside and all the focus is on the child and the adoptive parents. And certainly their lives are being turned upside down by the arrival of this child.

Fortunately for me again, I was able to find a couple. The mom couldn't have children because of scarring in her tubes through chlamydia — I mean it's an undiagnosed STI [sexually

transmitted infection] — and so she was not able to have children, desperately wanted them. And so I met her privately and she was actually there for the birth, which for me was a very important thing for the child to have his actual adoptive mom present.

So in all aspects of my experience it was very, very positive, except for that one thing — that was not being ready to sign off, you know, when you put your name forever saying goodbye to this child.

So what I did know, because I did it privately and the adoptive mother agreed, it was that I would actually have . . . She would write me a letter every year. And she honoured that, Mr. Speaker, and so every year I would get a photo and a letter, and hear about what my birth son was up to. And then when he turned 18, through the magic of Facebook, I actually sent him a birthday message, and so it was really a positive thing. And he's now 26. He's a musician performing in Winnipeg. He's in a band. He travels all over Winnipeg, and I actually saw his band perform in Saskatchewan. So these are all the good things.

And I wish I could be more of an advocate for that option for women when they're faced with the decision when an unexpected or unwanted pregnancy is there. It's an option that is often not talked about, and I think a lot of people choose to keep a child because they just don't see any other way out. So I'm just putting a little plug in for it here in the House today but, you know, I think if people are listening and know people that are struggling with that decision . . . I mean, as a birth mother, you know, I could probably go on at length about all the things that, from my experience, that were important at that time.

For the adoptive parents as well though, I mean they really appreciated . . . And I'm going back to the 14-day period. I knew, you know, that that was it. But what I did do — and I remember this clearly — is I just wanted to know how he was. So I phoned them and just said, I want you to know right now I'm not changing my mind. Because they must have been worried about that. That would be a real fear for them. I said I'm not changing my mind, but I just want to know how he's doing. And she was happy to talk to me and it was all good. Yes, and I hope actually I may be visiting in Winnipeg in a couple of weeks and, you know, we'll be able to connect again.

So the 14-day period, 30-day period, I think birth moms pretty much know by the time . . . And I mean obviously when the child is born, especially if it's your first one, you have no idea what is waiting for you after the child is born, and what all the feelings you're going to have and the emotions. But I think, you know, I had prepared. I had had good supports all the way through, so there was no question of me changing my mind in the 14-day period. And I'm not sure if a 30-day period would've been harder for me because, you know, you have to move on, too. And that's something everybody tells you is move on, move on. But you know, you have to be able to grieve that process as well because you've lost somebody in a very real way.

So I'm up in the air. I can't decide. But I think the finality is important for everybody and particularly for the child. I mean, I know the parents would probably be stressed out as well. So it's

not clear to me, and obviously we've been flipping back and forth on this, you know, over the years.

The minister indicated that:

. . . only Saskatchewan and Prince Edward Island have a 14-day revocation period. Alberta allows for revocation only up to 10 days after signing. Nova Scotia does not permit revocation unless the court rules it's in the best interest of the child.

No revocation at all. And of course we see Nova Scotia also saying, closed adoptions. You can't even find the child, or the child can't find the adoptive parent afterwards. So it seems kind of draconian.

British Columbia, revocation is a 30-day period of the child's birth, and "New Brunswick and the Northwest Territories and Nunavut provide birth parents with 30 days after signing to revoke their decision."

So you can see there's quite a hodgepodge of provisions across Canada. I haven't taken time to actually investigate what's going on in other countries as well.

So I think this is something that I'm not sure the science is there. I hope that the ministry has taken time to talk to birth moms, because I think quite often they're left out of the equation and sort of forgotten and shoved off to the side in many ways. Not intentionally and not with bad feelings but, you know, obviously there's a newborn and a new family that's being created.

And in my case it was almost remarkable, because they had actually privately adopted another little girl two years before my son was born. And so there was actually an actual family that they had created through their openness and their willingness to talk about adoption publicly, in a public fashion, so that she talked to my cousin; my cousin told me. I mean, it was luck in so many ways. But she did tell me after he was born she received calls from across the province in terms of, how did one individual actually gain two children through private adoptions?

There are other changes that are being proposed here, Mr. Speaker, and I guess the one that we need to talk to now is — obviously in my case this was a newborn child — there are children that are adopted that are older. And again, there's the question of an arbitrary line being placed here.

At this point right now the judge has the discretion to talk . . . if the child is any age. Obviously the child would have to be able to converse, but at this point there's no age limit on whether the judge can talk to the child and interview them before they grant an adoption. So you know, maybe a five-year-old child might have something that they want to say about their situation.

What the minister is saying is that because they don't have any provisions with the child's age and they don't identify what information should be obtained from the child or who should file the report, the changes will define age parameters for a child and enable the establishment in regulations of guidelines for completion of the interview of the child.

[16:15]

She goes on to talk about the age-of-seven barrier that's being placed on this, and what she's relying on is current development theory, which:

... supports a concept that a child under the age of seven does not fully understand abstract concepts or the long-term effects of their decisions. Caseworkers preparing children for adoption do talk to them about their thoughts on adoption and the family with whom they are to be placed.

And this is placed on the file.

Now this is ... The minister's rationale is that she actually consulted with stakeholders providing feedback on the legislative proposals that the age of seven would be an appropriate one for optional reports to be ordered by the court. And she said there's an average of about 35 children in Saskatchewan every year at the age of seven or older that are adopted.

So again I'm not sure about an arbitrary line, Mr. Speaker. I mean, a six-year-old may be more expressive and aware and conceptually developed than an eight-year-old. So it's always hard when you put arbitrary lines on these things. I mean case workers are trained. They understand the situation, and up until this time, have been able to make those reports. And the judge as well as, a trained judge, would be able to converse with children.

I know one of my friends who, he's a lawyer in Saskatoon, but he was, as a young child was ... at three years old, saw his mother being murdered. And he was the youngest child witness in a murder trial in Canada at the time. Just three years old, but he knew enough to be able to describe to the court from his perspective what he had seen.

And so I'm not ... You know, again the minister's relying on current development theory, but I'm concerned that every time you draw a line in the sand, that children who are six and a half who know a lot, Mr. Speaker ... And particularly I think if they've had tough little lives to that point and may have a good relationship with their home family ... so the question is, where is the appropriateness of drawing a line?

Maybe it would be better to put something like this in the regulations and allow some flexibility. But this is an arbitrary line that's being drawn here, and the minister has given her reasons for that.

The particular clause that this will deal with is clause 16(14)(a), which is now being repealed. And then there's a new clause being substituted saying:

... if a child is seven years of age or older, require that:

the child be brought before the court and interview the child; or

another person interview the child in accordance with regulations and report the findings of the interview in the

court.

So in this case, Mr. Speaker, the line has been drawn here. This is the choice that's being made by the government. And I'm not sure that it would really reflect reality for a lot of children and the caseworkers who know these kids and are working with them to find the homes that they're being placed in. The minister didn't indicate how many children under the age of seven are adopted each year, so I'm not sure whether the 35 children age seven and older is a large number of adoptions or not.

The other thing that we find in this Act is some changes to assisted adoptions. And I think this is a case where Social Services I believe gets involved, and I just want to find the correct clause ... there we are. It's section 9(1). So in the current Act, section 9(1) ... Oh, I've got to get to the right tab. Section 9(1) is called "Assisted adoption of Crown wards."

And just as an aside, they will no longer be referred to as Crown wards. They are now going to be referred to as permanent wards. So these are children who are in the custody of the state and they are permanently wards of the state, I would assume through being orphaned or some sort of child apprehension order, and I'm no expert in that. We have social workers here who would know a lot more about that.

At any rate, these children are a permanent ward of the state, or a Crown ward, and what happens is that, I believe if there's people willing to adopt them but are financially in a situation where they need assistance, then the minister can provide financial assistance. So currently the clause says:

The minister may provide financial assistance by way of grant or other similar means in accordance with the regulations to any person who adopts a Crown ward where, in the opinion of the minister, financial assistance is required by reason of:

(a) the special needs of the Crown ward; or

(b) the special circumstances of the adoption of the Crown ward.

And it goes on to say, where financial assistance is provided the minister may review the assistance from time to time, and vary it.

Now in the ... What section is that? Nine in the explanatory notes ... I'm just trying to find the explanation:

The current provision does not allow the Minister to continue Assisted Adoption benefit payments to subsequent legal guardians if the adoptive parents both pass away. In such cases, supports should follow the adoptee. The amendment will allow the benefits to continue to the subsequent guardian subject to the regulations ...

This amended provision will also allow the Minister to enter into payment agreements directly with a youth between ages 18-21 if the youth is engaged in an educational or vocational plan ... Note that current regulations allow the Minister to extend assisted adoption

payments between ages 18-21, but payments can only be made to the adoptive parents via their agreement with the Minister. The provision to allow agreement-making with the youth will recognize the youth's independence from the family unit, and will also allow the Minister to continue to support a transition plan if the adoptive parents pass away after the youth turns 18.

So the new bill, the new section reads as follows. This is:

**Subsection 9(1) is repealed and the following substituted:**

“(1) The minister may provide financial assistance with respect to a permanent ward by way of grant or other similar means in accordance with the regulations if, in the opinion of the minister, financial assistance is required by reason of:

- (a) the special needs of the permanent ward; or
- (b) the special circumstances of the adoption of the permanent ward”.

And that is the changes in that clause, Mr. Speaker. So as you can see, it gives a little more flexibility for the Crown ward and the people that are responsible legally for these children that have been adopted. So I think in that sense it makes a lot of . . . that that particular change is an appropriate one and will assist both the ministry and the people working with these children to make sure that they are going to be properly looked after.

I just wanted to share with you before I close today, Mr. Speaker, an article that talks about the “10 truths about adoption.” And this is again from the experience of the family who receives the baby. A new life, a new family is being created. And this is from a woman who's been through it all. Her name is Jackie Gillard.

And the first thing she talks about is November is Adoption Awareness Month. So we're right in the middle of it right now, and I believe there was a member's statement brought up about it earlier. But this is Adoption Awareness Month, and for her, she says, “Adoption awareness means different things to different people but, for me, it means constantly learning and growing in my understanding of all aspects of adoption.”

So first thing she's learned, 10 truths. Here's number 1:

Adoption is not only about the adoptive parents. I've had to expand my interpretation of adoption to include the losses that both my daughter and other adoptees — and their birth families — have endured. I have learned to be empathetic to the wider adoption community's opinions, even when they aren't the same as my own.

And I think every adoption is as different as every child is different and every family's different. So I appreciate this mother's acknowledgement that it is a loss to the child and the birth families. And it's not just a loss to the birth mother. I mean, there's the birth father, there's . . . My mom was kind of heartbroken, I believe, when I made the decision to do this because you know how grandparents love grandbabies,

and she knew she would probably never meet this child. So that's an important part of, you know, the loss I think and the grief that happens on the birth side, the birth family's side.

Adoption [she says, the next one] requires a parent to check her ego at the door. Yes, all parenting necessitates that, but adoptive parenting can often mean sharing your child with the memories of a birth family, the physical presence of one, or most difficult, the longing for the presence or memories of a birth family never met.

I think for any one of us who've grown up knowing someone who has been adopted, there's always that conversation. You know, do you ever think about your parents? Do you wonder what they look like? And I know I met one guy, a friend of mine years ago. I said, what do you think, because I had gone through this experience. And I said, what's your view as an adopted person? He said, when I was little, I scanned every lineup in the grocery and wondered if that woman was my birth mom. Like he wondered his whole life, and I mean that's obviously a natural curiosity. So those kinds of things I think would be different for, you know a family raising a child who's not genetically of their family.

The third thing she talks about, and this is an interesting aspect, “Post-adoption depression is real . . . [as] postpartum depression.” And again I think people would think, well that's a genetic, hormonal thing that families would go through and mothers would go through. But she said it can happen in the same case. All of a sudden you've got this screaming, crying baby. And you haven't slept and you're sleep deprived and work isn't going the way you planned. And I think we get these images in our head of what a baby . . . you know, the wonderful having a baby, and then all of a sudden it's like, oh boy, this isn't what I expected. A friend of mine just posted on Facebook the other day. She said, is there an unspoken law that, you know, your kids don't throw up until after you've gone to bed? And I mean that's, you know . . . [inaudible] . . . a lot of parents can really relate to that.

So that experience is real. And she said, fourth point she said is:

As a writer, words are . . . important to me, but positive adoption language is imperative. The words we choose have deeper meaning, not just for adoptees, but for all people in the adoption community.

And I can speak to this, Mr. Speaker, because there isn't a lot of language for me to describe my relationship with that child. And I use the word “birth child,” but I don't even know if that's the proper terminology. It's easy to say, you know, the adoptive parents, the adoptive child, but for the birth parents there isn't really a word to describe your relationship, you know. And you can use a phrase like “the child I gave up for adoption,” which is one that I often use. But I wish there was a word in our language that I could just say that individual is to me, this. And birth child probably gets close, but there is a need to draw the relationship of the birth mother, particularly in the ones where you give up the child immediately upon their birth. I think, you know, birth mom, birth dad, those words are fine, but birth child, I'm not sure if that's the right word.

The next thing she says, number 5: “A community of support

and education is essential.” And so this woman is very active, is involved in different social media discussion groups, but I think sharing stories . . . and she talks about it within the adoptive community. Again I think it’s very important for birth moms and birth dads too, for that matter, to be able to seek out people who have gone through similar experiences.

I don’t know very many people who have given up children for adoption. It was always sort of a void for me to be able to find people just to check that side of the experience. And maybe we don’t talk about it enough, and I think maybe that’s another reason why adoption isn’t really seen as an option for a lot of women who are deciding what to do when they end up in my situation. So I think there are definitely places for support in the community for all sides of it.

“Adoption never leaves my mind.” That’s number 6. “We didn’t . . . have “the talk” . . . with our daughter and then forget about the fact that she was adopted.” And I do really appreciate the fact that when I gave up my son, that adoptive mom, who loved him to pieces but always told him that he was adopted. And he knew that growing up, and that was important to me as well.

“Embracing your child’s birth family [and then she says] — physically (if possible) or emotionally — and their birth culture (if it’s different from your own).”

And we know there’s been a lot of studies about the impacts of cross-cultural adoptions. Certainly the Sixties Scoop was one of those situations that’s maybe a dark page in our history. And I’m not sure that any of those parents or kids were ever, sort of, that was taken into account in terms of the birth culture being different from the adoptive culture. So that’s really an important part as well. I know some families where the birth mother is actively involved in the adoptive family. I’m sure those issues can arise, but I think there’s also positive attributes to that as well.

And she goes on with a couple more things: “Love does not conquer all.” “Open, honest and supportive discussions about adoption,” and all the unsolicited advice that adoptive parents get. And I can imagine there is no shortage of that because as a parent I certainly got a lot of unsolicited advice as well.

So I think this is a very important part of our society and our culture. I think it’s one that isn’t talked about enough. And it’s certainly been my honour to be able to raise my story a little bit in the House here today and to speak to some of these changes that are being proposed in *The Adoption Act*, but to also speak in general to the culture of adoption and its role in our society.

So, Mr. Speaker, at this point, I would like to move that we adjourn debate on Bill No. 16, *An Act to amend The Adoption Act, 1998*.

**The Deputy Speaker:** — The member from Saskatoon Riversdale has moved to adjourn debate . . . or Saskatoon Nutana, sorry, has moved to adjourn debate on Bill No. 16, *The Adoption Amendment Act, 2016*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

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

**Hon. Mr. Merriman:** — Thank you, Mr. Deputy Speaker. I move that this House be now adjourned.

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

**Some Hon. Members:** — Agreed.

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

[The Assembly adjourned at 16:30.]

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