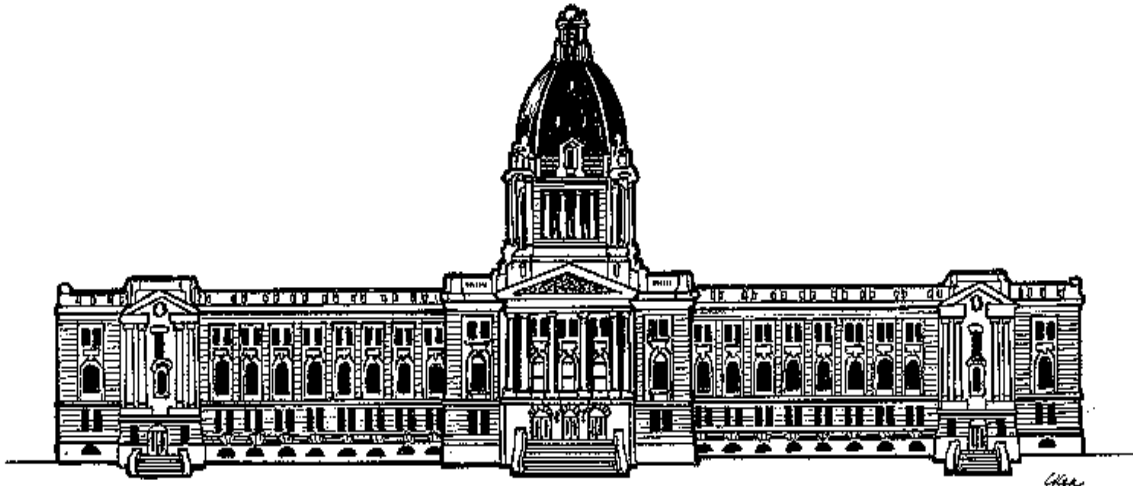




STANDING COMMITTEE ON HUMAN SERVICES

Hansard Verbatim Report

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Legislative Assembly of Saskatchewan

Twenty-fifth Legislature

**STANDING COMMITTEE ON HUMAN SERVICES
2004**

Ms. Judy Junor, Chair
Saskatoon Eastview

Mr. Ken Cheveldayoff, Deputy Chair
Saskatoon Silver Springs

Ms. Brenda Bakken
Weyburn-Big Muddy

Mr. Lon Borgerson
Saskatchewan Rivers

Hon. Joanne Crofford
Regina Rosemont

Mr. Glenn Hagel
Moose Jaw North

Mr. Don Morgan
Saskatoon Southeast

The committee met at 19:00.

Bill No. 10 — The Administration of Estates Amendment Act, 2004/Loi de 2004 modifiant la Loi sur l'administration des successions

Clause 1

The Chair: — Good evening. The first order of business tonight is Bill No. 10, The Administration of Estates Act. I recognize the minister and have him introduce his officials.

Hon. Mr. Quennell: — Madam Chair, I'll introduce the official that's here to assist me with the Act, and the others as we go through the legislation if that's all right. With me is Karen Pflanzner, Crown counsel with legislative services.

And I have a very brief opening statement in respect to this Bill, Madam Chair.

The purpose of this Bill is to amend The Administration of Estates Act to allow the Public Guardian and Trustee to administer estates where the value of the property does not exceed \$10,000, without the requirement to apply for letters of administration.

If there are no next of kin willing or able to administer a deceased person's estate, the administration of the estate falls as a last resort to the Public Guardian and Trustee, as the Official Administrator for the province. The amendments will reduce the time and costs associated with administering such estates.

Following discussions with the member for Saskatoon Southeast, the government will be proposing a House amendment to propose Section 44.1 of the Act to clarify the intention of the amendments with respect to powers and authority of the Public Guardian and Trustee to administer the estates.

Mr. Morgan: — Madam Chair, I'm not sure what the process is. Is the amendment moved at this time or . . .

The Chair: — We're just going to have a little consultation here first.

Short title of Bill 10, short title agreed? Clause 1?

Some Hon. Members: — Agreed.

Clause 1 agreed to.

Clause 2

The Chair: — Clause 2. I recognize Mr. Borgerson.

Mr. Borgerson: — Yes, Madam Chair. I would like to move the following amendment:

Amend section 44.1 of *The Administration of Estates Amendment Act, 2004*, as being enacted by Clause 2 of the printed Bill, by striking out subsection (2) and substituting the following:

“(2) In the circumstances described in subsection (1), the public guardian and trustee has the same power and authority to administer the estate as if the court had granted letters of administration to the public guardian and trustee, and may do any of the following:

(a) arrange the funeral of the deceased person;

(b) make an inventory of, take possession of, and safeguard and dispose of the real and personal property of the deceased person;

(c) pay the debts of the deceased person;

(d) settle or compromise a debt or claim asserted by or against the deceased person;

(e) distribute any remaining assets of the deceased person in accordance with the law;

(f) do any other thing that the public guardian and trustee considers necessary to administer the deceased person's estate”.

The Chair: — Thank you. Discussion on the amendment. Mr. Morgan.

Mr. Morgan: — Madam Chair, dealing with the legislation in its entirety, we regard this as a housekeeping type of amendment and deals with sort of the loose ends that members of society deal with as family members pass on. And it specifically is intended to deal with situations where there is very small estates. There may or may not be a will, but it's intended to deal with situations where it's not financially viable to have a lawyer make a formal application for probate or deal with the estate. And it specifically authorizes the public officials to deal with it.

When the amendment was first put, or when the amendment was first put forward, the concern we had was it dealt with paying bills and sort of the administration type things, but did not contemplate a distribution to whoever the lawful beneficiaries might be. So the amendment that we've agreed on with the minister is one that would allow the Bill to state, right on the face of it, that it's distributed in accordance with law so that a person reading the Bill would be aware that there is a potential or a possibility, if not in fact the likelihood of distribution.

These type of people would likely not be represented by a lawyer, so I think it's significant for them to realize right on the face of this legislation that there . . . may have some entitlement rather than having to go look at The Wills Act or intestate succession or a variety of other pieces of legislation.

Madam Chair, based on that, we are supportive of this piece of legislation. And we have no further comments or questions, and we would be prepared to vote on it.

The Chair: — Thank you. Then before the committee is an amendment to Bill 10, clause 2. Will the committee take the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — Then the question. All in favour of the amendment?

Some Hon. Members: — Agreed.

Amendment agreed to.

The Chair: — The amendment is carried. Then the amended clause 2 agreed?

Some Hon. Members: — Agreed

Clause 2 as amended agreed to.

Clause 3 agreed to.

The Chair: — Thank you. The next item then, Her Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows: The Administration of Estates Amendment Act, 2004.

And could I have a motion to have the Bill reported with amendment? Mr. Morgan. Agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you.

The committee agreed to report the Bill as amended.

Bill No. 53 — The Securities Amendment Act, 2004

Clause 1

The Chair: — Then the next item of business is Bill 53, The Securities Amendment Act, 2004. The minister introduce new officials then, with him.

Hon. Mr. Quennell: — Madam Chair, to my left is Barb Shourounis, the director of securities division, Saskatchewan Financial Services Commission. And to my right is Tim Epp, Crown counsel for legislative services.

The Chair: — Would you have a statement to make to this amendment, this Bill?

Hon. Mr. Quennell: — Briefly, Madam Chair, The Securities Amendment Act is largely housekeeping, updating The Securities Act. It's consumer protection legislation, and the amendments are aimed at consumer protection, updating the protection for investors, and secondly harmonizing our securities Act with securities legislation in other provinces. Thank you.

The Chair: — Questions? Mr. Morgan.

Mr. Morgan: — Madam Chair, I just wanted to comment briefly on this Bill. We note that this Bill strengthens the obligations for corporate disclosure in the post-Enron and WorldCom days that we live in now.

I think that it's significant that we add to our legislation to deal with this. It's imperative if we want to have meaningful protection for investors. We have a large amount of the wealth that exists in our society in pension funds, RRSPs (Registered Retirement Savings Plan), and held in publicly traded commodities. So it's of significance to our citizens that we provide adequate and meaningful protection for them so that they're able to make appropriate decisions and understand the risks that they make in their investments.

So we're pleased that this Bill is being brought forward in this. The issue and troubling aspect we have is the costs that are related to compliance and how cumbersome that might become for smaller, publicly traded companies. And if the minister or the officials wanted to comment on that, I'd welcome the comments.

Ms. Shourounis: — My name is Barbara Shourounis, and I'm the director of the securities division of the Financial Services Commission in Saskatchewan.

And in answer to the hon. member's question, there are no provisions in this amendment Act that would increase costs to small businesses. In fact there are amendments to two of the exemptions from the prospectus and registration requirements in the Bill that streamline the exemptions and make them more widely available.

Mr. Morgan: — Madam Chair, the concerns we've heard from the private sector were in a broader context about compliance in a general sense, not necessarily what the impact would be of this particular piece of legislation. So we wanted the department to note that there is concerns in smaller, publicly traded companies and are hoping that the department will work with the companies to ensure that there is a compliance and . . . (inaudible) . . . not undue cost or hardship put to them.

We notice well, Madam Chair, that this Bill has substantially intended to harmonize and make the legislation consistent with that of other provinces. One of the things that I've always found troubling was that we start out with the idea of wanting to reinvent the wheel rather than look at what other legislatures are doing, what other jurisdictions are doing so that we're not doing it.

I often question whether we couldn't have some form of national regulatory scheme.

There was an article on April 24 in the *National Post* dealing with the concept of a national regulatory . . . (inaudible) . . . and it appeared that most provinces were in favour of some kind of a streamlining and a possibility of that. And I want to quote briefly. David Wild, chairman of the Saskatchewan Financial Services Commission said:

All the debates over a national regulator take away from our ability to get on with tangible improvements in the system. As do most other jurisdictions, Saskatchewan backs a uniform securities law for all of Canada (Mr. Wild said).

And then his final quote was:

We think that the passport system offers an improvement. If it turns out to be a step along the path to a national commission, then that wouldn't cause us major concern.

Madam Chair, we support that position and would like to see our government move toward some kind of national system to make our system easier for businesses to become compliant, easier to conduct businesses in a multitude of jurisdictions. So we're generally supportive of that, of that notion, in particular of the passport model.

I don't know if the minister or the officials want to comment on that, but that was my comments with regard to that, and I just want to have that put forward for our record.

Hon. Mr. Quennell: — Madam Chair, for everyone's information, the amendments are intended to harmonize with other jurisdictions to working towards the passport model that a number of provincial jurisdictions saw as the best way to harmonize regulation across the country.

For the member's information, for everyone's information, the Saskatchewan government and in particular I, as minister responsible for securities, sits on a steering committee that involves the four ministers — the Western provinces and Ontario and Quebec — where the issue of harmonizing or moving towards a single national regulator, which are two different models, is being discussed. And those discussions are ongoing.

Following the change of government in Ontario, there is considerable pressure on the part of the Ontario government to abandon the harmonization passport model and move towards a single national regulator. And that debate and discussion is ongoing. But the position that was set out by Mr. Wild, that the member states that he and the other members of the opposition agree to, is the current position of the Government of Saskatchewan.

And these amendments are in concurrence with that harmonization passport model.

Mr. Morgan: — Madam Chair, just by way of response, we certainly see the passport model as an appropriate position for Saskatchewan to be or to work towards. We still see that as a step towards a single, national regulatory agency, but I don't think that's a debate that we wish to have here or now. We, for the time being, are going the same direction at least, towards the passport model.

So in that regard, Madam Chair, we are ready to vote on this.

The Chair: — Okay, clause 1 short title, agreed?

Some Hon. Members: — Agreed.

Clause 1 agreed to.

Clauses 2 to 17 inclusive agreed to.

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: The Securities Amendment Act, 2004.

Could I have a motion to report the Bill without amendment?
Ms. Crofford. Agreed?

Some Hon. Members: — Agreed.

The committee agreed to report the Bill.

Bill No. 43 — The Safer Communities and Neighbourhoods Act

Clause 1

The Chair: — The next item for the committee then is The Safer Communities and Neighbourhoods Act, Bill No. 43.

Mr. Morgan: — Madam Chair, before we move on, I just wanted to take this opportunity to thank the department officials for coming out yet another evening, and realize it wasn't particularly onerous, but appreciate that they do a lot of work in preparation for these meetings, and thank them for their assistance.

The Chair: — Mr. Minister.

Hon. Mr. Quennell: — Madam Chair, to my left is Murray Sawatsky, executive director of law enforcement services of Saskatchewan Justice, and to my right is Darcy McGovern, Crown counsel, legislative services for Saskatchewan Justice.

A brief opening statement on the purpose of the Bill, if that's all right.

The purpose of this Bill is to provide for additional powers for justice agencies and their efforts to foster safer communities in Saskatchewan. The Bill will improve community safety by targeting and, if necessary, shutting down residential and commercial buildings and land that are habitually used for specified activities, including the activities of producing, selling, or using illegal drugs, prostitution, solvent abuse, or the unlawful sale and consumption of alcohol.

The Bill also provides for a process whereby an order could be made subject to judicial review that would require fortifications that raise public safety concerns to be removed without further notice or hearing. Such fortifications could include bulletproof glass or explosive-resistant materials or armour to reinforce doors, bar windows or doors, etc.

We are very much of a view that The Safer Communities and Neighbourhoods Act will provide an improved method of dealing with chronic problem properties in our residential and business communities.

The Chair: — Questions for the minister? Mr. Kerpan.

Mr. Kerpan: — Thank you, Madam Chair. At the outset, I guess I would like to explain just a little bit as to how I got into this committee meeting, and why I'm watchdogging this particular Bill. Obviously it is a Justice department Bill, and Mr. Morgan is the critic for Justice, would normally be watchdogging this Bill. But I was asked to look after this one on our behalf of our party, being the critic for Corrections and Public Safety.

I want to say that we do support this Bill, and we do support this type of legislation. We think it's important. We think it's critical certainly, given the conditions that we see not only in urban Saskatchewan, but in rural Saskatchewan. And I'm speaking more specifically about the increased use of illegal activities such as drugs, prostitution, and other illegal activities.

We and many people, not just our party but many people, have been raising the issue of the use of crystal meth, again, right throughout Saskatchewan, both in rural and urban Saskatchewan. And we think that this type of legislation could be very important to try to put a stop, to curtail, to slow down the growth of that particular sector of the illegal drug industry in Saskatchewan. So I want to go on record as saying that we do support the Bill. We think it's a very timely legislation.

I also say that if we are going to make mistakes, if we are going to err, that I think we ought to err on the side of protecting of communities and society. And this Bill, I think does that to a large degree.

I do have a couple of concerns. I have a couple of questions, and certainly I won't beleague this point. We had talked about perhaps putting forward amendments to deal with our concerns on this Bill. We had also thought about as part of our strategy, to delay the Bill until perhaps the fall sitting. But when we thought about it, we decided that it's more important to have this Bill in place as soon as possible so that it could do the good things that it was intended to do, set out to do. And we think that there are some really good solid benefits from this type of legislation.

Our concern and my concern comes with the areas of property rights of the owners of particular property. And I'm speaking specifically about absentee ownership, whereby a person may own a particular piece of property and have it rented out as rental property. There could be a complaint that would fall under the jurisdiction of this Bill, and we're wondering and worried a little bit about the rights of the people that own the property.

If you shut that house down for 90 days, for instance, how do they . . . do they have any redress to claim lost revenue? Do they have any redress . . . What are the mechanics that are put into the Bill that would protect a vexatious complaint from somebody that perhaps doesn't like, you know, the owner of the property?

Those are . . . and I know that those may seem like small and minor issues, but what happens . . . and I know that everybody in this room has been around this business long enough to know that when those kinds of things happen, they often can get tied up in courts for far longer than they ever should be, and we just . . . we're a little concerned that perhaps that's not spelled out as clearly as it may have possibly been.

So that's our concern with the Bill. Generally, that's our only and main concern that we have at this time.

Hon. Mr. Quennell: — Madam Chair, there is appeal provisions built into the legislation. More importantly than that, it is anticipated that in every case where the landlord can be located, that the landlord would be presented with the evidence

of the illegal activity and would have the opportunity of resolving the matter without going to court. In other words, the landlord would evict tenants who are using the property for illegal purposes, endangering their neighbours.

And the experience in Manitoba, where they have similar legislation upon which this legislation is modelled, is that almost all cases are resolved by informal resolution between the Department of Justice and the owner of the property without requiring a court order. There are rare cases where a court order is obtained. And I think one of those few rare cases is where the owner was using the property for illegal activity, of course, and the problem could not be solved by having the owner evict the tenants; the owner was the occupier of the property.

But it's anticipated that in almost every case, the results of the investigation would be brought to the attention of the landlord in the first instance. And if the landlord didn't accept that and a court order was obtained, there are appeal provisions built into the Act, but it's anticipated in the vast majority of cases it will be resolved with the landlord.

Mr. Kerpan: — I guess the other two minor things that do come to mind when we talk about the Bill is that the public perception, I'm a bit . . . I like the name of the Bill, by the way; don't get me wrong, I think safer communities is a really positive approach. You may get in through media outlets and through the public, once the Bill becomes better known in Saskatchewan. You may get people who are going to talk about this kind of legislation as bringing Saskatchewan into a police state whereby some government agency, whether it be police or some other agency may shut . . . could control in fact your property and take away more of your rights as a property owner.

So again this is not a big concern. My concern here was that it's the perception and the optics that we may all of us have to face as government when this Bill gets into the public eye.

Hon. Mr. Quennell: — Madam Chair, I have tried to explain both in the House and through the media and interviews that take place that this is public safety legislation.

Secondly it is worth noting that the process is initiated, not by the police or by any government agent, but by a member of the community who makes a complaint in confidence to Saskatchewan Justice which is then investigated, that the complaint is initiated by a neighbour who feels that the activities in that property put children and other people who live in the neighbourhood at risk.

It should also be emphasized that this is not criminal legislation, creates no new crimes. This is public safety legislation, and I've made the comparison between a landlord not being able to at law or lawfully rent out a fire trap that's dangerous to the children who live inside that house. Nor should a landlord be able to operate a house that, because of the activities that go on in it, is dangerous to the children who live down the street from that house. And this is public safety legislation.

And I think all members involved in passage, debate and passage of this legislation have an obligation to explain the value and the benefit and the true effect of it to their

constituents. And I want to commend the members of the opposition for their support of the Bill. We want to have this legislation enacted and these investigators in place by the beginning of October. So I'm glad we're not going to be delaying it into the fall.

Mr. Kerpan: — One last question if I might, Madam Chair, and that would deal just . . . The only issue that I had heard through some public agencies was: did the department talk to people like Crime Stoppers before they put this legislation together? Crime Stoppers organization.

Hon. Mr. Quennell: — The principle consultations were with the chiefs of police in the province, and I can advise you that every police chief and every RCMP (Royal Canadian Mounted Police) commander I have spoken to about this legislation is enthusiastically supportive of it.

Mr. Kerpan: — Thank you, Madam Chair. I just want to again say in my final comments that I do appreciate the government and the department moving quickly on this kind of legislation. We do support it. We are going to see it passed as quickly as possible, and we will, in the future if I have anything to say about it, be supportive of this type of legislation. I believe that we, as a government, our first role of responsibility is to protect the people and the property of our citizens, so I commend the department and the minister on this good piece of legislation.

The Chair: — Thank you. Further discussion? Ms. Crofford.

Hon. Ms. Crofford: — I just have a small question, and the reason I'm asking is because I had a call recently from a constituent that, under current laws, not this Bill, made a complaint, and the next day he had several of their windows taken out of their house. There is a confidentiality element here for the complainant; is that accurate?

Hon. Mr. Quennell: — Yes, there is and it's vitally important. There are provisions that allow . . . if the investigation doesn't proceed as the complainant would like, in other words there is no resolution, or there isn't a resolution the complainant likes, a neighbour, a citizen, would have the right to apply under this legislation for a court order on their own, and then of course they would no longer be protected as to their identity. But as for making a complaint and initiating investigation, no person, including the director, shall without the written consent of the complainant disclose who that was.

Hon. Ms. Crofford: — If I could just take a minute to say that the inner-city partnership in Regina is looking very much forward to the ability that this legislation will provide to create a healthier environment for the young people in the community there and for the people who are trying to live a community life, and it's very much appreciated. So I just wanted to mention, you know, some government legislation goes by without much fanfare, but this is one that people are watching very closely and are very appreciative of. That's all, Madam Chair.

The Chair: — Thank you. Further discussion? Seeing none then, with leave of the committee, can we agree to vote this by parts since there's 66 clauses? Agreed?

Some Hon. Members: — Agreed.

Clause 1 agreed to.

Clauses 2 to 66 inclusive agreed to.

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: The Safer Communities and Neighbourhoods Act.

Could I have a motion to have the Bill reported without amendment? Mr. Borgerson. Agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you. Thank you very much.

The committee agreed to report the Bill.

Bill No. 34 — The Psychologists Amendment Act, 2004

Clause 1

The Chair: — The item up for business is Bill No. 34, The Psychologists Amendment Act, 2004. I recognize the Minister

Hon. Ms. Atkinson: — Well good evening.

The Chair: — Any officials you have to introduce?

Hon. Ms. Atkinson: — There are no officials with me this evening. Madam Chair, what I would like to do is provide a brief summary of the amendments being proposed to the Act, and I would say that the amendments have been suggested by the College of Psychologists.

The amendments will require that bylaws presented to the membership of the association for approval. It clarifies that applicants must have completed the educational requirements before consideration will be given to issuing a provisional licence. The amendments allow for a provisional licence if the applicant has not yet successfully passed the prescribed examination.

We're also replacing the term "restricted licence" with "provisional licence," and we're making housekeeping amendments to repeal the requirement to file certified copies of the bylaw that is being amended, since the original bylaw has already been filed. And we're also going to include the same protection of specific records already protected within The Saskatchewan Evidence Act and The Regional Health Services Act.

The Chair: — Thank you. Questions? Seeing none. Then clause 1, agreed?

Some Hon. Members: — Agreed.

Clause 1 agreed to.

Clauses 2 to 11 inclusive agreed to.

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: The Psychologists Amendment Act, 2004.

Could we have a motion to have the Bill reported without amendment? Mr. Kerpan. Thank you. Agreed?

Some Hon. Members: — Agreed.

The committee agreed to report the Bill.

**Bill No. 49 — The Vital Statistics Amendment Act, 2004/
Loi de 2004 modifiant la Loi de 1995 sur les
services de l'état civil**

Clause 1

The Chair: — The next item of business is Bill No. 49, The Vital Statistics Amendment Act, 2004.

Hon. Ms. Atkinson: — Thank you, Madam Chair. The Vital Statistics Act, 1995 contains provisions that the Supreme Court of Canada has ruled as discriminating against birth fathers, and the proposed amendments satisfy the direction given the court ruling. So the Act is going to be amended to remove the option of birth mothers to choose not to acknowledge the child's father when registering the birth of a child. As well, it removes the option for a birth mother to apply to amend the parental particulars of a birth registration of her child without the father's consent because the father was unacknowledged.

We believe that, with the amendments to The Vital Statistics Act, we will now comply with the recent Supreme Court of Canada ruling.

The Chair: — Questions? Mr. Kerpan.

Mr. Kerpan: — Very briefly again, Madam Chair, certainly we don't have any issues with this legislation at all. And, as the minister stated, they're just certainly following a Supreme Court ruling. And I think it's high time that this, again, this type of legislation was put into place right throughout Canada — not just in Saskatchewan. But it's good to see the Supreme Court making those kinds of decisions. I think it just brings fairness into our society. So we don't . . . I don't have any questions, unless my colleague does, about this piece of legislation.

The Chair: — Seeing none, clause 1 agreed?

Some Hon. Members: — Agreed.

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

The Chair: — Then Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: The Vital Statistics Amendment Act, 2004.

Could I have a motion to have the Bill reported without amendment? Ms. Crofford. Agreed?

Some Hon. Members: — Agreed.

The committee agreed to report the Bill.

The Chair: — I'll now entertain a motion to adjourn.

Mr. Borgerson: — I so move.

The Chair: — Mr. Borgerson. Agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you very much. Thank you to the minister.

The committee adjourned at 19:38.

