



STANDING COMMITTEE ON HUMAN SERVICES

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STANDING COMMITTEE ON HUMAN SERVICES

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Cannington

Ms. Nicole Rancourt, Deputy Chair
Prince Albert Northcote

Mr. David Buckingham
Saskatoon Westview

Mr. Mark Docherty
Regina Coronation Park

Mr. Muhammad Fiaz
Regina Pasqua

Mr. Roger Parent
Saskatoon Meewasin

Hon. Nadine Wilson
Saskatchewan Rivers

[The committee met at 19:00.]

The Chair: — Good evening, ladies and gentlemen. We will now commence this meeting of the Human Services Committee. Present with us this evening is MLA [Member of the Legislative Assembly] Muhammad Fiaz; MLA Nadine Wilson; MLA David Buckingham; substituting for Roger Parent is Eric Olauson; and MLA Mark Docherty; and substituting for Nicole Rancourt, David Forbes. With us today we have the Minister of Education and the Minister of Labour. I won't tell any stories.

Bill No. 28 — *The Extension of Compassionate Care Act, 2016*

Clause 1

The Chair: — We will now consider Bill No. 28, *The Extension of Compassionate Care Act, 2016*, and we will begin with clause 1, short title. Mr. Minister, can you please introduce your officials and provide your opening remarks.

Hon. Mr. Morgan: — Thank you, Mr. Speaker. This evening we will discuss Bill 28, *The Extension of Compassionate Care Act, 2016*. I want to introduce some of the officials that are here with me tonight. I've got Mike Carr, deputy minister; Greg Tuer, executive director, seated behind me; Pat Parenteau, director; and I've got two individuals from my office here, Drew Dwernychuk, chief of staff; and Elias Nelson, ministerial assistant.

Mr. Chair, the amendments being considered, they relate to compassionate care leave and they are the result of changes that were made to federal legislation. Under the current legislation, Saskatchewan employees are entitled to eight weeks of job-protected leave to care for a loved one that is at significant risk of death within 26 weeks. In January of this year, the federal employment insurance legislation was amended to enable employees to collect up to 26 weeks of benefits. Our legislation was no longer meeting the needs of employees or employers, and it was certainly not aligned with what was being offered federally.

Compassionate care leave is important as it supports families facing the challenge of helping care for ailing relatives. When someone is dealing with such pressures, the last thing they need to worry about is how this will impact their job. Our hope is to give a little bit of peace of mind to families during stressful and unpredictable times. This legislation also fulfills a campaign promise to improve compassionate care leave for Saskatchewan employees.

Bill 28 will also amend part IV of the Act. These amendments are administrative in nature. The intent is to ensure that adjudicators can be assigned to appeals in an expedited manner. This used to be assigned by a registrar within a ministry. This responsibility will be transferred to the Labour Relations Board. It does not make sense to convene a panel of the board to make the selection.

When *The Saskatchewan Employment Act* was drafted, these provisions were not included. That resulted in some confusion

and raised concern for the Provincial Ombudsman, who suggested better information needs to be provided to all interested parties. By amending these provisions, we will provide clarification and speed up the appeal process. These new provisions will ensure employers and employees will continue to benefit from modern legislation.

Mr. Chair and committee members, I want to comment briefly on the compassionate care provisions. What the purpose of this is, as I'd indicated, is to align our legislation with that of the federal government. Since we've circulated it's been raised that there may be situations where an employee wishes not to take all of the time all at one interval, but to divide it up into several smaller intervals. So we discussed with the officials the best way to achieve that, whether it be by way of a House amendment or by way of regulation. The response we received from the officials was that the Act likely achieves that, but for abundant clarity we should provide regulations, and the regulations would mirror exactly what takes place in the federal legislation.

So I want to advise, Mr. Chair, you and members of the public and the people that are here today that once this has been passed, that we intend to move forward with those regulations and will likely start the regulatory process before the end of session so that this can come in as soon after proclamation as is possible.

With that, Mr. Chair, we are ready to answer questions.

The Chair: — Thank you, Mr. Minister. Are there any questions from the committee? I recognize Mr. Forbes.

Mr. Forbes: — Thank you very much and thank you for that overview. And I do want to highlight that we're . . . say that we have two guests in the audience from the Cancer Society here in Regina. We have Donna Ziegler and — I'm going to mess up this name — Donna Pasiechnik. So I'll have to get the spellings for Hansard, but we do have people here in the audience here who are very interested.

Hon. Mr. Morgan: — I apologize. I should have recognized them myself, so thank you for having done that.

Mr. Forbes: — And they've been following this very closely and had actually alerted us to what is a bit of an oversight, and so we'd be very willing to work whatever way we can to improve this legislation. We are curious though how a regulation where you do have, in the Bill No. 28 under section 3(3), the amendment to section 2-56:

In a period of 52 weeks, an employee is not entitled to take more than one compassionate care leave pursuant to subsection (2).

And that subsection (2), I believe refers to within the 52 weeks or the one year thing. How can you have a regulation go against what is so clearly explicit in the legislation?

Hon. Mr. Morgan: — I will have Pat Parenteau provide you with some . . .

Ms. Parenteau: — We have had discussions with the Ministry of Justice when drafting, and we believe that under the subsection (4), clarity can be given to the definition of what it means by providing care or support to a family member and, by defining that term better, that it will allow for the leave to be broken into sections.

Mr. Forbes: — So now what regulation would you give the power to do that?

Ms. Parenteau: — We have regulation-making authority under part 9 of the Act, to define or enlarge a term. And so that would be under the employment, the general employment standards regulations.

Mr. Forbes: — So I have that Act right here. So if I went to section 9, I could look that up? What specific reference are we talking about?

Hon. Mr. Morgan: — Pat will be more than willing to read the section to you.

Mr. Forbes: — Okay, I'll look it up at the same time. I don't mind knowing this stuff.

Ms. Parenteau: — It's section 9-12, subsection (1)(a) which allows for the Lieutenant Governor in Council to make regulations "defining, enlarging, or restricting the meaning of any word or expression used in this Act but not defined in this Act."

Mr. Forbes: — Then why is this bill or this part of the bill before us when we could have done all of this already, when we could have mirrored what's in the *Employment Insurance Act*? Why are we here debating this?

Ms. Parenteau: — Well we actually do have to change the number of weeks that you're entitled to job-protected leave. So defining the term allows for us to break up the leave into sections, but to actually have the full 28 weeks of leave, which would be the 26 weeks of benefits as well as the two-week waiting period.

Mr. Forbes: — Now do you think that . . . How often have these been used?

Ms. Parenteau: — In Saskatchewan the number is, on average, at a high, we've had 199; and as few as 144.

Mr. Forbes: — How long have they been in . . .

Ms. Parenteau: — The leaves have been in place since 2004.

Mr. Forbes: — Well then, they are very, very well used.

Ms. Parenteau: — In total it ranges around 6,000 for Canada.

Mr. Forbes: — Okay. So my concern here is that, you know, an ordinary person would be going to the Act and looking to see what they're eligible for. And they would see clearly that they're not entitled to take more than one compassionate care leave pursuant to subsection 2, not being directed to subsection 4, that there will be more information in that. Why don't we just

change it? Why don't we just . . . or leave it as it was? Why is it, I'd be curious to why is it . . . How did Justice give a rationale about why is it better to have one and then have somebody come back and really push this matter?

Ms. Parenteau: — Well in the review that Justice did of the provision, they noted that this wasn't the only provision that had similar wording. And so for clarity we wanted to also, the regulation would allow us to do the amendment to the child severe illness, critical illness which is, I believe, 2-57.

Mr. Forbes: — Okay. And so in that case that the Act says that you . . . Let's go to 2-57. I want to take a look at what . . . So what part of that is a problem?

Ms. Parenteau: — Sorry. I'm just getting my . . .

Mr. Forbes: — Sure. Yes.

Ms. Parenteau: — It's the same wording, that you would be only allowed to have the leave for up to 37 weeks. So it would make that assumption that that 37 weeks is one block too. But by amending subsection (3)(a), we could still make that same reference to no longer providing care or support to a child, and that would give that clarity that that 37 weeks could be broken up.

Mr. Forbes: — Well I kind of buy half that because there is no reference to it being only limited to one. I'm afraid that people will see this piece of legislation and there will be discussions about, you can't take more than one. And then somebody will have to say, well no, I think you might be able to, and then we're off to the races. So wouldn't it be just easier in this case if it's a parallel situation, that you might even take out section 3?

Hon. Mr. Morgan: — We're not prepared to hold up the legislation. I mean if the opposition chooses to hold it up, it's on them. We want to have it in place, and we want to have it in place as quickly as we can. The advice we received from the Ministry of Justice was we should do this by way of regulation, and we can cover the situation across two or three other places in the Act so it's covered by way of providing information. By way of whatever booklets or online information we provide would certainly make it abundantly clear that that's intended to be the situation, probably starting from a clean point of view for both pieces, for both situations.

They may phrase them differently, but given the number of sitting days that are left, the Ministry of Justice says if we do nothing, that these workers are protected; that by providing the definition we provide some additional clarity, and it gives an employee something, an employee something that they can take to the employer and say, no I am allowed to break it up. So we've given them the addition of clarity with that.

So that's the best advice that we have from Justice at this time. I'm not the Justice minister right now, so I'm prepared to defer to them.

Mr. Forbes: — And I'm not the critic of Justice. But I do have to say that I don't think that they've given very solid advice here. Because here we have . . . and, you know, Mr. Minister, we have worked to make things happen very quickly in the

House, and we can make an amendment tonight unless your folks aren't willing to make . . . I would definitely . . .

Hon. Mr. Morgan: — We're not. We're prepared to . . .

[19:15]

Mr. Forbes: — So it's not . . . I think I have the floor. I think I have the floor here. I'm willing to make an amendment. I'm willing to make this as clear as can be. But if you're not willing, don't put it on us. We're very willing to see this go forward. We just want this to be clear to the people working in Saskatchewan who have family members who may be very, very ill and they are not in the mood to have to figure out that what the government means when they say one can mean two or three. We don't know what that really means. And I'd have the question for you, why did you change it from two to one?

Hon. Mr. Morgan: — You know, I'll tell you what we're prepared to do. We're prepared to go ahead with the bill in this format. We're prepared to bring forward a regulation that we think will provide some additional clarity and give some support to people. That's what we're prepared to bring forward tonight.

Mr. Forbes: — The question I had for the minister though was why did you change from two to one?

Ms. Parenteau: — Under the existing legislation, you could take eight weeks of leave in a 26-week period. The two periods that were provided for were to cover off the 52 weeks that we wanted to ensure at that time the people could take two leaves of eight weeks for a total of 16 in one year. With this, it's 28 weeks under a 52-week situation.

Mr. Forbes: — So I just have to ask the minister and the officials, do you think this very clear and very helpful that you're asking people to dig into the regulations? That somehow, and not only to people who would be applying, but also to employers when they read and may . . . And I hope it would never get to having a lawyer act on behalf of either side, but that they would see that it is limited to one and for some reason you have regulations that go against that. And I appreciate that Justice has got a bit of a circle to number 4(a), but wouldn't it be more helpful just to everybody to be clear here?

I mean the job of the committee is to . . . This is where we get to clarify things and I just don't understand why Justice couldn't have put together a quick housekeeping amendment where you could even take out number 3 or whatever. But I'm just curious — do you really think this is helpful?

Hon. Mr. Morgan: — If you want to go and adjourn the meeting, I'll have an official come from the Ministry of Justice and you can certainly have the discussion with them, and I'm certainly amenable to do that, Mr. Forbes.

You're absolutely right. It is the duty of the committee to explore these things, to make appropriate decisions. It would certainly be our intention to have the information go out by way of the website, different social media, different print media, so that people are aware of the combined effect of the legislation

and of the regulation, as we do with many other things.

But if you wish to do it on another night or do something different, you know, that's certainly your privilege. The advice that we have from Justice — and we went to them and said, this is a concern that was raised by the Cancer Society — they said, well, you're already covered. It's a matter of how you interpret the certain words out of it. And they say for abundant clarity we can do a regulation that will support it and provide additional clarity if somebody needs that. But the reality of it, they say, is it's not needed at all. But they say . . . I said no, let's do it.

But if that isn't satisfactory and you want us to bring a Justice official, we can certainly do that. If you want us to set it over and do a House amendment, we can certainly deal with that in the spring and that's certainly your option.

Certainly my preferred course would be that we go ahead with the legislation, we bring it into the Chamber, we pass it, you have the undertaking from us on the record that we will do the regulation as quickly as we can. And that gives people the support and the consistency with the federal regulation.

I'm not prepared to debate the advice that we've received from the Ministry of Justice on legal drafting. If you wish to, that's certainly up to you.

Mr. Forbes: — So when could we have this official from Justice?

Hon. Mr. Morgan: — I'm guessing when session starts in March.

Mr. Forbes: — So once again, you're putting this back on me, and here we have a committee that's . . . I mean, the people are scheduled to sit until 10:30 tonight that . . . Now, I'm surprised that that person isn't here with you because we knew we were going to be talking about this tonight. So if your officials don't have the capacity to talk about that . . .

But I do say that we are willing to meet and make this happen as quickly as possible. We think this is a good piece of legislation. But I think that . . . I would think that there's a better, more effective way to get clear language into our legislation so that people can know that it means what it says and says what it means, and not sort of this . . . If you read the legislation it says one go, but really if you get a piece of . . . You're talking about having a brochure that says it's actually two. I mean, will the brochure say that? I mean, will the brochure actually reference the legislation to say, this may sound odd because in the legislation, it says one, but you could take two or three — you could break it up into two or three pieces?

Hon. Mr. Morgan: — Brochures rarely ever reference the legislation and say, you are entitled to this, you are entitled to do that. I mean, that's what . . . you know, the brochure isn't there.

You and I have been across this table off and on for a number of years, probably more than you and I care to admit. The reality is we've never brought Justice officials here to help us and we've always accepted what the Justice officials have told

us. The officials from whatever ministry it is that I've been representing have made the statements that Justice has said this, Justice has said that. And then and as I do now, if you want us to bring a Justice official here, that means setting it over and going back to your House Leader and saying whatever you want and I have to go back to my House Leader, and we're talking about in the spring.

I would certainly make the recommendation to you, on the strongest terms, we proceed with the bill in this format, we proceed with the regulations in this format. Then we've achieved what the federal legislation does, so we provide the leave that's appropriate. We allow the citizens of our province to break it up. And if the opposition members should choose to bring an opposition member's bill in the spring, if they think they want to redraft the legislation drafted by the folks in Justice, go ahead. We'll certainly look at it at that point in time. But what we have here now is a combination of legislation regulation, like we have on many other things, that fulfils the needs of our citizens and we have a new piece of . . . a new change in the provisions from the federal government, and I think all of us would like to see the citizens have the benefit of that and the benefit of that as quickly as possible.

Mr. Forbes: — And we all agree to that, but we're all here tonight; we could change this really quickly. I have never seen a piece of legislation so contradictory. And even if you bring up section 237, that doesn't come close to what you're suggesting or proposing and yet refusing to fix it. I mean, I don't know if it makes sense to anybody here. I mean, is this what . . . You folks know. You'd made reference in your speech that this is what you campaigned on, and I get that and you won the election. That's good, but I don't think you said you were going to reduce the periods that you could have from two to one and now say that you're actually backtracking and you're actually saying back to two, which is good, but that probably isn't what you campaigned on, was it?

Hon. Mr. Morgan: — Mr. Forbes, what you have here is exactly what we campaigned on with a combination of legislation and regulation. The officials from Justice have indicated that the legislation gives us that already. The regulation provides some additional clarity to it. I'm certainly prepared to go back and say we have an opposition member that does not agree with your drafting. I'm sure they'll say, which lawyer was it? And I'll say, not all of the opposition members are lawyers. This member feels he knows more about legal drafting than you do and wishes you to do something differently. That is your call to do it, and you need to make a decision whether you wish to go ahead with it or not.

Mr. Forbes: — No, my call tonight . . .

Hon. Mr. Morgan: — And Mr. Forbes, I'll be candid. If you're not satisfied with the way it's drafted, my suggestion to you is pass it in its present form and bring back whatever amendment you choose to do in the spring session. When you've brought forward amendments before or you brought forward new bills, for the most part I've been remarkably supportive of the things that you brought forward, and would certainly look at whatever you bring forward then. But neither you nor I are going to sit here and redraft a bill tonight.

Mr. Forbes: — Well, I'm definitely not suggesting redrafting a bill. I'm suggesting an amendment, and I have shopped it around our office and it is pretty unanimous that it just doesn't seem to make a lot of sense to have something in legislation and then have something in regulation that they don't, they don't jibe at all. And this seems to be the opportunity that we have before us to do this tonight, and so this is my job, Mr. Minister, to get to the bottom.

And people are watching at home and probably cheering on the fact that we should do something about compassionate care. That's a heck of a good idea. We all feel that way, but you know, I think people do get concerned that . . . when drafters of laws are imperfect. And as you have before us, I mean here we have a case, the bill's actually called *An Act to amend The Saskatchewan Employment Act* and we have several amendments to that large omnibus bill that was brought many . . . a few years ago. Part of this deals with the compassionate care, and part of it deals with arbitration.

So it is our job to do this, and I know that sometimes people wonder, is it necessary? Well this is exactly why it's necessary, because while I have . . . I think the world of the folks, the lawyers over in Justice, and as you are a lawyer and a very good lawyer, we all . . . we're not quite perfect. And lawyers aren't quite perfect as well as we've seen with various trips to courts on various levels. I don't need to go down that path and remind you of Labour's track record in the courts recently and what may be, you know. And as you know, because of this particular Act, *The Saskatchewan Employment Act* continues to be challenged and will be challenged because of the refusal to do amendments. And so we have to take this . . . We will argue rigorously that it should make sense and be the best bill brought forward and passed in the legislation.

And so while you're suggesting that and somehow it would be my responsibility if it was to go to spring, I look over and there's five people over there who could join in and say hey, we could change this tonight if they wanted to. But I see them and I see the minister or the member from Massey Place saying no he doesn't want to do that and I don't know if others want to do that. This is a committee that we could say, we could change this. You folks over there could change this as well to say this is a committee, not just me. If the five of you agree on this piece, that it seems to make sense, that you say one in the legislation but somewhere in the other, you definitely could speak up right now at this point, join in the debate. The minister's only here to answer questions. He doesn't have a vote here tonight. The six of us have votes tonight to move this forward.

Hon. Mr. Morgan: — Mr. Forbes, you have taken some issue with some of the staff lawyers and I think one suggested that they did an appeal to the Supreme Court off the side of their desk. I remember discussing that with the officials of the Ministry of Justice afterwards, and they took some considerable exception and I think wrote to you. The Minister of Justice wrote to you and suggested that that was an inappropriate comment.

I would like to urge you to go back and reread Minister Wyant's letter to you. The people that we have in the Ministry of Justice are some of the best lawyers in this province and I can assure you that the advice that they gave us, they didn't

give us off the side of their desk to do it. You have their interpretation of how this works given to us. We have indicated to you we will do the website, the brochures. We will also do the regulatory change so that it's abundantly clear.

[19:30]

So in any event, we're prepared to go ahead with it on that basis. And if you wish to assume the mantle of a lawyer and take this back to other people, that's up to you. We're prepared to go ahead with the bill on this basis. And you know, this is something that we campaigned on. It's something the federal government has provided the monetary relief for. I think the least we could do as a province is move forward with this.

Not wanting to be belittling or demeaning, but if you want to play in the role of legal drafting, go over the next two or three months, go to Ken Ring, go and do whatever you want, and I'll certainly look at whatever you do. But the best advice that I have from the Ministry of Justice is that without the regulation, this does what it is supposed to; with the regulation, it makes it abundantly clear if we do that by way of a website, we have our population protected and where they need to be.

Mr. Forbes: — Okay. Well, Mr. Chair, this is what I take very seriously tonight. I'm not acting under the mantle of being a lawyer or want to be a lawyer. I would never want to be a lawyer. I'm acting under the mantle of being a legislator, taking my role very seriously because once we pass this, I don't think we'll be by here very often again. And so this is our one kick at the can, and so we either do it right or . . . And you know, and you can say, I can adjourn this if you want, but I know that I'm only one person on this committee.

But you did raise an interesting question, and that was if I can answer the point about challenging Minister Wyant about my comments about the lawyers working off the side of their desk on their way to the Supreme Court. And if you would remember correctly, what I was talking about was not so much their skills or my evaluation of, because I have high regard for them, but the fact that yourself and Mr. Wyant continually insisted that it costs no money to take a trip to the Supreme Court and argue . . . In fact all the trips to court to argue Bill 5 and 6, that somehow you folks over the course of six years of litigation didn't spend . . .

The Chair: — Excuse me, we're talking about Bill 28, not some bills from the past. If you can keep your comments to Bill 28.

Mr. Forbes: — Sure. And I appreciate that, Mr. Chair, because I feel the minister kind of baited me into talking about that. But I do want to set the record straight because I didn't make any comments about the lawyers and their abilities to draft laws. I was making comments about this government, like in Bill 28, and this will be my point, Mr. Chair, I'll ask this right now. How much consultation did you do on Bill 28?

Hon. Mr. Morgan: — On Bill 28?

Mr. Forbes: — Yes.

Hon. Mr. Morgan: — On this bill here?

Mr. Forbes: — Yes.

Hon. Mr. Morgan: — We did a minimal amount of consultation since the election. But at the time of the election, when we were talking about it I believe, I think we consulted with probably 1.15 people in this province. And I think 60 some per cent were in favour. I don't know.

Mr. Forbes: — I'll correct the minister. I think he was saying 1.15 million probably, not 1.15 persons.

Hon. Mr. Morgan: — I think 1.15 million persons was the number of people that reside in the province, might have slightly less than that at the time.

Mr. Forbes: — Again, to be . . . So did they also . . . Did you when you were out campaigning also raise the issue of arbitration?

Hon. Mr. Morgan: — We have a bill before us that deals with compassionate care. It was raised and discussed with people at the time of the election. People supported us in the election. I knocked a lot of doors. I'm sure you knocked a lot of doors. I had strong support for this. I didn't have any support for somebody that wanted to wordsmith. I had people that supported what the federal government had chosen to do and wanted us to have supporting companion legislation and regulation. And that's what we have.

Mr. Forbes: — Mr. Chair, I'm asking a simple question about consultation on Bill No. 28 and I'm seeming to get . . . Now you've corrected me on not sticking to the bill, and I would ask you to ask the minister to keep his remarks to Bill No. 28. Who did he consult formally on Bill No. 28?

The Chair: — I listened to the minister's response, and he referred to the number of people in the province he consulted.

Mr. Forbes: — Then I would ask him specifically, out of the 1.15 million people in this province, did you consult or what were their feelings about selection of adjudicators? I'm not wordsmithing. These are your words. This is the bill.

Hon. Mr. Morgan: — The issue of selection of adjudicators, there was probably minimal consultation. If you listened to the opening remarks, the opening remarks dealt with the, that it was an administrative issue and solely within how an adjudicator was assigned from the Labour Relations Board. Because the Act was opened up for this, the recommendation came from the Ministry that we deal with this. At the same time I understand that this is something that was desired both by employer and employee reps and will make it easier to go through the House.

And if it's your desire that they not go ahead together, or you want us to consult on the adjudication issue, we can certainly not go ahead, you know, with the bill tomorrow and we can bring it back as two separate ones if that's the wish of the opposition. Our understanding was that this was something that there was not an issue with and, you know, the bill was introduced with that. And we understand that that was a simple administrative update as we do all the time clarifying gender, use of pronouns.

Mr. Forbes: — So how did you come to that understanding?

Hon. Mr. Morgan: — I personally didn't talk to the Chair of the Labour Relations Board. I didn't personally talk to the people that make the practice. I relied on the officials to do it. The officials within the ministry came to us and said, while we're dealing with this one, we'd also like to do a tidy-up of this process. I know that process was a problem for people because they got calls from people that were waiting to have adjudicators assigned. So I thought yes, if this is what speeds up the process, let's do it.

Mr. Forbes: — So you have a labour advisory committee. Is that correct?

Hon. Mr. Morgan: — I do.

Mr. Forbes: — When were they most recently appointed and are they current?

Hon. Mr. Morgan: — They are current. They have not met since the election but this is something I doubt whether I would bother to put on an agenda for that, other than by way of an information item saying we've done this. Or had we done it ahead of time, we would have done it. I regard that amendment as being simply an operational amendment coming out of the operation of the Labour Relations Board.

As you're aware, the employment Act was extensively modified, overhauled just over two years ago. Since that time there's been a few minor things that they've chosen to deal with plus more significant things such as essential services, where we've made more significant amendments to it. But overall the employment Act works well and this is something that only deals with shortening the procedure to have an adjudicator appointed.

Mr. Forbes: — So you have an advisory committee. You've opened up the employment Act but you've made an assumption that the advisory committee would have no thoughts on any potential amendments. Is that correct?

Hon. Mr. Morgan: — We went through an election dealing with the compassionate care provisions and the other provisions that you're aware of, that the federal government indicated they were going to supply employment insurance. We wanted to make sure that our legislation required employers to grant leaves for that period of time. We campaigned on that during the election and this bill is in response to what we campaigned on.

During the election, I did not hear a single person that was opposed to having the support given under the compassionate care provisions that we're advocating tonight. Not one person said they didn't want to have it. The Cancer Society raised the issue that the nature of the illness, when people are receiving treatments, may be that they need several times, the leave that was there. The opinion we got from Justice was that that exists already but we can clarify it if people feel that there may be, if they want some additional support. We're undertaking to provide that.

The other portion of it is a clerical function. You saw it when

the bill was there. This is the first I've heard that you have any issue with it whatsoever. So, you know, we're not prepared to support at this point in time a housekeeping amendment or an amendment that would in any way slow down or impede the bill.

You're entitled to bring a private member's bill any time you choose to bring a private member's bill. You're ... as an opposition, have access to Ken Ring and the folks ... [inaudible] ... if you think that this ... If you want to delve in the area of legislative housekeeping, you're certainly welcome to do that.

And you know, you and I have worked together on things before. In the event you choose to do that at some time in the future, I would approach it with an open mind and would certainly make sure that we give it a fair look at it at the time.

But what we have before us tonight is a bill that deals specifically with what we want to have happen with regard to compassionate care leave. I think both you and I have had people in our family or close to us that have suffered from cancer. We would want to make sure that we gave them every bit of support that we could as soon as we possibly could and that they would not want to see us playing gamesmanship over legal drafting.

I'm not here to second-guess the Ministry of Justice and I don't think you are either. So what I'm hoping that you will do is allow the bill to go forward so that we can pass it and get it moved through the House tomorrow.

Mr. Forbes: — I don't know what's on your mind today. Maybe it's that billion-dollar debt that happened this morning because you certainly are edgy tonight. And I don't know if you're reading the headlines or what but I'm just doing my job, Mr. Chair. I've questions to ask and it was funny last week when I phoned members of your legislative advisory committee to say, have you heard about Bill 28? Not many had heard. And I would think it would be a common courtesy, not gamesmanship.

On our side that's a common courtesy to phone people to say, you know what? We have this bill going and it was introduced on June 14th — June 14th. No phone calls have been made for several months to members of the legislative advisory committee to say, you know, we're doing housekeeping. It looks to us like it's housekeeping. To others, it may not be. It may not be. And they have a right to know what's going on.

And I have to tell you, Mr. Minister, that many people, many members of your committee, feel like, what happened here? We thought we were participating in a process where if you brought forward a bill, obviously ... Now you often refer to it as *The Extension of Compassionate of Care Act*, but it is actually called *An Act to Amend the Saskatchewan Employment Act*. That's its real title, its formal title.

People have a right to be concerned. They feel a right to be played. You were at the SFL [Saskatchewan Federation of Labour] convention. You didn't say anything about this bill. You didn't tell the folks there that in fact the employment Act was open. It was only the week after that I happened to mention

to some of the folks that this was an issue.

So, Minister, this is something that I think we raise and we continue to raise. We raised it with other bills, about the capability of this government to consult in a meaningful way, because quite often what seems to you folks is housekeeping is actually fairly significant.

And we don't all have access to lawyers. And we do deeply resent when we're called gamesmanship because we're just trying to get to the bottom of this. And I know we all have work to do, and I have told you and I said once again, we think all these things are quite okay. But we do have a problem with the process, the lack of consultation, the lack of consultation, the lack of being clear and saying what you mean, and then having to have something done in regulations.

And I have to tell you, like the asbestos or the PTSD [post-traumatic stress disorder] bill that was brought forward, and we all got onside with that, but it's not yet in force yet because we're waiting for the Lieutenant Governor to proclaim it. And it's been several weeks before, so forgive us if we're a little suspicious of gamesmanship.

So having said that, I just have some serious questions about when will you call, under what circumstances would you call your advisory committee when it comes to legislation?

Hon. Mr. Morgan: — I'm certainly prepared to advise them that the next time we meet, that you don't support this legislation and that's the position that you've taken on it. And I will tell them that I'm glad that we have a significant majority in the House and that it would be our intention to use that majority to see to it that legislation that protects the citizens of Saskatoon gets passed.

[19:45]

If you want to use a procedural delay or something to try and do it, I leave that to you and the members of your party. But to the extent that we're able to pass the legislation, it is the intention of the majority side of the House to pass the legislation, to bring forward the regulations as soon as possible and have it in place as soon as possible.

I don't intend to go back to the Ministry of Justice and say, Mr. Forbes is unhappy with you, anymore than I'm willing to go back to the Lieutenant Governor and say, Mr. Forbes isn't happy that you weren't there. Those are things I'm not prepared to do. If you want to take that up directly with the Ministry of Justice or the Lieutenant Governor, I leave that to you.

Mr. Forbes: — All I'm looking from you is a simple commitment to consult with stakeholders on specific piece of legislations. Will you do that in the future?

Hon. Mr. Morgan: — We consult regularly. We consult on things. If you want us to pull this one, I'm not prepared to do that.

Our intention would be that we would pass this one and we would give the citizens the . . . [inaudible] . . . But I think both you and I would agree that consultation is something that

benefits the citizens of our province. However, when we've had something that's gone through an election cycle and we're moving our legislation into sync with the federal government, that's something that, we don't need to hold public hearings on it. It's something, a matter that is simply a good thing to do, the same way that we didn't consult on PTSD. We heard from people that told us that's what they want, but we didn't go out and do any public consultation. We just said, no we're doing this.

The same when we moved esophageal cancer forward, we didn't go out and consult. We heard from firefighters saying they had cancer. They wanted to be covered. We just did it. So some things you consult on . . . most things you consult on. Some things it's just right to do.

Mr. Forbes: — So you know, as I was saying, it's just a common courtesy that people should be aware that this was actually happening. Did you at all, any time in the last three or four months, call the Cancer Society? You had spoken to them previous to the election. They had made a very compelling argument for this. But have you contacted them, or any of your staff, in the last little while to let them know about Bill 28?

Hon. Mr. Morgan: — I understand that some of the people from the Cancer Society contacted our office, raised the same issue about that. And that's why we indicated that we would do the reg to make it abundantly clear that that was what the intention of the legislation was and would make sure that we would put it in there. So that was the communication we've had.

Mr. Forbes: — And would you say that was a well-done communication job, from your perspective, that they had to call you? I mean, I'm glad to hear that you responded, though.

Hon. Mr. Morgan: — I'm always pleased when somebody raises an issue. I'm always pleased when we can add some clarity or do something better, and I'm pleased that we have a method of addressing the concern that they raised.

Mr. Forbes: — So, Mr. Chair, I have raised some concerns. I wouldn't say a lot, just basically a couple that we haven't seemed to get very far on. But, as I've told the minister several times tonight, I do think it's good that we're increasing the number of weeks. I do have some concerns about the clear language here, and whether we feel that . . . He's feeling I'm getting too much into the professional realm of lawyers, making comment on that. All I know is I used to teach grade 8 English. This just doesn't make a lot of sense.

And so with that, I don't have any further questions, Mr. Chair.

The Chair: — Okay, thank you very much. Do any other committee members have questions? If not, short title, clause 1, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 9 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Extension of Compassionate Care Act, 2016*.

I would now ask a member to move that we report Bill No. 28, *The Extension of Compassionate Care Act, 2016* without amendment. Ms. Wilson.

Hon. Ms. Wilson: — I so move.

The Chair: — Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Okay. That completes Bill No. 28. Mr. Minister, do you have any wrap-up comments that you would like to make?

Hon. Mr. Morgan: — Yes, I would like to thank the representatives here from the Cancer Society, the officials that have come out tonight, and the committee members on both sides of the room and yourself, and as well as the legislative staff that are here tonight as well. I know it's a cold and unpleasant night, and people would rather be doing something else, but we are glad that we are dutifully doing the work of Her Majesty the Queen.

The Chair: — Thank you, Mr. Minister. Mr. Forbes.

Mr. Forbes: — And I would join in and thank the minister and his officials and the officials preparing this and the committee members and the Cancer Society reps here tonight. Thank you very much.

The Chair: — Thank you, Mr. Forbes. I would like to advise the committee that pursuant to rule 148(1), the November supplementary estimates of the following ministries were committed to the committee on November 22nd, 2016: vote no. 36, Social Services; vote no. 37, Advanced Education.

And we will recess for a couple of minutes while we change witnesses. Thank you.

[The committee recessed for a period of time.]

Bill No. 16 — *The Adoption Amendment Act, 2016*
Loi modificative de 2016 sur l'adoption

Clause 1

The Chair: — Okay, the committee will reconvene, and we have with us, Minister Beaudry-Mellor and officials. We will be reviewing initially Bill No. 16, *The Adoption Amendment Act, 2016*.

So, Madam Minister, if you would care to introduce your officials, and we will proceed.

Hon. Ms. Beaudry-Mellor: — Sure thing. Thank you very much, Mr. Chair. Good evening, members of the committee, and thank you for having us this evening. It's fun to be on this

side — or maybe not as fun — instead of over there for a change.

Here today from the Ministry of Social Services we have my deputy minister, Greg Miller. We have our executive director, Natalie Huber, from our child and family services program delivery. We have Ellen McGuire, who is the director of program design and operational policy, and we have Kerri Kempf, director of legislation and information management. And from civil law at the Ministry of Justice, we also have Darcia Connelly and Matthew Llewellyn, who are Crown counsel for Social Services.

I have some brief opening comments, and then I would be pleased to take questions from members of the committee.

As part of the government's strategy to transform child welfare in the province, we are strengthening *The Adoption Act, 1998* for the benefit of our youngest citizens, their families, and their communities.

The proposed changes to the Act will provide better guidelines around how a child's voice may be heard in court. It will alter how adult adoptees and birth parents can access identifying information from the adoptee's birth registration and allow the minister to better enforce compliance, should an individual's contact preference be contravened.

It will ensure requirements will now be the same for children being adopted by Saskatchewan residents, no matter if the child's country of origin is a signatory to the Hague Convention or not. It will increase the number of days for birth parents to revoke their consent to an adoption from 14 days to 21 days, aligning Saskatchewan with most other jurisdictions in Canada.

And in the event that adoptive parents with an assisted adoption agreement pass away, it will, these amendments will allow the minister to enter into the assisted adoption agreement with subsequent legal guardians, so that benefits follow with the children and not with the parents. So that this will ensure that the child's needs will continue to be met and any of their supports are not disrupted.

The needs of children and their families are constantly evolving, and we need to ensure our legislation evolves along with them. These changes support ongoing efforts to best serve Saskatchewan children and their families.

And with that, Mr. Chair, we'd be pleased to take questions from members of the committee.

The Chair: — Thank you, Madam Minister. Are there any questions from the committee?

I recognize Ms. Rancourt, who is now sitting in as a regular committee member.

Ms. Rancourt: — Thank you, Mr. Chair. First of all I want to thank everyone for attending today, all the ministry staff. Sorry for the delay today, but that's kind of the world that we live in. We never know what's going to go on time to time, so thank you for sticking around. It's been a long day, I know. And I really appreciate you being here because I am looking forward

to learning a little bit more with regards to both of the Acts that we'll be talking about.

I also want to thank the other members for being here as well. I know we would probably prefer to be in jammies and watching *Grey's Anatomy* — well at least me — but this is very important and I'm glad we have this opportunity to have these discussions.

I'm going to first of all say, on the weekend I had laryngitis so I'm just recovering from that. It's not a good thing for a politician to be losing her voice, so I will have my candy here and my water and I'm hoping my voice sticks around for the rest of the night. So bear with me.

But first of all, with regards to Bill No. 16, I'm wondering who were the stakeholders that were consulted with regards to changes to this legislation.

Hon. Ms. Beaudry-Mellor: — So part of the key actions of this legislative process included some significant engagement with child welfare issues and First Nations, Métis, and community stakeholders. We did have some targeted stakeholder engagement in the summer of 2015, specifically in May and June. And this focused primarily on those who used or were directly impacted by the legislative changes that we're making, including First Nations Child And Family Services agencies, Métis organizations, other provincial government ministries, and relevant community-based organizations.

Ms. Rancourt: — So why were those consultations done in 2015?

Hon. Ms. Beaudry-Mellor: — At that time they were part of the legislative renewal process that we were engaged in to look at our child and family programs. And so that was one of the reasons why they were being done at that time.

Ms. Rancourt: — Okay. And was any of the information that they provided in these sessions implemented in some of the planning for the changes in this Act?

Ms. McGuire: — Sure. For instance in the revocation period, one of the considerations was, at Saskatchewan we were in 14 days, and stakeholder engagement queried the option. We had previously been at 30. We changed that in the late '80s. We went to 14. Many other jurisdictions are at 21. And so we proposed the options and through the stakeholder agreement or engagement strategy, they felt that 21 was an appropriate time frame. They felt like 30 would be too long, for instance, for the bonding period for a new parent with a baby, but 14 was possibly too short considering the life-changing decision before a birth mom and taking into consideration maybe some postpartum depression, those types of things.

So that was one of the areas that they consulted on and agreed that 21 would be the appropriate time frame.

Ms. Rancourt: — So how many hours would you say that you spent with regards to consultation?

Ms. McGuire: — I don't have the hours either. Our consultations started way back in 2012 with more targeted

consultations as the minister spoke to in 2014 and 2015. Again in 2015 we engaged a number of stakeholders by letter, and again they were the First Nation agencies and other community stakeholders, the Adoption Support Centre, Legal Aid Saskatchewan, Pro Bono Law — those are just to name a few — Elizabeth Fry Society. We have a list of stakeholder groups that we sent the engagement package to.

Ms. Rancourt: — Were people who have been involved with the adoption process engaged as well, like adoptees or adopters?

Ms. McGuire: — Not specifically to my recollection, but organizations such as the Adoption Support Centre of Saskatchewan was certainly involved, Saskatchewan Foster Families Association. Of course some of our adoptions are through foster parents. So organizations that were represented, community members that would have been, would have had involvement with adoption process in Saskatchewan were certainly engaged.

Hon. Ms. Beaudry-Mellor: — And I should probably add to that that the consultations and the engagement that we used were part of a larger strategy on child and family transformations in general. And so they were not focused exclusively on adoption issues but also on child and family services programs more broadly. And so that's why we didn't focus necessarily just on adoptions.

Ms. Rancourt: — So when these people were being engaged, were they aware that it was due to the fact that there might be some changes to the bills or were they under the impression it was just to get more information with regards to child and family services?

Hon. Ms. Beaudry-Mellor: — It included both. So when we engaged in the discussions with stakeholder groups back in 2014, some of the questions that were pitched to individuals covered everything from *The Child and Family Services Act* to best interests of the child to a child's voice in adoption. And so the discussion guide questions that went along with that asked questions that covered sort of more broadly all of those issues, including issues around adoption revocation period and those best interests of the child which would be relevant to this.

Ms. Rancourt: — Okay. Well thank you. I appreciate that. I think it's really important to make sure that we reach out to our stakeholders and ensure we get the consultation that we need because people right on the front lines, they oftentimes see things in a different lens than we do, you know. And so I really appreciate all that work that you've done.

So getting to the bill, I do have some questions with regards to that. So on section 3 there's going to be some changes to the wording for 3(a), I believe. And so one of the things I noticed was that in the previous bill, psychological needs was a part of that and that has been removed in this new bill. I'm wondering what, with regards, why that decision was made.

Hon. Ms. Beaudry-Mellor: — I'm just trying to . . . Bear with me for one second so I can pull it up here.

Psychological is covered by the rest of the . . . We felt that

psychological is covered by the rest of the language, which talks about mental, emotional, physical, and educational needs. So we felt that that really captured the whole person and not just the psychological aspect, but more than that. And so that was the reason for the withdrawal of that particular piece.

Ms. Rancourt: — And I also noticed that you added educational needs. Was there a reason why that was added on to that?

Hon. Ms. Beaudry-Mellor: — Yes. I think it was just to try to make it a more holistic view of the whole person and not just sort of one aspect of an individual, but rather the sort of fuller picture.

Ms. Rancourt: — Because I know at my previous work, with working with some youth, oftentimes they had to move school to school because of placements. And so I'm happy to see that being something that will be also looked at, ensure there's stability within the child's environment. So yes. But I also noticed religious faith was removed out of there. What was the reasoning for that?

Hon. Ms. Beaudry-Mellor: — I'm sorry, I missed the question.

Ms. Rancourt: — That religious faith was removed off of being an aspect of what would be considered. What was the reasoning behind that?

Hon. Ms. Beaudry-Mellor: — I think we are . . . The spirit of the changes speaks more to maintaining the cultural traditions and spiritual practices of individuals, which may or may not be attributed to an established religion per se. And so the notion or the connotation of spirituality is much broader than religion, which tends to imply an established mainstream church, which may or may not be applicable, especially when we consider newcomers or indigenous populations.

Ms. Rancourt: — How much . . . And excuse my ignorance. I don't know a whole lot about the adoption process. That's why I'm really excited to learn a lot more. But when a person decides to put their child up for adoption, how much can they specify would be important for them to see their children have in their life? So for example, if they come say, from a Catholic background, and they say that they would like their child to be adopted into a family that also has that belief system, is that something that's taken into account? What would be the process with regards to something like that?

Hon. Ms. Beaudry-Mellor: — I'm going to have to ask Natalie to help me fill in some of those details.

Ms. McGuire: — It's Ellen, sorry.

Hon. Ms. Beaudry-Mellor: — Sorry.

Ms. McGuire: — Very much so. If it's a domestic adoption where like a family has decided to surrender their child for adoption and they want to make those choices, they can go as far as choosing the parents themselves in an open adoption relationship. The majority of our adoptions that do occur in Saskatchewan are children who have become our permanent

wards. Typically they are a little older, and they will have often a range of needs. And their parents will be involved to the extent that they can be in making some of those choices and determinations.

Ms. Rancourt: — So do you have the numbers? Like how many youth would be adopted generally as permanent wards, and how many might be — I forget the wording that you said — domestic?

Ms. McGuire: — Typically the range is, you know, between eight and ten infants are born a year that would be surrendered for adoption. It's not a high number. In terms of adoptions that happen through our permanent wards, that ranges again. I would say on average, with both the domestic adoption and from our permanent wards, we would have between 75 and 100 a year. That can be as low as 50 though in some years, so it really fluctuates very much. It's dependent on the range of acceptance of the adoptive parents and the best needs of the children in terms of keeping sibling groups together.

Ms. Rancourt: — And so my understanding is when a youth is put into the foster care system, oftentimes the parents still have rights with regards to the way they want their child to be raised, so if they want them to have long hair or not — that's just purely an example. So once they are from permanent ward into being adopted, do the parents still have that right to make those decisions, or is that now given up to the adoptive parents?

Hon. Ms. Beaudry-Mellor: — No, they do not. I actually have an adopted sibling so some of this . . . But that was done in Manitoba, so I'm not sure actually if it's the same between Manitoba and Saskatchewan.

Ms. McGuire: — The right to make any decision becomes that of the adoptive parents. There are a number of families though that do have quite open communication, and cultural plans will be included to ensure their identity. And possibly returning to their home communities or meeting with their families from time to time is outlined in the communication plan. So that can range from indirect communication to direct, and outline the frequency. So it's a whole range.

Ms. Rancourt: — What would be the criteria for a child to go from being a permanent ward to being eligible for adoption? What would be required?

Ms. McGuire: — Any permanent ward is eligible for adoption.

Ms. Rancourt: — Okay. I heard from some foster parents that said that not necessarily would they be the first choice to adopt the child that they have in their care. What would be like the criteria that you would make those decisions on? Who would be a good parent to adopt the child?

Ms. McGuire: — Well again it would go back to the right fit and to determine if there is somebody of the same cultural background, same belief system, spiritual belief system as the family themselves, you know, length of time that they've been with the caregivers. These are all factors that are considered through the adoption process. The desire of the children to be adopted, the desire of the children to proceed with the plan as it's laid out. So there's a number of factors to be considered.

Hon. Ms. Beaudry-Mellor: — Would it be helpful if we walked you through the adoption process?

Ms. Rancourt: — Yes, that would be good.

Ms. McGuire: — So typically, in the child welfare system as I've mentioned, what we've seen more often is that we have children who have come into our system through abuse or neglect. We have a mandate to work with that family to try to the best of our abilities to reunify that child. That's our first and foremost priority.

If at some point the time comes where it looks like reunification is not possible or feasible, we start looking at alternate sources. Typically the first . . . Even at the start, backing up to when the child enters care, we are on the search for family from day one, and our best hope is that we can get the child with extended family. Failing that, we can't have that reunification.

[20:15]

If the child comes into the foster care system, it's the same process; we're still seeking family throughout the process. We are engaged with the agencies that both the mom and the dad are involved with if they are registered with any of the First Nations CFS [Child and Family Services] agencies. We are working with our family finders, colleagues in those agencies, to find family. If a child's been in care for 18 months, our legislation has us look at permanency planning, and permanency planning also includes reunification planning. But we have to start taking a look at the best interests of the child and where will that forever home be?

If the time comes and we proceed to the courts with a permanent order, then that's the time that we would start looking at the adoption process possibly. And from there we take the child's packages, a registration package, and we submit that to our central adoption registry, and from there they try to match prospective adoptive parents to that child. Before the child's presented, that information of those prospective adoptive applicants are taken back to the caseworker for the child and the family if they are involved, and the options are looked at and for discussions about would this be a good a fit? Would it not be a good fit? Do you want to go back to the registry? Do you want to meet or learn more about these people?

So from there, if all goes well, there would typically be . . . The children would be presented to the adoptive parents to see if they're interested still in proceeding. And from there, there would be a visitation schedule set up, an initial meeting, which would eventually progress to the point hopefully of placement. And then once they're placed for adoption, as I mentioned, there can be a communication agreement signed that sort of outlines the type of contact they'd have in the future and the frequency, what that might look like . . . [inaudible interjection] . . . Cultural plan, yes.

Ms. Rancourt: — And so who's making the decision with regards to this whole process? Because my understanding is there's adoption workers and then there's child protection workers, so who would be making those decisions?

Ms. McGuire: — At the point where a child has become a permanent ward, the child protection role has ceased with the family, so it is the child care worker that is assigned who could be . . . That those words are sometimes interchangeable, "child care worker, adoption worker," because they carry the child care file. So it's typically the adoption worker and their supervisor working with the staff at our central adoption registry at central office to make the matches.

Ms. Rancourt: — And how many workers are with the department that specialize just in adoption?

Ms. McGuire: — I can give you a rough estimate. Off the top of my head, it's roughly about 30. We reorganized in the spring of 2015 and so there is a unit out of the Regina office and there is a unit out of the Saskatoon office which also covers the north service area. And then there's the central unit at our central office that does the post-adoption registry, the central adoption registry, and any intercountry adoption or interprovincial requests.

Ms. Rancourt: — My understanding was that there was one adoption worker in Prince Albert. Is that still a person that's still working in that department?

Ms. McGuire: — I can't comment on whether or not that position is currently staffed or vacant, but there's three workers that support the north service area apart from the Saskatoon office as well.

Ms. Rancourt: — Do they work out of the Saskatoon office?

Ms. McGuire: — Some work out of the Saskatoon office into the north service area as required.

Ms. Rancourt: — How many of these employees are in the Saskatoon office?

Hon. Ms. Beaudry-Mellor: — Can we circle back to you with that while we just pull that information?

Ms. Rancourt: — Yes, that's fine. I kind of digressed here. So like I said, I'm very interested in the whole process. So I'm still on section 3, and I have some questions with regards to (d). It looks like it was added: "if practicable, the child's wishes, having regard to the child's age and the level of child's development;" will be considered. I was wondering why the "if practicable" was put in that?

Hon. Ms. Beaudry-Mellor: — So the inclusion of "practicable" in there is to allow for some degree of flexibility depending on the particular child in question. So while we have put the age of seven as one that's out there, depending on cognitive abilities of the child or the particular situation, it still allows for some adjustments to be made depending on the particular child that we're looking at.

Ms. Rancourt: — Okay. And when you're making a decision on who would be best to adopt the child . . . And I've realized that you work hard at trying to find like some people with regards to their biological family and such if their families live on-reserve. Like how do you work with the tribal child and family services or with those families when they're in federal

jurisdiction?

Hon. Ms. Beaudry-Mellor: — So we serve both children who are on- and off-reserve. So it doesn't matter either way. And as has been indicated previously, we always want to serve that child in their best interests which generally means within the cultural traditions — that is our first priority — and extended family, as has been laid out before. And so that is just part of our norms, what we would refer to as our norms of practice.

Ms. Rancourt: — So how many of the youth that are being adopted generally get adopted by their family members?

Hon. Ms. Beaudry-Mellor: — So we don't have firm statistics on that. But anecdotally we can say that about two-thirds of the children that are adopted are adopted by foster families or their foster families. And the remainder . . . You know, there is also a high tendency for persons of sufficient interest, for extended family members, that tends to be more of a choice than adoption.

[20:30]

Ms. Rancourt: — And correct me if I'm wrong, but my understanding is that a lot of First Nations families feel uncomfortable with the whole adoption process. It just doesn't fare well with their cultural beliefs. Do you find that a barrier with placing children and that they could still be with family but might not be able to go through the whole adoption process? Or how do you work through that?

Hon. Ms. Beaudry-Mellor: — So whenever a First Nations child comes into care, we immediately notify and work with the band to look for the best interests of the child. And what was the other part of the question now? I forgot.

Ms. Rancourt: — It's hard with regards to placing. Like they don't want to formally adopt the child but could be a good placement, so how do you work with managing those cases?

Hon. Ms. Beaudry-Mellor: — So we want to be careful about speaking for First Nations and Aboriginal people, so I'm going to avoid that, but what we can say is anecdotally we've observed that a person of sufficient interest seems to be more preferred.

Ms. Rancourt: — And if a child is placed with a person of sufficient interest, do they get the same benefits as if they were placed with regards to adoption? Is it . . .

Hon. Ms. Beaudry-Mellor: — So a person of sufficient interest with a child receives the same benefits that a foster family would, whereas an adoptive family receives 90 per cent of the benefits that a foster family or a person of sufficient interest would. The difference is that an adoptive family can also access federal benefits.

Ms. Rancourt: — Any adoptive family can receive federal benefits?

Hon. Ms. Beaudry-Mellor: — They have to apply through the, I believe, the child care benefit. I'm sorry, the children's special allowance benefit.

Ms. Rancourt: — Thank you. So I'm moving along to, and we talked a little bit about it, the revocation period. So that's section 7 that's being amended with regards to, like you said before, from 14 days to 21 days. And my question was, why was the extension deemed as being important?

Hon. Ms. Beaudry-Mellor: — The move from 14 days to 21 days was done sort of as a balance. Across Canada there are varying numbers of revocation periods and 21 is sort of the average of those periods. So that's the first thing. It brings us into line with the Canadian average. On the second part, I think it takes into better consideration issues like postpartum depression and those sorts of things. So it tries to balance both the needs of the birth mother to make a good decision while still at least creating yet some balance of security for adoptive parents who are waiting in the wings.

Ms. Rancourt: — I guess one of my first questions is, what kind of supports do parents get if they're thinking about placing their child up for adoption? What kind of supports do they get before like — and I'm thinking of someone who might be pregnant, you know — before they give birth, what kind of supports does the ministry give them?

Hon. Ms. Beaudry-Mellor: — So when an individual expresses an interest in adoption, they are asked to have two separate meetings with two separate workers so that we can sort of make sure that there is no coercion, and each of those individuals has to sign off on the adoption package separately so that we can try to protect the birth mother from, as I said before, any type of coercion.

Ms. Rancourt: — Are these individuals who would be doing those interviews, are they trained with regards to mental health and any aspects that might be involved with regards to having a mental health issue?

Hon. Ms. Beaudry-Mellor: — So all of the workers have their Bachelor of Social Work degree and so they would have education and training around postpartum depression, around mental health issues, and all of those sorts of things as well.

Ms. Rancourt: — That's if they took the course. And I guess another question I have is do they have a screening process to weigh in whether these birth mothers might be high risk with regards to postpartum depression?

Hon. Ms. Beaudry-Mellor: — So our staff would have the ability to flag concerns around the potential for postpartum depression, you know, in labour and delivery or in any of the period, but they don't have the power obviously to diagnose, and so they would flag the health care workers to make those diagnoses.

Ms. Rancourt: — And after the birth parent gives birth, what kind of support services are offered by the ministry?

Hon. Ms. Beaudry-Mellor: — So they have counselling services available to them and then if it's felt that further, that something a little more intensive is needed, there are referrals out of the community for grief and loss.

Ms. Rancourt: — Because I know that's my background, and

so I know in at least the Prince Albert area, it's sometimes a six-week to a three-month wait period to get in to see a counsellor. And so if there is the 21 days, I'm wondering how would the birth mother get the appropriate services in that amount of time to make that clear decision whether . . . maybe her change of mind is due to the fact that she's going through the postpartum or the post-adoption depression, or if in fact she should consider keeping her child. What will the extra week, from 14 days to 21 days, help to improve that process? What are you going to put in place?

Hon. Ms. Beaudry-Mellor: — So the extra week actually allows us to potentially get some more supports in place in the community, whereas 14 days is really quick to make sure that we are networked in to other community supports. And so the extra week will provide us with the opportunity at least to connect better than previously was the case.

Ms. Rancourt: — So has there been some research done to see if this would be called best practice?

[20:45]

Hon. Ms. Beaudry-Mellor: — So we found that this was an area where there wasn't a lot of research, so we looked at comparative practice in other jurisdictions and got feedback from other jurisdictions. And it was felt that while some jurisdictions have 30 days, that might implicate the ability of the adoptive parent to bond appropriately with the child as well. And so we tried to land in the middle of those two — 14 and 30 that is.

Ms. Rancourt: — And has there been a lot of birth mothers changing their minds after signing the adoption papers and then changed their minds within that time period?

Hon. Ms. Beaudry-Mellor: — So again it's not a statistic that we track, but anecdotally we can say that it has been observed that that's very, very rare.

Ms. Rancourt: — And I've been talking a lot about birth mothers. Does the revocation period apply also to children that come as permanent wards? That seemed to be the majority of the kids that are being adopted. Is that period of time applicable to those types of adoptions?

Hon. Ms. Beaudry-Mellor: — In the case of a permanent ward, we are actually the sort of stand-in parent of the child, and so the revocation period doesn't really apply.

Ms. Rancourt: — So it's safe to say that this period is only applicable to a very small number of adopted children, if in fact 8 to 10 births are domestic adoptions a year. Would it be safe to say that?

Hon. Ms. Beaudry-Mellor: — Yes, I think so. Yes.

Ms. Rancourt: — I'm going to move over to section 9, and it's the subsection 9(1) that's going to be repealed and substituted with a new section basically. And the area that I am interested in knowing a little bit more about with regards to the changes, it says, 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 . . . and it lists a couple different reasons. And so is there going to be any changes with regards to the payment plans for parents who adopt children?

Hon. Ms. Beaudry-Mellor: — So section 9(1) is really about, for lack of a better term, who owns any assistance that we provide. So what 9(1) does is it attaches any assisted supports that we provide to the child and not the parents, so that if adoptive parents, for example, meet a tragic end, that the child doesn't suddenly find themselves without assistance. So the assistance continues for that individual even though the adoptive parents are no longer around.

Ms. Rancourt: — Okay. There was those two situations I brought up in the House with regards to families who adopted children who would have been permanent wards, and the parents, these families adopted them. And these two families came forward, but I've had other families say that they've been getting letters saying that some of their services are going to be terminated.

And I was told that some of the amendments to this Act reflect those changes with regards to the benefit plans that adoptive parents would have. If it's not reflective in that subsection, which section would that be reflected in?

Hon. Ms. Beaudry-Mellor: — So in the cases that you identified, I did meet with the one particular individual that you referred to in the House the other day. And I should say that the legislative changes that we are contemplating here today are not connected to benefit levels. So every year, and as was the case for the individual in question or at least one of the individuals in question, the case plan has to be renewed and has to be reviewed. And so on a case-by-case basis, those things are determined and reviewed.

There are other opportunities, or there are a multitude of opportunities that adopted families can take advantage of, whether those are supports that we provide through our ministry or directed to locate supports through the federal programs. And perhaps do you want to step in and add to that?

Ms. McGuire: — Sure. So we're looking at covering supports that are required through their special needs. And first we're going to ask the families whether they can get those needs met through the public system, and if they're not able to have those needs through the public system, we will support those needs. But as the minister referenced, it would be on a case-by-case basis, and the service would match the need of that child.

Ms. Rancourt: — Because talking to a lot of these families, it sounds like a lot of these . . . Yes, they understand every year things are evaluated, and they talked about that. But these are long-term families, and they said that this hasn't been an issue until now when the government is trying to find ways to deal with the deficit. So I really want to stress that I really hope that this is not a way for the government to find ways to get money back, is to limit the services that are being provided to these most vulnerable children.

Hon. Ms. Beaudry-Mellor: — Again the review of annual

plans is not related to the legislative changes and the bill that we're contemplating today. They're two separate things.

Ms. Rancourt: — So I'm hoping that workers weren't told that they need to find ways to limit their budgets with regards to programs and treatment that's offered to children that are in care.

Hon. Ms. Beaudry-Mellor: — Yes.

Ms. Rancourt: — So I'm going to move to, and we talked about this too, about the changes to having the age being seven years old. When with regards to — this is section 16 — and with regards to when they're being brought to court to be interviewed and such, I'm wondering why was the age seven decided on?

Hon. Ms. Beaudry-Mellor: — The age of seven was in line with developmental theory best practice, and so that's why that age was chosen. But as you pointed out earlier, there is still some flexibility in the wording of that particular clause.

Ms. Rancourt: — Okay. Yes, because as we know, seven-year-olds range, right? You know? And so some seven-year-olds might be very articulate; some maybe not so much. And then some five-year-olds may be really quite articulate and have the maturity level to be able to communicate. And before, it was placed on the judge's discretion of whether they want to interview the child or not. Why was the decision made that it shouldn't be in the judge's discretion to make that decision?

Hon. Ms. Beaudry-Mellor: — So part of the reasons for this particular changes to 16(14)(a) is really to try to standardize how children's interests are taken into account in court proceedings. Prior to this, it was really rather all over the place depending on the judge's discretion. Whereas, what is being contemplated here is that, first of all that the age of seven is viewed in developmental theory as being an age where children begin to understand sort of concrete situations and longer term plans. But also, that there are only certain individuals who are allowed to interview the child, and that would be registered social workers or psychologists. And then, the regulations would speak to what kinds of areas of interview should the child be subject to.

And so this, I guess to some degree provides a standard way of treating all these children's cases, so there is no sort of random ways in which children are engaged in this process. There is still some built-in flexibility, however, in this.

[21:00]

Ms. Rancourt: — So it's sounding . . . a lot of conflict. There's stability, but flexibility. And so I'm afraid, when we make a big stance here of having it right in the legislation that this is what it states, that it's hard to be flexible with regards to that because it's part of legislation. And so if in fact that age is going to be flexible, who's going to make that decision that someone who's under the age of seven could be interviewed, and who makes the decision whether that child is interviewed by the judge or by a third person?

Hon. Ms. Beaudry-Mellor: — Any party to the adoption can make a suggestion that the child's interests be heard but ultimately it will fall to the judge about whether or not that child's interests will be heard in a more formalized way.

Ms. Rancourt: — Okay. Again like, I caution, if we want to practise some flexibility, the wording here states that that child is seven years or older that would be required to be interviewed by the courts. So I don't think that that identifies that there would flexibility with regards to that.

I'm going to move on to the intercountry adoptions. I found that really interesting. I didn't know much about the Hague Convention until more recently and so I was doing a lot of reading with regards to intercountry adoption. So my first question is, how many children, or how many people in our province adopt children from other countries?

Hon. Ms. Beaudry-Mellor: — So in 2011 there was a high of 44 children, but since then it has been quite low, and so we're just trying to pull the numbers for you on exactly . . . But we can say, so it is quite low due to a variety of factors: cost, language barriers, and so on. And so those that we are receiving tend to be from the United States.

Ms. Rancourt: — And so when a person is adopting a child from another country, do they go to that country, fill in the information that they need to do there, and then bring the child back here and fill out the information here? Or do they have to fill out the information here prior to going there?

Hon. Ms. Beaudry-Mellor: — Okay, so it does vary a little bit from country to country. But if the process for adopting a child from another . . . We would, if we were adopting, say from, I will just use Ethiopia as an example, we would find an agency that would deal with Ethiopian adoptions, and then we would have an independent practitioner here who would do a home study. And the couple may or may not actually physically visit Ethiopia. It would depend largely . . . Yes, and they would go there to pick up the child. Yes, that's right.

Ms. Rancourt: — But they would have to be cleared here prior to doing that?

Hon. Ms. Beaudry-Mellor: — That's correct.

Ms. Rancourt: — And with our high numbers of immigration, has there been a lot of children that have come from other countries that have been adopted by that host family there that come here? And does it have to go through the ministry?

Hon. Ms. Beaudry-Mellor: — I just need to ask for clarification on your question. So are you asking if a sponsored family wants, and is here already and wants to adopt a child from their home country? Or are you asking about adopted . . . [inaudible] . . . Can you just clarify actually your question please?

Ms. Rancourt: — Yes. I know a lot of the families that I've met, because they come from such war-torn countries and such, oftentimes they'll bring other family members with, so maybe a younger sister or a niece or nephew. And so they've taken the guardian responsibility of that child and brought them to

Canada. So I guess in essence in our . . . Like we would classify that child being adopted by that family and then being brought here. Would we just, would the ministry get involved at all with regards to that?

Hon. Ms. Beaudry-Mellor: — That really doesn't trigger our involvement. That's an immigration issue.

[21:15]

Ms. Rancourt: — So I guess one of the questions I have is how many children are waiting to be adopted right now in Saskatchewan?

Hon. Ms. Beaudry-Mellor: — As of today's date or as the current, there are 31 children on the registry waiting to be adopted.

Ms. Rancourt: — And how many families are waiting to adopt?

Hon. Ms. Beaudry-Mellor: — We're going to have to get back to you on the number of families that are waiting. But while we're doing that, we can get back to you on the previous question that you had that we were going to get back to you, which was about adoption staff in the North. And there are three in the north service area.

Ms. Rancourt: — Are they out of the Saskatoon office though?

Hon. Ms. Beaudry-Mellor: — P.A. [Prince Albert], Melfort, and North Battleford.

Ms. Rancourt: — Thank you. Okay. My next question then is — and I've had some people call my office with regards to this — is with the fact that in Saskatchewan we have no private adoption agencies. I did some research and some other provinces have some private adoption agencies. And some people were indicating that could be a barrier for people who may consider placing their children up for adoption but don't feel comfortable with having to place them in permanent care with the department and working with the department. It's intimidating, you have to admit. You know, you're a scared young mom and you have to make that decision, and it seems very intimidating to go through the ministry.

And so there's these private agencies that oftentimes work with the family, work with the parent, and work with placement. And so I guess my question that has been brought up to me and I'm going to place to you guys is: why do we not have any private agencies in Saskatchewan?

Hon. Ms. Beaudry-Mellor: — So at one time there was a private adoption agency in Saskatchewan, but they could not remain viable. You know, at this time we have 31 children waiting to be adopted, so that's not a big . . . that's not sustainable. So in the larger centres in Ontario and BC [British Columbia], they have private adoption agencies that are a lot more viable than what exists in Saskatchewan.

Ms. Rancourt: — Okay. Fair enough. But I guess what some of the people were saying to me was that maybe it would become more of an option for women if they knew they had

that opportunity.

Hon. Ms. Beaudry-Mellor: — I don't think that's a place for the ministry, though, to be engaged unfortunately.

Ms. Rancourt: — It isn't a barrier. It's a possibility if a person wanted to have a private agent. Okay. The term "simple adoption," so when the minister brought this forward she said there was little to no simple adoptions. Has there been some simple adoptions?

Hon. Ms. Beaudry-Mellor: — So we don't believe so, that there were ever any simple adoptions. And it is very outdated. You know, obviously they didn't align with the Hague Convention, and so that was one of the reasons for the change here.

Ms. Rancourt: — Because I see that section 46 was amended so that it can indicate that they ". . . recognize a simple adoption order that is commenced in accordance with section 28, as that section existed on the day before coming into force . . ." So I saw that there was the provisions to recognize it, so I wasn't aware if there was possibly some situations in the province.

Hon. Ms. Beaudry-Mellor: — So anecdotally, there may have been one and so that was left there so that we could reconcile that at a later date if we need to. But that is just purely anecdotally.

Ms. Rancourt: — So I'm going to move on to the privacy aspect. It's basically the new section 35.1, 35.1. And my understanding is that some of this information in this section was brought forward so that adoptees could get information about their birth parents and adopters could get information . . . or the birth moms could get information about their children once they reach the age of 18. Am I correct with regards to that?

Hon. Ms. Beaudry-Mellor: — So there are two separate pieces here. On the one hand, we have the regulations which will have the contact preference on them which you may have seen — we've been advertising — will come into force in January of 2017. And the other part of this, which is what you have in front of you, enables us to enforce compliance when the contact preference is violated by either party. So this legislation will allow the ministry to enforce compliance, and the regulations will speak to contact preferences.

Ms. Rancourt: — And was the changes to this legislation, was this brought forward to the Privacy Commissioner?

Hon. Ms. Beaudry-Mellor: — So the Privacy Commissioner was consulted on both, actually on both bills. And the Office of the Privacy Commissioner included that we require a commitment to comply with FOIP [*The Freedom of Information and Protection of Privacy Act*], HIPA [*The Health Information Protection Act*], and the child and family services agreement for delegated agreements and contracts with community-based organizations. And given the new regulations to be drafted, they asked to be given the proposed regulations. So once they're completed . . . And we do have a . . . Our ministry officials have a meeting scheduled with the Office of the Privacy Commissioner next week to go over the regulations.

Ms. Rancourt: — Okay, good, because that would be an area that I would really err on the side of caution because I wouldn't want to see this infringe on people's rights to confidentiality. And so I'm glad that you guys are consulting with him.

So family service boards, it's going to be taken out of this Act. So why was it decided to have them in the first place, and why were they never established?

[21:30]

Hon. Ms. Beaudry-Mellor: — This predates me. So my understanding of the family services boards is that they were intended to formalize the process of bringing in a number of other components into the process that the ministry ended up operationalizing in the processes on a day-to-day basis anyway. And that would include talking circles or mediation or family group conferencing. Those things all became part of the day-to-day operations. So the need for a family services board to sort of mandate and formalize those things was unnecessary.

Ms. Rancourt: — Okay, thank you. That is the end of my questions for Bill No. 16. I want to thank everybody for being patient with me and going through this. And I really appreciate all your consultations. So thank you.

The Chair: — Okay. Are there any other questions from the committee? If not, we will proceed. I just want to indicate that this is a bilingual bill as well. I won't be reading it in French, although I could.

Hon. Ms. Beaudry-Mellor: — Aren't you going to offer?

The Chair: — *Projet de loi: Loi modifiant la Loi de 1998 sur l'adoption.* [Translation: Bill: *An Act to amend The Adoption Act, 1998.*]

How's that?

Hon. Ms. Beaudry-Mellor: — You get a gold star.

The Chair: — Okay. Short title, clause 1, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

Hon. Ms. Beaudry-Mellor: — Thank you, Mr. . . .

The Chair: — We're not done yet.

Hon. Ms. Beaudry-Mellor: — Sorry. I've had a lot of coffee.

The Chair: — We have to go through all of it clause by clause.

[Clauses 2 to 25 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Adoption Amendment Act, 2016.*

I would now ask a member to move that we report Bill No. 16, *The Adoption Amendment Act, 2016* without amendment. Mr. Olauson. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Okay. Madam Minister, do you have any closing comments you would like to relay to the committee?

Hon. Ms. Beaudry-Mellor: — No, sir.

The Chair: — Ms. Rancourt, do you have anything you'd like to say?

Ms. Rancourt: — No, I think I'm done. Thank you.

Bill No. 33 — *The Child and Family Services Amendment Act, 2016*

Clause 1

The Chair: — We will now consider Bill No. 33, *The Child and Family Services Amendment Act, 2016*. We will begin with clause 1, short title. Minister, if you've changed any officials, you may introduce them at this time.

Hon. Ms. Beaudry-Mellor: — Okay. Well I still have with me my deputy minister, Greg Miller, but now I have Natalie Huber with me, who is from our child and family program service delivery branch, who will be up here with me. And you've already met the officials behind us.

The Chair: — Do you have a statement?

Hon. Ms. Beaudry-Mellor: — I do. So from civil law . . . Pardon me. I have some brief opening comments and then . . . So the renewal of the Government of Saskatchewan's child welfare legislation remains a priority for the Ministry of Social Services and its child welfare transformation strategy. We are far and away in a much better place than when we started this strategy in 2011. Today's strategies focus on strengthening families to support children remaining safely in their family home. And I think I can say we have some, we still have some work to do, but I think we're on the right track.

We do this through intensive in-home supports and interventions to help families in crisis, and through positive parenting programs that support families to find new ways of dealing with childhood problems and developmental issues. I think we've made some excellent progress in building new collaborative relationships with First Nations and Métis families, communities, and particularly organizations in child welfare. We have delegated agreements with 16 First Nations Child and Family Services agencies to deliver mandated child welfare services on reserve, as well as three First Nations Child and Family Services agencies to deliver mandated child welfare services off reserve. So we have both.

The Child and Family Services Amendment Act, 2016 includes proposed amendments that will support us in continuing to build on these relationships to improve services and supports to vulnerable families. It also includes several amendments to

update language and titles of legislation, and to conform to current legislative drafting standards. So with that, Mr. Chair, I'd be pleased to take questions.

The Chair: — Any committee members have questions? Ms. Rancourt.

Ms. Rancourt: — Thank you, Mr. Chair. Again I want to thank everybody for being here. I know previously we were supposed to be done around suppertime and now we're past 9:30. And I don't mean to ask a lot of questions to prolong our evening together here, but because I think it's really important to get some more clarity with regards to these legislations.

My first question again would be, who were the stakeholders that you discussed the possible changes to this legislation with?

Hon. Ms. Beaudry-Mellor: — Consultations occurred really at two levels, but we're part of this larger and broader consultation piece that I talked about earlier for both pieces of legislation that are before us today.

The first broader piece talked to First Nations agencies, Métis organizations, other ministries, and community-based organizations. Some of those would include, just for example, the Yorkton Friendship Centre would be one example, the North Battleford friendship centre for example, the Lac La Ronge Indian Band. And then we also did a more targeted consultation with the First Nations child and welfare services that we have delegated agreements with.

Ms. Rancourt: — And when were these consultations completed?

Hon. Ms. Beaudry-Mellor: — May and June of 2015.

Ms. Rancourt: — And do you happen to know how long the consultations were?

Hon. Ms. Beaudry-Mellor: — So actually the consultations took place over a period of years. So they began in the spring of 2012 with a legislative review, and that was really an initial engagement to just sort of identify what the legislative issues were around our child and family services programs.

And then we had representation on a legislative renewal committee in the fall of 2012 by agency participants. And so that included two FSIN [Federation of Sovereign Indigenous Nations], two Métis Nation-Saskatchewan, and three ministry representatives. And that was to oversee the sort of legislative review process.

In the winter of 2013 we established task teams to research the legislative issues that were identified and make recommendations in a report to the ministry, and that occurred over a period of weeks, from the winter of 2013 forward. And then in the summer of 2014 there was a formal legislative review engagement of the approved discussion guide, approved by FSIN and facilitated by Mr. George. And then in addition to that, there was the targeted engagement with the delegated agreement agencies that I spoke of earlier.

Ms. Rancourt: — Was there any particular issues with regards

to some of the changes in this legislation that were brought up with regards to those consultation meetings?

[21:45]

Hon. Ms. Beaudry-Mellor: — So I think we can speak to two broad themes in the feedback. The first was feedback from First Nations organizations that felt, in a variety of ways, that the process was flawed. And we can walk you through that process.

And the second major piece of feedback was largely support for the confidentiality issues and the sharing of information provisions. There were several comments about sharing of information, which were stated by both First Nations and non-First Nations organizations, that recognized that the sharing of information between ministries and at places like the Hub tables is increasingly important and so were largely supportive of those provisions that are in the bill that you have before you.

Ms. Rancourt: — Who will be primarily impacted by these changes in this Act?

Hon. Ms. Beaudry-Mellor: — This piece of legislation is about serving children. And so what the amendments in this Act propose to do is to provide measures of accountability, to provide some measure of standardization throughout the province of how people are treated throughout the province in terms of child welfare. And they're also there to provide a more coordinated level of service between organizations to better meet the needs of children.

Ms. Rancourt: — So what exact services will be changed to provide this extra accountability that's not being provided at this point?

Hon. Ms. Beaudry-Mellor: — So this legislation allows the minister or officials to share information at the Hub tables without consent, so in order to coordinate a response. So there's a number of examples that we can go through that might help illustrate that, if you would like.

Ms. Rancourt: — When I look at this, like this is a very important Act, *The Child and Family Services Act*. The amendments that are being presented within this Act are very, they're big changes. I've had a lot of people who have consulted with me with regards to the changes to this Act, and I think it's more than just simply sharing of information at the Hub level. And so I'm thinking there's going to be a lot more people who are going to see the impacts of the changes to this legislation. And so I was hoping that we would be able to share more information with regards to that.

Hon. Ms. Beaudry-Mellor: — So prior to this, the proposed changes, the contemplated changes here, a minister's order was required to share information at either the Hub tables or the integrated service tables. This will allow that information sharing to occur without a minister's order.

And just to give you some examples of where this might be useful in terms of providing inter-ministry supports to people, for example, high-risk youth. In order to provide preventative services for high-risk youth, obviously that crosses over Social Services and Justice and potentially other ministries as well.

The disclosure to a housing authority for example to support a person's ability to retain . . . pending family reunification, so in order to keep a family in their home; a disclosure of information to a coroner's office to support an inquest; disclosure of a child's whereabouts to a lawyer in the charge of an estate — these are all examples of when information sharing would be used under the amendments to this Act.

Ms. Rancourt: — So currently at this time, you can't share any of that type of information?

Hon. Ms. Beaudry-Mellor: — Not without a minister's order.

Ms. Rancourt: — The sharing of information . . . Again you talked previously about talking to the Privacy Commissioner. I think that's really important. I know with regards to some information that's been shared at the Hub tables, there's been a lot of issues in other agencies with what kind of information is being shared and who determines if it's in the best interests of the client and if that client wants that information shared.

And also we've got to respect that children don't often get the ability to make those decisions, and are we making the best decision for the child and their information being shared? Because once that information is out of the hands of the ministry, you have no control of that information at that point. And so I really caution that when you're making those changes, that . . . Like the regulations are coming out, you were saying, in January 2017, why is it so important to pass this bill at this point until the regulations have been established?

Hon. Ms. Beaudry-Mellor: — So a couple of things. First, I think it's important to point out that we do seek consent wherever possible from the individual; and second, the integrated services tables did work with the Privacy Commissioner to make sure that members that were participating in those tables signed very strict confidentiality agreements and sharing of information disclosures that would protect individuals from inappropriate sharing of information. And further, that the regulations coming after the legislation is a fairly typical process, and it will allow all of this to align with freedom of information and HIPA requirements as well.

Ms. Rancourt: — Okay. So are any of the changes within this Act going to impact the service agreements that you have with First Nations Child and Family Services?

[22:00]

Hon. Ms. Beaudry-Mellor: — So it will impact First Nations and child agencies that we have delegation agreements with, in the sense that when those agencies want to sit at the integrated service tables, they will be protected and subject to the same confidentiality provisions recommended by the information and privacy commission office as everybody else, so that will afford them both the same protection and the same level of accountability and structure as everybody else that's at those tables.

Ms. Rancourt: — Okay. So then I guess I have some questions with regards to . . . And this is in your guys' explanatory notes under section 62.1. It's on page 8; it's the very top paragraph. It says here:

This provision includes explicit criteria to be included in agreements with First Nations Child and Family Services Agencies, as well as any others prescribed in regulation. Provisions also enable the termination of existing agreements which do not include a fixed contractual term or termination provisions where, in the opinion of the minister, it is in the public interest to do so. Ninety days' written notice of intent to terminate the agreement will be provided, per standard contractual language.

Can you explain that?

Hon. Ms. Beaudry-Mellor: — Yes. Yes I can. So the reason for that is that the minister has the power and authority under the Act to create delegated agreements, so to transfer authority to delegated agencies. The minister also should have the ability to revoke that power if it's in the public interest to do so.

Ms. Rancourt: — So what kind of examples would lead to you revoking that power?

Hon. Ms. Beaudry-Mellor: — So a delegated agreement may be revoked if there was evidence of a non-compliance with legislation or the terms of the agreement because ultimately the minister is held responsible for children of whom they provide delegated services for. And so the minister has to be able to protect the ministry from negligence.

Ms. Rancourt: — So how would you say that this would fall in line with your government's commitment to follow through on the recommendations of the Truth and Reconciliation calls to action?

Hon. Ms. Beaudry-Mellor: — So the first major recommendation with respect to child welfare made by the Truth and Reconciliation Commission is to reduce the number of Aboriginal children in care. And so one of the ways in which the delegated agreements and the processes around the delegated agreements contribute to that is to make sure that there is an accountability process in place and a standard process in place for all of those delegated agreements.

Ms. Rancourt: — And in the calls of actions as well, it talks about letting First Nations have some self-governance with regards to their child welfare system. How is the ministry working towards that?

Hon. Ms. Beaudry-Mellor: — So I think we can say that we have, over the last number of years, been establishing delegated agreements with First Nations child and family agencies in an effort to try to empower First Nations and Aboriginal organizations to participate in looking after children that come into contact with the system in alignment with their cultural and spiritual practices.

Ms. Rancourt: — Can you not see this being possibly a step backwards when you're proposing legislation that will give you the power and authority to revoke the agreement if there's a disagreement there?

Hon. Ms. Beaudry-Mellor: — So as it stands right now, the delegation of the authority of the ministry does not abdicate the ministry from ultimate responsibility for the welfare of those

children. So there needs to be some provision to continue to protect that.

Ms. Rancourt: — So there's been a lot of concern with regards to First Nations agencies feeling that maybe there wasn't enough consultation. And what I heard was that the ministry had three half-days of consultations on May 25th, 26th, 27th for a total of nine hours in Regina, Saskatoon, and Prince Albert. So that's nine hours divided out by 70 First Nations communities. So that's eight minutes of consultation. So how can the minister explain this?

Hon. Ms. Beaudry-Mellor: — So what you're referring to is actually a small part of the larger picture. So as I outlined earlier, the review actually started in the spring of 2012, and that identified the legislative issues. Then we went to the legislative renewal committee. There were two FSIN, two Métis Nation Saskatchewan, and three ministry representatives as part of the legislative renewal committee. Then we went to the task teams, and then we had a legislative engagement of the guide approved by FSIN which was facilitated, and then we moved into the targeted approaches, so there were a number of layers. We also have Métis and child consultants that work on a regular basis to keep in contact with all of our delegated agencies to make sure that . . . They're really the conduit for us in terms of passing information back and forth and sharing information back and forth. So they're partners.

Ms. Rancourt: — On May 15, 2015 the ministry mailed various stakeholders a draft of the potential changes for *The Child and Family Services Act* and on May 27, 2015 FSIN passed a resolution opposing the changes to this, *The Child and Family Services Act*, because of the lack of consultation. So what does the minister think about the quick turnover on the resolution that says about your government's consultation?

Hon. Ms. Beaudry-Mellor: — So Natalie's going to speak to one part of this and I'll speak to another.

[22:15]

Ms. Huber: — Natalie Huber, executive director. Okay. So I'm actually going to elaborate on what the minister was speaking to just in terms of the process and going back to 2012. So in the spring of 2012, we had an initial engagement with the 17 delegated First Nations agencies. And we also engaged with our own staff as well to sit down and understand what the issues were with respect to the current legislation, both on *The Adoption Act* and *The Child and Family Services Act*. And so that opportunity to identify the issues was what actually formed then our discussion guide that went out to the general public and to the stakeholders.

And then following that, we established a legislative renewal committee, and that was in the fall of 2012. And that was made up by . . . Actually we had two First Nations agency directors who participated on that committee. I was actually participating on the committee as well. And we also had two representatives from FSIN and two representatives from Métis Nation-Saskatchewan and three other ministry representatives. And so that committee, the responsibility was to oversee the legislative review process to help to establish the discussion guide, the parameters, what we were going to engage on, and

who we were going to engage with. So essentially it was a committee that was established to form as a reference group for the ministry to provide that guidance and support. So we were working very closely with FSIN and Métis Nation during that time.

Following that, in the winter of 2013, we established a number of task teams, and on those task teams we actually asked the task teams to conduct some research. We had actually very great, very good representation from the First Nations agencies on those task teams. And we were looking at different research, doing jurisdictional research to look at what other places are doing with respect to child welfare and the changes that we were proposing in the Act. So those task teams, they actually occurred over a period of months, and the agencies, as I mentioned, participated as well as staff and other stakeholders.

And then in the summer of 2014, that's when we went out with our formal legislative guide. And we also contracted with FSIN. Actually FSIN put this individual's name forward — Wes George — and we agreed. And we contracted with him to go out as the voice and representative to work with the First Nations agencies to consult or to engage with them on the legislative proposed changes.

And after that, we also had engaged with and we had contracted with those two First Nations and two Métis Nation representatives ongoing, not just through the legislative renewal committee, but ongoing through all of the engagement processes. So there was quite a bit of that extensive involvement. And then we came to the targeted engagement and then, as you had mentioned, around the FSIN resolution and around the duty to consult. And so the ministry has taken the position that we have conducted interest-based engagement, and that's the process that we followed.

Hon. Ms. Beaudry-Mellor: — And I would just add to that, that I think that the negotiated delegated agreements that we have with First Nations child and welfare services are very important, and I think they speak to a desire to sort of decolonize to a certain degree. I don't think we're as far along as maybe we could be yet, but we are getting there. And I think it's a move in the right direction.

Ms. Rancourt: — So you may feel that there was a lot of consultation done but with the fact that FSIN passed that resolution opposing the changes, and they felt that there was a lack of consultation. So that was in May of 2015. So from that point on, how have you been working with them and other First Nations to allow them to feel that they're having enough consultation?

Hon. Ms. Beaudry-Mellor: — So I think we can say that we have the delegation agreements, which have been operationalized and signed with our First Nations child and family agencies. And that, I think, speaks to the day-to-day operationalization of the engagement that we carry out with them as partners in child welfare services on a day-to-day basis.

Ms. Huber: — I would just add that we do have that close working relationship with the agencies because we have children and families that are moving on- and off-reserve. So if there's challenges with a current policy, with a current

legislation, then that's the opportunity we have, at various levels, to bring forward those issues and concerns. So the engagement is an ongoing process with the agencies because they're providing that unique service for us. And so we want to be in tune and aware of any challenges they may have around the current policy and legislation. And we also have the seven dedicated staff that are out there working every day with the agencies around training and following up on any kind of quality assurance reviews.

And also, I just want to characterize that the agreements we have in place currently with 15 of the 16 delegated agencies actually mirror exactly the changes that we're proposing in the legislative amendments.

Hon. Ms. Beaudry-Mellor: — And I would add a couple things to that. Firstly that, and as Natalie said, that the delegation agreements that we have in place right now mirror this legislation. But secondly that, I guess just on a side note, as a person, you know, I've made it a priority for me as a new minister to meet with FSIN. I've spent some time with the Lac La Ronge child and Indian family services up there to learn a little bit more about what they do and frankly to try to build relationships with them. And I think that's an important part of this as well. And I will be circling back to FSIN coming up and also have been building some relationships with CUMFI [Central Urban Métis Federation Inc.] which is a Métis organization that provides child and family services.

So I think that's also a part of this, is just trying to build, I think, good solid relationships. And as a new minister, I think I need to do that, and I have made a priority about doing that.

Ms. Rancourt: — Okay. As you guys are probably well aware of, the Ministry of Social Services uses a quality assurance process with First Nations child and welfare agencies that many feel is not compatible with traditional and contemporary First Nations child welfare practices. Will the changes in this Act affect these concerns around quality assurance practices at the ministry?

Hon. Ms. Beaudry-Mellor: — Natalie is going to walk you through the process for quality assurance.

Ms. Huber: — Okay. So we have a dedicated quality assurance unit, I think you're aware of, in our ministry, and this unit conducts regular audits of the First Nations agencies, as well as our ministry audits, our ministry offices. So a similar, or actually the same audit is conducted whether it's a ministry delivering services or a First Nations agency.

And so the purpose of the audit is around quality assurance but quality improvement, and it's a focus on continuous improvement with both our offices and the First Nations agencies. And so those staff would go out, it's a very collaborative approach, working with the agencies. And we would pull some files, work with the agency to go through the files, do some of the case readings with the agencies and talk about where there might be some deficiencies, again using some of the basis around the current ministry policies, unless the agencies have an equivalent policy in place and then we would give credit for that. So we would work with the agencies to conduct that joint audit, and from there we would develop a

continuous improvement plan with a particular agency, similar again to the ministry office.

And we would also have those seven consultants that I talked about earlier. They would work with the agency then around an improvement plan and an action plan to address any of the concerns or deficiencies that came through the audit. So it might be related to enhancing training within the agency. It might be around some concerns around policy application and what they need to do around some of the supports to a particular area within their agency. So it all depends on what the concerns are.

And so all of that reporting is actually articulated in the delegation agreements that we have with the agencies. So we talk about the importance of reporting and conducting those quality assurance reviews. We also have a couple of agencies that have established their own quality assurance units. We work very closely with those units within those agencies to conduct joint audits, also looking at some of the measures and outcomes that they've developed within their agencies and respecting those measures that they're wanting to put forward which are more culturally relevant and important to the agencies. So we absolutely recognize that and give them credit for that through the audit process.

Ms. Rancourt: — So staff in the ministry developed much more extensive and radical overhauls of *The Child and Family Services Act* that were not acted upon by the ministry. These proposals would have led to much greater delegation and autonomy for First Nations agencies. These changes in the Act today are not that far reaching. Does the ministry have plans for more extensive changes to the ministry in the future?

The Chair: — If I could just inform the committee and the members and the minister, we're done at 10:30. So you know . . .

[22:30]

Hon. Ms. Beaudry-Mellor: — I think, with respect to your question, my understanding of your question is you're asking, you know, sort of where are we going with our plans in child welfare. And obviously we want to see, I would like to see zero kids in care. You know, we need to get to the point where we have no kids in care.

I think we have some very positive relationships, for example with Foxvalley who does intensive home supports and wraparound services for families. I think those are the kinds of things that we need to look more closely at as we go forward. So we're not . . . I don't think we're where we need to be, but I think those are the directions that we need to start going.

Ms. Rancourt: — Well that brings me to the conclusion of my questions. I just wanted to point out that you did indicate that, since 2012, there's been discussion with regards to both of these bills actually. And in that process, I believe there was three ministers. I know you're new to this profile and there's a lot of changes. And like I said before, I think some people are not quite happy with the amount of consultation that there is. So I would ask that maybe you consider not necessarily passing these right through. But I know in the end you make that

decision, but that would be my recommendation.

And I thank you guys all for answering all my questions. I really appreciate it, and thank you for staying so late this evening. Thanks.

The Chair: — Are there any other questions from committee members. If not, we will move to clause 1. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[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 Child and Family Services Amendment Act, 2016*.

I would now ask a member to move that we report Bill No. 33, *The Child and Family Services Amendment Act, 2016* without amendment.

Mr. Fiaz: — I so move.

The Chair: — Mr. Fiaz. All agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Okay. Madam Minister, do you have any closing comments?

Hon. Ms. Beaudry-Mellor: — Just very briefly, I would like to thank the member opposite for her thoughtful questions regarding these issues. I know that you are dedicated to this issue as well, and so I appreciate the spirit of which you're asking these questions. And I want to thank my colleagues for being here, and also my amazing support team for being here this evening. And of course to you, Mr. Chair, for just being you.

The Chair: — Ms. Rancourt, do you have any comments?

Ms. Rancourt: — I want to thank again everybody for being here. And it's kind of miserable out there, so drive safe getting home. I'll see the members across tomorrow morning. So thank you.

The Chair: — Okay. This being after the hour of 10:30, this committee is adjourned to the call of the Chair.

[The committee adjourned at 22:36.]