



# **STANDING COMMITTEE ON HUMAN SERVICES**

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## STANDING COMMITTEE ON HUMAN SERVICES

Mr. Dan D'Autremont, Chair  
Cannington

Ms. Danielle Chartier, Deputy Chair  
Saskatoon Riversdale

Mr. Larry Doke  
Cut Knife-Turtleford

Mr. Muhammad Fiaz  
Regina Pasqua

Mr. Todd Goudy  
Melfort

Mr. Warren Steinley  
Regina Walsh Acres

Hon. Nadine Wilson  
Saskatchewan Rivers

[The committee met at 15:00.]

**The Chair:** — I'd like to welcome everyone to today's meeting of the Human Services Committee for April 30th, 2019. My name is Dan D'Autremont. I am the Chair of the committee and the MLA [Member of the Legislative Assembly] for Cannington. With us today as well is MLA Larry Doke, MLA Muhammad Fiaz, MLA Todd Goudy, the Hon. Nadine Wilson, and substituting for MLA Danielle Chartier is MLA Carla Beck.

**Bill No. 157 — *The Education Amendment Act, 2018*  
*Loi modificative de 2018 sur l'éducation***

**Clause 1**

**The Chair:** — We will begin consideration of Bill No. 157, *The Education Amendment Act, 2018*, clause 1, short title, a bilingual bill. Minister Wyant is here with his officials, and I would ask that officials please introduce themselves before speaking at the microphone. Minister, please introduce your officials and make your opening remarks.

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. Well to my right, Deputy Minister Currie; to my far right, Assistant Deputy Minister Clint Repski; and director of legislative services Sara Hawryluk is to my left. So thank you, Mr. Chair.

Well, Mr. Chair, I'll just proceed with a couple of opening comments. Today we have before the committee Bill No. 157, *The Education Amendment Act, 2018* which proposes several amendments to *The Education Act*. The amendments to the Act are largely housekeeping in nature and are required to reflect current drafting and terminology standards, changes to other Acts, and recommendations from the Saskatchewan Professional Teachers Regulatory Board, the Ministry of Justice, and the Ministry of Education.

The first amendment deals with ministerial orders. Currently both the Act and the regulations provided requirements for the establishment of boards of education and the conseil, as well as the alteration of school division and Francophone education area boundaries which are required to be set by a minister's order and posted in *The Saskatchewan Gazette*. Boards of education and the conseil submit these amendments to the ministry on an ongoing basis.

A change has been made so that all ministers' orders will now be repealed and replaced rather than amended, to ensure that all information is consolidated into one order. This will ensure information is clear and accessible for boards of education and for the conseil and for the public.

Mr. Chair, the next amendment deals with the education property tax. Last year the Ministry of Government Relations brought *The Education Property Tax Act* and regulations into force. An amendment to the Act is now required to clarify that "the minister" refers to "the minister responsible for the administration of *The Education Property Tax Act*."

As well, the city of Lloydminster is being exempted from the application of section 10 of *The Education Property Tax Act*. This provision was added to clarify that the city of Lloydminster

is paying boards of education correctly.

Mr. Chair, the next amendment deals with boards of education and the conseil providing notification of suspension or severance of a teacher to the Saskatchewan Professional Teachers Regulatory Board. The SPTRB has requested that subsection 212(3) of the Act be repealed as it is in conflict with the requirements for reporting misconduct to the SPTRB, which are identified in section 35 of *The Registered Teachers Act*. We've accepted that request and are now proposing the repeal of that subsection.

The last amendment, Mr. Chair, is in regards to the inclusion of personal property for boards of education and for the conseil. Personal property is defined in legislation to include goods such as furniture and equipment or an instrument, money, or an intangible such as stocks and bonds. The definition has led to non-capital requests being sent to the ministry for approval. As personal property reflects the standard operation of boards of education, it should not be subject to ministerial approval. So an amendment has been made to reflect that.

Finally, Mr. Chair, there's a number of housekeeping amendments that have been identified by both translation services and by the Ministry of Justice. Amendments have been made to repeal outdated French and language terminology and to update drafting standards throughout the Act, as required.

Mr. Chair, those are my opening comments. We're certainly willing to answer any questions that committee members may have.

**The Chair:** — Okay. Thank you, Mr. Minister. I would like to inform everyone that MLA Warren Steinley is now with us as well. Are there any questions to the minister? I recognize Ms. Beck.

**Ms. Beck:** — Thank you, Mr. Chair, and thank you, Minister Wyant, and thank you to your officials for being here with us today.

I do have a few questions. The first question I have is a general one and that is just, what was it that brought about the changes that we see in this bill? Were there specific concerns that were brought to you or was it a review of the legislation? We just saw a major change to *The Education Act* two years ago. I was just wondering what brought these subsequent changes.

**Hon. Mr. Wyant:** — They're really just a group of housekeeping amendments that have been brought to our attention either through the ministry or as a result of a review by the Ministry of Justice. Typically we might bring changes to the regulations or to legislation in this way from time to time when terminology is identified that needs to be changed or when terminology changes. And so we've done this in the past in a number of pieces of legislation.

**Ms. Beck:** — So are these changes in terminology, they've happened subsequent to the last major changes to *The Education Act*, or it just was brought to your attention?

**Hon. Mr. Wyant:** — They just get brought to our attention as

matters proceed.

**Ms. Beck:** — Okay. Were there any consultations that were conducted prior to the drafting of the bill that we see here? And if so, who were those consultations with?

**Hon. Mr. Wyant:** — Consultations took place with the Ministry of Finance, with the Ministry of Justice, Government Relations, and Executive Council. So they were consulted during the drafting review and the approval process. And as I mentioned in my opening comments, there was some suggestions that had been brought forward by the SPTRB for amendment, and that amendment has been incorporated into the changes.

**Ms. Beck:** — Then subsequent to the drafting of the legislation, has there been any feedback either sought or provided by stakeholder groups about Bill 157?

**Hon. Mr. Wyant:** — No, but certainly consultation will be required with boards of education and with the conseil to inform them of the changes in the Act.

**Ms. Beck:** — Have you received any feedback by way of email or impressions or concerns from the stakeholder groups since this bill . . . I think it was last fall that this bill had first reading.

**Hon. Mr. Wyant:** — Haven't heard anything.

**Ms. Beck:** — Haven't heard anything. Okay. Minister, you noted that the changes in this bill are largely housekeeping, and that was also mentioned in Minister Harrison's second reading comments around this bill. I take that to mean that there are portions that are not just housekeeping. Can you identify what you consider not to be just housekeeping?

**Hon. Mr. Wyant:** — I think it's fair to say that the two substantive changes that are being made to the Act revolve around the SPTRB, which is the suggestion that had been brought forward by them; the other one with respect to real property and how that's dealt with in terms of ministerial orders. So those are the two substantial pieces, if you could call them that. But really I would go on to say that with respect to the real property piece, that's more of a housekeeping matter as well. But having said that, it's more substantial than just housekeeping.

**Ms. Beck:** — So the two stakeholder groups that would be most impacted then would be the school boards and the teachers themselves by those two changes. Is that correct?

**Hon. Mr. Wyant:** — The teachers wouldn't be necessarily impacted because that's in *The Registered Teachers Act*. The school boards will be impacted of course because now they won't need to seek ministerial orders with respect to the personal property side.

**Ms. Beck:** — The first major or the first change that you noted was around amending orders, Act and regulations change, changing subsequent amending order "to subsequent order relating to the establishment of boards and boundary alterations." Why are we seeing these changes now?

**Mr. Repski:** — Clint Repski, assistant deputy minister. The reason for the changes is really a housekeeping one. When

boundary changes are submitted, received by the ministry, we've always had to do an amendment to the order. And so you get layers of layers of amendment. What this does is just clarifies that the existing order is repealed and the new one comes in. Easier to track, easier administratively, and it provides for a more consistent, accurate approach. So it's just a housekeeping item.

**Ms. Beck:** — So what type of boundary changes are we talking about here?

**Mr. Repski:** — The ministry on an annual basis gets a handful of boundary alteration requests every year. They're typically small parcels of land that go on borders of school divisions. So within the boundaries of the public school divisions, you get little attendance area boundaries where it might make sense for a parcel of land to be in one school division versus another. So when we get a request, we usually seek that both school divisions are in agreement this is the right fit for the attendance area of typically the family and the student in question. And we'll make the alteration based on that. And we get a handful of those every year.

**Ms. Beck:** — So these typically would be brought forth by the school divisions themselves. And can you walk me through what, under the existing legislation, what that looks like and how this change will alter what happens with both the legislation and the regulations?

**Mr. Repski:** — Procedurally there's no change. No.

**Ms. Beck:** — Okay. The next area of change noted is around *The Education Property Tax Act* or around education property tax. So just for clarification, it just identifies the Minister of Government Relations as being the minister responsible for that Act. Is that correct?

**Mr. Repski:** — Yes. The existing provision has education property tax being referred to the minister of *The Education Act*. With the changes in how education property tax is being handled, this section should be referring specifically the Minister of Government Relations in this case. So that would be the change we're seeking here.

**Ms. Beck:** — There was some confusion about which minister that was responsible. Is that fair to say?

**Mr. Repski:** — Yes. Under the existing provision, again with the changes to education property tax, the reference should be to the Minister of Government Relations, not to the minister responsible for *The Education Act*.

**Ms. Beck:** — So if there was a concern about remitting education property tax, those concerns would go the Minister of Government Relations and not the Minister of Education?

**Mr. Repski:** — That's correct.

**Ms. Beck:** — Has that been a concern around compliance of remitting education property tax? Has there been concerns raised about that?

**Mr. Repski:** — We really have to ask the Minister of Government Relations. The questions are directed in that fashion

now, so we wouldn't have a history since this change has been made.

**Ms. Beck:** — So there were concerns about municipalities for whatever reason that weren't remitting their education property tax? So you wouldn't be aware of that?

**Mr. Repski:** — No, that would be handled through the Ministry of Government Relations.

**Ms. Beck:** — Okay. Not even as a courtesy, just that would be handled directly through . . .

[15:15]

**Mr. Repski:** — We would pass that along. If we were to receive a question of tax exemptions or abatements, as an example, that would be given directly to Government Relations.

**Ms. Beck:** — Okay. At what point would the ministry be made aware of those?

**Mr. Repski:** — If something were to come, I'm not aware of a situation where we would be made aware. It doesn't impact the overall budget of Education. It's handled through GR [Government Relations] and their processes now. So I don't think that there's a need for that kind of reporting to Education.

**Ms. Beck:** — So we have seen some changes, some jostling since Bill 48 and 49, the education property tax Acts, were introduced, initially that funds would go directly into the GRF [General Revenue Fund] and then clarification that separate boards would retain the ability to retain and remit their own education . . . to retain education property tax. And now the city of Lloydminster is being singled out for being able to have the municipality remit those taxes right to the school board.

Can you walk me through the evolution of that legislation and why we're seeing these changes two years later from the initial wholesale changes to *The Education Act*?

**Mr. Repski:** — Yes. So the city of Lloydminster and the two school divisions that reside within its boundaries has been part of the process for a number of years. When the education property tax change to a provincial levy was made, Lloydminster the city proper has been treated in a different fashion since then. So the amendment for discussion today doesn't have any impact or change to the city of Lloydminster. What it does is it reflects that the taxes are going to be given directly to the school division. The reason for that is Lloydminster the city is on a different tax assessment base than the rest of Saskatchewan. So they're a municipality who is still on an Alberta base for their assessment.

So when we look at provincial mill rates, there's a formula that's applied. There's a complex formula that's applied to make sure that there's an equivalent being done. So with the bi-provincial nature of the city, this is the best solution that we can come up with for the city and how they levy their taxes. This doesn't have a change to the city. This doesn't have a change for the school divisions. But because of the uniqueness of being bi-provincial and being on a separate tax assessment, treating them separately made the most sense in this case.

**Ms. Beck:** — And was this done after a consultation with the board and with the city of Lloydminster?

**Mr. Repski:** — Going back a number of years when we were looking at how the city is going to be treated from an education property tax perspective, absolutely. There was a lot of discussion and consultation done both with the city and the school boards as well as the province of Alberta. That was done a number of years ago. It was done very, very collaboratively with all of the stakeholder groups involved, and this is the solution that was landed upon five or six years ago now, maybe even a little bit longer. But absolutely they were a part of the process.

**Ms. Beck:** — I guess I'm still a little unclear as to why the changes we're seeing now then if the process was going back five years ago.

**Mr. Repski:** — Again, it's housekeeping in nature. When we were going through the changes to redirect the education property tax authority to Government Relations, this seemed like a fitting time to make this correction as well.

**Ms. Beck:** — Okay. Okay, I'm going to move on to the SPTRB reporting changes. So can you walk me through the concerns or the suggestion that was brought to the ministry from the SPTRB with regard to reporting these changes?

**Mr. Repski:** — So regarding the SPTRB changes, as the minister indicated in his opening comments, this is again a bit of a housekeeping item in nature.

With the introduction of *The Registered Teachers Act*, there was a provision put into that legislation where boards of education were to report to the SPTRB where a teacher has been terminated. There's a redundant clause within *The Education Act* saying almost an identical provision. So as a bit of a housekeeping item, we didn't want to create a situation where boards of education or teachers or users who would be referring to that section need to go to two separate pieces of legislation to get direction on this. So as this is the domain of the SPTRB, it didn't make sense to keep this provision in *The Education Act*. So it's being proposed that it's being eliminated, and we would rely on *The Registered Teachers Act* for the statute of authority.

**Ms. Beck:** — So currently under the current legislation, if there is a notice that needs to be given about incompetence or professional misconduct, what is the process? And how does that process change if this bill is passed?

**Mr. Repski:** — The process shouldn't change. Again, given that we're omitting or deleting a section within *The Education Act* but referring to the existing provision in *The Registered Teachers Act*, the process shouldn't change. And that process is where a board of education has a termination or a suspension or a severance of a teacher, they're to notify the SPTRB.

**Ms. Beck:** — So you did mention that, should the bill pass, that there would be a plan to disseminate changes to stakeholders. Who will be made or how will stakeholders be made aware of the changes in legislation?

**Mr. Repski:** — In terms of notification, if this bill were to pass,

we have a couple of methods of communication. If there's a specific stakeholder group who would be impacted, for example the SPTRB, we would contact them and let them know what the changes were. For remaining items, we would rely on our regular methods of communication.

In this particular matter, we would probably advise the Saskatchewan School Boards Association to send out an information out to the boards of education. In addition, depending on the nature of what it is, we have biweekly updates that we send out to the sector. It would likely be included as an up-to-date, for-your-information item.

**Ms. Beck:** — But to date, if I understand correctly, there haven't been any groups checking in about these proposed changes. Is that correct?

**Hon. Mr. Wyant:** — Maybe if I can just take a moment just to clarify, because there have been some . . . And I mentioned when you asked the question about consultation before, but there's certainly been some consultation, just to clarify, with respect to the issue of the personal property with a number of different organizations, which started back in 2014. So there have been some consultations around that particular item. So this won't be a surprise.

**Ms. Beck:** — Was this a change that was requested by boards? I'm looking at the personal property for boards at this point.

**Hon. Mr. Wyant:** — I can't state equivocally that the ministry got any particular direction, but the infrastructure advisory committee, that's where the issue had first arisen and so that's how the changes made their way to the bill.

**Ms. Beck:** — Okay. So the non-capital requests. You mentioned boards' real property, but not the personal property. Does that include cash reserves? Is that included in this?

**Mr. Repski:** — So the amendment as being proposed is eliminating the request for a school division to seek approval of the minister for personal property. The experience that we've had from school divisions over the last year would be things of an operational nature — furniture, laptops, that sort of thing. So if they're going through the tendering process, they still need to seek the authority of the minister, in its current form. When we look at where the real property comes in, that's where the minister would be looking for having authority over and making sure that it's approved in the appropriate fashion. Those would be things around land purchases, buildings, things of a significant real property value.

When it comes to the operational items — again the furniture, the laptops, those pieces — this doesn't change that. The school divisions are still required to follow trade legislation, tendering rules. Those still need to be intact. But a step that's being removed from the process is seeking the minister's approval through minister's order to proceed with those issues. Regarding issues around buildings, real property, land purchases, that remains the same.

**Ms. Beck:** — So was it the case that all boards were seeking approval or that there was confusion about which purchases needed approval and which didn't?

**Mr. Repski:** — I guess from board's perspective and the ones that I have talked to, it was an additional step in the process. It was something that they felt was operational in nature. They have their own internal processes to ensure that they're being compliant with trade rules and those type of things.

So when we took a look at what oversight the ministry through the minister's authority has, it was really around the buildings and the land purchases. When it comes to the operational matters, boards have processes in place that should safeguard those practices and processes, and we felt comfortable putting this amendment forward to give that hands-off approach and give the authority to the school divisions.

**Ms. Beck:** — Okay. Will there be a list or examples presented or provided to school boards about those things that no longer need approval, or clarification about which items do need approval and which don't? Often there's a grey area there that needs some discussion.

**Hon. Mr. Wyant:** — We'll be issuing a directive to the school divisions in the normal course.

**Ms. Beck:** — Which items will be no longer requiring approval from the ministry that perhaps they either need approval or there's some confusion about whether boards need to seek approval?

**Hon. Mr. Wyant:** — I think it would be fair to say that, as Mr. Repski has mentioned, we expect day-to-day operations of school divisions to be run by school divisions. They're not needing the approval of the ministry to do those kinds of things. But extraordinary things, particularly around, well specifically around real estate will still require a require minister's order in order to dispose or acquire real property. So I think that's . . . I think what Mr. Repski had said originally is generally the case, that as far as day-to-day operations are concerned, we'd leave those to the school divisions. And we want to make sure that that's the way it is.

**Ms. Beck:** — Okay. And regardless of monetary amount of those purchases, is there a limit to . . .

**Hon. Mr. Wyant:** — Within their budgets, of course. But again real property, whether there's an acquisition or disposition of real property would still require a ministerial order.

**Ms. Beck:** — Okay, thank you. The last area that I wanted to ask you about was just around the changes in language from "minority language instruction" to "minority language education program." What was the reason that this change came about? How did it come to your attention that there was a need for a change in terminology?

**Hon. Mr. Wyant:** — It came from the translator.

**Ms. Beck:** — Okay. So it's simply a better translation of what it is. There's no material difference between the two types of language?

**Hon. Mr. Wyant:** — There's no material difference.

[15:30]

**Ms. Beck:** — On this item, has there been any consultation? Or this is simply regarded as housekeeping and won't have had an impact on the conseil or the school boards? [The committee adjourned at 15:36.]

**Hon. Mr. Wyant:** — It won't have any operational impact. Certainly we'll let them know. But again, you know, for the best use of either official language, we rely on the translator for that.

**Ms. Beck:** — Thank you.

**The Chair:** — Thank you, Ms. Beck. Are there any more questions or comments from committee members? Seeing none, we will proceed to vote on the clauses.

Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 31 inclusive agreed to.]

[Schedules 1 and 2 agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Education Amendment Act, 2018*, a bilingual bill.

I would ask that a member move that we report Bill No. 157, *The Education Amendment Act, 2018*, a bilingual bill, without amendment. Mr. Steinley. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Mr. Minister, do you have any closing comments?

**Hon. Mr. Wyant:** — Mr. Chair, just to thank you and thank the committee for its patience today; for the officials that are here today to help me, I very much appreciate that; to Hansard for being here; and to Ms. Beck for her very respectful questions. So with that, Mr. Chair, those are my comments.

**The Chair:** — Thank you. Ms. Beck do you have any closing comments?

**Ms. Beck:** — Only to reiterate the minister's thank you to the folks at Hansard and behind the scene, as well as to your officials, and to my fellow committee members, to the minister himself for answering my questions so thoroughly. Thank you.

**The Chair:** — Okay. Thank you to all the members and the minister and staff for participating so cordially. That concludes our business this afternoon. I would ask a member to move a motion of adjournment. Mr. Fiaz. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — This committee stands adjourned until tomorrow at 3 p.m. in room 8.