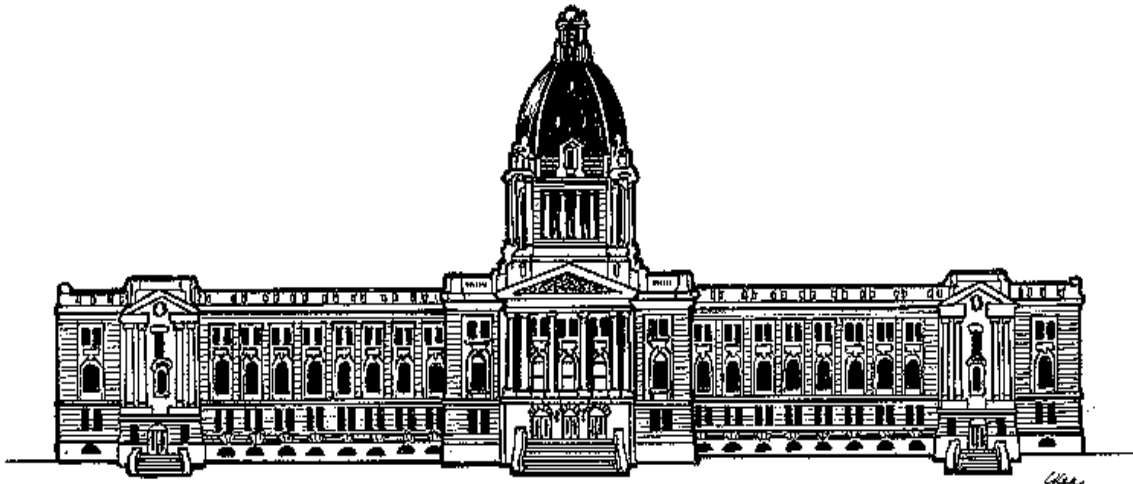




STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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**STANDING COMMITTEE ON INTERGOVERNMENTAL
AFFAIRS AND JUSTICE**

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Regina Walsh Acres

Mr. Lyle Stewart
Thunder Creek

Ms. Christine Tell
Regina Wascana Plains

Mr. Corey Tochor
Saskatoon Eastview

[The committee met at 09:00.]

The Chair: — Well good morning, ladies and gentlemen. Welcome to the Standing Committee on Intergovernmental Affairs and Justice. My name is Warren Michelson. I'm the Chair of the committee, and the other members of the committee are Cathy Sproule, the Deputy Chair; Kevin Phillips; Warren Steinley; Lyle Stewart; Christine Tell; Corey Tochor. This morning we have two substitutions. Russ Marchuk is sitting in for Christine Tell and Warren McCall is sitting in for Cathy Sproule.

This morning the committee will be considering the estimates for the Ministry of Justice and the Attorney General and will continue with considerations of various Bills and will end with the consideration of estimates for the Ministry of First Nations and Métis Relations.

Before we begin committee, we have one document to table which was distributed to members on April 23rd, 2012. This is the IAJ 11/27 Ministry of Corrections, Public Safety and Policing responses to questions raised at the April 2nd, 2011 meeting of the committee re the primary reasons for grievances dated April 23rd, 2012.

**General Revenue Fund
Justice and Attorney General
Vote 3**

Subvote (JU01)

The Chair: — That being tabled, we will now begin our consideration of vote 3, the Justice and the Attorney General, central management and services, subvote (JU01).

I would like to remind the officials that when they are speaking if they would introduce themselves for the purpose of Hansard. Welcome, Mr. Minister Morgan and the officials. Mr. Minister, if you would like to introduce your officials, please do so at this time. And if you have any opening remarks, please proceed after that.

Hon. Mr. Morgan: — Thank you very much, Mr. Chair. Good morning. I am pleased to be here to provide highlights of the ministry's 2012-2013 financial plan and to answer any questions.

I am joined by a number of officials from the ministry today. With me at the table are Gerald Tegart and Dave Tulloch. I am also joined in the Chamber by a number of other officials. As I mentioned, I have Gerald Tegart, the deputy minister; Rod Crook, the ADM [assistant deputy minister] regulatory services; Linda Bogard, who is one of our rookie people who is now an ADM in courts and civil justice, although she's done that job for a number of years but she is now officially an ADM; Susan Amrud, who is the executive director of legal services; Courtenay Phillips, executive assistant in the DM's [deputy minister] office; Betty Ann Pottruff, executive director, policy, planning and evaluation; Dave Tulloch, executive director of corporate services; Jan Turner, executive director of community justice; and Daryl Rayner, executive director, public prosecutions.

Our ministry's budget supports Justice programs through an investment of \$166 million in 2012-2013. This is an increase of \$3.5 million and 2.2 per cent higher than the previous appropriation. Seven hundred thousand dollars of this increased funding will support the expansion of the serious violent offender initiative to Prince Albert, Melfort, and Meadow Lake on October 1st, 2012. This initiative will improve measures to get tough on violent crime and make communities safer by adding more prosecutors and providing a more focused, comprehensive response to a targeted group of adult, serious, high-risk, violent offenders.

Capital funding of \$11.4 million is provided to continue construction of an addition to the Saskatoon Court of Queen's Bench to allow relocation of the family law division. A further \$3.1 million will be allocated to either continuing or completing the implementation of two IT [information technology] systems for the ministry, expanding video court availability, and maintaining court circuit points. Increased funding of \$4.4 million will support the increasing costs in court services and prosecutions. The funding will also address the growing workload in the court system that has been previously covered through the use of supplementary estimates and special warrants.

Victims services is now in a position to undertake a major expansion of its programming in Saskatchewan. Police-based victims services programming and services will be expanded to the remaining 34 police jurisdictions in the province. This will ensure every community and person in Saskatchewan has access to crisis intervention and support services for victims. The expansion will come with a cost of nearly \$1 million annually and will be funded entirely in 2012-2013 through revenue in the Victims Fund.

This budget and ministry plan will enable us to continue to work collaboratively with other ministries, other levels of government, policing services, the judiciary, community-based organizations, and the people of Saskatchewan to achieve our shared objectives. We're taking steps to ensure that adequate funding is directed towards core programming to improve the effectiveness of the ministry. These are the highlights, and I would now be pleased to answer your questions about the 2012-13 plan and budget for the Ministry of Justice and Attorney General. Thank you.

The Chair: — Thank you, Minister Morgan. We will now look, ask for questions from the committee. Mr. Nilson, do you have . . .

Mr. Nilson: — Yes. Good morning and welcome to the minister and all of the officials. And also note that present in the Chamber is Mr. Michael Huber from the caucus office, so I think it's standard procedure to include everybody in the room as being introduced. Now I've listened to your brief report, looked at the budget, looked at the plan that you have for the department. And my first question is, do you have a number of the percentage of Aboriginal people that are in the provincial jails right now?

Hon. Mr. Morgan: — I'm joined by Betty Ann Pottruff, and I'll let her answer the question.

Ms. Pottruff: — Off the top of my head, it's approximately 90 per cent of those in the provincial jails are Aboriginal and about 75 per cent in youth custody.

Mr. Nilson: — Thank you. That's a little higher than I thought, unfortunately. The reason I raise that is that clearly the emphasis in the introductory comments and when you look at the report is about enforcement, I guess, of the whole or sort of the whole system and how it works. But when you look at the justice system, if I can put it that way, the ultimate measure really is what kinds of people end up in the correctional system. And so very much of the role, I think, of the Minister of Justice and Attorney General and staff is to look at that end product and see, well what is it that's causing a problem?

Now I know that the justice system is often like a grate at the bottom that just collects everybody that other areas don't deal with. But I guess I have a question in that when I look through your mission or your plan for 2012-13, which clearly is the budget plan, and you go to page 8, you know, it's the strategy issue is, "Increase participation of Aboriginal people in justice system delivery to deal with criminal justice issues." And that appears to be the only place where this issue is taken head-on, and there doesn't appear to be very much there. And I guess I'm just wondering is, what are the initiatives that you're taking as a Justice department to deal with this end result, and what kinds of proposals and things are you doing that look at this very difficult situation for the province?

Hon. Mr. Morgan: — Your point about the disproportionate number of Aboriginal people in the correctional facilities is certainly one that is a valid point, and I think we share the concern. When First Nations people, who make up 12 per cent of the population, are running at 80 or 90 per cent of the correctional facility, I think it's a sign that everybody should be concerned and ask questions.

Your comment as well about the grate at the bottom, I'm not sure that I agree with the terminology or the way you've expressed it. But the justice system is at the end of the process. Justice and Corrections, Public Safety and Policing are at the end of the . . . The commitment and the strategies have to go back to actually FASD [fetal alcohol spectrum disorder], prenatal programs, pre-K [pre-kindergarten] programs, the committee on children and youth, the things that are being done through social services and a variety of other things to keep children in school, to ensure that substance abuse and the other problems are dealt with at the earliest positive . . . The far better investment, or the more cost-effective ones are the ones that are being made through Education and Health and other ministries.

Now as we get closer to people being involved with the justice system, the things that we do are of some significance. We do a number of preventive things and then a number of things within the ministry that will go towards addressing some of the problems. But we are definitely addressing things far later than they should be; it's a better investment to do things earlier.

As you're likely aware, we have a significant investment in alternate measure programs and other types of dispositions. We have in the correctional facilities another large commitment towards culturally sensitive or culturally appropriate training through the use of elders, sweat lodges. And we do that as well

through the Aboriginal court worker program and a number of those type of initiatives.

Now we will continue to work with First Nations to try and develop and enhance those programs and determine the effectiveness of them. But it would certainly be my preference, and I'm sure yours as well, that the emphasis be placed on earlier intervention and earlier addressing the societal problems of either poverty, education. And so anyway I'm going to let the official talk about some of the initiatives in more specifics.

Ms. Pottruff: — Just to add to the minister's list, is we're also partnering with Corrections, Public Safety and Policing on the building partnerships to reduce crime initiative, an approach and hoping that in fact by reaching out to communities and working with them that in fact we can get an earlier opportunity to address the root causes of crime, and particularly working with and engaging Aboriginal communities.

Mr. Nilson: — I note in your . . . I mean one of the items you list on page 8 is supporting government in implementing the First Nations and Métis consultation policy framework. So what does that mean from the Justice department side?

Ms. Pottruff: — I think in terms of the Justice ministry, it really is providing support to FNMR [First Nations and Métis Relations] and other agencies in terms of what the consultation approach would be in terms of negotiations with First Nations and Métis people.

Mr. Nilson: — I think I'll let my colleague ask a couple of questions.

Mr. McCall: — Thank you very much, and good morning to the minister and officials. Thank you. Thank you, Mr. Chair. With the consultation policy framework, the criteria for that framework was changed on January 16th of 2012. Is the minister familiar with that change?

Hon. Mr. Morgan: — I'll get back to you within the next hour or so. We'll have an official check. We'll get some better specifics. The official who will know about that is Mitch McAdam, who is not here right now.

Mr. McCall: — I guess in a general sense, I'd ask the minister, and so we'll be pursuing this later this afternoon again with the First Nations and Métis Relations minister. But in the last round of estimates with FNMR discussing the consultation policy framework and the changes that were made to the criteria January 16th of this year, there were a number of applications that had been made to dollars in that fund that had been tendered subject to the old criteria. When the new criteria were introduced, the outstanding applications were then considered by the new criteria. Is that common practice throughout executive government or does that pose any problems from the minister's perspective?

[09:15]

Hon. Mr. Morgan: — You will have the FNMR minister later in the day, and I think that's a question better put to him. It's an area we don't have background on.

Mr. McCall: — Well I guess, Mr. Minister, given your role as Minister of Justice, given the ministry's role in supporting the consultation policy framework, I'm wondering about the principle of having a fund within an existing criteria where applications are made, and it's part of discharging the duty to consult and accommodate responsibilities of the provincial government. The criteria is changed, and existing applications are adjudicated by the new criteria. How does that work?

Hon. Mr. Morgan: — The question you should put to the Minister for FNMR. I think there's a sense that — and I don't want to speak for that minister — but there's a sense that a lot of the programming that was done was done through FNMR or with their involvement on it that maybe should've been done in another ministry. It's regarding Education or Social Services that are the primary ministry that's providing a particular service or engaged in something specific, and that to move it into FNMR left out some people that should be included because they weren't status or whatever, that it was better off to say, okay, this is an issue we need to target or an issue that we need to address. This is a health situation or whatever. And they felt it was maybe better to do some of the things that were there. But that will be a question better put to Minister Cheveldayoff.

Mr. McCall: — Again though, one of the challenges generally in addressing First Nations and Métis Relations issues with your government, Mr. Minister, is the way that it does seem to get passed from pillar to post in terms of ministry to ministry. And certainly we'll be raising these questions with Minister Cheveldayoff. But as the Minister of Justice, certainly you've got an opinion on the legal implications of changing the criteria in a fund related to discharging the duty to consult responsibilities of the province and then adjudicating outstanding applications by the new criteria, and what the legal implications might be for the province of Saskatchewan with that kind of practice on offer.

Hon. Mr. Morgan: — The Supreme Court has rendered a number of decisions regarding duty to consult. We have within the ministry officials that deal specifically with our constitutional obligations and stay current with that area of the law. We know that we have an obligation for duty to consult. We don't always agree with some of the First Nations people about what the duty is and what the nature of the consultation is, and we want to continue to work with First Nations to try and establish as much common ground as we possibly can in that area.

We also know that First Nations have issues with their capacity to engage in duty to consult negotiations. And so we've provided funds to try and enable them to develop capacity. And once again we may not see eye to eye on what capacity needs they may have, and it varies from particular situation to particular situation.

We've made a determination that we are not going to engage in revenue sharing, resource revenue sharing. We do not feel there's a legal obligation and we don't think it's in the best interests of the province to have resource revenue sharing. The legal opinions that we have are that it is not an appropriate or not a required thing. We don't think it's in the best interests of all Saskatchewan residents.

The resource revenue that we have in our province is really the property of everybody that lives in the province and that is, you know, one of the things that we would want to jealously protect. So we're doing that. And having said that, we want to ensure that First Nations people and Métis people are able to fully participate in the wealth and growing prosperity of the province. We don't want to do it through resource revenue sharing but we want to do it through a variety of other programs that would enable them to build capacity, develop jobs, develop business opportunities both on- and off-reserve. I don't know if that answers your question.

Mr. McCall: — No it doesn't, Mr. Minister. And we can certainly get into a discussion about resource revenue sharing and the merits thereof. But the question was very simple. It's about the legal implications for a fund that exists on duty to consult on consultation matters. And it's a very simple principle. It doesn't need to involve different Supreme Court rulings or anything like that. It's the principle that if you have a fund with criteria, and applications are made to that fund, then the criteria are changed and the outstanding applications are then adjudicated by the new criteria, is that, without going back to talk to the outstanding applicants or without changing the . . . making it clear what the terms by which these applications are being adjudicated, that would seem to me to be a pretty interesting practice for any part of government but particularly as it relates to discharging the duty to consult and accommodate responsibilities of the government.

So I'm asking you, as the Minister of Justice, is that a sound legal practice?

Hon. Mr. Morgan: — The issue for our ministry is whether we are fulfilling our obligations under the Supreme Court decisions and what our legal obligations are. If programs change within a specific ministry, then that's a question you would put to that minister. And you know, there are situations that do change from time to time. And I'll let those ministers answer those questions. And you know, you have FNMR later today so certainly put the question to Minister Cheveldayoff as to what steps were taken when, if the criteria changed. And I'll let him answer that.

But the goal of this ministry is to ensure that we have all of the ministries in the province complying with the requirements of the Supreme Court and, you know, as decisions change or policies or programs change, we'll work to make sure that we stay in compliance and that we minimize the effect where we . . . [inaudible] . . . and I think we want to do it with a spirit of openness and fairness. And if there are specific situations that you're aware of where somebody's affected by it, raise them and we'll certainly have the discussion.

Mr. McCall: — Was the minister or the ministry consulted on the changes to the consultation fund?

Hon. Mr. Morgan: — I don't know that. I can have an official here shortly. We'll ask the questions, but . . .

Mr. McCall: — So the minister will undertake to answer that question.

Hon. Mr. Morgan: — We'll certainly get you some

information as to what took place.

Mr. McCall: — Was advice rendered by the ministry on the legal soundness of changing the criteria for a fund related to the duty to consult and then adjudicating outstanding applications under that fund?

Hon. Mr. Morgan: — I don't know that.

Mr. McCall: — Does anybody amongst the officials care to venture a guess?

Hon. Mr. Morgan: — We can indicate, you know, we have ongoing consultations and ongoing discussions. The advice that we give goes over a period of time and reflects changes and the different situations as they go along. We wouldn't provide copies of the advice that we've given, but I think it's certainly a fair answer that we have provided ongoing legal services to FNMR and certainly would have provided them advice regarding this program.

Mr. McCall: — So again in terms of the legal soundness of the practice of changing criteria on a fund related to discharging the constitutional responsibilities of the provincial government, changing those criteria and then evaluating outstanding applications under new criteria, does the ministry have an opinion on the advisability or not of that?

Hon. Mr. Morgan: — We wouldn't engage in a discussion here about what took place or what advice was given at various points of time. What we would say is, if you have a situation where somebody was impacted or affected by a change in policy or change in a program, we'd be glad to ensure that, you know, that a specific program was looked at to see whether it was impacted or not. But it's certainly the right of another ministry to change programs as time passes.

Mr. McCall: — Conducting the government's business as such, under the duty to consult file with the consultation fund, again changing the criteria on the fund and then evaluating outstanding applications on the fund by new criteria, does that not expose the provincial government to legal action on the part of applicants that have been treated as such?

Hon. Mr. Morgan: — We don't believe it will. But you know, we will, as the Ministry of Justice, we provide legal services for all of the different ministries. And our goal is to avoid litigation but we can't prevent somebody from starting a lawsuit. And you know, a lot of lawsuits that are started against the government are frivolous, and some have merit. And we look at each situation as it comes along. But our goal is to try and have the various ministries work in a fair and open and transparent manner without exposing the taxpayers to risk.

So if you as an opposition member have a situation where you think somebody was treated unfairly or inappropriately and you want to raise that with the minister that's there, by all means do it. There may be something of which the government is not aware, or maybe the government is aware of it and they've taken a position that there's a valid reason for it. And that's a fair question for you to put to that minister.

Mr. McCall: — I guess what I'm trying to do, Mr. Minister, is

gain as best an understanding as I can as to what has taken place on the duty to consult file with this ministry as relates to the consultation fund. I find it very surprising that the practice of changing the criteria for the fund, to then adjudicate outstanding applications for the fund according to the new applications, that would seem to me to be just a simple case of bad practice. And I'm sure that different bodies of government will or different entities such as the auditor, we'd be interested to know what they think of that practice.

But as relates to the legal responsibility of the province, the minister talked about the difference between, you know, the desire to assert open, fair, and transparent dealings on the part of the government. It would seem to me in this case that this has fallen short. If you're going to have a fund that relates to discharging constitutional responsibilities of the province, people make application to that fund under one criteria and then are adjudicated by another criteria, it would seem to me to be a fairly clear case of bad practice at the least. Is it the minister's opinion that any sort of legal actions that might arise from that would be well founded or, to use his word, frivolous?

Hon. Mr. Morgan: — I wouldn't comment on a specific legal application or potential one and wouldn't speculate in that area at all. I can tell you programs change as time goes on and applications that are before it are either dealt with, you know, on new or old criteria, and that's a question you need to put to the minister as to what the impact is on those specific applications. We give ministries advice and they deal with the advice as they see fit. Our goal is of course to minimize risk wherever we can from a legal point of view, but the things where the advice was given is something that we wouldn't share. And I, you know, I can tell you that programs do change over time for a variety of different reasons. And those are questions you should put to the appropriate minister.

[09:30]

Mr. McCall: — Well we'll certainly do that, Mr. Minister, and we will continue to seek answers on this. But I guess I'm surprised at the minister's reluctance to provide clear opinion on this matter. But with that I'd thank the minister for this round of answers to the questions and I turn the floor back over to my colleague.

Hon. Mr. Morgan: — I thank you for the question. You know, in the nearly five years that I've had the portfolio, we've never released an opinion that we've given to another ministry. We've never released an opinion that we've, what we've . . . That's something that we didn't do, my predecessor didn't go, and I think the gentleman next to you didn't either. So we provide the services. We provide the advice. And we work through the things that we do to try and minimize risk to the government. And I think we do our, the officials do a very good job of doing that.

Mr. McCall: — That begs a response, Mr. Chair. And again I'm not asking about tabling legal documents or the practice that the minister's referring to. I'm asking the minister — right here, right now — to talk about something that relates very much to the plan for the ministry and the ministry's activities as regards to the practice or the decision that has been made around an existing fund for which that ministry has been

providing advice, and for which that ministry will ultimately provide more advice if this in fact puts the province of Saskatchewan in some kind of legally dubious position. And the minister's refusing to answer.

Hon. Mr. Morgan: — I think I gave you a really detailed answer. I don't want to, you know, get into the semantics of things. We provide legal services to the ministries and will continue to do that.

The Chair: — Mr. Nilson.

Mr. Nilson: — Thank you, Mr. Chair. I think the simple answer that we were looking for there was that the role of the Minister of Justice and the officials is to make sure that the processes of government are fair, open, and accountable. I didn't hear that, unfortunately.

Now one of the items that was in the news recently related to criminal charges being dismissed because of the length of time the cases took to go to court. Can the minister provide some explanation of how that happened, given all of the time and effort you spent last year changing the rules for the Provincial Court judges and the roles of the Provincial Court judges, and how that was supposed to solve this problem?

Hon. Mr. Morgan: — I've got Daryl Rayner with me. I'll make a brief comment on it. The news media coverage of the cases, I can't comment on specifically because they're still before the court.

But the concern that you raise about getting matters to trial is probably the most important thing to us because that is our core function, is having people move through the system. We had last year over 33,000 matters went through the system. By and large, they get through and the overall number, time to trial is coming down, and the goal is to have everything gone through in four to six months.

As you're aware, the Charter has made things increasingly complex with a variety of different things that we're required to do by way of disclosure following the Stinchcombe decision. More and more things have to be provided and more and more things have to be done.

The issue of release and getting people through the system to apply for legal aid requires some time and often two or three different adjournments. And while the numbers are coming down, we have worked with the Provincial Court to try and have them go through the lean process and I think they have made significant steps in that area. We've increased staff at a number of points. We have 49 judges in our province. The province of Manitoba has 41 with a slightly larger population.

So we are, we think, are relatively well staffed and it is a matter of developing the right efficiencies and the processes that we will work our way through. We don't think we're where we need to be yet but it is getting better than it was.

I'll certainly let Mr. Rayner make a number of comments and I'll probably have some more comments as we go along.

Mr. Rayner: — I think the minister has answered your specific

question in terms of the two cases. One of them is presently under appeal so we can't talk about it. And the second case is a matter which we are considering still for appeal, as you know. The appeal period or the decision to decide is 30 days, and we're still within that period to decide whether we will be appealing it. So again we really can't talk about those two specific cases.

I can further advise on the number of cases. As the minister has already mentioned, we process over 33,000 cases per year and there's very few that we've lost on judicial stay as a result of delay.

Hon. Mr. Morgan: — I can tell you some of the things that we've done to try and deal with the backlog. We had a specific blitz in Meadow Lake and you're likely aware one of the judges was off an extended period of time. So we had a backlog grew in Meadow Lake. So we had January of 2011, we had a blitz by adding additional prosecutors, legal aid, judges, and sent additional judges out there to deal with trial matters. The blitz prevented escalating delay and we'd probably do something like that again.

In Saskatoon and Regina we've, through prosecutions, reallocated resources to increase the likelihood that cases can be resolved early by having case management people assigned. And I don't like to use the term phantom court, but we've done that where we schedule more court trials in a specific day at a large court centre like Saskatoon than we have courtrooms, with the expectation that there will be some fall through because there invariably is. So we may schedule, where we've got eight courtrooms, schedule nine or ten things and then have additional prosecutors go back and forth and have to deal with them. We haven't yet happened where we have a situation where everything showed, everybody showed up and went ahead, but that's certainly the potential risk on that.

We've used steps to try and have matters resolved with earlier by having the prosecutors put forward the best deal or at the earliest stage rather than on the doorstep. But as you're aware, the doorstep of the courthouse on the day of the trial is always the most likely where they settle them. But some of the things that take place are that the timeline that it takes to arrange counsel, arranging for disclosure, scheduling with that, and then sometimes you'll get into a matter and then the accused will change counsel. And if you have an unrepresented accused, they're not in it. They don't have the capacity to waive a Charter delay. So the complexity of that has grown over time. The time to obtain transcripts where there's a preliminary hearing and of course the high fall-through rate is enormously frustrating for everybody that works in the system because you have a prosecutor, police officers get geared up and ready to go to court, and then on the day of the trial, the matter falls through or the accused changes counsel or something happens to do that.

So some of the things that we've done: additional Crowns, and we've had additional . . . We have senior Crowns now doing the docket court, as I'd indicated, to use the term phantom courts, and then we're working on updating the court system. The existing court system, the JAIN [Justice automated information network] system has been there long before yours and my time, and the best-before date has long since come and gone. So the

new system, the CJIMS [criminal justice information management system] is under way.

We've used the lean process, and we're trying to do a better job of case management. We amended the legislation, the court Act, last year to allow justices of the peace to do small claims and to do some of the scheduling. We have some of the court officers doing the . . . have been sworn in as JPs [Justice of the Peace] so they can do scheduling and adjournments. We are using the video conferencing, the video link, to try and save costs and make it more efficient for adjournments, bail applications, that type of thing. So those are the things that we are doing. The goal is to have everything dealt with within four to six months. But we're not there yet. I don't know if that gives you enough background or whether you . . .

Mr. Nilson: — Well it strikes me that you might have, you know, you could use a few more judges in the system as well. I think if you would have come to us and said, well let's add three more judges, we would have been a lot more amenable to that than three more MLAs. And so I know that within the system itself, there's a lot of pressure. And you've indicated just having a judge sick in one area ends up causing difficulties.

So I guess last year it appeared that some of these changes that you've just described were to be implemented to deal with this backlog. Now has it reduced at all or are we still dealing with the big pressure? Because a number of people that have contacted me and us in our side still are raising some pretty serious questions. And then when we get the headlines that cases are being dropped because of Charter considerations, that seems to be quite contrary to the intentions of last year.

I know too that the structure was changed so that I assume somebody in the ministry can really allocate where the judges go as opposed to the Chief Justice, or I don't know, maybe it's a joint effort. But some of the specialized civil Provincial Court judges were shifted around. Anyway there are just a lot of changes made that were supposed to resolve this, but I'm not sure it has.

Hon. Mr. Morgan: — I'm going to let Ms. Renner give you some more particulars. We have . . . The independence of the judiciary, they do their own scheduling. We don't control it. We give the chief judge a variety of different tools to use. One of them was lean, the other one will be the CJIMS system for scheduling. And we give them, we've given them some funding to move judges around on a temporary base as required, and also the ability to bring back retired judges on a call-out basis.

We believe that, by doing an interprovincial comparison and using Manitoba, we have sufficient judges within the system. So I'm not advocating an increase in the number of judges. As I'd indicated, the goal is to have the time period between four and six months. Judge Snell indicates that we have achieved that in most of the points and it is getting better.

But I'm extremely concerned when I read something in the paper and I get the notices of the constitutional applications when somebody brings a charter. Any time somebody brings a constitutional application for court appointed counsel or something else, I get a summary of those as they come forward. And when you see a delay in one, it's a concern. Sometimes

they are federal ones because the federal prosecutors do them as well. But either way, it goes through our system, and it's not appropriate. So we think we are getting there. And we have a ways to go yet, but we're there.

I'd like to briefly quote my predecessor. In the fall of 2008, Frank Quennell, the former NDP Justice minister, admitted "that this problem has been 10 years in the making and that . . . the former NDP government may have played some role in the trial delays . . ." So we're working to try and address it. And we have been in government for over four years, and I'm not going to stand here and say it's the fault of the previous administration. It is something that must be addressed, and we will work our way through it. I can tell you, it's getting better, but it's not where it needs to be yet. Anyway I'll let . . .

Mr. Rayner: — I'm not sure that I could add too much more to what the minister has just indicated other than just reiterating, yes, the four- to six-month guideline is what we are aiming for, and we are meeting that in most of our core points. There are certainly some — particularly the large centres, Regina and Saskatoon — where we're outside of that. But it's decreasing, and I think that's the trend we're looking at. We don't want it to continue to increase, which is what it was doing before we started to take specific initiatives to deal with some of the problems, particularly at the docket court level, and then as well just trying to utilize the existing resources the best way that we can.

[09:45]

Mr. Nilson: — Thank you. I just wanted to ask this question because the only chance we get to see these kinds of notices was when they hit the front page of the paper. And so obviously you see them more often.

But it reminds me of, I think, a trip I took back in 1997 to meet with the Minnesota Attorney General and the Minnesota director of corrections for the state of Minnesota. And when I went in to the director of corrections — I'm not sure that's his right title — in his office, he had in big numbers on the wall: 2-0-0-7. And I said, well what's that? He said, well that's when the demographics of North America means the crime rate's going to go down because we'll have fewer people under age 25, so in that sort of 14, 13 to 25 year age category. So that no matter what we do, the crime rate's going to go down in 2007.

And so, you know, I see some of the numbers in some of the reports showing that, but I guess we still end up with systemic issues that you're trying to deal with. And so, you know, I'm pleased that you're doing that. I know some of the questions have been raised with us around the mix and around how it was done last year are still out there, and so we'll be watching this pretty carefully.

Hon. Mr. Morgan: — I appreciate your position on that. We're watching it as well. We respect, very much, the judicial independence of the court, and we are not going to meddle in, interfering with things that they do regarding scheduling and how they move judges around. But what we will do is endeavour to give them every possible tool that they would reasonably need to try and address . . . [inaudible] . . . I think we have some of the best judiciary in Canada in our province, and

some of them are incredibly, they're an incredibly hardworking and competent lot. And we would want to do everything we can to ensure that they're able to hear cases and get things resolved on a timely manner.

As you're aware, we had the 30th anniversary of the Charter last week or the week before, and we just sort of reflected on the things that the Charter has done. I was at legal aid between 1988 and 1993, which was post-Charter by seven or eight years, and at that time we were doing murder trials, almost invariably the one-year anniversary of when the offence took place, fell during the QB [Queen's Bench] trial during a jury trial. So we were able to, in a one-year period, go through whatever police investigation was necessary, preliminary hearing, and get the matter to trial. And we had a fairly robust private bar that was aggressive and wanted to do things because they regarded it as good marketing and the cost for us to do a murder trial, the private bar, was under \$5,000. Times have changed.

Mr. Nilson: — I guess, you know, the ministry's role as managing this system has changed too, and I appreciate that. Just on a related issue, what's the status of the negotiations or the pay situation for province court judges? Has the report come through and has it been resolved? I mean it's usually a standard question each year because there is something going, but I think it probably is a fairly standard answer, I hope.

Hon. Mr. Morgan: — Yes, the committee was struck. The process went through. It went through and it's been implemented. I'll have an official here if you want some numbers on it. It's public.

Mr. Nilson: — Just that basically there's no hitches and there's no battles this year.

Hon. Mr. Morgan: — No, nor was there last time either. So I watched with some interest what took place in Manitoba and, in any event, ours has been resolved completely.

Mr. Nilson: — Okay. Well I appreciate that. I spent a lot of time with a few people in this room sorting that one out. So we hoped to implement a process that would work over the decades, and it's been more than a decade now. So I appreciate that.

I'll go on to a slightly different question, and I'm not sure if it relates to Mr. Rayner or not, but it's this provincial partnership committee on missing persons. And can you give us an update on what work has been going on there and just what the process is?

Hon. Mr. Morgan: — The official that's joined us is Betty Ann Pottruff.

Ms. Pottruff: — Okay, thank you. In terms of the provincial partnership committee, we continue to meet regularly. As you may be aware, we had hosted a western regional forum on supporting families of missing persons in March of 2011. We issued a report on that forum in May of 2011. That report was shared widely with all the participants, which were about 60 participants from across Manitoba, Saskatchewan, Alberta, BC [British Columbia], and the Territories, as well as the federal government.

One of the recommendations in that report was in fact to develop an overall business plan in terms of how to support missing persons and the families of missing persons. And with the assistance of Child Find Saskatchewan, we've acquired funds from Justice Canada and hired a person who's actually involved right now in developing that business plan. That again will be shared more broadly with other jurisdictions for comment back so that we can have a document, at least regionally, that people can work on.

As well, we continue to work on implementing the recommendations that were originally made by the provincial partnership committee. The Saskatchewan Police Commission has now approved a policing policy around missing persons with the consent of the Saskatchewan Association of Chiefs of Police. And that is going to be rolled out in the next year, and it involves common intake and common assessment forms and common processes.

As well, we've certainly supported Child Find in doing some further work on their connecting families program. We have continued to work with other jurisdictions in terms of the development of their legislation around supporting police to get access to information. That's also happened. And we continue to try to advance areas like victims services. The recent announcements that have been made about the enhanced victims services, the Aboriginal missing persons coordinators, that's part of a response as well. We have been working as well with the Alzheimer Society in terms of looking at the report of the *Rising Tide* in terms of some of the issues that maybe should be brought forward in terms, consideration in terms of how do we deal with the issues of dementia coming forward. So we've got quite a lively agenda. We've been working with the Canadian Centre for Child Protection as well and hoping to build a partnership with them in terms of public awareness and process.

Hon. Mr. Morgan: — I'm going to add a little bit to the answer. Some of the recommendations involve maintaining a database of missing persons because a lot of the people travel between the provinces. So data, I understand, is in place; a website is in place with the missing persons. And then as Betty Ann indicated, protocols for police to share information and also to deal directly with a situation of a missing person earlier rather than make the assumption that the person has left voluntarily. So they've become engaged earlier and I've met with the — well, I meet with them on other things — but the chiefs of the larger cities. And clearly it's a change in priority for them to have focused on that as well.

Betty Ann mentioned the changes we've made with victims services, spreading that across. And part of the initiative as well is to ensure that we have better support for families of missing persons. I can't imagine a more agonizing thing for a family to go through than to have a loved one be missing and not know whether the person has gone away voluntarily or whether something tragic has happened. I think it's got to be the worst agony for a family to live with during that period of time. I think all of us would have enormous sympathy for those things.

Mr. Nilson: — So does that mean they're working towards a national registry, or there is something that's already in place? Because I know that was one of the goals that was there.

Ms. Pottruff: — And through federal funding, the RCMP [Royal Canadian Mounted Police] is working to develop a national missing persons database, a central database for all investigations. And as well it will have a public website, and that should be going, should be in place relatively soon.

Mr. Nilson: — Okay. Thank you very much. Mr. Chair, this is clearly an important area where many people have been working at it from lots of different angles, but I think the important part is that there's a recognition that missing persons are family members — they're mothers, they're children, they're grandmothers — and so I appreciate the work that's being done there. We'll continue to ask about that question each year.

My next questions relates to victims services. And I know that much of the positive work has been done as the victims services developed and that you were able to increase the surcharge which gave more resources to victims services on the broader base. And, as we celebrated here in the Chamber last week I think it was, there are quite a number of people now that have many, many years of service in this program.

But my specific question relates to some of the people who are sort of left out of compensation for some of the injuries in criminal situations. We don't, in Canada or in Saskatchewan, have a national injury program like they have in New Zealand, so whether you get hit by a car or beat up, you end up having some compensation for things other than medical. I mean clearly we have the medical support we need, but my specific question is around a few situations over the years where people have suffered quite a grievous injury as a result of a crime and then are in quite difficult financial situation because of that. Is there any further work being done in this area?

Hon. Mr. Morgan: — Under our existing compensation, the cap is \$25,000. It varies across the country. Ours is one of the . . . It's at the low end. The officials are conducting a review and will probably come back with recommendations sometime later this year to increase it. Having said that, it would be unlikely that it would be made retroactive for people that were victims of crimes that were committed before, whatever the change is. We don't know how many people might be out there, so to go back and try and revisit all of the people that were there or to try and do it on an ad hoc basis is not a workable thing.

I think everybody in the province has enormous sympathy, as I do and I'm sure you do, for anybody that's a victim of a crime, particularly ones that are a home invasion or somebody where, you know, the person was utterly blameless and in the sanctity of their own home where they should be able to regard themselves as safe and secure.

But when you sort of step back from it, there is not an insurance pool from which you can draw funds for to fund that. So why would you treat a victim of crime differently than a person that's a victim of cancer or muscular dystrophy or something where they were equally as blameless? The person that has suffered a catastrophic health problem has our sympathy as well, and it's difficult to say we would fund one area rather than another.

So I think where we have a person that's an existing victim of

crime, we would want to work with them to try and make sure that they are accessing every benefit that they can through social services or through the Ministry of Health. And in some cases where we've met with the individuals, we found that they weren't . . . that there some other things that they can or should be accessing where the supports are already there or sometimes something that's come through a volunteer or an outside agency. But to go back and say, yes we would support a wholesale change going back for decades for people that were victims, it would be something we'd be unlikely to support.

[10:00]

Mr. Nilson: — So this policy review that's taking place, does this require a change in legislation or is it change in regulations or just a change in ministerial policy?

Hon. Mr. Morgan: — No, to make a change in the payment — the \$25,000 — would require a legislative change. So the officials would be doing the work now, and we would probably want to do some kind of consultation on it after that's done. I'd get a discussion paper or something that would go out so that we could have a . . . And I know from listening to the talk shows and reading some of the media, people have a lot of sympathy for that, but I have real difficulty in how you treat a cancer patient or somebody that's got MS [multiple sclerosis] differently than what you would treat a person that was a victim of crime.

We have the program where, you know, \$25,000 is a low amount. Maybe we increase that, but we'll see what the officials come forward with by way of some opening recommendations within, and we'd certainly welcome input from the public.

Mr. Nilson: — Okay, thank you. And we'll continue to ask questions about that as the matter proceeds, and we look forward to seeing your proposed legislation.

I think my next question is going to be around, I guess, *The Coroners Act* and *The Coroners Regulations*. I see that there's a review to be undertaken of this, and I'm curious about what the intent is and what kinds of things are being looked at. And perhaps you can give an explanation of that.

Hon. Mr. Morgan: — I'm not sure which official is here. You? Oh. I appear to have a chronic official next to me.

In any event, you're aware there was recommendations that came out of the Stonechild Inquiry regarding coroners, so some of those were implemented at the time. We've also increased some of the payments that are made to the various expenditures of the coroner as for transport and people that sit as coroners. So we've made some changes on it, but I think it's a worthwhile exercise to go and follow up and see whether we're at . . .

The Chief Coroner in our province is Kent Stewart, who's been there since before my time and I think is doing a remarkably good job. And I just want to use this opportunity to commend the work that he and the people that do that work. I've met with him and I've met with some of the coroners on occasion. And it's a task that I wouldn't want to get out of a warm bed in the middle of the night to travel a great distance to deal with an

automobile accident or a criminal act. I think it would be some of the most gruelling work a person could go through. But anyway, I'll let . . .

Ms. Turner: — Good morning, Jan Turner. The minister has really highlighted what the major changes would be. In the coming year, we plan to start reviewing the Act and really with the intention of maybe modernizing it a bit. There were changes made a number of years ago that did follow from the Stonechild Inquiry, but we need to keep modern and current with some of the changes across the country. There are a number of fees that are prescribed in the regulations of that legislation, and we want to be in a position to review those. And just really a housekeeping matter at this point, but we look forward to doing that. Certainly we'll be doing that in conjunction with many of the coroners across the province as well to gather their ideas.

Hon. Mr. Morgan: — If your question was were we considering changing the model to a medical examiner or something, there was no intention to move or change the structure, anything. Nothing came out of the inquiry and nothing has come from the officials that would indicate a wholesale change in the structure.

Mr. Nilson: — Okay. Well thank you. I appreciate that answer. And I strongly encourage consultation, not just with the people within that structure, but possibly to the public because not many people get involved with coroners' cases. But I think there are some people who have some experience of how that process has worked that can provide some fairly practical advice about how it affects individuals and families in the process.

Hon. Mr. Morgan: — People that work in that area do very good work. The involvement of my office and the nature of the complaints that we have are that Jan Turner is too stingy in paying the bills that they provide for services, and that they're looking to me to overrule the stinginess of probably one of the best civil servants looking after the public purse. So we will continue being stingy.

Mr. Nilson: — Well maybe we could use her in a few other areas, like too many MLAs [Member of the Legislative Assembly].

Okay. The next area that I'm interested in looking at is the whole area of consumer protection and some of the regulation in that area. And I guess my questions actually relate to some of the legislation we're going to look at a little later.

But I'm curious, in the budget documents, about sort of revenue and expenditures and how these things fit together, and so I'm not quite sure who is the right person to assist you on this. But I noticed, when I was looking at some of the reports, that there was unexpected or higher revenue than budgeted as it relates to regulation. And I assume that's the number that will move out of the budget for next year if we move towards an authority and I'm, I guess, a bit curious about how that will impact the overall Justice ministry budget.

Hon. Mr. Morgan: — Sure. The official that's joined us is Dave Wild who is head of the Saskatchewan Financial Services Commission. Earlier this year, Jim Hall, who was the

superintendent of insurance, retired. Dave Wild now wears all of the different hats that were worn by Jim Hall and a number of the ones that he had himself before, so he is the person that has more statutory hats than anyone I know.

But the goal was that Financial Services Commission . . . [inaudible] . . . should be a stand-alone, self-funding entity. It has in the past operated at or close to a break-even when it's within GRF [General Revenue Fund], and the philosophy was that that should continue with the new model, but there should be a greater deal of autonomy, greater accountability to the various stakeholders that use those services. So I'll certainly let Mr. Wild answer the questions regarding the revenue and expenditure.

Mr. Wild: — Thank you, Minister. Mr. Nilson, our revenue went up from about 14.6 million to about 15.8 million. That's almost entirely attributable to increased revenues from securities activities. Overall securities activities revenues went up from 11.4 million to 12.1 million. It mostly represents the activity of mutual funds that are being distributed in the province. The mutual fund prospectus revenue increased, as did registration revenue. Neither revenue increase is due to any change in the revenue scale, so the fees did not change at all. It's purely driven by activity levels.

Mr. Nilson: — So can you run through for me on the pages of the Estimates what will change when we look at next year's estimates just so I can get a sense of what this means for the, I guess, the review next year? I assume it'll still be in the Justice department, but it'll just be a different line. Would that be the best way to describe it?

Mr. Tulloch: — Hi. Dave Tulloch. Consumer protection branch now will be budgeted in SFSC, the Financial Services Corporation. So if you look at market place regulation on the top of page 107 in your Estimates, so that expenditure now will be occurring in Dave's shop. And so we won't be budgeting for it in the ministry proper, but it'll be budgeted for in Dave's world.

Mr. Nilson: — So my question, Mr. Chair, is where will it show up? Like, which page would it show up on next, if . . . I guess my question: where's your expenditure, Mr. Wild?

Mr. Wild: — There's a couple of things happening, Mr. Nilson. With respect to part of this year, we're going to be reported as a special operating agency. And so we don't appear in the estimates directly; what appears is a dividend from us. So we're on a net revenue basis right now. We collect, as I mentioned, around 14, \$15 million in revenue and we spend approximately 5-plus million dollars in expenditures. And the net difference, the \$10 million difference is paid to the GRF as a dividend. Come October 1st, provided legislation gets passed later today, we'll become a Treasury Board Crown corporation. And in the same way, we'll be paying a dividend to GRF after October 1st.

Hon. Mr. Morgan: — If your question was where would you find the information a subsequent year, that entity would provide a separate financial statement, and it would be part of the SFSC financial statement as part of being a Treasury Board Crown.

Mr. Nilson: — So what is the net impact on the Ministry of Justice budget? Is it a zero effectively?

Hon. Mr. Morgan: — It should theoretically be a zero wash because the entity was free-standing before — some years up, some years down. But at the end of the year, we'll show a loss of the revenue and a loss of the expenditure. And they should be as close to zero as the officials have been able to plot, going forward.

Mr. Wild: — With respect specifically to consumer protection branch, their revenues do not quite match their expenditures. So from an expenditure perspective, about \$800,000 comes out of the Justice expenditure base on an annual basis and about, sorry . . . \$1.1 million comes out of the expenditure base, about \$800,000 comes out of the revenue base.

Mr. Nilson: — Okay so right now, where would it show the income and expenses in this book? Is there any page that shows that?

Mr. Tulloch: — Page 14 has the bad news and that's . . .

Mr. Nilson: — Page 14?

Mr. Tulloch: — Yes, and that's for all of government and so we would have a portion of that, that shows up coming from Justice. So in Dave's case, the category of, I guess it would be under, we have it under other enterprises and funds, that's about \$10 million comes to the GRF from the SFSC. And included in that would be the amount of revenue that would be collected through the old consumer protection branch of about \$800,000.

Mr. Wild: — The best source of information on us is our financial statements which we table with our annual report.

Mr. Nilson: — So we'll have to keep asking to figure out where these things are. So that, so it's that 46.5 million estimated on page 14 — included in there is 10 million that comes from this particular area as generating revenue. So when it, so that the net effect because of how it's been organized now is only that \$453,000 before, yes, 447 that was there last year won't be there this year even though there will be some months when it operates. Is that correct?

[10:15]

Mr. Tulloch: — For what shows up in the estimates for the ministry, that was the half a year portion. So we moved the consumer protection branch across on October 1st of last fiscal year. And so that reflects a half year funding. So if you wanted a full year funding then of course you would double it. There was also approximately \$93,000 that came out of central services related to IT and accommodations and mail.

Mr. Nilson: — So are there any other organizations like this — I'm just trying to remember — that work in the Justice department where you have basically the Minister of Justice's responsibility for consumer protection, for financial services regulation, for market regulation? All of those things are there. So those are all covered in something that's a little ways away from the actual budget of the Minister of Justice. Are there other activities like that? I suppose ISC [Information Services

Corporation of Saskatchewan] and the land titles system because the Minister of Justice is responsible for that.

Hon. Mr. Morgan: — Well actually you're right and not. ISC is a separate entity but it is no longer under this ministry.

Mr. Nilson: — Well my point is that you and your officials are responsible for the integrity of the land titles system, and that hasn't diminished, I hope.

Hon. Mr. Morgan: — No, it hasn't. We have joint responsibility to ensure that the enforcement, but responsibility for ISC and their financial statements go through Tim McMillan's ministry. So we don't see the revenue through any of our controls, but insofar as appointing registrars of titles and ensuring that the legislation is right, any changes that would be made to the land titles would come out of, jointly out of this ministry and Crown.

Mr. Nilson: — And that's my question.

Hon. Mr. Morgan: — If your question was, is there any other agencies like that under this ministry, no. ISC to the extent that we have an involvement in it, but the financial affairs of ISC we're not privy to. The other portion that went outside was corporations branch.

Mr. Nilson: — But the corporations branch is in ISC, isn't that correct?

Hon. Mr. Morgan: — Correct.

Mr. Nilson: — Yes. But I guess my question goes to the ministerial responsibility for the integrity of the land titles system remains on the Minister of Justice, the responsibility for the integrity of the corporations branch remains on the Minister of Justice, and the intention is that the responsibility for financial regulation, consumer affairs, all these things will remain with the Minister of Justice. Is that true?

Hon. Mr. Morgan: — Yes, you're absolutely correct. Because they wanted to do things with regard to business portals of some of the financial operations, but the ultimate responsibility for the integrity of the land titles system is to ensure the accuracy of the work that's being done and the various . . . stays with this ministry.

Mr. Nilson: — So can you explain administratively how that responsibility is fulfilled?

Hon. Mr. Morgan: — The FTEs [full-time equivalent], the staffing that's done, the day-to-day operations would be conducted through ISC. Responsibility for changes to the legislation would be done, or issues that would arise out of litigation regarding the security or the integrity of them would be done. A change to regulation or legislation would require sign-off by both ministries.

Mr. Nilson: — So I understand that, but my question is, is there day-to-day supervision, for example, of the land titles system through an official in the Ministry of Justice?

Hon. Mr. Morgan: — There hasn't been for decades literally.

When ISC became a separate Crown corporation, when land titles just became computerized, the officials that worked at the various land titles offices all became ISC employees, worked for Information Services. So the direction from them would've been through ISC, and the Ministry of Justice would not have been involved in day-to-day or staffing. They would be responsible for the overall integrity of the system or litigation involving a flawed title or that type of thing.

Mr. Nilson: — Well I appreciate that answer, but I think that you may want to consult with the officials, because my specific question does relate to the responsibility of the Ministry of Justice, the Minister of Justice, for the integrity of the system. And I'm asking this because I was the minister that created ISC and I know that one of the big issues was what will be the long-term responsibility of the minister and the ministry to the integrity of the land titles system. And it was more than just sign-off; it was being right in the heart of the policy decision. So if in fact that's changed, that's what I would like to know.

Hon. Mr. Morgan: — I'm not sure where you're regarding ministerial responsibility starting or stopping, and I'm not trying to diminish the role of the minister because the minister is ultimately responsible for the process. But I'll let Mr. Tegart provide . . .

Mr. Tegart: — It's Gerald Tegart. I think what we can say is nothing has changed in terms of the relationship between the Ministry of Justice and ISC and in terms of the responsibilities that the Minister of Justice has under the legislation to ensure the integrity, to do all of the things that you are talking about.

What we try to balance with in creating these relationships, and the same is true with respect to the changes that we've made in relation to the Financial Services Commission, is to ensure that we've got an appropriate level of operational independence for these organizations such that they can make the operational changes; so that they can function efficiently, that they can show leadership, that they can do all of the nimble, creative things that large organizations have to do in order to survive in this fast-changing world.

The same time, we work very hard on our relationships and when it comes to the policy determinations, the changes in policy and so on, I think we do have the appropriate both legal and personal relationships in place, systemic. The systems are in place to accomplish that. We work very hard to ensure that those things continue. As you know, there are some safeguards, specific safeguards in the legislation. And in the land titles legislation there's actually a specific provision that allows the registrar to come to the Minister of Justice with concerns with respect to the operation of the land titles portion of the corporation's operation.

So at any rate, based on the experience that we have in working with them since we made the change, going back to the days when you were the minister, I don't think things have changed in any significant way. I think the relationships and the functionality has remained at that level that we anticipated it would be. And I know our officials are engaged in discussions on a regular basis with respect to both ISC and SFSC with respect to things that are going on there.

Mr. Nilson: — Mr. Chair, perhaps you can refresh my memory on who is on the board of ISC. Does it still include a Ministry of Justice official?

Mr. Tegart: — I'm told that there is no Justice official on the board itself.

Mr. Nilson: — Did there use to be when it was first started, and when did that change?

Mr. Tegart: — I know there used to be because I remember my predecessor was on the board at one point. I never was, and I've been in the office for three years now. So I'm not aware of when that change took place.

Mr. Nilson: — Okay. I'm asking these questions about that because from the public's perspective, one of the real strengths of our security of land tenure and all of those aspects is the sense that the Minister of Justice and the ministry are the ultimate backstop on that whole system. And I know that these were some fairly serious discussions that we had when it was originally set up.

The other question becomes that in some jurisdictions a company like ISC is sometimes vulnerable to being sold off and then becoming a sort of a non-governmental operation totally. And so then what happens, and if you don't have the procedures in place to deal with that, it can become a substantial difficulty, you know, down the years, 10, 20 years from now. So that's why I'm asking this question. So what is there . . . Like is there some thought about this or is there some plan? And I guess I'm asking this because it does relate to what happens with the next Treasury Board Crown here that is being set up.

Hon. Mr. Morgan: — The legislation is assigned jointly to the two ministries under the existing legislation, so it exists for two. The principle of indefeasibility of title is something that our province has enjoyed under the Torrens system for a long time and, as you're aware, we don't have the assurance fund any more because the government backstops it directly.

The continuing obligation must, in my view, always remain with the government. It may not necessarily remain with this ministry, but I think this is where it properly belongs. And I think it's one of the things that any government, if they wish to remain in office or remain competent, must ensure, is the competence and the capability of the land titles system. So the indefeasibility of title is something that is a principle that I'm sure everyone in this room holds equally dear. This is Saskatchewan. You don't mess with the deed to the ranch.

And you know, we may change how the operations are presented to the public, whether it's through ISC or at an over-the-counter land titles system as it was when I articulated before the days of photocopiers and you had to go down and write things out by hand. But regardless of that, the ultimate backstop must always be the province. And that's something that I firmly believe, and would never be supportive of doing something that would take away or diminish that in any way. It's just one of the fundamentals of the province that must always exist.

Mr. Nilson: — Mr. Chair, I think this is an area where you may

want to do some work to make sure that this integrity issue doesn't disappear. I mean I don't think it will. But sometimes when things are working well and there's not a problem, you lose the corporate memory, if I can put it that way, about how all these things were established.

And so I think that's a crucial thing to keep in mind as we, as a province, develop these arm's-length kinds of operations. And I mean part of the reason to do it is clearly, as Mr. Tegart said, about the nimbleness, the ability to make changes and respond. And clearly the ISC example is one where a lot of work had to take place to change, oh well, 150 years of how you did things, and so it took a while to do that and there's still more changes taking place. But this question of where and how the responsibility continues, it may be that that needs to be examined again.

Hon. Mr. Morgan: — Your point is well taken and we appreciate you having raised it. We're aware that the situation or the business climate that we work in is different now than it was. We want to have a land titles system that's computerized, allows for online registration, quick as possible turnaround. Transactions are larger. You know, it used to be that a turnaround time through land titles of three and four weeks was just the norm and was regarded as acceptable. Well now three or four days on a multi-million dollar transaction, the cost of money is significant; the risk to the parties is there. So we know that that's something that will change and that we'll want to ensure that we maintain the best technologies. But the ultimate risk must be with government.

We know also as well that SFSC will go through changes, with larger systemic risks as a result of the collapse in 2008 — that the risks that they will face are not just from within the province but there are systemic risks from outside as well.

[10:30]

We've also had the Supreme Court reference that's taken place on whether we have a single regulator or a national regulator or continue with the passport system. And that will change the environment that SFSC will work in because we now have clarity from the Supreme Court that jurisdiction over securities rests with the province and a nudge from the Supreme Court saying, you should look at sharing stuff and doing . . . [inaudible].

So we want to go forward to try and do that and that's one of the mandates that SFSC will have, is to try and develop best practices and as much co-operation interprovincially as we can with the idea that maybe ultimately we would have a national but not a federal regulator or work towards a co-operative system.

Mr. Nilson: — Thank you. I have a couple of specific questions in the financial services regulation area. Do we or does our provincial, do our provincial laws and securities laws deal with covered bonds? Can you explain how they're dealt with here? As I know that they're . . . Canadian covered bonds are becoming quite a darling of the investment industry around the world. And would there be specific Saskatchewan covered bonds that would be sold into New York or London or Tokyo or wherever they would go?

Mr. Wild: — Bond meets the definition of security. It's a fairly wide definition, as you know, of security. So . . .

Mr. Nilson: — But I guess the term of art right now seems to be specifically the, once again, consolidation of lots of mortgage monies that are CMHC [Canada Mortgage and Housing Corporation] secured. So the announcement yesterday actually had an effect on that market. But I was surprised to find out that Canadian covered bonds are already this year a \$50 billion product. And so I was just wondering if there are that product coming out of Saskatchewan.

Mr. Wild: — I can't give you the measure, the number, but certainly it's a feature of our economy. But there's security like any other security and covered by our disclosure laws. And that essentially is, as you know, the heart of *The Securities Act* is disclosure. It's not about merit. It's about ensuring the market understands the product and the risks of the product. So there's nothing unique that we do with respect to covered bonds. It relies upon their true plain disclosure of the product itself.

Mr. Nilson: — Well thank you for that answer. But the other question does relate to the point that the minister's raised about the national system. And can you give us the latest update on this very interesting world?

Hon. Mr. Morgan: — Sure. The official may want to add something on it. As you're aware, the previous administration had supported the passport system which is effectively a harmonizing between the provinces, or they do a registration of either being an issuer or whatever the offering is in one jurisdiction, and that the forms would look like . . . And then you would be able to take those and reregister them somewhere else as expeditiously, as quickly, and low cost as possible.

We supported that system when we were in opposition and we supported that when we first formed government. We believed that it adequately dealt with it and provided significant local or provincial autonomy. At the time that we formed government, there was some criticism because there was growing talk about the need for a national regulator — or maybe I should say a federal regulator — that it ought to be one regulator, being that there was issues with systemic risk. And we said no, we had been well served by the passport system. We did not intend to change. When the crisis came, when the markets collapsed, we had talked to a number of the other jurisdictions and talked to Minister Flaherty and felt that there was probably some significant discussion or some significant benefit to having a single regulator. So there was the Purdy Crawford report and some of the other documents — I'm sure you'd be familiar with them — talked about different methods of doing it on a co-operative basis where people would participate on a voluntary basis, and we started having some discussion. There was some issues between the various provinces and the federal government that probably dealt with issues outside of that, but it was an opportune time to get into it.

So Alberta and Quebec started a reference in their courts of appeal, and the federal government chose to make the direct application to the Supreme Court. We were, I think, all surprised at how quickly the Supreme Court rendered a decision and at how specific and how direct it was. It wasn't a divided decision. It was very focused and said this is where provincial

jurisdiction . . . We intervened in that application. Graeme Mitchell attended on our behalf, and I thought it was his argument that essentially carried the day for the provinces. We believe that the provincial rights of property and civil rights, we must maintain those rights, not just with regard to securities but, more importantly, in other areas. And we would not have wanted to see a precedent being created.

The judgment was rendered and initially Minister Flaherty said, well we're not doing anything more with this. It's the provinces' issue; we're done — and walked away from it. He, through his officials and himself directly, came back sometime later on and said, well we'll maintain the transition office for a year or more. We'll have some ongoing discussions because we think it's in the best interests of Canada to have a single regulator.

Now the issue comes down whether it's a federal regulator or a national regulator. A national regulator would be one that would be done voluntarily by the provinces as opposed to one that's driven by the federal government. I think there was a strong sense in the Western provinces that they don't want to have an Ottawa- or a Toronto-based regulator, that they would like to have something that they felt was representative or was able to deal with regional issues better and dealt with issues where there was more autonomy, more local input. So the discussions that have taken place are whether we can do something on a voluntary basis, whether there may be an opportunity for a regional one, Western Canadian regulator, or possibly if you had a federal or a national regulator, whether there'd be the ability to have a cap on it, say an offering under 300 or \$500 thousand or a certain size would not require . . . that you could approve those at a local level. So there's a myriad of differential potentials that are there. And right now with the elections taking place in some of the other provinces, everybody sort of held off and waited.

My counterpart on this was Ron Liepert in Alberta. He didn't run again in the last provincial election, and there was some considerable speculation as to what the outcome of that election might actually lead to. So we will probably be renewing some of those discussions, but I don't believe that anything likely is going to happen until there's a specific direction from a number of the premiers that they'll direct their various ministers to do it. I'm keen on doing something because I don't think the status quo is very good. And so I apologize if that was a long answer for not much information, but that's it. And I don't think there's anything I've said or that I know that's not public.

Mr. Nilson: — Well thank you very much. No, that's helpful, I think, for me but I think also for the public to get a sense of where this process is. And I know it's that competing interest of making sure that Canadian securities are very marketable worldwide versus making sure we can raise local capital in Saskatchewan or Alberta or BC in a cost-effective manner. Because once you get into some of the world banking side, the costs are very, very high, and then it means that many of our entrepreneurs just don't get access to the capital. So I appreciate that response.

Hon. Mr. Morgan: — Your point's valid. There's the issue of raising capital. There's also the issue of being able to deal with risk. Minister Flaherty made the point in a few of his speeches

that Canada is the only G20 country that doesn't have a single regulator or a national regulator. So he raises it in the context of our ability to continue to raise capital and maintaining the image and the integrity of our financial institutions. I don't know, Dave, do you want to add anything else to what I've . . .

Mr. Wild: — I don't think I have much to add, Minister. I mean there's three key elements to any modern regulatory system. And the first one's harmonization of law, because money knows no borders; we have to be on the same page globally. Secondly is this notion of co-operation between regulators. We have to have as an efficient system as we can and that requires co-operation, whether it's a passport system or a common regulator. And the third one is local competency. We have to maintain our game in Saskatchewan. We have to ensure that we regulate global standards in Saskatchewan.

I can tell you Saskatchewan's capital raising rules are as competitive as anyone in Canada. We have uniform rules in terms of capital raising in Saskatchewan with our Western counterparts.

Mr. Nilson: — I know that and I appreciate that because that was one of the issues I guess 15 years ago was that it wasn't very easy in Saskatchewan and even in Western Canada to get sufficient capital in an efficient way, and that's changed. And I think it's related to a lot of the decisions that have been made as a group with the provincial and territorial regulators working nationally. And so I think to maintain that broader perspective within the national system is a goal, so I look forward to hearing further reports on that.

I think we're getting closer to the end. I have just a couple of questions. Will the Ministry of Justice officials be taking up space in the new building just to the east of your office downtown in the new McCallum-Hill building?

Hon. Mr. Morgan: — We use space at the direction of the Ministry of Government Services. My deputy minister says not that he knows of and not that I know of.

Mr. Nilson: — Thank you. That was the answer I was expecting because I think you've got very good space now. And I mean, clearly one . . . I mean one of the questions will be going back to, will the new Treasury Board Crown move or consolidate, or will there be movement for that particular new entity or will you maintain the space you've been using now?

Hon. Mr. Morgan: — We're trying to do a cost-effective thing and we thought maybe there might be room in the lower level of this building. I wasn't serious. Just . . . [inaudible].

Mr. Nilson: — No. You obviously haven't been to the basement.

Hon. Mr. Morgan: — I have. But I'll let Dave answer as where the space is now. And I'm not aware of any indication that there's movement, that the space that they're in, even though they may change the legal configuration of their structure, the individuals are performing largely the same function. And I suspect that the space, it's in there. Maybe he knows something I don't.

Mr. Wild: — Yes. I have to report that we are actually moving. It had nothing to do with our status, our corporate status at all. The lease is expiring in the building that we're at. We currently are in the Delta Hotel space, the office part of the Delta Hotel space, and the government has given up that lease. So we will be moving toward the end of this calendar year to a new space. We've been told it's likely going to be the Grenfell building that's on Hamilton Street, 1900 block Hamilton Street. But that hasn't been finalized. It's a work in progress at this point.

Mr. Nilson: — Okay, so we'll watch all of the notices of address changes for your new institution. Okay, I'm watching the clock, and I'm assuming that the committee wants a little bit of a break before we move on to the next item, Mr. Chair. So should I finish off my questioning about 10 to? Would that work well?

The Chair: — Mr. Nilson, you can ask your questions right until 10 if you like. We'll take a quick break then. And, Mr. Minister, at that point do you need to change officials before we go into the Bill 36?

[10:45]

Hon. Mr. Morgan: — You probably do. I have to, I need a short break. I don't need very much, and I don't smoke either, but I do need a short break to go and return a call.

The Chair: — Please continue. We'll go until about 5 to.

Mr. Nilson: — Okay, well thank you. And that I think will just, will work well.

One of the areas . . . And it's been interesting. I always sort of smile a bit when I hear about legal opinions and how careful we are about not spreading them widely. And I had a friend who worked for the Attorney General of Florida, and there the rule is that all product of civil servants is public because we're all paying for it. And so that meant that every legal opinion is available. And so this fellow worked in the whole area of policy on gaming. And so all of the casino companies North America-wide were always going to Florida because often the opinions there would reflect what was happening in other states.

But I just say that because quite often the question becomes, well what kind of advice did Ministry of Justice provide on various things that are happening? And I'm not sure if there is any trend in Canada to do what they do in the States, which is have formal Attorney General opinions that are sort of filed where people can look at them, not dissimilar to what would happen in the securities area where formal opinions are there and people can do their work. And is that something that's been considered at all in the ministry's work?

Hon. Mr. Morgan: — I've had no discussions about it. And I think if you prepare an opinion and you were to make it public, how do you deal with a piece of litigation or how do you maintain the conduct of things if everything ultimately becomes . . . It's something I would be loath to . . . And I'm, I think, as you are, a fairly significant fan of public disclosure wherever you can. And I think with the support of both sides of the House, we've gone a long ways.

We've put our own expenses online. We try and make it wherever we can so somebody doesn't have to go to an FOI [freedom of information] request. So we try and be as open and transparent as we can. And I think we're better served by it than others. The less information you disclose, the more likely people are to think that you are hiding something. And by having put the various expenses of the MLA offices, making those readily available, people are bored to death and couldn't care how much a photocopier bill is or something else because they know it's a matter of public record and it gets scrutinized.

There are some of the things that I think we would probably always want to ensure the confidentiality of privacy, and one of them would be legal opinions. Another one are some of the commercial leases that are entered into by the government. As you're aware, the government is regarded as a first-class tenant to have in a property, and a landlord will often give a government tenant a 5 or a 10 per cent discount over market rates. And they do not want the rate to be disclosed to the other tenants in the building because the other tenants will feel they're getting disproportionately treated not as well they would otherwise. So there's the right of the public to know, but if the right of the public exists, the landlord will not be able to give the government tenant as good a rate otherwise.

And I don't have an answer to do that. And it's not a legal question. It's a political or a practical . . . What do you tell a government tenant that knows they can, by signing a lease get below market rate, but you want the right of the public to know it, to feel that the government has been accountable? And I don't have an answer for that. Those are one of the things that are there as are, you know, personnel files, personnel records. Yours and my expenses are public. We knew that when we ran. But the people that work in our offices, what about their records? What about, you know, the applications that they've made for health benefits or whatever else? You know, we protect those quite jealously.

Anyway that's a response, but not an answer.

Mr. Nilson: — Mr. Chair, I accept that last statement, but I guess I raise the question because I think it may be, as we go forward over the decades maybe, a question that will come back. And so often times in committee it's a place where you can raise an issue that needs to be looked at in a broader way. And so I just say that some jurisdictions, they operate very differently. As my friend told me, he said, you keep a lot of things in your head when you have something like that because even the litigation, a year later, all of your handwritten notes in the trial were public. So anyway I appreciate that response.

Now I think I have one other area of questions, and I think it's a positive area which is the maintenance enforcement office. And it's just really to see and understand that the success rate has stayed, I guess, pretty good as far as it goes and that we are providing the tools that are needed for that office to do their work.

Hon. Mr. Morgan: — We're joined by Lionel McNabb. And I'll let him give the answers, but the quick summary is that we continue to provide some of the best in Canada. The only province that has a better collection rate than we do is Quebec, and I don't give them credit for having a better system. Theirs

is, by default, an opt in system and ours is that you have to make a positive step to opt in, so we don't often see them until there's been a default or an issue that's there. So the ones we don't give credit for, in this province, are the ones that voluntarily pay and Quebec does get those. So from a statistical point of view, I would submit that we are as good or better than Quebec, and it's largely due to the work of Lionel and the great staff that they have there.

You're likely aware that they're also collecting fines for us, as well using the same tools including the federal intercept. But I know we're collecting in excess of 92 per cent of the maintenance orders that have been made. Now that I've taken credit for it all, I'll let Lionel answer the questions.

Mr. McNabb: — Thank you. The collection rate last year was 92 per cent and this year is 92 per cent. The numbers have gone up from 35 million last year to 37 million to the year ended March 31st.

This afternoon we have two Bills being introduced, changes to *The Enforcement of Maintenance Orders Act*, and the big one in there would be the ability to charge interest to help clients. Where people don't pay, they should be getting interest, is the view of government. And we're changing *The Inter-jurisdictional Support Orders Act* and that's the Act where we move maintenance orders, family orders around the country, and that is being changed to make it faster and help clients get their money more expeditiously.

Mr. Nilson: — I appreciate that. And once again this is a long-term project that takes very careful diligence, I guess would be the right word. And I very much want to thank you on behalf of all of the people of Saskatchewan but especially those that are receiving payments.

I heard about the collection of fines side. Was that a special gift for you or a special punishment that you got this task? Because it's been a long-standing difficult area, and so I'd be curious to hear a little bit about your plans about how you would do this. And I guess the other question I would ask, is it a separate division or do you use some of the same staff to do both things?

Mr. McNabb: — That's a good question. It's a separate division. We call it the fine collection branch. We do move some of our staff back and forth. I'm not sure I answered the question whether it was good getting it or bad getting it. But the fine collection branch was created in 2008 and the collection rate at that point was about 78 per cent. And we've now moved that up to about 84 per cent. We partnered with Canada Revenue Agency. So people don't pay their fines and only 55 per cent of the people pay them voluntarily, so the other 45 per cent we chase. But through the Canada Revenue Agency, we have increased the collection dramatically. And I think last year, the year ended March 31st, we would have collected 6 million more in revenue than we did in 2008.

Hon. Mr. Morgan: — One of my most gratifying phone calls that I had was from somebody that lived in Ontario that had passed through our province some years earlier and had an unpaid speeding ticket, and we got an income tax refund through the intercept program. And the person phoned and I returned the call thinking it was somebody being

complimentary, and he made disparaging comments about our province and about the marital status of my parents and a number of other things. And I took a great deal of satisfaction in knowing that we had this money and we were not giving it back.

It was an absolutely right thing to do because the integrity of the process in maintaining respect for the fines, to everybody that's here, it should just be if you're in Saskatchewan you pay your fines. If somebody's passing through, they should pay their fines as well. They shouldn't get a . . . And even within the province, that if somebody else is paying and somebody chooses not to, it's just not right or it's not fair.

Having said that, I'm a supporter of the various fine option programs that we have. If there's somebody that's got an outstanding fine, the courts have been I think very good at working with people to give them extensions to pay it or set up payment schedules. And I think Lionel's office has done a lot of work, and he may want to comment on that. But we've ensured that there's, you know, that we don't want to impose hardship on somebody if there's . . . And we want to let them avail themselves of every opportunity to work their way through it.

Mr. McNabb: — I think you explained it quite clearly. We work with the people, but we do monitor them. We start off with fines that were — because there was thousands unpaid — but over \$1,600. We're now down to any fine over \$1,100, and we're current. So if they don't pay it within 30 days of being found guilty, they get a special letter from us saying, we're watching you and, if you don't pay, we will come and talk to you.

Mr. Nilson: — Well I think we can use this few minutes here to announce your plans. But I think also it may be that on this side is, the same way as we did over the years with maintenance enforcement, is that getting that information out to the public will maybe increase that voluntary payment from 55 to 65 and save some work.

But one of the questions: is there still, like how many years back are you collecting fines right now?

Hon. Mr. Morgan: — We aggressively collected for as many of the . . . because they went back many years. And then we wrote off a whole, I forget how many millions of dollars worth we wrote off that we, you know, people were from out of province, gone away. And I think . . . What's the window that we collecting in now? Three or four years?

Mr. McNabb: — Yes. Three years. I mean three to five. There's still some that are 10 years old, but mainly we've written off the old ones. And we're just collecting current ones now.

Mr. Nilson: — But I assume you collect, you accept voluntary payments for some of those old ones if people feel guilty and want to get everything resolved before they die or something like that.

Mr. McNabb: — We don't get many of those, but we get voluntary payments after they receive notice from the federal government that we've garnished their income tax. They phone

us and voluntarily pay.

Hon. Mr. Morgan: — One of my former partners was trying to collect on a debt that would have been statute barred and wrote a demand letter and made a typo in it and asked for I think 250,000 instead of 25,000 or whatever it was. The debtor wrote back a response saying, I checked with my lawyer, this claim is statute barred. And by the way, I don't owe 250,000; I only owed 25,000. So as you're aware, the limitation period started all over again. So it was an unexpected bonus that came from somebody voluntarily choosing to do something. And we will do the same through Lionel's shop.

Mr. Nilson: — Now, but my understanding is fines would never be statute barred. Is that correct?

Hon. Mr. Morgan: — They are not, and then nor are they discharged in bankruptcy.

Mr. Nilson: — And so the same as student loans, unfortunately for students. Is that correct?

Hon. Mr. Morgan: — Well we're not trustees in bankruptcy, and the feds deal with student loans.

Mr. Nilson: — Well I want to say thank you to all of the officials. And as you can tell, I tried to make sure I asked a question for most everybody, and for those of you that I missed, well, only had two hours, so we didn't have enough time to go through all the different areas. But I appreciate the updates on things. There's maybe one or two things where you should be giving us some information in the next little while, especially I think on Mr. McCall's question.

[11:00]

Hon. Mr. Morgan: — If we don't have it available through the course of the day, we'll certainly get you a written response. I presume we're going to vote.

A Member: — No.

Hon. Mr. Morgan: — Not voting? Okay.

The Chair: — It's your desire not to vote it off at this time then?

Mr. Nilson: — That's right.

The Chair: — All right. Thank you, Mr. Nilson and Mr. McCall. Is there any other comments or questions from the committee? Mr. Stewart, did you have . . .

Mr. Stewart: — No, I think we're okay.

The Chair: — Okay, thank you, Mr. Minister. Before we proceed, is there any closing remarks you would like to make?

Hon. Mr. Morgan: — I would just like to thank all of the officials for coming out and doing the work. I don't think MLAs are aware of how much time and work goes into preparing the officials for this. Mr. Stewart will certainly know because he was a government official earlier, as was I when I

was at legal aid, and the prep work and the anticipation is huge. So thanks to all of the officials that were here today for this.

The Chair: — Thank you, Mr. Minister, and thank you to your officials. This committee will now proceed into the consideration of the Bills. And before we do that, Mr. Minister, and to give you an opportunity to change officials, we will take a short recess, about three minutes. We will be back with consideration of Bill No. 36. Thank you.

[The committee recessed for a period of time.]

Bill No. 36 — *The Constituency Boundaries Amendment Act, 2011*

Clause 1

The Chair: — Well thank you. Back to the Committee on Intergovernmental Affairs and Justice, we will now consider Bill No. 36, *The Constituency Boundaries Amendment Act, 2011*. We will start with clause 1, short title. Mr. Minister, if you have any opening remarks, please proceed.

Hon. Mr. Morgan: — Thank you very much, Mr. Chair. I am joined by Darcy McGovern, director of the legislative services branch. And I would like to offer some brief opening remarks concerning Bill 36, *The Constituency Boundaries Amendment Act, 2011*.

Under *The Constituency Boundaries Act, 1993*, following each decennial census, a constituency boundaries commission is to be struck to prepare a report on the establishment of constituencies for the province of Saskatchewan.

Mr. Chair, Saskatchewan has been enjoying significant growth over the past several years. Since the census upon which our current boundaries were drawn, our population has increased by more than 5 per cent. We are proud to say that this dramatic population increase is continuing.

It is the view of this government this process must reflect the increase in population since the boundaries were last drawn. It should anticipate the population growth that we are confident will occur before the next commission is struck based on the 2021 census. For these reasons, the time has come to recognize the population change in the province of Saskatchewan and the need for increased representation by members of the Legislative Assembly by increasing the number of constituents in the province from 58 to 61. This 5 per cent increase in the number of seats will be achieved by increasing the number of constituencies south of the dividing line, as that term is defined in the Act, from 56 to 59 members.

Previously in Saskatchewan, we have had 61 MLAs for the 1975 and 1978 elections. In 1982, it was increased to 64. In the 1986 election, it was increased to 66 MLAs. With this Bill, we are choosing to provide for a comparatively minor increase in MLAs. This will ensure that the citizens of our province are well represented at a time when there has never been more people in Saskatchewan.

We know that this Act makes special provision for the far North to ensure that the lower population and the obvious geographic

obstacles in the North do not prevent our northernmost citizens served by two northern MLAs. With this increase in the number of southern MLAs, we want to ensure that similar practical accommodations are made for the rest of the province so that people do not have to travel excessive distances to access democratic representation. We have constituencies such as Cypress Hills and Wood River that have over 25,000 square kilometres. We have constituencies such as Arm River where you have to travel in excess of 160 kilometres from one end of the constituency to the other. In some situations, it is as much as two and a half hours driving time.

We want to ensure that the people of our province are able to access their MLAs in a fair and reasonable manner, and that is what these changes are intended to achieve. At the same time, we have undertaken that the overall cost of this increase will be offset by other savings secured by this government.

Our government has reduced spending on government communications by about \$5 million a year compared to the last year of the previous government, and we have reduced spending on government travel by about \$3.5 million a year. Since we are saving millions of dollars in these areas, we feel that an additional \$675,000 expenditure in democratic representation is appropriate.

I note that there is no direction provided in this Bill or the existing legislation as to where these three new seats may be situated. That will remain with the independent Constituency Boundaries Commission to determine.

The other amendment that is made by this Bill will provide that the term “total population” in the Act refers to that portion of the population of Saskatchewan that is 18 years of age or older, as determined by the most recent census data. It is a fundamental principle in our democracy that each vote should be roughly equal or of the same value throughout the province. While the two northern constituencies have special rules for obvious reasons, in Saskatchewan we have one of the lowest permitted size variance of plus or minus 5 per cent between constituencies. It is our view that to ensure votes of equal value in Saskatchewan, it is the number of voters in a constituency that should be established as roughly equal, rather than simply a roughly equal overall population.

By using the most recent census data to determine who is of voting age in a constituency, rather than using the voters list as is done in some other jurisdictions, we are using the best available data. Otherwise, future boundaries commissions may be required to work with data from a three-year-old voter’s list.

[11:15]

Furthermore, given that census participation is mandatory, we feel that it is a better, more inclusive source for this information than a voluntary enumeration. While the census data may include individuals over 18 years of age who are ineligible to vote, it will certainly include far fewer ineligible voters than is currently the case. Mr. Chair, it is the voters who elect the members of the Legislative Assembly, and in our view it is the voters that should therefore be the focus of the constituency boundary process.

The concern has been raised that this proposed amendment may in some way run counter to the interests of children and youth in our province. Please rest assured that this government will remain vigilant in its ongoing commitment to children and youth in our society. The technical process used to establish constituency boundaries will not change this ongoing commitment. What this Bill will change is the current disparity between the relative value of a vote between Saskatchewan constituencies.

In our view the changes to this legislation will better comply with the goals of section 3 of the Charter. In reference re provincial electoral boundaries Act of Saskatchewan, the Supreme Court of Canada was asked to review the Saskatchewan constituency boundaries process and to consider the application of section 3 of the Charter regarding the democratic rights of Saskatchewan citizens. In that 1991 decision, the Supreme Court was clear that section 3 mandates the relative parity of voting power as the prime condition of effective representation. Parity of voter power is to be founded on an analysis of the relative value of one citizen’s vote as compared with another.

We are strongly of the view that the best way to meet this requirement is to ensure that each actual vote has relative parity regardless of the constituency in which it was cast. This is best accomplished by ensuring that it is those who are legally eligible to vote who are counted for the purposes of establishing our constituencies. By using the most recent census information, the commission will be mandated to create ridings plus or minus 5 per cent of the population quotient that are based on those individuals who actually have the right to vote.

In the last general election we noted that Saskatoon Silver Springs had more than twice the number of eligible voters than Saskatoon Centre as did my own constituency of Saskatoon Southeast. This disparity caused both by population shift and by the ongoing failure to count voters rather than total population creates a real risk of failure to comply with the imperative for relative parity in voting power as set out by the Supreme Court of Canada. In the simplest of terms, one vote should not be effectively be worth almost twice as much as another vote, and this Bill takes the steps necessary to avoid that unacceptable result.

Mr. Chair, with these opening remarks, I welcome your questions respecting Bill 36, *The Constituency Boundaries Amendment Act, 2012* . . . 2011 rather, sorry.

The Chair: — Thank you, Minister Morgan. And welcome, Mr. McGovern. We will now proceed with questions and comments. The Chair recognizes Mr. Nilson.

Mr. Nilson: — Thank you, Mr. Chair. Can the minister explain if this matter was raised in the previous four years or during the election campaign last fall?

Hon. Mr. Morgan: — No. I think I’d indicated earlier that I was not aware of the issue or had directed my mind to it prior to the November election and was not in, it was not in the campaign literature.

Mr. Nilson: — When did the matter arise and who raised it?

Hon. Mr. Morgan: — I'm not sure where it initially came from. After the election, we had discussions about what Bills we were moving forward, what things had come out of campaign commitments, what things were necessary because of the redistribution. And it came about by — and I'm not sure which individual, from where it came from — but sometime after the election was the first I'd heard about it.

But if your question was, was there consultation prior to the election, there was not.

Mr. Nilson: — Prior to the introduction of the Bill in the legislature, was there consultation with anybody?

Hon. Mr. Morgan: — I don't believe we . . . There was not.

Mr. Nilson: — So it was not mentioned in the election. There was no consultation and this Bill was then presented. Was the Bill then drafted in those short, the week or two of that session? Is that when it came . . . Or perhaps you can explain its history.

Hon. Mr. Morgan: — I'm not sure of the exact time sequence, but you're aware the election was November 7th and the House sat in December, so sometime between November 7th and when the Bill was introduced in December would have been when the Bill would have been prepared and drafted.

Mr. Nilson: — Was the Bill prepared and drafted in the Ministry of Justice?

Hon. Mr. Morgan: — Yes, it was.

Mr. Nilson: — Was there any outside legal advice in the preparation of the Bill?

Hon. Mr. Morgan: — Not that I'm aware of, and nor is my official. We did, as with any Bill, you have scrutiny done within the ministry and are confident that the Bill complies with the Charter.

Mr. Nilson: — So you're indicating that internally there is a constitutional law opinion as to the constitutional status of this Bill 36.

Hon. Mr. Morgan: — Yes. As it does with every piece, they're reviewed by the constitutional branch. So yes, the answer to that is yes.

Mr. Nilson: — But most likely it would be an oral opinion as opposed to a detailed written opinion or brief on this particular Bill.

Hon. Mr. Morgan: — I can't say that. I didn't . . . I inquired as to, to make certain that the work had been done. My guess would be that they would have done somewhat more, spent somewhat more time on this one because of the nature of this one and the fact that there is a potential Charter . . . You know, this is not like a Finance piece where you're simply adjusting a rate or including another species for something for a wildlife Act or something. This is something that, when you look at anything that deals with the electoral process, it's fundamental to our democracy. So I would assume that they would have done considerably more work on this one.

Mr. Nilson: — So if this Bill is fundamental to our democracy, and I think we agree on that, can you explain why there was no consultation with the public before it was presented in the legislature?

Hon. Mr. Morgan: — The timeline between when the November election took place and when the boundaries process took place is relatively tight. There's statutory requirements in the legislation as to when the commission has to be struck and when they have to do their work, so there would not have been a lot of time to do an extensive public consultation.

But we treated this somewhat as we would a finance Bill, that we felt that there was some things you do consultation on and some things that you do not. You don't do consultation on an increase in a fee or increase in a taxation rate. Some things you look at, and as a government you decide, okay, these are the things that are there. They're technical in nature or they're something that you would not ordinarily do a consultation on. So this is one we chose to make a conscious decision not to do a consultation.

Mr. Nilson: — So you've characterized this Bill as technical in nature and not requiring public consultation before it would be introduced.

Hon. Mr. Morgan: — We made a conscious decision not to have consultation on this particular Bill. We think that if you would have engaged in consultation, it would have been complex and time consuming, and to get people to understand all of the issues that are there, we certainly wouldn't have met the mandates of the timeline required for the electoral process, the redistribution to take place.

Mr. Nilson: — So you agree that the issues involved here are complex. They are far-reaching, and they go right to the heart of our democratic process. Is there any reason why we couldn't have had the appropriate consultation within the community and then used whatever changes there are in the next redistribution which would be, I guess, in 10 years?

Hon. Mr. Morgan: — We introduced the Bill, and the comments that we received in the government MLA offices — and I can't speak for the opposition ones — were not as many as I thought there might be. And the ones that were there were in the nature of, we don't think government should spend money on, and they would usually phone and they would say, we don't think you should spend money on this, money on this. And I appreciate those comments from people. But having said that, the cost of this, the \$675,000 per year is something that the Premier's made a commitment will be absorbed. And we think the necessity of maintaining good representation for all citizens of the province would certainly warrant the expenditure. I think if you just posed the question to somebody, do you want to spend 670, they would say, no. But when you look at it in the context of the \$5 million on travel, three and a half million dollars on communications that are saved on between this government and the previous one, people would say, yes, we're getting good value. It is the right thing to do.

I think if you were to ask somebody in Wood River or in Cypress Hills or in Arm River, where they already have to travel a significant distance to see their MLA, if you were to say

to those people, well you're now going to have to travel another 20, 50, or 100 miles further to have a visit with your MLA . . . A number of the MLAs maintain more than one office already, and then they travel back and forth. So it further compounds and limits the problems that are there.

In the North, we have made a statutory exemption to the requirement because of the size and the geographic nature of the northern constituencies. I have reservations about whether that's a fair thing to do to southern voters versus northern voters and think, yes, it's a right thing to do. But as we get into the southern portion of the province, I'm loath to do anything that would start to create the disparities or the distance that are there or that we would have to look at and say, oh well maybe we should have a statutory exemption from the population requirements in the south portion of the province as well.

And we are a sparsely . . . In spite of the rapid growth, we are a sparsely populated province. As the members will know, we have more kilometres of roadway per capita than any other province in the country, and that's because of the sparse population. We want to ensure that the people are well served, so we have the roadways. And I think it's right, the analogy that we should have the additional MLAs to ensure that we don't have people that are shortchanged or have to travel any further than they already do.

Mr. Nilson: — Mr. Chair, it strikes me that a lot of these arguments came to the minister rather lately, most likely after he heard about this Bill, which would be, I guess, in November, maybe even early December. Because they don't sound like they have the reasoned, long-term rationale behind them that I know many of the minister's responses have.

So I am once again going to go back to the question, whose idea was this? Was this the Premier, Premier Wall's idea?

Hon. Mr. Morgan: — I can tell you it is the position of this government that we believe it's necessary. We went through the time period when the Bill was introduced in the House and some months afterwards, and I've talked to a number of my constituents and citizens elsewhere in the province, and as time goes, I am more convinced that this is the right thing to have done. And I appreciate that there was a short timeline, and that was absolutely necessary if we were going to comply for the legislation for the Boundaries Commission to start to do their work.

So we had little or no opportunity to do anything else and, having said that, it is I think absolutely the right thing to do if we want to ensure that the citizens do not have to travel excessive distances, that we maintain the parity. You've heard my answers in question period that, you know, my constituency had in the last election, 16,343 voters. David Forbes had just over 7,000. So there is a, you know, a disparity between his and mine in excess of 100 per cent. I'm not willing to look at voters in my constituency and say, if you lived in Saskatoon Centre your vote would count twice as much. I'm also not willing to look at somebody in rural Saskatchewan and say, because of the rapid growth in Saskatoon Southeast, you will lose your right to be that close to your MLA; you are now going to have to travel an additional 50 or 100 kilometres further than you did before.

So we think it is a right thing to do. We appreciate that there is a cost factor. We don't think the cost factor is excessive considering the right to democracy of the people that are travelling those distances.

[11:30]

Mr. Nilson: — The legislation as presently in existence would accomplish exactly what you've raised here because that's what it was designed to do, was to make sure that the representation of all the people of the province would be relatively equal. So I don't understand that rationale at all for this new legislation. The question around the change of how we calculate the number of people to be included in creating the constituency boundaries strikes me as going backward.

I mean we know that originally the only people that could vote were those that paid, owned land, and paid taxes. And then it expanded to include others who were workers. Then it expanded to include women, and I think in the 21st century the goal is to try to include everybody, especially the children. And most parts of Canada, except for some of the Maritimes where they have some very long, deep-seated traditions, actually do their new constituency boundaries based on total population.

So can you explain why the Premier — because it seems it doesn't really come out of your shop, but it comes from the Premier's office — can you explain why the Premier is not counting children in this particular thing and basically sending a very poor message to all the children of the province?

Hon. Mr. Morgan: — The other provinces — New Brunswick, Nova Scotia, Yukon, Prince Edward Island, Quebec, Nunavut — all use either voting population or use voters lists. So there's a substantial portion of the country uses voters lists. And I think the distinction is when you have an electoral process, you focus on voters. We have a complex scheme under *The Election Act* that allows for the enumeration of voters. The cost that is paid back to candidates is all based on voters lists, and the number of voters that were enumerated, the number of votes that a candidate gets, whether they're entitled to a refund or a rebate or not. So that the whole process is geared towards people that are entitled to vote.

To say that we are going to include something else in there, a group of people that cannot vote by law, it sort of runs contrary to the purpose. So it flaws the process before you really start out. So if you have a constituency that would have a huge number of children, the effect of it would be people in an adjacent or another constituency that have very few children, their votes count for proportionately less. So the goal of the exercise is to have votes counting for as close to the same amount. We've set a very aggressive target. It's 5 per cent. Some jurisdictions say plus or minus 25 per cent. I'm personally a firm believer that a vote is a vote and should count as close to the same wherever it is cast. So to include people that can't vote runs counter to the idea of maintaining fairness.

Now having said that, I don't want to minimize in any way our rights, the rights of children or our responsibility towards children. And we deal with the rights and responsibilities towards children by way of protecting them as citizens under the Charter. We protect their rights by way of ensuring that

they've got adequate health and education and welfare benefits. We have legislation that requires their parents to maintain care for them, that requires the school divisions . . . So we do that by way of how we allocate resources.

In my office, and I've only been an MLA since 2003, I have not had a lot of — although I've had some — people that were under voting age that have come to see me in my capacity as an MLA. There's certainly some where you get an invitation to a school or a school group. But largely, the people that come to see you are voters that come there with an issue regarding workers' compensation, a Social Services benefit.

So their costs that would go to an MLA to maintain an MLA office should all be apportioned and continue to be apportioned on the basis of the number of voters that are in that constituency. So I think that that's the proper measure that we should use. And I look at the other jurisdictions, and I realize you have choices to do it. But I think that is the right choice to make.

Mr. Nilson: — Well I, as would be expected, Mr. Chair, I disagree fundamentally with the minister on that. And I think that he himself disagrees with it just in what he said, in the sense that you would have to be, anybody who is under age 18 on June 1st, 2011 will not be included in the calculation. So we're going to have voters for 10 years that are not included at all in the calculation as the minister has stated here. So there's a great logical inconsistency in that argument.

My concern also is that this legislation has a retroactive provision, I guess if you could put it that way, in section 7 that says that these rules are to be applied even after the commission has already been set up by the legislation, so that whatever's in this Bill is to apply it. Now I know that's the urgency, but we try to avoid in the legislature doing retroactive legislation, and I know that the lawyers in the Justice department have a great deal of concern when retroactive legislation is presented.

And so I wonder if the minister has any comment about why we should do that because I mean if in fact this legislation is dealt with through public consultation, through having I think a fulsome discussion, which is how most democratic legislative changes are made, we have I guess 10 years to — or five years or whatever, how much time we want — to actually have that discussion. And so we've got retroactive legislation. We have no consultation.

My suggestion, and I think even our good friend Mr. Murray Mandryk suggested to the Premier last week, that we had given the opportunity of a six-month reprieve here to allow for some further discussion. And that suggestion was turned down. So what's the minister's position on that?

Hon. Mr. Morgan: — You raised a few issues. I'll comment on the first one. The issue is the children that are approaching voter's age, and why wouldn't we sort of allow for them to be there. We don't know where those people are going to be. We don't know where other people are going to move to, how many people are going to come into another centre for an educational institution. So I think the best we as legislators can do is say, this is the snapshot we're going to take it at. It will be the time of that. We don't know where those people will be afterwards,

so we will take the snapshot given by the decennial census and use that. And I think that's appropriate and fair rather than trying to speculate and say, oh well these people might move here. And I think you could say, well those voters might be there. Well those voters may well, or potential voters may well be somewhere else.

The analogy that I would give is if you looked at a new area of, for example, my constituency. Oh well, I know there's several hundred if not a thousand serviced lots that will have voters on it. We should have, you know, allowed for the voters that have not yet moved on, those people. So I've got some issues with your logic on it, but I think on that we may have to agree to disagree.

The other point you raised was the transitional provisions and the tight timeline. And I'm going to allow Mr. McGovern to speak to the timeline issue and why there was a transitional provision included.

Mr. McGovern: — Thank you, Mr. Chair. Darcy McGovern. I think I can help the committee a little bit with the transitional provision in terms of the issue of whether it's retrospective or retroactive in effect. And the members of the committee will be aware of section 35 of *The Interpretation Act* which provides in 35(1) that:

Where an enactment is repealed and a new enactment is substituted for it:

(d) [provides that] a proceeding commenced pursuant to the repealed enactment shall be continued pursuant to and in conformity with the new enactment as far as consistent is with the new enactment;

And under (e) it provides that:

(e) the procedure established by the new enactment shall be followed as far as it can be adapted in relation to the matters that happened before the repeal.

And so *The Interpretation Act* already does provide as a matter of default — of course *The Interpretation Act* applies to all legislation — for a circumstance where an enactment is repealed and a new enactment substituted for it while the process has already begun.

The minister has mentioned that, by virtue of the existing legislation, on the report of the decennial census by Statistics Canada on February 8th, 2012, the timelines within the legislation had commenced. And so it was apparent in preparing the legislation that this issue would be alive in the sense of saying, well if the Bill doesn't happen to pass prior to the appointment of the commission, it will raise the question of does the commission proceed on the basis of the old legislation or the new legislation?

And while the section 35 provides the legal answer for that, it was felt to be more appropriate or least to provide for more general clarity to indicate that in (7) an express transition provision. It will provide that where a Boundaries Commission has been established — which indeed it has been under the requirements of the Act — that that Boundary Commission,

once this Bill would receive Royal Assent, would prepare its interim report under the Act and the final report under the Act based on the amendments as made in this legislation, as opposed to leaving it at an open question for *The Interpretation Act*.

Hon. Mr. Morgan: — To briefly go back to the size on the constituencies because you were sort of talking about . . . that is part of your question. I just want to give you, and I don't want to take a bunch of the time on a couple of examples of the size of the existing constituencies: Cypress Hills has 2 school divisions, Holy Trinity and Chinook, 18 schools that are in those; so 15 Chinook Hutterian schools, 6 towns, 16 villages, 18 RMs [rural municipality], 15 Hutterite colonies, and Nekaneet First Nation spread across 26 650 square kilometres. Wood River: 2 school divisions, Chinook and Prairie South; 19 schools; 6 towns; 13 villages; 28 RMs; includes 11 organized hamlets and 1 resort; 8 Hutterite colonies; and Wood River First Nations, spread across 25 963 kilometres.

So the distances are huge. The type of population is quite diverse with First Nations, Hutterite colonies. So to say to those people, well because your population has only grown 2 or 3 per cent and the rest of the province has grown up 6 or 7 per cent, you are now going to have a constituency that is 30 or 40 per cent bigger, is something I'm just not willing to say to those people. And I appreciate the argument you make on cost.

Mr. Nilson: — Mr. Chair, I have a specific question for Mr. McGovern. Is it possible that the commission can be advised to prepare a report both under the rules that are in existence when it was created, and under this transitional provision, given the questions around some of the constitutionality of this particular provision? And has advice or thought been given to that as it relates to a possible constitutional challenge?

[11:45]

Mr. McGovern: — Thank you, Mr. Chair. Now of course in terms of any specific advice, I won't particularly be addressing that and it would be inappropriate for me to do so. Once the Act has been changed to provide for the new rules, it would be my understanding that given the terminology in the Act, that the commission is compelled to proceed on the basis of the amended legislation, just as would any other statutory-based office.

So I don't — and I'll say, off the top of my head — immediately see an alternative to providing a single interim report and a final report in the terms of the legislation. The legislation also provides subsequently for the process for the adoption of the final report and has lock-step provisions in terms of introducing in the same session a Bill to establish those constituencies. So it's very much in the contemplation of a specific process, as I understand it, Mr. Chair.

The Chair: — The Chair recognizes Mr. McCall.

Mr. McCall: — Thank you very much, Mr. Chair, Minister, Mr. McGovern. In his opening remarks, the minister talked about the centrality of the voter to the constituency boundaries process. And of course this wasn't the way that it was intended, but the centrality of the voter to the process as regards elections

or the practice of democracy in the province of Saskatchewan is central, is fundamental. And that a change of this magnitude would be brought forward weeks after the long conversation with the Saskatchewan voter that we like to call elections, we find, we find appalling. So how is it that change is brought forward to the way we conduct our elections, the way we build constituencies, the way that people are counted, or are not, in our electoral process?

If there were items of concern, and the minister has referenced any number of them, if they were a concern mere weeks after the election, certainly they would have been a concern mere weeks before an election. But the point being, elections are when we talk to the people of Saskatchewan about our plans for them, and people have a chance to evaluate them as to whether or not they want to support them or not. And that principle is nowhere more important than with how we ask people about their mandate for the things we'd like to do as governments.

So how is it that this government, that you're the Minister of Justice representing today and bringing forward this legislation, how is it that you can bring forward changes to the election process mere weeks after talking to the people that you got the mandate from in the first place?

Hon. Mr. Morgan: — We went into the election with, you know, it was a set four-year period. It was set after the 2003 election, that we had indicated that was the first thing that we as a government announced was when the next election was going to be. Under the existing legislation, it's not a surprise to anyone that there is a census and that there is a triggering process to require redistribution.

During the time that I have represented Saskatoon Southeast — and you know it's my third time having knocked those doors in an election setting, and not to mention the times that you go around — and I'm amazed by the rapid growth that was there. So it's no surprise to anyone that the increase or the change in population was going to be a significant one and was going to affect how people were going to be represented.

I don't think prior to the election, at least speaking for myself . . . I knew there was an increase in my constituency. I knew that my constituency would no doubt be significantly smaller especially when, as a result of the enumeration, and I think that's when I first realized the magnitude of the change, when I realized that I had 16,343 voters.

So it wasn't something going into it that we said, oh yes, I've got more growth. I mean everybody knew we had more growth and the issue was how we chose to deal with it. And I think when you look at the voters in Wood River, the voters in Cypress Hills, the voters in Arm River, I want to be able to look those people, look at them and say to them, you are not going to have to travel further. You have not had as much growth on a proportionate basis as some around the city: Silver Springs, Saskatoon Southeast. We don't think it's fair to try and maintain that.

So the short answer to your question is, it became apparent during the election that, as a result of the enumeration, that there was going to be some dramatic effects to the size of constituencies. Well I'm not willing to say to the voters in those

constituencies, now you're going to have a constituency that's a third again or half as big geographically. I've lived with that for a constituency that's twice as big from the number of voters that are in it, and so coming out of this I don't want to make changes that will affect the ability of people to connect with their MLA. And at the end of it I want to have as close to equal size constituencies as I possibly can. That's my goal coming out of the process.

And I don't think that's something that's surprising or fundamentally different. Those are the principles that as a province and as a democracy we believe in. We think it's a fair representation, a right representation. We didn't change things in the Far North. It would have been, you know, some people said, oh well why didn't you do away with the northern exemption and they'll only have one northern seat? Well we're not doing that. We think it's . . . We recognize the geographic challenges that are there. Those are enshrined in statute. I don't want to create a separate pool of people in the South by enshrining things differently and creating something any more complex than it already is.

So the simple answer is, if you don't want to realign rural constituencies, and I have enormous support in spite of the fact that I grew up in Saskatoon. I learned to drive on a farm, not on a grid road. And having said that, you know, we want to ensure that we look after the people in rural Saskatchewan, that we don't have disproportionately huge constituencies that all of a sudden we say to them, well we didn't tell you ahead of time that we were going to move your boundaries 100 miles one way or 50 miles another. We will try and add the additional MLAs and then the Boundaries Commission will be able to work within that framework and not do something that will create major, major challenges for the people of rural Saskatchewan.

And the other half of your comment dealt with the change that we've made regarding voters. We've chosen to do something that's done in the rest of Canada as opposed to some portions of Western Canada. And when you look at what the electoral process is that it is voter — to use your words — voter-focused as it should be then that is the focal point of everything that you do. You count voters. You do an enumeration process to determine the number of voters. You do a school process to determine the number of . . .

An Hon. Member: — Mr. Chair, this is not on point.

Hon. Mr. Morgan: — I'll leave it at that.

Mr. McCall: — Thank you, Mr. Minister. Again in terms of the election that we've just undergone and the minister now talks about looking the voters in the eye and wanting to be able to tell them something, one of the most fundamental things in democracy is that you go out and you seek the consent of those you wish to govern, and it's pretty fundamental to a representative democracy.

In terms of the existing constituency boundaries Act, the minister is talking about the need for adjusting boundaries so as to more equally represent the population. There are conditions in the existing boundaries redistribution legislation that accomplish that. The two things that are fundamentally different here and that don't have to do with the different things that the

minister's departing and commenting upon, the two things that are fundamental to this legislation is the addition of three more MLAs and the elimination of everyone under the age of 18 for the count.

I've had the privilege of serving in this legislature since February 26th, 2001. I've been through a boundary redistribution and in that boundary redistribution my constituency, which has some of the same features as the minister would be attributing to Saskatoon Centre or Saskatoon Riversdale, my constituency is an exceedingly young constituency. There are a lot of young people in that constituency. And that is why in the final report of the boundary redistribution commission in 2002, it was in the top five of the population that was reallocated across the province in terms of building new constituencies — in the top five. Not number 55; it was in the top five. And of course when we get into enumeration, there's a significant discrepancy between the number of population, but citizens all in terms of the work that is conducted by the census, and the kind of numbers that the minister is using, I think, to misrepresent what is really being done here.

And I guess knowing and having respect for the minister in many regards, I find it . . . I can't believe that this minister is fronting an exercise that takes square aim at the young people of Regina Elphinstone-Centre or of Saskatoon Centre or Saskatoon Riversdale. I have a hard time believing that. But I guess I've got to get used to it because we've seen this process evolve and it's very clear that this government is bound and determined to pass this legislation.

But in terms of again not talking to people about this in the election and then bringing it forward mere weeks after that election, we find that offensive. The way this takes aim at people under the age of 18 in this province, many of whom are young First Nations people in this province, many of whom are in the inner cities of this province, we find that offensive. We find it offensive that the provision to bring forward three more MLAs was done so in a way that wasn't talked about either. But we can't see the justification for any of these measures other than things that make us feel very suspect about the handling of democracy by this government in this province.

So how again is it that the minister's talked about the need to look the voter in the eye? How is it that you didn't look the voter in the eye and say that we've got these different problems and we can debate them? And how is it that the minister's taking square aim at the people in this province that are under the age of 18 and that have been part of the electoral process in terms of how we build constituencies for the past two decades? And how is it finally that the minister feels that now we need to bring forward three more MLAs because that's going to more adequately represent the democratic interests of this province, especially after the kind of liberties that this government has taken with democracy in this province on this piece of legislation in the first place?

The Chair: — The Chair recognizes Mr. Stewart.

Mr. Stewart: — During that speech that the member just made, Mr. Chair, I heard him accuse the minister of misrepresenting that facts of this Bill to the committee. And I don't think that's

proper in the circumstances and I'd ask that that member withdraw that part of his remarks.

The Chair: — I'll ask the member to withdraw those remarks.

Mr. McCall: — I would like to see the precise language or see a quotation of that, but if the members opposite are worried about how different arguments are being deployed when we've asked very specific questions about it, I'd like to see the actual record before I agree to do that, Mr. Chair.

The Chair: — Mr. McCall, we had some variation in the questioning that we do, but we don't want to misrepresent the questioning in the form of accusations. We can review it. We ask you at this time to be cautious of your questioning.

Mr. Minister, if you'd like to comment on the question that was posed, I'll let you do so.

Hon. Mr. Morgan: — With regard to the need for three additional MLAs, my inclination was to quote Buckley Belanger, but I won't. You know, it was clear that the initial reaction, at least from that MLA, was that we needed additional MLAs that would better serve. And that was certainly my reaction as well, that if we had more MLAs, it would better serve the public.

The other side of the argument is, of course, the additional cost. And we've gone through what the costs are or what are not. So I think when you look at where one of your members, looking at it without having a specific direction, his initial place where he landed was, we should have more MLAs. And I think it's, you know . . . His line was, it was always a good thing.

During the 2003 election, I was nominated under the old boundaries. I was the first Sask Party candidate nominated in the province. My constituency . . . So I've gone through the redistribution. I was nominated in one and then elected under the other boundaries. It is a difficult and trying thing for the MLA or the candidate as well as the electors that lived there. If you went through it, you'll be aware if your boundary . . . I lost the entire neighbourhood or the entire community of Wildwood as a result of redistribution. I don't know whether there would've been another tool that could have been given to the Electoral Boundaries Commission at that time that it would've been less disruptive.

[12:00]

But I have, still have even now, 10 years later, people that live in Wildwood that think I'm their MLA. I still have people in the south part of my province think Greg Brkich is their MLA, even though I've represented them through, now, three elections. So it is a disruptive process. And having the additional MLAs I think is a reasonable tool to give the electoral commission.

Now we may agree to disagree on that, but I don't think it's something that we would say to the public, oh we've done something underhanded. We are providing a tool that again enables them to give greater effect to democracy across the province. You also made reference and I take strong exception to the idea that we've chosen to target young people. I too have a very young constituency with a large number of children, who

by the way need a school. And that is my goal, to give them a school or get a school on their behalf. And that is the type of things that I think we as MLAs need to do, to lobby to ensure that people have schools, hospitals, and the services that they need.

If I asked a 6-year-old or a 10-year-old or a 14-year-old, do you want to be counted or do you want to have a school; do you want to take a bus to school or do you want to be counted on a list, what benefit to them does it mean to be counted on a list? And I'm not diminishing their right to have an MLA or have access to an MLA, but for them, they need the services that come from government, whether it be social services worker, health, education, or the variety of services that are there.

The electoral process deals with voters and deals with electors and deals with enumeration process, deals with how we pay the MLAs, how we apportion costs to the MLA offices in between the election. So I think that is the right measure to do that.

You raise the issue of whether we need the other three. I'm aware that some other jurisdictions . . . and recently heard a media report that Alberta is considering increasing the number of MLAs that they have. I have not done any kind of consultation with other provinces, but I know what the issues are with regard to the other constituencies here. I have gone through the redistribution process once and want to try and do everything that I can to minimize the disruptive effect that that might have on MLAs and on the citizens that contact them.

Mr. McCall: — In his second last point, the minister makes my argument in terms of equal representation. In terms of the young people that are concerned about whether or not they're going to adequate schools, whether they're getting appropriate health care, whether or not their interests are being counted in the basic way we construct our democracy in this province, the minister is actually making the point for equal representation. In terms of what the Children's Advocate has to say . . . And again being a lawyer, I'm sure that the minister will appreciate that there are legal opinions that span an array of options in terms of the constitutionality of this law.

But before I get too far into the Children's Advocate's remarks, can the minister inform the committee when was the last time we had electoral law being brought as far as the Supreme Court in Saskatchewan's case?

Hon. Mr. Morgan: — Application to the Supreme Court?

Mr. McGovern: — 1991 was the decision for reference re provincial electoral boundaries, if that's what you're referring to, Mr. Member.

Mr. McCall: — So the last time that we had a fight of the magnitude requiring it being taken all of the way to the Supreme Court for adjudication was of course coming out of the Devine era, which we've just celebrated the 30th anniversary of their election in 1982.

And I think it'll be interesting to see what happens with this legislation, Mr. Minister. But I think this one's got some potential in the way that people will not accept this, the way that people will look at this in terms of what it does to who gets

counted in this society and who doesn't.

Hon. Mr. Morgan: — I appreciate the point you're making. I disagree with it. I think the focus for dealing with children and young people has to be in ensuring that their services are there, the rights are there. The fact that they're counted on a list that they benefit nothing from, I don't think is a right measure or a right test. As I'd indicated in my remarks, there are a number of different jurisdictions in our province that use a voters list, or over the age of 18. When I look at the processes that are in place, it is, I believe, the right thing to do.

We believe that this will stand up to a court scrutiny or a court challenge. We didn't undertake this with the idea that we were looking for a court challenge. But if one does come, we're confident that this will stand up, that at the end of the day, the Supreme Court will look at it and will say, no, there are more than one way of looking at it, and neither one is right or wrong. And I suspect there may well be something from the court that might say, the right thing to do is look at voters rather than at . . . And you know, I can't obviously speak for the Supreme Court, but I don't think they are going to rule out one or the other and say specifically that this is the right one or this is the wrong one.

You raise the issue of the Children's Advocate. I have enormous respect for Mr. Pringle and also for his independence, so it's certainly his right to raise the issue. He raises a variety of issues on behalf of children. And there are issues that he raises that deal with foster care, and those to me are the issues where government should focus on providing services. On this particular issue, I certainly respect his right to have raised it, but I disagree with him.

Mr. McCall: — Well again, Mr. Chair, Mr. Minister, independent officers of this Legislative Assembly have an interesting relationship over time with this government. And I think, just as recently as the lead-up to the last election where the government had brought forward regulations in terms of the voter ID [identification] process where the use of attestations on-reserve with First Nations — which I might add is allowed in terms of federal electoral law — had been deemed ineligible by this government, and it was action on the part of First Nations and it was action on the part of the Acting Chief Electoral Officer that ensured that on-reserve First Nations were able to use attestations to gain access to the ballot box in this past election. And it wasn't because this government was laying clear the way for on-reserve First Nations to gain access in a way that is practised federally to little or no comment.

So we've got another independent officer of this legislature coming forward and saying that what this government is doing is, and I quote, "Considering that over 40 per cent of First Nations citizens in Saskatchewan are under the age of 18, you are really excluding the almost half of the First Nations population from equal political representation" when he says that, "It's my opinion that this proposed amendment is contrary to the interests of children and youth."

We in the official opposition, seeing the way that this government has interacted with independent officers of this legislature in past we on the official opposition, take note. We take note of the way that members opposite responded to the

report of the Children's Advocate just yesterday. And we find it quite suspect that in this instance the minister is choosing to agree to disagree with the Children's Advocate. We find it suspect that not having talked about this in the election, they came forward mere weeks after. We find it suspect that given the opportunity to go out and actually have a conversation with Saskatchewan people about the worth of this legislation or not, they've refused to avail themselves of that opportunity.

So to say again, Mr. Chair, we find this piece of legislation offensive on quite a few different points. And I guess our recourse is going to be figured out in the days ahead. But with the different people weighing in on this legislation and the refusal of this government to listen or even consult the people that they're seeking to affect their lives with this change to electoral process, to say it again, Mr. Chair, we find this offensive.

Hon. Mr. Morgan: — I would want to respond to that even though there wasn't really a question that was there. I find it surprising that you would raise the voter ID issue as your example of how things are done or as being the bad example. I sat in this chair prior to the last, you know, when the voter ID [identification] legislation went through. I heard the members from the opposition raise that idea, that this was the most horrible, undemocratic thing that could happen.

I also saw Frank Quennell sit in here and say that he would rather see 10 people that were not entitled to vote, than one person that was entitled to vote not be entitled to vote. Well what does that say to the other people that were entitled to vote? I mean isn't that our goal, is to protect the integrity of the voting system? Isn't that where we're supposed to come from?

I stood up and I vigorously defended that piece of legislation. We passed it. And you know, in the election we had virtually nary a ripple from across the province. You can't get a library book without identification. You can't open a bank account. You can't get a driver's licence. Voter ID is nothing more than just straight common sense, and it protects the integrity of a voting system, an electoral system, that is fundamental to our province.

I also heard Sandra Morin throw a fit in this legislature about how evil and how terrible this was, and that it was disenfranchising people in this process. And I saw her go on at greater . . . that she was not going to participate, she was not going to have anything to do with the consultation, was not going to offer any suggestions, and heard her go on at great length. She said nothing that was of any benefit to enable us to have people have their names put on a list, to have them involved. And at the end of the day, Sandra Morin and Frank Quennell aren't here any more.

Mr. McCall: — Well I just would like to respond, Mr. Chair, if I could, to the minister's remark . . .

The Chair: — Thank you, Mr. Minister. Our allotted time for this discussion has come to an end. I'd ask the opposition if you had any closing remarks at this point.

Mr. Nilson: — Mr. Speaker, I want to thank the minister and his official for providing the information. I think the

fundamental question always is one that we as lawyers always remind ourselves of, is that when we're talking about justice, there's certain standards. And that sometimes we have to look at justice and we have to look at the whole sense that, even though it may be according to the law, it's not seen as just.

And, Mr. Speaker, I think . . . Or Chair, I think the same sentiment applies to legislation around democracy and democratic legislation, is that it must be fair; it must be just. But it also must be seen to be fair and just, and this legislation does not pass that test.

The Chair: — Thank you, Mr. Nilson. Mr. Minister, did you have any closing remarks at this point?

Hon. Mr. Morgan: — I thank the members for their comments and want to thank Mr. McGovern for being here and the assistance of the people in the legislative drafting and constitutional branch for their work on this Bill.

The Chair: — Thank you, Mr. Minister. This committee is now recessed. It will reconvene at 1 p.m.

[The committee recessed from 12:14 until 13:00.]

The Chair: — Ladies and gentlemen, welcome back to the Standing Committee on Intergovernmental Affairs and Justice. This afternoon we will continue with the consideration of Bills. We have a substitution for Ms. Tell, and that's Mark Docherty is sitting in for Ms. Tell this afternoon.

Ladies and gentlemen and committee members, we have a fairly tall agenda this afternoon. So we will start out and we will go until 2:30 this afternoon when we will be going into consideration of estimates with the Minister for First Nations and Métis.

Bill No. 1 — *The Queen's Bench Amendment Act, 2011/Loi de 2011 modifiant la Loi de 1998 sur la Cour du Banc de la Reine*

Clause 1

The Chair: — We will now consider Bill No. 1, *The Queen's Bench Amendment Act, 2011*. This is a bilingual Act, a bilingual Bill. It will start with clause 1, the short title.

Mr. Minister, if you want to reintroduce your officials and have opening remarks, please proceed.

Hon. Mr. Morgan: — Thank you, Mr. Chair. Through the course of the next hour and a half, we'll do as many as members opposite are wanting to go. I will keep my remarks on each of them short. I am joined on this particular Bill by Catherine Benning, senior Crown counsel, legislative services branch; and Linda Bogard, assistant deputy minister, courts and civil justice.

I am pleased to be able to offer opening remarks concerning Bill No. 1, *The Queen's Bench Amendment Act, 2011*. This Bill facilitates the appointment of an Associate Chief Justice for the Court of Queen's Bench.

The total number of judges on the court will be maintained at 32 including the Chief Justice, the Associate Chief Justice, and 30 other judges. The Chief Justice of the court is responsible for the court's administrative functions that are important for the efficient operation of the court. The Chief Justice currently spends the majority of his time on administrative matters and a small portion of his time hearing and deciding the important legal issues that come before the court. Sharing administrative responsibilities with an Associate Chief Justice will provide the Chief Justice a greater opportunity to hear matters and act as the judicial leader in the court.

The amendments also allow the Associate Chief Justice to take on all of the duties and responsibilities of the Chief Justice if the Chief Justice is absent or unable to act. This ensures seamless operation of the court if the Chief Justice were to become ill or be away for an extended period of time.

Saskatchewan shares the legislative authority in this area with the Parliament of Canada. A corresponding amendment to the federal *Judges Act*, before the amendments to the Saskatchewan legislation, is required before the Saskatchewan legislation can be proclaimed. Our government has requested the federal Minister of Justice table the required federal amendments when the *Judges Act* is next before the House of Commons.

Mr. Chair, with those remarks I welcome your questions respecting Bill No. 1, *The Queen's Bench Amendment Act*.

The Chair: — Thank you, Mr. Minister. We will look for questions now. Mr. Nilson, you have the floor.

Mr. Nilson: — Thank you, Mr. Chair. I just have a few questions as it relates to this Bill. I understand that this is the provincial legislation that completes this task but that the federal legislation would have to pass as well before this could happen. Can you explain the timeline for that?

Hon. Mr. Morgan: — The federal government would not likely do this until they open up their legislation for another purpose. I think the indication was that they did not want to do this as a stand-alone for our province alone. So I don't know when.

Mr. Nilson: — So when will this legislation take effect?

Hon. Mr. Morgan: — Well obviously on proclamation, but it may be a year or two out. If the federal government decides they're opening it up, or if they have requests from other provinces as well, they may do it earlier.

Mr. Nilson: — So it's your intention then to proclaim this legislation the same day that the federal legislation would be proclaimed. Is that correct?

Hon. Mr. Morgan: — That's correct.

Mr. Nilson: — So it's possible that we may not see the position of Associate Chief Justice for another year or two. Is that correct?

Hon. Mr. Morgan: — That's correct. There's not a cost factor to the province because the salaries are of course paid by the

federal government, but there would be a small incremental salary increase or expenditure for the federal government when it happens. We chose to proceed with it.

We consulted briefly with my federal counterpart, and it was a request that had come from Chief Justice Laing prior to his retirement. And my question to him at the time was, well is there any point in doing this if the feds don't do it? And he said, well both of you have to do it. So he said, I'm going to ask both of you to do it. So I talked to my federal counterpart, and they were generally supportive because it's done in Manitoba and most other provinces. I don't know why it has never been done here. But they said, we probably don't want to do a special so . . . Anyway we'll bring it forward and then proclaim it if and when the feds . . .

Mr. Nilson: — Was there any discussion about the number of judges? And I always raise this question because, as you state, these judges are paid for by the federal government, and it's a small part of maybe equalization payment when we're a have province. This adds a little more dollars to the provincial economy. So have you considered asking about changing that number from 30 upward?

Hon. Mr. Morgan: — No, we haven't. We have made inquiries about their caseload and backlog in their courts, and there's not a problem or an issue. So it would be hard to make a business case to increase the number.

Mr. Nilson: — The cost of this Bill to the provincial treasury is just the name on the door, I assume, or some of those kinds of practical things. Because if there's any increase in salary, it would be covered by the federal government, is that correct?

Hon. Mr. Morgan: — Yes, I think when you've got . . . Yes, my officials are agreeing.

Mr. Nilson: — Okay. Well I agree with Chief Justice, former Chief Justice Laing. It was a good idea, and so I have no further questions.

The Chair: — Thank you, Mr. Nilson. If there's no more questions, we will continue with the vote. Bill No. 1, *The Queen's Bench Amendment Act, 2011*. This again is a bilingual Bill. Clause 1, the short title, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 6 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and the consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 1, *The Queen's Bench Amendment Act, 2011*, a bilingual Bill. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 1, *The Queen's Bench Amendment Act, 2011* without amendment.

Mr. Stewart: — I so move.

The Chair: — Mr. Stewart. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you, committee members. That concludes Bill No. 1.

Bill No. 2 — *The Miscellaneous Statutes (Collaborative Law) Amendment Act, 2011/Loi corrective (droit collaboratif) de 2011*

Clause 1

The Chair: — We will go on to Bill No. 2, the consideration of Bill No. 2, *The Miscellaneous Statutes (Collaborative Law) Amendment Act, 2011*. It is also a bilingual Bill. We will start with clause 1, the short title.

Mr. Minister, if you have any opening remarks, please proceed.

Hon. Mr. Morgan: — I want to thank Linda Bogard who is leaving for being here for Bill No. 1. Bill No. 2, I am joined by Catherine Benning, senior Crown counsel, legislative services branch. I am pleased to be able to offer brief opening remarks concerning Bill No. 2, *The Miscellaneous Statutes (Collaborative Law) Amendment Act, 2011*. This Bill amends three family law statutes: *The Family Maintenance Act, 1997*, *The Children's Law Act, 1997*, and *The Family Property Act*.

Over the past 50 years, there has been a significant shift in thinking of the best way to resolve family matters. The courts were once thought to be the best and only way to resolve these disputes. Fifteen years ago the use of mediation and negotiation to resolve family law disputes was encouraged through amendments to *The Family Maintenance Act, 1997* and *The Children's Law Act, 1997*. Family law practices further evolved to add collaborative law to the list of non-adversarial options used to resolve these disputes. In many ways collaborative law is similar to mediation and negotiation. Collaborative law facilitates resolution of the family law issues through discussion, compromise, and agreement. The parties and their lawyers commit to work together in meetings in a non-adversarial, respectful way to find solutions that work for everyone involved in the conflict without the need to go to court.

The Family Maintenance Act and *The Children's Law Act* currently require lawyers to discuss with their clients the advisability of negotiating the resolution of their matters and also require lawyers to provide their clients with information about the mediation facilities available to assist them.

With these amendments, lawyers will be required to discuss with their clients the advisability of using alternative methods including mediation, negotiation, and collaborative law.

Lawyers will also be required to advise their clients of any mediation services and collaborative law services that are known to them. Because *The Family Property Act* was not amended in 1997, this Bill will introduce the requirement for lawyers to advise their family law clients about negotiation and

mediation as well as collaborative law. This will be able to bring the responsibilities of lawyers under *The Family Property Act* in line with their responsibilities under the other family law statutes. These non-adversarial methods often lead to solutions that are more acceptable to the parties at a lower cost that result in better long-term compliance.

In view of this trend, lawyers that practise family law in the province requested these amendments. The Law Society of Saskatchewan; the family law sections of the Canadian Bar Association, Saskatchewan branch; Collaborative Lawyers of Saskatchewan; and the provincial Dispute Resolution office were consulted during the preparation of this Bill and they support these amendments.

Mr. Chair, with those opening remarks, I welcome your questions respecting Bill 2, *The Miscellaneous Statutes (Collaborative Law) Amendment Act, 2011*.

The Chair: — Thank you, Minister Morgan. Mr. Nilson, the Chair recognizes you.

Mr. Nilson: — Thank you, Mr. Chair. I'm pleased to see this particular amendment coming forward to set out a requirement around advising clients about the opportunities to use collaborative law to solve problems. I think it's about 27 years ago that I, as a lawyer, took training as a mediator to be the first lawyer mediator in this part of southern Saskatchewan. And I think in many ways some of the practices that we developed all those years ago have culminated in the work here where we know there are hundreds of lawyers who are qualified to provide services as collaborative lawyers. So I'm supportive of the Bill.

I've talked to the people in various places who I know are also supportive of the Bill, but I do have one question or a series of questions around the actual wording of the legislation. I think that the legislation as we have it here is based on the federal *Divorce Act, 1968* which had a requirement that people should get counselling before they went into the divorce process. If you remember, this was Justice Minister Pierre Trudeau brought forward the legislation. There was incredible opposition, especially in Quebec, around that. But one of the ways of responding to that was to put in a clause that required a reference by the lawyers involved to somebody getting counselling.

Now the reason I raise that is that one of the tricky parts back then was that the lawyers were supposed to identify those services that were known to him or her. And so it's this question of known to, as opposed to an actual obligation to make sure people have information. And so we've used the same language here which a response, if you were offending this legislation, is to say well I didn't know of anybody. Well then it's an absolute defence. So was there any discussion about making it a little more direct in the legislation? Then perhaps we can get an explanation.

Ms. Benning: — We did make some consideration about changing the current language in the way that you suggested. But in our consultations with the Bar Association and the Collaborative Lawyers and the Law Society, they were actually quite satisfied with the current language that's in the Act. And

so we used that and continued on solely by adding the reference to collaborative law.

[13:15]

Mr. Nilson: — So I understand that answer. But I wanted to make sure that I raised that here because it was a concern all those many years ago in the divorce legislation, and I think it continues to be a concern not so much among lawyers because this is an onus on lawyers so you know, the response you got from the lawyers was obvious. But it's a concern maybe from people who are involved in other areas. But thank you for that explanation. My next question, I think it's fairly clear here, but basically this does not expand the role of those people who are not lawyers. Is that correct?

Ms. Benning: — That is correct. It only puts an obligation on lawyers to inform their clients about the advisability of using these services and that there are certain services that are known to them that they should provide their clients about. It's solely about that.

Mr. Nilson: — And the services are, though, of lawyers, not paralegals or not others, so the collaborative law refers to collaborative lawyers alone.

Ms. Benning: — Collaborative law is used in the same way that it is considered through the Law Society of Saskatchewan, and the requirement for collaborative law training to have been received prior to you being able to refer to yourself as practising collaborative law.

Hon. Mr. Morgan: — If the gist of your question was to allow people to practise in this area without being a member of the Law Society, that certainly wasn't either an intended or an unintended consequence.

Mr. Nilson: — It's my job to ask whether there's an unintended consequence here. I don't think there is, but I think it needs to be quite clear that that's what is intended is that it's to recognize the lawyers who are collaborative lawyers who provide these services and make sure that that's an option for people going to a lawyer's office. So I think the question then comes, will this change practice very much in the province?

Ms. Benning: — We've worked with the Law Society around this particular issue. And you'll note that the proclamation date is July 1st of 2012, and that is to allow the Law Society to communicate with its members the new requirements that are in the Act and so that lawyers have an opportunity to inform themselves of collaborative law services and mediation services that are available in their area. And it was to allow that to occur. But whether or not people take that opportunity, you know, there isn't something that I can sort of anticipate on that other than that the Law Society was strongly in favour as were the Canadian Bar Association family law sections.

Mr. Nilson: — Is there a protected title of collaborative lawyer?

Hon. Mr. Morgan: — The Law Society has got requirements before you engage in collaborative law, and it's a different process. You'd mentioned that you'd taken mediation 27 years

ago. I think that's an indication you're younger than I am. But I think that's about when I took it was that long ago or longer.

But the collaborative law process is somewhat different and it requires that the lawyers become privy to the agreements. And they've got restrictions on what they can do in the event the collaboration fails.

So I think the prescriptive process that the Law Society has, I don't think we need include something here by way of statute, by way of definition, any further than that it's rule 1620 — was passed in 2004 — requires lawyers to have successfully completed an approved course in collaborative law prior to marketing themselves as practising in collaborative law.

Mr. Nilson: — That's the answer I wanted to get on the record. So thank you very much. So I think that this legislation accomplishes what it sets out to do and I think it should proceed. Thank you.

The Chair: — Thank you, Mr. Nilson. Thank you, Mr. Minister. Is there any other questions regarding this Bill? Seeing none, we will proceed with the voting off of this Bill.

Clause no. 1, short title, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 5 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and the consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 2, *The Miscellaneous Statutes (Collaborative Law) Amendment Act, 2011*. This is a bilingual Bill. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Hon. Mr. Morgan: — Mr. Speaker, Mr. Chair, I would like to thank the official, Catherine Benning, who was here for this Bill. She'll be here on others but I will thank her for each of them as we go through them.

The Chair: — I would ask a member to move that we report Bill No. 2, *The Miscellaneous Statutes (Collaborative Law) Amendment Act, 2011*, the bilingual Bill, without amendments. Mr. Steinley. Thank you. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you.

Bill No. 3 — *The Summary Offences Procedure Amendment Act, 2011*

Clause 1

The Chair: — Thank you, Mr. Minister. If you are ready, we will now consider Bill No. 3, *The Summary Offences Procedure*

Amendment Act, 2011. We will start with clause no. 1, short title. Mr. Minister, if you have any opening remarks, please proceed.

Hon. Mr. Morgan: — Yes. Thank you, Mr. Chair. I'm joined by two of the officials today, Chris Hambleton, Crown counsel, legislative services branch, and Lionel McNabb, director of family justice services branch.

I am pleased to be able to offer opening remarks concerning Bill No. 3, *The Summary Offences Procedure Amendment Act, 2011*. This Act introduces amendments to *The Summary Offences Procedure Act, 1990* that are aimed primarily at improving and building greater efficiencies into Saskatchewan's summary offence procedure.

These amendments will add regulation-making authority that will provide for the use of summary offence tickets in electronic format. Tickets are currently issued to the vendor through a standard form which requires law enforcement officers to fill in numerous categories of information in handwriting. Law enforcement personnel, including the RCMP and the Saskatchewan Association of Chiefs of Police, have indicated a strong preference for a method of handling tickets in an electronic format, and several other Canadian police agencies have already adopted this approach.

These amendments will also allow for the application for and issuance of warrants by telephone. This will address the not uncommon situation where it is impractical for a peace officer to appear in person before a justice in order to obtain a warrant.

This Bill also grants judges the discretion to enter a default conviction when a defendant fails to appear for their trial regardless of whether the defendant earlier indicated they would appear. Currently when an individual as charged through an offence notice ticket failed to notify the court that they are contesting the charge and subsequently failed to appear on the court date, the court has the option of entering a conviction by default. In contrast, when an individual does alert the court of an intention to appear but subsequently fails to appear, the court is obligated to run a trial in the defendant's absence. The vast majority of these trials result in a conviction, and this places a burden upon the time and resources of the court, law enforcement officials, and witnesses. If a defendant fails to appear at their trial for reasons beyond their control, the Act still provides an opportunity for these individuals to appear before the court and explain the situation within 15 days. These amendments will also provide the court with a similar discretion where the individual is charged through a summons offence ticket.

This Bill also increases the length of time of imprisonment that a judge may impose upon an individual who is in default of fines. Currently the Act provides for a 90-day limit on the amount of jail time that may be imposed on an offender who is in default of fine payment. The 90-day cap on imprisonment is insufficient to deal with those offenders who accumulate a large number of fines or an extremely high fine. In those cases, a higher maximum term of imprisonment will also act as a deterrent.

In the interests of fairness, in the rare case where an offender is

sentenced to a jail term, this legislation requires that the offender be served with a final notice 15 days in advance of issuing a warrant of committal for imprisonment. In that 15-day period, the offender would have the final opportunity to appear before a judge to explain his or her failure to pay or attend court and arrange for some alternative penalty if possible. Lastly these amendments also provide judges with the discretion to order the sentences of imprisonment for fines in default be served consecutively rather than concurrently.

Mr. Chair, with those opening remarks, I welcome your questions regarding Bill No. 3, *The Summary Offences Procedure Amendment Act, 2011*.

The Chair: — Thank you, Mr. Minister, and welcome to the officials. Mr. Nilson, the Chair recognizes you.

Mr. Nilson: — Yes, thank you, Mr. Chair. I have a number of questions. I think they all will have good answers, so let's start.

Hon. Mr. Morgan: — We specialize in good responses.

Mr. Nilson: — After lunch, yes. Maybe not before lunch, but after lunch, yes. So the first question I have is, are there any specific problems that these amendments are being brought here into the legislature to correct?

Mr. Hambleton: — I wouldn't say that the fines are necessarily beyond control. I think we heard earlier from Mr. McNabb and the fine collection branch that there are successes there. Over time with this legislation, we have had additional provincial offences added which are more serious in nature — beyond the traffic offences that we often associate with this Act — and a lot of these have higher fines associated with them. And so the provision, which allows for a term of imprisonment to be handed down where fines are unpaid, needs to move in accordance with that development.

Mr. Nilson: — I appreciate that response. The traditional trouble was always to make sure that it didn't mimic the Criminal Code. Are you close to that line in this legislation?

Mr. Hambleton: — We don't believe that we are at all. And there are only a few examples, but there are egregious cases where we could hypothetically get into a fairly high fine figure. So you think of the environmental offences, some of the wildlife poaching offences. One example I have is overweight loads with semis on the highways. Under *The Highways and Transportation Act*, the maximum load that's allowable in the province is 62 500 kilograms.

Now often in the springtime, a lot of the municipalities will, by minister's order, bring the weights on the grid roads down to 8000 kilograms. So if you had a maximum provincial load on that 8000 kilogram grid road, you could have a fine under this legislation in excess of \$22,000.

Mr. Nilson: — So it's the incarceration provisions that are in the end of this Bill relate to those kinds of charges. Would that be accurate, or do they relate to all of the unpaid fines?

Mr. Hambleton: — They relate to all of the unpaid fines, but I would urge us to keep in mind that the incarceration, of course,

is at the discretion of the court. It is quite a last resort usually, we've noticed, and certainly under the fine collection branch and through other means such as suspension of licences with traffic offences, there are several other ways to enforce the unpaid fines prior to the point of incarceration.

Mr. Nilson: — What percentage of the fines would end up being assisted by this particular procedural legislation around the default judgment? Is it 2 per cent or 30 per cent, or does anybody know that exactly?

Mr. McNabb: — Lionel McNabb. That would be a hard one to get because we're collecting more and more money now than we used to, and we have a number of different ways of collecting money. We seize assets we talked about this morning. We do right of set-off with the federal government. We take away driver's licences. So the number, I can't give you an exact number, but we're collecting more and more money, and so it becomes harder and harder to not pay your fine.

[13:30]

Mr. Nilson: — Okay. I mean that's a very positive way to state it, so we appreciate that. So for an individual who thinks that the rules are pretty straightforward but that a fine isn't that serious compared to a charge under the Criminal Code, what kind of rude awakening will they get when this legislation is passed?

Mr. Hambleton: — Well there's a number of stages, I suppose you could call them, that you would go through before you would find yourself subject to a jail term of course. The first instance, if you don't pay your ticket, you will get a notice and a court date will be set down of course. If you miss your court date, you will receive another notice. And eventually, I mean, then it will go to the collection strategies that Mr. McNabb has described to you. So that is the ordinary course. So if I understand that, I mean, you wouldn't just suddenly find yourself in a position where you were facing incarceration. Out of procedural fairness, we've built in the provision here, you will have noticed, that before a judge is prepared to issue a warrant for committal, for imprisonment, we've built in a final 15-day notice period as we do for offence notice tickets where you will be served, and you will have a final opportunity to appear.

Mr. Nilson: — And the provision for telephone hearings for various parts of this, that primarily relates to those warrants. Is that correct, or is it all the way through the whole procedure?

Mr. Hambleton: — Currently that's for warrants that would ordinarily go before a justice.

Mr. Nilson: — Yes. But it would be possible though, after the default judgment, and then to get that warrant, you wouldn't have to go in front of a justice directly. You could do it electronically. Is that the change that's here?

Mr. Hambleton: — The change in relation to allowing for the issuance and application of telewarrants is across the board. So that's a procedural enhancement, if you will, that we've introduced to all summary procedure offences.

Mr. Nilson: — So that practically here in this one, that's an expansion which I think is understandable in Saskatchewan given the distances that people were having to drive to find a Justice of the Peace or a judge. But that is a change, so if somebody is counting on an hour or two for a warrant to be obtained in a community, they should, you know, realize that it can be obtained in five minutes or ten minutes as opposed to quite a few hours. Okay, thank you for that.

Now I have another series of questions related to the electronic summary offence tickets, and basically it looks like regulatory powers that are created. Can you explain what you have in mind as it relates to that whole process?

Mr. Hambleton: — Essentially electronic tickets refers to everything that we have now in the legislation, tickets regarding provincial summary offences but simply in an electronic format. What we have right now is a system whereby you're issued, for example, a roadside speeding ticket. The attending officer is required to, in handwriting, fill out the ticket form. You get served with it immediately in that case. They have to go back to their detachment and enter it into a computer database, and then it gets forwarded to the Ministry of Justice where it's re-entered. And then you go about the process I explained a minute ago with having your opportunity to pay your ticket. If not, it flips to court. And then so that information again is sent over to the Provincial Court.

So what we'd like to do here, and there are plans to essentially put all of that into electronic format where, from the initial step with the police officer, that information is sent along via online on a secured online transaction to all of those various parties to the end, if need be, to the court. And so it's an efficiency piece. It eliminates a lot of those steps along the way. And so that applies across the board.

Mr. Nilson: — So it's basically the police officer or whoever — whichever officer is doing it, if it's a traffic officer, whatever — will they have an electronic terminal in their hands, I mean, much the same as a portable Visa charge machine? Is that what's envisioned?

Hon. Mr. Morgan: — Actually if your question is, are we going to put bar codes on the citizen and have them scanned in for ticketing purposes, the answer is no.

Mr. Nilson: — No, I know. Like, I'm basically, I'm asking these questions because I know about the, you know, most recent technology in this area around the world. And I know that we're so far behind it's unbelievable, in Saskatchewan or in Canada for that matter.

But many countries, an officer on the street who sees an offence will be able to issue the ticket, send it right into the system, have it in there, and then tell the person, well look, if you pay it right now, it's 20 bucks. If you, you know, do it in two weeks, it's \$100. And most often they get a credit card, and there's no fine collection. So that's my question. Is that what's intended here? If it isn't, it should be because it's a very efficient system.

Hon. Mr. Morgan: — I apologize if I sounded flip before. But yes, that's exactly the intention is to use the best technologies and to allow for other technologies as they emerge to be used so

that we make the most efficient time of our peace officers and the people that are enforcing those things. But yes, you're exactly right.

Mr. Nilson: — But right now, that's not within the capability of the system. Would that be an accurate statement?

Mr. McNabb: — The way the thing is set up now, and we're meeting . . . All the police forces are very enthusiastic about this. Met with the RCMP two days ago. The information they give us is 95 per cent of police cars have computers in them now. They're installing printers in most cars. The RCMP already have printers and computers, and they're installing swipe cards. So the same thing with the five-year licence. They can swipe the card. It'll populate the field, saying Lionel McNabb. And then they just on their computer toggle down to whatever offence it is, enter that. It will do the calculation.

So what the police are estimating is they can go from taking four or five minutes writing a ticket and then going back to the office and entering it in again plus about a 20 per cent error rate, to getting a ticket done in a minute and a half to two minutes with a 2 or 3 per cent error rate, and then that would come to us electronically. So you know, there can't be . . . Right now we're shipping tickets, so you've always got the chance of being lost or freedom of information concerns.

Mr. Nilson: — Yes. No, that's exactly where my question was going because I know in countries in Europe where you basically can do the whole transaction around a fine on the side of the road. And basically the citizens don't mind in the sense that it eliminates their hassle. They know they've made a mistake in driving or whatever has happened, so they pay it. It's dealt with all, like you say, in five minutes.

So if that's where this is going, that's good. And I encourage you, you know, to make sure that we get it right the first time so we don't end up . . . And I think the way that legislation is designed is that we'll be setting the rules and the regulations and that we'll be able to have a system that works well.

So I'm not sure if there's any other issues in this area. But effectively all of that section 9, which I guess it's where section 55 is amended, is designed to implement this new system of electronic summary offence tickets. Would that be an accurate statement?

Mr. Hambleton: — That's correct. So the bulk of it will be in the regulations as you noted. And in addition to that, *The Evidence Act* and *The Electronic Information and Documents Act* will cover off the other legal aspects in terms of how the tickets enter into evidence in the court.

Mr. Nilson: — And then the only concern for the minister really is to make sure that there's sufficient resources to SaskTel so that there's high-speed Internet access on all the highways of the province so the system can work. So I assume that he will be working on that part of it to make sure that the system works.

So I think this is good legislation. It works to assist the police, which they've advised me independently about how it will assist them, but it also clearly is protecting individuals. And like

I say, this last electronic part, the sooner we get there because I think it's very convenient for people. It also helps you forget the ticket a lot faster because it's gone right away. So thank you very much.

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

Hon. Mr. Morgan: — You're going to proceed voting off, but we will be losing . . . Lionel, you're done for the day? And anyway, I want to thank Lionel McNabb for what he's done with regard . . . Please go ahead.

The Chair: — Thank you, Mr. Minister, and thank you to the officials. Is there any other questions or comments on this Bill? Seeing none, we'll proceed with the voting of Bill No. 3. Clause 1, the short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Agreed. Carried.

[Clause 1 agreed to.]

[Clauses 2 to 10 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts the following: Bill No. 3, *The Summary Offences Procedure Amendment Act, 2011*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 3, *The Summary Offences Procedure Amendment Act, 2011*. Mr. Tochor. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 4 — *The Pension Benefits Amendment Act, 2011*

Clause 1

The Chair: — Thank you, committee. We will now proceed to Bill No. 4, *The Pension Benefits Amendment Act, 2011*. We will start with clause 1, short title. Mr. Minister, we would welcome your opening remarks at this point.

Hon. Mr. Morgan: — Thank you very much, Mr. Chair. We are once again joined by Chris Hambleton, and also now by Leah Fichter, director of pensions division, Saskatchewan Financial Services Commission.

I'm pleased to be able to offer brief opening remarks concerning Bill No. 4, *The Pensions Benefit Amendment Act, 2011*. The key purpose of this legislation is to provide the Government of Saskatchewan with the legal authority to enter into a new national agreement in regards to multi-jurisdictional pension plans. Multi-jurisdictional pension plans are plans that are registered or based in one province but include members from other provinces. These types of plans are an increasingly common retirement savings tool. Based on the latest

information, there are over 48,000 individuals in Saskatchewan alone who are members of these types of plans.

The new national agreement will modernize the way in which jurisdictions regulate multi-jurisdictional pension plans. Specifically the agreement will better allow Saskatchewan to recognize and afford reciprocal treatment to pension plans that are based out of province but include employees working in Saskatchewan.

Saskatchewan officials were actively involved in the design and consultation supporting the agreement, and all provinces as well as the federal government intend to sign the agreement. Alberta, Ontario, Quebec, and New Brunswick have already passed legislative amendments to allow their respective governments to enter into the agreement.

All other jurisdictions have indicated that they anticipate having similar amendments passed by the end of 2012. Mr. Chair, with those opening remarks, I welcome your questions regarding Bill No. 4, *The Pension Benefits Amendment Act, 2011*.

[13:45]

The Chair: — Thank you, Mr. Minister. We'll now open for questions. The Chair recognizes Mr. Nilson.

Mr. Nilson: — Thank you, Mr. Chair. My first question would be if this legislation is exactly in the form of the legislation that would come from the uniform legislation across the country.

Mr. Hambleton: — There will be minor variances based on any differences in our Act, our pensions benefits Act, compared to other jurisdictions. But we would call it highly harmonized with the other provinces and territories.

Mr. Nilson: — What kinds of areas would there be variation?

Mr. Hambleton: — Largely I would confine that to structural differences. So if you have one part of another province's Act that is located simply in a different part of that piece, obviously we have to build it into a different one for practical reasons. So I would reduce it down to mechanical differences, if you want.

Mr. Nilson: — Okay. No, I appreciate that because I know that sometimes policy choices are made to be slightly different than the national system. But what you're indicating is that there aren't any policy choices that have changed the drafting of this legislation.

Hon. Mr. Morgan: — I can advise the member that there is no policy differences that were intended or that exist. Our intention was to harmonize and to comply as completely, so the differences would be, as Mr. Hambleton said, structural or mechanical.

Mr. Nilson: — So I have a few questions here. And I'm hoping that it doesn't mean that we need to take another look at this, but there are a couple areas where I have some concerns that maybe we can address or maybe we can't, and we'll have to figure out what to do. But let me proceed with my questions, and then we'll deal with that a little later.

First question I have is that the Bill sets out that the minister can appoint more than one of the deputy pension superintendents to deal with this. What exactly does that mean? Do we have more than one deputy pension superintendent or what is the intention there?

Mr. Hambleton: — No, this is keeping with all of our other legislation dealing with financial services, so it's simply now not particular to the multi-jurisdictional pensions piece element of this. And maybe just to clarify that, so this is a stand-alone provision, if you want, and so it's across the board. In our other financial services legislation, the minister has the ability to appoint a deputy registrar or a superintendent, what have you. So that's more or less mirroring what we have in the other pieces into *The Pension Benefits Act*.

Mr. Nilson: — The legislation would still intend though that there would just be one person ultimately responsible, with the deputies working with that person. Is that correct?

Mr. Hambleton: — It's correct. It builds in the flexibility where the minister could appoint, but it's not necessarily creating that position. It's just building in the option.

Mr. Nilson: — But there wouldn't be any concern about not knowing who's responsible for the legislation?

Mr. Hambleton: — Not that I could think of at all, no.

Mr. Nilson: — I just wanted to make sure that was exactly clear. Now you know, I guess when we get to this multi-jurisdiction pension plan issue, it has some really positive benefits in the sense that you can have a plan that's available across the country. And if a person is moved because of employment, the provisions are the same or, yes, they should be the same, subject to some of these minor structural variations.

But one of my questions relates to collective bargaining that often — and agreements, the union agreements — that often supplement or complement a particular pension plan in a particular way. Has that been accommodated here? Or what provisions are there to make sure that the collective agreements and their relationship to pension plans that are solely within the province of Saskatchewan are now protected? Can you explain that?

Mr. Hambleton: — Well this anticipates plans, of course, that have members in many jurisdictions. And so really what this does is allows the minister to enter into the agreement, and then the agreement more or less governs the plans that are across the jurisdictions. Now there's nothing specific in there addressing that. There was extensive consultation however with a number of the plans that have unionized staff as members. But to specifically address it, the agreement itself does not address that.

Mr. Nilson: — I appreciate that answer. I guess my question relates to the fact that there appears to be an override clause for the multi-jurisdictional plan so that if there was some local arrangement, the law seems to say that the national plan could override that arrangement. And it's not normally a problem if the national plan is better or stronger, but if it's actually weaker, it could raise concerns for both the members of the plan and . . .

well, for the members of the plan. So is that something that's been contemplated in this legislation?

Mr. Hambleton: — I think the goal of the piece of the agreement certainly is to achieve uniformity and to get out of this situation where from jurisdiction to jurisdiction you have exceptions or one aspect of the plan is different than another for a different employer. And so it seeks to build in the uniformity. I would, I'm not certain about it, but I would have to think that in the consultation process with the unionized individuals that it would've been contemplated. I can't confirm that, however.

Mr. Nilson: — Thank you. Well I think it's section 10 . . . Did I get to the right spot? I guess it would be multi-jurisdictional plans, 10.3, and then at the bottom there, subsection (6), and subsection (7). So it seems that that section kind of would override any kind of local arrangement. And so the question is, what kind of protections would be built into our legislation here in Saskatchewan to make sure our Saskatchewan people are protected?

Because I mean ultimately what the law's about is making sure that the plan administrator follows the law and the agreements that are the supplements to it. And if there was a conflict between the national plan and what's been the arrangement in Saskatchewan, the administrator would just have to follow the national plan and Saskatchewan people could lose out.

Mr. Hambleton: — There are a number of carve outs, generally speaking. So the way it is set up is that the legislation of the province within which that plan has the most members will apply, okay? However there are a number of carve outs, if you will, where the legislation of the province in which the member resides would apply.

Mr. Nilson: — So where would that be in the legislation here? Like is that . . . or is that some other place?

Mr. Hambleton: — It's in the agreement itself. Again, so what we're doing is giving the minister the authority to enter into this new multilateral agreement. And the agreement will govern and the carve outs are in an appendix to the agreement itself.

Mr. Nilson: — So for the Saskatchewan pension plan member, they wouldn't have the protection of this legislation, they'd only have the protection of the minister in that agreement. Is there any way we can fix that? Because it seems to me we would want to do something that fully protects our Saskatchewan people.

Ms. Fichter: — How the agreement works is that *The Pension Benefits Act* plan entitlement matters so things like, you know, vesting — when a person vests in the pension place — the rules of the place where the person is employed are the rules that govern that person's entitlements. So they have the same protection as somebody who's in a pension plan that's registered in Saskatchewan for Saskatchewan members only. So the same protections are there for anybody else in a pension plan that we look after.

Mr. Nilson: — And those are the legislative protections. But what I'm talking about are those protections that would have been negotiated and are part of a long-standing collective

agreement that are there. So I mean, it would seem to me we would want to put in some method whereby those promises — because that's what they are — to Saskatchewan employees would be protected. Is there some way that we can do that?

Ms. Fichter: — There's always a pension plan contract that takes into account the requirements of the legislation as well as what has been bargained through collective bargaining. So there's a contract in place that governs how that plan operates, and so that takes into account anything that's been collectively bargained.

Mr. Nilson: — But it appears here though that a pension plan administrator would only have to follow this multi-jurisdictional pension plan and, if that was not as generous a plan as the one that had been negotiated in the collective agreement, there would be no remedy at law for our Saskatchewan employee that's in the plan.

Mr. Hambleton: — I don't think that that is the case. I think if you refer back to the agreement itself, it makes provision for . . . there's a dispute resolution provision in there. And it contemplates several incidences where there is conflict, and these situations do arise, to make it operate seamlessly.

Mr. Nilson: — Well I guess I'm uneasy about this because we should be able to put in a protection. I don't think there's any intention not to protect our Saskatchewan people, but it's a similar issue on a, you know, on a very individual scale to the discussion we had around NAFTA, North America Free Trade Agreement, and the carve-outs and the protections that we set out from each province. And you always had to be really careful when you got into these bigger ones that you weren't losing something on behalf of your citizens.

So I guess I'm just raising this question and wondering whether it's possible to go back and take a look at this and see if we can have some legislative protection for the collective agreements and the other parts that make up pension plans, because it's clear that you acknowledge that as part of the plan. Because I mean we all want to make this the best legislation we can get, and so I'm not totally satisfied yet that we've got that. And so it seems to me you might be able to go back and fairly quickly figure out a solution to it, and we'd be able to bring it back next week and fix it.

[14:00]

Hon. Mr. Morgan: — I think the purpose of this legislation is enabling rather than being prescriptive of all of the things that may exist. What I propose to do is we would move it through to third reading and then I would ask the officials to review it. And if it requires something else, if it requires a change, I'm confident the protections that may not exist in our jurisdiction would exist in the home jurisdiction of the plan.

I mean we make the determination at the outset that we allow the plans to exist. We allow them to be controlled by the jurisdiction or the plan document itself. So for the sake of consistency, we surrender some of our degree of control and allow it to rest with the originating jurisdiction, or maybe a better term would be the home jurisdiction of the plan.

Mr. Nilson: — Well I guess my suggestion would be that we not move this forward, and look at it next week and see if there is some way that we can have a legislative protection for that. Because I don't think . . . It doesn't sound like there's any disagreement that we want to have our Saskatchewan people's promises in the plan protected to the best of our ability. And if we could do that, then we'd just have some stronger legislation.

Hon. Mr. Morgan: — Although I believe that we are adequately protected, what I will ask the officials to do . . . We'll obviously have to come back with some other Bills in any event. We'll bring it back before we vote it off.

Mr. Nilson: — And I think that simply there was no intention to override, would be my sense of it, and that if we can just address this, then we'll get better legislation.

Hon. Mr. Morgan: — I'm not sure whether it's something that can be addressed because of the need to have it dealt with by the home . . . But we'll get a more specific response for you unless . . . So then we'll get you either a response in writing or I'll arrange to have an official meet with you, and Mr. Wild is here on that.

Mr. Nilson: — I have some questions in some other areas, but let's, if we can get a response here, that would be great.

Mr. Wild: — I think it's essential to understand the framework of *The Pension Benefits Act* relative to the framework of collective agreements, Mr. Nilson. Collective agreements deal with the nature of the benefit, the generosity of the benefit, the formula for the benefit. Pension benefit Act doesn't deal with that. We're neutral on that. We establish minimum standards. I think a fair comparison would be collective bargaining agreements with respect to wages versus *The Labour Standards Act*.

So we do not wade into the generosity of the contracts themselves, and there's nothing in this legislation or this agreement that touches on that at all. What we deal with here are purely the minimum standards set out in *The Pension Benefits Act*. I think Ms. Fichter talked about vesting and portability and in that regard, nothing changes. If you work in Saskatchewan, you get the benefit of *The Pension Benefits Act* whether or not it's regulated by Ontario or BC or Saskatchewan.

This makes it administratively more efficient, so the matters that are touched on by this agreement relate to not benefit concerns so much as plan administration concerns. You know, a plan that's got multiple employees across several jurisdictions do not have to worry about the rules around funding, for example, across several jurisdictions, or the rules around what a plan administrator can or can't do. This cuts through that and allows a more efficient administration of the Act.

It doesn't get into benefit entitlement issues. So if a union in Saskatchewan has established a contract for its employees and it so happens those employees are participating in a plan that touch on several, you know, jurisdictions, this agreement will not affect that at all. That contract still is in place with respect to the generosity of those benefits for those employees. It would touch on something like vesting. So you know, if we have a

particular vesting rule that differs from another jurisdiction, those would continue to stand. We wouldn't interfere with that.

So this is more about efficiency of administration of pension benefit plans than it is the benefit structure themselves.

Mr. Nilson: — Well I appreciate that response and I understand that but that's what I'm asking about, this 10.3 here in the last section, or subsection (7) which says, "This section applies notwithstanding any trust that may exist in favour of any person". If that isn't an override clause, then you're right. But I'm not sure that that's entirely accurate. Is there some way we can state it to make it clear that it's applying to some of these other issues? Because if by the minister entering into this agreement we then have the ability for certain promises made to Saskatchewan people to be overridden, that affect their pension benefit, that's not what we intended. And I don't think that's what the ministry's intended.

So that's where my question lies. And I'm not sure. I mean I understand the conceptual part of it but I'm not sure this particular wording does exactly what you say.

Hon. Mr. Morgan: — I'll have the officials look at it and either come back to you with either a proposed House amendment or alternatively with a response in the next day or two.

Mr. Nilson: — I appreciate that and I don't . . . Another question I could ask then I guess is what, is there an intended time for this to go into effect? Did I hear July 1st, or no?

Mr. Hambleton: — There are two windows within which jurisdictions can sign on. There is a July 1 opportunity and there's a January 1st, 2013 opportunity. And so it has to be fairly coordinated.

Mr. Nilson: — So is the intention to aim for the July 1 date? Is that the plan? Because I mean I'm not necessarily wanting to disrupt it, but I think we want to make sure we protect our Saskatchewan people.

Mr. Hambleton: — The July 1st date was what we had set our target on. Certainly it's what we'd like to do.

Mr. Nilson: — Well if we can sort this out next week, we should be able to meet that.

Hon. Mr. Morgan: — We're going to bring it back in any event. So we'll certainly get you a response.

Mr. Nilson: — Okay. Now I'm not sure if this is the . . . I think it's the right place to ask the questions, but this legislation authorizes the minister to sign on to multi-jurisdictional plans. Is that how I read it or is it the whole process? And I guess what I'm thinking is that what kinds of the rules that we now have in Saskatchewan will be changed every time a person signs on, or is this a blanket? I'm not sure. If you can give me a brief explanation of that. I guess what I'm concerned about is there're asset allocations that take place sometimes in pension plans are different under different jurisdictions. And will signing on to something like this surprise people I guess or change the choices that we might have as Saskatchewan

residents?

Mr. Hambleton: — All this does essentially, it doesn't allow the minister to enter into, I mean, the plans as you said. It allows him to enter into an agreement, a multilateral agreement that all of the jurisdictions have agreed to enter into in respect of these multi-jurisdictional plans, and how those interface with the various pension benefits legislations you find across the country.

So there's a 1968 agreement. Essentially we're replacing a framework that's been around since 1968 as to how all of these plans that have members in various provinces, how they interface with the legislation. Over time, of course, there's more mobility now in labour and there's more of these plans. The minister outlined how many people now are a part of these plans — 50,000 people in the province here almost. And so there's a need to modernize that agreement that the ministers enter into on account of a number of enhancements that have been built in over the years. So really we're replacing the part of *The Pension Benefits Act* that allows the minister to enter into these, an agreement in respect of the multi-jurisdictional plans.

Mr. Wild: — The intent, Mr. Nilson, is certainly to not have any plan-specific agreements. These agreements are between governments, between ministers. And every plan that's in that jurisdiction applies, would have the agreement applied. And that gets back to that provision that you read, that you raised, that override provision. Because it gets at the notion that we don't want plans to be able to bargain or opt out of the agreement either by, you know, developing agreements that are in conflict with this agreement. So we want to make sure all plans are part of the scheme and comply with the scheme, and there's no special rules for a particular plan.

Mr. Nilson: — So what is the status right now of the provinces that are in and provinces that are out? And is it such that until all the provinces have signed on that nothing happens? Or are there some that are already involved in the plan?

Mr. Wild: — There's agreement in place right now between Ontario and Quebec. They were the first signatories. On July 1st there are a number of other jurisdictions we hope can sign on, including Saskatchewan, but also Alberta and New Brunswick and Manitoba have talked about being in a position. We would hope that all of Canadian jurisdictions with pension legislation would be signed on by January 1 of '13.

Mr. Nilson: — Okay. No, that helps to understand what it is that we're dealing with. Now one of the concerns of people who are receiving pensions are some of the Ontario cases obviously where there weren't sufficient assets to pay pensions for everybody. And you know, there's some of the I think supermarket chains and maybe some of the car manufacturing ones that people who had a promise about a pension got 30 per cent of that promise.

I don't think we've had problems like that in Saskatchewan that I recall, although you may know some that are there. But will this expose our Saskatchewan people to rules like some of the ones in Ontario that aren't as protective of the pension plans and of our Saskatchewan people?

Mr. Wild: — I'm not sure that the Ontario experience is attributable to the *Pension Benefits Act* of Ontario. I think it's more related to the nature of the employers in Ontario and their economy and sort of the hard times that some of the employers have fallen upon in Ontario. No one is immune from that. And we have had plans terminate in Saskatchewan where there was insufficient assets to pay benefits. So it has happened everywhere in Canada. There is no guarantee of pension benefits in Saskatchewan or anywhere in Canada, except for Ontario actually. It has a pension benefit guarantee fund, so there is a promise kept in Ontario to a degree. It's a limited promise. But no, this does not expose Saskatchewan members of plans to any more or less risks than they already have.

Mr. Nilson: — So in Saskatchewan have we had any, I guess, would it be called bankruptcy assistance or relief offered in the last while or on a temporary, obviously not on a permanent, basis or . . .

Hon. Mr. Morgan: — Are you asking about solvency relief or something to do with . . .

Mr. Nilson: — Solvency relief.

Hon. Mr. Morgan: — Three years ago we offered a temporary holiday — and I shouldn't use the word holiday — but temporary solvency relief period. We imposed some restrictions during the relief period that contributions had to continue. They couldn't enhance benefits and had to maintain certain criteria during that. The three years is up now, and we have circulated a discussion paper to the various pensions funds that are regulated within the province to look at what kind of options there would be going forward.

Now the paper would apply to the funds that would not be either directly public or would be private sector ones. So that would include school boards, municipalities, and I think a handful of private sector ones. Safeway employees, would that be . . . They're not part of that. Yes, so it would be the quasi public sector ones that are not part of a provincial obligation but would be publicly funded. And I'm thinking of the school board non-teaching employees, health care workers, municipalities.

[14:15]

Mr. Nilson: — So this solvency relief is ending. Is there an intention to go into some permanent system? Or what is the plan?

Hon. Mr. Morgan: — There's not a decision made at this point because the discussion paper has been circulated. Certainly because the changes that exist in our market, we know that the status quo isn't going to just bring back solvency the way it was five or six years. So they're doing a comparison within our pension agency looking at what's taking place in other jurisdictions and doing some comparisons and doing a consultation with the different plan holders.

The consultation paper that was circulated is online and is available. We can certainly make that available to you, and it outlines the options. And I wouldn't want to . . . I don't think we're at a point where there's a decision made or even a likely decision made, but we could certainly give you a bit of

background. It's not material to this particular Bill, but if you want the background, it's certainly public, and we have no problem with you having it.

Mr. Nilson: — Well that's my question. It's not related to this Bill or it is. I mean if in fact in Saskatchewan we had better protection and then something happened and so that the multi-jurisdictional pension plans base or whatever the standard applied, people could be giving up something.

Hon. Mr. Morgan: — It's actually a regulation issue for that rather than it's a legislation issue.

Mr. Nilson: — Well but that's not an answer because really what we're talking about here in the legislature is how do we best protect our Saskatchewan people and their promises around pensions. And if in fact there's something in the legislation that would not allow a regulation to protect somebody, then we need to make sure it's not in the legislation. So once again I go to that override of the multi-jurisdictional pension plan over any system we might set up in Saskatchewan.

Mr. Wild: — The premise upon which it's all built, and I think Mr. Hambleton touched on it in his opening remarks, is that pension legislation in Canada is substantially harmonized or uniform. We would not recommend that the minister consider entering into an agreement with a jurisdiction that had no funding rules or poor funding rules or, you know, rules that weren't comparable to our rules. We have to be relatively satisfied that what's being substituted for our rules is comparable to our rules.

But that's been the case since 1968 that we've operated on this basis, that if a plan is registered in Ontario but has Saskatchewan members, the funding rules of Ontario apply to that plan. And that's been forever and a day. This gives a stronger legal basis, a stronger legal underfooting for that sort of arrangement, but it's been around for a long period of time. We wouldn't enter into an agreement with someone that is not going to properly regulate on our behalf.

Mr. Nilson: — Okay. So the goal is, and I think it helps actually to have it on the record here in the committee as we're developing the legislation, the goal is not to in any way diminish the promises to Saskatchewan people who are contributing to pension plans. And the whole goal is to strengthen it and that that would be the intention both on the legislative side and as you go into the regulations and into the ministerial agreements. The goal is to provide the best promises that we can from a government side to complement the promises from the funding side but clearly not being, saying anything about guaranteeing the pensions.

Mr. Wild: — I can say without hesitation that the goal here is to certainly not diminish in any way, shape, or form the protection that's offered to pension plan members. The goal here really is to try and encourage the sustainability of the pension system. As you know, the number of pension plans in Canada has steadily diminished over the last 20 years. And we need to do these sort of things to offer greater efficiencies to the pension plan administrators so that employers aren't shutting down pension plans in favour of less administratively burdensome vehicles.

Mr. Nilson: — Okay, well I appreciate that. And if we can maybe get a little bit of information back early next week, then we'll be able to move it on. I have no intention of trying to mess up your July 1st date because that seems to make sense to me, but I just did have that one area of questions. I have no further questions.

Hon. Mr. Morgan: — I think, Mr. Chair, we don't intend to vote this one off if we're providing some additional information, so if we set this one over . . .

The Chair: — We will adjourn consideration of Bill No. 4, and we'll pick it up next time. Seeing that the hour is 21 minutes after 2 and we are to go into estimates at 2:30, I will recess this committee until 2:30 when we start with Minister Cheveldayoff. This committee is now adjourned for nine minutes.

[The committee recessed for a period of time.]

**General Revenue Fund
First Nations and Métis Relations
Vote 25**

Subvote (FN01)

The Chair: — Well thank you and welcome back to the Intergovernmental Affairs and Justice Committee. We will now begin consideration of vote no. 25, the First Nations and Métis Relations, central management and services, subvote (FN01).

I'd welcome Minister Cheveldayoff and his officials. Mr. Minister, if you would like to introduce your officials and have any opening comments, please proceed.

[14:30]

Hon. Mr. Cheveldayoff: — Thank you very much, Mr. Chair. Thank you to all members for the opportunity to appear before the committee today. Joining me to my left is Ron Crowe, deputy minister; and James Froh, assistant deputy minister, is to my right, First Nations and Métis affairs division. Kerry Gray, director of finance, accountability, and corporate services, is also at the front table here. Giselle Marcotte is just over my shoulder to the left. She's the acting deputy minister of the northern affairs division. Also in attendance here today are Trisha Delormier-Hill, executive director, lands consultation branch; and Alethea Foster, acting executive director, relationships and policy; and Garry Schenher, senior policy analyst, northern affairs.

With that, I had an opportunity in our last session to provide opening remarks, and ready to entertain any questions, Mr. Chair.

The Chair: — Thank you, Mr. Minister, and welcome to the officials. I would just remind the officials, when they're speaking, if they would kindly state their name for Hansard. We will start with the questioning. The Chair recognizes Mr. McCall.

Mr. McCall: — Thank you very much, Mr. Chair. Welcome to the minister and officials for this round of consideration of the estimates for First Nations and Métis Relations, and Northern

Affairs. At this point I'd cede the floor to my colleague, the member from Cumberland and critic for Northern Affairs for the official opposition.

The Chair: — The Chair recognizes Mr. Vermette.

Mr. Vermette: — Thank you, Mr. Chair, to the committee, to the minister and your officials for being here to I guess answer some of the questions. And we do have a number of questions and concerns that have been raised by leadership in northern Saskatchewan by community members about some of the cuts and the direction the government has going with the Northern Affairs file.

So I guess getting into that, maybe you have a new deputy minister of Northern Affairs, and I would just like to get some information from that individual. And if it is assistant deputy minister, I want to make clear on, just to get a little background information about the North, and so far if you can give me a heads-up on what you know about northern Saskatchewan and what direction you're going in. I'm just curious to see in that area and just curious to see. It's a new person. Toby is gone. And I'm just giving a chance for you to explain your experience or anything you can share on that side of your, in your new role.

Ms. Marcotte: — Thank you. Giselle Marcotte. I'm acting assistant deputy minister. Thank you for that correction. I was happy to receive the opportunity to take on this role after considerable experience within the Ministry of First Nations and Métis Relations and the former departments and variations and the work I have done throughout Saskatchewan on First Nations and Métis files and including northern ones: working with the Primrose Lake Air Weapons Range, Meadow Lake First Nations and Tribal Council in the south government round, and in my former capacity with the Aboriginal Women's Council of Saskatchewan, and the Bill C-31 implementation program — very lucky in my opportunities to work in the North.

When I took on the position, of course I came in with saying that I do not know the North. I do not know northerners in terms of being one, and I was very well welcome in that capacity. Unless you live in the North, as you know, and you've explained that to us before, you can't really understand fully how northerners feel. However my job is to listen to northerners and to listen to the government and try and explain what it is we need to do and understand. And I'm very pleased to be working at the northern leaders table at this time to listen to northern leaders.

Mr. Vermette: — Okay. Well anyway thank you for your, you know, giving me a little heads-up on the information. I think that's useful and will be useful in my questioning that I have as we go through the time that we're permitted to ask questions. So I guess having said that, I'll go right into some of the questions.

You look at the Department of Northern Affairs, which it used to have its own ministry. And under the Sask Party government, they chose to not allow it to be its own ministry. And I guess I'm curious to see, since the government has taken over, if you can just give me some areas of the budget, give me the differences from the 2007-2008 budget. If you have . . . Has

there been growth? In what programs within Northern Affairs department has there been growth? And in areas where there has been cuts, if you can just explain to me, as best you can, that.

Hon. Mr. Cheveldayoff: — Thank you very much to the member for his question. And we don't have a lot of information on specific programs that go back to the '07-08 period. We have some global numbers that I can certainly provide and some year-over-year numbers as well.

But you know, to begin with the increased funding to northern municipalities from Municipal Affairs and the revenue-sharing commitment that we've had with municipalities. And, you know, what we have seen for the five years from 2008-2009 to the '12-13 period, which we're dealing with now, is a 63.4 per cent total percentage increase. And when we look at the numbers, they've moved from \$10,150,750 to \$16,582,990. And in that, the breakdown by year: in '08-09 revenue went up by 7 per cent; in the '09-10 area, it went up by 20 per cent; in '10-11 it stayed even; '11-12, up by 25 per cent; and in the '12-13 area, 10 per cent.

So you know, we're in that 62 to 63 per cent range, which we are quite proud of. And we feel that that enables the municipalities to do many things and to have the ability to use those monies as they see fit and as they see their priorities for increasing the quality of life for their individuals. So certainly that's one area where we do have that global number.

As far as northern spending goes, in the '12-13 budget it provides for almost 299 million, \$298.5 million or an increase of 2.3 million over the previous year, for just under a 1 per cent increase. But certainly when you look at that global number, just under 300 million, it is substantive. It is extensive. And as we indicate, there's always more work to be done, but we feel that northerners are sharing in what we call the Saskatchewan advantage.

Mr. Vermette: — Well some areas, you know, there might some increase in funding for municipalities. And based on provincially, I realize that under the municipalities the resource revenue sharing, or we'll say the PST [provincial sales tax] sharing, a 1 per cent, and I think that's where you're referring to the increase that all municipalities in the province got. That's what you're talking about, correctly? It's not like it was to the North, got its special money. It's with the PST, the 1 per cent that for all municipalities in the North. Is that correct? I'm just . . . clarification on that.

Hon. Mr. Cheveldayoff: — Yes, absolutely, that is correct. It's across the province, and northerners share in that benefit appropriately.

Mr. Vermette: — Which they should. Very clearly, I agree, which they should. I want to go on here now and talk about Northern Affairs. I want to talk about the programs, Northern Affairs, and the ministry itself.

Can you help me to understand what exactly is the role of the ministry of Northern Affairs? I know it's under Métis Nation, First Nations and Métis Relations, but the ministry is, you know, yourself as Minister Responsible for Northern Affairs.

Can you give me a little background information on that role and what the northern ministry is supposed to do for northern Saskatchewan?

Hon. Mr. Cheveldayoff: — Thanks very much to the member for the question. It is an important question. And you know, Northern Affairs division certainly plays an important role. And we have the opportunity to work collectively with other ministries to ensure that northern Saskatchewan is represented at the cabinet table, that we play a coordinating function.

Northern Affairs division specifically supports business and employment development through the North. And it also facilitates opportunities for northern leaders to collaborate on social, health, economic issues, economic issues and challenges and opportunities in the North. We communicate government decisions and their impacts on the development in northern Saskatchewan. We administer financial support for programs, mine surface lease agreements, for example. We monitor mining development in the North.

And we have a very much a coordinating function. You know, my deputy and others have hosted other deputies and play a key role in educating the public service as well about their programs and about the impact that they have on northerners and individuals that are affected by Northern Affairs.

Mr. Vermette: — And I thank you for that explanation because I think it's very important that we understand the role of the Northern Affairs, whether we want to call it a department, the role that it would play for northern people. At one time it was very strong and did play a really . . . It's amazing the impact it did have for northern people in northern Saskatchewan.

We have talked about it, and I know individual leaders have talked about the program. And if you talk about programs that run under Northern Affairs have been watered down, the ministry itself, in their view, has been watered down when you turned it into a department. Northern Affairs is under the Ministry of First Nations. It didn't have its own minister with its own department and different things that . . . And that's how people feel about it.

But having said that, we still understand the role. And I had you explain that to make sure I have a good understanding. It's still the role that it's supposed to play. I wanted to make clear that your officials, the role they're supposed to play.

And when I go in to see some of the cuts — and I have to say this — some of the cuts to northern Saskatchewan and see some of the challenges that northern people are being faced with, and it's everyday living, young people. And I've asked the minister, you know, in the House to come for a tour. And he has taken me up on that, and we will go ahead with that because I think that's important for you to see what's going on up in northern Saskatchewan, hear from the young people, the leadership, the community members. And I also offered the Minister of Environment today in committee, and he is also willing to come. So having said that, we'll get through this. I know it's busy times but we'll get that set up. I want to do that before there is a cabinet shuffle. I think it's crucial that that happen.

[14:45]

When I look at some of the cuts, and I'm going to get into some of the areas of concern to northern people, have expressed to me their concern and frustration when you see some of the cuts. So I again, I want to go to some of the cuts. You work with the ministries to explain, and I asked this in other committee, the role. And I think that's crucial to understand. You as the Minister Responsible for Northern Affairs, your officials, it's important the role they play with northern Saskatchewan, and northern people do rely on that.

And I want to make it very clear it's important the issues facing northern people whether it's the youth, and I think about the youth because we have a large population of young people, young men and women. And you know, we look at some of the communities, the graduation rates are low, 50 per cent. That's pretty sad to say but there are reasons that's causing that. We know that.

And I ain't going to put a blame on one individual or one department or a certain government. At the end of the day, all governments pick and choose what programs, what communities, what areas they want to support and we have to accept that. But as an opposition I guess I have a role and representing the Cumberland constituents I have an obligation to bring their concerns forward, which I will do. And I think with petitions in the House and some of the questions we've put forward with the area of concern.

When we look at the young people in northern Saskatchewan, when we look at the rate of suicide, it rings out alarm bells. And the concern and I know that yes, some people will say, oh it's very delicate. And oh we're doing all we can; we've got more work to do. And I hear that. Yes, you've got more work to do. But while that work's being done, we're seeing our young people lose hope because of economics. There's other indications it's not all one area that you can blame. But you have to say this, and I'll say this to yourself and your officials, it's important that you make those connections to find out what are the issues with the leadership. And it's one thing to sit there and say, well we listened; we listened. We were there. We listened. We had a meeting; we listened. And that's fine. I appreciate that. People are busy. I understand that. But it's the action that needs to happen. That's the sad reality. At the end of the day it's the programs and the action that's needed to help the young people, to help the communities in northern Saskatchewan. So what is your plan?

And you know, I look at the northern action plan and I would like to have you explain some of that, and I will give you time to explain the whole process. And I have a number of questions I'd like to ask about that. But do you see about . . . I guess what I'm trying to be clear about, what is your ministry's I guess commitment if I want to ask it or direction with this year's budget to help our young people deal with the youth suicides in northern Saskatchewan? The hope . . . And whether it's mental health, and I know that we have those issues as well. There isn't enough people there to deal with their issues.

So I guess I leave it at and see if you can respond to, what is the plan to help our young people deal with the suicide rate in northern Saskatchewan? It is northern Saskatchewan and it's economics, all the different things — education; it's jobs; it's opportunities. You work with the ministries, so I'm asking you:

how is it that it's growing and the numbers and we're losing our young people? I ask you that. Your department is responsible for working with that. So I guess I'll leave it at that. I'll see what you have to say.

Hon. Mr. Cheveldayoff: — Thanks very much to the member for the questions. And certainly in his discussion he touched on a number of areas which I would like to respond to.

First of all, I think you made the assertion that the Northern Affairs division is watered down. Well I would challenge that. You know, we have a full division within the ministry here of First Nations and Métis Relations. It's a very responsive division, one that engages often with leaders in the North. We have an open door policy, and certainly as minister every time I speak to northern leaders I invite them to either contact the ministry or contact me directly. And I can assure the member that those contacts become a top priority for me in dealing with any concerns that are voiced in the North. And we do and we feel that we are making some good progress.

You know, we look at the community of Pinehouse for example and the leadership that they're showing with some of their programs, their vastly reduced unemployment rate that they have and their specific initiatives that are engaging the youth in northern Saskatchewan. I just use that as an example of how we are moving forward in northern Saskatchewan.

The member also touched on education. And make no mistake about it, that is indeed a top priority for this government and I think for all members of the legislature understand how important it is. You know, that's why we have the task force under way to look at how improvements can be made.

The member asked for some specifics about this budget and how it addresses education. I look at some of the specific numbers here. The school operating grant for northern school divisions has gone up from \$61 million to \$64 million, an increase of 4.2 per cent, so additional funds for the operating grant. Some of the programs that are funded also through Education in the North: the KidsFirst program, 730,000; early childhood intervention program, 148,000; child nutrition development program, 150,000; regional intersectional committees, 220,000; and child care itself, \$1.5 million.

So education continues to be an important area that we think is the key to the future. It's the key to educating our young people and encouraging them to undertake skills training later in life and to become part of the workforce. And you know, I can cite stats that show that we are making an improvement. Certainly there is a gap that exists. It existed under the, when the member's party was in government, and it continues to exist today. We are making some headway.

We are making some gains as far as employment numbers go in northern Saskatchewan. It's been talked about in the House, in the media, in question period. Our change in year over year in employment in Saskatchewan is certainly going in the right direction. We have 5,200 more people working in our province than we did a year ago, but of that, 4,700 of the 5,200 are of Aboriginal descent, and of the 4,700, in the category of Aboriginal youth it's an increase of 800 as well. So we see the global stats going in the right direction. We see that the

government is putting the funding into programs like education, and it is indeed helping us to reach our goal.

The member talked about northern issues including suicide and, you know, I can tell him that that is one issue that I think all members of this House would take very, very serious, and we certainly have within the ministry. And that's why it's playing a central role in the northern action plan. We know that mental health issues are an area that are of great concern in the North, in the South as well, and especially amongst young people. Nothing is more tragic than when we hear about a young person taking their own life. We don't have all the answers. And we've talked about it before and we've invited members of the opposition to come forward with ideas as well. Because this is an area where I think governments across the country are trying to make strides, trying to put their best efforts forward. And the area of the northern action plan is where we've dedicated and outlined where we're going to put our priorities. And as far as going further into the action plan, I'll turn it over to Deputy Crowe for more detail for you at this time.

Mr. Crowe: — Thank you, Minister. Good afternoon. Ron Crowe, First Nations and Métis Relations. I'd just like to give a little bit more detail on the northern action plan specifically. And specifically about the northern action plan, it is an opportunity for us to ensure that we have engagement with northern leaders — northern leaders representing the communities in northern Saskatchewan, representation from the municipal governments, from the First Nation communities, from the Métis community as well — all coming forward to work together on some of the issues that are important to northern Saskatchewan.

It was important that we pull together this table in order to have the appropriate kind of engagement with northern people, rather than government officials, people from my ministry or from other ministries try to develop ideas and plans for northerners. The intent is to ensure that there is an engagement process with northern leadership to work together and develop specific opportunities to help northerners, and it's been a work-in-progress. And I think we've come to a point where we are able to meet regularly with the northern leaders, facilitated by officials from Northern Affairs division of the FNMR ministry and develop a work plan.

Recently the northern leaders table have been able to, out of the resources that we've provided, hire three northern coordinators that will be working with the communities, that will identify opportunities, projects, and specifics. I think it's important that we need to take this community by community. I don't believe a cookie-cutter . . . I don't think anybody believes that a cookie-cutter approach will work on some of the opportunities. We are, as the minister mentioned, supporting and investing a lot of time and some resources into the community of Pinehouse, which has shown leadership, and we are supporting that through the northern leaders table and through some opportunities that have come available.

Our coordinators began working in February of this past year. They'll be working with the communities in the various areas in northern Saskatchewan, whether it be the west, the east, and the Athabasca regions. We're also working with the Lac La Ronge Indian Band, working on an assessment for mental health and

addiction needs across northern Saskatchewan, not just related to the First Nation itself but both on- and off-reserve, considering that the North is quite a close-knit community.

We've also in the past . . . And this is I think where we understand not only at a political level, at an officials level, and at the ground level, the work that we do to prevent youth suicide is vital. And that's where we coordinate our efforts, coordinate officials and efforts to support the Northern Lights School Division delivery of suicide prevention, intervention, and postvention training in northern communities. We believe that that is making a difference. And when we start talking about some of the tragedies that have taken place, if there's something that we are totally invested in emotionally, it is the prevention of young people doing this, taking that kind of drastic action. So that is still part of the work that we continue to do.

We're very much aware that government officials coming forward with ideas and proposals doesn't always work, and that's the value of the northern leaders table. That's the value of the northern coordinators, to provide that kind of backdrop research analysis that will allow us to land on places in an agreed-to fashion rather than government officials coming forward with programs that don't necessarily work. And I think it's important that we work with communities that are willing to work through some of the issues, like a community like Lac La Ronge Indian Band and other communities that are really wanting to step forward and deal with that. And that's the help of our coordinator. So to the member and to answer some of the, I guess, give that context, that backdrop for the northern action plan.

[15:00]

Mr. Vermette: — I guess, and I just want to comment on, again, it goes back to this. You may say, well 4,700 Aboriginal people have received or gotten, found, had advantages to get a job. Out your 5,200 you referred to, 4,700, you said were Aboriginal. Well when you have the population, if you look at numbers clearly as unemployment numbers of First Nations people, Métis, non-status, it's probably one of your biggest numbers are unemployment. That's clear. That's been made very clear. So maybe they're getting a chance to a level playing field. People are looking, for whatever reason, but it still shows very clearly that Aboriginal people in the workforce are way behind, and we have to address that.

So yes, it may look good, but we still have northern communities, First Nations communities, that unemployment rates are actually just alarming and, to be honest, appalling. So we can sit there and cheer about some things. Yes, it's good to see that there is a number of people getting to work. But there's a lot of work that needs to be done, and action needs to happen for training dollars and the commitment of those training dollars. And we can have task force, or whatever you want to call it, going out and seeing, you know, I don't know, a report. And we see what happens with those reports. They usually end up on a shelf, and who really uses them? That's been a practice that Aboriginal people have told me they've seen. They've been studied and talked about, and that's the frustration they're feeling.

You talk about northern leaders and your individuals that work for your ministry, the individuals. The men and women are good people, working, trying to do their best. I understand that. It isn't about talking about individuals here who doesn't care about them and that you don't feel the compassion that when you see a young person. I understand that. And that's not where I would ever go, to say that. I agree we all would try to help that.

And I hear what you said, but at the end of the day, it's clearly about the action, the action about the ministry doing a job with the government, other government agencies that are out there, to making sure that they're doing the best they can do. And then the frustration back home is, sometimes yes, they'll say they go to the meetings, very clearly, but there's no action. You can have all the meetings you want. You can talk about this all you want.

What you have to see is everything, from education . . . And you talk about education, and you talk about the dollars in education and that they're experiencing in northern Saskatchewan. Well the formula came out. Finally the formula came out. There was a problem unfortunately. Northern Lights and I think some of the other school divisions had raised their concerns. So the ministry has found \$10 million to get them through this year, but next year they're on their own. A one-time injection of \$10 million to offset because of the formula because they're going to be cutting. I think Northern Lights is 1.3 million that they're going to be losing out of their budget. Next year that's not going to happen. This year there's . . . So we can sit there talking about numbers.

At the end of the day, the issue is about northern people, the supports, whether it's mental health. And when you have communities that do not have a mental health worker and dealing with the young people for 18 months, and they're waiting. And it's a community that had such a large suicide. I cannot understand whether maybe you're not aware, the ministry's not aware of these problems. And you talk about the action plan, and I know the four pillars and they're going to work on all these things. And you talk about working with the leadership, but I've heard a lot of leaders talk about the issues. I've been at the tables listening to them. They're frustrated too.

And yes some communities might be doing very well. I am very happy and pleased. Pinehouse is doing good. They have some opportunities. Great for them. Wonderful. But there's a lot of other northern communities do not have the same opportunities that that community has. So having said that, we can sit here and pick out one community. I'm talking about in general, in general we see the cuts that are going on in northern Saskatchewan.

And I've asked, I've asked clearly from some of the ministries and the estimates, do you have much conversation with the Department of Northern Affairs because if you're making decisions that are impacting northern people, are you in on it? Are they in on the conversations? So I don't know how much you guys work back and forth together and how much conversation your officials have, and there might be lots of conversation. But unfortunately they are making decisions that are impacting.

And it's all the other ministries are making decisions that if you look at the enterprise region, well we're losing our enterprise region, which all 13 are gone in the province. We understand that, but northern Saskatchewan is losing theirs too as well. I mean at the end of the day that's where it's going to make a difference of economics. So you're leaving people pretty frustrated and they just don't understand it. They cannot understand why. What are you going to replace? And they're going to come to you as Northern Affairs and ask, what are you going to come up with to assist us? Because now that's been taken away. We had a program before. Your government came in and changed it, said this is going to be the way go, and it developed it. Now it's saying oh, well we were wrong. We were terribly . . . We wasted money, and now we'll throw that away, and we're getting rid of that. So then what's replacing it? And who's going to work to assist them?

You have people, entrepreneurs, you have good people that were sitting on these enterprise regions in northern Saskatchewan that were doing an excellent job and saw value to what you were doing. And now it's gone. But now that dollars are gone, now who develops? And that's the frustration. Now they're going to be coming to Northern Affairs asking, will your department be able to assist them with getting that? And I know they're frustrated, and that's going to come. They're going to wind down. So when I see that area, that's just one area. I'll see what your response is to the enterprise region and where it's going.

Hon. Mr. Cheveldayoff: — Thanks very much to the member for the series of questions. I've been trying to take notes as he's been speaking, so I'll try to address each of the issues.

As far as the topic of education in the North, and I do mention the employment and education task force because I think this is an important step forward. And not because it's something that the government dreamed up, but it's something that government leaders and First Nations leaders and northern leaders have talked about and said that is indeed necessary, something that we felt it has to be led by individuals that know the North and that can put their knowledge to use in gaining that information and putting it together.

And I can tell the member that it was a powerful meeting that took place in Saskatoon that launched the task force. There was I think approximately 100 youth that were invited from across the province to talk about the future of youth in Saskatchewan, First Nations youth, about northern youth. I believe a number of First Nations chiefs and leaders were invited, and a number certainly were able to attend. And they spoke very forcefully about the task force and their hopes for how it can assess where we are as far as education and employment initiatives and how we can make things even better.

You know, I presented the stats for the member earlier. And you know, stats aren't everything, but they do show a trend. They do show that we are indeed making progress. You know, more First Nations people working in Saskatchewan today than ever before in our province.

That is something that, you know, I'm very proud to say. And certainly we've got to challenge ourselves to do better. That's something that this government doesn't shy away from at all.

We are very willing to set targets and to meet those targets and to overachieve and then to again set higher targets. And that's something that I hope the employment and education task force will do. I know I've spoken to Gary Merasty about it, and he's certainly very, very excited, as are the other two panellists as well.

And I think that what will come out of it are some challenges. They'll challenge government. They'll challenge First Nations leaders. They'll challenge northern leaders, but they'll provide a road map on how we can do even better as far as skills and training and education go. Again, we don't have all the answers in government. We never claimed to. But when you put a collaboration together of First Nations leaders, northern leaders, and government officials, I think we're doing the best we can, and I think we will continue to see the positive results that we are seeing.

I mentioned the example of Pinehouse earlier. That is one community of many in northern Saskatchewan, but I also believe that you look to role models, whether it's individuals or whether it's communities. You see what's working in one community, and then you try to replicate that in other communities along the way. And officials from Pinehouse that I've spoken to have said that they are receiving calls from other communities, that they're most willing to provide that information, that template, if you like, and so we see that positive program spreading further along.

The minister asks what contact is there with other ministers regarding Northern Affairs. Well, I can tell you that I sit at the cabinet table, and every item that comes up at that table, I look through the lens of my responsibility as Minister of Northern Affairs, as Minister of First Nations and Métis Relations, and I take that opportunity to use the knowledge that I have and the advice that I get from officials to ensure that each and every program is as responsive as possible to northerners and to people of First Nations and Métis descent. And I think it's fair to say that comments we receive from northern leaders are that they want to be part of what's happening in the province, the excitement, the very, very exciting future, the hope that everyone has for what Saskatchewan can be in the future. And it is indeed, it is taking place. And I think that my colleagues around the cabinet table are very responsive to suggestions and ideas that I do have to improve their programs along the way.

The member again came back to the northern action plan and the comment or the topic of suicide. And I'll ask one of the officials to provide further details, but I'll just finish my portion here. And the member talked about enterprise regions and the decision to no longer fund them directly from the province. You know, we've had some good experiences with enterprise regions. They provided collaboration. And I've certainly heard from communities in the North that they very much appreciated that collaboration.

That's not going to go away just because the funding isn't coming directly from the province anymore. I think, in talking to some individuals, they say those relationships that have been built will continue. And municipalities and regions in the North will have and continue to have, and the prospects for the future are very, very strong, that they will see continued increases in funding.

And you know, we've heard the Minister of Enterprise say in this House that economic development should be funded locally. And I think many, many of our leaders in the province agree. The municipalities will have more money to enact their decisions around economic development, and we hope that they will continue to use some of those collaborations that have been put in place through the enterprise region program. But again, programs evolve, and we think that this funding model will be even more responsive than the other one was.

So with that, I'll turn it over to Ms. Marcotte to talk a little bit more about the suicide prevention and intervention programs that we have through the northern action plan.

Ms. Marcotte: — Thank you. Giselle Marcotte. And Ron touched upon this earlier. Since February of 2011, training has been provided to hundreds of professionals and residents and youth in communities across the North. The funding is used by Northern Lights School Division, and the training will go until June 2012. And we're expecting a report in June, July of this year.

The type of training that's been provided has been applied suicide intervention skills training, grief support and trauma recovery workshops, critical incident response training, and safeTalk training. And we're looking at the prevention side as well as the intervention side of it. And we also see that through the northern action plan, the larger supports around northern social development as well as economic development and looking to the northern leaders for further direction.

Mr. Vermette: — Yes. If you could provide for me, if the minister would see if your officials could provide for me a copy of communities and how many individuals in those communities took this training course. So if you could, in northern Saskatchewan, identify which communities and how many community members or who took it. You don't have to give me their names, just how many so I can see how many community members can deal with . . . If they took training, where are they? That'd be nice to know.

I guess the other area that I want to go to and question, the minister says he works with the ministries. Can you explain to me how your work with the Highways minister has gone because we see very little in northern Saskatchewan happening on our roads. A lot of concerns of course about the amount that transport the goods, you know, that the mines need. We want to make sure people have roads. We've raised those questions. We've raised concerns. I know the leadership has. I raised some of those questions today in Highways, and the ministry officials are going to look into some of the areas of concern that we raised for safety.

But I just would like to know, what you're dealing is with northern Saskatchewan. And I know the Highways minister had a five-year rollout plan in the South. And the North was supposed to get one, but every time we'd go to see the budget and look at roads in northern Saskatchewan, you know . . . And I'm not the only one. I've had people from industry, community leaders, community members, youth, bus drivers, you name it, are complaining about the roads, how bad they are. Yes, there's economic going on up there. We understand that. But can you tell me, just give me your understanding of how your

department works with Highways and how successful you guys have been on getting northern roads repaired and in better shape than they are.

[15:15]

Hon. Mr. Cheveldayoff: — Absolutely. Thank you very much for the question. And I can give the member an example of, you know, a mining company that's active in northern Saskatchewan. When they would come to the legislature, if their first entry into a minister's office would be through my office, for example, I would often call on the Minister of Highways, Minister of Energy and Resources, and we find that making it as an efficient visit as possible for mining companies and their officials is what we strive to do. And often times we'll see two, three, four ministers together listening to their concerns and responding.

And, you know, the specific question was regarding the Minister of Highways. I know that he has been very active in those meetings and certainly wanting to hear about the, you know, the economic arguments that are being put forward by the mining companies and how best . . . And I know that he takes that information back into the overall plan for highways in Saskatchewan. And what we have seen from a budget perspective — and I know this has been very clearly articulated in the House by the minister, and questions have been posed — a record budget for highways across Saskatchewan. When we became government in 2007, we recognized that that was an area that indeed needed attention because I would contend it wasn't getting the attention it deserved over the previous decade certainly.

So the minister continues to do that. I know members opposite will have opportunities to talk specifically about individual highways. But I can tell you, from my responsibility as Northern Affairs minister, I know that it's taken very serious and that when presented with comments from companies, we endeavour to do all we can to provide because those are the companies after all that are providing many of the jobs in northern Saskatchewan. And they are indeed hiring northerners in record numbers, and we want to do all we can to provide the infrastructure to facilitate their growth. And Highways falls under that infrastructure, and as Northern Affairs minister I see some involvement for myself in that as well.

Mr. Vermette: — Well and that's fine. But I mean if you want to talk about jobs, yes, they create a lot of jobs for northern people. Yes, I agree. But there's also a lot of people in, I guess, Saskatchewan and the rest of Canada that work there as well. So I think let's be clear on that one. I don't want to make it sound like . . . That is, they're trying to achieve a goal, and they're not there yet. They know that, and they always work. And I know that when I meet with Cameco and the different companies, they strive to make sure they hit their targets, and they're working hard to do that. But there's more work to be done. They say that. And they're going to continue working. So be clear on that.

You talk about roads. And you talk about you get a chance to meet with the minister, and you said you make sure he's clear. So can you . . . Obviously, because I'll be honest with you, I don't think he's heard you very well then, or the individual. He

may have heard you, but he hasn't acted on the information and the concerns he's heard from the mining industry or whoever you meet with because Highway 102 north of La Ronge is in terrible shape. It's a mining road being used. A lot of complaints about that, about safety. You got Highway 123 to Cumberland House is terrible. It's made the media. It's petitioned. It's frustration from community leaders. There was a crisis in the community. They couldn't get in and out of their community. So that one. You have Highway 135; the paving with Pelican, their road. You have Highway 915 going into Stanley Mission.

So I mean I keep going over these roads. These issues keep coming up, and there were problems. And some of these commitments were done prior to the previous government allotted money. And I know we have that established. There was money put there for that. So when you say he hears you, yes, you're right. He probably hears you, and you express your concern, but obviously there's no action because nothing's happened on these roads for years.

And there have been concerns raised for safety, and the condition of these roads are appalling. I mean it's like Highway 22. It's getting recognition right now from press, everybody, because of the condition. I mean so I'm concerned when you say you, you know, that you express the concerns to the minister and he hears you. And he listens, and the other people coming in, and he listens. But then he goes off and I guess has a different plan or other priorities. So but at least you say he listens. Okay. Anyway I'll leave that on the roads.

The other area I want to go to I'm really concerned about was the Northern Affairs, the department cutting the freight subsidies to the commercial fishermen. Now I know I've asked you in other opportunities about the freight subsidy for our commercial fishermen in northern Saskatchewan, and it was very clear they didn't use up all the freight dollars. I understand that.

But there was no reason to cut that whole program without consulting the fishermen. You did not, and I know you did not because obviously you'd have come up. If you would've listened to them, you'd have come up. Your advocating for them, and you're always saying you're trying to work on northern people's behalf. Had you heard their concerns, you would've found a different way and you would've found an effective way to utilize the dollars that were cut. You've cut the whole program now, not just what wasn't being used. You've cut the whole program, the freight subsidy for the commercial fishermen without consulting them, without talking. So again, another issue to deal with.

So I don't know who you were communicating with, who you talked to when you're listening to all these northern leaders and all. I don't know who you're listening to, but I know I'm listening to some of the fishermen, and they're not real happy. They're very frustrated and concerned. So can you explain to me who you consulted? And for the record, who within the fishermen and the co-operatives asked you to cut the subsidy totally without any consultation, or if you did talk to them, they told you, yes, get rid of the program because it's no good? I'm just curious to see what you tell me.

Hon. Mr. Cheveldayoff: — Again, thank you to the member for a series of questions. He began his latest series of statements regarding Aboriginal employment and the fact that it's not only northerners or Aboriginals that are employed in northern Saskatchewan. And I certainly agree on that point. But I have to say that, you know, it gives me great satisfaction when I see the Cameco advertisements that talk about Cameco being the largest employer of Aboriginal people in Canada. And I think we can give them great credit that they deserve and try to help them in every way possible to ensure that that continues and that they continue to employ even more Aboriginal people.

The member went on to talk about highways again. And you know \$2 billion in expenditures over the last four years and many, many roads being addressed and much catch-up taking place in the province is something that I think is a very good record. You know, the member will have to agree that there have been times in this legislature where we've gone a whole session without a question on highways whatsoever.

But there is still work to be done. But I think the record of this government over the last number of years about catching up on the work that needs to be done, the infrastructure deficit that was there when we became government continues to be there, but it continues to be addressed and will continue to be addressed going forward. So as far as highways go, I think we're on pretty solid ground. And I certainly like what I see into the future as well when you look at the five-year rolling plan and the priorities that are going to be addressed for communities, for safety reasons and for economic reasons, and that includes northern Saskatchewan as well.

The member then got into the fish freight subsidy program, and, you know, we can certainly have a discussion about that. I'll turn it over to my deputy to just provide some opening remarks in this area.

Mr. Crowe: — Thank you, Minister, and thanks for the question. The fish freight subsidy really has its roots in the monopoly with the fresh fish marketing corporation that's based out of Winnipeg. And over the last little while, we have attempted to create opportunities for fishers to provide, to sell their fish outside of the monopoly. And when we realized that was not possible, government and the fishers essentially agreed through the co-ops, through messages through the co-operatives and SCFL [Saskatchewan Co-operative Fisheries Ltd.], to withdraw from the monopoly.

The fish freight subsidy itself was tied directly to the monopoly. In fact the subsidies were actually administered through the Freshwater Fish Marketing Corporation out of Winnipeg. That's how tightly tied it was.

So when a decision was made at the urging of SCFL — at least the majority — and their co-ops and their members, and government agreed with the withdrawal out of the monopoly, it only made sense that the fish freight subsidy program be withdrawn as well because it was tied to the monopoly.

The other opportunity that . . . So that opens up the opportunity for the fishers to sell their fish outside of what used to be a pretty tight monopoly. And now the opportunity is available for fishers to sell their product beyond that monopoly. But at the

same time, what is also reduced is the royalty that was collected on those catch, commercially caught fish. And I think although it's not a complete even, it is one of those supports that allows the fishers to move forward in this transition.

And it is a challenge. And we do have officials attending the conference as we speak, or the meeting as we speak, that are listening to some of the concerns, trying to work through some of the transition issues. But essentially the fish freight subsidy program was tied directly to the monopoly. Now that we've withdrawn at the urging of the fishers to out of the monopoly, it made sense to reduce the, any kind of kind of dependence on the program itself.

Mr. Vermette: — Well you can put it however you want it. They wanted it, and they got what they want. And I realize that's kind of how you guys were playing it up. And I've listened to your officials at the fishermen's annual meeting, and that's kind of what was put across — you're getting what you wanted; you asked for this, so we're going to give you what you want.

But having said that, you could've done a little differently with this program, with the freight subsidy. You could've approached them and asked them, is there a different way we could do this? Claiming that it's tied to the actually a monopoly and that's the reason you had to cut it, that's fine. You might say that it's closely tied, and that's fine. But you can't tell me that your department couldn't come up with an effective way with the consulting with the fishermen to see if there was a better way you can utilize some of those dollars to make sure it helped their industry in light of the changes that are coming and the challenges they're facing. And they're feeling a little left behind from, of course, the government and the policies. And yes, you might have given them in one area, but they wanted a facility. They had a lot of areas where they saw some potential growth and everything else, and they did not get any support. We've established that already. You would not — and the minister has made it clear in questions — they will not be going forward with supporting them in any way with financing a plant of any kind. So I mean that's clear, so I'm glad.

[15:30]

But I want to clear up the minister. You comment about Cameco and, you know, about the employment. And I want to be clear. I hope the government — and I want to be clear — the government should take no credit in the job that Cameco has created. Cameco — yes, I agree with you 100 per cent — deserves all the credit for the job they've done, so I think the government should not try to take any credit in that area. I just want to be very clear: on employment opportunities, it isn't the government of the day that has helped. You might want to say the numbers are down, but actually later on today we'll show that the numbers from 2007 to now of Aboriginal have gone up, so we'll have that out. But I want to be very clear. I agree with one thing, that Cameco has done that, and I give them credit where credit is due for the awesome job that they do try to do. But I know, talking with some of their staffers too, that they're moving closer to get the gap. They know it's not perfect, but they're doing a lot, and I commend what they do as well.

But having said that, I want to go to the trappers now. Very

clearly, Northern Trappers Association is trying to get itself moving in a positive way. I know they have a proposal in. They try to work, you know, with your department and your officials as well as SERM [Saskatchewan Environment and Resource Management], and I know there has been information going back. How does Northern Affairs in your department, in any of your departments, is there any funding, any partnership? Do you guys meet with them? And exactly what is your plans in this budget, and where do you see yourself moving with the Northern Trappers Association Co-operative? Where do you see yourself going this year?

Hon. Mr. Cheveldayoff: — Thanks to the member for his questions. And he began his latest series talking about Cameco and saying that they deserve all of the credit. And you know, as a government official, we certainly don't want to take credit where credit isn't due, but what I would say is it is indeed a collaboration. And I guess to accurately portray the success that Cameco has, we'd have to ask Cameco officials if they feel that they've been assisted by government in any way. And I think that they've had an opportunity to work with governments of the member's party and this government as well. And I think because of the collaborative nature that Cameco approaches things, that there has been success that I hope would have been benefited by programs provided by government.

As far as the fishermen in Saskatchewan and our contact with them, as the deputy indicated, we have an official at their meetings today right now as we speak. We understand their AGM [annual general meeting] is coming up. And we approach it with an open mind, open to ideas that they may have for going in a different direction. They were very clear with us over the last couple of years that they wanted to move in a different direction, and we're there to listen and to act on any ideas that maybe in keeping with wanting to help them out with that.

And again, and I extend the invitation to the member, if he has some specific areas, specific programs that he would like us to consider or, you know, we'll extend that same invitation to the people meeting in Prince Albert today, that we'll certainly take a look at them.

His last area of comment was on the trappers association and asking specifically what monies the ministry has put towards the trappers. And in that we have grants totalling \$10,000 that have been put forward in support of the 2012 convention that have come from the ministries of Environment and First Nations and Métis Relations. And again, the door remains open with the trappers. And we've articulated this before. If they have other areas where they would like government to consider funding and we would look through the lens of employment creation and economic benefits, we would certainly be open to their ideas. So again, we extend the invitation, whether it's the fish topic or the trappers, that if there are some good ideas that are coming forward, we would take a look at them.

Mr. Vermette: — Well you know, it's real interesting to see, and I realize that you're willing to listen to them and you're willing to listen to me. And if I bring different challenges forward, solutions, and I appreciate that, you know. And I'll give you that; you're always open to listening. And you'll listen to all the people that bring their ideas forward. But I have to be honest with you. Sometimes it's frustrating because yes, you do

listen, and maybe you do advocate to your colleagues, and I'm not saying you don't, and I'm not trying to be disrespectful in any way, but we don't see much action.

We see cuts going on in northern Saskatchewan, and that's the frustration. Yes, there's the everyday that everyone else experiences in the province, gets it. But there's a lot of challenges, whether it's housing, and I've gone through them today. And I've tried to express to you again with probably sometimes frustration — because I hear it back home — sometimes with concern for our young people, with the issues that our seniors are experiencing, and the challenges of northern Saskatchewan. Is it all doom and gloom? No, there are some good things happening. We know that. That's very clear, and that's not the issue. But there's more that needs to be done with the ministries.

And again I'm going to say this to you as a minister. You clearly said your department is supposed to be advocating. I guess we're not seeing much action on some of the files. So either you're not hearing them or we're not — the leadership, the community members, the young people — we're not expressing that to your ministries, to the department, to yourself as the minister responsible because we're not seeing much action.

We hear listening and reports, and we see all that everything's going on. So there's a lot of — whether it's housing, whether it's roads, whether it's addictions — all these areas that I've raised today again isn't because . . . One way or the other, it's about the issues that they're facing back home. These are issues that are facing community members of this province, and this province is supposed to be . . . We see such wealth and such opportunity for everyone. And you know, I talk about — and I'm just going to make my closing remarks here very clearly — the frustration coming from some community members, from individuals. They're frustrated. They're tired of . . . Yes they listen, but there's no action and that's the problem. And I've talked about roads and I can talk about housing and we can go through all the different, back and forth. But at the end of the day, it's about the people back home who are suffering, who are not doing so good.

In this day and age, a province as good as this province is doing — you talk about the advantage and you talk about all the good things happening — that is what they're not experiencing back home. A lot of people are not in with that. And there might be some doing it. The sad reality, there's a lot of people who are suffering today. With a government that has record revenue and it says that the priorities, it's setting its own priorities, I can say to you, there are a lot of First Nations, Métis communities, northern communities are not doing well right now.

Some are doing really good. Don't get me wrong. We'll give credit and I don't mind giving your government credit when credit is due for some of the programs you do. I have no problem with that, but there's a lot of areas that people are losing hope — our young people — and they're frustrated and they feel left behind.

Now play politics, do whatever. It's doesn't matter to me how it's put. It's clear — action needs to happen. The files on northern Saskatchewan on some of the issues I raised with you

today, I ask you again. It's a challenge, but bring them forward to the ministries and let's have some action on them. Not more talk and say we're willing to meet. Action when those come forward. That's what people are asking for. They're frustrated and they're tired of no action. Yes, they'll give you credit. You might listen and you're officials may listen but not much happens after that.

So anyway, on that note I thank you and your officials for providing me the answers that you can. Whether we agree on some of them, we may never agree on them. That's all right. But at the end of the day, it's about the people of northern Saskatchewan and the people of our province getting a fair share, a level playing field, making sure that the services that they have a right to are there and provided. And that's your department, your officials, you know. Lobby, advocate with the other ministries to make sure that happens in northern Saskatchewan. Because right now, like I said, that is what it's all about.

And I do, I offer you, you know, come and see what's going on in northern Saskatchewan. I did that with respect and I will say that today. We may not agree on everything and that's okay. It's okay that we don't agree on everything but I have issues that I have to raise and concerns, and I think I had the opportunity today to do that.

And with that I will say thank you to the Chair and the committee, yourself and your officials for allowing us the time to share some of the frustrations, some of the concerns, but also I guess some of the success because there is success happening in northern Saskatchewan as well. So I thank you, Mr. Chair.

Hon. Mr. Cheveldayoff: — If I may respond, Mr. Chair.

The Chair: — Yes.

Hon. Mr. Cheveldayoff: — Thanks very much to the member for his questions, very genuine, very pointed questions. And I think it's very clear to me that we do agree on the goals, what needs to be done. I think we certainly disagree on the success, the level of success that we are having. I think that we are having a substantial amount of success, whether it's areas of education, whether it's areas of employment, whether it's tax issues, social services, just generally improving the standard of living.

And I am quite comfortable — and I know we could go on for quite a period of time — but I'm quite comfortable sitting in this seat as Minister of Northern Affairs and Minister of First Nations and Métis Relations in saying that I believe that we are contributing substantially to the increased standard of living for people in northern Saskatchewan. I hear that. I see that.

I know there's more work to do, but indeed I think that the Saskatchewan advantage is not something that's just seen in southern Saskatchewan. It's seen in northern Saskatchewan as well. It's seen in our relationship with those in the private sector that employ individuals, that have relationships with communities. It's seen through our interaction with northern leaders, with First Nations and Métis leaders, and we will continue to use the approach that we have been using.

And I'll be honest with the member. I haven't heard a lot of concerns directly from northerners, whether it's the, you know, the fish topic, whether it's the trappers. I can tell you that I'm not inundated with concerns. But when one does come, I take it very serious. We act upon it immediately. We try to provide an answer as soon as possible. We invite those in northern Saskatchewan to come to their legislature whenever they can. And indeed every time we do talk, we talk about the Saskatchewan advantage and how we want them to be part and how we want to increase the standard of living for people in northern Saskatchewan.

Again I thank the member for his questions. They were posed in a tactful manner. And again, you know, we have this opportunity, and I would extend that opportunity throughout the year if there are specifics that we can work together on to help northerners and increase that standard of living. So thank you to member for his questioning.

The Chair: — Thank you, Mr. Minister. Thank you, Mr. Vermette. Mr. McCall, do you have comments?

Mr. McCall: — I certainly do, Mr. Chair. And again, greetings and welcome to the minister and officials.

I want to start by thanking the minister for providing to me yesterday information that had been requested at the last sitting of the committee in consideration of First Nations and Métis Relations estimates. I thank the minister for providing me that information in as timely a manner as possible. It is much appreciated.

I guess I'll start where I'd left off with a certain amount of questions last sitting of the committee, Mr. Chair, and that is with the Consultation Participation Fund. To recap, the criteria was changed January 16th, 2012. There were a number of criteria outstanding, or there were a number of applications outstanding. By the information provided by the ministry, there were 12 applications under consideration when the criteria was changed.

Again, I would ask the minister if he stands confident behind that practice of changing criteria for a Consultation Participation Fund when there were applications outstanding for that fund.

[15:45]

Hon. Mr. Cheveldayoff: — Thank you very much to the member for his question. And I can say that this decision is consistent with our commitment as a government to continuously improve programs, to streamline processes, and to improve citizen-centred services. It's something that I think that we as ministers always challenge ourselves to do. Are our programs being administered appropriately? Can they be more direct? Can they be applied to what we want to see as an outcome or a policy or a criteria along the way? And certainly I can say that this is consistent with our government's policy to continuously improve programs and try to direct funding where we feel it's needed most.

Mr. McCall: — Well I thank the minister for the answer. To provide a bit of context, looking through the plan for 2012-13,

there's a great performance measure included in the document where it goes through, per fiscal year, the amount that was forwarded to applicants under the Consultation Fund and the number of applicants. Of course the statistics for '11-12 weren't available at time of the plan's publication.

Can the minister for the record tell the committee how much was budgeted in the 2007-08 fiscal in the FNMR budget for the Consultation Participation Fund?

Hon. Mr. Cheveldayoff: — Thank you very much to the member for his question. In 2007-2008 officials have indicated that the number is \$2 million.

Mr. McCall: — What was that figure for 2008-09?

Hon. Mr. Cheveldayoff: — For the year 2008-2009, it went to \$3 million.

Mr. McCall: — And for 2009-10?

Hon. Mr. Cheveldayoff: — 2009-10, it remained at \$3 million.

Mr. McCall: — 2010-2011?

Hon. Mr. Cheveldayoff: — 2010-2011, it remained at \$3 million.

Mr. McCall: — And does the minister have information on 2011, both in the amounts that had been included in last year's estimates and the amount that was actually dispersed?

Hon. Mr. Cheveldayoff: — Thanks to the member for the question. In 2011- 2012 the budgeted amount was \$2.1 million. Expenditures were \$337,000, leaving an unused budgeted portion of \$1.7 million.

Mr. McCall: — Well I guess the minister will probably appreciate what I'm driving at. And it's this: in '07-08, it was 2 million in the budget, 1.3 disbursed; '08-09, it was 3 million in the budget, 2 million disbursed; '09-10, it was 3 million in the budget and .5 million disbursed; 2010-11, 3 million and 1.7 million disbursed; 2011-12, 2.1 million in the budget and \$337 million disbursed . . . [inaudible interjection] . . . Pardon me, I thank the minister for the correction, \$337,000 disbursed.

When you've got that kind of a systemic gap between the funds that are offered up in the budget process and then the way that they are taken up by the community, there's obviously a problem in the fund. And I guess as far as I know, I don't think there's any lack of First Nations or Métis groups that are interested in being adequately consulted. I don't think that that is, I don't think the economic activity that generally goes alongside those kind of questions that arise around duty to consult and accommodate activity, I don't think that's declined.

I'm just left wondering how it is that this is such a, such a broken instrument on the part of the government. And again, I've not yet been here forever, but I have been here long enough to have seen the different sort of emphases that were placed on this fund and on duty to consult activity by ministers of that government, of the government that you are a part of, Mr. Minister, and to see the way that it plays out with the actual

dollars committed to it, which is always a pretty good indication of how serious a government is about the rhetoric that is given. Obviously there are some problems with the fund, and obviously there's some problems with the criteria in the fund.

So given that that was the case, again I don't understand how there wasn't a better means of changing the criteria or changing the fund being taken up when it's historically a fund that has got some pretty clear problems in terms of how people are able to access it. But to again make a decision to change the criteria of the fund when there were applications outstanding, I think that's going to cause the people of Saskatchewan some problems in terms of the way that people feel they've been dealt with under this fund.

So what activity was taken in advance of changing the criteria of the fund to notify those that had applications under consideration of an impending change to the terms by which they had applied for dollars to defend their constitutional rights?

Hon. Mr. Cheveldayoff: — Thanks very much to the member for his question. And the amount budgeted, it's always an inexact science when you want to budget into the future for a program that receives a varying amount of applications per year. And you want to, you know, be responsible through the Treasury Board process in trying to estimate exactly what you would spend on specific line items.

And what we did for this year is look at the expenditures over the last five years and try to come up with an average and meet our commitments. And you know, I've said this before, knowing full well that we have a legal obligation. And if indeed we had a number of applications greater than we were able to fund, we would have to go back and ask for additional funds.

But you know, I think it's fair to say that over the years the fund has been not fully subscribed. It's been undersubscribed. But the amount of applications has certainly varied, and as a result the number of applications supported has certainly varied. You know, it goes from 19 in '07-08 to 44 in '08-09, then down to 11 in '09-10, up to 16 in '10-11. And so that has indeed varied. We see an average of about \$600,000 that was spent on project-related and project-specific areas, but we feel that the 1.2 million that is budgeted will be adequate for the coming year.

Mr. McCall: — In the information that was provided to me by the minister and officials arising from questions last committee meeting, there are four files. To quote from the document provided to me by the minister:

Four files were opened for two applicants who had each requested funding for both capacity and comprehensive traditional use studies. These applications were no longer consistent with the new criteria.

It's not provided what the amount being requested for in the case of those four files constituted. Can the minister provide for the committee how much was involved in those four files, dollar-wise?

[16:00]

Mr. Froh: — It's James Froh. The four applications that were not fully consistent with the new criteria came from two applicants. And they involved requests for core capacity, around developing some core capacity for consultations but not related to any specific projects, as well as a comprehensive traditional-use studies for these two applicants. And what's difficult, and why we've had a little discussion here, is that in a request, when a request comes in of course people propose a particular amount, but it's always an amount that hasn't been adjudicated or hasn't been reviewed under the criteria or with officials in terms of what is reasonable or what is practical and how it then ties to government's interests and obligations under the criteria.

So to answer the question, the requested amount was \$549,000 for those four applications that I have on record.

Mr. McCall: — Before the criteria changed and the decision was rendered, was there an adjudicated amount arrived at by the ministry?

Mr. Froh: — No, we had not adjudicated these applications at the time of this criteria change.

Mr. McCall: — Is the minister or officials able to declare to the committee who these applicants were?

Hon. Mr. Cheveldayoff: — Thanks very much for the question, to the member. And we're getting into the level of detail that involves some privacy issues. But you know, I very much want to provide as much information to the member as possible. So what I would undertake to do is to contact the two groups and ask for their permission to release that information. And if they give us that permission, I will provide the member with that.

Mr. McCall: — Well I appreciate that, and I appreciate the need for concern in terms of release of that information. So I'll await the results of the efforts of the minister.

I guess a broader question in terms of the change of criteria. What consultation was undertaken on the changes to the criteria for the Consultation Participation Fund?

Mr. Froh: — Thank you for the question. The ministry did consult on changes to the criteria fund with the ministries of Environment and Justice and Attorney General. And the decision is consistent with our commitment, as the minister has previously indicated, to continuously improve programs, streamline processes, and also improved our client, or citizens and service.

Mr. McCall: — So the point of the Consultation Participation Fund is to enable First Nations or Métis groups in the province of Saskatchewan to be adequately consulted when their treaty rights are being affected or perceived to being affected. Were there any First Nations or Métis groups consulted on the changes to the Consultation Participation Fund?

Hon. Mr. Cheveldayoff: — Thanks very much to the member for the question. I can assure him and the committee that this government takes our duty to consult very seriously, and we've held extensive consultations with First Nations and Métis and

industry while developing the consultation policy framework. The refocused fund criteria is indeed consistent with the consultation policy framework. And, you know, that is indeed consistent from a policy perspective.

And from a practical and dollars perspective, we looked at the average that was spent over the last number of years and tried to identify a number that we felt would be sufficient going forward. So we see some consistency there, and we continue to believe that, you know, this would be an adequate amount going forward.

Mr. McCall: — As to the amount of the fund, again to clarify for the minister, that's not my question. My question is . . . Maybe just state it another way. Is the minister telling the committee that when it came time to change the Consultation Participation Fund that essentially the only groups that the government has consulted with was itself?

Hon. Mr. Cheveldayoff: — Thank you very much to the member for his question. And as I'm sure the member opposite knows and, you know, during his time in cabinet and dealing with budgets, that when you're dealing specifically with the budget process, there is less consultation specifically in that period leading up to the budget. And I'm sure the member knows as well that when his government was in power, they did not consult on the consultation policy or their fund either. So it is indeed a precedent that has been set by governments in the past and continues to be used by governments today in establishing budgetary measures.

Consultation continuously happens in various areas, and governments are guided and wanting to continue that consultation. As I indicated, the consultation policy framework was developed with extensive consultations with First Nations and Métis and industry. So it varies in the amount of consultation, depending on the timing, and indeed there has been precedent in the past when the member's government did not consult on policies related to funding this operation as well.

Mr. McCall: — I am glad the minister is recalling that because I'm sure he'll also recall that the interim duty to consult framework that was put out by the government that I was proud to be part of and still am proud to be part of, was an interim document and was put out as a starting point for discussion. And different in terms of the government that that member is a part of, there was a fairly significant round table undertaken. Then there was an interim set of guidelines released in, well I think it was just in time for Christmas one year. And then we've arrived at, in the summer of 2010, the final iteration of the consultation and participation, the consultation framework. So I would beg the minister recognition that the circumstances are somewhat different in this regard.

Where they're also somewhat different in this regard is that this is a monetary decision taken by the government. It's a matter of fiscal policy, certainly. But this was a decision that was taken out of phase with the budget, that commenced impacting people's lives on January 16th. The dollars are under consideration here today, it's part of the estimates, but in terms of budget secrecy or budget confidentiality needs attaching to this particular decision, I would respectfully disagree with the minister's assessment of what was required for this particular

decision.

I guess the last thing I would say is that that member will perhaps remember the criticisms levelled by various of his colleagues in terms of the ironies inherent in not consulting on matters of consultation. And I guess there is never any shortage of irony in politics, Mr. Minister or Mr. Chair, but not only was the criteria changed midstream in terms of applicants already under consideration, but that there wasn't consultation undertaken with anyone other than the government itself on these dollars under consideration here today, I think, compounds the irony. And I don't think . . . I'll be interested to see where this file goes, Mr. Minister, in terms of the impact it has out in the community and in terms of what people think of changing the criteria midstream.

But one other thing I'd like to ask you about under the heading of duty to consult and accommodate, flowing out of the May 2008 round table there was a call or a pledge to undertake a number of exploratory tables, which included topics such as economic benefit sharing, environmental stewardship, traditional youth studies and mapping appropriate consultation capacity, and dispute resolution. And if memory serves, those were a fairly significant part of the response by the provincial government in terms of its demonstrating how it was addressing its duty-to-consult responsibilities under the constitution.

I was wondering if the minister could update the committee as to what has become of those exploratory tables which also, if memory serves, had a notional quarter of a million dollars attached to them in a previous budget. Has anything come of those exploratory tables?

[16:15]

Hon. Mr. Cheveldayoff: — Thank you to the member for his questions. And I do want to comment on the consultation policy framework, and, you know, he suggested that there's some irony in it. I'm not sure if I share that concept of irony with him. I believe that it is fairly straightforward and clean-cut. And, you know, the member quoted from the information that was given, saying four files were open for two applicants who had each requested funding for both capacity and comprehensive traditional use studies, and he ended his quote there.

I think it's important to read into the record, these applications that were no longer consistent with the new criteria, these applicants were immediately contacted by FNMR staff to provide an opportunity to discuss their consultation needs related to the project-specific notifications. These files remain open pending further communication from the applicants. So indeed we are in no way shutting the door. We are continuing to work with them.

Yes, the criteria has changed, and it is part of our desire to consistently and continuously improve, improve programs. So certainly that is the way this change came about. But most importantly, I think, is the desire to continue communication with the applicants and continue to see if there is a way that they can qualify for the fund under the new criteria.

The member went on to talk about the exploratory tables, and I

will ask Deputy Crowe to respond with an initial answer.

Mr. Crowe: — Thank you, Minister. Just to go back, there were some particular areas that were outlined including economic benefit sharing and environmental stewardship that were particularly two tables that we were anxious to get under way with. The opportunity still exists to continue on. We have created some more opportunity for the discussion and some correspondence that . . . or pardon me, some dialogue that's taking place right now in order to create the opportunity to move these files forward.

Is it going at a pace that we would be comfortable with? No, it's not. And there has been some concern or some lack of, I guess, understanding as to what we can achieve. I think we are at a point in time where we are making the opportunity available to create that dialogue, particularly around economic benefit sharing and what that means to the First Nations and Métis communities. There are some opportunities that are available, and we are exploring those right now. We have had some discussion with FSIN [Federation of Saskatchewan Indian Nations]. We hope to have some further discussion with some of the First Nations communities that are interested in moving on that. Will it be done in the way that we first envisioned? Likely not, but the opportunity still is there.

And there is notionally some resources out of the 1.2 that have been identified that will be resourcing the dialogue around economic benefit sharing and environmental stewardship and the other topics if there is interest. The anticipation that we had to have this dialogue did not materialize. We can't hold anyone at fault for that. I think what we want to do is make sure that that opportunity still exists and is still something that we as officials are trying to proceed with, with officials within the First Nations, Métis community.

Mr. McCall: — I thank the minister and officials for those answers. Economic benefit sharing and the other topics that the deputy minister had iterated, what is the dollar figure attached to carrying out that piece? What amount of the \$1.2 million is earmarked for those activities?

Hon. Mr. Cheveldayoff: — Thanks very much to the member for his question. The amount is \$200,000.

Mr. McCall: — I thank the minister. And I guess just back to the point the minister had raised earlier in terms of providing the entire quote from what I'd quoted from earlier. Certainly I wasn't truncating the quote with any sort of nefarious objective. But while the minister has raised it, have those individual applicants, and on those four files, have they been specifically requested to reapply under the new criteria?

Hon. Mr. Cheveldayoff: — Thanks very much to the member for his questioning. And I wasn't suggesting either that he was nefarious in any way in pulling quotes from the document. I just thought it would serve all if we went on to outline the remainder of the paragraph that was provided. But it does refer to the member's latest question as well.

And it's certainly the intent and the suggestion to keep the file opened, and officials working with the groups that put forward the applications that they are wanting to see a way that they

would qualify. And it is their intent and suggestion to continue with their applications under the new criteria.

Mr. McCall: — I thank the minister for that response. Shifting ground a bit, under the last year with the Métis Nation of Saskatchewan, we've had discussion previously in committee on the level of confidence that officials have with the dollars forwarded by the Government of Saskatchewan to the Métis Nation of Saskatchewan. Can officials or the minister reprise for the committee how many dollars were forwarded last year to the Métis Nation of Saskatchewan? How many are intended to be forwarded this year to the Métis Nation of Saskatchewan?

Hon. Mr. Cheveldayoff: — Again thank you very much to the member for his question. We provided the \$385,000 for the bilateral and tripartite processes allocated this year to the Métis Nation of Saskatchewan. Almost 280,000 was provided from the First Nations and Métis Consultation Participation Fund for the MNS [Métis Nation of Saskatchewan] to participate in negotiations in relations to Métis harvesting rights agreement negotiations with the government. The MNS also received \$122,000 of project specific funding in February of 2012 from the fund's '11-12 resources to establish and coordinate the Métis environment and resource management advisory committee, the eight-member committee, for one year.

Mr. McCall: — Of course this week we've seen news of the Métis Nation of Saskatchewan election that was to have taken place May 30th being stopped by an injunction. Can the minister talk to the . . . Can the minister inform the committee as to what the response is of the ministry to that development and whether or not that raises any flags or concerns for the ministry both in terms of its dealings with the Métis Nation of Saskatchewan and what happens going forward from here?

Pardon me, it wasn't an injunction. But certainly the judge has enabled it or has stopped the election for the time being. But if the ministry could still provide a response, that'd be great.

Hon. Mr. Cheveldayoff: — Absolutely. It wasn't an injunction, but the two individuals had applied to the Court of Queen's Bench for a ruling on the validity of the election. It's regarding the governance procedures within the Métis Nation of Saskatchewan and quorum was not reached when decisions were made about entering into the election and the election date. The court had ruled that they didn't have the necessary information to provide a ruling, so they would not substantiate the decision to go ahead. And therefore the Métis Nation of Saskatchewan was in a situation where they didn't have quorum to go ahead with it and they didn't have the validity of that election upheld by the court. So the decision was made, and we were informed that they would be suspending their election and dealing with this very serious matter very quickly. In early May I understand that they are having a meeting to address the situation.

The leadership continues to implore others to come to the meeting and to try to reach quorum. You know, the Government of Saskatchewan doesn't have any involvement with the election of the Métis. It's their own election. There's no direct involvement certainly. We continue to monitor very closely and are open if we're asked for advice. We want to keep the lines of communication open, but the latest information that

I have is that on May the 9th, I believe, there will be an assembly and that hopefully they will inform us of positive decisions at that time.

Mr. McCall: — Has the ministry, specific to the election that had been planned, has the minister received any requests for funding or for assistance in the conduct of the election?

[16:30]

Hon. Mr. Cheveldayoff: — Thank you very much for the question. And we have indeed received a request for support for the election. The Métis Nation's own commission has said that over the last number of years they should be putting money away to fund that election. We understand that they have put some money away to fund that but we don't see it as the Government of Saskatchewan's role certainly to fund that election. It's never been done before with the exception of 2007, as the member will I'm sure know. Because of the situation that they were in in 2007, some one-time — and it was made very clear at that time — one-time funding was made available to deal with the situation at that time. But we continue to see it as largely a federal responsibility. And again we hope that the governance issues that seem to be paramount are addressed at the meeting on May the 9th and that they can proceed.

Mr. McCall: — Thank you very much, Mr. Minister. We've allocated, in the scheme of things, four hours for consideration of the estimates of First Nations and Métis Relations and Northern Affairs as conducted by my colleague earlier. We've reached the end of that time and it's always with a certain amount of regret because there's a lot of interesting files out in First Nations and Métis and northern circles and it's a set of issues that is so critical to the success or failure of this province. And so I won't . . . While I'll agree to, you know, concluding the consideration of estimates, I do so with regret because there's a lot of interesting things to talk about and a lot of critical issues to be explored in terms of the way these issues and your responsibilities impact this province.

So that being said, I want to thank the minister and officials for joining us for consideration of the estimates. And again it's a very big job that First Nations and Métis Relations and Northern Affairs has to perform and we continue to watch with interest as they set about doing that work. But again, I thank the minister and officials for joining us here today and I thank fellow committee members for indulging us in the additional time that this may be running into. Thank you, Mr. Chair.

The Chair: — Thank you, Mr. McCall. Mr. Minister, did you want to have a few moments to wrap it up?

Hon. Mr. Cheveldayoff: — Absolutely, Mr. Chair. Thank you very much. I will be quick because I know we're over time. But I too want to thank the member opposite for his questioning, for doing so in a professional manner. He obviously has a great understanding in this area and certainly provided the questions with great knowledge. And I appreciate the manner in which they were done.

I thank all members for participating in the committee, and I would certainly like to thank my officials for both the

preparations that are undertaken to prepare for these meetings and for the answers that have been provided. Thank you. With that, Mr. Chair, thank you very much.

The Chair: — Thank you, Mr. Cheveldayoff, and thank you to the officials. It's been a good discussion over the last couple of hours. As we're outside of our regular business hours, I would ask a member to move a motion of adjournment. I recognize Mr. Phillips.

Mr. Phillips: — I so move.

The Chair: — Mr. Phillips has moved. All agreed?

Some Hon. Members: — Agreed.

The Chair: — That is carried. This meeting is adjourned until Monday, April 30th at 7 p.m.

[The committee adjourned at 16:34.]