STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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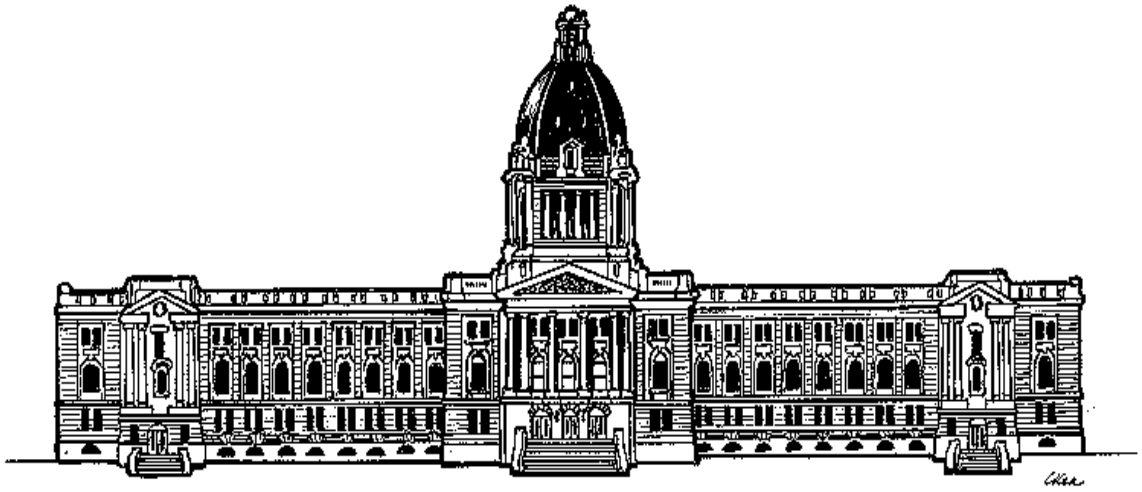

Legislative Assembly of Saskatchewan

Twenty-seventh Legislature

STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

Mr. Warren Michelson, Chair
Moose Jaw North

Ms. Cathy Sproule, Deputy Chair
Saskatoon Nutana

Mr. Kevin Phillips
Melfort

Mr. Warren Steinley
Regina Walsh Acres

Mr. Lyle Stewart
Thunder Creek

Ms. Christine Tell
Regina Wascana Plains

Mr. Corey Tochor
Saskatoon Eastview

Published under the authority of The Honourable Dan D'Autremont, Speaker

[The committee met at 19:00.]

The Chair: — Good evening, ladies and gentlemen. Welcome to the Standing Committee on Intergovernmental Affairs and Justice. My name is Warren Michelson. I am the Chair of the committee. Along with me are the other committee members: Cathy Sproule, the Deputy Chair; Kevin Phillips; Warren Steinley; Lyle Stewart; Christine Tell; and Corey Tochor.

This evening the committee will be considering a series of Bills which can be found on the meeting notice.

The committee has considered estimates and supplementary estimates throughout the season. It is agreed that the committee will now vote on the estimates and supplementary estimates that are before the committee.

General Revenue Fund
Corrections, Public Safety and Policing
Vote 73

The Chair: — We will start with vote 73, Corrections, Public Safety and Policing, page 39. Central management and services, subvote (CP01) in the amount of $30,270,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Just check that total — $30,207,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Adult corrections, subvote (CP01) in the amount of 104,837,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Young offender programs, subvote (CP07) in the amount of $52,068,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Public safety, subvote (CP06) in the amount of $7,343,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Policing and community safety, subvote (CP10) in the amount of 178,334,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Provincial public safety telecommunications network (CP11) in the amount of . . . There is no amount in this. This is for information purposes only. There is no vote needed.

Saskatchewan Police Commission, subvote (CP12) in the amount of $1,427,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Amortization of capital assets in the amount of $3,018,000. This is for informational purposes. No amount is to be voted.

Major capital projects, subvote (CP09) in the amount of $14,400,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Corrections, Public Safety and Policing, vote 73 in the amount of 388,000, 616,000 dollars, is that agreed? I'm sorry — $388,616,000. I will now ask a member to move the following resolution:

> Resolved that there be granted to Her Majesty on the 12th month ending March 31st, 2013, the following sums for Corrections, Public Safety and Policing in the amount of $388,616,000.

Mr. Phillips. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

General Revenue Fund
First Nations and Métis Relations
Vote 25

The Chair: — We now move to vote 25, First Nations and Métis Relations, page 75. Central management and services, subvote (FN01) in the amount of $3,368,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Gaming agreements, subvote (FN03) in the amount of $67,641,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Northern affairs division, subvote (FN08) in the amount of $3,338,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. First Nations and Métis affairs division, subvote (FN09) in the amount of $7,542,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Amortization of capital assets in the amount of $7,000. This is for information purposes only. No amount is to be voted.

First Nations and Métis Relations, vote 25 in the amount of $81,889,000. I will now ask a member to move the following resolution:

> Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2013, the following sums for First Nations and Métis Relations in the amount of $81,889,000.

Mr. Steinley. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

General Revenue Fund
Lending and Investing Activities
First Nations and Métis Relations
Vote 163

The Chair: — Vote 163, First Nations and Métis Relations on page 162. Loans under *The Economic and Co-operative Development Act*, *The Northern Economic Development Regulations*, subvote (FN01) in the amount of $350,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. First Nations and Métis Relations, vote 163, $350,000. Now I ask for a member to move the following resolution:

> Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2013, the following sums for First Nations and Métis Relations in the amount of $350,000.

Mr. Tochor. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

General Revenue Fund
Justice and Attorney General
Vote 3

The Chair: — Main estimates, vote 3, Justice and Attorney General, page 105. Central management and services, subvote (JU01) in the amount of $21,568,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Courts and civil justice, subvote (JU03) in the amount of $40,332,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Marketplace regulation, subvote (JU07) in the amount . . . There is no amount. This is for information purposes only. There's no amount needs to be voted on.

Legal and policy services, subvote (JU04) in the amount of $30,258,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Community justice, subvote (JU05) in the amount of $19,908,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Boards and commissions, subvote (JU08) in the amount of $26,939,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Courts capital, subvote (JU11) in the amount of $14,525,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Amortization of capital assets in the amount of $1,003,000. This is for information purposes. No vote is required.

Justice and Attorney General, vote 3, $153,530,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I will ask a member to move the following resolution:

> Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2013, the following sums for Justice and Attorney General in the amount of $153,350,000.

Mr. Steinley. Is that agreed? Let me just reiterate the amount. It's for $153,350,000 . . . [inaudible interjection] . . . Okay. The amount should be, that should be $153,530,000. Is that agreed? And Mr. Steinley, move that motion? Thank you. Agreed. Carried.

General Revenue Fund
Municipal Affairs
Vote 30

The Chair: — Vote no. 30, Municipal Affairs on page 115. Central management and services, subvote (MA01) in the amount of $4,539,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Municipal relations, subvote (MA08) in the amount of $7,758,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Municipal Affairs assistance, subvote (MA07) in the amount of $316,977,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Federal municipal assistance, subvote (MA10) in the amount of $56,055,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Saskatchewan Municipal Board, subvote (MA06) in the amount of $1,407,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Municipal Affairs, vote 30, $386,736,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I'd ask a member to move the following resolution:

> Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2013, the following sums for Municipal Affairs in the amount of $386,736,000.

Mr. Phillips. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[19:15]

General Revenue Fund
Office of the Provincial Capital Commission
Vote 85

The Chair: — Turn to page 119, vote 85, the Office of the Provincial Capital Commission. Central management and services, subvote (PC01) in the amount of $2,155,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Capital Commission operations, subvote (PC02) in the amount of $11,778,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. The Office of the Provincial Capital Commission, vote 85 in the amount of $13,933,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move the following resolution:

> Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2013, the following sums for the Office of the Provincial Capital Commission in the amount of $13,933,000.

Is that agreed? Oh, who makes the motion? Ms. Tell. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

General Revenue Fund
Tourism, Parks, Culture and Sport
Vote 27

The Chair: — Vote no. 27, Tourism, Parks, Culture and Sport, page 131. Central management and services, subvote (TC01) in the amount of $9,114,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Tourism initiatives, subvote (TC13) in the amount of $4,952,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Parks, subvote (TC12) in the amount of $29,531,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Building communities, subvote (TC11) in the amount of $2,825,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Culture, subvote (TC03) in the amount of $29,176,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Heritage, subvote (TC07) in the amount of $8,931,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Sports, recreation, and stewardship, subvote (TC15) in the amount of $4,434,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Community Initiatives Fund, subvote (TC06) in the amount of $9,288,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Tourism Saskatchewan, subvote (TC04) in the amount of $12,181,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Amortization of the capital assets in the amount of $2,920,000. This is for information purposes only. No vote is required.

For Tourism, Parks, Culture and Sport subvote 27, $110,432,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move the following resolution:

> Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2013, the following sums for Tourism, Parks, Culture and Sport in the amount of $110,432,000.

Mr. Stewart. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

General Revenue Fund
Lending and Investing Activities
Tourism, Parks, Culture and Sport
Vote 173

The Chair: — Vote 173. That's on page 162. Vote 173 for Tourism, Parks, Culture and Sport. Loans under *The Economic and Co-operative Development Act*, subvote (TC01) in the amount of $6,200,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Tourism, Parks, Culture and Sport, subvote 173, $6,200,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I will now ask a member to move the following resolution:

> Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2013, the following sums for Tourism, Parks, Culture and Sport in the amount of $6,200,000.

Ms. Tell. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Okay. That concludes the main estimates. We now move to the supplementary estimates, supplementary estimates from December, page 11.

General Revenue Fund
Supplementary Estimates — December
Corrections, Public Safety and Policing
Vote 73

The Chair: — Public safety, subvote (CP06) in the amount of $60,000,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Corrections, Public Safety and Policing, vote 73, that was carried? Okay. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I now ask a member to move the following resolution:

> Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2012, the following sums for Corrections, Public Safety and Policing in the amount of $60,000. I'm sorry — $60,000,000.

Mr. Stewart. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

General Revenue Fund
Supplementary Estimates — December
Office of the Provincial Capital Commission
Vote 85

The Chair: — Continuing on with the supplementary estimates for December 2011 on page 14. Vote no. 85, Office of the Provincial Capital Commission. Capital Commission operations, subvote (PC02), in the amount of $371,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Okay. The Office of the Provincial Capital Commission, vote 85, in the amount of $371,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — $371,000. Agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I will now ask a member to move the following resolution:

> Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2012, the following sums for the Office of the Provincial Capital Commission in the amount of $371,000.

Mr. Phillips. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. That concludes December 2011. We will now move to March supplementary estimates.

General Revenue Fund
Supplementary Estimates — March
Corrections, Public Safety and Policing
Vote 73

The Chair: — On page 3, vote 73, Corrections, Public Safety and Policing. Central management and services, subvote (CP01) in the amount of $1,407,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Adult corrections, subvote (CP04) in the amount of $2,750,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Public Safety, subvote (CP06) in the amount of $88,485,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. For Corrections, Public Safety and Policing, vote 73 in the amount of $92,642,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would now ask a member to move the following resolution:

> Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2012, the following sums for Corrections, Public Safety and Policing in the amount of $92,642,000.

Mr. Phillips. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. That concludes the estimates.

We will now look for a motion to present the report to the Assembly, the Standing Committee on Intergovernmental Affairs and Justice, first report. Committee members, you have before you a draft of the first report of the Standing Committee on Intergovernmental Affairs and Justice. We require a member to move the following motion:

> That the first report of the Standing Committee on Intergovernmental Affairs and Justice be adopted and presented to the Assembly.

Ms. Tell. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried. The motion before us is:

> That the first report of the Standing Committee on Intergovernmental Affairs and Justice be adopted and presented to the Assembly.

Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you, committee members.

Bill No. 5 — *The Credit Union Amendment Act, 2011*

Clause 1

The Chair: — We will start in consideration with Bill No. 5, *The Credit Union Amendment Act*. We will just give the officials a few minutes to get into place.

Welcome, Minister Morgan, and his officials. We will start with clause no. 1, short title. Mr. Minister, if you have opening remarks, you may proceed at this time.

[19:30]

Hon. Mr. Morgan: — I do, Mr. Chair. I am joined tonight by Catherine Benning, senior Crown counsel, legislative services branch; Cory Peters on my far left, deputy registrar of credit unions, Saskatchewan Financial Services Commission; and on my right, Tony Koschinsky, senior Crown counsel, civil law division. I'm pleased to be able to offer opening remarks concerning Bill 5, *The Credit Union Amendment Act, 2011*. My colleagues on the other side asked me to be brief, and I will.

This Bill will facilitate SaskCentral's plan to continue under the federal *Cooperative Credit Associations Act*, Canada, in 2012, as well as implement a request from the Credit Union Deposit Guarantee Corporation, or CUDGC, to update the qualifications for its board of directors. Continuance under the federal legislation will provide SaskCentral with the flexibility to grow and to provide central services in other provinces and to federal credit unions. This will help SaskCentral remain competitive in the ever-changing Canadian financial sector.

This Bill contains a number of amendments that facilitate these plans while ensuring that the needs of Saskatchewan's credit union system are met now and in the future. In particular, the Bill facilitates the establishment of eligibility requirements for an entity to be named as Credit Union Central, and also enables the establishment of new reporting requirements to ensure that the government stays informed of SaskCentral's financial service, financial status and its ability to provide key services to Saskatchewan's credit union system.

Mr. Chair, this Bill also includes an amendment requested by CUDGC in relation to qualifications for the directors of CUDGC. These qualifications are being updated to align with the new qualifications added to the Act in 2009 for directors and incorporators of credit unions. This Bill is indicative of the strong relationship between the credit union system and government. It maintains the balance between the flexibility needed for SaskCentral to grow and the government's ability to oversee this vital sector of the Saskatchewan economy.

Mr. Chair, with these opening remarks, I welcome your questions regarding Bill 5, *The Credit Union Amendment Act, 2011*.

The Chair: — Thank you, Mr. Minister, and again welcome to the officials. We will now entertain comments or questions on the Bill. Ms. Sproule, do you have some questions?

Ms. Sproule: — Thank you very much, Mr. Chair, and thank you, Mr. Minister, and welcome to the officials. I just would have a quick comment on this particular Bill, and that's my colleagues met with the SaskCentral representatives in late February, and we understand the importance of this Bill and the work that it reflects.

And certainly I think coming from a community which had the first rural credit union in Saskatchewan was formed in the late '30s, we certainly see the importance of the credit union movement. And even I have an uncle who was on the board of SaskCentral for many years. So I'm very supportive of the work that this organization does and facilitating it to work towards a national co-operative certainly makes sense from our perspective. So at this point in time there would be no questions for the minister on this Bill.

The Chair: — Thank you, Ms. Sproule. Is there any other comments or questions on Bill No. 5? Seeing none, we will proceed with the voting for the consideration of Bill No. 5, *The Credit Union Amendment Act*, starting with the short title. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 7 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. 5, *The Credit Union 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. 5, *The Credit Union Amendment Act, 2011* without amendment. Mr. Stewart. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 21 — *The Commissioners for Oaths Act, 2011*

Clause 1

The Chair: — We will now have a slight change in the agenda as we will now consider Bill No. 21, *The Commissioners for Oaths Act, 2011*. We will start with clause 1, the short title.

Mr. Minister, we'll wait for your officials to be seated. And if you have any opening remarks, please introduce your officials and you may proceed.

Hon. Mr. Morgan: — Thank you, Mr. Chair, I'm joined on my right by Mary Ellen Wellsch, senior Crown counsel, legislative services branch, and on my left by Lorna Hargreaves, Crown counsel, court services.

I'm pleased to be able to offer some brief opening remarks concerning Bill No. 21, *The Commissioners for Oaths Act, 2011*. Mr. Chair, *The Commissioners for Oaths Act, 2011* is intended to modernize the law respecting appointment of commissioners for oaths for Saskatchewan. It does this by modernizing language and removing outdated or unnecessary provisions.

Concurrently with the review of the legislation, the ministry has gone through a lean review of its processes related to appointments of commissioners for oaths and has found and corrected several inefficiencies. Once the legislation is passed, the ministry will be able to look at an online application and examination process. The regulations will permit these processes. Apart from that improvement, there are three main features of this Act.

The first is removal of the requirement that an applicant be a Canadian citizen or British subject. The Supreme Court of Canada has ruled that such a requirement is a violation of the Charter for admission to the Law Society. It is likely that a similar finding would result if the existing requirement were tested.

Secondly the new Act will remove the distinction between commissioners for oaths in and for Saskatchewan and commissioners for oaths without Saskatchewan. There is no valid reason for a distinction to be made.

Finally the new Act will increase the number of persons who are automatically commissioners for oaths by virtue of their status or office. Under the current legislation, that includes lawyers, MLAs [Member of the Legislative Assembly], court officials, and certain military officers. Under the new legislation, the list is expanded to include Provincial Court judges, police officers, and certain government officials who require a designation as a Commissioner for Oaths to perform their duties. By designating these people as commissioners by virtue of their status or office, it avoids the bureaucratic waste of their applying for appointments and the ministry processing many applications.

Mr. Chair, with those opening remarks, I welcome your questions regarding Bill No. 21, *The Commissioners for Oaths Act, 2011*.

The Chair: — Thank you, Minister Morgan. We will now entertain questions and comments. Ms. Sproule.

Ms. Sproule: — Thank you very much, Mr. Chair, and thank you to the officials for coming out tonight. I do have a couple of quick questions on this particular Bill just to make things a little more clear in my mind about the intent. And the first comment and question I have is in relation to the removal of the distinction between in and for Saskatchewan and without Saskatchewan, and if you could explain to me, for example, the categories that are listed of people who are eligible to be commissioners, say for example lawyers. Would any lawyer in Canada now be eligible to be a Commissioner for Oaths in Saskatchewan?

Ms. Wellsch: — The definition of lawyer follows the definition in *The Interpretation Act*, which is a lawyer means somebody who is admitted to the Law Society of Saskatchewan. So lawyers who are members of the Saskatchewan Law Society are commissioners under this Act.

Ms. Sproule: — Okay. So what about a government official? Right now, the definition is just a government employee prescribed in the regulations. Will the regulations restrict residence as well then for a government official?

Ms. Wellsch: — The regulations are intended to apply to members employed by executive government in the province of Saskatchewan. And the consultations we've been doing are with ministries of the Government of Saskatchewan.

Ms. Sproule: — Are there regulations already at this point for the existing Act? I didn't check that.

Ms. Wellsch: — Yes, there are.

Ms. Sproule: — Are the restrictions the same? Will it follow the same pattern in the regulations now or will you be passing new regulations?

Ms. Wellsch: — We'll have to pass new regulations because

the definition of government officials isn't in the existing Act. So we'll have to pass new regulations to establish who those government officials are and set the term of appointment, which is in the current Act and will be in the regulations.

Ms. Sproule: — So by and large then, there wouldn't be anyone that isn't within Saskatchewan that would be allowed to be a Commissioner for Oaths?

Ms. Wellsch: — There will be certainly residents from outside Saskatchewan. And what we have now is that people from outside Saskatchewan apply for an appointment as a commissioner without Saskatchewan. And we find those particularly in the adjoining provinces, but their jurisdiction extends to affidavits that are used within the province.

Ms. Sproule: — Thank you for that. The other question I have, and I guess this is one that recurs throughout many of the proposed Bills in this session, is that there's been a lot of movement from, authority from legislation to regulations. And this is one of the Bills where we see there's now going to be regulations regarding training and evaluation processes before an appointment is issued. And I guess the concern there is that these types of regulations are not generally subject to public scrutiny nor scrutiny by this Chamber. And it's difficult for us to comment on Bills without being able to see what the intent of the regulations, in terms of training and evaluation processes in this particular case, will look like. So can you give us any indication how these regulations will be presented or is that something you're still working on?

Ms. Wellsch: — Well yes, we are still working on them, but we have ideas as to what we want them to say. And when we went through the lean process, we established what we wanted it to look like. And it would be an online application. There would be a training manual online and eventually, once the system is in place to properly perform this function, the application form will be accompanied by a short questionnaire that must be completed properly in order to get to the next step, which is to fill in the application form. So the training is self-training by reading the manual, and the examination is an online examination from the manual that must be completed before the application is submitted. Currently there is no training and there is no examination.

Ms. Sproule: — A couple of questions that come from that. Will all the prescribed groups also need to take the examination?

Ms. Wellsch: — No. There's no way to enforce that.

Ms. Sproule: — Too bad. Because I know when I became a lawyer, I was automatically a Commissioner for Oaths, and I didn't have any training at all in terms of what that meant. So it might have been helpful to be able to have that. And I guess the other thing is, how secure will this be? How will you feel comfort that the person actually filling it out online is the person that says that they are who they say they are?

Ms. Hargreaves: — Justice officials are working with the Information Technology Office and the Queen's Printer to explore the options on how to do that. And so we're in the stage of gathering the system requirements to be able to ensure that, as well as ensure that it is also a streamlined process.

Ms. Sproule: — All right, Mr. Chair. I think certainly the proposed changes to this, *The Commissioners for Oaths Act* make sense, and we know that modernization is always a good thing in terms of keeping things more efficient. And so thanks to the officials for the work on this Bill, and I would have no more questions at this time.

The Chair: — Thank you, Ms. Sproule. Thank you, Mr. Minister, and your officials. Are there any other questions or comments regarding Bill No. 21? Seeing none, we'll now vote on the consideration of Bill No. 21, *The Commissioners for Oaths Act, 2011*. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 19 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. 21, *The Commissioners for Oaths Act, 2011*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 21, *The Commissioners for Oaths Act, 2011* without amendment. Ms. Tell. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 22 — *The Commissioners for Oaths Consequential Amendment Act, 2011/Loi de 2011 portant modification corrélative à la loi intitulée The Commissioners for Oaths Act, 2011*

Clause 1

The Chair: — We will now consider Bill No. 22, *The Commissioners for Oaths Consequential Amendment Act, 2011.* This is a bilingual Bill. We will start with clause 1, the short title. Minister Morgan, if you have any opening remarks, please proceed.

[19:45]

Hon. Mr. Morgan: — Thank you, Mr. Chair. I'm joined by the same officials. And as you had indicated, this is a companion piece to Bill. No. 21, so my remarks are very brief. I will go through them very briefly right now.

The Commissioners for Oaths Consequential Amendment Act, 2011 will amend a bilingual Act, *The Evidence Act*. *The Evidence Act* currently permits affidavits to be sworn outside Saskatchewan for use in Saskatchewan courts by a Commissioner for Oaths without Saskatchewan. As a result of the change in *The Commissioners for Oaths Act, 2011*, that eliminates the distinction between appointments in and for

Saskatchewan and appointments without Saskatchewan. The English and French versions of this Act are being changed to refer to Commissioner for Oaths for Saskatchewan.

Mr. Chair, with those opening remarks, I welcome your questions regarding Bill No. 22, *The Commissioners for Oaths Consequential Amendment Act, 2011*.

The Chair: — Thank you, Mr. Morgan. We will now entertain questions and comments. Ms. Sproule.

Ms. Sproule: — Thank you, Mr. Chair. I have no questions on this Bill.

The Chair: — No questions. Are there any other questions or comments on Bill No. 22? Seeing none, we'll proceed with the voting.

Bill No. 22, *The Commissioners for Oaths Consequential Amendment Act, 2011*, a bilingual Bill. Clause 1, short title. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 and 3 agreed to.]

Hon. Mr. Morgan: — Mr. Chair, I'd like to thank the officials. Ms. Wellsch will be here, but Ms. Hargreaves is leaving for the evening, so I'd like to thank her for being here this evening.

The Chair: — Thank you, Mr. Minister.

Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 22, *The Commissioners for Oaths Consequential Amendment Act, 2011*. This is 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. 22, *The Commissioners for Oaths Consequential Amendment Act, 2011*, a bilingual Bill without amendment.

Mr. Steinley: — I so move.

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

Some Hon. Members: — Agreed.

The Chair: — That is carried. Thank you.

Bill No. 11 — *The Court Officials Act, 2011/Loi de 2011 sur les fonctionnaires de justice*

Clause 1

The Chair: — We will now consider Bill No. 11, *The Court Officials Act, 2011*. This is also a bilingual Bill. We will start with clause 1, the short title. Minister Morgan, you've got some new officials there if you would like to introduce them. And if you have any opening remarks, please proceed.

Hon. Mr. Morgan: — Thank you, Mr. Chair. I'm joined by Catherine Benning, senior Crown counsel, legislative services branch; and Linda Bogard, assistant deputy minister, courts and civil justice. And on my right is Kent Stewart who is the coroner for the province, and he's here actually partly for this one, but mostly for the next Bill. And I'm hoping his services aren't required.

I'm pleased to be able to offer opening remarks concerning Bill No. 11, *The Court Officials Act, 2011*. The current court officials legislation has not been substantively updated since 1984. In the meantime, operation of the courts and the roles played by court officials has significantly changed. *The Court Officials Act, 2011* reflect those changes. The Bill establishes two new court officials, the registrar of the Provincial Court and court transcribers. The Ministry of Justice and the Chief Judge of the Provincial Court recognized the need for a registrar of the Provincial Court in 2008 by creating the position of executive legal officer of the Provincial Court. It is appropriate that this position be reflected in the legislation as the registrar of Provincial Court.

The new Act also establishes a delegation structure and defines the relationship among the registrars of the Court of Appeal, Court of Queen's Bench, and the Provincial Court to assist the courts to operate effectively when a delegation occurs.

This Bill further reflects the modern operation of the courts by eliminating the role of the court reporter and by creating a new court official called the court transcriber who is responsible for transcribing evidence recorded in court.

This Bill allows the hours of opening for the court and registries offices to be established by minister's order rather than in the legislation. This change will provide new flexibility in setting the hours of operation to meet the need of the court and its users.

A number of consequential amendments are also contained in this Bill that update the names of court officials and the reference to this Act in various bilingual statutes.

Mr. Chair, with those opening remarks I welcome your questions regarding Bill No. 11, *The Court Officials Act, 2011*.

The Chair: — Thank you, Mr. Morgan. This is Bill No. 11, *The Court Officials Act, 2011* starting with the short title. We will now entertain questions and comments. Ms. Sproule.

Ms. Sproule: — Thank you very much, Mr. Chair. I don't have very many questions on this Bill either. Again I want to commend the minister and his officials and his staff for making these kinds of changes, modernizing the Bills as necessary. Certainly 1984 is a long time ago, so this is appropriate. And recognizing that the judge at the Provincial Court and the ministry recognized the needs as far back as 2008 when they created the position of executive legal officer, it's appropriate I agree that it be reflected in legislation.

The only one question I would like to ask the minister is in

relation to the need for flexible court hours. And again it's going to be established by minister's order rather than by legislation, but I'm just curious in sort of what circumstances there has been a demand for that kind of flexibility in the courts. I would think the regular hours would be sufficient. So in what kind of circumstances would you issue such an order?

Hon. Mr. Morgan: — Just in case you're thinking I was going to extend the hours, I'm not. But there may be unusual situations where you would shorten or abrogate hours because of an event — a national funeral or whatever circumstance — and we did not have the flexibility to do it before. So the circumstances that might arise, you know, would be a variety. And I don't know whether the officials have any others that they would suggest, but I could think of a national funeral or that type of event. My officials are remarkably agreeable tonight.

Ms. Sproule: — I just had visions of night court all of a sudden, so we're not going to get into that situation. Okay. All right, again I think these types of modernization of these Bills makes a lot of sense, and that's the only question I would have for this piece of legislation, Mr. Chair.

The Chair: — Thank you, Ms. Sproule. Are there any other comments or questions regarding Bill No. 11, *The Court Officials Act, 2011*? Seeing none we'll proceed with the voting. Starting with clause 1, short title. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 32 inclusive agreed to.]

The Chair: — Carried. Her Majesty, by and with the advice and the consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 11, *The Court Officials Act, 2011*. This is 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. 11, *The Court Officials Act, 2011*, a bilingual Bill, without amendment. Mr. Phillips. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you, committee members.

Bill No. 12 — *The Court Officials Consequential Amendments Act, 2011*

Clause 1

The Chair: — We will now proceed to the consideration of Bill No. 12, *The Court Officials Consequential Amendments Act, 2011*. We will start with Clause 1, short title. Minister Morgan, you may proceed with any introduction, remarks.

Hon. Mr. Morgan: — Thank you, Mr. Chair. I am joined once again by Catherine Benning and Linda Bogard, and also by Kent Stewart, the official coroner for the province.

I am pleased to provide some opening comments for Bill No. 12, *The Court Officials Consequential Amendments Act, 2011*. This Bill consequentially amends a number of English statutes that refer to court officials or *The Court Officials Act, 1984*.

The Coroner's Act, 1999 is also being amended to update the section dealing with the recording of evidence in coroner's inquests. The evidence given in coroner's inquests is recorded by a court reporter using shorthand or a recording device. The new provision creates the role of official reporter who is sworn in by the coroner prior to recording the evidence at the inquest. The official reporter records the evidence and prepares the transcript of the proceedings if requested to do so.

Mr. Chair, with those opening remarks I welcome your questions regarding Bill No. 12, *The Court Officials Consequential Amendment Act, 2011*.

The Chair: — Thank you, Minister Morgan. Welcome to the officials again. We'll entertain questions and comments. Ms. Sproule.

Ms. Sproule: — Just one quick question for the coroner's office about the existing process for taking evidence and providing it to families and victims, related to the work of the coroner's office, and what the changes will, what effect the changes will have. And one of the questions we did have when we looked at this was, in the past, we understood that the transcripts were made available to families or people interested and that this will be a change and that they must request it now. Is that correct or have I misstated that?

Mr. Stewart: — Procedures won't change from before in that those that are requesting transcripts will receive them. We very seldom receive transcripts of inquests unless we have special needs. There's some circumstances where families or lawyers and those types of individuals will request transcripts, and they will receive those transcripts on request from the company that we've contracted to do the court reporting. So that doesn't change at all.

Ms. Sproule: — What about the requirements for payment for the transcripts. Is that changing?

Mr. Stewart: — Those that are requesting are responsible to pay for the transcripts.

Ms. Sproule: — Is that a change? Or is that . . .

Mr. Stewart: — It's always been like that.

Ms. Sproule: — That is the only question I have, Mr. Chair.

The Chair: — Thank you, Ms. Sproule.

Are there any other comments or questions regarding Bill 12? Seeing none we will proceed with the voting of consideration of Bill 12, *The Court Officials Consequential Amendments Act, 2011*, starting with clause 1, the short title. Is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 7 inclusive agreed to.]

[20:00]

Clause 2

The Chair: — I recognize Mr. Stewart.

Mr. Stewart: — Thank you, Mr. Chair. I move to:

> Add the following Clause after Clause 1 of the printed Bill:
>
> "**S.S. 2012, c.C-16.001, section 9 amended**
> **2 Subclause 9(a)(vi) of *The Commissioners for Oaths Act, 2012* is amended by striking out '**the Inspector of Legal Offices**' and substituting '**the Inspector of Court Offices**'".

The Chair: — Are there any questions on the amendment? Do committee members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — That is carried. Is new clause 2 as amended agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 2 as amended agreed to.]

The Chair: — Her Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts the following: Bill No. 12, *The Court Officials Consequential Amendments Act, 2011*.

Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 12, *The Court Officials Consequential Amendment Act, 2011* with amendment.

Ms. Tell. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you, committee members.

We will now proceed with . . .

Hon. Mr. Morgan: — Thank you, Mr. Chair. These officials, some of them are leaving and not coming back, and I would like to thank them for their time as well.

The Chair: — Absolutely. Thank you to the officials.

Bill No. 13 — *The Constitutional Questions Act, 2011*/*Loi de 2011 sur les questions constitutionnelles*

Clause 1

The Chair: — As we replace some of the officials, we will now consider Bill No. 13, the consequential questions Act, 2011. This is a bilingual Bill. We will start with clause 1, the short title. Minister Morgan, do you have any opening remarks that you'd like to make?

Hon. Mr. Morgan: — Yes, Mr. Speaker, regarding *The Constitutional Questions Act, 2011*, Bill No. 13, I am joined on my right by Darcy McGovern, director of legislative services branch, and on my left by Maria Markatos, Crown counsel, legislative services branch, and on my far left by Tom Irvine, senior Crown counsel, constitutional law branch.

I am pleased to be able to offer opening remarks concerning Bill No. 13, *The Constitutional Questions Act, 2011*. *The Constitutional Questions Act, 2011* is new legislation that will repeal and replace the current legislation to clarify existing provisions and add new provisions that will make the legislative intent of the Act as clear as possible to avoid any future potential conflicts. The new Act carries forward the substance of the current Act but will be bilingual and provide more detail and clarity with respect to matters such as terms of reference, the right to appeal, and service.

The new Act will continue to give the Lieutenant Governor in Council the power to refer any constitutional or legal issue to the Saskatchewan Court of Appeal for its opinion. But it also adds new provisions to permit the terms of reference to set out the subject of the reference, the parties to the reference, and if the opinion and reasons of the court will be deemed a judgment.

The new Act expressly states that the Attorney General for Saskatchewan is a party to any hearing and appeal and that if written notice is provided, the Attorney General of Canada is also a party.

The new Act includes a provision that provides for the participation of the governments of other provinces as interveners in a reference if written notice is provided. The new Act also adds provisions that will allow procedural matters to be determined by a judge in chambers and to permit the Court of Appeal to make rules for the purpose of hearing a reference.

Part III of the new Act maintains all of the current provisions with respect to notices of constitutional questions or challenges to regulations but revises the provisions to update the language. New provisions are added to expressly provide that where the Attorney General of Saskatchewan and Canada is not given proper notice, he or she nevertheless has a right to appeal and is a party.

A new provision is also added to permit an administrative tribunal to require that notice be given to the Attorney General if a constitutional issue is raised in a hearing.

Finally the new Act updates the taxation reference provision and also adds service provisions to ensure the appropriate individuals are served with notices pursuant to the Act.

Mr. Chair, with those opening remarks, I welcome your questions regarding, respecting Bill No. 13, *The Constitutional Questions Act, 2011*.

The Chair: — Thank you, Minister Morgan. Bill No. 13, *The Constitutional Questions Act, 2011*, are there any questions or comments? Ms. Sproule.

Ms. Sproule: — Thank you very much, Mr. Chair. I have a few questions on this particular Bill, and right off the start I would like to ask the minister and his officials about the standing to participate in the reference and what changes are being proposed in the reference to standing?

Mr. Irvine: — Thank you, Ms. Sproule. The current Act doesn't really give us very much clarification as to who the parties are if there is a reference. So the new provision gives the cabinet, when it sets a reference, the power to say who the parties are. And that simply fits with the practice in previous references.

It also clarifies that the Attorney General for Canada has standing. It also adds a provision that the Attorney General for Saskatchewan has standing. It's an indication of how old this Act was that there was no reference to the Attorney General for Saskatchewan in it. If you look at the current Act, it refers to the Attorney General of Canada in the context of the Northwest Territories. So that's how old the Act is. It needs to be updated. And at the previous marriage commissioner's reference at one of the procedural meetings in chambers, there was a question raised whether the Attorney General had standing. And our argument was no, we did, and the court accepted that. But we thought it would be best if we put that specifically in. The Act preserves the power of the court to identify any groups that may be interested and preserves the power of anybody who believes they are interested to apply to the court for standing as an intervenor.

And then also there's the power for attorneys general from other provinces to intervene if they see fit, if they're interested in a matter. I'm not aware of any case where that's happened in Saskatchewan. But for instance, in the firearms reference in the Alberta Court of Appeal, the Attorney General for Saskatchewan intervened in that. So that's just an example of how the issue might arise.

Ms. Sproule: — So if I understand it correctly, the cabinet can determine who has standing. And if someone requests standing that the cabinet is not in favour of, they could apply for an order to the court.

Mr. Irvine: — Yes. Clause 2(3), the terms of reference shall set out the names of the parties to the proceedings. So that gives you clarification right at the beginning who the parties are. But then clause 7 gives the Court of Appeal the power to direct that any person interested may be added to the matter. And the practice of the Court of Appeal has been, as a procedural matter before the . . . well in advance of the hearing, to direct the Attorney General to advertise the terms of reference of the hearing, the date, and so on, to invite, make sure that anybody who is interested in it is aware of their right to apply to intervene.

Ms. Sproule: — Thank you for that. The other question, we were looking at it earlier today actually and discussing — I think it's clause 2 as well — the deeming of the decision to be a judgment and whether or not the buck stops there. Is there any ability . . . I know at some point in your comments, Mr. Minister, you said that it could be appealed to the Supreme Court of Canada. But if the decision of the Court of Appeal is not deemed to be a judgment, then the Court of Appeal of Saskatchewan's decision would be final. And is there any circumstances where you think that the Lieutenant Governor in Council would request the Court of Appeal not to make it a judgment? Does that make sense?

Mr. McGovern: — Darcy McGovern. The Act is structured to provide some flexibility in that regard. There may be circumstances where we're dealing specifically with a Saskatchewan matter that we're fairly confident from the outset wouldn't engage a matter of national interest, which the member understands to be the criteria for the Supreme Court typically to look at a matter. Tom can give us an example historically where that might have occurred. But what we're looking at is just providing that, recognizing that from the outset, that if we have a matter specific to Saskatchewan, that that would be recognized from the outset. Otherwise it would be deemed to be a judgment and would be subject to appeal as you've noted.

Mr. Irvine: — The historical example, 30 years ago there was a dispute here in this Chamber as to whether a third party was getting sufficient funding from the Board of Internal Economy. And it was a question under the Human Rights Code, but it wouldn't have been appropriate to ask the Human Rights Commission to investigate the Board of Internal Economy. So instead they referred the legal question to the Court of Appeal. The Court of Appeal gave a ruling on that funding issue. And that's clearly an issue that was important here, to resolve the funding issue for the members, but it wasn't really the sort of thing that needs the Supreme Court's attention. So that's one example of something that might be significant but not important enough to go to the Supreme Court.

Mr. McGovern: — One point on that to the member, in the debates the issue was raised whether or not that in some way made it a confidential process for example. And I would just note that section 7, which Tom had mentioned earlier, where "The Court of Appeal may direct that any persons interested, or, if there is a class of persons . . . " that still applies. So that notice provision's going to apply whether or not it's deemed to be a judgment. So it's not at all a process that occurs behind closed doors or that can occur confidentially whereby cabinet can seek a private opinion for example. That's not the role of the Court of Appeal in this function, and the Act specifically provides that the court continues to have that overriding authority to notify whomever they feel is relevant.

Ms. Sproule: — I guess the decision of whether it's a matter of national interest or not is typically in the realm of the Supreme Court to decide. So we're presupposing what they might find, or do you have any concerns about that?

Mr. Irvine: — On the issue of references, the federal parliament has given discretion to the legislature. That's where this language of deemed to be a judgment comes from. It comes

from the *Supreme Court Act*. So I would characterize it as a matter of comity on the part of parliament. It has said, if you use these particular words, then there is a right of appeal to the Supreme Court. But if you choose not to use these particular words, there is no right of appeal to the Supreme Court. So parliament in the *Supreme Court Act* is giving the legislature of the provinces the discretion to decide how to frame it. By using this particular approach, we're keeping either option open, that in some cases we can say, yes, this would be important enough to go. But I'd say it is a following up of parliament's grant of comity to the provinces.

Ms. Sproule: — Thank you very much. I had one other question, but it's escaped me just as I was listening to your answers, so that's unfortunate. Give me a moment. Right. In most cases in references, the parties would be government, I assume. Are there any cases in a reference where there are individuals named as parties?

Mr. Irvine: — Yes. The boundaries, electoral boundaries reference of 1990 and 1991, officially that's Saskatchewan versus Roger Carter. Because Professor Carter was representing a group of professors from the College of Law who had an interest in challenging the boundaries. So it's reference re electoral boundaries at one level, but another Professor Carter is named as the party.

Ms. Sproule: — And in that case, I guess, when an individual is involved and they feel that the decision of the Court of Appeal was wrong, they simply just would have no further opportunity to pursue it. If it's not deemed to be a judgment, it's closed.

Mr. Irvine: — That's correct.

Ms. Sproule: — Okay. All right. I think those are all my questions on this Bill, Mr. Chair. Thank you.

The Chair: — Thank you, Ms. Sproule. Are there any comments or questions regarding Bill 13? Seeing none, we will now vote on consideration of Bill No. 13, *The Constitutional Questions Act, 2011*. This is a bilingual Bill. On clause 1, the short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[20:15]

[Clause 1 agreed to.]

[Clauses 2 to 20 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. 13, *The Constitutional Questions Act, 2011*, a bilingual Bill. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Hon. Mr. Morgan: — Mr. Chair, I would like to thank Mr. Irvine. He's done for the evening, so we'll let him go home and deal with his young family. Thank you.

The Chair: — Thank you. I would ask a member to move that we report Bill No. 13, *The Constitutional Questions Act, 2011*, a bilingual Bill, without amendments. Mr. Steinley. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That is carried. Thank you, committee members.

Bill No. 14 — *The Securities Amendment Act, 2011*

Clause 1

The Chair: — We will now move into consideration of Bill No. 14, *The Securities Amendment Act, 2011*. We will start with clause 1, short title. Minister Morgan, if you have any opening remarks, please proceed.

Hon. Mr. Morgan: — Thank you, Mr. Chair. I am joined this evening by Chris Hambleton, Crown counsel, legislative services branch, and Dean Murrison, deputy director of registration, Saskatchewan Financial Services Commission. I presume those are the correct titles.

I am pleased to be able to offer opening remarks concerning Bill No. 14, *The Securities Amendment Act, 2011*. This amending legislation will introduce a number of key updates that are necessary to enhance Saskatchewan's capital markets while protecting investors.

Firstly, these amendments will permit financial advisors to conduct their business through a professional corporation. This is a privilege that is enjoyed by many other professions in this province, and it will allow these business people to make better succession and tax planning decisions. Several other provinces are planning a similar amendment, and Saskatchewan is taking a lead role in this initiative.

These amendments will also grant certain powers to auditor oversight organizations such as the Canadian Public Accountability Board, sometimes referred to as CPAB. The auditor oversight organizations perform a key role in the financial services sector as they ensure that information made available to investors and the general public by publicly traded companies is reliable and of a high quality. These amendments will provide these organizations with the statutory power to compel disclosure of documents and records from accounting firms that audit publicly traded companies. This will further enhance the independence and accuracy of the audit process.

Additionally these amendments will allow for the regulatory oversight of credit rating organizations. Credit rating organizations provide opinions on the credit worthiness, issued security, and financial obligations of a particular company. The importance of these opinions to investors and other market participants, and the influence of these opinions on the securities markets, have increased significantly over the past decade. Credit ratings are very important to investors and those managing investment and retirement portfolios since they are

intended to reflect the risk associated with a particular investment.

After the stock market suffered severe losses in 2008, an analysis conducted by both international and Canadian officials determined that the poor-quality credit ratings were contributing factors that led to the market downturn.

These amendments will require credit rating organizations to comply with a code of conduct that will impose tighter controls on the quality and integrity of the credit rating process. The code of conduct will also require that the credit rating organizations maintain a high level of independence in order to avoid conflicts of interest. These measures have already been or will soon be adopted in most other provinces as part of a harmonized, national effort to improve the quality of credit ratings.

Additionally these amendments will also remove the $100,000 limit on the amount of financial compensation that the Saskatchewan Financial Services Commission may order to be paid to an individual who has suffered financial loss on account of a contravention of securities legislation. The Financial Services Commission may make such an order following a hearing into an allegation of contravention or wrongdoing if they decide that the contravention actually caused the financial loss.

The hearing is a formal proceeding that hears and reviews evidence, quantifies the amount of the financial loss, and ultimately rules on whether the contribution caused the financial loss in whole or in part. When their losses are proven to have exceeded the current $100,000 limit, the claimant must go before the Court of Queen's Bench to prove and recover those additional losses. This amendment will ensure that where claimants have suffered financial loss because of unlawful activity, the entire amount of the loss may be recovered through one adjudicative proceeding before the commission.

Lastly these amendments will introduce a small number of housekeeping measures that keep Saskatchewan's regulatory framework up to date and harmonized with the other provinces.

Mr. Chair, with those opening remarks, I welcome your questions regarding Bill No. 14, *The Securities Amendment Act, 2011*.

The Chair: — Thank you, Minister Morgan. Are there questions or comments? Ms. Sproule.

Ms. Sproule: — Thank you very much, Mr. Chair. I do have a couple comments and questions just to get greater understanding of what's being attempted here in this Bill. First of all, I know that when we first addressed this Bill and some of our comments here in the legislature, there was some concern by some of my colleagues about adding another professional organization and the ability for them to create a professional organization. Sorry, I'm not being very articulate. I'm trying to find the notes.

Hon. Mr. Morgan: — A professional corporation in which you do business.

Ms. Sproule: — Thank you. And what was the thinking that went behind allowing these types of business people having the professional corporation designation?

Hon. Mr. Morgan: — In a general sense, we allow it for lawyers, accountants, and a number of other professions. And as I'd mentioned earlier, it gives them the ability to do some tax planning and some succession planning. It's been asked for by industry professionals working in the industry, and we see no reason why we would not want to expand it.

The idea of having professional corporations, it's clear in the legislation that it does not reduce the liability of the individual. All it does is allow them to direct their commissions through the personal holding company, and their liability for professional misconduct continues regardless of that. So it allows them some additional tax planning.

There was consultation done as well with the Ministry of Finance as to whether it would have a significant impact on the finances of the province, and there would be, they felt, albeit some loss of revenue, not a great amount.

Ms. Sproule: — I'm not entirely familiar with how these financial advisors get their professional designation, so what types of designations would they have?

Mr. Murrison: — Well they would have, basically *The Securities Act* requires these people to have certain proficiencies in order to be registered. So they would have, the advisor people would have CFAs [Chartered Financial Analyst], certified financial planning designations. And the dealers, it would be varying ones, but they have either the mutual fund course that they're required to do or investment dealers would have the, they'd have the Canadian securities course offered by the Canadian Securities Institute. Those would be the basic designations and education that these people would have.

Ms. Sproule: — And typically how long would those courses be? Are they like a three-month course or a three-year course?

Mr. Murrison: — The Canadian securities course, they give them a year to do it. It's pretty in-depth. The CFA course is a long course. It is about two years of courses, and then you need 48 months experience in the area. The mutual fund dealer's course is, you know, probably they take six to eight months to do that. Each of these types of dealers are limited on the type of securities and the complexity of the securities they can work with, so the education has to be higher for some of them than others.

Ms. Sproule: — Okay. So it's built within the securities structure then, the type of the experience they have.

Mr. Murrison: — Yes.

Ms. Sproule: — You know, to become a professional, as we know, is it requires a certain amount of education and dedication and experience. So we wouldn't want to see people perceiving the ability to be a professional corporation if they indeed didn't have a professional experience or education. All right that's the first question.

Now let me look here. Just a question about the ability in the oversight organizations, the auditor oversight organizations, the indication that they cannot be subpoenaed or compelled to disclose confidential information, third party proceedings. What is the thinking behind preventing the subpoena or compelling them to disclose information?

Mr. Hambleton: — Chris Hambleton. The rationale there is that these individuals will be performing an investigatory function, if you will. And you can imagine, as an investigator working through audit papers and other documents, if there was the possibility that you could be subpoenaed in a third party civil action, it would place a chill or inhibit the investigation. And so other individuals in the Financial Services Commission enjoy this. And so the Canadian Public Accountability Board asked for it, and we think it's an important part of assisting them to do their mandate.

Ms. Sproule: — I guess there's a tension between sort of public interest and being aware of what certain securities companies are doing. And you know, is there any concern about public confidence when these types of investigators aren't required to disclose?

Mr. Murrison: — Basically this organization is sort of doing our work indirectly for us. We've sort of set them up and got them going and so on. And if, you know, if they could be compelled to testify in actions between third parties . . . Like if they're being sued themselves, that's a different issue. But between third parties, it would mean that the firms just wouldn't provide information to them.

This provision also mirrors the same protection that the Securities Commission staff have in doing their work as well. So it's sort of, since they're doing kind of our work indirectly, directly we want to give this, you know, set up the same sort of mechanism for them to do the work that we have.

Ms. Sproule: — Thank you for that. Obviously I'm not entirely familiar with all of your procedures or how these things are dealt with, so that's why I'm asking these questions. I guess one question for the minister. You're referring to the Financial Services Commission. Is that the same commission that is now being turned into a Crown corporation? Or is that the . . .

Hon. Mr. Morgan: — Not a Crown corporation per se, but as a free-standing entity, yes.

Ms. Sproule: — Under Bill 40 or 39 or 42? I forget the number. I think it's coming up.

Hon. Mr. Morgan: — Bill 39.

Ms. Sproule: — All right. So I guess my question in relation to that is that you are referring to it as the Saskatchewan Financial Services Commission. Is that the new name that would be . . . or is that the existing organization?

Hon. Mr. Morgan: — The new name will be the Financial and Consumer Affairs Authority of Saskatchewan. So there may have to be at some point some consequential amendments.

Ms. Sproule: — Oh, I see. Okay. I guess my question there is, they will be making determinations regarding financial loss. And currently they're a commission, and they will be turned into an authority, which is a Treasury Board organization, I understand. I assumed it was Crown corporation. Am I wrong?

Hon. Mr. Morgan: — No, it's neither. It's a separate entity. It's a free-standing entity. It would not be regarded as a Treasury Board Crown. Oh, it would. Sorry. Mr. McGovern says it is a Treasury Board Crown.

Mr. McGovern: — I think the member is accurate in indicating that there'll be a change with that Bill that would see a change in the status. But part of it is simply a change in the name from the authority to the commission. You're asking if they would perform a similar role in that function. They would in the sense of performing that oversight function in the same manner.

Ms. Sproule: — Okay. If I'm following this, I guess my concern then is the ability of an authority or a Treasury Board Crown to order fairly substantive . . . Well they can hold hearings and order losses, quantifying losses, and rule on whether the contravention under *The Securities Act* . . . I mean it's acting like a court essentially.

[20:30]

Mr. McGovern: — The fact that the . . . And we'll see this as we get into those two Bills in terms of the structure. And the way that's managed within that legislation, if I can just give us a little bit of an explanation of how that'll work, as you say foreshadow it, the authority will have a board of directors for its process, which is the Crown corporation function per se, a board of directors that deals with the administration, that sort of process within the new authority. It will have at the same time members of what previously was the commission now is the authority which perform a quasi-judicial function and the oversight function in that regard.

And in that Act it sets out with some specificity how that would work in terms of their judicial function, how that's kept separate from the corporate body, and how that would perform. In that regard, there are models, SLGA [Saskatchewan Liquor and Gaming Authority] for example, where you do have a corporate function but you continue to have a governance function.

Ms. Sproule: — It's just somewhat concerning I guess that a person appointed as a board member can make very significant, now in excess of $100,000, orders in terms of financial loss against another person. How would that work?

Hon. Mr. Morgan: — They do that under the existing legislation. The SFSC [Saskatchewan Financial Services Commission] is a separate entity right now, but all of the members of that commission are appointed by Lieutenant Governor in Council. So changing the status to a Treasury Board Crown as a different type of entity doesn't change the status of . . . Your concern is that government controls who sits on that board. And that's the status of it now, and that's the status of it then.

Ms. Sproule: — Okay. Well thank you for that. It's certainly clarified things for me to a certain extent as the best as I can understand securities law, which is one of the ultimate

mysteries of law as far as I'm concerned. At any rate, thank you very much, Mr. Chair, I don't think I don't . . . I know I don't have any more questions on the Bill at this point. Thank you.

The Chair: — Thank you, Ms. Sproule. Are there any other questions or comments regarding Bill No. 14? Seeing none, we will now vote on consideration of Bill No. 14, *The Securities Amendment Act, 2011*. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 31 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and the consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 14, *The Securities 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. 14, *The Securities Amendment Act, 2011* without amendment. Mr. Phillips. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried. Thank you very much. Thank you, committee members.

Bill No. 24 — *The Advocate for Children and Youth Act*

Clause 1

The Chair: — We will now move to consider the consideration of Bill No. 24, *The Advocate for Children and Youth Act.* We will start with clause 1, short title. Minister Morgan, if you have any opening comments, please proceed.

Hon. Mr. Morgan: — Thank you, Mr. Chair. I am joined tonight by Catherine Benning, senior Crown counsel, legislative services branch; and Kathleen Peterson, director of health system planning, Ministry of Health.

I am pleased to be able to offer opening remarks concerning Bill 24, *The Advocate for Children and Youth Act.* This Act will help children receiving services from the government and publicly funded health entities.

This Act creates separate legislation for the advocate. It clarifies the advocate's power to address complaints related to publicly funded health entities. It allows the advocate to conduct research in the area of children's rights. It allows government ministries and agencies to voluntarily share information with the advocate, and it creates a more welcoming environment for youth to bring forward their concerns relating to government services.

Mr. Chair, creating separate statutes for the advocate and Ombudsman will clarify for the public the distinctive duties, responsibilities, and offices of these independent officers of the legislature. This new legislation clarifies the jurisdiction of the advocate over publicly funded health entities by specifically including regional health authorities, health care organizations, and affiliates in the Saskatchewan Cancer Agency.

Mr. Chair, with this Bill, the advocate will now have jurisdiction to conduct research relating to the rights of children and youth. The Bill will provide clear authority for ministries, government agencies, and publicly funded health entities to voluntarily provide the advocate with access to information which will enable quicker resolution of complaints.

Mr. Chair, this Bill requires operators of group homes, foster homes, and other facilities that care for children to provide children and youth in their care with information on how to contact the advocate and to provide a means for them to do so in private. Further all communications between a child or youth and the advocate are privileged.

You will note, Mr. Chair, the addition of the term "youth" in the title of the Act. Older children or youth do not consider themselves children, and many of them believe that the advocate's services are not available to them. The new name should end this misconception. Mr. Chair, this Bill was drafted after detailed consultation with the Children's Advocate. Mr. Chair, with those opening remarks, I welcome your questions regarding Bill No. 24, *The Advocate for Children and Youth Act*.

The Chair: — Thank you, Minister Morgan, and welcome to the officials. I would ask that if you are answering any questions, if you would please state your name for Hansard please. Are there questions, comments? Ms. Sproule.

Ms. Sproule: — Yes, thank you very much, Mr. Chair. Indeed we, I think, are very supportive of this Bill and certainly the advantages it's providing children and youth who are in contact with the public service. There were a couple of questions that I did want to raise. And I guess the biggest concern, and I indicated this in my comments when I was speaking to this in the adjourned debates, is how the legislation will be monitored. In particular it's when a child . . . How are we going to know when a child or youth is not being afforded the protections offered by the Bill so that they have the . . . that the facility has to advise them of their rights. How is it that the ministry will be able to confirm or be satisfied that the facilities are actually fulfilling the letter of the law? Is there any sort of discussion around that or ways to address that?

Ms. Benning: — The implementation of those new protections in the Act go to the ministries which provide services, and that is the Ministry of Social Services and the Ministry of Health. And both of those ministries have detailed policies which are communicated to their staff and to their publicly funded agencies as to the requirements under the new Act. And just to give you an example of the requirements that those policies establish, for example in youth offender custody programs, there is a requirement that the children's youth and youth advocate have posters with information about their role and how to contact them on each of the residential units where the offenders are residing for the period of time.

The Children's Advocate comes into the facility on a regular basis to meet with the children and youth and to discuss their concerns with them. And there is a long-standing policy and procedure around communications by the children and youth in the facility with the advocate that ensures confidentiality for those communications, whether those communications are in writing or if they're oral.

So even though we are just putting some of these protections into the Act right now, these protections have practically been operational within the system for some time. And the same can be said for Social Services and the services that they provide there.

Ms. Sproule: — Thank you for that answer. That certainly allays any concerns I might have. Really it's the other way around — the practices have been in place and you're codifying them in essence. And that makes eminent sense.

The only other real question I guess I would want to raise at this point is in relation to section 22(1)(a), and I'm just going to refer to the wording of the section before I pose the question. And these are comments I made in adjourned debates I'm just following up on, and that is, when the advocate can refuse to investigate or cease to investigate.

And the only one I really had a question about was the first one, subsection (a) where there's . . . The advocate can refuse if it is more than a year, if the act or recommendation or omission is more than a year before the complaint is received. We're dealing with children and youth here, and maybe they don't understand their rights. Maybe they had all the information provided to them for whatever reason. Because they're vulnerable, I'm just concerned about that limit of a year. So if you could provide some comment on that, I'd appreciate it.

Ms. Benning: — Sure. You'll note that the introductory phrase in subsection (1) indicates that the advocate may refuse. And in sort of discussions with the advocate, he has indicated that that is rarely a circumstance for refusing to investigate a matter which is of strong concern. He has made it a policy to investigate where the situation warrants, regardless of the time frame.

Ms. Sproule: — Is this limitation necessary then?

Ms. Benning: — It gives him the option in circumstances where it seems appropriate that an investigation not be instituted.

Ms. Sproule: — I can understand that he has the discretion, but certainly in, you know, any concerns he might have, for example, if it's frivolous or vexatious or not made in good faith, it's already covered in (b). I just worry about I guess the exercise of discretion here where a child may . . . He may see it's not necessary to investigate. I can't even imagine a situation where he would do that, but it just leaves the children vulnerable if there's a time limitation.

And what I'm thinking about is in cases of suppressed memories, where things are happening and a child doesn't realize it or hasn't somehow dealt with it, and so they suppress it. And I hope that the advocate would still hear it, but it does sort of allow him discretion where maybe discretion is not needed, and that's what I'm concerned about.

Ms. Benning: — Well certainly the advocate, just by the title of his position and the like, has the interests of children and youth in mind in all of his dealings. The second part about that is, if the advocate in one instance determines that the time limit has expired and it's an appropriate circumstance in which to instigate refusal to investigate under (1)(a), there is of course always the option for the legislature to direct the advocate to investigate a particular matter. So it's not sort of the end of the road. But of course the advocate has the interests of children, you know, primary in their role, and I would think that it would be a very rare circumstance in which the advocate would exercise the discretion allowed in this provision in such a circumstance as what you describe.

[20:45]

Ms. Sproule: — Right. And I appreciate that. I certainly recognize the role of the advocate and the purpose of the legislation. I guess it leaves me the question why this is necessary. And I'm not convinced but I suspect, as you're saying, that it will rarely if ever happen. And I guess we can look at that time if fairness is being provided to the child.

Only one more comment, and I guess I'm just interested in adding the description of youth as a sort of subset of child. And has it been your experience that youth in the new description just simply didn't feel that they had access to this or that they were too cool? Or you know, and is the hope . . . I guess the hope is that this will work and ensure that they use the advocate when they can. Do you have any anecdotal, maybe stories or experiences where this is seen as necessary?

Ms. Benning: — This is an amendment that was specifically requested by the advocate. And so in his experience in those, you know, meetings with young offenders who are being kept in facilities and in that sort of scenario, they have identified that as an issue. So he took that away and put in a request that the title for his position be amended as well as the legislation reflect youth in particular.

Ms. Sproule: — Having two teenagers, I completely understand that. So it makes sense, and I just wanted to comment on that.

Having made those comments, again I think we are very supportive of this move and certainly the work of the Children's Advocate, or children and youth advocate, soon to be. And I wouldn't have any further questions at this time. So, Mr. Chair, that would be the conclusion of the questions on this Bill.

The Chair: — Thank you, Ms. Sproule. Are there any comments or questions regarding Bill No. 24? Seeing none, we will now vote on consideration of Bill No. 24, *The Advocate for Children and Youth Act*. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That's carried.

[Clause 1 agreed to.]

[Clauses 2 to 41 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. 24, *The Advocate for Children and Youth Act*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 24, *The Advocate for Children and Youth Act* without amendment.

Mr. Tochor: — I so move.

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

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you, committee members.

Bill No. 25 — *The Ombudsman Act, 2011*

Clause 1

The Chair: — We will now move into consideration of Bill No. 25, *The Ombudsman Act, 2011*. We'll start clause 1, the short title. Minister Morgan, if you have any opening comments, please proceed.

Hon. Mr. Morgan: — Thank you, Mr. Chair. I'm once again joined by Catherine Benning, senior Crown counsel, legislative services branch, and Kathleen Peterson, director, health system planning, Ministry of Health. I'm pleased to be able to offer brief opening remarks concerning Bill 25, *The Ombudsman Act, 2011*.

Mr. Chair, *The Ombudsman Act, 2011* will create a separate Act for the Ombudsman and update this important legislation in six key ways. The Bill clarifies the Ombudsman's jurisdiction over health care services in this province by specifically defining publicly funded health entities, which includes regional health authorities, health care organizations, affiliates, and also the Saskatchewan Cancer Agency. The Bill expands the Ombudsman's authority to provide public education, particularly on fairness. The Bill further ensures that a complainant may communicate with the Ombudsman in private and facilitates the ordinary provision of information to the Ombudsman by ministries, government agencies, and health entities. The Bill also enables an entity to reconsider its decision based on a recommendation from the Ombudsman and allows organizations such as municipalities, school boards, and self-governing professions that are not within the Ombudsman's jurisdiction to request and receive his assistance.

Each of these changes supports the work of the Ombudsman and provides new ways for Saskatchewan citizens to resolve their concerns about services provided by the government through its ministries, agencies, and publicly funded health entities. Saskatchewan benefits from a strong and independent Ombudsman's office to assist Saskatchewan people to resolve their disputes with the government. Mr. Chair, this Bill strengthens this role and facilitates the effective operation of the Ombudsman's office. The Ombudsman and his staff were extensively consulted during the preparation of this Bill.

Mr. Chair, with those opening remarks, I welcome your questions regarding Bill 25, *The Ombudsman Act, 2011*.

The Chair: — Thank you, Minister Morgan. We will now entertain questions and comments. Ms. Sproule.

Ms. Sproule: — Thank you, Mr. Chair. And again our congratulations to the ministry for the work in this area and of course, separating Children's Advocate and Ombudsman is something that was desired by those offices. And that makes sense and it seems appropriate.

The first question I have is in relation to the public education role of the Ombudsman and this is something that came up, I think, in Education estimates recently. And it's how the public education portion of the Ombudsman work is funded. And can you explain how the funding is providing for the education portion?

Ms. Benning: — Just like all of the other independent legislative officers, they receive a budget and it's covered through their budget.

Ms. Sproule: — There was some discussion in the other committee about a numbered company where because of limitations on the way the funds are flowed, there's actually a numbered company. Is that in relation to the Ombudsman?

Hon. Mr. Morgan: — The numbered company was to do with the Saskatchewan Human Rights Commission and the Ministry of Education because I think they were starting a non-profit entity. So it would not have to do with the Ombudsman.

Ms. Sproule: — Thank you very much. I appreciate that. So that was just one question. The other question I wanted to ask the minister was about what types of decisions are final following the Ombudsman's recommendation. And what sections of the Act are they located in, the finality decision?

Ms. Benning: — The Ombudsman has the opportunity to provide recommendations to the entity which is being investigated or the subject of the complaint, and those recommendations are passed on to the ministry, agency, or publicly funded health entity. And if the entity that receives those recommendations doesn't act on them within a reasonable amount of time, the Ombudsman can then request an update from that agency. And if it continues on for a significant period of time, the Ombudsman then reports that to the legislature.

Ms. Sproule: — And if I'm correct, I think that's section 28 of the proposed Bill. I'm just referring to a comment that the minister had made in his introductory comments back in early March. And it's where, there are instances where despite the desire to follow the Ombudsman's recommendation it's not possible because statutes governing the situation state that certain types of decisions are final. When would that arise?

Hon. Mr. Morgan: — I think you're referring to . . . There are things that the Ombudsman may make a recommendation, but it's not the Ombudsman's decision that is final. It would be the

other entity that they would be making a comment on, and that entity may not be able to respond as the Ombudsman would like because of statutory reasons or because of some kind of finality clause or a time limit that's in there in their legislation.

Ms. Sproule: — Thank you, Mr. Minister, for the clarification there. I think I was assuming the decisions were in relation to the Ombudsman, so I'd like to thank you for that.

I just have one further question, and that is for your colleague from the Ministry of Health, and certainly would just look for a comment from her on how she sees this Bill impacting on health agencies. And what are the changes really in relation to the Health ministry?

Ms. Peterson: — So the changes for the health system are that there's an expansion of the number of health entities that are going to be under the purview of the Ombudsman. I think the changes for those entities are the requirements to make it known that people using those services or within those establishments have the right to access the Ombudsman and that any correspondence or communication needs to be adhered to. So the Ministry of Health will be working with our partners to make sure that they're aware of these new requirements and ensure that those are in place to support people who need to access the Ombudsman.

Ms. Sproule: — I guess that would be similar to the policies described by Ms. Benning for the facilities, the care facilities. Certainly I want to commend the Ombudsman for the work that they do, and our constituency office and our casework has worked closely with them on a number of occasions since I've started in this line of work. And so we appreciate that work, and we appreciate the work that's been done by the ministry in order to bring forth these changes. So at this point, Mr. Chair, I have no further questions or comments on this Bill.

The Chair: — Thank you, Ms. Sproule. Are there any questions or comments regarding Bill No. 25? Seeing none, we will now proceed with the voting and consideration of Bill No. 25, *The Ombudsman Act, 2011*. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 42 inclusive agreed to.]

[21:00]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 25, *The Ombudsman Act, 2011*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 25, *The Ombudsman Act, 2011* without amendment.

Mr. Tochor: — I so move.

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

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you.

Hon. Mr. Morgan: — Mr. Chair, I'd like to thank these officials. They're done for the evening. They're not like us. They will be allowed to go home and enjoy their family and the rest of the evening. And I wish them well and thank them.

The Chair: — Thank you. If you would check on the hockey game and tell us what the score is, we'd appreciate it.

Bill No. 29 — *The Enforcement of Maintenance Orders Amendment Act, 2011/Loi de 2011 modifiant la Loi de 1997 sur l'exécution des ordonnances alimentaires*

Clause 1

The Chair: — We will now move onto consideration of Bill No. 29, *The Enforcement of Maintenance Orders Amendment Act, 2011*. This is a bilingual Bill. We will start with clause 1, short title. Minister Morgan, if you have any opening remarks, please proceed at this time.

Hon. Mr. Morgan: — Thank you, Mr. Chair. I am joined this evening by Maria Markatos, Crown counsel, legislative services branch, and Lionel McNabb, director of family justice services.

I am pleased to be able to offer opening remarks concerning Bill 29, *The Enforcement of Maintenance Orders Amendment Act, 2011*. *The Enforcement of Maintenance Orders Act, 1997* creates the authority in Saskatchewan for the enforcement of orders and agreements for support of the spouse or child. Support orders may be enforced privately, but the majority of support orders and agreements in Saskatchewan are registered with and enforced by the maintenance enforcement office.

The MEO [maintenance enforcement office] currently manages over 9,000 files and relies on the enforcement mechanisms set out in the Act to enforce delinquent orders and agreements. The Act is regularly reviewed to ensure that it provides effective and up-to-date enforcement mechanisms. The MEO is currently in the process of programming a customized computer system that will allow the director to accurately calculate and record interest on unpaid support. The amendments will allow the director to calculate, enforce, and collect interest on support payments not made in a timely fashion.

The amendments will also update the notice of garnishment provisions to adopt the language used in the new enforcement of money judgments Act. This will ensure consistency with the enforcement mechanisms and languages set out in that Act. These amendments will include adding some new provisions from *The Enforcement of Money Judgments Act*, for example, with respect to the seizure of future accounts and a provision that provides for set-off.

In practice the court will suspend enforcement without application and without prior notice to the MEO. The

amendment adds a new provision that allows the court, on application and after notice has been given to the director, to suspend enforcement for no longer than six months. The amendments also specify that if a suspension order is made, it does not affect enforcement such as federal interceptions, driver's licence suspensions, and land titles registrations.

The amendments will also clarify section 7.1 with respect to when an agreement that amends a divorce order can be filed with the office. It makes the service provisions for RRSP [Registered Retirement Savings Plan] attachments 30 days to match the service timelines in the rest of the Act. It clarifies the confidentiality provision and when information can be released by the director. It extends section 13 demands for information to information with respect to recipients. And finally it permits the director to enforce a support order against assets located in Saskatchewan where the payor resides elsewhere.

Since the Bill was introduced in the fall, discussions with interested parties have continued. Through our continued review of this Bill, we have decided to follow *The Enforcement of Money Judgments Act* and introduce an amendment to the Bill in this committee. The proposed amendment will place a time limit of 12 months on the future accounts reach forward and to exempt deposit accounts from the reach forward where a legal relationship between the payor and the deposit-taking institution does not exist at the date of service of the notice of seizure.

Mr. Chair, with those opening remarks, I welcome your questions regarding Bill 29, *The Enforcement of Maintenance Orders Amendment Act, 2011*.

The Chair: — Thank you, Minister Morgan, and welcome to your new officials. I just remind you if you're answering questions just to state your name for Hansard. We will entertain comments and questions. Mr. Nilson.

Mr. Nilson: — Good evening. My first questions relates to the standard amendments that come to this legislation usually arise because a certain problem has arisen over the last year or two. Can you explain some of the specific problems that have resulted in these solutions that are part of this legislation.

Ms. Markatos: — Thank you. Maria Markatos, legislative services branch. Some of the amendments that are being made are to reflect the new enforcement of money judgments Act to change the language from garnishment to seizure. And those start at clause 15 of the Bill and are reflected in the proposed House amendment also.

One of the other amendments that's being made is adding a provision that will allow the director to collect interest on arrears that are outstanding on support orders. And there are some other jurisdictions that collect interest, and the new computer system is going to be set up so that the director will be able to calculate what the interest will be.

Another section that is being amended is 7.1. That one, a specific situation came up where someone tried to register an agreement under that provision. The family maintenance orders Act allows for the registration of an agreement, and the director will enforce such an agreement. But if a change is made to a divorce order, it would be under 7.1. So that individual had to be told that they had to pursue registration under *The Family Maintenance Act* instead of under *The Enforcement of Maintenance Orders Act*. So that's just a clarification.

And then another new provision is 53.1, and that's the suspension provision that we're adding to this Act. That's another one that has arisen quite a bit in the course of default hearings. In practice, the Court of Queen's Bench has ordered suspension in the past of default hearings and enforcement. The director has taken the position, and counsel for the maintenance enforcement office has taken the position, that the court doesn't have the authority to make those orders under *The Enforcement of Maintenance Orders Act*, that application should be made under the *Divorce Act* or *The Family Maintenance Act*.

But the court has relied on their inherent jurisdiction to do so, and when they do, all enforcement needs to be suspended by the director, including the ones that are listed: driver's license, anything in place with the federal government, and any land titles enforcement that's in place. So this provision would allow the court to do it but require that the payor give notice to the director and also file an application so the director will know ahead of time that the application's coming.

And in the event that the court decides that suspension is appropriate, it wouldn't apply to any driver's licence suspension, any federal suspensions that are in place like garnishment or passport suspensions, or any registrations that are in the land titles office. And then it would be restricted for a period of six months only. And then the hope is that after six months, if a further order would be necessary, that the court would then see fit that the person pursue a variation application instead.

Mr. Nilson: — Okay. Well thank you for that explanation. Clearly there are some procedural problems that are still there related to federal legislation versus provincial legislation, and you are creating solutions that are going to work in your office. Are there any extra fees that people have to pay for these procedures, or is it basically a cost neutral situation?

Mr. McNabb: — Lionel McNabb. We really don't charge fees. We have one fee. And that's if we've registered against land and somebody has arrears and they want to sell their property, we charge $100 to discharge that property. If they don't have arrears, we will take it off automatically. So that's the only fee we have, and there won't be any fees in this new change.

Mr. Nilson: — And there aren't any fees for registering in the Court of Queen's Bench, the way some of the agreements are registered? Or is that, or maybe this is actually making it simpler for people to get entry into your system of enforcement. Would that be an accurate statement?

Mr. McNabb: — That is a very accurate statement. People that are divorced under the *Divorce Act* have to go back to court to change their order or to do agreement. They can't do an agreement under the *Divorce Act*.

What we did a number of years ago was made it in *The Enforcement of Maintenance Orders Act* that we will accept agreements from those two parties. If they're registered with us

and they can do an agreement, why would we just not accept that? My colleague is saying we've had occasion where people try to use that instead of *The Family Maintenance Act* to register with us, so we're just clarifying it's just for *Divorce Act*. And it is to make it easier for people that can do agreements to be in our program.

Mr. Nilson: — Okay. Thanks for that explanation. And then practically these solutions are once again reasonable ones to make sure that the procedure works for the people who should receive the money. They're not necessarily reasonable for the person who should be paying the money, but that's the whole purpose of the legislation is to have people pay money on time without having to use your system, I think is the best way to put it, or our system, I guess, would be a better description of it. I think these ideas are good.

Now you've got a suggestion for an amendment and a detailed description of why the amendment is coming. And it looks like it relates to bankers just saying, we don't want standing orders all over the place that we don't really know are there. So if I understood you correctly, if they have an existing relationship with a customer, they're willing to accept this and basically deal with the enforcement, but they don't want you to spread them over every bank in northern Saskatchewan or southern Saskatchewan just in case a person starts and opens an account there. And this amendment will actually rein back your powers a little bit unless you run into a problem. Would that be an accurate statement?

Mr. **McNabb**: — That's correct. Employers generally speaking are only too happy to keep our garnishments. You know employees go in and out of their employment, and if an employee comes back they will just start the garnishment working again. But banks, maybe we were pushing a little bit from our end, but banks it's certainly understandable that if we send a garnishment to a bank on somebody that's not their client, they don't want to have to check every few weeks to see if that person becomes a client because they of course have huge operations and thousands and thousands of clients.

Mr. Nilson: — So then the proposed amendment that we'll get to a little later then effectively corrects that problem and says if you're, if this person is a customer of our bank, we'll accept it and it's valid for one year. Is that accurate? Or is it valid for . . . Where does the one-year time limit come in? I guess that's my question.

Ms. Markatos: — The future accounts definition is amended to match the definition of future accounts in *The Enforcement of Money Judgments Act.* And that allows for a reach forward of just 12 months, and then we're adding a new provision that mirrors another provision in *The Enforcement of Money Judgements Act* that says if it's a deposit account there has to be an existing legal relationship. So that 12-month reach forward will still apply to GICs [guaranteed investment certificate] or those types of instruments. But for a deposit account, there has to be an existing legal relationship at the date of service, and that's the same in *The Enforcement of Money Judgments Act.*

Mr. Nilson: — Well I don't think I have any more questions on this particular legislation. It's like I say, usually well thought out. And clearly the banks have come back and said, you've gone a little far here, so rein it back. And that's what you've done, so I think this Bill is ready to go forward.

[21:15]

The Chair: — Thank you, Mr. Nilson. Is there any other comments on consideration of Bill No. 29? Seeing none, we will now vote on consideration of Bill No. 29, *The Enforcement of Maintenance Orders Amendment Act, 2011*. This is a bilingual Bill. We will proceed with clause 1, the short title. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 14 inclusive agreed to.]

Clause 15

The Chair: — Clause 15. I recognize Mr. Stewart.

Mr. Stewart: — Thank you, Mr. Chair. I move to:

Amend Clause 15 of the printed Bill:

(a) in section 16 of *The Enforcement of Maintenance Orders Act, 1997*, as being enacted by that Clause:

(i) by adding the following definitions in alphabetical order:

"**'deposit account'** means an account owing by a deposit-taking institution in the form of a demand, time, savings or passbook account, but does not include an obligation arising under a contract with the deposit-taking institution to pay to the payor a specified sum of money and interest at a specified date in the future;

'deposit-taking institution' means an organization that is a member of the Canadian Payments Association or a credit union; and

(ii) by striking out the definition of "future account" and substituting the following:

"**'future account'** means an account:

(a) that becomes due any time within 12 months after a notice of seizure of account has been served; or

(b) that is one of a series of periodic recurring payments arising from a legal relationship between the account debtor and a payor existing when a notice of seizure of account is served, regardless of the period over which the periodic recurring payment obligations become due;

(b) by adding the following subsection after subsection 17(6) of *The Enforcement of Maintenance Orders Act, 1997*, as being enacted by that Clause:

"(7) Notwithstanding subsection (4), a notice of seizure of account with respect to a deposit account only affects a deposit-taking institution if a legal relationship existed between the payor and the deposit-taking institution with respect to any deposit account on the date on which the notice was served"; and

(c) by striking out section 24 of *The Enforcement of Maintenance Orders Act, 1997*, as being enacted by that Clause, and substituting the following:

"**Deposit accounts**

24 If a notice of seizure of account is served on a deposit-taking institution or a trust corporation within the meaning of *The Trust and Loan Corporations Act, 1997* against a deposit account that is owned by a payor and one or more other persons as joint or joint and several owners, the deposit account is presumed to be owned by the payor".

The Chair: — Thank you, Mr. Stewart. The members have heard the amendment as read by Mr. Stewart.

Are there any questions? Do committee members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — Carried. Is clause 15 as amended agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you, committee members. That concludes clause 15.

[Clause 15 as amended agreed to.]

[Clauses 16 to 30 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. 29, *The Enforcement of Maintenance Orders Amendment Act, 2011*, a bilingual Bill.

Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you. I would ask a member to move that we report Bill No. 29, *The Enforcement of Maintenance Orders Amendment Act, 2011*, a bilingual Bill, with amendments. Mr. Steinley.

Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you.

Bill No. 30 — *The Enforcement of Maintenance Orders Consequential Amendments Act, 2011*

Clause 1

The Chair: — Thank you, committee members. We will now move on for consideration of Bill No. 30, *The Enforcement of Maintenance Orders Consequential Amendments Act, 2011*. We will start with clause no. 1, the short title. Minister Morgan, you may proceed.

Hon. Mr. Morgan: — Thank you, Mr. Chair. I continue to be joined by Maria Markatos, Crown counsel, legislative services branch, and Lionel McNabb, director of family justice services.

I am pleased to be able to offer opening remarks concerning Bill 30, *The Enforcement of Maintenance Orders Consequential Amendments Act, 2011*. This Bill is the companion to *The Enforcement of Maintenance Orders Amendment Act, 2011* and provides for the consequential amendments to 11 English-only Acts that refer to garnishments pursuant to *The Enforcement of Maintenance Orders Act, 1997*.

As mentioned in my comments regarding the main Bill, language respecting garnishments is being replaced to refer instead to seizures to match the language used in *The Enforcement of Money Judgments Act*. These consequential amendments to the English-only Acts will ensure consistency with the amendments to *The Enforcement of Maintenance Orders Act, 1997* introduced in this session.

Mr. Chair, with those opening remarks, I welcome your questions respecting Bill 30, *The Enforcement of Maintenance Orders Consequential Amendments Act, 2011*.

The Chair: — Thank you, Minister Morgan. That's Bill No. 30, *The Enforcement of Maintenance Orders Consequential Amendments Act*, short title. We will now entertain comments or questions. Mr. Nilson, please.

Mr. Nilson: — Yes, Mr. Chair. We have no questions about this legislation, as it clearly is a consequential Act to implement all the changes that have just been dealt with in the previous Bill. So thank you very much.

The Chair: — Thank you, Mr. Nilson. Are there any other comments about, concerns of consideration of Bill No. 30? Mr. Minister.

Hon. Mr. Morgan: — Mr. Chair, just to thank Mr. McNabb who is now finished for the evening and will be able to go home to his family. So we thank him for being out this evening.

The Chair: — Thank you, Mr. McNabb. We will now continue on with the voting of Bill No. 30, *The Enforcement of Maintenance Orders Consequential Amendments Act, 2011*. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 13 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. 30, *The Enforcement of Maintenance Orders Consequential Amendments Act, 2011.* Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 30, *The Enforcement of Maintenance Orders Consequential Amendments Act, 2011* without amendment. Mr. Stewart. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you.

Bill No. 31 — *The Enforcement of Canadian Judgments Amendment Act, 2011/Loi de 2011 modifiant la Loi de 2002 sur l'exécution des jugements canadiens*

Clause 1

The Chair: — We will now move into consideration of Bill No. 31, *The Enforcement of Canadian Judgments Amendment Act, 2011.* This is a bilingual Bill. We'll start with clause no. 1, the short title. Minister Morgan, if you have any opening remarks, please continue.

Hon. Mr. Morgan: — Thank you, Mr. Chair. I'm joined once again by Darcy McGovern, director of legislative services. I am pleased to be able to offer opening remarks concerning Bill 31, *The Enforcement of Canadian Judgments Amendment Act, 2011*. This Bill will provide for the recognition and enforcement of foreign protection orders in the same expedited manner as is now provided for out-of-province Canadian protection orders.

Under this Bill, out-of-country protection orders will be able to immediately be enforced by the police as if that order were an order of the Court of Queen's Bench for Saskatchewan. Members of this committee will recall that in 2008, *The Enforcement Of Canadian Judgments Act, 2002* was amended to provide for special rules for the enforcement of Canadian civil protection orders. A Canadian civil protection order was defined to mean an order made in any other Canadian jurisdiction that prohibits a broad range of activities from communication to actual contact that can be used only, they can be used by one individual to intimidate, threaten, coerce, or otherwise harass another individual.

A foreign civil protection order will cover this same subject matter in an order made by a foreign court. As with the Canadian civil protection order, under this Bill a foreign civil protection order is deemed to be an order of the Saskatchewan Court of Queen's Bench that is fully enforceable in the same manner as an order of that court. As such, it can be enforced by law enforcement agencies in the same manner as a local court order, whether or not the order has been registered in Saskatchewan in the regular manner.

The amendments also extend good faith liability protection to law enforcement agencies that take steps to enforce an order. The ease of international, cross-border travel combined with the severe risk to an individual who cannot obtain immediate recognition and enforcement of a foreign protection order by policing agencies makes the extension of this approach to foreign protection orders a priority.

[21:30]

This Bill and the previous amendments for Canadian protection orders implement recommendations of the Uniform Law Conference of Canada, or ULCC. The ULCC previously concluded that where a Canadian court has determined that an individual needs protection, it should as much as possible be immediately enforceable. Rather than presuming the court may have got it wrong or acted inappropriately, the presumptive approach should be to respect the order until it is effectively challenged rather than refusing to enforce the order until it is formally registered or duplicated in Saskatchewan.

This Bill will extend that approach to foreign orders. There are no final financial or property ownership consequences that stem from such enforcement. The order may be challenged substantively the next day. In an emergency situation with an individual potentially at risk, the choice of recognizing orders from foreign states over formalistic enforcement requirements is consistent with a principled victims-first approach to this issue.

Finally I note for the committee that, out of an abundance of caution, the Bill does allow for the listing in the regulations of foreign states whose orders will not be enforced. Such a step should be rare.

The Enforcement of Foreign Judgments Act is also amended by this Act to coordinate this new procedural option with the existing process for the enforcement of foreign judgments. In my view, Mr. Chair, the balance of interests between the temporary separation of an individual at risk from another individual, and the possibility of violence arising from the failure to act, strongly tilts towards the expedited recognition and enforcement of foreign protection orders provided for in this Bill. Mr. Chair, with those opening remarks, I welcome your questions regarding Bill 31, *The Enforcement of Canadian Judgments Amendment Act, 2011*.

The Chair: — Thank you, Minister Morgan. The floor is now open for comments or questions. The Chair recognizes Mr. Nilson.

Mr. Nilson: — Yes. Thank you, Mr. Chair. The information that you've provided says that this legislation comes from the Uniform Law Conference of Canada. Which meeting? What would the year be that this meeting was held that would have brought this proposal forward?

Mr. McGovern: — Mr. Chair, Darcy McGovern. This proposal was . . . And just in the interest of full disclosure with respect to the Uniform Law Conference of Canada, I'm currently the president of the Uniform Law Conference of Canada. I was the Chair of both the working group with respect to Canadian protection orders as well as the Chair of the working group that presented the foreign protection order proposal.

This proposal was presented to the Uniform Law Conference for final adoption at the Winnipeg conference this past summer in 2011 and was formally adopted under the October 31st rule. And so it has recently been adopted in that regard, and recommended to the attorney generals of Canada for adoption.

Mr. Nilson: — Okay, thank you. That anticipates one of my questions because it's been indicated that this is, we would be the first province in Canada to adopt this rule. Can you give us a timeline as to when other provinces may adopt this particular type of legislation?

Mr. McGovern: — Of course it's difficult to anticipate other provinces' legislative cycles. It was well received in the conference, I think, for the same reasons that the Canadian civil and protection order provisions were all received by the conference as a principled approach to seeking to provide for protection. It's clear that Nova Scotia, Prince Edward Island, Manitoba were the first provinces to implement the civil Canadian protection orders. I'm advised that British Columbia is considering implementation of both the Canadian protection order and foreign protection order. So I would . . . And frankly I will be using my own bully pulpit as the president to be advocating for early adoption of this provision. But beyond that, it's difficult for me to give a specific timeline in that regard.

Mr. Nilson: — Okay. Thank you very much. Is there any effect on enforcement of these orders in Saskatchewan if other provinces haven't adopted this? I guess the question is, does it have to be adopted right across the country before it can be enforced here in Saskatchewan?

Mr. McGovern: — No, and that's a fair question. This is not a reciprocity Bill. This Bill provides that . . . Essentially what would be happening is that Saskatchewan would be making a decision saying that where a foreign court has passed an order that provides for protection for an individual, rather than in the middle of the night saying, sorry, that's not registered through the court process, it creates a presumptive response where we would say, we're going to recognize and enforce that order for these two individuals to stay apart. If there's a challenge to it subsequently in the light of day, that can certainly proceed.

And so the decision at that point is to say that rather than requiring reciprocity from the other state or the other province, we're going to recognize that as part of the protection of victims in these circumstances in Saskatchewan. So that's a little longer of an answer than it needed to be, but I think it's an important point.

Mr. Nilson: — And I appreciate that answer because sometimes what can happen is there can be conflicting orders that will then surface in the light of day, as you put it. And so it's clear here that that type of issue can be resolved subsequently, but in the short term people are separated or protected, which is the whole intention. So thank you for that explanation. It sounds like it's had quite a bit of discussion by all of the officials across the country. And we think it's good legislation, and we have no further questions.

Mr. McGovern: — Thank you. I think the member would also be interested to know that the American uniform law conference is looking at adopting a similar approach to the Canadian full faith and credit proposal, as is the Hague private international law conference now looking at that. So we're very hopeful that this is something that can grow.

Hon. Mr. Morgan: — I'm sure Mr. McGovern will want to take full credit for the international success of the piece. But the important thing for us as a province is it provides between the interim period when somebody is confronted with a problem and until the time they can get it to court. So it provides that interim separation. And I think it's a well-founded piece, and I think we're glad to support it.

The Chair: — Thank you, Minister Morgan, Mr. McGovern, and Mr. Nilson. Are there any other comments or questions regarding Bill No. 31? Seeing none, we will now vote on consideration of Bill No. 31, *The Enforcement of Canadian Judgments Amendment Act, 2011*. This is a bilingual Bill. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 6 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. 31, *The Enforcement of Canadian Judgments Amendment Act, 2011*, a bilingual Bill. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — I would ask a member to move that we report Bill No. 31, *The Enforcement of Canadian Judgments Amendment Act, 2011*, a bilingual Bill, without amendments. Mr. Phillips. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you.

Bill No. 32 — *The Inter-jurisdictional Support Orders Amendment Act, 2011/Loi de 2011 modifiant la Loi sur les ordonnances alimentaires interterritoriales*

Clause 1

The Chair: — We will now move to consideration of Bill No. 32, *The Inter-jurisdictional Support Orders Amendment Act, 2011*. This is also a bilingual Bill. We will start with clause 1, short title. Mr. Minister, if you have opening remarks, please proceed.

Hon. Mr. Morgan: — I do, Mr. Chair. I am joined again by Maria Markatos, Crown counsel, legislative services branch, and by Roberta Behr who is the assistant director of family justice services who is filling in for Lionel McNabb right now.

I am pleased to be able to offer opening remarks concerning Bill 32, *The Inter-jurisdictional Support Orders Amendment*

Act, 2011. The interjurisdictional support orders Act is part of a nationwide scheme of legislation that permits an applicant in one Canadian jurisdiction to bring an application to obtain or vary a support order in the jurisdiction where the respondent resides. It also establishes the procedure for registration in Saskatchewan of support orders made in other Canadian or foreign jurisdictions. *The Inter-jurisdictional Support Orders Amendment Act, 2011* will incorporate recommendations of the national interjurisdictional support subcommittee to update the Act. The amendments will update the process and ensure compliance with The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The amendment Act replaces the term "ordinarily resident" where it appears with the term "habitually resident" to be consistent with The Hague Convention.

The amendments also update the choice of law provisions to require that the court apply the law of Saskatchewan first to determine if a child is entitled to support. If a child is not entitled to support under Saskatchewan law, then the law of the jurisdiction where the child is resident will be applied. It will be easier for the court to apply Saskatchewan law first, and in most circumstances the child will be entitled to support under Saskatchewan law.

The amendments require that when making an order, the court specify the law that was applied. This will simplify any further application for variance. Sometimes an applicant may pursue a variation application pursuant to this Act only to be advised after the paperwork is completed and several months have passed that the application should have proceeded under the *Divorce Act.* Where the court requests the applicant provide additional information, the time providing that information will be reduced from 18 to 12 months. The 12 months will still provide ample time for response while ensuring that the hearing proceeds in a timely manner.

A new provision is added to allow a reciprocating jurisdiction to request that the ISO [interjurisdictional support order] unit make inquiries to locate a particular individual in Saskatchewan prior to receiving the entire ISO application. This will save time and paperwork. If the individual is located, the reciprocating jurisdiction will be advised and can then forward the entire application to Saskatchewan for service.

Finally, the amendments will also allow the ISO unit to use Saskatchewan law in determining duration of the support order if duration in the reciprocating jurisdiction cannot be verified. Mr. Chair, with those remarks I welcome questions respecting Bill 32, *The Inter-jurisdictional Support Orders Amendment Act, 2011.*

The Chair: — Thank you, Minister Morgan. The floor is open now for questions. We recognize Mr. Nilson.

Mr. Nilson: — Thank you, Mr. Chair. I think the intention of the legislation is to clarify the law, but when you hear the description of what you're doing, I think it's maybe clear to a few lawyers who practise in this area. But for everybody else, it's not that clear. Basically the intention is to make sure that the jurisdiction where the child is located would have the ability to effectively create an enforceable maintenance order even if, wherever a previous order had been granted, the previous order wasn't very clear. Is that the intention here?

Ms. Markatos: — Mr. Chair, I'm Maria Markatos. The law that will . . . That was a long question. The law that will be applied will be the law of Saskatchewan first. So even though the applicants or the person who completes the ISO application might be, say, in Ontario, and they send the application here to be heard by the court in Saskatchewan — the child might be resident in Ontario — Saskatchewan will apply its law first. And if the child isn't entitled to support under our law, then the court will look at Ontario's legislation.

Hon. Mr. Morgan: — And then the court will, as part of that order, specify that it was a determination made applying Ontario law so that there's a variation application. A variation application would be brought using Ontario law.

[21:45]

Mr. Nilson: — Okay, no. I mean I understand your response to my question, but it continues to be an area where it's difficult to get solutions because of the overlapping jurisdiction of legislation. So I think what you're trying to do is clarify that you can use Saskatchewan law here first, and then if that doesn't work, you go to another jurisdiction. Does this also apply between Saskatchewan and Montana or Saskatchewan and North Dakota or Saskatchewan and Israel? So is this and does this come from Uniform Law Conference suggestions as well?

Ms. Markatos: — It will apply equally to extraprovincial orders and foreign orders, and both of those are defined in the Act. So Montana or Israel or China, the default would be that Saskatchewan law is applied first. And if the child is not entitled under our law, then they would look to the other jurisdiction. In most cases, the child would be entitled to support here.

To answer your second question, this doesn't come out of the Uniform Law Conference. This comes from a national subcommittee that Ms. Behr actually sits on that meets regularly to review this legislation to determine how it can be improved. And several other jurisdictions have also proceeded with these amendments. So Alberta, Manitoba, and recently BC [British Columbia], Newfoundland, and I believe Nova Scotia, have all proceeded with these amendments so that we have similar legislation across Canada.

Mr. Nilson: — Okay, thank you for the explanation. It's, I think, a further development of the law, and clearly just trying to describe it becomes a little bit complicated. So practically there's more work to do, but the right people are working on it. So we look forward to your proposals in next year's legislative agenda as you further develop this. I have no further questions.

The Chair: — Thank you, Mr. Nilson. Is there any other comments or questions regarding Bill No. 32? Seeing none, we will now . . .

Hon. Mr. Morgan: — Mr. Chair, the officials that I have are finished for the evening, so on behalf of all the members, we'd like to thank them as they too are allowed to go home and enjoy their families, unlike some of us that are not.

The Chair: — Thank you to you both, and have a good evening. We will now move to the voting of consideration of Bill No. 32, *The Inter-jurisdictional Support Orders Amendment Act, 2011*, a bilingual Bill. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 31 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 32, *The Inter-jurisdictional Support Orders Amendment Act, 2011*, bilingual Bill. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you. I would ask a member to move that we report Bill No. 32, *The Inter-jurisdictional Support Orders Amendment Act, 2011*, a bilingual Bill, without amendment. Ms. Tell. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you.

Bill No. 39 — *The Financial and Consumer Affairs Authority of Saskatchewan Act*

Clause 1

The Chair: — Thank you committee members. We will now move on to Bill No. 39, *The Financial and Consumer Affairs Authority of Saskatchewan Act*. We will start with clause 1, the short title. Minister Morgan, if you have opening remarks, please proceed.

Hon. Mr. Morgan: — Thank you. Thank you, Mr. Chair. I'm joined this evening by Dave Wild, chairperson, Saskatchewan Financial Services Commission, and Mary Ellen Wellsch, senior Crown counsel, legislative services branch, Justice and Attorney General.

I'm pleased to be able to offer opening remarks concerning Bill 39, *The Financial and Consumer Affairs Authority of Saskatchewan Act*. Mr. Chair, this Act will continue the Saskatchewan Financial Services Commission as a Crown corporation, the Financial and Consumer Affairs Authority of Saskatchewan, or FCAA. It will also transfer staff, all of whom are currently government employees, to the new Crown corporation.

The move will make the operation of the regulator of financial services and consumer protection more independent from executive government, a model that is followed elsewhere in Canada. It will also highlight the importance of consumer protection as an area of responsibility of the authority by having the name refer to both consumer affairs as well as financial affairs. This move will assist in having a regulator that will be able to respond to emergent issues quickly and effectively. Government will, however, maintain involvement through a ministerial appointment to the authority and the ongoing connection with Treasury Board.

Mr. Chair, with those opening remarks, I welcome your questions regarding Bill 39, *The Financial and Consumer Affairs Authority of Saskatchewan Act*.

The Chair: — Thank you, Minister Morgan. This floor is now open for questions and comments. The Chair recognizes Ms. Sproule.

Ms. Sproule: — Thank you very much, Mr. Chair. I guess my questions around this one relate to some comments I made earlier tonight about the . . . I guess the question is, why was it felt necessary to create a Treasury Board Crown corporation when the original Saskatchewan Financial Services Commission seemed to be doing the job? So what was seen as necessary for this Bill?

Mr. Wild: — Thank you. You're right. We were doing the job from a regulatory perspective, but we found it increasingly more challenging to do that job. The markets have grown in complexity, have grown in size. Saskatchewan's economy is booming. We found it a greater challenge to ensure our operations could keep pace with the regulatory demands we were facing. This Treasury Board Crown, we think, will provide us a better opportunity to respond faster from a resource perspective to those demands.

Ms. Sproule: — What sort of resources are you referring to?

Mr. Wild: — We have a staff of 58. They vary from a legal staff of about 11 to accountants measuring about eight in total. We have investigators. We have complaint handling officers. We have people that review licence applications. So a variety of regulatory officials.

Ms. Sproule: — I guess I don't understand why more money just couldn't have been provided. Is it a question of money that the Treasury Board Crown was created?

Mr. Wild: — No. It's a question of matching control of the operations with the regulatory control that is provided to us under our statutes. We administer approximately 20 statutes, and those statutes give us a fair amount of power to make regulatory decisions. We're relatively independent in that regard. We're free to, you know, make our decisions in accordance with the legislation we're given to administer. So this represents independence in an operational sense, which matches our independence in an adjudicative or decision-making capacity. It makes it a consistent operation for us.

Ms. Sproule: — Thank you. I guess I don't understand the, I still am not understanding the implications of the change. So how can I rephrase this. What further advantages does being a Crown give you that you weren't able to do as a commission? I'm still not getting it, I guess. I'm sorry. It's late in the evening.

Mr. Wild: — It is late in the evening, yes. The commission is a

body appointed by the government to lead our organization. It did so in terms of adjudicative function. It did so in terms of regulatory policy-making function. It didn't have a direct influence over our resources, so we were subject to an appropriation. We were part of the Ministry of Justice's appropriation, and our financial matters flowed through the Ministry of Justice.

We thought it more appropriate that the commission be engaged on operational matters because operational matters impact on regulatory decisions. You know, we can choose to investigate based on policy reasons, but there's also resource considerations that go into that decision. So we thought it appropriate that not only should the commission be charged with regulatory decisions, adjudicated decisions, but also operational decisions. This puts more authority in the hands of our commission to influence our budget, influence our operations, without losing the control of government because our budget still has to flow through Treasury Board.

Ms. Sproule: — So for example, you would be able to borrow money or raise revenues in different ways. Is that the goal?

Mr. Wild: — Not so much the revenue side, but on the expenditure side certainly. We've had occasions where we faced some very significant market issues that would've required us to respond very quickly with some extraordinary expenditures. It could range from, you know, hiring a forensic accountant to hiring outside legal counsel with specialized expertise perhaps to carry out an investigation outside of our borders. So we struggled with the regular processes around seeking appropriation that allowed us to respond to those market issues, market crises.

Ms. Sproule: — I still see your function as fairly, or quasi-judicial. And when I think of Crown corporations, I think of more business and, you know, economic-oriented agencies because it looks like most of your work is regulatory in a sense. So I guess for whatever reason, I'm not understanding the need to convert this to a Crown. It seems to me everything you've described could be done within the powers of a commission.

Mr. Wild: — It could be done, but not nearly as readily and easily and in as timely a manner as through a Crown corporation. It's not an unusual model. I think earlier there was reference to the Saskatchewan Liquor and Gaming Authority in Saskatchewan being a Treasury Board Crown with regulatory authority. The securities commissions in BC, Alberta, Ontario, Quebec, New Brunswick, they're all not even Treasury Board Crown corporations but full-fledged commercial Crown corporations.

We do collect revenues. And we collect revenues that exceed our expenditures, so we do pay a dividend to the Government of Saskatchewan. That isn't our purpose. We're not set up to make money. But it's not an unusual model to have us funded by those that we regulate and then to have it in a Crown corporation model.

[22:00]

Ms. Sproule: — Thank you very much for that. I just have another question in relation to the transitional provisions of this particular Act, and that's section 46(1). And it indicates in the Bill that those persons who are currently members of the commission will continue to be the members of the board for the purposes of the new Crown.

And I just want to juxtapose that — and it's a question for the minister, I guess — in relation to Bill 37, section 29(2)(a), and I'll read that for you. This is the Tourism Authority Act, so you won't have that with you, and I'll just read you the provision. This is also the transitional provisions for the Tourism Authority, which was previously Tourism Saskatchewan. So now we have a new Crown being created. And in that particular Act, it says, "On the coming into force of this Act," section 29(2)(a). So it says:

> On the coming into force of this Act:
>
> > (a) those persons who were members of the authority or members of the board of the authority on the day before the coming into force of this Act cease to be members or members of the board.

And the same applies to the staff.

In this Act that we're looking at now in section 46, the transitional section, the members and the directors and the executive directors are continued. So I would just like to inquire from the minister, is there any reason for the disparity in treatment there?

Hon. Mr. Morgan: — I can't speak to the other piece of legislation. That's a question you'd have to put to that minister. My understanding is that it is a change in model or a significant change in the processes that they're following there.

In the case here, the intention would be that this entity should be a free-standing, self-funding model. And then it would have its own independent financial statement, would show that its ability to fund. And then the impetus for it came from the employees there, Mr. Wild came and said, this is something we think we should do. It's being done in other jurisdictions. It allows us to separately fund as required.

And so we were looking for the most seamless transition possible for people that are using the system because there would be applications that are currently under way, files, possibly disciplinary matters. So the idea would be that it would continue exactly as it was. And I think Tourism is looking to take a different direction, but I leave you to ask the questions of that minister.

Ms. Sproule: — Thank you. I actually attempted to ask those questions last night, but the answers I got weren't clear enough. So I thought I'd run it by you. But I'll leave it at that for now. I thank you for your explanation on this Bill.

Hon. Mr. Morgan: — I can certainly give you answers with regard to this one, but I'm not able to speak to the others.

Ms. Sproule: — And that's fair enough, and I appreciate the explanation you've given.

Just one final question. It's a comment you made, Mr. Minister,

in your introductory comments to the Bill when it was introduced on April 16th. Just if you could explain this comment. You said:

> . . . a Treasury Board Crown corporation draws on the business expertise of a board of directors to assess the needs of the marketplace without compromising the government's need to manage the province's financial affairs.

And I think that's what you were trying to explain to me. And the idea here is that the people that are currently sitting on the commission have that expertise. And you're just changing maybe the colour of their suit kind of thing but they will continue. The people you have now have that expertise, and you're just giving them . . .

Hon. Mr. Morgan: — Are you asking about board members, or are you asking about staff?

Ms. Sproule: — This is the board of directors you commented on, yes.

Hon. Mr. Morgan: — The board has got a good mix of people that are on it and would have . . . They were challenged during the takeover, potential takeover by BHP of PCS [Potash Corporation of Saskatchewan], you know, because that board would have had to have reviewed it. So they were . . . I was impressed with their ability to get up to speed even though those applications didn't proceed. But through Mr. Wild and the people that were the board members were determining what extra resources they needed, what kind of outside help they might need to handle those applications. But they were set to go ahead and deal with them as they were required. So I think the answer to the question is yes, they would be there.

The comment that I made was that, you know, they serve two roles. One is ensuring that market capital is developed or able to be produced, you know, we're able to generate market capital as is required. But we also serve a significant regulatory function. So the commission or authority serves really two roles. One, to ensure an orderly marketplace that we've got a good ability to raise capital. But given the things that happened in 2008, we're very cognizant of the fact that the risks that exist often go beyond our province and beyond our borders. So we're dealing with the larger issues as well.

Ms. Sproule: — Thank you, Mr. Chair. I have no more questions. My colleague has a question.

The Chair: — Mr. Nilson.

Mr. Nilson: — Thank you, Mr. Chair. You've indicated that there are about 20 pieces of legislation that are the responsibility of this new Financial and Consumer Affairs Authority of Saskatchewan. Will there be any capacity within the Ministry of Justice to deal with consumer affairs issues, or will all of that capacity be moved to this new agency?

Mr. Wild: — Policy development remains a shared responsibility between the Ministry of Justice.

Hon. Mr. Morgan: — But the enforcement of the public education component goes to the new agency.

Mr. Nilson: — So I guess my . . . That's one of my. . . My question relates to, then we're in a situation where used to be there were two separate ministries that dealt with these issues. One was sort of a consumer affairs ministry, and another one was corporations ministry, if I can put it that way. Then some of them came together. Then they were within Justice.

But ultimately some of the issues around regulatory issues, you work with the big financial institutions, whether they're credit unions or other provincially registered organizations, and there's a few insurance companies, not lots but some. But at the same time, you have the role of protecting the individual over and against that corporate structure.

So can you explain how that role is going to be fulfilled? I think the public will be looking to the Minster of Justice for a solution. And if his response is just, well it's over there with that Crown corporation, and the people say, well those are the same guys that deal with the banking institutions, that's who I have my problem with, how are you going to explain this to the public?

Mr. Wild: — Just to your opening remarks, the balance between fostering capital markets and protecting consumers is something we struggle with daily. And it's something you always have to be cognizant of when you're making decisions that there is a balance there.

But your point about accountability, there are a number of checks and balances built into this Act, into our operations. I said earlier that policy remains a joint responsibility of our commission, our authority, and the Ministry of Justice. So we don't control our legislation. We can't amend our Act. It has to come through the processes to this House for amendment or passage. I report directly to the Minister of Justice. So he holds me personally to account for my performance and the performance of our authority. The board must report its budget through Treasury Board for approval, so there's that accountability on the financial side. As well we produce and have to table an annual report with financial statements, so there's that level of accountability.

In terms of our legislative processes, as you know, it's a standard practice to consult on all legislation. So we would not proceed with the Ministry of Justice in terms of legislative amendments without consultation with the public and without careful consideration of what we receive in terms of feedback from the public. So there's a variety of checks and balances on us.

In terms of our corporate governance side, we are carrying forward the seven-person commission into the new board while we're adding an eighth person to sit on that board, and that's an appointee of the Minister of Justice. That person is not there to make regulatory decisions, so they won't appear on panels with us. But that person is there from a corporate governance perspective to ensure that the Minister of Justice has insight into how we are operating as a corporation and has influence and reporting back to him in that regard. So there's a variety of checks and balances here on us and our actions.

Mr. Nilson: — So you have an eight-member board now. And your responsibility as the executive director — I guess that's what the description of the title is — is not to that board but to the minister. Is that correct?

Mr. Wild: — There's actually two positions in statute. There is a Chair position and then there's an executive director position. The Chair reports directly to the Minister of Justice. The executive director would report to the board. I am appointed, currently appointed both. We have the same structure under *The Saskatchewan Financial Services Commission Act* where we have a Chair and executive director. I've been both for the history of the commission.

Mr. Nilson: — Okay. No, that answers that question. But it is contemplated that it would be two different people eventually. Is that correct?

Hon. Mr. Morgan: — At the present time we're saving money. We're not paying him two salaries. And because he's also superintendent of insurance and wears a number of other hats, we're only giving him one cheque. And in case he thinks he's going to get another one, he's not.

Mr. Nilson: — Now the people that have been on the seven-person Securities Commission, would that be the description of them right now? Is that correct?

Mr. Wild: — The Financial Services Commission . . .

Mr. Nilson: — Or financial . . .

Mr. Wild: — Yes, you're right. It's the same.

Mr. Nilson: — Okay. So are there any of those people who are representatives of consumers so that you actually have a consumer rep on this board, given that there's more legislation that's consumer protection legislation than other legislation here?

Mr. Wild: — It's fair to say that there is no particular representation on our board. I couldn't go around our table and say, are you the insurance person? Are you the credit union person? It just wasn't formulated that way. I can tell you they're all people that have a long history of living and working in Saskatchewan. They understand Saskatchewan. They don't come to our commission as far as I'm aware by way of representations made to the Minister of Justice who then appoints them. That's not the structure here. There's no one that has a seat on our commission.

So you know I like to think that all of us represent consumers and all of us like to think about the market side as well. We all want Saskatchewan to be successful. And there's no distinction between what's good for business and what's good for consumers. We strongly believe that what is good for business is also good for consumers and vice versa. You have to have confidence in the marketplace. If we don't have confidence, we don't have a marketplace, and it'll fail. And no one wants that.

Mr. Nilson: — And so when regulatory changes are proposed to this legislation, does it come from the authority, or does it come from the minister's office? Or how does that work? Because it appears that most of this legislation has quite a few, I mean they have quite a few regulations, each of them, which are actually the enforceable part of the legislation. So where would that process start, and how would it happen?

Mr. Wild: — It can come in a variety of forms. I think most commonly the ideas are generated by our authority, our commission. And quite often in today's world, those ideas are coming to us globally. We can't be out of step with any other jurisdiction within Canada or outside of Canada. So quite often you're finding now that, on the securities side for example, the agenda's being driven largely by G20 finance ministers. Most of our most recent policy initiatives, matters that you considered earlier tonight under *The Securities Act*, came to us from the G20 talks.

Sometimes we bring forward ideas from our own marketplace, and sometimes it's ideas that are generated within the Ministry of Justice or within the minister's office. There's no set pattern to it.

Mr. Nilson: — Well I have questions, and I think we'll continue to have questions, about the responsibility of the minister and people within the ministry vis-á-vis the authority. But I think that the proposal as it's laid out here does have some coherence, so hopefully it will work. But I think that that's a long-term issue around responsibility.

I know it arose the other night when we were talking about Information Services Corporation of Saskatchewan where the traditional authority of the Ministry of Justice kind of has been downplayed, it doesn't show up anywhere in their books, and the public generally see that there is a responsibility on the Minister of Justice for all of this.

And so I would strongly encourage that you continue to develop and make sure that the connections stay very strong on that basis because the further that these types of activities get away from the ministry and from the legislature, I think that's more difficult for individual Saskatchewan people. But I have no further questions, and I think this legislation should proceed.

[22:15]

The Chair: — Thank you, Mr. Nilson. We will now vote on consideration of Bill No. 39, *The Financial and Consumer Affairs Authority of Saskatchewan Act*. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 60 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. 39, *The Financial and Consumer Affairs Authority of Saskatchewan Act*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 39, *The Financial and Consumer Affairs Authority of Saskatchewan Act*. Mr. Phillips. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you.

Bill No. 40 — *The Financial and Consumer Affairs Authority of Saskatchewan Consequential Amendment Act, 2012/Loi de 2012 portant modification corrélative à la loi intitulée The Financial and Consumer Affairs Authority of Saskatchewan Act*

Clause 1

The Chair: — We'll now consider Bill No. 40, *The Financial and Consumer Affairs Authority of Saskatchewan Consequential Amendment Act, 2011*. This is a bilingual Bill. We will start with clause 1, short title. Minister Morgan, if you would have any opening remarks please.

Hon. Mr. Morgan: — Thank you, Mr. Chair. I continue to be joined by the same officials: Dave Wild and Mary Ellen Wellsch. I'm pleased to be able to offer opening remarks concerning Bill No. 40, *The Financial and Consumer Affairs Authority of Saskatchewan Consequential Amendment Act*.

Mr. Chair, *The Financial and Consumer Affairs Authority of Saskatchewan Consequential Amendment Act* will amend a bilingual Act, *The Co-operatives Act, 1996*, to bring the terminology in line with that of *The Financial and Consumer Affairs Authority of Saskatchewan Act.* That is "the board," previously defined to mean the Saskatchewan Financial Service Commission, will now be defined to mean the Financial and Consumer Affairs Authority of Saskatchewan. Because *The Co-operatives Act, 1996* is a bilingual Act, a separate bilingual Bill is required to amend. it.

Mr. Chair, with those opening remarks, I welcome your questions regarding Bill No. 40, *The Financial and Consumer Affairs Authority of Saskatchewan Consequential Amendment Act*.

The Chair: — Thank you, Mr. Morgan. Is there any questions or comments? Ms. Sproule.

Ms. Sproule: — Thank you, Mr. Chair. There are no questions on this Bill.

The Chair: — Thank you, Ms. Sproule. Is there any other comments or questions? Seeing none, we will now vote on consideration of Bill No. 40, *The Financial and Consumer Affairs Authority of Saskatchewan Consequential Amendment Act, 2012*. This is a bilingual Bill. Clause 1, short title. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 and 3 agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 40, *The Financial and Consumer Affairs Authority of Saskatchewan Consequential Amendment Act, 2012*, 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. 40, *The Financial and Consumer Affairs Authority of Saskatchewan Consequential Amendment Act,* 2011, a bilingual Bill without amendment. Mr. Stewart. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you. That's carried.

Bill No. 26 — *The Miscellaneous Statutes Repeal Act, 2011*

Clause 1

The Chair: — We will now consider Bill No. 26, *The Miscellaneous Statutes Repeal 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, Mr. Chair. I am joined by a different group of individuals, and I'm hoping that they will correct me if I'm wrong. I believe I am joined by Pat Parenteau, director of policy, Labour Relations and Workplace Safety; Susan Hetu, senior advisor to the deputy minister of Tourism, Parks, Culture and Sport; Ken Panchuk, provincial soils specialist, Agriculture; Sandra Stanger, manager, programs and legislation, Agriculture; Mary Ellen Wellsch, senior Crown counsel, legislative services branch, Justice and Attorney General. Mr. Chair, this Bill deals with a number of different pieces of legislation, so the officials come from a number of different ministries. That's my lack of certainty as to who they are.

I am pleased to be able to offer opening remarks concerning Bill 26, *The Miscellaneous Statutes Repeal Act. The Miscellaneous Statutes Repeal Act* will repeal five Acts of the legislature that are obsolete or spent. The five are *The Collective Bargaining Agreement Expiry Date Exception Act*, *The Communications Network Corporation Act*, *The On-farm Quality Assurance Programs Act*, *The Soil Drifting Control Act*, *The Special Payment (Dependent Spouses) Act*.

Three of these Acts are spent. That is, their relevance has come to an end and they should be removed from the statute books. These include *The Collective Bargaining Agreement Expiry Date Exception Act*, an Act that applied to two collective agreements that are no longer in effect; *The Communications Network Corporation Act*, an Act that applied to a corporation that has now been wound down; and *The Special Payment (Dependent Spouses) Act*, an Act that established a time-limited application that expired in 2001.

The other two pieces of legislation are obsolete; that is, they are

no longer serving the purpose for which they were intended. They are *The On-farm Quality Assurance Programs Act*, an Act that was quickly superseded by federal action through the Canadian Food Inspection Agency, and *The Soil Drifting Control Act*, an Act that had good intentions but was little used and, in light of modern farming practices, is no longer necessary. Mr. Chair, my only concern with these two Bills is that we have not had the outgoing Ag minister sitting here for the entire evening waiting his turn to deal with these and to speak to them. Mr. Chair, pardon my humour again. With these opening remarks, I welcome your questions regarding Bill No. 26, *The Miscellaneous Statutes Repeal Act*.

The Chair: — Thank you, Mr. Morgan, and welcome to the new officials. Are there questions or concerns? Mr. Nilson.

Mr. Nilson: — Thank you, Mr. Chair. There are no questions related to *The Collective Bargaining Agreement Expiry Date Exception Act* or *The Special Payment (Dependent Spouses) Act* because I do agree that the issues there have been resolved.

I do have a question on *The Communications Network Corporation Act*. You've indicated that the corporation is totally wound down. Can you explain exactly what's happened? I mean clearly, SCN [Saskatchewan Communications Network] is still on the television. How does it operate? How is this legislation no longer necessary?

Hon. Mr. Morgan: — You'll be aware that the assets of the business were sold to a company called Bluepoint that has taken it over and is operating the entity now. The provincial government no longer has an ownership or an equity position in that entity, so the legislation that created the entity or that was sustaining it no longer has assets, so that the legislation is no longer necessary. Now I think there's officials here that may be able to add more to that.

Ms. Hetu: — In addition to that, Bluepoint SCN has been sold to Rogers Media. The sale will be finalized once the CRTC [Canadian Radio-television and Telecommunications Commission] approves their application.

Mr. Nilson: — My question then is, is it the assets that have been sold, or was it the corporation that was incorporated by this piece of legislation?

Hon. Mr. Morgan: — It was an asset sale.

Mr. Nilson: — So there are no responsibilities or obligations of any kind that are still outstanding as it relates to this particular corporation?

Ms. Hetu: — The province is interested in designating Rogers Media as a provincial education broadcaster whereby there would be commercial-free advertising during daytime hours.

Mr. Nilson: — So my question is then, are those provisions within this Act that are intended to be enforced in some other way? And is it premature to get rid of this legislation if in fact the educational component of this is being protected by the wording of this Act?

Hon. Mr. Morgan: — No. The commitment is one made by the Minister of Education or the other educational entities and not through the SCN corporate entity. The SCN corporate entity has no further obligation under the sales agreement or under the continuing education program.

Mr. Nilson: — So that any of the obligations that might have been set up by Mr. Gary Lane when he was the minister, I think, that set this up, that as it related to educational television in Saskatchewan, all of those obligations have been dealt with in some other fashion, is that what you're assuring us tonight?

Hon. Mr. Morgan: — My understanding is that would be a question you would have to put to the minister responsible for that entity, but that there are no further contractual obligations either to or from that entity. And that's why the entity can be, the corporate shell or the corporate entity, can be repealed.

Mr. Nilson: — And you've said there's no contractual obligations. There are no legislative obligations or intentions that are in this legislation that will be missed if the legislation is gone?

[22:30]

Ms. Hetu: — There are no further obligations.

Mr. Nilson: — That didn't answer my question. When this corporation was set up by legislation, its role was educational television and there were certain obligations set up. Have those obligations been dealt with in some other piece of legislation, or what has happened here?

Hon. Mr. Morgan: — I think the only thing I can advise you is that there are no existing legislation, no existing obligations of any kind that are ongoing. Now you would have to ask the ministers that would have been responsible what happened with various mandate or commitment over the years. What we are told now by the officials, and we accept it, that there are no obligations either to or from the corporate entity either from a legislative or contractual point of view, and that there is no need to continue the existence of that corporate entity.

Mr. Nilson: — Okay. Well I don't feel totally assured by the responses as it relates to that particular obligation, and I know that many people are concerned about that. That's why I raise these questions.

I'll go on to the next question I have which relates to the on-farm quality assurance program. Can you describe what programs are replacing the concept that was developed here? I think everybody knows when you go to the liquor store you buy VQA wine, Vintner's Quality Assurance wine. Can you explain whether that's a federal designation or a provincial designation or how that relates to this program which was effectively a Saskatchewan quality assurance designation?

Ms. Stanger: — Vintner's Quality isn't impacted by this at all. I'm not actually familiar with that particular program. But the on-farm quality assurance program's related to specific commodity areas; wineries is not one of them. There's approximately 19 different sector groups that are impacted. With the withdrawal of this particular Act, there is no impact whatsoever because it was never used.

Mr. Nilson: — So this legislation strikes me as legislation that may actually be of use in the future as people become more interested in this issue, because I think that you've said, well it's all subsumed into the federal rules around various products. I think there are quite a number of people within Saskatchewan who would prefer to have some kind of a Saskatchewan quality assurance system. And my understanding of this legislation is that's what this did.

Ms. Stanger: — It would have done that, however we . . . When the legislation was put into place, the only reason it was going to be put into place is that there was no national standard in place at that particular time. So at the same time that the Act finally got put into place, the federal government decided that they, and industry, felt that there was a need for a national standard instead, to have national recognition as opposed to provincial recognition. The provinces actually worked with the federal government and industry to develop the recognition system at the national level. And we continue to work with them on the national protocols and working with industry to ensure they're meeting the federal standards.

Mr. Nilson: — Okay. Well I appreciate your explanation. I think this probably forward-looking legislation that may eventually come back again as a Saskatchewan brand becomes something that we want to distinguish from other jurisdictions in Canada. So I've no further questions on that one.

The Soil Drifting Control Act, this issue, I mean obviously this legislation that came from the '30s, I think would be the accurate description of that. Can you explain where the provisions that are in that legislation are now dealt with by provincial legislation?

Mr. Panchuk: — Currently we use programming to address changes to beneficial management practices, and they have been highly adopted by farmers and ranchers in Saskatchewan and the preferred method as opposed to legislation. The legislation maybe we could refer to would be the agreements between the province and the federal government, for example Growing Forward, and now being negotiated for Growing Forward 2 which is coming up very shortly. And under these particular agreements there are programming opportunities to allow beneficial management practices to be adopted by producers and have a win-win with society. The farmer wins by being able to adopt some new science-based technologies, and the consumer wins also because it helps reduce agriculture's footprint on the environment.

Mr. Nilson: — If I remember correctly, this legislation gave quite a bit of power to the local communities to deal with this issue. Is there any ability for local communities, rural municipalities, or others to deal with these issues or by repealing this legislation, you remove any chance of a local community having control?

Mr. Panchuk: — Well the local communities could bring issues to the minister at any time through the Saskatchewan Association of Rural Municipalities. And they meet annually, bringing up issues that are addressed by the minister. If an issue is reoccurring in society then we can ask the minister to look at new programming which is the preferred model of dealing with environmental issues.

Mr. Nilson: — Under this particular legislation though, it gave quite a bit of power to a local community to set up their own enforcement by bylaw of issues that related to soil drifting or . . . [inaudible] . . . the other ones. Is this something that could have been used for dealing with flooding, say last summer?

Mr. Panchuk: — In the case of flooding last summer, we within the government of Saskatchewan have emergency preparedness which is a system that deals with urgent issues for society. And flooding as an example from extreme weather events was one of these emergency issues. So all the controls were turned over to Intergovernmental Affairs and Justice, or Policing I believe it is. And they direct all the ministries to take part in dealing with these particular issues.

Mr. Nilson: — Okay. Well basically then the power that's under this legislation that was available for local communities will not be replaced. Is that the sum of what you're saying here?

Mr. Panchuk: — We had it reviewed by Justice, and Justice said to us that under *The Municipalities Act* which replaced the rural municipalities Act which is listed in *The Soil Drifting Control Act*, there is no process to deal with the procedures as outlined in *The Soil Drifting Control Act*. You cannot use a petition to ask local government to make a decision under the new municipalities Act.

Mr. Nilson: — So effectively we're removing a remedy that is there in this legislation, and it's not being replaced.

Mr. Panchuk: — I believe that the way the legislation was written in 1941 was to apply force to cause change to happen as opposed to provide an incentive which is what we use today to address issues.

Mr. Nilson: — Okay. Well the repeal of that legislation does eliminate a local community solution. But I have no further questions.

The Chair: — Thank you. Seeing no other further questions, we will now vote on consideration of Bill No. 26, *The Miscellaneous Statutes Repeal Act, 2011*. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 7 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. 26, *The Miscellaneous Statutes Repeal Act, 2011*. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I would ask a member to move that we report Bill No. 26, *The Miscellaneous Statutes Repeal Act, 2011*. Mr. Steinley. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you.

Bill No. 35 — *The Legislative Assembly and Executive Council Amendment Act, 2011/Loi de 2011 modifiant la Loi de 2007 sur l'Assemblée législative et le Conseil exécutif*

Clause 1

The Chair: — We will now consider Bill No. 35, *The Legislative Assembly and Executive Council Amendment Act, 2011*. This is a bilingual Bill. We will start with clause no. 1, the short title. Mr. Minister, if you have opening remarks, please proceed.

Hon. Mr. Morgan: — Thank you, Mr. Chair. I am once again joined by Darcy McGovern, director of legislative services branch.

I am pleased to be able to offer opening remarks concerning Bill No. 35, *The Legislative Assembly and Executive Council Amendment Act, 2011*. One of the first steps taken when this government was elected in 2007 was to remove the uncertainty that had traditionally existed regarding when provincial general elections would be held. For this reason, we amended the Act to include an express provision that fixed the date for provincial general elections as the first Monday of November in every fourth calendar year.

We remain convinced that fixed-date general elections are the right thing to do. However as the federal government and other provincial governments have now adopted the same approach, it has become apparent that a number of these fixed-date general elections may occur in the same year and the same few months.

Under the current provisions, provincial elections in Saskatchewan are to be held on the first Monday in November every four years. That means the next provincial election would be held November 2, 2015. However under the federal-set election-date law, the next federal election is to be held on October 19th, 2015. That means that the provincial and federal election campaigns in 2015 would overlap significantly. It is our view that this overlap has the potential to create unacceptable confusion in the electorate and that it will undermine the democratic process for each of the federal and provincial campaigns.

Accordingly we are taking steps to avoid this conflict. Under this Bill, where the writ period for a federal fixed-date general election would conflict with the writ period for a fixed-date provincial general election, the provincial general election would be moved to the first Monday in the following April. This would create a more acceptable separation between a federal general election and a provincial general election. While it would be our preference not to move our election, we must recognize that if the federal government does not make this change, it remains with the province to avoid this operational conflict.

Under the terms of the Bill, where a fixed-date general election is then held in April, the following provincial election would return to be held on the first Monday of November in the fourth calendar year following that April general election. We seek to make this change now with the earliest opportunity in our new mandate to ensure that to the degree possible everyone will receive ample notice of when the next general provincial election will be held.

Mr. Chair, with those opening remarks, I welcome your questions with respect to this Bill.

The Chair: — Thank you, Minister Morgan. Is there any questions regarding Bill No. 35?

Ms. Sproule: — There are no questions with respect to Bill 35.

The Chair: — Thank you. Seeing there are no questions, we will now vote on consideration of Bill No. 35, *The Legislative Assembly and Executive Council Amendment Act, 2011*, a bilingual Bill. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[22:45]

[Clauses 2 and 3 agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: Bill No. 35, *The Legislative Assembly and Executive Council Amendment Act, 2011*, a bilingual Bill. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — That is carried. I would ask a member to move that we report Bill No. 35, *The Legislative Assembly and Executive Council Amendment Act, 2011*, a bilingual Bill.

Mr. Phillips: — I so move.

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

Some Hon. Members: — Agreed.

The Chair: — That is carried. Thank you very much.

Bill No. 33 — *The Residential Tenancies Amendment Act, 2011*

Clause 1

The Chair: — We will now move to consideration of Bill No. 33, *The Residential Tenancies Amendment Act, 2011*. We will start with clause 1, short title. Mr. Minister, do you have any opening remarks?

Hon. Mr. Morgan: — Thank you, Mr. Chair. I am joined by Dale Beck, director, office of residential tenancies, and Mary Ellen Wellsch, the senior Crown counsel, legislative services branch, Justice and Attorney General.

I am pleased to be able to offer opening remarks concerning Bill 33, *The Residential Tenancies Amendment Act, 2011*. Mr.

Chair, *The Residential Tenancies Amendment Act, 2011* is designed to help tenants in a tight housing market. It will do three things.

First, tenants in a periodic tenancy will have twice as much notice of rent increases — 12 months — unless their landlord belongs to a recognized landlords' association. Those landlords' associations will be designated in the regulations.

The amendments confirm that landlords cannot increase the rent, the first time, for 18 months in the case of landlords who do not belong to a landlords' association, and one year for those that do belong to such an association.

The regulations will, if necessary, be able to require landlords and tenants in a fixed-term lease to give each other notice of their respective intentions for when the lease comes to an end. This will prevent surprises for both parties to a tenancy agreement. Mr. Chair, we are still consulting with landlords and tenants respecting possible regulations using this mechanism.

Mr. Chair, with those opening remarks, I welcome your questions respecting Bill 33, *The Residential Tenancies Amendment Act, 2011*.

The Chair: — Thank you, Minister Morgan. The floor is now open for questions. Mr. Forbes.

Mr. Forbes: — Thank you. I have a few questions. I understand then you're still consulting with tenants' organizations and landlord organizations at this point. And what's the nature of the consultations?

Hon. Mr. Morgan: — This is in regard to what would happen on the expiry of a fixed-term lease. And I think I referenced in my comments that there would be the ability of process to try and negotiate something before the end of it. Right now under a strict reading of the lease, if you had a one- or a two-year lease and you did nothing and you got to the end of the lease, the tenancy ends. So you effectively have no ability to extend the lease. And if that's the end of the lease and the parties agree to that, that's fine. But at the end of the lease, the landlord could effectively say to a tenant, well now you have a 50 or a 100 per cent increase with no notice whatsoever because that tenancy agreement has . . .

So what the nature of the discussion we will have with landlords and tenants will be: what kind of a notice provision or early negotiation provision could there be that would address that concern? I don't know whether Mr. Beck wants to give an update as to what those might be. I know there's been some ongoing discussions.

Mr. Beck: — And there's certainly been discussions with the Hotels Association. We've also gathered information just by a survey on the counter at the offices of Residential Tenancies. And there is some need . . . I should say that in many cases landlords have provisions in the lease that would say, we're going to talk to each other before the end of a term lease and you're either going to give me notice that you're not renewing or that you're accepting the terms that I propose. And that works well.

And essentially the intent is to require such provisions so that in cases where landlords don't include such provisions, people don't get to the end of the term and either the tenant is surprised by the fact that they've got new terms of a lease to deal with or the landlord's surprised because the tenant's left thinking that they would continue on. And so it goes both ways.

Mr. Forbes: — So there's a couple of points in the Bill that sort of implies that there will be a delayed start to this Bill. If people are thinking that when the Bill is passed sometime in the next while that it will actually be a while before we actually see it, one is around the, in the regulations about the potential landlords' association. Can you update us with what you're looking at in terms of the landlords' association?

Hon. Mr. Morgan: — Did you want to repeat that again?

Mr. Forbes: — My question was if you could update us in terms of . . . The regulations speak to that's where the identification of the landlords' association will be in the regulations. And so can you update us in terms of that process of how you're identifying that organization and what kind of requirements that will be.

Hon. Mr. Morgan: — The intention at this time would be that it would be the Saskatchewan Rental Housing Industry Association. They're the ones that have developed the tenant assistance program, and the intention would be that that would be the entity that would be designated. There has not been a request from another entity to be considered for it, but we wouldn't be adverse to considering another entity if that was there. But at the present time, that's the one.

Mr. Forbes: — Is there another landlord association that could be considered?

Hon. Mr. Morgan: — I'm told there's an association in Regina that's a local association rather than a province-wide one, but we haven't heard anything from them. If there was another entity that came forward, you would have to go through a process of developing a criteria, you know, and say, okay this is what's happening with the one that we've chosen. And then we would have to say, okay, what would we do? What are they doing now that we would expect the other one to do? Are there things that they happen to be doing, things that we would also require them?

I think probably the preferred method, and I'll certainly let Mr. Beck speak to it, would be to work for a while with one entity, see what changes might be, what might come forward or what you might have to do to refine regulations as you go forward for a few months, and then consider whether you would expand it further.

Mr. Beck: — At this time, there's two other landlord associations that I'm aware of. The one is a combined commercial, more of the real estate investment network. While there's a majority of residential landlords involved in it, it does involve commercial and other real estate investment. So they certainly, they're aware that this is a direction they could go, but they're, I think, far from having made a decision that that's a direction that they want to go with, that brought up with the membership.

The other landlord association in Regina that the minister mentioned is an unincorporated association that hasn't shown any intent to move forward with this type of arrangement. The Saskatchewan Rental Housing Industry Association is a well-established, and certainly the largest, association and has put itself in a position and offered the programming — in advance of the legislation in fact — so it seems to be in place to deliver what's expected.

Mr. Forbes: — So I'm hearing a couple of things that you're looking from the landlord association, the fact that they would offer something like the tenants' assistance program, and so any landlords' association that you would consider would have to have that.

A couple of other questions. Will the landlords' association receive any benefit or any pay or any other benefits from the government for providing this service to tenants?

Hon. Mr. Morgan: — The only benefit they receive is the reduced notice period, so their members receive that. Having said that, there's no payment to them or any compensation that's there. Although there was, you know, some discussion that if they received a lot of applications, would they need some administrative support by way of providing some support staff or whatever. At the present time, they're doing all of the work without any government support.

Mr. Forbes: — In other circumstances, quite often the government has somebody on that board who represents a public interest to somebody who's been nominated, or maybe not be a landlord but just has sort of a pair of fresh eyes that represents the public interest. Would that be a consideration in regulations that . . . Or will it be completely run? How will you, what will be the accountability mechanism that you have that . . .

Hon. Mr. Morgan: — This is some, an initiative that came from the industry. So the trade-off to them is that they get the benefit of the reduced notice period and that would be the accountability. We didn't approach them with the idea. You had to maintain a certain level. This was the level at which they had been operating in the past.

They have a code of conduct or, you know, a code of standards for the members, and they also, you know, are operating the tenant assistance program. It's not a government program. It's an industry-led program, and so the only benefit to them from government is the reduced time period on the notice. And there's no other level of accountability other than we would have the right to withdraw that if we felt that they were acting in bad faith or something like that.

But they chose to do this. We're pleased that they chose to do this, and they didn't do this as part of anything with government saying, we'll do this if you give us this. You know, we indicated that we were looking at increasing the notice period. They were intending to operate the TAP [tenant assistance program] program, and then government decided, well that's a good thing to have happen. And if they're acting in a responsible manner, and most of their members likely are at or close to market, so they're not going to have huge increases. We thought that was, they would be the right entity or the right group of landlords to want to give the reduced notice period too.

Mr. Forbes: — From what I've known of this organization, they tend to be landlords of smaller . . . Boardwalk, I don't think, belongs to this organization, do they?

Hon. Mr. Morgan: — They do.

Mr. Forbes: — They do? Have they been long members of a long time?

Hon. Mr. Morgan: — I don't know, but I know both Boardwalk and Remai belong to it.

Mr. Forbes: — Significant partners in that or members in that group. So what kind of percentage of the marketplace would they have? Would you have a sense of that?

Mr. Beck: — I'm not aware of what percentage. I can subjectively say they clearly have a far larger membership than any other landlords' association in the province. They have a higher percentage of membership in Saskatoon than in Regina. And there are a number of, matter of fact most larger landlords are members of the Saskatchewan Rental Housing Industry Association.

Mr. Forbes: — Now to what extent is it? Is the membership a public document or will this be a private, essentially, it sounds like a private organization.

Hon. Mr. Morgan: — Well they are their own non-profit corporation or their own entity. Their membership, they're not obliged to disclose their membership to anyone any more than they have to file the annual returns.

They will however, when dealing with the Office of Residential Tenancies, have to prove memberships if there's an issue with what the notice period is on a lease. So to the extent that their members wish to avail themselves of the reduced notice period, they will certainly have to supply that information and supply verification from the association.

[23:00]

Mr. Forbes: — And there's some exceptions to this. The rent increases in subsection (6) of 54, top of page 2, it doesn't apply to public housing authorities. That's on the basis of increase of tenant's income.

Now Saskatchewan Housing Corporation has three types of housing: one is based on income; one is based, I think that's the affordable. But they also have social housing, they have seniors' housing. Now seniors' housing might be based on income, but they're not all based on income. So will part of Sask Housing apply and the other part not so much?

Mr. Beck: — There's also an exemption for all not-for-profit corporations. The vast majority, as I understand it, of the housing corporations' rentals are income-based because it's intended to provide subsidized housing for people who otherwise can't afford it. Some people do get to an income level where they no longer qualify for subsidized housing. I

understand the housing authorities don't evict them because of that, but they move them to market rent. And thereafter my understanding is that they, both as a matter of policy or because they're required to comply with the six-month notice if they're at market rent.

Mr. Forbes: — So are you saying that the Sask Housing, they would either fall under section 6 or section 7 because they're a non-profit organization?

Mr. Beck: — And I'm sorry, I'm struggling with this because it doesn't arise, I am aware that Housing Corporation, with respect to its at-market rents, always gives six months notice. So I haven't had occasion to actually look for the exemption.

Mr. Forbes: — Well I just found it odd that section 6 really only applies, you know . . . It might have been clearer to say this does not apply to Sask Housing Corporation, as opposed to talking about one part of what Sask Housing does. So I'm curious about why it isn't all included or it's just not very clear.

Ms. Wellsch: — Some of the exemptions are in the Act and some of them are in the regulations. Are you referring to the Act or the regulations? I have the Act before me.

Mr. Forbes: — I'm referring to the Bill.

Ms. Wellsch: — Oh, the Bill.

Mr. Forbes: — Yes. Top of page 2, number (6).

Ms. Wellsch: — That subsection is in the existing section and it's simply being carried forward.

Mr. Forbes: — Okay. The section 54, it's being repealed and this is being substituted, but this part is actually a carry-over from the old part.

Ms. Wellsch: — Yes. That's right.

Mr. Forbes: — Okay. Well I guess I didn't, must have not have raised it last time when I was . . . But I just find it odd that it doesn't seem to be as clear as it might be because I know I've looked at other Bills or legislation from other provinces are very clear that student housing doesn't count, that housing authorities don't count, that type of thing. But this isn't as straightforward as it might be.

So the last question I have is coming into force and proclamation. When do you, when do you think the best case scenario might be that tenants could see something put together here?

Hon. Mr. Morgan: — We would likely want to have the proclamation date at the same time the regulations are done. It would be possible to have the Bill proclaimed before the regulations, but then we leave sort of the open ends that are there. So we would in all likelihood want to do them at the same time. And I'm not sure whether you've got an approximate timeline.

Ms. Wellsch: — We're saying likely to be ready in the fall, this fall.

Mr. Forbes: — Will it be possible for tenants, when they're going to look at an accommodation, to ask are you members of the landlords' association? Because it's sort of after the fact when they get hit with a, you know, rent increase. And what can you do about it? And you find out you're not part of this and you can't take advantage of the TAP program and you wish you'd have asked that question at the beginning. And will that be made a situation where there can't be repercussions if you ask if you're a member of the association?

Hon. Mr. Morgan: — Well the membership in the association isn't mandated. You could have a situation where a tenant moves in and then the landlord joins a month later and then is able to avail themselves of the provision. We'll have a look and see about whether it's something where it would be appropriate to try and have some information given to the tenants that, you know, it's there.

Probably the safe assumption for a tenant is that the landlord belongs, and then the tenant would, you know, if they're given a notice, would be able to verify it at that point in time. But there's sort of some obligation on both entities. And I think it would be, if I was a tenant, I'd be disappointed if all of a sudden I found my landlord had joined and didn't.

Mr. Forbes: — Yes. I think that, especially because of the tight market and the rents going up, it's a tough situation. And this is, you know, we've often had debates about rent and rent regulations that it's a tool in the tool kit. But if a tenant can know about it ahead of time without any problems, I think it's an important thing that they feel confident. They don't want to have it happen after the fact.

Mr. Beck: — When a landlord becomes a member, they get to give less notice of the rent increase, so it's probably of interest to a tenant that they're not a member if they want longer notice. And I am aware that I understand that the, at one time, the Saskatchewan Rental Housing Industry Association had its membership on its website, but its members were getting slammed by marketers who marketed to . . .

Mr. Forbes: — Right. And I'm not sure. I hope that it's not just only the notice part of it, because notice can be a difficult thing, but also the tenant assistance program. That was one, I think, that I know this government has really sold this on, is the TAP aspect of it.

Hon. Mr. Morgan: — There's actually there's a few things. The notice part of it is sort of the part where you go back. The TAP part of it is a significant part of it, but there's also the code of conduct that they insist on for their members. And the third thing is that likely if you are a member of that, you would as a landlord be more likely to have your property at or near market rent.

The problem ones that existed in the city of Regina, where it was where property was owned by somebody that was either elderly or didn't live in the province, and the property had fallen behind market, often fell behind for maintenance as well. And then all of a sudden the property would be either taken over by another family member or somebody who was doing a catch-up. So at the same time, they realized they had to raise the rent.

They weren't doing what they, you know, there was probably three or four combined notices of . . . [inaudible] . . . and then also there would have been maintenance issues as well. And often the maintenance issues were what triggered the rent increase. It was, they realized they had to do a boiler or whatever else, oh well, geez our rent's too low. And then all of a sudden it was, oh my goodness, and then everything happened at once. And then the tenants were getting huge increases, and it also has some frustrating issues with building maintenance. So it was doubly bad for them.

Mr. Forbes: — So I think that's very good points, and that's why I think it's, if there's some way that this information could be shared, then I think the tenants could have confidence in this program because there has been a lot of debate about appropriate regulations. But thank you very much to the officials for those questions, and I appreciate the answers. And those are my questions.

Hon. Mr. Morgan: — Thank you.

The Chair: — Are there other comments or questions? I do have a comment. I thought with section no. 6 the official explained very well and I understand it. Thank you for that. We will, with that we will now vote on consideration of Bill No. 33, *The Residential Tenancies Amendment Act* . . .

Hon. Mr. Morgan: — Mr. Chair, I think my officials will be leaving, and would like to thank them for their long evening.

The Chair: — Thank you to the officials. We will now vote on the consideration of Bill No. 33, *The Residential Tenancies Amendment Act, 2011*. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[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. 33, *The Residential Tenancies 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. 33, *The Residential Tenancies Amendment Act, 2011* without amendment. Mr. Phillips. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you.

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

Clause 1

The Chair: — The last item on our agenda, we will now consider Bill No. 4, *The Pension Benefits Amendment Act, 2011*. We will start with clause 1. Mr. Morgan, you have some new officials and we will let you make your comments.

Hon. Mr. Morgan: — Thank you, Mr. Chair. This Bill was before the committee before and we did not continue dealing with it because Mr. Nilson had some questions with it. We have provided him with a written response.

I am joined by Leah Fichter and by Tony Koschinsky and by Dave Wild. So we've provided a written response to Mr. Nilson and have the officials here if he has questions regarding the response or anything else arising out of the Bill. But I don't intend to go through the remarks that I'd read last time.

The Chair: — Thank you, Minister Morgan. Are there any questions or comments? Mr. Nilson.

Mr. Nilson: — Mr. Chair, has the minister filed the letter with the committee so that this is on the record?

Hon. Mr. Morgan: — I haven't, but we certainly could do that. I have a copy of it here that I could file.

Mr. Nilson: — I would appreciate if that could be filed, because basically it attempts to answer my questions to the best of the ability that the legislation does. So I appreciate that.

I think that the issue relates to this interplay between jurisdictions that are covered by the multi-jurisdictional pension plan's agreement, the new agreement, and my concern that Saskatchewan people are protected to the full extent possible. The letter seems to confirm, and perhaps the minister will confirm that that is the intention of subsections 10.3(6) and 10.3(7), but I still think there may be some possibility that a larger . . . a jurisdiction where there's workers across two or three provinces, the jurisdiction with the largest number of employees would actually override any special rights that might be available in Saskatchewan by virtue of our legislation. So perhaps the minister can provide some assurances on the record for future litigation should it ever arise.

Hon. Mr. Morgan: — The letter that was provided speaks for itself, but I can advise you that, yes, that was the intention. I don't think I'm prepared to comment on what type of litigation or what type of suasion might be applied at the time there was a dispute, but we feel it's essential to have the legislation so we have a framework, so we deal with the interjurisdictional pensions.

[23:15]

Mr. Nilson: — So then the minister's intention, if I can put it that way, is to protect Saskatchewan people to the full extent possible, so that this legislation has the effect of giving our Saskatchewan people every protection that provincial legislation can provide, and that if there is a problem with the multi-jurisdictional pension plan agreement, the intention of the minister is to protect Saskatchewan people.

Hon. Mr. Morgan: — I think our goal is always to try and protect Saskatchewan people, and it's certainly the goal of the Saskatchewan Financial Services Commission. We can't protect against something unusual or something strange that may turn

up in a pension document somewhere, but we can, through legislation, deal with the things as we've done and is outlined both in the legislation and as clarified by Mr. Wild's letter.

Mr. Nilson: — So I take it that the minister is saying yes, his intention is to protect Saskatchewan people. Would that be an accurate statement?

Hon. Mr. Morgan: — That would be a very accurate statement.

Mr. Nilson: — Thank you, Mr. Chair. That's all I needed for the minister to say, because that's our goal as legislators is to provide the best protections possible. So thank you very much for that clarification and we will, I guess, agree that the letter from the minister dated May 1st, 2012, clarifying some of these issues, is included as part of the record. Thank you.

The Chair: — Thank you, Mr. Nilson. Thank you, Mr. Minister, and all your officials. And I understand what you're saying about protecting the people. I think that's totally understood, and I think you've reiterated that very well.

Is there any other comments regarding Bill No. 4. Seeing none, we will proceed with the voting of Bill No. 4, *The Pension Benefits Amendment Act, 2011*. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

[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. 4, *The Pension Benefits 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. 4, *The Pension Benefits Amendment Act, 2011* without amendment. Mr. Stewart. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you. That concludes our agenda for this evening. Seeing it is now past 10:30 p.m., we will now adjourn this committee until tomorrow, May the 9th at 2:45 p.m. Thank you.

[The committee adjourned at 23:19.]