



# **STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE**

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**STANDING COMMITTEE ON INTERGOVERNMENTAL  
AFFAIRS AND JUSTICE**

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Mr. Russ Marchuk  
Regina Douglas Park

Mr. Kevin Phillips  
Melfort

Mr. Warren Steinley  
Regina Walsh Acres

Mr. Corey Tochor  
Saskatoon Eastview

[The committee met at 19:00.]

**The Chair:** — Good evening, ladies and gentlemen. This is the Standing Committee on Intergovernmental Affairs and Justice. I am Warren Michelson. I am the Chair of the committee. Along with me is Deputy Chair Doyle Vermette, Russ Marchuk, Kevin Phillips, Warren Steinley, Corey Tochor, and substituting for Corey Tochor is Darryl Hickie. Welcome, gentlemen. Also with us is John Nilson who will be joining us in the questions a little later.

We have five documents to be tabled at this time: IAJ 17/27 Minister of Government Relations responses to questions; IAJ 18/27, Ministry of Justice and Attorney General response to questions; IAJ 19/27, Ministry of Justice and Attorney General response to questions; IAJ 20/27, Ministry of Justice and Attorney General response to questions; IAJ 21/27, Ministry of Government Relations responses to questions.

If everyone is in agreement, we will proceed with the agenda as planned for this evening. We have five bills for consideration on our agenda. We will start now to consider Bill No. 102, *The Builders' Lien Amendment Act, 2013*. We will start with clause 1, short title. Welcome, Minister Wyant. If you have any opening remarks, you may introduce your officials and proceed with your remarks.

**Bill No. 102 — *The Builders' Lien Amendment Act, 2013***

**Clause 1**

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair, and thank you to the committee for providing the opportunity to present. With me today, Chris Hambleton, Crown counsel, legislative services branch; and Catherine Benning, director of the office of public registry administration.

Mr. Chair, I am pleased to be able to offer some opening remarks concerning Bill 102, *The Builders' Lien Amendment Act, 2013*. The primary purpose of *The Builders' Lien Act*, Mr. Chair, is to ensure that those involved in the construction industry get paid for the work and materials while at the same time providing the owners of projects with security and predictability.

The Act maintains a careful balance between the rights and obligations of landowners and the building trades and professions that assist in construction projects. The protections offered through the Act are available to those trades and professions that perform services included under the definition of improvement.

One service that is not included as an improvement, Mr. Chair, are the services of land surveyors, such as the preparation of a survey plan and the placement of boundary markers. Land surveyors often work alongside other tradespeople and professionals who perform services that are recognized as improvements under the Act, such as architects and engineers. Accordingly the bill will amend the definition of improvement to provide that land surveyors and professional surveyors can utilize the processes under the Act to recover unpaid fees for their services.

Mr. Chair, the bill will also increase the limitation period applicable to trust claims from one year to two years. The Act currently provides that a trustee is discharged from its obligation on the expiry of one year after the contract is complete or abandoned. The limitation period is at odds with the general two-year limitation period in *The Limitations Act*. Additionally it often catches claimants by surprise as a trust claim is usually brought at the same time as a lien claim to which the two-year limitation period applies.

Lastly, Mr. Chair, this bill will update the section in the Act that determines when a contract is complete. The current wording of the Act provides that a contract is deemed to be complete when the price of completion is not more than 1 per cent of the contract price or \$1,000, whichever is less.

The reference to \$1,000 which was established in 1986 no longer reflects current construction costs. By repealing the \$1,000 figure, a contract will be deemed to be complete when the price of completion is no more than 1 per cent of the contract price. The result of this amendment is that the provision will better withstand the effects of inflation within the building trades, Mr. Chair.

And with that, those are my opening remarks. I welcome any questions that any committee member has with respect to Bill 102.

**The Chair:** — Thank you, Minister Wyant. I would just remind the officials, if you're answering questions, please state your name for *Hansard* records. Is there any questions on Bill No. 102? I recognize Mr. Nilson.

**Mr. Nilson:** — Yes, thank you, Mr. Chair. This change tonight seems like it's not very dramatic. Can you explain why land surveyors and their whole business has not been included in the legislation? I'll ask that question first, and I have another question.

**Hon. Mr. Wyant:** — Thank you. Well when we did some research into this — and I'll ask my officials to make a further comment on it — we couldn't find any reason why land surveyors were excluded in the first place from the definition. And so I can't explain what the history is as to why they were excluded when the Act was first brought into place.

**Mr. Nilson:** — Have they ever been included in Saskatchewan as far as you know?

**Hon. Mr. Wyant:** — Not under this current legislation.

**Mr. Nilson:** — But under previous legislation, they would have been included. Is that correct?

**Hon. Mr. Wyant:** — Not as far as we know. Well the answer is no.

**Mr. Nilson:** — Oh, okay. Is there a specific situation that arose or a case that went to court that basically forced the hand of the government to change this?

**Hon. Mr. Wyant:** — Perhaps I'll ask one of my officials to . . .

**Mr. Hambleton:** — Chris Hambleton, legislative services branch. No, there is no particular case law that really brought it about. What happened is that we engaged in a dialogue with the Saskatchewan Land Surveyors Association, and they really, they brought it to our attention that, like other trades, you know, there were instances where individuals weren't being paid for their services. And of course that's what the Act is here to protect, those in the trades. And so even though they worked with other individuals whose services qualified as improvements under the Act, they didn't have access to the same remedies.

**Mr. Nilson:** — Did you do a survey of Western Canadian or Canadian jurisdictions to see if there are other particular trades that are not included in Saskatchewan but are included in other provinces?

**Mr. Hambleton:** — We did. In particular with the land surveyors, they don't have access to the rights under the builders' lien legislation in the other Western provinces.

**Mr. Nilson:** — So that means this will be the first province that provides this right here. So Saskatchewan will be the first as it relates to protection of their services.

**Mr. Hambleton:** — That's correct.

**Mr. Nilson:** — Well I think that's a good thing. I know the value that a survey provides to a landowner. If you get a proper survey, it can save you many expenses down the road. So that's a good thing.

Are there any other possible trades that maybe should be included and aren't included in the legislation?

**Hon. Mr. Wyant:** — There's none that we're aware of. Nor has any other trade or profession approached us with respect to having them added to the Act.

**Mr. Nilson:** — And I guess practically what the legislation encourages is that people who provide work come from a certified trade or a professional association and that those are the kinds of things that are protected. People who hold themselves out as building planners or advisers or things like that would not be included. Is that correct?

**Hon. Mr. Hambleton:** — That is. That's correct. We took care when we drafted this provision to look into exactly how the land surveyors have organized themselves. And so we're careful here to include only licensed professional surveyors or Saskatchewan land surveyors. There are other people who can have a membership with the Land Surveyors Association, including students and articling surveyors. Those aren't licensed surveyors, so this won't apply to those individuals.

**Mr. Nilson:** — So then basically Saskatchewan is being forward looking and smart including this group, but as far as we know right now, there aren't any other groups that are missing. Would that be correct?

**Hon. Mr. Wyant:** — That's correct.

**Mr. Nilson:** — Okay. The other aspect of the legislation is that

you've changed some of the provisions to update it, as far as inflation is concerned, as to when the contract is deemed to be complete. How does this clause compare to what happens in other Western Canadian provinces or in other Canadian provinces in general?

**Hon. Mr. Wyant:** — It's fairly unique. Only Ontario has a similar clause in terms of the amendments that we're making.

**Mr. Nilson:** — Was there any thought to basically making our laws the same as other Western Canadian provinces? Because we know that businesses like to have similar rules so that they can do work in Alberta or BC [British Columbia] or Saskatchewan or Manitoba without having to worry about a change in rules.

**Hon. Mr. Wyant:** — You may know every builders' lien Act is unique in each province. We don't have a uniform piece of legislation across the country, so they are relatively unique. So these provisions, you know, are unique to Saskatchewan.

**Mr. Nilson:** — So that's part of this lawyer's cabal that makes sure that lawyers in each province will continue to get work? Is that what you're telling me here?

**Hon. Mr. Wyant:** — Well I mean this a unique Act in Saskatchewan. Of course as you know, we do have a lot of uniform legislation across the country through the Uniform Law Conference, but this isn't part of that legislation or part of that process.

**Mr. Nilson:** — Is there any prospect that building law will become more uniform across the country as the ability to have the AIT, or the Agreement on Internal Trade, affect more and more of the projects?

**Hon. Mr. Wyant:** — To our knowledge there's been no discussions under the AIT with respect to having uniform legislation in this area.

**Mr. Nilson:** — Okay, well I guess I raise that question as something that Saskatchewan may want to contribute as this moves forward. Now then, the next issue here that's in this particular legislation relates to the limitation period. How will this affect existing litigation under the legislation, and what do you see as the longer term effect of this change?

**Hon. Mr. Wyant:** — The change will certainly affect any litigation that's brought forward after the Act has been brought into force, but it won't have any effect on litigation or any actions that have been commenced prior to coming into force of the Act.

**Mr. Nilson:** — If I remember correctly, this shorter limitation period has been in place over the years because everybody wants to have a certain early finality to any further litigation around construction. And I would say primarily it's the financial institutions and the banks that don't like to have things hanging out over a project. Has there been discussion with the banking institutions or the credit unions about this change? And will it affect construction financing?

**Hon. Mr. Wyant:** — The consultations that took place with

respect to this were generally with members of the bar who are involved in the construction industry. That's where the suggestions had come from. So that's why . . . and people that are fairly proficient in this area, and so that's where the discussions came from and the consultations.

**Mr. Nilson:** — So there weren't any red flags around this extension of the limitation period at all? I'm sure the insurance companies for the lawyers like the fact that there's a little more leeway here as it relates to this. So there aren't people who are objecting to the changes that we have here?

**Hon. Mr. Wyant:** — No.

**Mr. Nilson:** — How many other pieces of legislation still have a one-year or a six-month limitation period as opposed to a general rule of two years?

[19:15]

**Hon. Mr. Wyant:** — We don't have a number for you, but the vast majority are consistent with *The Limitations Act*. And of course that's the general legislation which deals with limitations, so the more consistency the better. But I can't give you a number in terms of the number of pieces, but I'm fairly confident it's small.

**Mr. Nilson:** — Okay. And I guess with that answer too then really the plan is to try to get all of them to two years as the bills or the legislation is opened up for amendment. Would that be an accurate statement?

**Hon. Mr. Wyant:** — We would look at each piece of legislation as it comes forward and make that determination at the time.

**Mr. Nilson:** — Well, Mr. Chair, I have no further questions on this particular legislation. Thank you.

**The Chair:** — Thank you, Mr. Nilson. Is there any other questions or comments on Bill No. 102? Seeing none, we will continue with the vote procedure on Bill No. 102. 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 as follows: *The Builders' Lien Amendment Act, 2013*. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would ask a member to move that we report Bill No. 102, *The Builders' Lien Amendment Act, 2013* without amendment. Mr. Steinley has moved. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That's carried. Thank you. With that we will continue on with the next item on our agenda.

**Bill No. 103 — *The Enforcement of Maintenance Orders Amendment Act, 2013/Loi de 2013 modifiant la Loi de 1997 sur l'exécution des ordonnances alimentaires***

**Clause 1**

**The Chair:** — We will now do the consideration of Bill No. 103, *The Enforcement of Maintenance Orders Amendment Act, 2013*. This is a bilingual bill. We will start with clause 1, the short title. Mr. Minister, you've changed your officials. You may want to reintroduce them, and if you've got some opening remarks, you can do them now.

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. With me again, Chris Hambleton, Crown counsel, legislative services branch; Lionel McNabb, director of the maintenance enforcement office; and Lyle Saigeon, executive director, fish and wildlife branch from the Ministry of the Environment.

Mr. Chair, I'm pleased to be able to offer opening remarks concerning Bill 103, *The Enforcement of Maintenance Orders Amendment Act, 2013*. Mr. Chair, *The Enforcement of Maintenance Orders Act, 1997* governs the operation of the maintenance enforcement office. Established in 1986, the MEO [maintenance enforcement office] is responsible for recording and enforcing registered support orders. The MEO continues to have one of the highest collection rates in Canada. In 2012-13, over 91 per cent of payments were collected, resulting in a record-setting amount of over \$39 million in collections.

One critical purpose of the Act is that it provides the MEO several enforcement mechanisms to help ensure that support payments are complied with. Currently the director may place garnishments on wages or other income, suspend a driver's licence, apply for the denial of federal licences such as passports, and place garnishments with the federal government in order to intercept funds such as GST [goods and services tax] refunds and income tax refunds.

The director may also attach and collapse pension entitlements and RRSPs [registered retirement savings plan]. Ultimately, the director may apply for seizure of a payor's property.

The bill will provide a further enforcement tool, Mr. Chair, as it will permit the director of MEO to direct the Minister of the Environment to prohibit a hunting or angling licence from being issued to a payor who is in arrears on support payments by at least three months. Restricting the ability of an individual to secure a hunting or angling licence is an enforcement tool that will complement the MEO's existing enforcement tools.

Mr. Chair, the intention is that this tool will only be utilized where other enforcement actions aimed at the financial resources of the payor prove unsuccessful. Accordingly, these amendments require the MEO to take all reasonable steps to enforce the order prior to restricting the payor's ability to secure a hunting or angling licence. Additionally, the director will need to provide a payor with at least 30 days notice of his or her

intention to restrict the payor's ability to secure a hunting or angling licence.

Mr. Chair, those are my opening remarks, and I certainly welcome any questions respecting Bill 103.

**The Chair:** — Thank you, Mr. Minister, and welcome to your officials. Again, if you're asked to call on a question, please state your name for the record. We will open the floor for comments on Bill No. 103, *The Enforcement of Maintenance Orders Amendment Act*. Mr. Nilson.

**Mr. Nilson:** — Thank you, Mr. Chair, and welcome to the officials. Bill 103 relates to hunting licences. I think that's fairly clear. Can you explain whether the enforcement percentage that's been cited here . . . I think you said 91 per cent of the payments have been collected. Is that a little bit higher? A little bit lower? Or has the collection amount sort of levelled off over the last couple of years?

**Mr. McNabb:** — Lionel McNabb. That collection rate is staying fairly level at this stage, so 91. We'll likely hit 92 per cent this year, so we're going up but much slower than we have in the past. That is the second-highest collection rate in Canada, and it's much . . . There's a certain percentage of payors that just aren't working or may be on welfare at a given point. So it's hard to get much higher than that.

**Mr. Nilson:** — Okay. Is there a specific incident that's arisen that has triggered this particular form of collection? Because it, on first glance it seems a bit unusual as a way to enforce payment of a maintenance payment. So perhaps you could explain what triggered this particular instance as it relates to the hunting licences.

**Hon. Mr. Wyant:** — Well I think it's fair to say that with the hunting and angling licences being online now, it's created an opportunity to affect the issuance of the licences, which makes it quite a bit easier now that the systems are going to be online. But perhaps if there's an answer from the Environment officials . . .

**Mr. Saigeon:** — Lyle Saigeon, Ministry of Environment. This was one thing that rose out of the red tape reduction work we did, the survey work. It was a suggestion put forward, so that's part of the explanation. But to the minister's point, there is the opportunity now to use the new automated system to tie into this.

**Mr. Nilson:** — So perhaps you could explain the mechanics of this because on first glance it doesn't . . . It's not logical that you would do that, especially given the 30-day notice and all of those other steps that you are going to take. So has there been a specific incident that has triggered this point, or is this just the whole system being extremely vigilant?

**Mr. McNabb:** — No specific incident. However, we know lots of our clients that are payors hunt and fish. Several other jurisdictions . . . Newfoundland has big game. Nova Scotia has similar legislation to this, and Alberta has similar legislation to this. And there's certainly a number of people that take their hunting and fishing licences very, very seriously.

Any time we bring in legislation to try to collect child support, it may cut in on a small percentage — 3, 4, 5 per cent. But if you bring in enough different kinds of enforcement tools, then eventually you're getting up to the 91 or 92 per cent collection rate.

And your question on time frames, most of our enforcements, because we try to work voluntarily with payors to get them sending in their child support, have a three-month threshold, other than garnishment. But driver's licence . . . So this would be very similar to a driver's licence, where they'll get a couple of notices warning them and asking them to come in and make payment arrangements. And if they don't do that, then we would notify the Ministry of Environment and just advise them that whatever the payor's name is can't . . . There's no personal information there. It just says, whatever the payor's name is has to contact the Ministry of Justice if they want to get a hunting and fishing licence.

**Mr. Nilson:** — So the answer to my question is, there hasn't been a specific incident that's triggered this kind of provision. When I first saw the legislation, I thought there must have been somebody who basically didn't have a driver's licence, didn't hook into the tax system in any way, maybe was living out in the bush somewhere and the only way you could get at them was to go after their hunting licence. But from what you said, that cannot be the reason this is here.

**Hon. Mr. Wyant:** — There's no specific circumstance or any one individual circumstance that gave rise to the decision to make the amendment.

**Mr. Nilson:** — So are there other types of registries like this that are relatively distant from the whole issue of collection of child maintenance that you've got your eyes on that we might see next year when you amend the legislation?

**Mr. McNabb:** — We look at different methods all the time. There are actually a province or two that can, as an example, cancel through the lawyers . . . So lawyers can't be licensed. We have had tremendous success collecting from them. And I can give an example of where — a law firm — somebody said to one of the lawyers, somebody's towing away your Mercedes. That person made payment arrangements.

So at this stage, we've always had tremendous success from every government in getting enforcement methods to collect child support. And as we think of new ones, we will bring them forward but they have to be worthwhile. And we do have to think, like in this case, that it will get a number of the payors to come forward and that we can't get them in any other way.

**Mr. Nilson:** — So how does this affect Métis hunters and First Nations hunters? And is there a jurisdiction for you to go onto a First Nation to use this type of legislation, or is it argued that the legislation is actually in Tennessee or wherever it is that you've got the hunting registry?

**Mr. Hambleton:** — Chris Hambleton, legislative services. This doesn't affect anyone who is described as an Indian under the *Indian Act*. This doesn't affect any hunting or fishing rights pursuant to treaty. So those exist notwithstanding any provincial licensing scheme. So it doesn't affect that whatsoever.

**Mr. Nilson:** — But it would affect a First Nations person if they ended up with a licence under the provincial system. Is that correct?

**Hon. Mr. Wyant:** — To the extent that they need to have a provincial licence to hunt or fish, it would affect them.

**Mr. Nilson:** — And can you explain what the impact is on Métis hunters?

**Hon. Mr. Wyant:** — Again to the extent that they have to have an angling or fishing licence, this would affect them as well, but only to the extent that they need to have those licences.

**Mr. Nilson:** — Does a Métis person who wants to hunt right now end up having to have a hunting licence?

**Mr. Hambleton:** — The case law, as we know, on that is less than settled. And so to the extent that they're going to require a licence to do that, they would. And of course then it would, if there was outstanding arrears, it would affect them. But it certainly won't affect those with treaty rights under the *Indian Act*.

**Mr. Nilson:** — So there's a different regime or scheme for Métis hunters as opposed to First Nation hunters. Is that accurate?

[19:30]

**Hon. Mr. Wyant:** — There is a different regime which is, you know, requires some judicial determination as to what those rights are, but again I'll return to my original answer. If you require a hunting or an angling licence to hunt or fish in this province, then this legislation will affect you.

**Mr. Nilson:** — So is it possible that a person who is caught under the provisions of this amendment of *The Enforcement of Maintenance Orders Act*, that that particular individual may have the ability to challenge the legislation like other challenges of legislation as it relates to hunting and fishing rights?

**Hon. Mr. Wyant:** — Well again if they require a licence to hunt or fish in Saskatchewan, this legislation will affect them. The question as to whether or not someone requires a licence to hunt and fish, if there was a requirement that they had a licence to either go angling or go hunting and they wish to challenge the authority of the government to require them to have a licence, that's what they would challenge. But to the extent that they have a licence or require a licence to hunt or fish in Saskatchewan, that right to have that licence would be affected by this legislation.

**Mr. Nilson:** — Could you give the committee information about how and where and when consultation took place with the First Nations community?

**Hon. Mr. Wyant:** — The survey as part of the consultation went out to all registered hunters and anglers in Saskatchewan. So anyone that had a hunting or angling licence would have been asked to or would have been forwarded a survey to complete with respect to this. So that's the level of the consultation that took place.

**Mr. Nilson:** — So can I make the assumption then that there was no specific consultation with the First Nations community as it relates to this particular legislation?

**Hon. Mr. Wyant:** — The only groups that were targeted for consultation were those that had hunting and angling licences.

**Mr. Nilson:** — Can I also then ask, was there any specific consultation with the Métis community about this legislation?

**Hon. Mr. Wyant:** — I'll just repeat the answer that I just gave. The surveys went out to anyone who had a hunting or angling licence, so to the extent there was no specific consultation, those that had current angling or hunting licences.

**Mr. Nilson:** — Was there review of this particular legislation by the lawyers within Justice as it relates to First Nations and Métis litigation? Because we know there's been ongoing litigation as it relates to hunting and fishing rights, and we're going to have various cases in the courts probably over the next number of years for sure.

**Hon. Mr. Wyant:** — There were discussions with Aboriginal law counsel within the Ministry of Justice about the legislation.

**Mr. Nilson:** — Can you provide the committee with the advice that you received around this legislation?

**Mr. McGovern:** — And of course, as the member knows, it's not the practice of the Ministry of Justice to provide specific legal advice with respect to an issue to a committee of the Assembly. Sorry, Darcy McGovern with legislative services.

Of course the legislation having come forward, as the member I know is well aware, that's part of the vetting process in general terms. The policy basis on which the legislation has come forward is of course as an additional tool for the purposes of promoting payment within the EMO [enforcement of maintenance order] schedule. Mr. McNabb has indicated that this is one of the various methods that would be available to him to promote that.

There would be no one who is treated in a unique fashion, vis-à-vis either having a licence to angle — I use angling rather than a general commercial fishing licence because that's the specific application we're talking about — angling or we're talking about hunting in that regard. So to that extent, if you have that licence and you're currently using that licence process, if you choose not to make your legal maintenance payments that you're required to by a court order and you have a licence, then you, like anyone else with that licence, might be in a position after several notices — after several opportunities to pay, after opportunities to provide voluntary payments — where your licence renewal may be blocked and you would be invited to make your legal payment that you're required to make under a judgment, which I understand the member's familiar with. That's the context in which we're considering this.

**Mr. Nilson:** — Thank you very much. I raise these questions because I think there are some issues around how we pass legislation in the province that affects First Nations and Métis people. We have to be especially careful about how we do that.

Now I'll go on to another question here, which I'm not quite certain who will answer this one, but is it a normal legislative provision that allows for a director of a maintenance enforcement office to direct a minister what to do? This seems to me is a bit unusual. And can you tell me about other places where this kind of direction may be available?

**Mr. McGovern:** — Again, Darcy McGovern, and Lionel can speak to this. My understanding is that this mirrors the wording that's used with respect to licences for driving that's currently in place in the province and has been for some time. And so it's a mechanism by which the director can indicate to the licensing authority not to provide the licence.

As you say, we don't have that many pieces of legislation where we have a particular official directing a minister. But rather than putting the minister in the position of having to make a discretionary choice at that point, what this does is provide the statutory authority to, say, block the . . . Until the director is satisfied that steps have been taken either to develop orderly payments with respect to the maintenance or to catch up on the maintenance, that it's simply a matter of non-renewal. So that's the precedent that's been in place for some time now.

**Mr. Nilson:** — So the answer to my question is that this is an unusual power that is used here and is justified by the fact that child maintenance payments should be made. But it is an unusual power. Is that correct?

**Mr. McGovern:** — It's I think unusual in the sense that you're not going to see it in every Act. Usually you don't see that. Mr. McNabb's speaking to a few other examples, if I can allow him to speak to another example as well.

**Mr. McNabb:** — Yes, Lionel McNabb. Similar examples of course are an agreement that we have with the federal government where we can cancel passports, any federally issued licence. So pilots' licences, commercial fishing licences that are federally issued, we can cancel all those with an agreement with the federal government. So it mirrors this with federal legislation.

**Mr. Nilson:** — So with the federal government, you have written agreements about how these powers work. Do you have similar written agreements in the provincial government that set out how this works?

**Mr. McGovern:** — Well I think the statute would obviate the need in many cases for the same level of a written agreement when we have the, you know, the stated ability for the director to indicate that the licence wouldn't be provided, wouldn't be renewed at that point.

**Mr. Nilson:** — Well I'm asking these questions because when you look at the legislation, it gives the discretion to the director to trump the minister, which is quite unusual. I mean I'm not necessarily opposed to it, but it's just a situation that is rather unusual. And I think it's important that the committee understands why something like this is done.

**Mr. McGovern:** — And I take the member's question, and I think you're right in saying that it's unusual. And it reflects the specific policy commitment that this Act does represent, that

the payment of maintenance being a priority in this context. And you know, as the member is well aware, that's been a progression over a number of years, and it's led to a very successful rate. And so that it's fair to say that in general terms it's unusual. And this legislation, it's consistent with the practice. And I think it's . . . The policy basis for that of course is the very specific good that we're trying to achieve with respect to arrears of maintenance.

**Mr. Nilson:** — Is it possible to estimate how often this legislation as it relates to hunting licences will be used in the next year or the next two years?

**Mr. McNabb:** — Lionel McNabb again. If I relate this back to driver's licences, we really don't take away many driver's licences. We get 40 new applications every week. Fortunately over a year we close a whole bunch as well or we'd be out of business. But driver's licences, we do in the 2 to 300 range where we actually take them away and then, within a short period of time, most of those are given back because they come in and make payment arrangements.

So out of our 9 to 10,000 active files, our plan is to mirror that legislation. So I would think it would be in that range or somewhat less actually. Likely more people have driver's licences than hunting and fishing licences.

**Mr. Nilson:** — And is there a sense of the parts of the province where this may apply more than others, or is it just a general blanket and a provision that hopefully catches people in any part of the province?

**Mr. McNabb:** — I think your description towards the end was the best, where hopefully it's one where it catches people in any part of the province that are choosing not to pay for their children.

**Mr. Nilson:** — Can the provision be used through your reciprocal arrangements with other provinces? Where people from, say, Alberta come to Saskatchewan to hunt, will there be provisions that allow for the use of the Saskatchewan enforcement provision to help the Alberta maintenance enforcement office?

**Mr. McNabb:** — We have not worked our way completely through that. If people move here, then we set up a file. We would certainly use it. We have a number of clients, and we call them border jumpers, where they go back and forth, particularly with oil patch where there may be all . . . [inaudible] . . . you know, all enforcement's on in Alberta and all enforcement's on in Saskatchewan because we're never just sure where they're going to be. But I'm not sure it'd be used . . . If somebody came here, you know, in July for a week and got a hunting and fishing licence, the chance would be slim that that person would be revoked.

[19:45]

**Mr. Nilson:** — Okay. Well thank you for that explanation. And you know, I've asked more questions about this because I think it is quite unusual and will be helpful for everybody if somebody gets caught in this and there's some litigation. At least we'll have quite a few answers on the record for counsel



and a judge to sort out what the intention is with the legislation.

Will there be any difficulties for the system of hunting licence registration? You've indicated that it's now online. And am I correct in saying that that's contracted out to an American firm to do the hunting licences?

**Mr. Saigeon:** — Lyle Saigeon. You have the company that's been selected as the service provider is based in the US [United States]. However our agreements reside with their Canadian subsidiary in Ontario, which they now have structured. So our information remains, resides in Canada and is not shared across the border. Am I answering your question?

**Mr. Nilson:** — Well I think . . . I appreciate that. Will there be any issues because the information is located outside the province of Saskatchewan as it relates to the enforcement of your provisions here?

**Mr. McNabb:** — Lionel McNabb again. I'll use the example of SGI [Saskatchewan Government Insurance] where really they get very little information from us. We have huge quantities of information on non-payers — driver's licences, social insurance numbers, dates of birth. All that we let SGI know is Joe Blow has not paid. If you go into a licence issuer, it just says that person has to contact the Ministry of Justice. So they can't get a driver's licence. They have to contact the Ministry of Justice.

For hunting and fishing licences, we will transfer data to Environment. That's all that will come up, is really not much personal information, just the person's name saying they can't get a hunting and fishing licence. They have to go talk to the Ministry of Justice.

**Mr. Nilson:** — Okay. Well thank you for that explanation because I think people will wonder how this is going to work. And so simply when you go online to purchase a licence, you are blocked and all the mechanisms, as I understand it, are set out in the legislation. Presumably there'll be some other place of where the policy is set out about whether reasonable steps are taken, all those kinds of things, because that's not in the legislation.

Now I don't think I have any more questions about this particular legislation as it relates to the hunting licences and I thank you for your information about how this is going to work. Thank you.

**The Chair:** — Thank you, Mr. Nilson, Mr. Minister. Is there any other questions for the minister? If not, we will proceed on the voting of Bill No. 103, *An Act to amend The Enforcement of Maintenance Orders Act, 1997 and to make a consequential amendment to The Wildlife Act, 1998*.

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: *The Enforcement of Maintenance Orders Amendment Act, 2013*. This is a bilingual Act. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried. I would ask a member to move that we report Bill No. 103, *The Enforcement of Maintenance Orders Amendment Act, 2013*, a bilingual bill, without amendments. Mr. Phillips moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried. Thank you. We will continue on now with the consideration of Bill No. 104, *The Enforcement of Maintenance Orders Consequential Amendment Act, 2013*.

### Bill No. 104 — *The Enforcement of Maintenance Orders Consequential Amendment Act, 2013*

#### Clause 1

**The Chair:** — We will start with clause 1, short title. Minister Wyant, if you would like to start with opening remarks, please proceed.

**Hon. Mr. Wyant:** — Thank you very much. With me today again is Chris Hambleton and Lionel McNabb and Lyle Saigeon who will be here if there's any questions.

I'm pleased to offer opening remarks with respect to Bill 104, *The Enforcement of Maintenance Orders Consequential Amendment Act*. Mr. Chair, the sole purpose of this bill is to make the English-only consequential amendment to *The Fisheries Act (Saskatchewan), 1994*.

This is necessary on account of the provisions of *The Enforcement of Maintenance Orders Amendment Act, 2013*, which is a bilingual bill.

The amendment in this bill adds a section to the fisheries Act, 1994 that will require the Minister of the Environment to prohibit a person from applying for or obtaining an angling licence where directed by the maintenance enforcement office. This action will only be taken where an individual is in arrears on a registered support order by at least three months. The direction to the Minister of Environment would only be provided after other enforcement actions aimed at the financial resources of the individual prove unsuccessful. Additionally the individual will be provided with 30 days written notice of this enforcement.

Mr. Chair, this new enforcement tool will assist the maintenance enforcement office in its mandate to collect support payments for children and families. Those are my opening remarks, Mr. Chair, and I certainly welcome any questions with respect to this consequential amendment.

**The Chair:** — Thank you. We'll open the floor for questions. Mr. Nilson.

**Mr. Nilson:** — Thank you, Mr. Chair. The questions that we

had about Bill 103 relate to this bill as well. But I think there are some differences so I want to ask some specific questions about what this particular bill does. I guess I would start off with the question around consultation with First Nations people and the Métis community. And has there been any specific consultation with them as it relates to the fishing licence enforcement provisions?

**Hon. Mr. Wyant:** — As noted, this is the consequential amendment to the fisheries Act. There was no other consultation that took place other than the consultation that we referred to with respect to the previous bill.

**Mr. Nilson:** — So there has been no consultation as it relates to the rights of First Nations or Métis people. So I appreciate your comment about that. How does the fisheries Act provision line up vis-à-vis the hunting provision that we just talked about in Bill 103? My understanding is that the licensing provisions are somewhat different. And are there provisions for dealing with that in the legislation?

**Mr. Hambleton:** — Chris Hambleton, legislative services. This is really a mirror image of what we saw in the previous bill, in terms of this is the piece that goes into the fisheries Act that allows the director of the maintenance enforcement office to direct the minister responsible for the fisheries Act to prohibit a licence from being issued under the fisheries Act. So really, it's just the mirror image but instead of *The Wildlife Act*, we're dealing with the fisheries Act in this consequential amendment.

**Mr. Nilson:** — Can you explain how one applies for a fisheries, or a fishing licence under the present system? The reason I ask this question is that I think there's still some option for people to apply for a fishing licence in a way that's through an agent or not necessarily just on an online system. And so therefore I'd appreciate an explanation of how this is going to work.

**Mr. Saigeon:** — Lyle Saigeon. So it's essentially the same system for purchasing hunting and angling. The client goes online and selects the type of licence they want. So it's all one purchase option when you go online.

The client that goes into a private vendor or a ministry office or park office can get them to facilitate the sale of that. But the vendor themselves enters the same information into the electronic system. It's just a service. All licences are purchased, whether fishing or hunting, through the same system.

**Mr. Nilson:** — So my understanding though is that for fishing licences, you can use the park offices. Can you do the same thing for hunting licences?

**Mr. Saigeon:** — That's correct. If it's a hunting season that specifically has a draw season, then it's the same practice where you still apply online but it's a separate piece of the system. But all hunting and angling licences are offered up on the system and that's how you purchase them now.

**Mr. Nilson:** — And so it's the same system. So therefore all of the comments that you've made previously under Bill 103 then apply as it relates to the fishing licences here?

**Mr. Saigeon:** — Yes.

**Mr. Nilson:** — Okay. I know that people were concerned that they wouldn't have the option of going to the local gas station or other places. But there has . . . As I understand it, there's been some accommodation for that as long as that place has access to the Internet and then access to the system that's located in Ontario. Is that correct?

**Mr. Saigeon:** — Yes. Vendors have now signed up with the actual service provider, so there's certified vendors. So we have 220 private vendors still across the province, so quite a number of the original vendors are still in place. And parks and ministry offices, we have 70 locations available where people can walk in off the street and have assistance in purchasing a licence.

**Mr. Nilson:** — Are there any places where people can still apply for a licence using the paper application?

**Mr. Saigeon:** — That was a service provided last year as a transition service, but this year it'll be a fully online service.

**Mr. Nilson:** — So effective what date will this fully online service be in force?

**Mr. Saigeon:** — April 1st is the start of the new angling season, so effective April 1st there won't be any 2014 paper licences.

**Mr. Nilson:** — Will there be any notice on the system that maintenance enforcement is monitoring the applications, or is this just something that comes up as a surprise to the vendor in one of these locations or parks officials staff? I ask this because it may be that some people who don't know about this provision may not necessarily want to apply and then have their name come up as blocked.

**Hon. Mr. Wyant:** — There'll be no notice on the system when people, you know, go in and apply for their licence. So there'll be no advance notice on the computer system.

**Mr. Nilson:** — Okay, so that this is . . . Is there a concern about privacy issues for individuals or is that not necessarily a concern? And I'll ask that and then I'll ask you something else.

**Hon. Mr. Wyant:** — The notice that will come up is that they're to contact the Ministry of Justice, but I think we need to remember that they will have an advance notice of the decision to move in this direction, as we said that there'll always be an advanced 30-day notice before any steps are taken with respect to hunting and angling licences. So they'll have notice.

**Mr. Nilson:** — Okay. So it'll be specific notice relating to hunting and angling and driver's licences and income tax and everything else. So it'll be a generic notice like that, I assume. Is that correct?

**Mr. Hambleton:** — That's correct. And really the idea, of course, is to give people fair notice before the angling or the hunting season arises. And if you're in arrears, you know, chances are very good that the maintenance enforcement office has already had contact with you as a person in arrears. And so the idea is that folks who plan on fishing and hunting will in fact then make arrangements with Mr. McNabb's office to make good on their court ordered payments.

[20:00]

**Mr. Nilson:** — So I thank you for the explanation and I look forward to next year's red tape idea if that's where this came from because I think we started out with . . . There was a discussion about red tape. But I understand the rationale, which is that not paying child support or spousal support is an issue that takes priority over everything else. And I agree with that, so I thank you for your explanations about both Bill 103 and Bill 104. Thank you.

**The Chair:** — Thank you, Mr. Nilson. Is there any other questions on Bill 104? Seeing none, we will proceed with the voting on Bill No. 104. Clause 1, short title, is that agreed?

[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: *The Enforcement of Maintenance Orders Consequential Amendment Act, 2013*. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would ask a member to move that we report Bill No. 104, *The Enforcement of Maintenance Orders Consequential Amendment Act, 2013* without amendment. Mr. Hickie so moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried. Thank you, gentlemen. With that, we will now move on to Bill No. 105, the information public appeals Act.

### Bill No. 105 — *The Informal Public Appeals Act*

#### Clause 1

**The Chair:** — We will start with clause 1, short title. Mr. Minister, if you have any opening remarks, you may proceed.

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. Mr. Chair, with me today is Darcy McGovern, director of legislative services, and Jeff Crawford, Crown counsel from legislative services.

Mr. Chair, the people of Saskatchewan have a long and proud history of rallying together to assist those in communities who need a helping hand. This was true in the pioneer days and it continues today. Members will know that informal appeals to the public for donations are made on a regular basis. Unlike campaigns by established organizations, spontaneous appeals are usually initiated by private individuals without first obtaining legal advice. *The Informal Public Appeals Act* is intended to facilitate and enhance this practice by addressing some of the unintended consequences that can arise for well-intentioned members of the public.

In 2011 the Uniform Law Conference of Canada recommended that the Uniform Informal Public Appeals Act be adopted by

Canadian jurisdictions to govern the operations of public appeals. This legislation is based on that uniform Act. The Act addresses spontaneous appeals made to the public, for example, after a fire or flood or to assist a bereaved family with future education costs. It does not address professional fundraising by established charitable organizations.

Mr. Chair, *The Informal Public Appeals Act* will do a number of things. It will define public appeal for the purpose of the Act to limit the scope of the Act to sporadic and informal appeals. It will confirm that funds raised through a public appeal are held in trust and establish a default scheme that will apply where a public appeal is not regulated under legislation or a formally created trust. It will establish a mechanism for disposal of surplus funds or an ability to provide refunds where needed. It will create a power for the court to direct the application of surplus funds, and will set out the powers and duties of trustees, including the investment of funds, further public appeals, and the transfer of funds to another body. And it will provide for regulatory authority to set out user-friendly forms with examples to be used by members of the public with respect to such appeals.

This bill is careful not to create hurdles for those with good intentions. Individuals who choose not to use the forms to establish a public appeal can proceed without them. The bill will still protect these people, but to a lesser extent. Rather than hurdles, this bill seeks to remove the traps that have evolved so that well-meaning trustees who commence an appeal are not made the victims of their own good intentions. These forms will be available online, and we plan to make them broadly available through local lenders and other community locations.

Mr. Chair, Saskatchewan is a community made up of people that have shown time and time again that they will step up to help each other. This bill is intended to ensure that they can continue to do so without risking unintended consequences for their goodwill.

Mr. Chair, I am pleased to answer any questions with respect to this particular bill.

**The Chair:** — Thank you, Minister Wyant. Any questions? Mr. Nilson.

**Mr. Nilson:** — Thank you, Mr. Chair. Have there been any specific situations in Saskatchewan that have triggered this particular legislation?

**Mr. McGovern:** — This is not a specific response to a Saskatchewan disaster, for example, where it's occurred. There are Saskatchewan cases, as the member well knows, that have touched on the issue of whether or not something is a charitable request, which is central to the piece that we're discussing here. The impetus for this process and, if you will, the textbook case that would be instructive probably for the members in terms of where this circumstance came from, is what's known as the Gillingham bus disaster. And this was a case in the '50s in England where a large bus plowed into 50 marine cadets, aged 10 to 13 years. Twenty-four cadets were killed and the rest seriously injured. A fund was launched to defray the funeral expense of the boys who were killed. So a public appeal was made for funds to assist the injured boys. And the terms of the

public appeal were to defray the funeral expenses, assist the injured boys, and to support worthy causes connected with boy cadets.

They raised a lot of money, not all of which was needed because the bus company's insurance then came through. So you had funds; there was an additional fund source that came in so they had, in this case, 73 per cent or more of the funds were unused. At that point though it was determined that that's . . . The issue became what to do with the surplus. And that's one of the main issues that we're dealing with here, where you have good-hearted people make a claim and then circumstances change, and what happens then with respect to the surplus funds? In this instance it was found that because the surplus money had been collected for what was considered to be a non-charitable purpose, the donors were entitled to the money and a resulting trust.

And charitable of course colloquially means something different than as a term of art in these circumstances. Now in this circumstance, the court determined this did not constitute, this worthy cause for these particular individuals, related to these particular individuals didn't constitute a charitable purpose. So you had a resulting trust to the donors. So you had \$7,300 that you could not use for other good purposes. Instead you had to try and find the donors who provided that, as a matter of common law, because there was a resulting trust for those individuals. As a result that money sat in court for over 40 years because it was difficult to find those individuals and ultimately they had to find a unique method to get that paid out of court.

But what this highlights is the circumstance where, and this is exactly what we're trying to look at, the Uniform Law Conference has said in these circumstances where you have an informal public appeal for a particular circumstance — so if you have a fire with injuries and you have the community saying, let's raise money to rebuild the house plus help out the kids with the problems they have as a result of this — there's very little time in that context to seek proper legal advice in terms of whether or not it constitutes an actual charitable purpose or to specifically deal with some of the elements of whether or not, if there's a surplus, how that surplus would be directed, whether it constitutes a charity or not.

So what this Act is intended to do and what it's recommended to do, that having identified this problem that people are subject to being caught in what I'll call a trap when things don't go as you anticipate in a public appeal, that what this process will do is provide for very simple mechanisms to address the most egregious legal problem, which is the resulting trust with respect to donors in those circumstances, substitute instead a process by which surpluses can be dealt with and deal with some of the really tricky legal issues around whether it's a charitable matter or a non-charitable matter. So I think that's a relatively long response, but I think that's what you were getting at, minister, in terms of where this came from.

**Mr. Nilson:** — Thank you for that explanation. I think that we all can understand some of these corners or difficult spots that people get into out of their good intentions. You've indicated that this is legislation that comes from the Uniform Law Conference of Canada. Has it been adopted in any other

province yet?

**Hon. Mr. Wyant:** — Not yet. We would be the first province to adopt the legislation.

**Mr. Nilson:** — Is the legislation that is presented here, Bill 105, exactly the same as what is being presented across the country so that . . . I mean I assume it has most of the points, but are there some specific drafting things that you've done for Saskatchewan?

**Mr. McGovern:** — The main difference that the member might note I think is we've placed certain elements, namely the formula for calculation of the . . . Where there's a pro rata return, refund to a donor situation, rather than putting the formula, like literally with the dividing line and the multiplication, that's going to be moved to the regulations.

And similarly the practice in Saskatchewan is, as the members of this committee will know, with respect to forms is that it's very rare now for a form to be in an Act, just because of the paralytic result of having a form in an Act as opposed to in a regulation or outside of a regulation even. But what we've done in this is to say that the forms that we've discussed would be in part in the regulations. The intent would be to follow with some precision the form that's set out from the Uniform Law Conference.

So I think the answer to your question is that there's some changes in whether it's all in the Act or in regulations, but the intention is to follow it with some precision.

**Mr. Nilson:** — Do you have copies of the proposed forms with you tonight so that we can see what you're talking about?

**Mr. McGovern:** — I can certainly circulate the copy of the proposed form as the schedule to the Uniform Informal Public Appeals Act that's discussed. As the member knows, this is, at this point it would be a draft document that's based specifically on the Uniform Law Conference, which included that piece. So the two ways that's public right now, I can certainly provide that with that caveat, or it's a matter of public record on the Uniform Law Conference website what's being proposed with respect to the form.

**Mr. Nilson:** — It is a matter of public record?

**Mr. McGovern:** — That's right. The Uniform Law Conference website, which is ulcc.ca, includes in its 2011 report this Act which includes the proposed forms. And that's what we'd be looking at.

**Mr. Nilson:** — Well I appreciate that, and so people can look for it, but I think also you may want to give a copy to the committee here so they can have it for their records in the longer term so that we can see what the forms entail.

**Mr. McGovern:** — My minister advises me that there would be no problem directing me to provide the Chair for that for circulation for the committee . . . [inaudible].

**Mr. Nilson:** — Okay. I would appreciate if that could be done. Okay. So then let's talk a bit about the process and what would

happen in Saskatchewan. And we've had recently a number of house fires where people have lost everything, and then there's events where people gather money together for the family afterwards. And I'm assuming that that's exactly the kind of situation that this legislation is intended to deal with. Can you explain what would happen both in the short term of the 24 or 48 hours after the fire happens when a lot of activity takes place, then over the longer term as money is gathered and then disbursed?

**Mr. McGovern:** — Now in terms of the specifics . . . And I'll stay with generalities. So we've got an informal appeal made by the neighbours. We're not talking about an organization, you know, that should engage some other similar issues. So the neighbours decide that they would like to raise funds for this purpose. What the Act would do, our intention is to provide these forms through PLEA [Public Legal Education Association of Saskatchewan], through the government website, and to circulate this as much as we can to indicate that a fill in the blank process is available to start a trust process. It would provide that.

[20:15]

And the form would provide . . . You would name it. You would say for the Darcy McGovern, the children of Darcy McGovern fire fund. That would initiate your . . . That would be the name of your fund. You would indicate the fund was created because of a fire at my house on December 18th and the resulting damage to my equipment and to my child's ability to continue university or something like that. An appeal for public donations was made on a particular day. So this is when you say, on the day after or the day of, that's your first-timer saying, we're collecting funds for the XYZ fire circumstance.

And so that's the start of your public appeal in that regard. You'd need to set out what the objects of the fund are, and that's where people start to run into trouble. So that's why we're asking people to sort of, at that point, to say the purpose of the fund is to help rebuild the house and to replace the computer equipment for the child to continue his university studies, for example. That may be your object with respect to this purpose.

Then there's a clause that talks about surplus money. If money remains after the purpose of the trust has been fulfilled, that money would be donated to one or more of the following organizations or bodies that the purpose is similar in spirit to the objects of this fund. And that's where you deal with the problem that I described of saying, what happens if there's a surplus? What if you have a huge response?

And the background material has examples of circumstances where you have, you know, the . . . And even with professional fundraising organizations, the example of the San Francisco earthquake, where a great deal of money was collected and then there was a great deal of concern because well over half of the funds that were collected for that purpose were reportedly retained by the Red Cross and allocated for a completely different purpose. And this is where you run into the problem: you're saying, well that's a good cause too; whatever the Red Cross does is a good cause. But if people were specifically looking to apply to the San Francisco circumstance, it creates a

problem.

And that's the similar circumstance here, where if you got a lot of money to the cause in this situation that was turned over to me, I rebuilt my house and then thought, you know, my cabin at Katepwa could be upgraded as well. That's part of, you know, that's part of my family operation. That would also be helpful or this will start to pay for other things for my children beyond the scope of what the trust was. And so that's why the objects are important so that you know when the objects are fulfilled. And in the surplus clause, it provides for an ability to deal with that surplus. And that's as simple as it is. You essentially have five blanks that you would fill in and that's how you would start your process.

**Mr. Nilson:** — So what do you do with this document? Where do you put it or what do you do with it?

**Mr. McGovern:** — You know, it's like a will in that regard. And when I was thinking about committee today, I think a will is a useful analogy in a few ways in that it's preventative medicine, you know, to use a non-legal phrase. You know, a will obviously doesn't have a government repository or a special place, but you need to be able to keep the trust document available.

As you know from looking at the bill, there's an ability for donors or donees to ask to see the terms of the trust agreement under which the fund is being carried. So the members, the trustees who are responsible for it should obviously keep it in a place that's safe and available for discussion. But there is no official process to . . . [inaudible] . . . it any more than there is for a will. Once the document's complete, it then has legal effect.

**Mr. Nilson:** — When does this document have to be created?

**Mr. McGovern:** — Well ideally the document's created at the time of the first public appeal so that you can say, you know, and that's one of the items, in terms of saying when is the appeal going to be made or was first made or will be made. So there is some flexibility in terms of saying, we first asked for money, here's the purposes of the trust. But at the time you first asked for money, you have to be talking about the terms of the appeal, you know. And that's just the reality of saying, you know, if you're asking for money from individuals, as you know, it creates the trust relationship. At that point you should have an idea of what the money's for.

**Mr. Nilson:** — This is I think one of those situations where I should have had a will; I should have done this or should have done that. Is it possible that when a problem arises two months down the road that this document can be created? And I ask that question because I can't see anything here that says you couldn't create the document after a problem has arisen.

**Mr. McGovern:** — As long as you're within the terms of the appeal. And so the answer to your question is yes, as long as you're not subsequently then saying, and my Katepwa place.

**Mr. Nilson:** — So who's going to decide that?

**Mr. McGovern:** — Well I think at that point you're talking

about whether or not you've changed your terms of your appeal, and that's the application of the law. And I think it's, you know, the trustees need to come to terms with saying, what do we initially ask for the money for? If your example is saying, from the start we were consistent on this; we now want to get this on paper, then yes. I think it's a trickier situation if you're going to change substantially who it's for and what it's for and apply money that was already given in good faith for a different purpose.

**Mr. Nilson:** — Okay, but clearly what you've said here indicates that there's a substantial amount of flexibility in the creation of the documents and in dealing with the particular issues. And I don't necessarily think this is going to be a big problem, but it could be a substantial problem if you ultimately end up in litigation around the purposes of the trust.

And so I think the reason that you've, you know, you've brought this forward is to deal with that possible litigation in a more straightforward fashion. And I'm just wondering if there maybe shouldn't be a little more instruction or shouldn't be a few more specific points that should be in the legislation so that somebody who's evaluating it later can say, well that one works or fits or is part of this; no, this is something that isn't covered by this type of legislation.

**Hon. Mr. Wyant:** — I think I'll answer that question by saying we have a lot of confidence in the work that's been done by the Uniform Law Conference with respect to the preparation of, you know, a uniform piece of legislation. So from my perspective, I mean I have a lot of confidence in the legislation that's been brought forward, based on all the advice that we've received from the Uniform Law Conference.

**Mr. Nilson:** — Well I share your confidence in the ideas that come forward from there. But I also understand from the circumstances five, six decades ago that precipitated this type of legislation, that the resolution of the problems that arise with an informal public appeal may take a long time to sort out. And so I guess, is it possible that the legislation could specifically state that the actual document that records what has happened can be entered into at any time, provided that it substantially reflects what was the original intention?

**Mr. McGovern:** — If I may, Minister. You know, and I think that's the result if we look at section 3 in terms of saying that: "... this Act applies to a public appeal only to the extent that it does not conflict with the terms of the public appeal or [secondarily] with the governing authority of the public appeal." And I didn't grind that through in terms of my example, and I appreciate what the member is raising.

And I think that is your essential statement here of saying, if I'm making a public appeal for purposes of A, subsequently I can fill out the document that's consistent with A. But what this provides is that it applies to a public appeal only to extent that it doesn't conflict with the terms of the public appeal. And that's my example of saying, if it's for another purpose, I'm essentially changing the fundamental terms of that. And as the lawyers know, changing unilaterally the terms of a trust is a significant issue in terms of beneficiaries.

I think the balance that this Act reflects as drawn is we have the

circumstance where nothing's done. It's a goodwill circumstance in the community. They just want to, you know, get things started, versus what I could advise as the corporate lawyer, of saying before you do anything you should go and have a formal trust document drawn up, and you should get an opinion on whether that's a charitable donation, you know, which is also what you could do right now. Or instead, this balance in-between of saying, we want to be useful, not an impediment, and we want to be helpful to take away the traps. And I think that's the balance that's drawn here, or at least that's the intention.

**Mr. Nilson:** — Okay, well I appreciate that explanation. I think it's helpful for all of us to get as much information out in the committee so that can be interpreted later. Can we go to section 2, which is the definition section, and look at the definition of public appeal, which is 2(e). Right at the end of that definition it says: "... but does not include a message communicated as part of a fundraising effort carried out on a permanent or continuing basis." Is that exception defined anywhere else, or is this one basically to be interpreted by the courts if an issue subsequently arises?

**Mr. McGovern:** — It's not a term of art to my knowledge in terms of being carried. I think the impact of that provision, particularly when combined with 3(3)(a) regarding the non-application of this Act to qualified donees under the *Income Tax Act*, what we're trying to deal with is informal public messaging as opposed to say an ongoing fundraising effort for diabetes or another good cause. That's a different kettle of fish. Those people have an ongoing, continuing process, have their own legal world in which to live with, plus the ability to seek legal counsel, as opposed to a quick reaction to a disaster within a neighbourhood.

**Mr. Nilson:** — For the information of the committee, can you explain how those more permanent appeals are regulated by either provincial or federal law so that we can see the comparison?

**Mr. McGovern:** — Who constitutes a qualified donee under the Canada Revenue Agency ... And I'm very conscious that the member's background is you've read the tax Act far more than I have, I think. But under the Canada Revenue Agency, there's a definition provided for who qualified donees are, and that provides those organizations the ability to issue official donation receipts for gifts they receive from individuals and corporations. And so in most circumstances with respect to a charity, that's where the game is played, if you will, that they're able to issue tax receipts for donations that are provided because they meet the qualified donee requirement. That occurs at the federal level.

The primary piece provincially with respect to charities and their work is *The Charitable Fund-raising Businesses Act*, which the member will remember. And that's an Act that regulates for-profit fundraising businesses that raise funds on behalf of charitable organizations. And so our provincial legislation provides for a framework for the regulation of those companies who are in the business of being fundraisers for charities.

**Mr. Nilson:** — Okay. So there are similar rules for the more

permanent agencies that deal with the same types of issues as we have under this legislation. Would that be accurate?

**Mr. McGovern:** — Well indeed it's ramped up a fair bit more for a permanent charity organization. There's rules here . . . For example in *The Charitable Fund-raising Businesses Act* it deals with, you know, the extent to which they're able to make telephone or door-to-door solicitations and what time they can do so, those sorts of things. So it deals with that interesting relationship between the charity or the good cause and the professional organization they hire to go get money for them and how those two interact.

**Mr. Nilson:** — Does it have a similar provision around the objectives of the fundraising that this legislation has?

**Mr. McGovern:** — Not in that Act. That Act relies on the CRA's [Canada Revenue Agency] definition of what constitutes a charity, registered charities.

[20:30]

**Mr. Nilson:** — So you will actually have more protection given to these informal public appeals, that what money you've given is actually going to go to the specific cause that the appeal has raised. You'll have more assurance there then you will have with the more permanent organizations and their fundraising appeals.

**Mr. McGovern:** — I think it's a more direct form of fundraising. And I think because of the trust relationship, the trustees have to account for the funding, that it's being applied in accordance with the trust document. So I think to that extent it is a different relationship and very much more direct.

**Mr. Nilson:** — Are there any provisions in this legislation that will assist the courts in dealing with the matters fairly expeditiously and without a huge amount of cost, or do you basically just rely on somebody making an application to the court to sort everything out?

**Mr. McGovern:** — There is a process that's much more expeditious than the common law in terms of saying, for the enforcement of a trust, and if you look at section 9 it provides for a process that any of the following persons may commence a proceeding to enforce a trust to which a fund is subject to or to enforce a duty pursuant to that trust. There's also a process for the *cy pres* doctrine to be applied with respect to the court. So to that extent, I would say it's very much more direct than the common law state of wilderness that we have right now.

**Mr. Nilson:** — But there is not an arbitration clause or a mediation clause or some kind of other body that might be able to deal with the matter without going into Court of Queen's Bench application?

**Mr. McGovern:** — There's not a statutory provision for that, no.

**Mr. Nilson:** — Is that something that has been discussed or is part of the overall discussion? Given that this is *The Informal Public Appeals Act*, basically people don't anticipate having problems where they might have to hire lawyers and go into the

full court procedure.

**Mr. McGovern:** — My recollection of debate, Minister, if I may, is that the existing provisions with respect to whether it constitutes a trust is very much a formal court process. But the member's aware of the trust process. And so to the extent that we're stepping away from that formality, in the Uniform Law Conference approach it was felt that the court was still necessary to be the determinant with respect to the *cy pres* document or the enforcement of the trust but that it was important to be able to make that process very direct under the Act.

**Mr. Nilson:** — Does this legislation apply for appeals like appeals to help out in, you know, Haiti or in Africa or other places outside the province, or is that covered in some other kind of legislation?

**Mr. McGovern:** — The jurisdictional provision in 4(4) addresses that to a certain degree. Obviously, you know, as with any provincial legislation, we can't have an extraterritorial effect. However (4) provides that if the governing authority, in other words if the trust document doesn't address jurisdiction, that that's a default provision with respect to the conflicts of law as to how the jurisdiction would apply — namely the law of the jurisdiction in which the deposit account to hold the funds has been opened or, if there is no deposit account, then it's general conflicts law. So if you've got the account created here, that essentially would ground jurisdiction.

**Mr. Nilson:** — Is there any requirement that the account be created in the province? Or is that a bit of a loophole here that if you're going to do this kind of fundraising and you didn't want the Act to apply, you would have the money deposited some other place than within the province?

**Hon. Mr. Wyant:** — If the account was established in a jurisdiction outside Saskatchewan, then our legislation wouldn't apply. The legislation of that particular jurisdiction would apply. So this legislation would not apply to funds that were on deposit to a financial institution outside of Saskatchewan.

**Mr. Nilson:** — Okay. And if it's one of the electronic banking systems that operate across the country, is there anything that covers the fact that the money is in some I guess non-location, if I can put it that way. I mean if somebody is attempting to raise money for the wrong purposes, I think the intention of this is to stop that. They may also have other devious things that they would do to get around this legislation. And I'm just wondering if there's any provision in any other legislation that would help Saskatchewan donors who feel like they've been hoodwinked.

**Mr. McGovern:** — And I think — I mean your question changed a little bit in terms of the asking — but obviously the Criminal Code applies. With respect to an application, that's a law of national application. Beyond that I mean my advice to the minister on the question would be that the Act does what it can do. You know, how it applies to a bitcoin situation where the money's held in the ether and isn't used in ordinary funds, you know, the answer is, well that would be pretty complicated. But this Act, like everybody else, doesn't provide a specific solution for that example, but it does operate to provide for a,

you know, in my view a relatively straightforward solution to a real problem where I'm opening up a fund in a local credit union to help out a good local cause.

**Hon. Mr. Wyant:** — And further to that, it seems to me that if this legislation was adopted, if the uniform legislation was adopted in other provinces, then you'd have the protection of their legislation to the extent that your funds were on deposit in a financial institution that had adopted the uniform Act.

**Mr. Nilson:** — Which is the whole purpose of the uniform Act, so that is good. Are there any regulations that are going to be proposed under this legislation that will be I guess difficult to put together because it's sort of a new area? Or does the uniform law proposal basically include all of the types of forms and regulations that are required?

**Hon. Mr. Wyant:** — I'll let Mr. McGovern make any specific comments, but certainly the Uniform Law Conference has given some specific thought to what the regulations would look like. And as Mr. McGovern has stated, ours will be a little unique in some of those areas, but the conference has certainly given some thought as to how that would look.

**Mr. Nilson:** — Okay. Well I see that one of the regulatory powers is to prescribe new or additional procedures that may be required. So I assume there's lots of flexibility to respond to problems that arise.

Well I thank you for your detailed explanation of this legislation, and I think it's important that we've had this discussion because it's the first time this type of legislation has been introduced in Canada. And as you've indicated, it comes out a five-decade-old issue that arose in Great Britain. And we in Saskatchewan are going to be prepared for anything as we move forward. So I thank you very much for your information. Thank you, Mr. Chair.

**The Chair:** — Thank you, Mr. Nilson. Mr. Minister, thank you to your officials. Is there any other questions or comments on this bill? Seeing none, we'll proceed with the voting on Bill No. 105, the information public appeals. Clause 1 short title, is that agreed?

**Some Hon. Members:** — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 27 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: the information public appeal Act. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would ask a member to move that we report Bill No. 105, *The Informal Public Appeals Act* without amendment.

**Mr. Marchuk:** — So moved.

**The Chair:** — Mr. Marchuk. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried. Thank you, gentlemen.

**Bill No. 126 — *The Seizure of Criminal Property Amendment Act, 2013 (No. 2)***

**Clause 1**

**The Chair:** — We will now continue with consideration of Bill No. 126, *The Seizure of Criminal Property Amendment Act, 2013*. We'll start with clause 1, the short title. Mr. Minister, if you have opening remarks, please proceed.

**Hon. Mr. Wyant:** — Thank you very much, Mr. Chair. Well with me again, Darcy McGovern, director of legislative services; Tammy Pryznyk, senior Crown counsel; Dale Larsen, executive director of policing and community services.

Mr. Chair, committee members will be aware that *The Seizure of Criminal Property Act, 2009* represents a balance between ensuring due process for individuals who may face an allegation of holding criminal property and ensuring that criminals do not benefit financially from their criminal activities. *The Seizure of Criminal Property Amendment Act, 2013 (No. 2)* will establish an administrative seizure process in the Act as a further option for seizing criminal property.

Mr. Chair, the bill will do a number of things. It will authorize the administrative seizure of cash or personal property with a value under a prescribed amount. It will allow the director to issue a notice of administrative forfeiture proceedings directly to interested parties regarding property that the director has reasonable grounds to believe is either the proceeds of crime or an instrument of unlawful activity.

Where no notice of dispute is filed by an interested party, provide for the seizure, forfeiture, and distribution of the property. It will provide that if a notice of dispute is filed, the director must instead proceed directly to apply for seizure through the court process or, in the alternative, decide not to seize the property. It will allow an interested party to file a notice of dispute within six months after the deadline if they can show they had a reasonable excuse for having failed to respond to the initial notice.

Mr. Chair, the present system requires extensive legal documentation and preparation to bring forfeiture applications before the court, either by notice of application or statement of claim. Unfortunately the same amount of work must be done, which is approximately 15 hours of document preparation, even if ultimately the respondent entirely fails to respond to the application or whether the application seeks forfeiture of \$100,000 or just \$100.

The introduction of an administrative forfeiture regime will improve efficiency and reduce workload for police witnesses. In an administrative system, the preparation of court documents would not be necessary until it is known that a respondent is opposing the application. Therefore the document preparation would be focused on those applications that will be challenged in court.



Under this process, applications that are unchallenged will result in forfeiture to the Crown at an earlier date. We estimate that approximately 20 per cent of forfeiture applications are contested, and this number is consistent with findings in other provinces. As noted, this new process will be limited in the regulations to the seizure of cash or personal property under a particular value, for example, \$75,000, but would not be used for larger cash amounts or for real estate seizures. An estimated 80 per cent of seizures in Saskatchewan would fall under this dollar threshold.

Under these amendments, the rights of individuals with potentially legitimate property interests are protected. After receiving notice of the intention to forfeit the property to the Crown, an interested party would be able to file notice of dispute which would then return the issue of forfeiture to the courts for determination through the same process that exists in the current legislation.

Under the Act, all seized funds are retained in the Criminal Property Forfeiture Fund to support police operations or the Victims' Fund following the payment of costs and expenses of the seizure. Funds seized through the new administrative seizure process would be subject to the same process. We remain committed to this program and are confident that these amendments will assist our officials in continuing to use this legislation as intended by the Assembly to prevent profiteering through criminal activities.

Mr. Chair, those are my comments. We would be pleased to answer any questions.

[20:45]

**The Chair:** — Thank you, Mr. Minister, and welcome to your new officials. Any questions on this bill? Mr. Nilson.

**Mr. Nilson:** — Thank you, Mr. Chair. How many cases are there in each year? You've given percentages, but you haven't given us actual numbers.

**Hon. Mr. Wyant:** — I will let Ms. Pryzyk answer that.

**Ms. Pryzyk:** — Tammy Pryzyk, civil law division. I don't have a number as to how many each year that the program has been in operation. However I can tell you that we have submitted 81 forfeiture applications or, excuse me, 70 forfeiture applications have been concluded. There are an additional four applications before the court that have not yet been concluded.

**Mr. Nilson:** — And from the information provided by the minister, then 80 per cent of those are \$75,000 and under. Would that be accurate?

**Ms. Pryzyk:** — That would be accurate, yes.

**Mr. Nilson:** — And obviously then 20 per cent are greater than 75,000? What's the largest value that's been subject to one of these applications?

**Ms. Pryzyk:** — There was an application for a large amount of cash, cash and vehicles, and altogether those were worth about \$400,000.

**Mr. Nilson:** — Okay. So basically we are going from \$100 up to \$400,000 as the present range for the application of this legislation. The proposal here obviously is one that has been driven from the people that work on this particular legislation in the Ministry of Justice. I guess we've had — what? — about three years of experience using this legislation. I know that the bill was passed in 2009, but I'm not sure exactly when it went into force the first time. Perhaps you can tell us when that happened.

**Mr. McGovern:** — Sure, I can speak to the bill. The member is correct in saying that this iteration of the legislation was 2009. You'll recall that there had been legislation prior to that, but this piece came into effect July 1st, 2009.

**Mr. Nilson:** — So the administrative process effectively puts in a default judgment procedure. Would that be an accurate description of it?

**Hon. Mr. Wyant:** — I think that would be a description of it.

**Mr. Nilson:** — Well so can you please give me an accurate description of what's going on in here.

**Hon. Mr. Wyant:** — Essentially what's happened is the intent of the amendment is to create a more efficient process because a number of these forfeiture applications were not being contested, and they were, from an administrative perspective, they were taking up a lot of time. And so I point out that Manitoba has proceeded with this legislation. Both British Columbia and Manitoba have proceeded with administrative amendments to their legislation.

Alberta has done the same thing which hasn't received Royal Assent yet. But this is a process which is consistent with what a number of other provinces are doing around administrative forfeiture. But really it's intended to reduce the administrative burden on operational staff where contests with respect to whether or not the seizure is appropriate or not are not taking place.

**Mr. Nilson:** — Okay. And that basically tells me that the use of this type of legislation is not that common and that people are very careful before they go into the process. And can you tell me whether that's because it's so much work to actually prepare the whole thing, or it's because you have another process that makes the decision around when you go after criminal property for seizure?

**Mr. McGovern:** — I can start with that. It's fair to say that decisions to proceed already with the process, for the seizure process, are carefully taken. I think administrative process will be the same, if not higher in terms of the decision that the director and under the Act, the terms that have to be met.

I think being careful in this process is part of the professional obligation within the ministry so that these extraordinary steps are being taken in appropriate cases. What's, I think, may be unique in the administrative process is that, as the members will have seen, if at any point you have a notice of a dispute or if the individual chooses to respond, then you're into the court process which provides for the full due process. And so the balance that's been struck here is very much to say it's brought

forward in a careful circumstance and it also provides full due process for those individuals it engages.

**Mr. Nilson:** — How many responses to these seizures have been received? And so, I guess, how many of them have been contested, if I can put it that way?

**Ms. Pryznyk:** — Tammy Pryznyk. From what we have observed, about 20 per cent of them are contested, and sometimes that's just for a short period of time. Someone may begin to indicate that they're going to contest the proceeding, and then ultimately they decide not to pursue their objection, and the forfeiture will proceed.

**Mr. Nilson:** — So of the 81 cases that have gone ahead, how many successful objections have there been after going through the full process?

**Ms. Pryznyk:** — Two.

**Mr. Nilson:** — There have been two?

**Ms. Pryznyk:** — Sorry, 70 have been decided by the court . . .

**Mr. Nilson:** — Yes.

**Ms. Pryznyk:** — And 68 of those applications have been resulting in a successful forfeiture. So two, two matters that have been contested have been successfully contested.

**Mr. Nilson:** — Okay, so the process as it is now doesn't have very many people who object. And the intent of this legislation then is to set up a process so that if somebody does contest it, they've got the full protection of the law. But if they realize that they are caught, if I can put it that way, or they're hooked into this system, it's not required by ministry officials to spend as much time. So that's the whole intent of these amendments; would that be correct?

**Hon. Mr. Wyant:** — That's correct.

**Mr. Nilson:** — Are there further hurdles for those people who would contest the seizure of their property that are part of this particular bill or maybe further protections for those people who might protest, or is there no change?

**Hon. Mr. Wyant:** — There's no change to the legislation in terms of the process except for the fact that we're removing a number of them through this administrative process, but there's no additional protections that are provided in the Act.

**Mr. Nilson:** — Will people who protest or file an application to contest the seizure have less information than they would have had under the regular bill?

**Hon. Mr. Wyant:** — No.

**Mr. Nilson:** — So they get the whole 15 hours preparation, if I can put it that way, as you've described it, once they trigger notice that . . . their objection.

**Hon. Mr. Wyant:** — To the extent that the ministry has to prepare the appropriate documentation to respond, that's

correct.

**Mr. Nilson:** — Are there any changes to how the money can be used in these amendments?

**Hon. Mr. Wyant:** — There's no changes. The funds go into a criminal forfeiture fund, and those funds are then used to support the Victims' Fund and police operations. So half the funds that go in support police operations and half to the Victims' Fund to fund victims' programs within the ministry.

**Mr. Nilson:** — So does this money go into the General Revenue Fund and then into those budgets, or is this a separate budget account?

**Mr. McGovern:** — It's a separate fund.

**Mr. Nilson:** — It doesn't show up in the books of the province in a regular fashion. Would that be accurate?

**Mr. McGovern:** — It's not in the GRF [General Revenue Fund] as you had suggested. That's right. It's kept as a separate fund for this dedicated purpose.

**Mr. Nilson:** — So it wouldn't be considered a tax increase if we talked about that as a source of revenue for the province?

**Mr. McGovern:** — I certainly don't believe so.

**Hon. Mr. Wyant:** — I wouldn't consider it.

**Mr. McGovern:** — I think, though, that does provide me with the opportunity to note that, you know, the discussion that we have on this internally. And I think, you know, as you said, this was brought forward by some of the officials, indicating that, you know, they're putting in a lot of work in an area right now, that it doesn't affect the result. And of course, what we're trying to do here is to say let's focus police resources. Let's focus the resources of the officials, on those that are contested, as opposed to the circumstances that you've described where someone's stepping away from it.

But you know, the overall goal with respect to the legislation or the policy of the legislation hasn't changed in that it's not viewed as a way of collecting funds per se. It's a deterrent to prevent profiteering by illegal activities. That's the purpose here. The choices aren't made as to who . . . As you say, this group will address \$20 that's been stolen or a cell phone or a very cheap car, if it provides for a deterrent effect with respect to this illegal activity. So it's not a matter of cherry-picking, trying to say we're trying to raise money, like you see on a TV show in the United States, for example. It's very much focused as a deterrent for illegal activities, to create a hostile environment for organized crime and for other crime in the province.

**Mr. Nilson:** — Okay, is there any change in the provisions about what happens to specific assets? I mean, obviously cash can be dealt with in a straightforward fashion, but I know our friends in North Dakota and Montana often seize vehicles and actually turn them over to a central vehicle agency such as they have, and they're used as ministers' vehicles. So I'm wondering if there's anything like that as part of this legislation.

**Hon. Mr. Wyant:** — You won't see any Corvettes at the central vehicle agency . . . [inaudible interjection] . . . But the assets that are seized, the personal property that are seized, the real estate that's seized are reduced to cash, and those funds are then deposited into the fund.

**Mr. Nilson:** — So that's basically the standard procedure that everything's reduced to cash for use in the fund. Is this fund the same fund that would fund victims activities, or is this a separate fund?

**Hon. Mr. Wyant:** — This fund, half the funds that goes into this, half the money that goes into this fund, funds victims services.

**Mr. Nilson:** — And the other half, where does it go?

**Hon. Mr. Wyant:** — To police operations.

**Mr. Nilson:** — To police operations over and above what's in the budget?

**Hon. Mr. Wyant:** — That's right.

**Mr. Nilson:** — Okay at some point do you report how these funds are used?

**Mr. McGovern:** — Thus far the fund now, and I believe that we're able to provide the information to the committee at this point, that it's now raised \$1.359 million, and Dale can speak to this if he needs to. But we're looking at, in the next short while, being able to announce the first dedicated payments out of the fund to victims services and to police operations under the terms of the legislation.

**Mr. Nilson:** — Okay so the money is still there?

**Mr. McGovern:** — That's right.

**Mr. Nilson:** — And so if I let the Minister of Finance know that you've got this money, he might be interested and use it for other purposes in the Department of Justice or maybe we shouldn't talk about that?

**Hon. Mr. Wyant:** — All the funds are dedicated to support victims services and police operations, so that's where they will be used, by statute.

**Mr. Nilson:** — Okay, well I mean I think that's a different issue. But anyway I appreciate that, and I look forward to the announcement of how the funds are going to be used. I agree with this method of deterrence, as you put it, because clearly there are opportunities. And I think the legislation such as it has been presented and described here does reflect your experience in using the legislation and making some appropriate adjustments. So I thank you very much, all of you, for your explanation, and I have no further questions.

[21:00]

**The Chair:** — Thank you for appreciating that the funds going to the area as they are is a different issue; otherwise we could be here a lot longer. Any other comments or questions about Bill

No. 126? Seeing none, we will proceed with the voting on Bill No. 126, *The Seizure of Criminal Property Act*.

Short title, is that agreed? Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 8 inclusive agreed to.]

**The Chair:** — Thank you. I would ask a member . . . Sorry. Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: *The Seizure of Criminal Property Amendment Act, 2013 (No. 2)*. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. I would ask a member to move that we report Bill No. 126, *The Seizure of Criminal Property Amendment Act, 2013 (No. 2)* without amendment. Mr. Steinley moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That's carried. That concludes our agenda for this evening. Mr. Minister, did you have any closing comments?

**Hon. Mr. Wyant:** — Just a few short ones, Mr. Chair. I'd like to thank you and the members of the committee for your time tonight and for the questions that had come from the committee, and especially to my officials who took time to be here today to help answer those questions. Thank you very much.

**The Chair:** — Thank you, Minister Wyant. And thank you to the committee members. I will need a motion to adjourn please. Mr. Phillips, thank you. Thank you, ladies and gentlemen, and good night.

[The committee adjourned at 21:02.]