



STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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**STANDING COMMITTEE ON INTERGOVERNMENTAL
AFFAIRS AND JUSTICE**

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Regina Qu'Appelle Valley

Mr. Doyle Vermette, Deputy Chair
Cumberland

Ms. Doreen Eagles
Estevan

Mr. D.F. (Yogi) Huyghebaert
Wood River

Mr. Paul Merriman
Saskatoon Sutherland

Mr. Warren Michelson
Moose Jaw North

Mr. Warren Steinley
Regina Walsh Acres

[The committee met at 14:58.]

The Chair: — Well if we're ready, we can get started. Thank you very much. Today we have substituting for Doyle Vermette, we have John Nilson. Thank you very much. Also in attendance we have Doreen Eagles, Yogi Huyghebaert, Paul Merriman, and Warren Steinley. So if everyone is in agreement, we will proceed with the agenda as planned.

**General Revenue Fund
Justice
Vote 3**

Subvote (JU01)

The Chair: — First on our agenda is the consideration of the estimates and supplementary estimates — March for Ministry of Justice. We will now begin our consideration of vote 3, Justice, central management and services, subvote (JU01). Today we have with us Minister Tell and Minister Wyant. Ministers, and your officials, would you please introduce your officials when you make your opening comments? Thank you very much.

Hon. Mr. Wyant: — Madam Chair, we made our opening comments when we first attended before the committee, so we don't have anything further to add except to welcome our officials here today. To my left, Dale McFee, my deputy minister, and to my extreme right . . . Oh, that's Dale McFee on the right. Sorry. This is Kevin Fenwick and that's Dale McFee, deputy minister of Corrections and Policing. So we're happy to answer any questions that you may have from any committee members, Madam Chair.

The Chair: — Well thank you very much, Minister Wyant. I hope you don't teach dance lessons because when you tell them to turn to the right or to the left, they're going to have little-bitty issues going on there. So are there any questions on these estimates? Mr. Nilson.

Mr. Nilson: — Thank you, Madam Chair. And good afternoon, everyone, and welcome back to the continuation of the Justice estimates. One of the areas that you've spent some time and effort working at relates to the whole issue of providing for I think an advocate for children and also for family matters. Can you please explain what you're doing in this area and how far along you are in establishing what's been announced?

Hon. Mr. Wyant: — Thank you very much for the question, Mr. Nilson. Perhaps I will let the counsel for children answer the question. In terms of the establishment of the office, I think Betty Ann Pottruff can provide some excellent background to you.

Ms. Pottruff: — Good afternoon. Yes, the office was officially up and . . . Oh sorry, Betty Ann Pottruff. The office was officially up and running December 2nd, 2014, and we have a roster of counsel that are available to represent children across the province. We've got nine counsel at the time and we are working on training more. We currently represent 68 children in files since December, and the budget for representation so far has been around \$37,000.

Mr. Nilson: — Could you explain what kinds of cases these children are represented in? Are they custody disputes or are they Social Services apprehension cases or what kind of cases are involved here?

Ms. Pottruff: — Thank you. The mandate for the children's counsel office is just child protection proceedings, so these are all child protection proceedings. Most of the situations involve older children, I'd say 10 and over. There are a few that involve minors, but they all involve child protection matters.

Mr. Nilson: — Is there any plan to expand it beyond child protection matters? And perhaps you can explain what the long-term plans are.

Hon. Mr. Wyant: — Well, Mr. Nilson, we'll certainly look at demand. Over time, as you may know, judges of the court oftentimes, or from time to time, make orders with respect to representation for children in other cases. But we will look at what the demand is over time and give considerations to whether or not the role of the office needs to be expanded.

Mr. Nilson: — Can you explain the connection between the counsel for children role and then I think what you call on page 7 of your plan, the Family Matters: Assisting Families. Is there any connection between those two at all?

Hon. Mr. Wyant: — I can't comment on the Family Matters program and its genesis of what's happening.

Mr. Fenwick: — There's no direct connection other than, as I'll talk about with respect to Family Matters, Family Matters is a program that will largely act as a referral agency. And so one of the places to which they could refer a case potentially would be to the children's counsel, although that wouldn't be the norm. Family Matters is one of the steps in our efforts to move conflict resolution to earlier stages in the proceedings.

Consistent with the suggestions that came from the national action committee report on access to justice in civil and family matters, what we're trying to do is move things to the wide side of the funnel, to an earlier stage, to prevention hopefully or to early resolution. And so Family Matters is for families who can identify that they have difficulties that need to be addressed. They will contact the office and we will provide for them triage, for lack of a better word, triage so that where they need reference to legal counsel, they will be told that, you should go see legal counsel, and that could include children's counsel. But in many cases we can refer them to things like the online forms that Public Legal Education Association is doing. We may refer them to counselling. We may refer them to mediation. The Family Matters program is being run from the dispute resolution office at Justice and where it's mediation that would be a good solution to their problem, we'll suggest that they go to mediation. So short answer to the question is sometimes there might be a connection but it would be certainly a minority of cases, a small minority.

Mr. Nilson: — Okay, so then you also have as one of your performance measures is to deal with custody and access agreements. So is that dealt with in either one of these places or is there a third place where completed custody and access

assessments are done?

Mr. McNabb: — We are in charge of the social work areas that do custody and access assessments, and we're also heavily involved in the Family Matters program. We work in partnership with the dispute resolution office, and our social workers, and that also includes mandatory parent education. So we put a whole . . . all the areas in Justice that deal with families going through separation and divorce and trying to help children are in one area. So they all do link together. The performance measure that we're specifically talking about is that when the courts order custody and access assessments, 85 per cent of the time they end up not going back to court. They use that assessment to resolve their issues, and usually then through mediation or some kind of agreement.

Mr. Nilson: — Okay. So then, and what's your division called where you work? Or what's the new name or the old name for this?

Mr. McNabb: — The area's called family justice services. That includes, as you know, the maintenance enforcement office, social work area, family law information centre — and that's where we have a lawyer and we give general legal information, not advice, but to people going through separation and divorce, and again we have 26 self-help kits there — and mandatory . . . [inaudible] . . . education, and then supervised access and exchange. And that's where the court orders that one person drops off the child and the other one picks them up in one case, or be supervised access where one person drops a child off and the other one comes and visits the child but we keep someone there. So all the areas that deal with family are in that area and that's the listing.

Mr. Nilson: — Okay then. The counsel for children office though isn't in your area. Is that correct?

Mr. McNabb: — Correct.

Mr. Nilson: — Okay, and what about the mental health crisis management work that's done? I see it here. It's identified tenants, but I see it some other places where the mental health issues are dealt with as it relates to some of these family matters. Are they . . . I mean I'm asking these questions because it seems like there's a whole number of services that are all interlaced, and which is appropriate, but I'm trying to understand how they're organized in your ministry.

Hon. Mr. Wyant: — Could you provide some clarification as to what you're . . .

Mr. Nilson: — As I understand it, you have the counsel for children, so that's one place. You have the family division or whatever it's called with the maintenance enforcement and these other activities. Then when you look through your plan here, you have a number of other services, whether it's the mental health services for residential tenancy issues that affect families. You have the administrative or, yes, the mental health court which often is tied in with these people. You have victim services programs which come from another angle. And then you also have a note here that you're working on disability issues and addictions in mental health. And so I'm just interested to understand how they all fit together or maybe they

don't fit together. But can you perhaps explain how this all works?

Mr. Fenwick: — Obviously there are a wide range of services that we provide in a wide range of areas. We work very hard to coordinate those services and try and find a balance between having some large omnibus unit that handles absolutely everything. The omnibus approach we don't think is particularly efficient because it gets too big. So what we strive for is coordination.

I think when you're talking about the mental health issues, I think you're looking at the parts of the strategic plan that talk about . . . You've specifically talked about mental health crisis management when mental health issues are behind eviction proceedings. That particular initiative is actually in the Office of Residential Tenancies. So while we are increasingly aware of the need to provide direct intervention where there are mental health issues — and we're increasingly aware, both on the Attorney General side and the Corrections and Policing side of the role that mental health issues play across the spectrum of services we provide — we don't have one specific unit that just addresses mental health services. So there's a link. There is coordination. What you're looking at, I think specifically, is an initiative though of the Office of Residential Tenancies.

Mr. Nilson: — Okay. Well there's also, you have your problem-solving court which fits into this as well. So you have a whole number of pieces. And I mean, I don't challenge them, but I'm just curious how they all interrelate because it seems when you set out your strategy, it's not entirely clear who's doing what where. And so that's where my questions arise.

Now is there any funding from the victim services fund that goes and funds some of these other initiatives, whether it's the special court or whether it's, you know, look at counsel for children, or any of these other activities?

Hon. Mr. Wyant: — Well the Victims' Fund doesn't supplement any of these services. I mean, it funds certain programs within the victim services, victim services that are provided, except for victim/witness services, which links back of course as part of victim services.

Mr. Nilson: — Well so there's, I mean clearly a recognition of a whole number of issues. And then I mean, practically when you go back into your strategies and plans, once again looking at your plan, you end up with a whole level of things that come out of the policing side, and also then the places like Kate's Place or others that are funded. But they come from another different angle of funding, is that correct? And you know, the women's shelters?

Hon. Mr. Wyant: — The women's shelters, for instance, are funded directly by the GRF [General Revenue Fund]. So that's where the funding comes for those services, and Kate's Place as well.

Mr. Nilson: — When you say that, that they're funded directly, but they go to Justice and then you transfer the money, isn't that correct? So okay, well then it's quite difficult to figure out exactly how the funding works, but it sounds like you've got the funding for a number of programs and that you're able to

move forward. Is that correct?

[15:15]

Hon. Mr. Wyant: — I think that's fair to say, yes.

Mr. Nilson: — So I'm not sure if this is . . . Well it's not directly related, but I think it goes back a few years ago in 2012-13. The 2012-13 plan, there was a point about setting up a serious violent offender response program, which obviously comes on the correctional side. Many of those violent offenders actually have a lot of the issues that we've just been talking about, with mental health and other things. Can you explain what's been happening with that program and what kinds of people work with that?

Mr. Rector: — Dr. Rector from Corrections and Policing. I work jointly with the Attorney General side with Mr. Daryl Rayner and his staff in jointly working on the serious violent offender response which is in the areas of Saskatoon and the Battleford regional area.

This program started about a year and a half, is a very strong, integrated, case-management collaboration between Canadian Mental Health Association, services for people with a history of violent offending with mental health issues. Last week I did speak to that particular program. It's a new program and very innovative and targeted to highest needs individuals.

We work closely with probation, prosecutions, Saskatoon Police, and RCMP [Royal Canadian Mounted Police]. So depending on whether you're in the Battleford or Saskatoon areas, it's police or RCMP. Front-line case managers meet on an ongoing basis, like it's about weekly, I recall, where they review the nature of the cases, the nature of the visits that they do. We may have, maybe previously there'd be a history of, you know, court conditions where it would just be surveillance, but the nature of the training is around what might you do from an interactive prospective that would diminish the likelihood of reoffending. So integrated skills-based training to all the partners, police, RCMP, probation, and mental health around what are those engagement skills that could decrease reoffending.

So over the period of time, so that integrative training was developed, being able to communicate the case management interactions between partners, all of this has been developed and put in place. The number of offenders, of course, when you start a brand new program has been progressively increasing. As of today, there's about 52 offenders on any given day that are involved in the program and over 120 historically.

So the admissions criteria is a few . . . number one, the person has to be an adult, and the second one is that there's a history of violent offending which is either defined by the Criminal Code or a particular history. It could be the current index offence or it could be a minor index offence, but a significant history of violence, and that there is a validated risk assessment indicating the person is very high risk to reoffend. So if we do nothing, the likelihood of reoffending in general is very high, and there's a strong correlation between high-risk violent offenders and reoffending violently. So those are basically the three major criteria for admissions.

The risk assessment looks at the nature of the interventions. You know, so you have the mental health program that could be linked into other kinds of services, medical services. There's a psychiatric nurse that's hired . . . [inaudible] . . . the Canadian Mental Health Association to examine things like medication reviews, that type of thing. There's, you know, addictions treatment services if that's required. A lot of the interactive behavioural issues deal with what are some safety plans for the person; like it's trying to engage the person on a positive basis.

Sometimes the history of these individuals, on average these individuals have spent half their life in custody; that's all high risk in involvement of the severity of the offences. So their previous histories with police and probation is always not necessarily positive in the sense of engagement.

So it's working with them to say, we're not here just to make you accountable, but to prevent you from getting into trouble. And so engaging them that way, giving them clear messages around what is expected and the accountability, but also assisting them with what we call community safety plans or relapse prevention plans: what are the things that should be warning signs for you that the likelihood of reoffending is about to happen? And those offenders now, many of them, some of them with extensive, you know, 20 previous charges of violence will phone up people and say, you know, I'm feeling this way and that way. I need some help. I need to be reviewed with mental health. So very positive.

We've got an evaluation in place initially. So the evaluation is ongoing, but what it shows is, you know, we've had external examination by Dr. Sagynbekov from the University of Regina that shows significant reductions in . . . Like I said previously, 50 per cent of their lives were in custody. Now that we're in there for a year, year and a half, there's a significant reduction from 50 per cent down to 9 per cent in terms of usage. If we look at when there is a reoffence, the severity of the reoffence is significantly lower. So there are scales to look at this. And so you know, the intensity has also gone down.

And then also an economic analysis that was done, given these results, given the amount of money that we spend, what is the cost of custody? What is the cost of services? And that shows that within the cost avoidance, as it pertains to direct justice costs — so whether that be courts, police, and corrections — it's an economic analysis, straight dollars. For every \$100 that you spend, you're saving \$300 from the system's perspective. If you roll in things like victim costs, health care costs, that type of thing, then I believe the ratio is 1 to 1,300, \$100 to 1,300. So that's the nature of the work.

We have a steering committee provincially with reference to all the major partners. We review the direction. Something new like this requires a lot of bumps in the road and problem solving, and it's been very successful from that perspective, that collaboration.

Mr. Nilson: — So are any of these studies available publicly, or are they still . . .

Mr. Rector: — Sorry. The analysis by Dr. Sagynbekov, we can send it to the minister's office to forward to you.

Mr. Nilson: — Thank you very much for that. What did this program replace? There must have been something that was happening before this. Or maybe that's the problem, that there wasn't.

Mr. Rector: — It's a combination. First of all, there's a lot of money being spent with high-risk violent offenders. So there's a lot of police involved with high-risk offenders, a lot of probation officers involved. So it's not like there isn't involvement already. So there's two things going on. One is taking some existing resources and aligning it with a focused direction on that group. Some of it is also new money though. So for the Saskatoon and Battleford area, there was additional funding for probation and policing, and I believe prosecutions as well.

Expansion of the program over time is not necessarily all new money though. It's sort of like once you've developed the template around how to operate, it's around leveraging the existing services that you have and maybe complementing some of that with new types of services in that regard.

Mr. Nilson: — How does this program fit together with the federal government-funded program CoSA [circles of support and accountability], is what I know it as. It's the community of support I think for individuals. Is this part of that, or does it supplement that? I know there's been some concern in the community because some of the federal money has been disappearing.

Mr. Rector: — There's been a lot of conversations between myself and CoSA in terms of budgets. Certainly as it exists today, on a day-to-day basis we'll fund personalized contracts for individuals who have a high history of sexual offending, and work with CoSA in that regard. The funding that I understand that was removed by corrections services Canada was some base funding for CoSA. As a province we see the CoSA program as important and, just like the expansion over time in a planning process, budget planning process with serious violent offenders would include that sub-category as well. So that is not there today, as you can see in the budget, but that is the long-term objective. On the short term, we do have some private contracts on a case-by-case basis with CoSA.

Mr. Nilson: — Thank you for that detailed explanation. Now I guess we'll move into a couple more offender categories. I know that one of the statistics that you keep fairly regularly is the percentage of sentenced offenders who are not readmitted to the facility within 24 months of completing custody. Can you give me an update on those figures over the last couple of years?

Hon. Ms. Tell: — Forty-nine per cent of readmissions within two years of previous release from custody, and that is with the adult by the way. The youth recidivism rate is 49 per cent of readmissions within 10 years . . . within two years of previous release from custody. Dale is going to take that a little bit further.

Mr. McFee: — I think the other thing, in combination with what we were talking about last time, is when we actually started to break out what drives the work and we talked about moneyballing the system, there was three things that really

stuck out which are part of our big six. And I mean mental health and addictions, as you know, was the key component, and some police services across the country purport 40 per cent of their calls for service in relation to that.

So if we're going to drive . . . [inaudible] . . . down for some calls for service, the three areas that stuck out were that one: two times more likely to have a contact with police, most vulnerable population to reoffend, and most vulnerable population to go to non-criminal to criminal in one distinct act if not treated for help, you know, or some part. And then the other one was the Hubs and the CORs [centre of responsibility], and that's basically taking the low-hanging fruit out of the system.

Policing in general across the country follows a 75-25-5 rule. Seventy-five per cent of the calls for service are not criminal in nature. Twenty-five are criminal, and 5 per cent of those lead to criminal charge. So that 75 per cent, the anti-social stuff, we need a mechanism to actually start to draw stuff out so it's not in the criminal justice system.

In the one that Dr. Rector . . . which also ties into this one as the next one is serious violent offender or those serious offenders. They're responsible for up to 50 per cent of re-contact with the police.

So now you can see if we can actually start to work in all three of these areas. Like we will find in our strategic plan, we can actually start to draw this system down. And so I think it's important . . . They're great questions, but I think it's important that we look at all three of them in the continuum. Because if you take that in the continuum, you're looking at a large part of what the calls for service actually come from.

[15:30]

Mr. Nilson: — Okay. And we continue to have a very high percentage of First Nations and Métis offenders in the system. Is that correct?

Mr. McFee: — We do. It's roughly 79 per cent. But I think it's important to state very clearly on this one, me being Métis as well, is the problem cannot be identified by the race. It's the social issues, as you know, behind it that's actually contributing to this. That's what these three areas that we need to start to dive into . . . And maybe we need to start moving that conversation about solutions using the race.

That's certainly been the focus of our ministry in the past several months because when we went to Scotland, white homogeneous society, very little movement, and we look at Prince Albert, obviously high First Nations, high Aboriginal population, when you put the same key indicators of the same issues in front, people turn out the same. So that's been a real movement in our ministry, to try to drive into the roots as the minister has led the BPRC [building partnerships to reduce crime] initiative.

What we're really focusing on is that continuum, moving from a hard-on-crime approach, which is arrest and incarcerate, or a soft-on-crime prevention intervention to basically a smart-on-community-safety approach, which means we have to

do both of those at the same time. And neither you can do independent of the other but, if we actually start to do it across the continuum, then what you're doing is you're taking upstream people out of the system and you're using your resources to deal downstream with those that, as you are aware, need the rehabilitation.

Mr. Nilson: — One of my friends was the public health director for Scotland for a number of years, and his point always was that it didn't matter where you came from. There were whole parts of Scottish society where the life expectancy was 20 years lower than the average right across Europe, and some of it related to criminal activity, which you've been talking about, but a lot of it related to housing, nutrition, and things like that. You know, I know that's the kind of broader perspective that you've been looking at in some of these things, and I guess it goes back to all my original questions about how many different places Justice is working to try to deal with families and people that have mental health issues and how all that fits together into a broader perspective.

This initiative . . . And I've asked specifically about this one program. I think all of them reflect some changes in how, you know, Justice officials look at this. How much support are you getting from regional health authorities and from Social Services and other places like that? Because a number of these initiatives also I think originate at some of those ministries and sometimes the coordination isn't always as clear as it should be or could be. Can you give me a little bit of an idea of how that's working?

Hon. Ms. Tell: — With respect to, I mean, the breaking down of silos and making sure there's appropriate inter-ministry collaboration, I think you'll see in particular the child and family committee where part of that is having the ministries together at that table, addressing mutually, not mutually exclusive but mutually issues that affect all of those ministries. And I mean it's definitely a work in progress for sure but, having said that, I think we've made some strides in relation to getting our ministries to work together for a common good.

The Hubs are another example of where those collaborations, you know, all those ministries at the table sharing information, appropriate information for the betterment of whatever child or family or individual it may be . . . That's the subject matter.

We're seeing that breakdown, slow but sure. It's long entrenched and has been occurring for many, many, many years. But when we're looking at, you know, as we move through this process, we're looking at evidence-based outcomes. And when you are doing something as a result of the evidence indicating you should do it, you're getting the end results you're anticipating because the evidence suggests that's what will happen.

I think more and more, as we view that and see that, that the ministries working together will become more common and something of an everyday process. So we're seeing some success. We've got a ways to go yet, but we are seeing some success.

Mr. Nilson: — I just know you're on a long road because it's 25 years ago this month that I helped organize a Regina crime

prevention committee. It was 1990. And I guess some of that drew me into politics eventually, so we have to watch out.

Then when I was minister in the '90s, we had the child action plan which was similar to the ministerial committee that you talk about so, you know, it's something that's been around for a long time. And the frustration I know that I felt then, and I'm sure that it shows up a little bit now and again, it just is that when you get down to budgets and how you sort things out, then it becomes a little harder to keep all the coordinated things going.

I don't know how many dollars of your budget here and some of the things we've just been talking about are — I don't know what the word would be — mutual or joint with other ministries. It seems that they're quite divided out. Are there places where Justice puts in 40 per cent and Social Services puts in 30 and Health puts in 30? Is there anything like that happening now?

Mr. McFee: — There is a number of examples that we could use in relation to that. And I appreciate you mentioning the crime prevention 25 years ago. It's been a long process, but what I can say is such things as, you know, now at the Regina Correctional Centre, we contract with the Fort Qu'Appelle health region two Ph.D. [Doctor of Philosophy] residents each year to provide some assessment services. We have things such as, a dedicated substance abuse treatment unit was developed in partnership with the Ministry of Justice, Corrections and Policing. If you go into the individual organizations, Saskatoon now has a PAC team, police and crisis team that's going to mental health calls together. I think what you're seeing right now is a continuum of actually breaking through.

I think in a large part why we've got to where we are is there's a huge relationship between policing and the economic markets, or the financial markets, as you would be aware. And this has been a real opportunity to make sure that we're aligning and connecting services so that we're responding once and not 15 times.

The Hubs are a prime example of that. There's been a lot of collaborative work that's been done, as you would be aware, provincially, nationally, and internationally. The Hub is the first structured process that's not off the side of the desk, that puts all the agencies focused on the individual in the centre and actually solving it and do it in a 24-to-48 manner, and as well as a centre of responsibility to make sure policy is linked to, obviously, those priorities. So we're seeing more and more of that.

We have a number of these throughout our ministry. And as our minister has said, this is a priority for us to continue because when you look at some of the numbers and you start to look at troubled families, troubled families are at the centre of most of these issues. And it's important that you're not just treating the individual; it's that family. And it's important that you're dealing with the whole family, as you know, because a lot of this is generational. So when you have a structure and a process to do that, it gives you a higher chance of success.

We continue to build these type of relationships, both through the child and family and also external to government as well

because there's a lot of CBOs [community-based organization] and NGOs [non-governmental organization], as you're aware, that do some great work. But we need to align their priorities with our ministry priorities through our BPRC, which is our building partnerships to reduce crime initiative. So I think there's really good things to come on the social side in Saskatchewan, and I think we're just scratching the surface.

Mr. Fenwick: — Two quick comments, if I might. There certainly are many examples where there is the kind of sharing I think about what you're inquiring between the ministries. I mean one small example that comes to mind is with respect to how we're now doing our child protection work.

So the Ministry of Justice is providing the housing and the mentorship and the training and the supervision for a number of the lawyers that are doing child protection work. Their base salary is paid by the Ministry of Social Services, for example. So you know, a clear example where there is good collaboration.

But certainly in, you know, in my brief time in this chair, I've seen I think a significant increase in the amount of collaboration and co-operation between ministries. It's not so much a matter of who's paying the dollars as it is who's lending expertise and positions to the table for the work and the discussions. And I do sincerely believe that there's a significant increase in the amount of that that's happening.

Mr. Nilson: — Okay. Well I mean that's good to hear and it's also sometimes difficult to reflect in budgets and reports so you end up having to have a conversation to hear about more of these things.

The whole area that, I mean one thing that all this discussion identifies is sharing of information, and so I know a few years ago when explaining about the IT [information technology] renewals and some of these things . . . Can you tell me what status we're at as far as the information technology? I know we used to have nine different systems and there was some idea to get those together. I think on the Corrections side, they may have done some work already, but perhaps you can give me a picture of what's happening with information technology.

Hon. Mr. Wyant: — We'll provide an update to where we're at with regard to our CJIMS [criminal justice information management system], our CJIMS project. I think that's probably what you're asking for so we'll ask Ron . . . [inaudible].

Mr. Anderson: — Ron Anderson, ADM [assistant deputy minister], community safety outcomes. The status of our largest project right now is the CJIMS initiative and we delivered the first portion of that. The young offender side has been implemented ahead of schedule and on budget. The adult corrections, which is integrated along with that, is scheduled to come out in April, which is again . . . Sorry, June, which is again ahead of schedule and on budget as well. And the third court module is scheduled for later on. Originally these three initiatives were all scheduled as one large release, and they've been portioned out into scheduled releases in this case. But over the course of the project, we've been on budget and on time or ahead of schedule in most cases.

The plan for IT going forward is we're looking at an integrated Justice initiative or strategy where all new systems that we consider should consider being integrated with the larger systems we have in place, so that we have one view of the world of justice and the ability to look at one individual from the lens of, be it the court side, the corrections side or the probation side — so the flow of an individual through the system. That then will give us the type of information we need to do a really good and robust analytics on the justice system as far as how many people come back through the system, how often, those kinds of things, as well as the efficiency measures that we need in place.

Mr. Nilson: — So that on the corrections and courts and that side, now I guess there's a similar question related to the things that are happening in Justice with a number of other of the systems, but maybe they're all tied with this one. I don't know for certain.

Ms. Field: — Monica Field. One of my key roles is to act as the broker between the two parts of the ministry. So what we're doing from the integrated information management services framework is looking at Justice from end to end. So when we create a system, we're looking at it from the data layer and helping build so we're not . . . We're using components throughout the whole system. So it's not a matter of courts, corrections. We're also looking at it from policing, victim services. We're looking at it as a whole, to be able to help citizens.

[15:45]

Mr. Nilson: — So can anybody give me a practical picture of what happens for somebody who is caught in the Justice IT system? So you're, I suppose, an offender. Where would that information go, and who would have access to it? I guess you're convicted.

Mr. Anderson: — From an offender's standpoint, the systems that we're designing, we're designing to have a single entity of an individual in the records, so one person. However, the system is designed based around the security of who needs access to that information at what point in time. So for example, if it's a courts file that's in courts at that given time, and there's no corrections component to it yet, we would not have access to that type of information. Similarly if it is something that is not applicable to another area, they wouldn't have access to it. So as the person passes through the systems, the different branches and areas within the ministry have access to the records they require to process or work with that individual. The IBM [International Business Machines Corporation] speak around it is design by privacy first and then do the business processes based on what's required access to. So the CJIMS system itself has a two-part authentication with all the security required around it. There's been a privacy impact assessment done. And similarly on all the IT projects we do, there's a privacy assessment on those as well.

Mr. Nilson: — And so that means that basically you have to be . . . Like would a police officer have access to this kind of information in his vehicle when he stops somebody on the street? You know, he's obviously got CPIC [Canadian Police Information Centre].

Mr. Anderson: — Correct.

Mr. Nilson: — So how does all this fit together?

Mr. Anderson: — There is no links for the police into the systems at this point in time, and there are no plans at this point in time to give them access in the car to that type of situation. They have CPIC access, of course. However, certain information from the justice process needs to get back to the police records, so dispositions, those types of things. In the future we would look to do integration where data is required for more efficiencies between the police and the corrections or court systems, the transfers of information where required for business processes.

Mr. Nilson: — Okay, so obviously the Information and Privacy Commissioner's been working carefully with Justice, and obviously it goes the other way too on this particular issue. But I think, you know, more information and information on a regular basis for the public is important in this process because we all get concerned about how much information people have. We know obviously that banks know a lot about us, or we know a lot that Google or some of these other companies know, maybe more about us than some of your systems do. But I think it's also important that the public understand where the criminal justice corrections system has access to their information.

How will this be integrated with SGI [Saskatchewan Government Insurance] information, which I always like to designate the automobile registry kind of side of it, the licensing side as opposed to the insurance side?

Mr. McNabb: — [Inaudible] . . . yes, the SGI component, we have a more direct link through the system we have with the maintenance enforcement office, which is again part of integrated justice. We're using common components and they have same look and feel. You can use one piece, maybe just build another piece. But we get the tickets in, you know, that's in aces. We do that. That's the maintenance enforcement area. So we then can go to SGI, pull information or give information to them, so that's the first piece.

And then in the fine collection branch, we get all the tickets in. That's a whole different area. That's part of courts actually, but we run it. And so we're closely linked with SGI so we can pull and push information, is how I would describe it. So when we enter the ticket, that gets fed into SGI. Otherwise they would not know there was a ticket out there. And then we take our little system and then that dumps into CJIMS which, or into JAIN [Justice automated information network] but will dump into the new system as well. But there is a close link and it's between SGI and the Ministry of Justice.

Mr. Nilson: — Okay, so I will keep asking questions but I don't want to know everything that you know on this area. But I guess I would, my question would be then, has there been any discussion within government and within Justice around moving the registry side of SGI back into government or into one of the agencies? I mean because it used to be that I mean SGI was just the insurance company. It wasn't the registry company.

Hon. Mr. Wyant: — I'm not aware of any dialogue with

regard to that.

Mr. Nilson: — Okay, no. It's . . .

Mr. Fenwick: — You started with the question of the comment quite accurately that there used to be seven or nine different systems. For me as a non-techy person, I think a couple of the key components to the integration that we're working on . . . One is that we're not going to have those seven or nine systems any longer.

So one of the things we're insisting on is, at the very least, every system needs to be able to talk to the other systems in Justice, and there's two ways we can do that. One is, and the goal is, they're all actually speaking the same language. Some of our systems were too far down the road for us to do that, so at the very least we're insisting that they have an interpreter component so that at least they can talk to each other. So the goal is one language. The interim step for some cases is that they at least be able to talk to each other through an interpreter, so I think that that's an important point.

The other, in terms of integration that I would point out is that — and you've heard from Monica here — in terms of both sides of the ministry, we have one group now that is working both on the Attorney General side and the Corrections and Policing side to make sure that all parts of the ministry are in the same system and talking the same language. So you know, Monica talked about her role as being the go-between. We're working so that she's no longer just the go-between, but we really are one entity with respect to sharing IT information.

Mr. Nilson: — Okay. Well thank you for that explanation. And it's an ongoing process once again. It seems like most of the things you've got, you keep working at them and things get better most of the time, so that's good.

Now on to a completely different area, the whole area of the missing women and men, we can say, but also missing women, can you explain what the most recent perspectives and positions are from the Ministry of Justice in that area and I guess especially as it relates to a national commission or review of this particular difficult problem in Canada?

Hon. Mr. Wyant: — Sure. Well as you know, there's a been a call for a national inquiry into missing and murdered Aboriginal women. Our government has indicated its support for that inquiry.

I had the pleasure of attending a round table discussion in Toronto a number of months ago with regard to this very difficult issue so that we could bring, not only with victims' families be able to bring their perspectives to that round table, but the provinces would be able to also bring their perspectives in terms of what they're doing. So I had an opportunity to be able to talk about what we're doing with the provincial partnership, what we're doing with the Justice ministers' work at the FPT [federal-provincial-territorial] table that came forward with the recommendations. So I was able to speak about those things but speak with some pride about what we're doing with the provincial partnership committee which, as you know, brings the provincial government and the police and coroners and other organizations together to talk about this

issue.

I think it's fair to say that the outcome of the round table was that we all agreed that we needed to work on culturally sensitive, community-based solutions or at least programs to help deal with the problem, and we've agreed to continue that dialogue. There will be a meeting coming up in Winnipeg which the Premier of Manitoba had agreed to host, on the police responses, which we will be attending as well.

So one of the other things we've been doing, and we can certainly talk about the expansion of victims-based services. I think today's an appropriate day to talk about that, given the week that we've declared, but we certainly work with victim services to help provide services to families who are the victims of, or at least consequences that flow from people that go missing.

So I think Saskatchewan's doing a very good job when it comes to this issue. We do need a national dialogue. We need to continue that national dialogue on finding community-based solutions to the issues. So I hope that answers at least part of your question. We can certainly go into some more detail about this, but in certain parts of the province there's dedicated professionals to deal with missing persons. And we're taking the issue I think very, very seriously in Saskatchewan, and it's a significant issue, as you've identified.

Mr. Nilson: — I agree that victim services week is an appropriate time to talk about this. Can you explain how people would access the victim services program if they are family of a man or a woman that's missing?

Mr. Fenwick: — I'll just make a couple of general comments, if I can, and then ask Pat Thiele who's former director of our victims services branch and now of community services division, to talk to it. There are a number of ways to access. Most of our programs are police based. The victims services direct link programs are police based, so often those referrals will come as a result of our very close working relationships with the police-based services and which is now province wide. Certainly there are, we would hope that there are a number of other avenues as we try to make people aware of those programs, where they can access them directly. But I'll ask Pat Thiele actually if he could address the specifics.

Mr. Thiele: — Hi. Pat Thiele, community justice division. So we did, in victims services, add three new positions in community-based organizations actually tied to the Regina, Saskatoon, and Prince Albert police, and then they work with the other community-based victims services around the province. These are specialized missing persons liaison positions directly linked with victims services. We access federal project funding to do that, and that's going to continue for a few more years. These are folks that have been researching the best strategies for responding to families and providing direct services in those three cities and then providing training and some protocol development for the other police-based victims services around the province.

In terms of how families would access: as was mentioned, typically as a referral by the police to the family to connect them to victims services, as with the other police-based victims

services programs. And certainly families can reach out for those supports as well.

We've also worked with the Greystone Bereavement Centre to develop some specialized counselling outlines to understand what families need in terms of counselling to deliver the services directly to families. And they've been successful in connecting with families and developing that and providing some of those services. That's growing as well.

Mr. Nilson: — So is there any access outside of going through police officers or the police system? Perhaps you can explain how that might work.

Mr. Thiele: — Sure. As with all of the police-based victims services programs family, anyone can access those programs directly, can contact directly. Even if something is not reported to the police, they can contact directly. The missing persons liaisons in particular are very well connected with the community, in particular the First Nations and Métis communities but in general especially in those three cities. So they certainly can reach out that way. And again, through Greystone Bereavement Centre, they're advertising and trying to reach out to connect with families that may need that support and who can also inform the development of the programs as well.

[16:00]

Mr. Nilson: — Do you have any specific statistics about Saskatchewan, how many people there are on the lists of missing women?

Ms. Pottruff: — Sorry. Was the question all missing persons or just missing women?

Mr. Nilson: — All missing, and then broken down between the two.

Ms. Pottruff: — It's Betty Ann Pottruff again. On the Saskatchewan Association of Chiefs of Police website, they have a missing persons area, and they keep track there of all the missing persons cases reported to the police since 1940. There are approximately 123, I believe right now, missing persons, and there are 33 missing women. Eighteen of those are Aboriginal.

Mr. Nilson: — Okay. Thank you very much. That's a sobering statistic to hear. And just compared to my notes, it's not that much of a change over the last five years so that's maybe a good thing, but still there's lots of work to be done in this area.

Now I'll go to another area. I have to keep watching the clock and I have lots of people I'd like to ask questions of but well, might have to do it at the grocery store when I see you, as opposed to here.

But one area of special interest for the Minister of Justice and the deputy minister and for me is mediation services. And so I'm very interested to understand how mediation services has evolved in the last few years because I think we're at about almost the 30th anniversary of the establishment of mediation services in the financial, farm financial crisis of the mid-'80s.

And so perhaps could you give me a bit of an overview of what's happening with mediation services. I'm specifically interested in what kinds of cases are being handled and how many are within government and how many are in the, you know, the banking field or other fields outside government?

Mr. Fenwick: — Well you're correct certainly on many counts and not the least of which is it's an area of interest at least at the deputy minister's level, I know.

There's very little that, if asked, the dispute resolution office, formerly known as mediation services, won't do. Certainly the services that are provided cover the gamut. A large chunk of the work is the mandatory mediation program in the Court of Queen's Bench, but the fee-for-service program is very large. That involves mediations for private citizens. It involves facilitation. There's a large amount of facilitation work that is done across government for government agencies as well. There is the area where the office is less involved is in labour because there is a labour and conciliation branch at the Ministry of Labour and Workplace Safety.

I can tell you in terms of some specifics, for example, with the mandatory Queen's Bench program, approximately two-thirds of all of the court actions that are commenced in Saskatchewan now in the Court of Queen's Bench don't go beyond what happens at the mediation. Approximately one-third of the cases are settled in mediation; approximately one-third of the cases aren't settled but don't go any further. As a result of that work, the parties decide that it's not worthwhile taking it any further or there's no basis there. So of the 4,500 or so Queen's Bench actions that are commenced every year, 3,000 of them are settled at the dispute resolution office. The vast majority of the rest of them get settled before they ever end up in court through, you know, the kind of mediation that is our pretrial settlement conferences.

Thankfully the amount of work that gets done on the farm debt side is much lower than it was when the office was first established in 1987, and hopefully we never return to those days, but certainly that's still work that does happen. There is grievance mediation done. A significant component of the work that the dispute resolution office does is conflict resolution training. It has what has been described as the best conflict resolution training program in Western Canada. It's been described that by agencies that aren't even from Saskatchewan who've taken that kind of training. So the work is very broad.

I'll maybe ask Glen Gardner to come to the microphone to give some more specific information about what happens within government and outside of government.

Mr. Gardner: — Hi. Glen Gardner. I have been for a long time with the dispute resolution office, currently acting as director. Just to follow up on Kevin's comments, the dispute resolution office currently does the farmer land remediation, mediations under Queen's Bench civil program, fee-for-service program training, some family mediation. They're also working with family justice on the Family Matters program. The office is also the Public and Private Rights Board dealing with expropriation issues. So all of those involve mediation and facilitation and, as Kevin said, there's not much that those processes can't be used for.

Mr. Nilson: — Okay. Well might have to consider retaining them. I'm sure the minister would pay for mediation services during and after question period each day. But I was referring to the minister's interest in mediation because I think he did act for a few banks over the years, so he was on the other side of some of those ones that we worked at. Or I guess, you know, we all worked for banks at various points in our careers.

Well that's good to hear. I mean sometimes things like this end up getting pushed to the side and don't get the resources that they need, and it's good to hear that it appears to have a good solid spot in the services that are provided in Justice. So maybe the minister has a comment too.

Hon. Mr. Wyant: — Well I'm not sure if this answers your question or not, but certainly mediation services are, you know, part of the core work that we do in the ministry. And as I say, I'm not sure if that really answers your question or not, but it's a very important component of what gets done in the ministry.

Mr. Nilson: — No. I think my sense is always that people look for solutions. They don't want to fight, and so sometimes having all the mediation tools available works towards that goal.

Hon. Mr. Wyant: — One of the focuses that the innovation . . . And we talked about this the last time we were gathered together, in terms of the innovation agenda. It's all part of, you know, some of the things that we want to accomplish through that agenda. Because if you can settle your disputes without having to go to the court, that's the best place to have them resolved certainly.

Mr. Nilson: — Okay. Now I have a specific question in Corrections. One of the things that has been raised with me and others relates to the contracting out of jobs, especially in the food service in the correctional system. Can you give me an update on what's happening in this area and whether anything's going to happen or if there's been a re-evaluation and perhaps a recognition that many of these staff are an important part of the team that runs the correctional system?

Hon. Ms. Tell: — The ministry has entered into the final evaluation and the recommendation stage of the food service RFP [request for proposal]. At this time, no decision has been made. We're, you know, making sure all our i's are dotted and t's crossed, making sure that people, that the province of Saskatchewan is getting the best value, whatever the choice is going to be. But as of yet, no decision has been made.

Mr. Nilson: — When will a decision be made, or is this an ongoing process for a number of years? And the reason I ask is that there are quite a few employees that are concerned about this decision because it affects their jobs and their missions in life almost. Some of these people are very, very dedicated employees.

Hon. Ms. Tell: — We're very, very conscious of this delay and the impact on the current employees. We understand that, and we're just trying to make sure that whatever we do, that we get the maximum value that can be, that is possible, and that it fits in our goal to make investments in our system, which will obviously reduce demand in our jails. So, you know what I

mean, it's part of a whole system. It isn't just food services. It's part of the bigger system. As soon as we become aware, we will make that known as to what is occurring in food services.

Mr. Nilson: — So my understanding is that the specific review relates to provision of food services. But are you indicating then that there's a broader review so it includes cleaning services and other aspects of this? Or, you know, the management of the system in general, or is it just related to the provision of food?

Hon. Ms. Tell: — The review that our ministry has undertaken is looking at a number of areas. Nothing has to do with respect to the contracting out of service, is only looking at food service if we do anything at all. The review has to do more with population management, realizing of course that if we continue to do business the way we're doing business, things are not going to change.

So we look at the Hubs. We're looking at alignment of resources, looking at our current populations, based on evidence, realizing what we're needing to do to keep people out of jail. And that whole issue was discussed earlier by Dale McFee. The review has nothing to do with that, those particular services, except for food services. I want to say too that in the event a contract is awarded in food services throughout our correctional facilities, the ministry will work closely with the staff and the SGEU [Saskatchewan Government and General Employees' Union].

Mr. Nilson: — Well I thank you for that answer. The best answer would have been that we've reviewed it and we're going to work together with the staff in SGEU to provide services along the lines that we have for a number of years.

And I always watch these food service ones carefully because my mother was a dietitian and actually provided food services for correctional inmates up in North Battleford when she ran the Saskatchewan Hospital. And there's a lot more to delivery of food than just the food; it's about the people who are often the highlight of the patient's day or an inmate's day. And so somehow to . . . And I think that's what many of the people who are part of the ones protesting this are trying to register, which is that they feel like part of the team that's helping these often young people get on to a new life. So please take that into account.

Hon. Ms. Tell: — Absolutely. And as I said earlier, and I'll reiterate again, that no decision has been made, and we're taking all factors into consideration.

Mr. Nilson: — Another question on the correctional side relates to this facility in Saskatoon. We talked a little bit about it last week, where you planned to move people to a new facility. And clearly we've had a number of the people in the local community who are concerned about the people that are moved there. One of the questions came about this gate in the back fence, and question period just isn't long enough to really get an understanding of what the issue is there. Is it possible to explain what's happened around this access to this property and about the gate that's there?

[16:15]

Mr. McFee: — In relation to the gate at the back, a person-sized gate with a crash bar on the interior has been installed adjacent to the back alley to allow youth to leave the property as per legal requirements. Further to that, in relation to the front door, all access coming and going in relation to the facility — in other words, the day-to-day business — comes through the front door. But as you're aware, through legal . . . It's important to have access to be able to get out if need be in a community program and in community custody, and so that's exactly what was followed in this case.

Mr. Nilson: — Okay. So it's a legal requirement of what? Is it the fire department? You know, that's the part that I was curious about.

Mr. McFee: — Through the *Youth Criminal Justice Act* by definition and through legal opinion and also through the fire . . . I mean, obviously a second access needs . . . to be able to get out of the property.

Mr. Nilson: — Okay. So it's at the back then. It's related to an emergency exit and is not going to be a normal access. It would have some kind of an emergency sign on it saying, don't go through here or the bells will ring, or something like that.

Mr. McFee: — All the activity is through the front door, the business operations. Obviously there's cameras at the back as well, and all activity is monitored. But the activity or the day-to-day business, as you're asking the question, is through the front door. It's also a one-way door, so you can't come in through it. You can only go out.

Mr. Nilson: — And this is in the fence that we're talking about here.

Mr. McFee: — Yes.

Mr. Nilson: — It's in the fence. Okay. The building obviously would have those kind of doors as well.

Mr. McFee: — Yes.

Mr. Nilson: — Okay. Well you know, thanks. Thank you for that explanation. It wasn't entirely clear what that was. I know my colleague's joined me, and he has a couple of questions in this Corrections area as well.

Mr. Forbes: — Thank you very much. Now I'm not sure if this is for Corrections or the Minister of Justice, but an incident happened in my riding this weekend. There was some violence over at the Northwoods motel on Idylwyld. And of course it's interesting what people will bring forward to you as issues, and one of them is the fact that the Government of Saskatchewan, either through one or two departments, spends a lot of money at that motel, putting people up, either as people . . .

First, you know, I'll raise this issue with Social Services tomorrow night, but I thought I'd ask you tonight or this afternoon. Do you pay any . . . or are there any people staying at the Northwoods motel who are . . . everybody shaking their heads like you don't know what I'm asking. Before you go too far, this is a very serious matter because, you know, the people in Caswell, well we experienced this

traumatic, this death, and we will have more. But do you pay any funds to house anyone, either as a halfway or leaving corrections or escaping or as a shelter?

I'm looking at the Minister of Justice there for shelter expenses because we know a lot of people get put up there by the Government of Saskatchewan, and we don't know which department pays for it, whether it's Justice or Corrections or Social Services. I'm just curious whether you would pay any fees or funds that would go to that motel for anybody to be staying there under any reason.

Hon. Mr. Wyant: — There is, as far as we know, and I think that's on good authority, that there's nobody that's been put up in that particular facility who would otherwise be . . . accommodation would be paid for by the Ministry of Justice or by the Ministry of Policing and Corrections.

Mr. Forbes: — So under any . . .

Hon. Mr. Wyant: — Yes. I'm sure you'll probably get the answers that you need when you're in Social Services estimates. I'm sure you'll ask the same question, but I think, you know, from our perspective there's no relationship in terms of a funding . . .

Mr. Forbes: — Is the mike working here? I can't hear . . .

Hon. Mr. Wyant: — Well the answer's no. The answer's no. I mean there would be no funding coming from the Ministry of Justice or Policing and Corrections with respect to people that are put up in that facility.

Mr. Forbes: — Well just to clarify, because I'm anticipating my answer tomorrow night from Social Services is that they will say they put no money towards having anybody stay there, and that's fair enough because that may be the right answer. But I just want to make sure that I'm not missing something, I haven't worded my question correctly. So the question is that absolutely no money from the Ministry of Social Services or Corrections goes to pay for anyone under any circumstances in the Northwoods motel — Justice and Corrections, right. Yes, sorry.

Hon. Mr. Wyant: — We wouldn't direct anyone to that particular facility, nor would we pay for any accommodations in that facility.

Mr. Forbes: — Thank you for that answer, and I appreciate it. One of the interesting things about Saskatoon now is we have the circumstance where, what they're often referred to as SROs, or single room occupancies, we don't have a lot of hotels that would take long-term stays, and there seemed to be that strip along Idylwyld. So I appreciate that comment, and I'll raise this tomorrow as well. Thank you very much.

Mr. Nilson: — Yes, thank you for those responses there. Another question that I have — and I keep looking at my time here — relates to space that Justice uses in the hotel, I guess it's the Delta hotel by the casino in the tower. Does Justice have any office space in that building or pay for any office space there?

Hon. Mr. Wyant: — The Public Complaints Commission has office space in the tower, as does the Financial and Consumer Affairs Authority have office space in the office tower.

Mr. Nilson: — Okay, thank you. So that's where they're located. Just somebody raised a question about what appears to be some empty Justice space over there. And I haven't been there to see it myself, but I said I'd ask the question.

Hon. Mr. Wyant: — I'm not aware that there's any empty space in the building that we would otherwise be paying rent for that's unoccupied.

Mr. Nilson: — Well does Justice have any empty space that they're paying for anywhere in the province?

Hon. Mr. Wyant: — Not that we're aware of, Mr. Nilson.

Mr. Nilson: — I mean I can think of a few. Like, Besnard Lake camp is empty. There's a few places like that that . . .

Hon. Mr. Wyant: — We could give you some, you know, if you'd like to have those answers we could certainly give them to you. But in terms of office space that's being occupied by the ministry, the answer is no.

Mr. Nilson: — Now can I get an update on the tobacco litigation and where Saskatchewan is at as it relates to tobacco? I know that it's coming on — how many years? — something like 18 years since I went down to see the Attorney General in Minnesota to get access to their documents so we could start working on tobacco.

Hon. Mr. Wyant: — I'll have Linda Zarzeczny provide a brief update as to where we're at with the litigation.

Ms. Zarzeczny: — Linda Zarzeczny, the civil law division. In terms of measurable movement since the last time we talked about this, Mr. Nilson, the lawsuit continues to . . . I mean all jurisdictions are working on the lawsuit. As you know, it's just a monstrous undertaking.

I think the most notable change since last year is that now all provinces have joined the litigation, so every jurisdiction in Canada has joined the action. The matter is proceeding through the discovery process. BC [British Columbia] spent many years fighting the constitutional challenge to its legislation, and that has been successful. Now lawyers are dealing with the huge volume of documents, so the lawsuit is essentially just going through the discovery process and, as I say, dealing the large volume of material across the country.

Mr. Nilson: — So how many lawyers in Justice work on this file versus how many are under I guess a contract with an outside legal firm?

Ms. Zarzeczny: — There's usually one lawyer who has primary responsibility for the tobacco litigation file, so within the civil law division itself there is one. We've retained a consortium to represent us, as have all the other jurisdictions, in conducting the litigation. We've had that consortium on retainer since September 2011. Oh yes, that's a good point. I'm just reminded that it's not a lawyer working full time on that single

file by any means.

Mr. Nilson: — Well thank you for that update. It may eventually be resolved in Canada I think, but it's obviously taking a long time. Are there any other large litigation cases like this one that the provincial government is involved with?

Ms. Zarzeczny: — I don't believe there's anything of this size. There is a lawsuit in which the provincial government is involved, involving the Canadian Pacific Railway. That's an action by the CPR [Canadian Pacific Railway] with respect to taxes that it is saying were paid and should not have been paid, so it's essentially a tax collection. Let me just go through my list.

The Saskatchewan Boys' School matter is still proceeding as well, Mr. Nilson. Much of that is being dealt with apropos your earlier question by mediation services, or it's going through a mediation process.

They're also a large, fairly large number — I think we're almost at 20 — of class action lawsuits, but if my memory serves me correctly there has only been one that has been certified to date. There have been a couple that have gone to the certification process and the rest are awaiting certification or an application for certification.

Mr. Nilson: — Thank you for that. My colleague has some more questions in a couple of other areas.

[16:30]

Mr. Forbes: — Yes, sure, thank you. Of course in the labour world the big news was the Supreme Court ruling last fall and so I'm curious to know, how much was the total cost of taking the ruling about the right to strike right from the beginning when it was, I believe it was Bill 5, and right to the Supreme Court ruling? Because that was Justice that was leading that.

Hon. Mr. Wyant: — The issue of the cost to the parties, which was a part of the Supreme Court decision, hasn't been resolved yet between the parties, so we'd be unable to give you . . .

Mr. Forbes: — Sure. That's one part of my question. So you're anticipating my . . . yes, what would . . . Because I understand that the government has to pay costs. But what was the cost to the government and how big a team of a team of lawyers were working on this over the last eight years?

Hon. Mr. Wyant: — All the legal services that were provided to the government were provided by the Ministry of Justice so there was no incremental cost to government in terms of the legal services that were provided to government to prosecute that litigation.

Mr. Forbes: — You're not saying this was done off the side of a desk?

Hon. Mr. Wyant: — It was done by lawyers within the Ministry of Justice.

Mr. Forbes: — And there must have been, when you were doing your planning, especially the last year when you're going

to Supreme Court, was it only one lawyer that was involved with this that was doing it part time?

Hon. Mr. Wyant: — We have no number for you in terms of the number of hours which the Justice ministers, or Justice lawyers, dedicated to the file. There was three lawyers which were involved in the file, generally three lawyers. It wasn't full time for any one of them, but it was three lawyers within the Ministry of Justice that provided the services to the Minister of Labour in order to prosecute the lawsuit. I'm not sure if I'm getting to your question, but there was never a tally done in terms of how many hours Justice lawyers devoted to the prosecution of the case.

Mr. Forbes: — I am a little worried about the tone of the answer and the fact that I know there was a significant battery of lawyers on labour's side, and obviously the people of Saskatchewan lost this. And there are many different opinions whether that's a good thing or a bad thing, but it's still an expensive thing because there were lots of times along the way where people are saying, we could have not done this. We could have not done this. And yet you're saying that we don't have any idea of how much this cost, that there were three lawyers working part time on this. Was one of them even in charge of it? Was there a team leading this?

Hon. Mr. Wyant: — Certainly there was a lawyer who was charged with the responsibility of prosecuting the lawsuit. In terms of that prosecution, certainly I have every confidence in the lawyers that were engaged on the file to prosecute the file to the best of their ability of behalf of the people of Saskatchewan. And I think they did that.

So in terms of trying to give you an idea of what . . . As I say, there was never a tally done in terms of how many hours, but certainly from my perspective and the perspective of my ministry, sufficient time was . . . I mean if you're questioning the competency of the lawyers that were prosecuting this lawsuit, I would take some issue with the question. I think that the lawsuit was prosecuted properly and with due diligence. The outcome, as you mentioned, was perhaps . . . different opinions in terms of the outcome of the case, but I can tell you unequivocally that the competency of the lawyers that prosecuted this lawsuit on behalf of the people of Saskatchewan was excellent.

Mr. Forbes: — And my question would be, you know, because this was a politically driven exercise to take it all the way to the Supreme Court, many of us were feeling it was unnecessary right from day one when it was first drafted. And we could have saved everyone a lot of time to talk about essential services if it was done in a much more collegial way.

So it's not about competency. It's about choices that a government has made and the priorities of what those three lawyers . . . Because I'll ask a second question about what I feel they could be doing better in this province. But I think the question is that . . . Well this is my question. If there were no full-time people working on this, were there consultants used, and were there fees paid to outside lawyers for work in this area?

Hon. Mr. Wyant: — No.

Mr. Forbes: — Two other questions. One, do you have a lawyer working right now, an environmental prosecutor? Is that person working for you and is actually the position filled?

Hon. Mr. Wyant: — We have one prosecutor in Prince Albert that dedicates about 80 per cent of his time to environmental cases. Oftentimes, or from time to time, he will engage agents to prosecute on his behalf, but in answer to your question, there is one lawyer in Saskatchewan that's primarily responsible for this work.

Mr. Forbes: — And that person, I think there are funds made available from the Ministry of Environment to pay for this?

Hon. Mr. Wyant: — No. It's all done, it's all paid for by the Ministry of Justice, so his salary.

Mr. Forbes: — In terms of labour, is there any lawyer or anyone that is dedicated to prosecute labour offences, particularly occupational health and safety?

Hon. Mr. Wyant: — We have one prosecutor in Saskatoon who's responsible for the prosecution of . . .

Mr. Forbes: — And do those funds come from the Ministry of Labour?

Hon. Mr. Wyant: — They come from the Ministry of Justice.

Mr. Forbes: — That's very interesting. Now this is what I'm curious about, and I wish, and I might get Public Accounts volume 2 for Social Services. I'm struck by how much Social Services pays in legal fees every year. And it seems odd that no other department . . . I could be wrong in that. I did a quick check. It doesn't seem very many other departments pay as much legal fees as Social Services does, and I'm amazed by that.

But my first question would be, how many centres in Saskatchewan are there lawyers working for the Ministry of Justice? Like is it in four cities, two cities, 10 cities?

Hon. Mr. Wyant: — We have lawyers working in every, you know, in many jurisdictions across the province, whether it, you know . . . Prosecutions I'll use as an example. We have prosecutors in all the cities of, you know, so things can be prosecuted. I mean in terms of lawyers and their locations, I don't have that information in front of me. We can certainly get that to you though.

Mr. Forbes: — Well and I appreciate it but you probably don't . . . Because it only makes sense if there's a court, there's got to be a representative of the people there, so that's going to be the Ministry of Justice.

And the reason I'm asking that is because I did raise in Social Services the question about how much they pay in legal fees per year. And I don't have that number right off of my head, but I see the deputy minister recognizes that fact and is well aware of that fact. And it's one that when I raised it, I was shocked literally. I think it's hovering around \$1 million a year. I could be wrong. But if you take a look in Public Accounts, you'll see the list of law firms.

And the reason I was given that this is the way it is, is because (a) that they're in their communities. And I'm thinking, well Justice is everywhere too; I mean, I can't necessarily buy that. And I just think that in terms of priorities for government, we see good work done by an environmental prosecutor, the good work done by a labour prosecutor. And we see — and my colleague talked earlier on the good work that this ministry has done in terms of setting up a child's counsel — that it would only make sense to really specialize in the work around children and prosecution or whatever family law it is.

We just had an inquest wrapped up last week. This is an issue that just is very present in our society, and really I feel like the choices that's been made, by not having specialization within the ministry, and the spend that we have of about \$1 million a year is amazing. And I get back to your earlier point about priorities, and we have people . . . I think it was an unfortunate choice to decide to pursue the labour challenge to the Supreme Court when we have issues here in Saskatchewan, for example, family law that needs work and really needs work.

So my question would be to you, Mr. Minister. Is it a priority? Have you talked to the Minister of Social Services about doing more in-house work, legal work for that ministry?

Mr. Fenwick: — We have three legal division within the ministry: public law division, which is entirely situated in Regina; civil law division, which happens to do the child protection work, which is almost exclusively located in Regina. But we have some of our individuals in Saskatoon, and those are individuals that are doing child protection work. Those are the folks that, as we talked about earlier, actually are a good example of co-operation between ministries, where they are housed and mentored and are provided supervision within the Ministry of Justice and Attorney General, but they are actually on salary for the Ministry of Social Services.

What I'm not sure — and this would be a question for Social Services, so I won't be able to answer for you directly — of the million or so dollars, I don't know whether that's the number or not. I certainly don't challenge that it is. What I don't know is how much of that is for lawyer's salaries that are employees of the Government of Saskatchewan. I know that the Ministry of Social Services in certain locations in the province does pay for private bar lawyers to provide that work.

The third branch, and this actually I think is relevant, the third branch of legal services that we provide are prosecutions. And we have 10 different regional offices for prosecutions, but prosecutions doesn't do the child protection work.

It's always a question of balance for us whether the amount of work justifies the establishment of a government office in North Battleford or Swift Current or Prince Albert, for example. We know that the numbers justify having government lawyers do the child protection work in Regina and Saskatoon. The question of balance is, does it make sense to do that in Prince Albert or North Battleford or Swift Current or whatever. And we're always examining that. We're always looking at whether it makes sense to have it done in-house or to contract it out. At the present time, we do some of both. We have in-house lawyers who do the child protection work, which I suspect is the majority of what Social Services is paying for, or whether it

makes sense to have it done on a contract basis with private bar.

Mr. Forbes: — For example, and I believe Wilcox and Chovin Law Office — this is in Prince Albert — is \$426,000 last year, in one year. And we can go into the past years too. But you can go down the list where there's 81,000, 88,000, and I think there are several law firms. But I don't know the names of all the law firms either. I'm just reading a list — this ordinary Joe going and it sticks out because it says . . . And then there's another 95,000.

And so I'm looking at how can we get best value for our kids, you know. And this certainly isn't the way. It doesn't make a lot of sense to me. On one hand we're pursuing cases to the Supreme Court, but on the other hand we have some law firms . . . And they may well deserve it, but I'm just saying it doesn't . . . And this is why we do estimates. It sure doesn't make a lot of sense to me to pay this kind of money out when we're having circumstances that really cry out for more effective work.

[16:45]

Mr. Fenwick: — A perfectly legitimately question and a good question. It's a question that, quite frankly, as a deputy minister that I ask as well. And I can tell you that you have to recognize that those numbers also include disbursements for travel, for example, and that travel cost would be the same whether it happens to be for the private bar or our lawyers doing it. Sometimes it makes more sense to have a lawyer from North Battleford do a child protection file than it does to have one of our lawyers from Saskatoon travel out to North Battleford and have that additional work.

So far when we've done that analysis — and we do — we have not yet found a case that would indicate that it is more expensive or significantly more expensive to have the work done by a private bar than it would be for us to establish an office. I mean the numbers are large. There's a lot of work that's done there, but I can assure you that it is something we look at and so far we've not been able to make out a case to say that we should establish an office rather than pay it out. But it's something we'll continue to monitor.

Mr. Forbes: — I mean the issue . . . The difference between labour law and environmental law, you're fining people. There are no fines here. Usually if there's, you know . . . And I'm not sure what the cases are themselves, but I am alarmed about that because I think as I looked at other departments, it really is Justice picking up the majority of the work. And even in departments like Economy, where you would think there would be large legal bills, there are not. Justice helps them, does the work.

Hon. Mr. Wyant: — Well I think it's fair to say, and to echo the words that my deputy has said, that when you're trying to do an analysis, at the end of the day if you have to establish an office, you have to hire lawyers to provide services. If it ends up as the basis of an analysis that it's cheaper to do it or less expensive to do it with private bar lawyers, that seems to make some sense. Because on the other hand, if we weren't, then the ministry, we would be here with budget estimates that were substantially higher.

So I think that, I think what the deputy has said is fair. I think the ongoing analysis, in terms of whether or not it makes sense in certain circumstances, is a good one, and we'll continue to do that. But I don't think you can lose sight of the fact that you're either paying it on one side, or you're paying it on the other side. And if it makes financial sense to continue to hire external counsel to provide this work and that's a cost-effective way of doing it, I think that's responsible to the taxpayers of Saskatchewan.

Mr. Forbes: — So has this work been done? Have you done the analysis?

Mr. Fenwick: — We have.

Mr. Forbes: — And is it a public, or is it a document you can share?

Mr. Fenwick: — Some of it we might be able to. Honestly, I'll have to check on that. I'm not sure in terms of . . . Individual file information may very well be covered with the private firms by solicitor-client privilege. But we will certainly review what we can share, and I think if we can, we will.

The other thing I would add though, is that the other thing we're also actively engaging in is we don't want to get tied into the assumption that all of these things have to be handled through any kind of a litigation process. We've been piloting mediation in the child protection cases. And although the numbers are small and so far probably not statistically reliable, I can tell you that the information we have on the pilot we've done so far is that 100 per cent of the cases that we've sent to mediation through child protection have settled in mediation.

So it's not just a matter of limiting ourselves to, you know, one existing model. Part of our innovation agenda is to look at better ways of doing it: better, quicker, and less expensive and, quite frankly, more relevant for the citizens that we're trying to serve.

Mr. Forbes: — So my last question is, did you do that same sort of analysis, cost-benefit analysis, to take the labour law to the Supreme Court? And have you got an analysis now of how much the costs, have you set money aside for payment to Labour for their costs? And how much have you set aside?

Hon. Mr. Wyant: — As I mentioned before, Mr. Forbes, we have not done an analysis or kept track of how many hours have been spent by Justice lawyers working on that particular file. I'm not sure the first part of your question was particularly fair, but in terms of the amount of . . . whether there's been any funds that have been set aside, the Ministry of Labour will be paying the taxable costs once that issue has been determined. So that would be a question that I think you need to pose to the Minister of Labour.

Mr. Forbes: — Okay.

Mr. Nilson: — Thank you. Got just a few more questions. We got the report from the Ombudsman last week, and Justice didn't get highlighted in any direct way other than if you look at the statistics and you see that between Social Services and Justice, that's where the most inquiries or complaints are

received. And I see the Minister of Corrections sliding forward to answer this question. But basically consistently there are many, many complaints that come out of the correctional system.

My question goes basically to both ministers, and it's the question of whether there has been thought about using the innovation agenda to try to deal with another way to deal with complaints that are coming out of the correctional system.

Mr. McFee: — I'll speak from the Corrections side, which I think is relevant probably to both sides. Certainly the Ombudsman office is something that's obviously last resort and that we use. Certainly we have an internal mechanism, obviously, to try to resolve these, a bit like conflict resolution, as you mentioned before.

As you will note, this year the number of reports or the number of incidents are down slightly. I think that's partially the informal process. And I think it's important to take into consideration, when you're dealing with individuals in the environment that we deal with, obviously they're going through some difficulties in their lives. So I think it's not, as in my policing career, it's not odd that we would have the majority of those complaints. Obviously these are people that are in a facility that's about rehabilitation. I just think it's important. I think the Ombudsman obviously does a great job certainly in the province and, you know, as the report has no real . . . as you mentioned, other than incidents, I think that's something we see as positive.

But I think the other thing, just to put in light of this too, is we have started to put continuous improvement teams in every one of our facilities. And that's something where we can actually have front-line staff bring in incidents, bringing issues forward, and try to resolve in a timely manner, which obviously, ultimately serves our client better.

So I think it's a combination of a bunch of good things but, at the same point, I just want to highlight the important work that the Ombudsman does do for us.

Mr. Fenwick: — If I could just add something. And unlike a few years ago, I don't have all of the numbers in this report committed to memory, but one of the things I would point out in terms of the approach is that there were very few if any, I'm not sure, but very few recommendations that came from the Ombudsman with respect to either the Attorney General or the CP [Corrections and Policing] side of the ministry. What that says is that the Ombudsman's office and both sides of our ministry are working very closely together.

Recommendations occur when there's a disagreement, so the fact that there are very few, if any, recommendations I think suggests that we are using non-adversarial methods and we are finding ways to resolve those complaints co-operatively, collaboratively, that will result in better service. And I think it's important to recognize that.

Mr. Nilson: — Yes. Thank you. And, you know, it appears that there are some ways of having these matters sorted out without going to the point of last resort. After they've gone to the Ombudsman, then they come to their MLA [Member of the

Legislative Assembly], so there's a certain self-interest in looking at this.

I think we're getting close to the end here. I have one question around the farm land ownership board. Is that still the responsibility of the Minister of Justice, and how is that work dealt with? And then I guess specifically, are you involved in the review of the Farm Land Security Board, farm ownership section?

Hon. Mr. Wyant: — The Farm Land Security Board falls under the responsibility of the Minister of Agriculture. He will be conducting his review that he's announced, and of course the Ministry of Justice will provide advice to the Minister of Agriculture as he may need that going through that process. But the fundamental responsibility for the Farm Land Security Board is with the Minister of Agriculture.

Mr. Nilson: — That hasn't always been the case. Is that correct?

Hon. Mr. Wyant: — It used to be jointly assigned to the ministries of Justice and Agriculture. That has changed.

Mr. Nilson: — Do you know when that changed?

Hon. Mr. Wyant: — I stand to be corrected on this, but we believe it was late 2007.

Mr. Nilson: — Okay. Well anyway I think that there are a number of issues that are going to arise that are legal issues in this whole area, and so I was just concerned to find out that Justice is a little further removed from this. I encourage you to make sure that your civil law people or public law people, whoever is advising on this one, watch it very carefully because it has a big impact on many, many parts of the province.

Hon. Mr. Wyant: — We'll continue to provide the legal advice to the Minister of Agriculture as he requests it as he goes through this process, as we would with any ministerial issue that comes up that requires some attention.

Mr. Nilson: — Well I'll say thank you very much for answering all the questions, and I apologize to those of you who've been here for the entertainment, not for answering questions. But as I say, we'll get another chance maybe another time. So thank you very much.

The Chair: — I'd like to ask the ministers if they have any final comments.

Hon. Ms. Tell: — No final comments. Thank you.

The Chair: — Thank you very much. Now that we have completed the estimate portion of our agenda, we will recess until 7 p.m. this evening. The time now being . . . Oh you want to say something. I do apologize. I thought the other minister had kind of cleared the deck. I do apologize. Okay.

Hon. Mr. Wyant: — I want to thank everyone. I thank the attention of the committee and thank Mr. Nilson and Mr. Forbes for their questions. I thank all of our officials for being here, and thanks for the recognition that some of them just had to be

here for entertainment, but we really appreciate them being here today. I thank the committee, and we wanted to thank Hansard as well. So thanks very much for your attention.

The Chair: — Thanks very much. I do apologize. I didn't mean to cut you off or assume that you had nothing to say. We will now recess until 7 p.m. this evening. It's 5 o'clock.

[The committee recessed from 17:00 until 19:00.]

The Chair: — Well good evening, everyone. It is now 7 p.m. on April the 20th. Welcome back, everyone. We have a couple of substitutions in for this evening. Member June Draude will be sitting in for Mr. Huyghebaert, and Kevin Phillips will be sitting in for Paul Merriman.

Bill No. 147 — *The Class Actions Amendment Act, 2014/Loi de 2014 modifiant la Loi sur les recours collectifs*

The Chair: — So as I said, welcome back, everyone. We will now move on to the consideration of bills. The first bill is Bill No. 147, *The Class Action Amendment Act, 2014*. I'd like to remind everyone that this is a bilingual bill. We will now consider clause 1, short title. Minister, if you have any opening remarks, you may proceed.

Clause 1

Hon. Mr. Wyant: — Thank you very much, Madam Chair. On my left is Darcy McGovern, Q.C. [Queen's Counsel], director of legislative services branch, and on my right, Neil Karkut, Crown counsel from legislative services.

I'm pleased to offer a few opening remarks concerning Bill 147, *The Class Actions Amendment Act, 2014*. Madam Chair, this legislation will provide discretionary authority to the courts to award costs in class action proceedings. Currently *The Class Actions Act* limits the court's ability to award costs to specific circumstances such as matters where there has been a frivolous or abusive conduct by one of the parties. In practice this creates a very high threshold and it's not commonly met.

The proposed changes will restore the court's regular discretion to award costs in class action proceedings, so in addition to the regular factors that the court takes into account when assessing costs as set out in the rules of court, the changes will grant the courts additional authority to consider special factors including the public interest, whether an action involves a novel point of law, or a test case or access to justice.

The proposed changes also clarify that the new cost rules apply to proceedings that are ongoing at the time that the changes come into effect. Madam Chair, this will allow courts to apply their discretionary authority to determine whether or not to award costs in those matters on a case-by-case basis.

Madam Chair, those are my opening remarks and I welcome any questions that any committee members have with respect to Bill 147.

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

Mr. Nilson: — Thank you, Madam Chair. *The Class Actions Act* amendment legislation that you've brought forward here complies with I think some of the principles that are in use in other provinces, but one of the fundamental things that it does is move Saskatchewan away from a no-cost kind of perspective. And it's not as if there's never going to be a chance that costs are awarded against the plaintiff, but right now it's quite a remote possibility. Can you explain why you have made that policy choice?

Hon. Mr. Wyant: — Well there's been a number of other jurisdictions in the country that have moved away from no-cost jurisdictions. There's really, after Saskatchewan, only going to be two provinces that have a no-cost jurisdiction. Three, sorry. This is going to be . . . We believe this is a more balanced approach. It allows the court to continue with or to re-establish its discretionary authority when it comes to costs and at the same time recognize issues that are important I think to us in terms of access to justice. So this is really just a balancing, from our perspective, on the cost issue.

Mr. Nilson: — Which provinces are still in the no-cost category?

Hon. Mr. Wyant: — There are three. British Columbia, Manitoba, and Newfoundland all have no-cost provisions.

Mr. Nilson: — Do you know of any plans by any one or all of those provinces to change their legislation to comply with this type of principle that you have here?

Mr. McGovern: — Not specifically. I think the Uniform Law Conference . . . As the member knows, this has been an issue that's been around for some time. The trend clearly is — and I think Nova Scotia and Alberta are the examples in that — in moving towards allowing the courts to manage their proceedings in the normal fashion, which of course the member knows that in the ordinary course in a normal case that's before the courts, the court has the ability to assess costs in a judicious and judicial fashion. And that's really the unusual step of not allowing them to provide costs is what we're moving away from here. It's been demonstrated in the other provinces that that will work, and this takes us back towards what would be normal for the courts.

Mr. Nilson: — Are there any specific cases in Saskatchewan that have brought about this change in the legislation here?

Hon. Mr. Wyant: — No. There aren't any specific cases that this was intended to deal with.

Mr. Nilson: — We heard a little earlier today that there are 21 class action claims against the provincial government with maybe I think one or two certified out of that group, but 21 in process. This legislation applies to proceedings already commenced or to proceedings that are coming in the future. Was this legislation introduced to deal with any one of those 21 cases?

Mr. McGovern: — No. The member quite rightly refers to the 40(3) provision that says that sections apply, this section applies to proceedings commenced and costs incurred before, on, or after this section comes into force. And the reason why we

included that provision, as the member will be aware, that section 35 of *The Interpretation Act* provides that proceedings that are commenced under a repealed enactment are continued in accordance with the new enactment.

And so under *The Interpretation Act*, our view was that this was the result. We discussed it and thought about it a bit in terms of our process, and thought, well we may as well put that directly in the Act so that doesn't become a point of litigation. We think that was the result under *The Interpretation Act* for process. What we did was put it in subsection (4) so that there's no debate.

Mr. Nilson: — Okay. Thank you for that explanation. It'll maybe save lawyers a few hours research trying to find that particular point by having it on the record here. So thank you for that.

The prospect of the no-cost provision has been an advantage for Saskatchewan plaintiffs, and a number of the lawyers have raised that with me as the opposition Justice critic. And so do you have any assurances that you can give to the plaintiff's bar that there's no intention to put a litigation chill on these types of claims in Saskatchewan?

Hon. Mr. Wyant: — Maybe I'll answer the question this way. We certainly did some consultation with the bar, with the Canadian Bar Association, both the north and south groups, both of whom, both of which groups weren't necessarily opposed to the changes.

So we don't think, especially given the discretionary authority of the court and with the additional provisions that have been added to the legislation in terms of what can be taken into account when they're exercising discretion, it is not our belief that there will be a chill placed on legitimate claims that are brought before the court through class actions.

Mr. Nilson: — And would you confirm that it's your intention to not place a chill on these kinds of claims?

Hon. Mr. Wyant: — Not our intention to put a chill on legitimate claims that people have when it comes to class action litigation.

Mr. Nilson: — Thank you for that explanation. In setting out the points in the new section 40(2), you've set out some of the common law provisions, if I can put it that way, that courts have taken into account, and that's why you've done that. Are there any provisions that you didn't include in the designated ones that you thought about including and they're not there? I know you've got any other factors, so obviously we can cover the whole waterfront there. But were there any other specific points that you debated including and they're not included?

Mr. McGovern: — It was more a matter of how to summarize the points that were, you know, that had been identified rather than omitting any particular provision that I can think of. You know, I think this is a representative list, and of course the member's aware that the Queen's Bench rules have their own list in terms of individual matters that they would deal with as well. And so this was intended to provide, you know, with the assistance of some of the . . . taking a look at Nova Scotia,

taking a look at Alberta, to provide a representative list of the issues that were appropriate from a policy perspective for class actions.

Mr. Nilson: — Was there a specific draft provision provided by the Uniform Law Conference to the various jurisdictions in Canada?

Mr. McGovern: — Keeping in mind that the ULC [Uniform Law Conference] piece now is a few years old, I'll just be flipping towards it. I'm looking at 37(2) of the *Uniform Class Proceedings Act* from the report of the Uniform Law Conference, and they talk about whether a class proceeding was a test case, novel point of law, issue of significant public interest. So it's, you know, whether . . . So that's novel point of law, test case . . . Access for justice I guess is a point that, as I think anybody who does justice policy knows, access for justice is a phrase that's more commonly used now and has a different, has more of a meaning than in 2000 or in the early 2000s when this Act went forward.

Mr. Nilson: — So are there any I guess words here that will become dated or lose its meaning, like you just talked about, 10 or 20 years from now? And I guess I ask that question because I want to make it clear that there's no intention to prevent class actions by this change in this legislation today.

Mr. McGovern: — Of course I don't have the particular ability to predict what will or won't change, so I think this is representative. But speaking more substantively to the point that the member raises, and I think that this is, you know, from the minister's perspective, you know, if we note 40(3), that's the provision that was carried forward from the existing language, and it provides that "Class members, other than a person appointed as [the] representative plaintiff for the class, are not liable for costs except with respect to the determination of the class member's individual claim."

And so as far as the message to the public here, is very much to say: just because you're participating in a class action doesn't mean that you individually will be bearing these costs unless you individually do something that's egregious within the process.

Costs under this provision are assessed against the representative plaintiff. And as the member knows, there's a well-established practice in the bar that a plaintiff in this circumstance will have, may well have an indemnity claim with the law firm that's moving that forward.

So we don't think that's a chill situation at all. For people who think, who want to use this provision to provide access for justice, that's what it's designed for.

Mr. Nilson: — I noticed that you changed the wording in this provision from the previous wording by changing the last part to read "the class member's individual claim" from "their individual claim." Can you explain why you did that?

Mr. McGovern: — I would defer to that as simply a drafting practice as opposed to a specific intent to change meaning rather than anything particular. I think that's . . . The drafters view that as more modern wording.

Mr. Nilson: — Okay, I'll accept that, but it leaves it open to interpretation if somebody needs to interpret some other way later.

Is there anything in this legislation that will cause any difficulty for any class actions presently before the court at this time?

Hon. Mr. Wyant: — Not that we're aware of.

Mr. Nilson: — So some of the work on some of the claims that are here in Saskatchewan now, this won't create any difficulty? Well I guess it does allow for more, I mean there's more of a possibility, even if it's slight, that costs can be awarded. But other than that, did you consider having this as a go-forward kind of process and state that specifically, rather than have it apply to existing and future claims?

[19:15]

Mr. McGovern: — From a legal perspective, we don't think there's any concern in that regard. We think, you know, the costs is the only issue that we're dealing with, and this is the go-forward provision. In terms of the substantive class actions, we're not engaging that, and it shouldn't have any effect on that.

Mr. Nilson: — Okay. So the intention is not to in any way affect the claims themselves, just the costs of the proceedings in Saskatchewan. Okay. Madam Chair, I don't think I have any more questions on this particular bill.

The Chair: — If not, are there any more questions from the other committee members? Seeing none, we will proceed to the vote on the clauses. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 and 3 agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Class Actions Amendment Act, 2014*. I would ask a member to move that we report Bill No. 147, *The Class Actions Amendment Act, 2014* without amendment.

Mr. Phillips: — I so move.

The Chair: — Thank you very much, Mr. Phillips. Mr. Phillips moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 150 — *The Residential Tenancies Amendment Act, 2014*

The Chair: — Next on the agenda is Bill No. 150, *The Residential Tenancies Amendment Act, 2014*. We will now

consider clause 1, short title. Minister, if you have any opening remarks, you may proceed.

Clause 1

Hon. Mr. Wyant: — Madam Chair, on my left, Mary Ellen Wellsch, senior Crown counsel from legislative services; and on my right, Dale Beck, director of the Office of Residential Tenancies.

Madam Chair, Bill 150 will clean up a number of areas of *The Residential Tenancies Act, 2006* that have been found over the years to be less than ideal or have become outdated. The staff at the ORT [Office of Residential Tenancies] notices issues on a regular basis that can work better for landlords and tenants, and as well there have been several judicial decisions that have made the system less effective.

In order to streamline the process, Madam Chair, numerous small but important amendments are being proposed. Many of these will benefit everyone involved in the system, including landlords, tenants, hearing officers, and staff. For example, the director will be empowered to adjourn a hearing if one or another party is not available without having to force the other party to appear. As well, hearings can be conducted electronically if that makes it more convenient for the parties. Also in this age of modern telecommunications, landlords and tenants are enabled to communicate with each other by any electronic means.

Madam Chair, these amendments provide for balance between the rights of the tenant and the rights of the landlords. For example, the amendments will provide the landlord with the power to impose reasonable rules, which is something that is now unstated. Also landlords that are hit with increased tax bills as a result of tenants' actions should have a remedy against the tenant.

The amendments will also provide a tenant with two months to relocate if the landlord is demolishing the premises or doing significant renovations, as well as to entitle the tenant to receive the entire amount of the security deposit in those situations without deduction for any damage.

Respecting the definition of a housing program replacing social housing program, it is well known that there are housing programs that do not fit within the common idea of social housing. Social housing is typically considered to be housing which is where the rent is based on the income of the tenant, but there are also affordable housing as well as programs for tenants with mental health and addiction issues. The change in definition is merely an expansion of the ability of the province to offer housing programs that fit within *The Residential Tenancies Act* and is in no way a contradiction. It includes social housing.

We have consulted extensively respecting these amendments, Madam Chair. Every landlord and tenant for whom the Office of Residential Tenancies has email addresses was contacted. Landlords' associations were consulted along with several agencies that deal with or represent tenants, such as CLASSIC, Community Legal Assistance Services for Saskatoon Inner City; Pro Bono Law Saskatchewan; and Queen City Tenants

Association. We also reached out to social housing providers, other ministries, and the court.

These consultations informed our decisions and made for better policy. And with those opening remarks, Madam Chair, I welcome your questions respecting Bill 150.

The Chair: — Thank you very much, Minister. Are there any comments or questions on the bill? Mr. Forbes.

Mr. Forbes: — Thank you very much. Just on the last part, you were talking about the consultations. And I missed that, when you were talking about the emails, people who had provided emails. Can you just run by that sentence again?

Mr. Beck: — We have an email distribution list which, last time I was informed, had 560 names on it of landlords and tenants who have signed up to get periodic updates from the Office of Residential Tenancies. So we simply distributed or used that to communicate with a large number of . . . I don't know how many were on the list at the time the distribution was made but it would be, it's certainly in the hundreds.

Mr. Forbes: — How does one find out about that list? Was it on your website or was it because they were in because of a complaint?

Mr. Beck: — No. On our website we have a button they can click in order to sign up for email distribution list. At both of our locations, we have a front desk form where you can just fill out a slip of paper and leave it with us to add your email to our distribution list.

Mr. Forbes: — But you don't do the old post mail.

Mr. Beck: — Email is way cheaper and way quicker. We found it's effective to reach a significant portion of the people who have an interest in what we do.

Mr. Forbes: — Have you used it to do a survey? Have you checked . . . You know, when you have 500 names like that, it might be interesting to find out who they are. Are they tenants, landlords? Are they a wide variety of people?

Mr. Beck: — They're a wide . . . In our sign-up we do ask whether they're a landlord or tenant, and I know that a significant majority of them are landlords. Some of them don't self-identify.

Mr. Forbes: — Then my other question about the consultation: was there just an old-fashioned poster, an invitation to the public, anything that would give people . . . You know, I'll read this letter later, but that was going to be my last point, about somebody who's neither a tenant or a landlord but has been affected by an apartment building and has some questions. And I'll raise that later, but there are many people who are affected by what happens in residential tenancies other than tenants and landlords.

Hon. Mr. Wyant: — Perhaps I can say that there was a distribution, of course, to a number of groups. I mentioned them in my opening statement, and I can read the list of the tenant groups or the advocates or the landlord groups or associations

or the social housing agencies that received . . . that were asked for comments on the bill. There's quite a list of them, and I can read them into the record if you'd like.

Mr. Forbes: — No, the point I'm getting at is John . . .

Hon. Mr. Wyant: — It certainly wasn't restricted to people that provided their email address to the office.

Mr. Forbes: — Sure. I'm just curious about those who don't have a stake necessarily other than perhaps they live beside one or they have some comments. Maybe they're thinking about becoming a landlord, maybe they've had a bad experience as a tenant, but they don't belong to any of those groups now. And so they wouldn't necessarily find out about it, and that's why I'm wondering, were there advertisements? Were there anything for the public to know at large?

Hon. Mr. Wyant: — To my understanding, except for the organizations that we've talked about and the people on the email list, that's who received the notice of the consultations. So I guess, to your point, there would have been some people that weren't aware of the consultation but wouldn't necessarily, from our perspective, have any kind of a relationship with the ORT either as a tenant or a landlord.

Mr. Forbes: — Well I mean these folks are writing a letter, and I'll explain it later. I mean clearly they feel they have a real relationship, and they're neither landlord or a tenant. They have no one to go to, and they have some real questions. Maybe I'll read that right now just because we're on to this.

But this is a letter I just received last week on the 12th. And these people live on Avenue N South, and I'll just quote parts of it. And I quote now:

Now we realize the housing market is always a little unpredictable, but the agent told us that our neighbours, the two apartment buildings across the alley at 1320 and 1310 20th Street, are keeping buyers away due to the deplorable way they are unmaintained. We have tried in the past to talk to the owner or even the caretaker of these buildings only to find they are owned by a numbered company in Alberta and have no one here to be held accountable for damage or unruly tenants.

And the next couple of paragraphs are examples of how it's really affected the neighbourhood. But they're neither tenant or landlord — I want to make sure that that's clear — so they can't go to you. And that's what I want to find out tonight whether in the consultations this came up.

And they said, the question they ask, should it not be . . . And I quote:

Should it not be a requirement of out-of-province landlords to have a locally based property management look after the day-to-day maintenance of their buildings? We have done some investigation on our own and found this landlord is not paying their utilities either. This needs to be looked into and some standards put into place for absentee owners.

So here's somebody who's neither a landlord or a tenant, would not have known about your consultations because they would not have been . . . They are just John and Jane Q. Public, but may have been interested because they're affected by what happens. And if you happen to live along 20th or 22nd beside, you know, the apartment strips and apartment blocks . . .

Ms. Eagles: — Madam Chair, could I ask that the member supply the minister with a copy of that letter?

The Chair: — Okay. I think that'd be excellent because you're finished reading . . .

Mr. Forbes: — I sure could.

Ms. Eagles: — I think it's unfair to expect an answer from the minister when he's picking out bits and pieces.

The Chair: — Okay. Excellent. We will do that, and that way the minister and his officials have the opportunity to look at it and take it as a whole.

Mr. Forbes: — Yes, for sure.

Hon. Mr. Wyant: — Well perhaps let me just respond to that because we've obviously never seen a copy of the letter nor has anyone . . . nor has Mr. Beck at the Office of the Residential Tenancies.

But I think it's fair to say that if complaints like this or concerns like this are expressed to the Office of the Residential Tenancies, then that gives the opportunity for the Office of the Residential Tenancies to give some consideration to it and include that as part of a consultation. So not having a specific incidence on his desk in terms of a complaint really doesn't give an opportunity to have any kind of consultation at all.

So if that letter comes to the Office of the Residential Tenancies, Mr. Beck has an opportunity to consider it, has an opportunity to consider it in the context of any discussions that he's having with landlord associations or tenant associations. And if, as a result of those discussions and that dialogue, that results in some suggestions in terms of change in the legislation, that's the process that we should follow.

So while there's nothing in the amendments that have been brought forward today that address that particular point, I think the answer to it is that the issues were never brought to the attention. And certainly in the context of changes to the Act around landlords' and tenants' responsibilities, that's really what we're getting to. But once we have a copy of the letter, Mr. Beck will consider that. And I'm sure he'll bring it to the attention of landlord associations and tenant associations, as he would through the course of a normal dialogue, and perhaps bring some legislative changes forward as a result of it.

Mr. Forbes: — My point, and I think you're making my point, this is I think the third time that I've been the Housing critic. And we've seen amendments to *The Residential Tenancies Act*, and we see stakeholders being consulted. And fair enough, that's good. But the public has an interest too. The people who live within a proximity of major apartment buildings, clearly that's part of their life and they might have an opinion. And I

think it's only reasonable to put an advertisement in the paper and say, we're doing some amendments here. What do the neighbours think, you know?

And so I'm not quite finished, Mr. Minister. I want to make sure that my question here to the director . . . How many times would you get letters from people who are neither tenants or landlords who have come to you for assistance?

Mr. Beck: — It's not common. It does happen.

Mr. Forbes: — It does happen?

Mr. Beck: — Yes.

Mr. Forbes: — So my case is, the public should know. At the end of the day, it's a publicly funded operation, the ORT, and I think everybody has a right to have an opinion about that, and not just the stakeholders. It's a publicly funded office which does good work, and that's my case, as well as consultation.

[19:30]

Hon. Mr. Wyant: — You know, not to belabour the point, Mr. Forbes, but the amendments that are being brought forward today specifically was a result of consultations from issues that were brought forward by landlords and tenants. This is not a full consultation with respect to a complete review of *The Landlord and Tenant Act*. That's not something that we're currently contemplating.

But as I mentioned before, when these kinds of complaints come forward, if they lead to a further discussion, then perhaps the legislation needs to be opened up and given full consideration to. That's when a full consultation would happen in respect of the entire Act.

These changes are a result of dialogue between landlords and tenants to help the Act work better for landlords and tenants. So we'll certainly take this letter under advisement and give some consideration to it through the Office of Residential Tenancies and Mr. Beck's office, and I think that that's the best that you can expect.

Mr. Forbes: — In terms of the letter, will you respond to the people who've written the letter?

Mr. Beck: — We'll respond in some way to them. Typically I would have one of the inquiry clerks give them a call and have a conversation with them about what can be done, or I may call them myself depending on what's appropriate.

Mr. Forbes: — Thank you very much.

Mr. Beck: — I'm looking to see if there's a telephone number on this. There's an email address, so that's how we'd contact them.

Mr. Forbes: — Yes. I will let them know that I shared this letter directly with you and that they'll be expecting either a phone call or some communications. Thank you very much for that.

So my question next is really around section 7, and it looks like it's a new section: "(2) Subsection (1) applies if the rules are in writing, are made . . ." So it looks like the landlord has the right to establish and enforce rules. So what kind of rules are we . . . What's the range of these rules here?

Hon. Mr. Wyant: — Perhaps I'll give you one example. Perhaps Mr. Beck will add a couple. For instance, landlords want the ability to have a rule to enforce around smoking or pets, for instance. It's important to remember that these rules need to be reasonable and there's access to the Office of the Residential Tenancies, to the ORT to determine the reasonableness of any particular rules that landlords have in place, but those would be some typical rules that the landlord might want to have and enforce using the provisions of the Act to enforce them. Some of them have a potential significant impact on the value of property, and so I think that it's reasonable that landlords be able to set rules and then have access to the Office of the Residential Tenancies to enforce those.

Mr. Forbes: — So at this point there's no list or set of parameters around the rules, like smoking, painting the walls, pets, children. Those are not . . . And so do you plan on having a set of parameters around those rules?

Mr. Beck: — No. No. This is something that needs to evolve as to what is reasonable in the circumstances. As society changes, different rules may be appropriate.

This provision is in fact in Manitoba, and I've spoken to my counterpart in Manitoba or one of her staff, and they do have applications from time to time to deal with rules where the tenants are concerned that they're unreasonable. But generally speaking, the types of rules that landlords are creating are ones saying, don't use the laundry room after 11 o'clock at night. So they're not . . . Anything that is a really substantive, major change to the landlord/tenant of a relationship, we're not expecting that they are likely to be acceptable as reasonable. Minor things for the collective convenience of the people in the building would make sense.

Mr. Forbes: — So can you tell me what then . . . If there's no exhaustive list or parameters around what the rules might be, then the key word is reasonable. Are there any parameters around what does that mean? What is reasonable to one person, it may not be so reasonable to the next; it may be subjective.

Mr. Beck: — Whether something's reasonable or not is to a degree, you know, subjective. But a rule like, take your muddy boots off at the front door and carry them to your apartment, it may be things as simple as that.

Certainly my counterparts in Manitoba have experience with this provision, and it's been found to be useful in dealing with some things where, you know, if the landlord writes it into the contract and it doesn't contravene the Act or regulation, they're free to put all the rules they want in the lease. But they don't think of everything, and I'm sure I can't think of everything that may be going on in a landlord-tenant relationship over which a rule to try and regulate behaviour in a way that's mutually convenient to the collection of people living or affected by the tenancy benefit from it. And certainly if there isn't some degree

of mutual benefit to a rule, then I think it will be hard for a landlord to justify it as reasonable.

Mr. Forbes: — So that would be one of the benchmarks: mutually beneficial to both the landlord and the tenant.

Mr. Beck: — To go back to my laundry room, it's convenient not to have the laundry equipment running at 2 o'clock in the morning when disturbing other tenants. And that's the type of thing where, in my view, rules have to be reasonable and for the benefit of and help everybody.

Mr. Forbes: — Because my concern is . . . And that is the language in Manitoba: that we're reasonable. I guess I'm concerned because that is relatively open ended. So it's up to you will be the one deciding whether it's not, is or isn't reasonable I guess, as the director.

Mr. Beck: — On an application by a tenant to question a particular rule, a hearing officer has the right to make a determination whether or not that particular rule is reasonable, and so ultimately that's the check on the landlord imposing unreasonable rules.

Mr. Forbes: — Say again? I missed that last part.

Mr. Beck: — The check on a landlord is the fact that a hearing officer can tell them that that rule's not reasonable. So you know, this will be something that evolves, and it hopefully is something that benefits the landlord-tenant relationship and everybody affected by residential tenancies generally for the good. And if it doesn't, then it's hard to justify it as reasonable.

Mr. Forbes: — Well we'll see how . . . I'm hoping that works out well. I mean it is tough to have good language, but I'm just thinking it is a little bit open. You know, this whole thing about the bill or the legislation is that you want to have it to be, the balance of the relationship between landlord and tenant should be a fair one. Obviously it's the landlord's property, but it's the tenant's home, so that should be reasonable and fair. And so I'm curious to know how this . . . And here I am saying reasonable.

My next question is around section 11.

Mr. Nilson: — I'd just like to ask a question about this same section. This appears to give the landlord another tool to move somebody out of an apartment or a tenancy, in addition to what they already have, by creating rules that are broken and creating a record of that. Is that the intention, to give that extra power to the landlord?

Mr. Beck: — No, that's not the purpose of the provision. It's to provide some flexibility for landlords to address matters that are problematic that weren't addressed in the original lease. I don't have a lot of different examples: you know, the muddy boots, the laundry. But things that are often common sense may need to be addressed by rules because they simply aren't being respected, and it's inconvenient to the people living in the common . . .

Mr. Nilson: — So when I look at this section, is there a rule or a regulation or something that says these new rules that weren't

there when you rented this place are sent to the person in writing with a certain amount of time, you know, under which they must comply with those rules? Because it seems, I mean it's one of the difficulties with this new provision is that it's quite loose. And so if you operate on the basis that there may be some people who use rules in a negative way as opposed to in a positive way, which is how you've described this, this gives another tool to a landlord to start moving people out of an apartment block full of people that he maybe wants to sell or change or do something like that. So that's why I'm asking that question about this right of the landlord to impose rules.

Mr. Beck: — And that's fair but the reality is, there is a check on a landlord who abuses the powers in the Act, and that is that the tenants can apply and say, these rules are unreasonable. And my expectation is that a tenant confronted with an eviction for having broken rules, if they believe the rule is unreasonable, should be applying to us to have the rule set aside. And if the rule is reasonable, well they do have to comply with it.

But certainly, the eviction power is one that somebody has to repeatedly violate the rules established by a landlord before they can be evicted, so it's a matter of warning and repeated warning, and the landlord's going to have to come to our office and establish that the rule has been repeatedly violated. In that time, the tenant certainly has the right to come to us and apply to have a determination that the rule is not reasonable. You know, if the rule is reasonable and the tenant's repeatedly violating it, presumably that means that others are affected by non-compliance with the rule, and eviction is reasonable, is in the interests of everybody affected by the tenancies.

Mr. Nilson: — Well it just strikes me that it might make sense for you in your office to set out some of the parameters and rules around how this is going to work so that you don't end up having it defined by tenants having to come and apply for relief. I mean it's just that loose, if I can put it that way. I mean it makes sense that you would say, hey, here's your guidelines to use this section if you do things like that, which I assume you do.

Hon. Mr. Wyant: — Just further on this point, there is of course in the legislation the opportunity for tenants to remedy a breach of the rules before an eviction takes place, so there is that provision. If a rule is determined to be reasonable after an application, there is an opportunity to remedy that before an eviction takes place, so that remedy's in the legislation as well.

Mr. Nilson: — Okay then. My other question related to this same section 7, related to new section 22.2. Is this provision in section 22.2 put in to cover the province as a landlord, where they have a housing program that they want to change and this then means that you can just change the tenancy agreements without notice?

Hon. Mr. Wyant: — The provision in the Act says that the landlord of a rental unit that's used for a housing program can change the terms of a tenancy agreement if the change is reasonable and reflects the changes toward discontinuance of the use of the rental unit for the housing program. So any change in that context needs to be reasonable.

Mr. Nilson: — Okay. But my question is, does this apply to the provincial government or federal government? You've got a definition of housing program, "means a program offered pursuant to an Act [which is a provincial Act] or an Act of the Parliament of Canada that provides rental living accommodation to individuals during their participation in the program."

So it applies to either a provincial housing program or a federal housing program. And what you seem to be doing here is saying, we give that landlord, provincial government or the federal government, the right to just change the rental agreement any time they want if they see it's some kind of a change that they want in their program. What's the rationale for that?

Mr. Beck: — The intent is simply to get the agreements to reflect the programs so that if the program is changed, whether by legislation or within the powers of the program to be changed, the tenancy agreements need to reflect the program. And so that the housing programs, however created they are, if the program changes, then they can change the tenancy agreements to reflect the terms of the program.

Mr. Nilson: — So this is set up in a way to provide absolute protection to a government landlord, whether it's provincial or federal, to change the nature of the place that somebody has maybe lived in for quite a few years. And it doesn't look like they have to give any notice or anything like that. They just can do it.

Has there been any previous provision like this? According to your notes, it looks like this is a brand new provision.

Hon. Mr. Wyant: — Well it's a new provision. Certainly there's no . . . It's a new provision . . . [inaudible].

Mr. Nilson: — Who requested this change? Because you started off your presentation by saying that these were all requests from landlords and tenants. I'm assuming this was requested by the provincial landlord or the federal landlord. Can you tell who requested this particular change?

Hon. Mr. Wyant: — Well it's a result of ensuring that flexibility could be provided because of some changes in programming from Sask Housing.

Mr. Forbes: — So if I can follow up with that, it is interesting because this is one that we've been asking about in terms of Sask Housing. The minister made an announcement in January about changing affordable housing units to social housing, and the point was made that there's 15 people living in units who are, or people in 15 units — I'm not sure how many people are all involved in this — who are making more than \$100,000 per year and that doesn't fit the parameters of affordable housing. And we've asked the minister about that because it doesn't seem right that somebody should be making so much money and living in affordable housing.

But our answer that we get back, because we would support those people actually being given notice and moved on . . . I mean Sask Housing has some 18,000 tenants. There's 15 in there who seem to be making too much money and we could

really use those units. But they say they don't want to break the lease. They don't want change things. They want to in fact raise the rent until they force them out because of high rent.

So I just find this interesting that they have the tool, that looks like here, to actually break their lease agreement or original agreement with those folks. Because maybe at the beginning they were making the appropriate amount of money or maybe not. We're not sure. But we know now for sure that they are making too much, over \$100,000 a year.

So my question is, this is the kind of tool that Sask Housing could use to give notice to those folks. Am I right on that?

Hon. Mr. Wyant: — Mr. Forbes, there's a provision in the legislation that says the landlord may end the periodic tenancy of a rental unit if, and this is one of the points, the tenant that's in a rental unit is not eligible for continued participation in a housing program. Did that answer your question?

Mr. Forbes: — That's straightforward. And to me that would make sense. Because my concern, especially in the housing program, everybody seems to think they're on the verge of being thrown out because they make too much money, and they're not the ones. Somebody else is. And so that's fair enough. But again it's a question of abuse, but I appreciate this.

Hon. Mr. Wyant: — To end the periodic tenancy you have to give notice, you know, of course. Nobody gets thrown on the street.

Mr. Nilson: — So let me continue my question here. So this particular provision, which is section 7, the new section 22.2, appears to be a request from the provincial housing authority, Saskatchewan Housing. Is that correct?

Mr. Beck: — To be fair, it was driven as much by our office saying to Sask Housing, you can't do those things because you're subject to this Act, and if you want to do those things we need to amend the legislation. So certainly Saskatchewan Housing Corporation was supportive of these, but when the Office of Residential Tenancies saw certain efforts by Sask Housing to ensure that social housing was used by those, was available to those who needed it, I mean we realized that our legislation was an impediment to their flexibility to change their program and modify their program. And so we raised it as something that . . . We don't create social housing programs. That should be left to the social housing agencies to do and we should provide in our legislation enough flexibility for them to manage their programs.

Mr. Nilson: — So what you've done is effectively changed all these tenancy agreements for people who don't know anything about it, and have given some extra power here to Sask Housing, in a way without notice. And I think that that's a problem, given that you said this really wasn't a broad consultation as it related to this particular piece of legislation. So I think sometimes you can make a fix that's a social policy choice, and if you're going to do that, you should let everybody know that's what you're doing. So what you've said here is, well we're going to allow Sask Housing to change the terms of its housing program for the people who are already in that particular system. So I'm a little uneasy with how this has been

done.

Mr. Forbes: — My question then is in section 11(1) where section 54 is amended, and it's "(6) This section does not apply to rent increases on the basis of an increase in a tenant's income made by a landlord of a rental unit that is used for a housing program". Can you explain that to me? What is that allowing?

Mr. Beck: — Essentially the provision's already in the legislation so that if a housing program changes . . . If an occupant's income changes, they can change the rent to reflect the increased income or decrease the rent without notice to the tenant as is required in the rest of section 54 for all other landlords.

Mr. Forbes: — And that section 54 is the . . . That's the six months notice period, right?

Mr. Beck: — It's a one-year notice period unless they've got the six-month . . . Unless they're a member of the Saskatchewan Landlords Association.

Mr. Forbes: — Right, and I don't think Sask Housing is, but Sask Housing gets an exemption for that?

Mr. Beck: — Sask Housing does not, no. They're not a member. They have to give one year's notice.

So if Sask Housing is making a general rent increase that is not based on a tenant's change in income, then they're subject to the section 154, and one year's notice of a rent increase.

Mr. Forbes: — Right, but now they can give a rent increase, notice for one month. Or how much notice do they have to give for the rent increase when it's based on an increase in a tenant's income?

Mr. Beck: — The position of the housing authorities is if somebody doesn't report their income increase and they find out about it, that the increase can be retroactive, so that there is no incentive to delaying your reporting of changes in income.

Mr. Forbes: — So that . . . Sorry, that's what the case is right now? It can be retroactive . . .

Mr. Beck: — Presently not.

Mr. Forbes: — It's section 11, but in the old Act it's section 54.

Hon. Mr. Wyant: — This section doesn't apply to rent increases made by a public housing authority on the basis of an increase in a tenant's income.

Mr. Forbes: — So how is this different from what's in the current legislation? Because when I looked at section (6) right now, I guess the only difference I see, "that is used for a housing program." You've added a phrase at the end. Is that right?

Ms. Wellsch: — I'll answer that one. There are a couple of changes in the new subsection (6), and one is that we changed "public housing authority" to "unit used for a housing

program,” and there may be subtle differences there. It’s the more generally accepted language used in housing programs now.

The other thing you’ll notice is that subsection (7) is repealed, and that’s the one that applies to non-profit corporations. And we have found, or the Office of Residential Tenancies had found, a lot of non-profit corporations do deliver housing programs, and so these two sections were merged. But some non-profits do not deliver housing programs. They just are set up, particularly religious ones, they are set up to service the needs of their congregation. And there have been some complaints that they do not give the six months or the 12 months notice of a rent increase, and there’s no reason for them not to give that notice if it’s not based on the income of the tenant. So the two subsections were merged into the new subsection (6).

Mr. Forbes: — Yes. Because in the old Act, I see this where it says public housing authority — so that would be related to Sask Housing whether it’s Saskatoon Housing Authority or Moose Jaw Housing Authority or Lafleche Housing Authority — but now we’re extending that power really to every non-profit organization that has a housing program.

Ms. Wellsch: — Subsection (7) as it currently exists already extends it to all non-profit corporations. This draws back a little bit and says if it’s a non-profit corporation that has a housing program, then it doesn’t apply. If it’s a non-profit corporation that doesn’t run a housing program, they’ll have to comply with the regular notices of rent increase.

[20:00]

Mr. Forbes: — In the housing programs usually we think are affordable housing and social housing, but it can be . . . Now we’ve taken all that language because we don’t refer to affordable or social.

Ms. Wellsch: — Right.

Mr. Forbes: — Just a housing program, whatever that may be and however they got that, if they were a partnership or something with Sask Housing.

Ms. Wellsch: — That’s right.

Mr. Forbes: — Okay. So in some instances they do have to give six months notice, but it’s the income testing that they can give immediate increases and/or retroactive claimants.

Ms. Wellsch: — We’re not allowing them actually to make retroactive increases to the rent. That was discussed and, in the end, it isn’t in here.

Mr. Forbes: — So how many complaints do you have about Sask Housing or CBOs or non-profits/ I mean is this going to be a big issue? Do you have just three or four a year Sask Housing complaints?

Mr. Beck: — Sask Housing and not-for-profit corporations are major housing programs, and they have issues. You know, I can’t give you a proportion, but we’re dealing with them in one

manner or another whether it’s their attempts to evict tenants, collect rent, tenant complaints. That’s the typical gamut of landlord-tenant issues arise in social housing as arise in other housing.

Mr. Forbes: — It’s not much more than private landlords.

Mr. Beck: — I wouldn’t say more. I can’t compare. But we certainly deal with . . .

Mr. Forbes: — We’ll wait for your report, Justice annual report, I guess. We’ll get the numbers then. We’ll look forward to that. Thank you.

Okay. And then the next one is when we go down to section 58. That’s in the bill, No. 12(1)(b), by striking out “social housing program” and just substituting “housing program.” And I guess the concern is, you know, we’re seeing the dismantling of affordable housing in the cities and now you’re taking out social housing. Why is that? Did I hear someone say this is the new language, or they’re moving towards that?

Ms. Wellsch: — It will apply to more than just social housing. For instance, there are housing programs now that deal with tenants with substance addictions or mental health issues. And I know a couple of years ago, we had somebody approach us to see how they could run a program for addicted tenants. And they wanted to be able to impose rules on them, and there was absolutely no way under this Act that they could impose the kinds of rules that they wanted for these addicted residents to stay in their addictions program. And that’s not a social housing issue. Housing programs include social housing but also other programs.

Mr. Forbes: — Right. But we saw, in January, the government make a significant move towards more social housing and saying — in fact championing it — saying that this is really, really, really critical. And so there’s mixed messages. You know, you’re eliminating that, saying well it’s, you know, a small . . . or I don’t know if you want to say small, but it seems to me, you can still use social housing and say other programs to be determined or whatever.

But to say get rid of affordable housing and social housing, I think the world is really . . . It’s not clear about what the intentions are in terms of housing programs, especially at the federal level. You know, I mean they’re investing significant money in affordable housing programs. So it’s a real mixed message just to say, well we’re eliminating it, but we’re open to anything, any housing. So again it’s this question. It’s kind of a loose definition, and I’m not sure if it’s helpful or not, by eliminating social housing.

So was that the only example that you . . . What were some of the other reasons? I mean like really, in terms of addictions, I would even argue that that could fit social housing. What were some of the other examples, and was this a real drive? Was this something that, who were the stakeholders that were really calling for this?

Ms. Wellsch: — The Ministry of Health is really concerned with housing programs for addictions and mental health issues. And so those were the two types of programs that we wanted to

include. The common definition of social housing, although you won't ever find a definition in a legal dictionary, but social housing means based on income.

Mr. Forbes: — Okay, so that precludes you from making a different definition in this legislation? Is that because, you're saying because it's about income, is that stopping you from defining social housing in this Act, that you can't define it differently or you can't define additions housing in a different way?

Ms. Wellsch: — We didn't want to limit the possibilities for types of housing programs. So we just left it broad and general, housing program pursuant to an Act or an Act of the Government of Canada.

Mr. Forbes: — Okay. Now the other one is section 12(2) that I have a question about. And that is, you've talked about this and it is the one: "If a tenant's breach of a municipal bylaw or failure to pay municipal charges results . . . in an assessment being added to . . . property taxes for the premises," they may give notice to end the tenancy. So has that happened? Is that a situation where you can add tenants' charges to a landlord now in Saskatchewan?

Hon. Mr. Wyant: — Mr. Beck can provide anything specific, but we certainly get some complaints about tenants who have responsibilities under their tenancy agreement to do certain things, for instance keep the weeds in your yard. And if that's the tenant's responsibility and he doesn't do it, that could result in a municipal charge from the city who have to come and take care of that. Currently there is no ability for the landlord to recover that amount because first of all it gets added to the assessment, but then there's no ability for the landlord to recover that. So this will allow that to happen, provided it's the tenant's responsibility under the tenancy agreement.

Mr. Forbes: — Okay that, I understand that. Just to be clear on that, that the municipal charges relate to something in terms of work around the building, but it's not like parking tickets?

Hon. Mr. Wyant: — It could be a breach of any municipal bylaw, right? If the tenant breach is a municipal bylaw that causes a cost to the landlord as a result of the breach of that bylaw, then it's to be recoverable by the landlord.

Mr. Forbes: — Would parking tickets be such a thing?

Hon. Mr. Wyant: — No, parking tickets can't be assessed against the property.

Mr. Forbes: — Okay. So really it's only things related to the property. The bylaw related . . .

Hon. Mr. Wyant: — Yes, bylaw-related property issues.

Mr. Forbes: — So for some reason the tenant is not keeping, maintaining the property or whatever that type of thing.

Hon. Mr. Wyant: — Yes.

Mr. Forbes: — Okay.

Hon. Mr. Wyant: — You can generally these relate to property maintenance issues.

Mr. Forbes: — Okay. Fair enough. Okay. Well thank you very much. I'm not sure if we have further questions about this.

Mr. Nilson: — Well I have a question about section 6 which is section 14 amended. And you basically changed the nature of the job of the residential tenancies head to one that's from director appointed by cabinet to one appointed by the minister. And what are the consequences of that? It seems to me like maybe a diminishing of the responsibility of the independence of the appointment. And can you explain that please?

Hon. Mr. Wyant: — Well it's a kind of a modern tendency really for those kinds of officials to be appointed by the minister, as opposed to by the Lieutenant Governor in Council. So it's just really the extension of what is otherwise, you know, a modern trend for that to happen in that way.

Ms. Wellsch: — And I can give you some examples. The registrar of titles is appointed by the minister. The controller of surveys is appointed by the minister. The director of consumer protection is appointed by the minister.

Mr. Nilson: — Well I understand those positions because they were often more directly not in the same sense of a quasi-judicial kind of role.

Ms. Wellsch: — The director of titles is definitely a quasi-judicial type of role.

Mr. Nilson: — Yes. But anyway I guess I don't buy that rationale. I mean I know that often colleagues around the cabinet table like to have a say in some of these kinds of roles, and this appears to eliminate it or just put it right off the table. So I'm, I don't know, I'm thinking that this kind of a role has got that little bit of extra protection, and maybe less protection by being an order in council appointment.

Hon. Mr. Wyant: — Well I'd say, I would just answer that by saying practically, you know, these appointments don't happen without some measure of consultation. It's just that they won't be OC [order in council] appointments going forward.

Mr. Nilson: — Okay, well I'll just register my concern that that's what's happening here. Now I think the . . . as we've seen, going into some of the changes that have been proposed, we find more, I guess, stories or reasons for some of the changes to be brought forward. And so it makes me want to sort of go back and take another look at some of this, but we don't have time for that. Are there any changes that you have in here that were made at the request of tenants?

Mr. Beck: — There are a few that are made at the request of tenants, but tenants are far less organized, so that many of these are driven just by the office realizing that the rights of tenants could be better protected by some changes. So the obvious one, the two obvious ones, are the change in section 9 where section 33 is amended by striking out 120 days to claim back your security deposit and changing it to two years. That's, yes, it's a good change.

And then the other one was the changes in section 60 to provide for two months notice in the event of demolition or renovation requiring vacant possession. And without going through the whole Act, but certainly there are changes in here that reflect tenant needs as opposed to specifically organization requests.

Mr. Nilson: — Okay. Well thank you for that. The legislation obviously is a living document, and you identify issues and come back and try to sort them out in various ways. So we appreciate that, and we also appreciate the chance to have a look at what you're trying to do.

I'm not sure when the next major review of *The Residential Tenancies Act* may be, past all of our careers hopefully because it's a major, major job. But I think there is some point in, you know, being quite public about requests for changes to this legislation, and so I encourage you to do that next time. But at this point, I have no further questions.

[20:15]

The Chair: — Are there any other questions or comments from any of the committee members? Seeing none, we will proceed to vote on the clauses. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 26 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Residential Tenancies Amendment Act, 2014*.

I would ask a member to move that we report Bill 150, *The Residential Tenancies Amendment Act, 2014* without amendment. Ms. Eagles moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 162 — *The Enforcement of Money Judgments Amendment Act, 2014*

The Chair: — Last on our agenda tonight is Bill No. 162, *The Enforcement of Money Judgments Amendment Act, 2014*. We will now consider clause 1, short title. Minister, if you have any opening remarks, you may proceed.

Clause 1

Hon. Mr. Wyant: — Thank you very much, Madam Chair. With me today on my immediate left, Darcy McGovern, QC, director of legislative services; on my right, Glennis Bihun, executive director of court services; and on my very far left, Karen Banks, who is the land titles office registrar.

Madam Chair, I'm pleased to offer some opening remarks concerning Bill No. 162, *The Enforcement of Money Judgments*

Amendment Act, 2014. As you may know, in May of 2012, *The Enforcement of Money Judgments Act* came into effect which introduced a major revision in judgment enforcement law in this province. Thus far, implementation of this program has gone very well. However there has been some minor amendments that are now proposed to address practical and technical issues identified by the sheriff's office and the public, and as lessons are learned through experience.

Madam Chair, this bill will do a few things. The amendments will first provide that a notice of seizure of employment income will ask for a 24-month period of the enforcement instruction without requiring it to be renewed every 12 months. It will include a revised process for the sheriff to provide timely clear title to a third-party purchaser of land where the judgment creditors and judgment debtor have agreed to payment out of the proceeds of the sale in order to address the judgment debt of the vendor. It will ensure that the sheriff is not considered to be an account debtor by reason of receiving funds from a debtor. It will provide additional direction on the payment of premiums to initiating creditors.

It will revise certain seizure provisions and enforcement instruction provisions to facilitate operation of the sheriff's office. It will provide for the appointment of a director of sheriffs. It will address technical priority issues regarding advances and consistency of language with *The Securities Transfer Act*. It will allow the director of sheriffs to waive the enforcement of small amounts, such as fees that remain due on judgments after distribution. It will remove the forms from the regulations and allow the director of sheriffs to provide the required forms, and it will update the language in the Act to reflect the wording in the new Queen's Bench rules.

It's our view that these amendments will further enhance the operation of the new modern judgment enforcement system that we have in Saskatchewan. So with that, Madam Chair, I would be pleased to answer any questions that you have.

The Chair: — Thank you very much, Minister. Are there any comments or questions on the bill? Mr. Nilson, proceed.

Mr. Nilson: — Thank you, Madam Chair. This legislation appears to streamline and speed up the ability to collect on judgments. How does that comply with the age-old convoluted rules that actually protect debtors and give them a few more months to pay their bills?

Mr. McGovern: — Thank you for the question. The member of course is well aware of the long consultation period that preceded the money judgments piece. One of the balances that was carefully considered was the balance between exemptions that are provided for individuals who have legitimate exemptions and the ability for the process to work as it should.

I think when the member refers to convoluted process, it's not an exaggeration. You know, since the dirty thirties there was a series of judicial interpretations of previous Acts like the debtor/creditor relief Act, like the old exemptions Act, where it's fair to say that the judiciary made special effort in special cases. You know, hard cases make bad law, and we over the years developed quite a lot of bad law, I would suggest, in terms of process.

What the Act reflects is to say, here's a series of very clear exemptions, you know. And it includes your automobile. It includes items that are carefully set out so that it's understood what your exemptions are. It also provides for a relatively clear process so that if you're a creditor — and remember we're talking about judgment creditors — if you're someone who has gone through the judicial process, had the independent judiciary determine that you're owed a debt and are then seeking to proceed with that debt, this provided for a clearer process for doing that. And it's very much an access for justice issue, as we were speaking earlier.

As you well know, you have individuals who go through this judicial process, win their day in court, and then say, well where's the machine I go to to get my judgment now, and are dismayed to learn that prior to this legislation for example, that there was a lot of steps to have to go through before they could legitimately enforce. What this is intended to do is to reflect the balance, the money judgments piece.

What this bill does is much more narrow. It's talking about minor technical changes that have been identified in the two years since the bill's been put in place, that have been identified by members of the public, by the sheriff's office, by Professor Cuming, to say these minor tune-ups. We're not talking about changes in policy here as much as we're just talking about technical tune-up.

Mr. Nilson: — Okay. Well thank you for that explanation. I think underlying the explanation is the fact that yes, it does take a bit of time to collect on a judgment, and that's okay. But ultimately you're going to collect on the judgment if a person has assets that you can realize. So then the changes that you've brought forward here appear to be changes that affect how the sheriff's office is operated, how the forms are created. And I think that, you know, still quite a bit of that was done when the main Act was brought forward, but what you're doing here is just adding some further flexibility. Would that be a way to describe it?

Hon. Mr. Wyant: — Efficiency would be a better word perhaps, I think.

Mr. Nilson: — Okay, efficiency so that the process, it can actually . . . The forms can actually be changed right in the sheriff's office as opposed to going to a regulation of some kind.

Hon. Mr. Wyant: — Right. Yes.

Mr. Nilson: — Okay. Are there any new powers that are given to the sheriff by some of these changes other than I think I saw one which related to land titles office and speeding that process up? Otherwise are there other new changes?

Mr. McGovern: — I think again they're more in the nature of technical pieces. The piece that we might draw to your attention is the director of sheriff's position, and that's viewed as, that's more of an appointment. We're not looking at that as a new FTE [full-time equivalent] for example. We're saying one of the officials for example most likely is doing this, would be designated as the director.

What we found, if we look at section 30 of the bill, 124.1(4) where it talks about the director of sheriffs considers it appropriate or necessary, the director of sheriffs may waive the payment of fees or charges. And what we were finding was that if you have a situation where you've gone through the distribution of a fund, all the creditors are paid out but let's say you still have, you know, \$80 in sheriff's fees that are outstanding, you know, under the terms of the Act you'd have to generate a new fund to prepare that. What this would do is provide the discretion to say, well that costs more to generate than we would be able . . . in terms of creating a fund than it would to just simply waive that fee.

And so I'd refer to that as something that's a little bit new, and it's more of a common sense provision that's similar to what occurs in land titles, you know. And we've learned from there to say, well rather than being locked into a technical process, providing this small bit of discretion to an officer should provide us, should allow us to be reasonable in the circumstances.

Mr. Nilson: — Is there anything in this bill that makes it easier for an international bank with credit card debt collection issues to basically move on a debtor much more quickly than they were able to before?

Hon. Mr. Wyant: — No.

Mr. Nilson: — No. Okay. And you know, I understand the, you know, the rationale for what's brought forward, and I do like giving the director of sheriffs and others at appropriate levels the discretion that's needed to deal with these things, so I'm in favour of that kind of thing.

The idea of having the wage attachment be two years rather than a shorter period of time, does that come out of the size of the judgments that we have now, and they can't be paid in the shorter period of time, or is it just to eliminate some administrative steps or applications by a creditor?

Mr. McGovern: — And it's the second part that right now the member . . . Of course the people of our generation of lawyers are very familiar with the whole concept of debt due and owing due and how to exactly time a garnishment. And one of the big changes that this Act did was to say no, when you're in a process where you're seizing employment income, you don't have to file every pay period in order to do that.

And the notice for the seizure occurred . . . We had a 12-month period. And what we were finding, because the enforcement instruction in the legislation is already 24 months, that it just meant that at the halfway mark, if it was going to be a continuing garnishment that at the halfway mark you had to be sure to provide a new notice of seizure. And so there wasn't a good policy reason to say why the notice of seizure shouldn't be as long as the enforcement instruction itself, keeping in mind that if the judgment's fulfilled, it's over, or if the instruction's no longer valid, it's shorter. But this would allow you to address that situation without the pro forma of saying, go out and re-serve the same employer-employee scenario with a notice of seizure.

Mr. Nilson: — Okay. Well I think that this is legislation that

makes sense, and I thank you for your explanations on a few of these points, but I have no further questions. Thank you.

[20:30]

The Chair: — Are there any other questions from any of the committee members? Seeing none, we will proceed to vote on the clauses. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 33 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Enforcement of Money Judgments Amendment Act, 2014*. I would ask a member to move that we report Bill No. 162, *The Enforcement of Money Judgments Act, 2014* without amendment. Mr. Steinley moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Minister, do you have any final comments?

Hon. Mr. Wyant: — I have no final comments except to thank all the officials who were here today who helped with the questions. I thank you, Madam Chair, and the committee members for your patience, and the questions from Mr. Forbes and Mr. Nilson, and to thank Hansard. So thank you very much for your time this evening.

The Chair: — Mr. Nilson. No? That's it. Well I'd like to thank all the members for their patience and for sitting here this evening, and I'd like to ask a member to move a motion to adjourn. Mr. Phillips. The committee stands adjourned until the call of the Chair.

[The committee adjourned at 20:33.]