



STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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**STANDING COMMITTEE ON INTERGOVERNMENTAL
AFFAIRS AND JUSTICE**

Ms. Laura Ross, Chair
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 18:59.]

The Chair: — Well good evening, everyone. This is the Standing Committee on Intergovernmental Affairs and Justice. Welcome to Minister Reiter and all of his officials. Tonight we have, substituting in for Mr. Vermette, we have Trent Wotherspoon. We also have in attendance Doreen Eagles, Yogi Huyghebaert, and Warren Michelson.

And so this is May the 4th. I've got to say it: May the 4th be with you. I had to do it. We're going to have a good time tonight, right?

Bill No. 166 — *The Local Government Election Act, 2014*

The Chair: — And so we will, if everyone is in agreement, we will proceed with the agenda as planned. The committee will begin with the first agenda item, which is Bill No. 166, *The Local Government Election Act, 2014*. We will now consider clause 1, short title. Minister, if you have any opening remarks, you may proceed.

Clause 1

Hon. Mr. Reiter: — Thank you, Madam Chair. I'd like to quickly introduce our officials, and I have some very brief opening remarks I'd make before we entertain questions. I have with me at the front table, I have John Edwards who is the executive director of policy and program services for the ministry, and also Rod Nasewich who is the legislation and regulations director in policy and program services.

I have a number of other officials with me tonight that I'll just quickly introduce them all. We'll be alternating at the front table, depending on the bill or what the specific questions are. I have my chief of staff, Angela Currie. I have Al Hilton who is the deputy minister. I have Allan Laird who is the senior legislative analyst in policy and program services; Andrea Ulrich who is the senior analyst and legislation officer in policy and program services; Duane McKay who is the commissioner and executive director of emergency management and fire safety; Colin King, deputy commissioner, operations, emergency management and fire safety; Jenna Schroeder, executive assistant to the deputy minister; and Trent Catley, emergency services officer for investigation.

Now I'll just quickly read into the record some very brief opening comments, Madam Chair, and then we can start.

The Local Government Election Act governs elections in all types of municipalities, including cities, urban, rural, and northern municipalities. It also governs school board elections, which are usually conducted by municipalities on behalf of school divisions. The ministry is consulted extensively on the changes in the bill since the 2012 municipal elections, canvassing municipalities for any issues they may have encountered and identifying areas for clarification and possible amendments. The Act has been reorganized and will be easier to use and understand by those officials throughout the province that rely on it to run orderly, consistent, and secure municipal elections.

Key changes respond to stakeholder requests and make other practical improvements to local electoral processes, including clarifying referenda and plebiscite provisions relating to the impartiality of election officials during these votes and the actions of municipal employees to promote one side of the issue; addressing issues encountered in recent municipal elections related to voter ID [identification]; advance polls in care facilities in by-elections; and combining urban and rural electoral provisions in the same sections of the Act for easier reference by administrators serving both types of municipalities, integrating the provisions, if possible, while retaining traditional differences where appropriate.

And with that, Madam Chair, we'd be happy to entertain any questions.

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

Mr. Wotherspoon: — Thank you very much. Thanks to the minister for his time here this evening and to all the officials that have joined him here this evening. Could the minister just touch on some of the changes as it relates to referenda and some that was mentioned just in his opening remarks?

Hon. Mr. Reiter: — Much of this, and I think it's probably where your question . . . There was some questions came out of this during the Regina waste water vote, so our officials did a lot of due diligence in that, talking to the folks, and we were aware of the concerns from both sides on the referenda issue.

So what this does . . . I'm going to ask John to just elaborate very much more specifically on this in just a minute. You can see the situation, if you remember it became a bit of a media issue at the time where, you know, there was some discussion around what's an appropriate position? How far would a municipal official go? You know, should they be able to voice personal opinions versus sort of the decision of city council? So the ministry weighed sort of all the concerns and landed on where I think is reasonable. So I'll just get John to spell out the specifics of that.

Mr. Edwards: — Sure, thank you. The three areas of changes that are contained in this bill relating to referenda and plebiscites are, first, ensuring that the rules that are already in the Act limiting campaigning and advertising at polls and safeguarding the impartiality of election officials are also followed in plebiscites and referenda. So it's basically applying the existing election rules to those two situations.

Second, there are limitations on actions of municipal employees, except for designated spokespersons, to promote or be compelled to promote a particular position during work hours. What that does is it allows the municipality to designate a spokesperson who may speak on behalf of one side or the other of the plebiscite or referenda, but other employees, at least during work hours, are not expected or to be compelled to push for either side. What they do on their own time, of course, is a different matter.

The third thing that the bill does is it clarifies that the date is to appear on petitions and it's to include the year. You may recall

from the media coverage there was some confusion about that.

In addition to those three items, there's one more thing. There's a consequential amendment to the municipal Acts, and so specifically there's a requirement relating to counting of names on petitions. So that's it.

Mr. Wotherspoon: — Thanks so much for that information. So the point around . . . it was that an employee wouldn't promote one side and couldn't be compelled to promoting one side other than a designated spokesperson.

Mr. Edwards: — That's right. The expectation is that the municipality could and probably would, depending on which side they were on on the plebiscite, designate someone maybe like the city manager or the administrator or whomever to speak the matter on the municipality's behalf because there may be concerns that the council has messages they want to get across. That's fine. But there's not . . . There's an expectation then that other employees remain on the sidelines during work hours.

Mr. Wotherspoon: — And when you were drafting this legislation and this very specific item, I guess, who's been consulted? I suspect it's been diverse and broad as it relates to stakeholders for the Act itself. And then was there anyone specifically or any organization specifically consulted for this portion of it?

Hon. Mr. Reiter: — I'm going to get John to get into a little more specifics of the consultations, but all the organizations that you would expect — SARM [Saskatchewan Association of Rural Municipalities], SUMA [Saskatchewan Urban Municipalities Association], the city clerks' association, the urban administrators, rural administrators — they were all consulted with. But I'll get John to get into a little bit more detail on the consultations now.

Mr. Edwards: — So on the provisions relating to referenda and plebiscites, we didn't actually have to go out and seek advice. We received a lot of advice during the waste water treatment issue in Regina. There were people on both sides of the position that came to us. We also monitored the media and letters to the editor and all of that sort of thing to ensure that we were capturing as much of the flavour of the debate that was going on. We received correspondence from a number of folks as well.

Mr. Wotherspoon: — This is a fairly extensive bill in general. The engagement that you've had with municipal partners, sector partners, but then also public interest groups that may have engaged with you, what's the feedback then on this legislation?

Mr. Edwards: — We've had support from the key municipal associations: SARM, SUMA, New North. We've worked through any comments or concerns anyone has had. The city clerks has another organization that's pretty key in terms of election provisions. We had input from them in the early stages when we were working on drafting the provisions, and then once we had a bill firmed up there were, well in the form of drafting instructions, those were circulated to the associations, and again we reached agreement.

Mr. Wotherspoon: — Was there engagement with the Chief

Electoral Officer? Is that through this process?

Hon. Mr. Reiter: — The ministry officials say they did have discussions with the Chief Electoral Officer.

Mr. Wotherspoon: — And did they have a chance to review draft legislation in advance of it being formalized?

Mr. Nasewich: — No, I don't believe they asked that they needed to see the draft instructions. They did their own review of their own legislation. We asked them for their findings, and they made a number of changes that ended up in the provincial election Act that we mirrored in this one, such as removing eligibility requirements to vote in an advance poll, the residency requirements for military and students. So we mirrored those provisions where we could. There were a couple of areas where things are different in municipal elections and so we didn't, we couldn't make changes in those areas.

Mr. Wotherspoon: — Where there any concerns noted by the Chief Electoral Officer as it relates this legislation either through its draft forms or in its current form?

Mr. Nasewich: — No, none that we heard of. And they don't typically receive any concerns about . . . from voters that we were aware of in terms of municipal elections. So no they didn't have any concerns with, with our bill.

Mr. Wotherspoon: — And what are some of the other practical changes that haven't been discussed yet here tonight?

Hon. Mr. Reiter: — I'm going to get Rod to get into some of the details on that. He did much of the legwork on this, and he's intimately familiar with it. So I'll ask him.

Mr. Nasewich: — From an operational point of view, I think the biggest changes in this Act are from that practical perspective in terms of housing the urban and rural provisions that used to be in separate parts of the old Act, one at the front, one at the back. They were largely the same but not entirely identical. So we've been able to work with the two organizations, urban and rural, and blend those into or house them in the same sections of a restructured, reordered Act, renumbered Act that has sort of all the provisions relating to a particular practice or process at least in one section.

And where we could, we standardized some of those provisions, such as the hours of polls that they're open. And where there are traditional differences, such as eligibility criteria that are different in rural and urban, we kept those differences, but they're in the one section of the Act that's easily referenced. This is particularly useful for administrators that serve both types of communities. There are some that serve urban and rural municipalities. So in general we had widespread support for doing that in this Act, and that's really why it's an extensive Act, a brand new bill. It's totally renumbered and restructured from start to finish.

Mr. Wotherspoon: — Thanks for that information. So the large portion of this is that harmonization and also just a reordering of it in a way to make it more user friendly, in a way a bit of a modernization I guess, if you will.

As far as the differences that were in place between the rural municipalities and urban municipalities — and you worked, as you said, with SARM and SUMA and their leadership to I guess come to an understanding of what the best path forward is — you mentioned the one change around the hours of polls that was a change. You talked about the difference between eligibility of voters and that there's going to, in that place, there'll be agreement that there's just a different approach on that. I guess what are some of the other . . . What were some of the differences, and then what position is it moving forward, or what's the process, moving forward?

Hon. Mr. Reiter: — I'll get John to walk through those for you.

[19:15]

Mr. Edwards: — Basically in the process, what we found in comparing the urban and rural provisions was that there were some provisions on one side that were better, more effective, better worded than for the other category of municipality. And then in other cases, it was the reverse. So generally speaking there were a number of changes made to both urbans and rural municipalities. So I'll go through each of those.

So for urbans in subsection 11(4), there's a new provision providing that if council does not comply with by-election requirements . . . and it's based on the RM [rural municipality] provisions. And in subsection 16(4) and (5), there's new provisions relating to the term of office in the case of restructuring, and those are based on the RM provisions.

In section 80 there are provisions relating to the death of a candidate, and those have been simplified based on the RM provisions. In subsection 104(2), there's new authority added for the district returning officer that are based on the RM provisions. In section 142 there's provisions, relating to destruction of nomination papers at the end of the term of office, that have been added based on the RM provisions.

On the rural side there were also a number of changes that were made. In section 29 there's new discretionary provisions for polling in hospital or personal care facilities that are based on the previous urban positions. In section 30 there's discretionary homebound voting provisions that have been extended to RMs.

In section 51 the polling clerk can now act in place of the DRO [deputy returning officer] if he's ill, for example, and those are based on the former urban provisions. In section 54 we have provisions, relating to preparation of a voters list at least 55 days before election day rather than before nomination day, that are based on the urban provisions.

In section 85, we have reference to the seal of a candidate or agent for safekeeping election materials, and that's been removed based on urban provisions. In section 87 we've used the urban procedure for recording advance polls for RMs now. In section 88 there are discretionary provisions for temporarily displaced voters extended to RMs.

In section 90 there's new discretionary authority to use vote-counting machines provided to RMs. In section 97 there's a method for a election official or agent to vote based on the

urban provisions. There's just a couple more. In section 98 there's a provision relating to a transfer certificate for disabled voters to vote elsewhere rather than where they would normally. That's been added based on urban provisions.

In section 100 there's the one that Rod mentioned referring to the extension of polling hours. Section 121, there are requirements to record the issuing of ballots that have been added, based on urban provisions. And one last one. In section 125 an interpreter is now permitted if needed for a voter, again based on former urban provisions.

So we've pulled together and tried to build more consistency in the Act. And in consolidating we've actually reduced the length of the Act by a third.

Mr. Wotherspoon: — Thanks for that thorough response. I appreciate that. As it relates to the changes made, it seems to make complete sense to make sure that members of the Canadian Forces are able to vote, so I appreciate seeing that measure in place.

And now there's some changes as well around students. Could those be described a little bit?

Mr. Nasewich: — Sure. They're quite similar to the ones for military, members of the Armed Forces. Because students may be more likely to live in a place that's not their normal place of residence, the amendment allows students to vote in local elections even if they've not been resident in the municipality for the three months or in Saskatchewan for six months. So in a sense it relaxes those requirements and allows them to vote where they may happen to be at the time of an election. And that's consistent with *The Election Act*, the provincial election Act.

Mr. Wotherspoon: — That makes sense. I know I've run into this on the provincial side in years previous, so it's important that students are given that opportunity to engage in the process. Do they now have a choice as to where they would cast the vote?

Mr. Nasewich: — At present, no. They would need to be in their home municipality and show that they are resident or have been resident there for the three months prior and resident in Saskatchewan for six months before they could vote.

Mr. Wotherspoon: — But that's changed with . . .

Mr. Nasewich: — Right.

Mr. Wotherspoon: — Right.

Mr. Nasewich: — Changed now.

Mr. Wotherspoon: — Okay, right. So if you had an election — just help me here — in September . . . And I know we have dates. That's not one of them. But let's say if you had an election in September and a kid moved from Yorkton to study at the University of Regina, he could then vote, or she, in the civic election in Regina. Is that correct?

Mr. Nasewich: — Correct.

Mr. Wotherspoon: — And would they be able to vote as well back in Yorkton?

Mr. Nasewich: — It would be a choice. They would have the choice.

Mr. Wotherspoon: — Okay. Then there'd be some mechanism so they'd have one vote. They couldn't vote in both communities?

Mr. Nasewich: — Correct.

Mr. Wotherspoon: — The minister referenced and I know I mentioned in some of my remarks in the House about this bill just about the importance of engagement with those sector partners. I guess is there any outstanding concerns from SARM or SUMA or New North or the city clerks as it relates to this bill?

Hon. Mr. Reiter: — I don't believe so. Our ministry officials I think did a very good job of consulting with the key associations, the ones you just mentioned. And I know sort of as this walked along, as you're aware, it was introduced some time ago and all the legwork was done prior to that. So it's been a little while since I've talked to some of the municipal leaders myself, but I heard nothing but good comments on the consultation our officials did, and I'm not aware of any outstanding concerns that any of them have.

Mr. Wotherspoon: — What about the matter of voter ID that was addressed in *The Election Act* of 2012? How does that relate now to this bill? I know we as the official opposition, I think lots in the public and civil society, had concerns around those changes. Do those changes, do those impact this legislation here? Are the same ID requirements in place for those that are voting in municipal elections?

Hon. Mr. Reiter: — I'll just get John to walk through those for you, the requirements.

Mr. Edwards: — Basically the major change that we're making regarding voter ID is to clarify that the voter ID is to demonstrate identity as opposed to residence. Other than that, it's pretty much the same list of things that will be required. Those are all set out in regulations. So we're currently working on the regulations, but my recollection from seeing the draft is that it's pretty much the same list.

Mr. Wotherspoon: — So the changes that were made by the provincial government with *The Election Act* in 2012, all those apply to a voter in a municipality as well?

Mr. Edwards: — There is a separate list of voter ID requirements in *The Local Government Election Act* regulations. It's similar to the one for provincial elections but it's not exactly the same.

Mr. Wotherspoon: — Could you highlight maybe the two lists then and what's different between the two?

Mr. Nasewich: — If memory recalls, the key difference is that the pieces of information in the regulations under this Act for municipalities allow a municipality to issue its own form of

identification, photo identification for its ratepayers. I think there are also, I know there are under this Act, the ability to show utility statements in your name as one form of identification. I'm not too sure if those are under the provincial election Act. We've also got an attestation form for residents of personal care facilities and shelter facilities like soup kitchens that an administrator can issue on behalf of an individual, again as one of the two forms if they don't have photo identification.

I think those are basically the main changes. For the most part they're similar. There is that extra authority for a municipality to issue its own form of voter identification to its voters.

Mr. Wotherspoon: — Okay. Well thanks for the information and I know we had extensive debate as it related to *The Election Act*. I know that government felt it was appropriate and I know the official opposition felt that it was regressive and unfair and suggesting to address a problem that doesn't exist and that would prevent too many, prevent many Saskatchewan people from participating in the democratic process. But I think that the forum primarily for that discussion would be when we had *The Election Act, 2012*, so I'm not sure that, you know, we need to get back into all those pieces there, other than I wouldn't have minded . . . I think it would have been important to have tried to address that in this piece of legislation.

I guess just to the minister before we move along with this bill: were there any efforts in looking at these processes to practices or changes that might encourage higher turnout in voting or encourage greater participation?

Hon. Mr. Reiter: — That wasn't a primary focus. That's sort of always I think front of mind for us and our officials as well but, you know, I think it speaks probably to a larger issue that you and I are both familiar with. We have that concern with provincial elections, certainly federal elections, so I don't think there's any . . . Well I know there's no quick fix to the issue or certainly it would've been done already. But you know, it's always front of mind. Whenever anybody has any suggestions or recommendations, we're certainly willing to look at it. You know, I'm sure you share the same concerns. It concerns me that there isn't a much, much higher voter turnout rate in all elections. So that wasn't, I guess to get to the crux of your question, there wasn't sort of a kind of a primary focus on that, but it is always a concern for all our officials.

Mr. Wotherspoon: — I don't think I have any more questions about the bill at this time.

The Chair: — Excellent. Thank you. Are there any other, more questions from any of the committee members? Seeing none, we will proceed to vote on the clauses. Given that this bill has 194 clauses and one central one, I'm asking leave of the committee to vote on the clauses of this bill in parts. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you very much. Part I, preliminary matters, clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 194 inclusive agreed to.]

[Schedule agreed to.]

[19:30]

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

I would ask a member to move that we report Bill No. 166, *The Local Government Election Act, 2014* without amendment.

Mr. Michelson: — I so move.

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

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 167 — *The Local Government Election Consequential Amendments Act, 2014/Loi de 2014 portant modifications corrélatives à la loi intitulée The Local Government Election Act, 2014*

The Chair: — Next on our agenda is Bill No. 167, *The Local Government Election Consequential Amendments Act, 2014*. I'd like to remind members that this is a bilingual bill. We will now consider clause 1, short title. Minister, do you have any opening remarks? And if so, you may proceed.

Clause 1

Hon. Mr. Reiter: — Thanks, Madam Chair. I'll be very brief. Amendments are required for the bilingual Act, *The Education Act, 1995* because that Act refers to *The Local Government Election Act* and the provisions dealing with the election of school board members. The amendments only change the name of the Act and the section number being referred to so that the references remain accurate.

The Chair: — Yes, that was brief. Thank you very much, Minister. Are there any comments or questions on this bill? None? Okay. Then any comments or questions from the other members? If not, 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 and 3 agreed to.]

[Schedule agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Local Government Election Consequential Amendments Act, 2014*.

I would ask a member to move that we report Bill No. 167, *The Local Government Election Consequential Amendments Act, 2014* without amendment.

Ms. Eagles: — I so move.

The Chair: — Thank you very much. Ms. Eagles moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 168 — *The Government Relations Administration Act*

The Chair: — Next on our agenda tonight is Bill No. 168, *The Government Relations Administration Act*. We will now consider clause 1, short title. Minister, do you have any opening remarks?

Clause 1

Hon. Mr. Reiter: — Thank you, Madam Chair. This bill will consolidate and repeal four outdated former department Acts into a new Act, *The Government Relations Administration Act*, that better reflects the Ministry of Government Relations' mandate which includes public safety, First Nations and Métis relations, and northern affairs and municipal affairs.

Specifically this bill will consolidate and standardize the general authorities of the Minister of Government Relations that are necessary to provide the programs and services currently in place in the ministry; to add new authorities for the minister to ensure compliance in the levying, collection, and remission of education property taxes by municipalities and deal with intermunicipal disputes; resolve overlap, duplication, and inconsistency with respect to ministerial authorities in *The Executive Government Administration Act* and other legislation; and repeal four outdated former department Acts, namely, *The Urban Affairs Act, The Rural Affairs Act, The Rural Development Act, and The Northern Affairs Act*.

The ministry has consulted on this bill with the rural, urban, and northern municipal associations and believes it will better position the ministry and Minister of Government Relations to continue working with its respective municipal, public safety, northern and First Nations and Métis stakeholders to support provincial priorities and objectives. I'd be happy to answer any questions.

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

Mr. Wotherspoon: — Thank you. I know in your opening remarks in the legislature, you've identified that this bill does four things in essence. Can you just touch on what those changes are and what they mean for municipalities?

Hon. Mr. Reiter: — Sure. I'll just touch on them I think kind of broadly and then, if there's specific, if you want to ask a question on one, we can certainly delve in as deep as you like.

For example, what it would do is it would consolidate and generalize the authorities that the minister has under the statute to provide the programs and services that we are right now or that we may change to in the future. Certainly it's been many years since any substantive changes have been made to those pieces of legislation, and we think this would more accurately reflect what we're working on today.

There's going to be some new authorities for the minister to deal with compliance to make sure municipalities are collecting and remitting education property taxes correctly. The vast majority of municipalities do that, but there's been some instances in the past where that hasn't been the case. We believe this extra tool will be helpful to ensure that that's done appropriately.

It's going to do some work to get rid of overlap, duplication, and some inconsistencies. And lastly it will do the actual repeal of the four Acts that I mentioned.

Mr. Wotherspoon: — Do you want to speak to the consultation that occurred as it relates to this legislation?

Hon. Mr. Reiter: — Much of the consultation was internal with other ministries and, if you'd like more information on that, I'll certainly get John to elaborate on that and give you more detail. But I think the key ones, probably I think the front-of-mind ones that you and I would think of are SARM, SUMA, and the New North, and consultation packages were sent to them. There was consultation between ministry officials and those organizations.

Mr. Wotherspoon: — From your responses from SARM, SUMA, and New North, have you had concerns raised with you about the changes that you've brought forward in this bill?

Hon. Mr. Reiter: — I think there was some back and forth between officials. I'll get John to elaborate on that. But my understanding is, at the end, once we sort of got to the copy you see, I think there was agreement with all the organizations. John.

Mr. Edwards: — Sure. Just to confirm, yes, we received agreement from all three of those municipal associations: SUMA, SARM, and New North.

Mr. Wotherspoon: — Could you speak to any of the changes around intermunicipal disputes and the role for the ministry and maybe speak to any concerns that were noted as it related to I guess what those changes are that have been brought forward, what that process looks like, and any concerns that were brought forward.

Hon. Mr. Reiter: — I'll get Rod to speak to that one.

Mr. Nasewich: — Yes. Those amendments in this bill are actually made consequentially to the three municipal Acts. And what they do is they provide for the minister to order or get the municipalities to go through a dispute resolution process

through the SMB [Saskatchewan Municipal Board]. The reason that was necessary is that currently the municipal Acts provide for municipalities voluntarily to do that on their own if there's a dispute between or among them, and it also provides for specific situations where that must occur. Annexations for example is one where there's a process set out in the Act.

So what this provision does is just allow for other disputes that are not captured by those things that are already spelled out in the Act or where municipalities don't choose to do it on their own. They can't voluntarily get themselves to the table. The minister can then order that a dispute resolution process unfold with the SMB or through another means.

Mr. Wotherspoon: — Thanks for the information. As far as the changes around education property tax, the minister identified what he I think identified as sort of a minor concern around compliance in what are very few circumstances. But can the minister just elaborate a bit about what non-compliance looks like on that front?

Hon. Mr. Reiter: — Sure. Roughly 95 per cent of municipalities comply with the provisions, follow their legislative requirements to collect and remit appropriately, but there's a small percentage that can be an issue. And just some examples the ministry provided: village of Pelican Narrows, no cash collection was reported; village of Glaslyn, no cash collection was reported; and the village of Krydor, no cash collection was reported. So I think it's important that, you know, they have an estimate on what it was.

You can imagine, in all instances, small village, it's not a large amount of money. But it's important a mechanism can be put in place to deal with it. So this allows a provision for the sort of scaled back I guess, if you will, revenue-sharing grant to compensate for the amount of education property tax that should be remitted to the school division.

Mr. Wotherspoon: — Have there been any concerns raised that this maybe takes too much power to the minister as opposed to municipalities or that it's a bit of a consolidation of power? Have any concerns been brought forward of that nature?

Hon. Mr. Reiter: — Do you mean specific to the education property tax or in general?

Mr. Wotherspoon: — The bill in general.

Hon. Mr. Reiter: — You know, I think it speaks volumes that the parent municipal associations have all agreed to it. Our ministry staff was very diligent and careful in drafting it and consulted closely with them so there'd be a comfort level for municipalities with us.

Mr. Wotherspoon: — I don't have any further questions on this Act at this time.

The Chair: — Are there any other questions or comments from any of the other 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 13 inclusive agreed to.]

[19:45]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Government Relations Administration Act*.

I would ask a member to move that we report Bill No. 168, *The Government Relations Administration Act* without amendment.

Mr. Huyghebaert: — I so move.

The Chair: — Thank you, Mr. Huyghebaert. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 170 — *The Fire Safety Act*

The Chair: — The committee will now deal with the last agenda item which is Bill No. 170, *The Fire Safety Act*. We will now consider clause 1, short title. Minister, do you have any opening remarks?

Clause 1

Hon. Mr. Reiter: — I do, Madam Chair. I'll briefly read them into the record.

Bill 170, *The Fire Safety Act*, will replace *The Fire Prevention Act, 1992* and update the roles and responsibilities of local fire services and the provincial fire service to better support fire safety and response across the province. Specifically, this bill contains improvements in three key areas: (1) better liability protection for local firefighters and departments and provincial fire personnel when assisting local fire services; (2) it will provide municipalities and local fire services with more transparent rules regarding the entry, securing, and closing of premises in situations involving fire and additional measures to prevent the risk of fires and emergencies and address bylaw and fire code contraventions; and (3) better ability for the province through the fire commissioner to advise on and make recommendations regarding local fire services and clear authority to assist communities and local fire departments overwhelmed by a fire or other emergency.

My ministry held numerous meetings and consultations with all major municipal and public safety sector stakeholders between 2006 and the present to discuss and draft the new Act. Stakeholders support the direction of the new legislation, particularly that it reflects the current realities and situations local fire departments deal with, while retaining local autonomy to decide the level and type of fire services provided to residents. Now I'll be happy to answer any questions.

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

Mr. Wotherspoon: — Sure.

The Chair: — Mr. Wotherspoon.

Mr. Wotherspoon: — Well certainly this is an important Act and a very important service to ensure safety and protection to Saskatchewan people, and I certainly am thankful to all those that are a part of that service across Saskatchewan. I'm interested in I guess just some clarity around what was sort of the third point of the minister. I'll just quote from your introductory remarks in the legislature:

... the new Act will provide the province, through the fire commissioner, with clear authority and greater ability to assist and support communities and local fire departments when requested or required by a fire situation or emergency event.

If you could talk a little bit about what this is going to mean in practical terms, what it's going to mean by way of hopefully improved safety for Saskatchewan people, and what were some of the barriers that needed to be addressed by way of this Act.

Hon. Mr. Reiter: — Certainly. The day-to-day operations of that will fall to Duane McKay, the fire commissioner, and his staff. Duane has joined us at the front table now. I'll get him to elaborate on that for you.

Mr. McKay: — Duane McKay, commissioner of emergency management, fire safety. Thank you for the question. Over the last several years, we have seen a significant increase in the impact of emergencies across the province. In addition to that, we've seen the municipalities changing in terms of the environment and the response for, requirements for the fire service struggle with the ability to meet the demands of all of these emergencies.

In 2011 we started with a development of emergency response capability, primarily to focus in on flooding, but very soon after that expanded it to ensure that we had the capability of backstopping municipalities.

We typically try to encourage them to sign mutual aid agreements to work with their neighbours to ensure that there is a common access to as much equipment and manpower and consolidation of operating procedures in regions. But even in those cases, we are still seeing a significant impact as a result of some of the changes within the province, both related to the environmental impacts, storms, disasters, tornados, so on, but also with respect to the buildup of industry, oil trains and so on, that we've had a couple of incidents over the last little while which cause us to continue to have some concern.

The role of the province is really to fully understand what the municipalities require, what their capabilities are, and then to provide specialized equipment, specialized training, and support to ensure that local authorities can meet those requirements whether the service exists, doesn't exist, or that the incident overwhelms their capacity. And so we have been doing that over the last several years and with some success in terms of meeting the demand and supporting municipalities in whatever the disaster might be.

Mr. Wotherspoon: — Certainly it's incredibly important. I appreciate the term backstopping some of the municipalities and all communities that are working to ensure a fire service, and of course also there on the emergency side of equation. Sometimes I hear pressures for municipalities around the volunteer fire services that I know so many are tirelessly dedicated to across Saskatchewan. Could you speak to any specific concerns as it relates to volunteer fire services across Saskatchewan?

Hon. Mr. Reiter: — If I understand your question correctly, municipalities that do have difficulties recruiting enough volunteer firefighters, you're wondering if this addresses that in any way?

Mr. Wotherspoon: — Certainly that and also they're working in the context of the province and working with government, and I know there's supports in place, and then sometimes there's various frustrations as to how some of these services are organized. So I just wouldn't mind hearing . . . Certainly I know your ministry will be engaged in consultation with municipal partners, but also with specifically the volunteer fire services across the provinces. So I'd like to get a sense of what some of those challenges are that you're identifying as a government, and then if there's specific measures that are being brought to bear in this Act to address some of those.

Hon. Mr. Reiter: — Sure. First of all to the point about, you know, to recruitment, there's really nothing in this Act that sort of specifically speaks to that. Although one thing that I know is very well received by our firefighters, including our volunteer firefighters and the municipalities as well, and it kind of speaks to the second part of your question, is the liability protection. The Act previously has been somewhat silent on it, I guess, and there's frequently been concerns about if a fire department helped in an adjacent municipality where they may be overwhelmed if there wasn't an actual contractual arrangement, whether or not that could become a liability issue for the municipality whose fire department responded and/or the firefighters. So I think that's just one example that's been addressed in this.

Mr. Wotherspoon: — Can you speak to some of the changes about as it relates to providing the ability to inspect the places open to the public without notice, or a warrant to better deal with situations such as overcrowding and hazardous materials? Maybe give us a flavour of what some of those worrisome circumstances may be, why this is warranted, and how this is in the public's interest.

Hon. Mr. Reiter: — Sure. We'll be getting into a bit of the technical side on that where a certain substance or process might be . . . cause sort of an imminent danger. So I'm going to get Duane to elaborate on that.

Mr. McKay: — So in the case where there is a public occupancy, whether it's a business or a gathering place, it's important for the fire service to be able to enter into those properties to see to it that there is no immediate risk to the public that might be assembling or working in those particular areas, specifically with respect to overcrowding. This was an issue raised by some of the fire services and their ability to actually enter into properties to see whether or not there was

more people assembling in those areas than was safe. And there was some impediments in the current legislation that didn't allow them to go in and take some proactive measures.

We've changed those provisions within the Act to ensure that they have the ability to go in, conduct those inspections and reviews, and to ensure that there isn't various actions being taken by individuals to hide the fact that they may be having more patrons in their establishment than is legally there. So we've changed so that we can allow our inspectors to get in, have a look at that, and protect the public safety.

This is the same case for hazardous materials or wherever there is imminent risk to life and property or the environment, which the inspector than can make entry into those places, take appropriate action to reduce that risk, and ensure that the public is safe.

Mr. Wotherspoon: — Thanks for that information. And when it relates to a residential property, a warrant is still required? Or consent? Is that correct?

Mr. McKay: — Sorry. Yes. Obviously in the case of an emergency where there's a direct threat to life and property or fire, then no warrant is required for firefighters to enter in and suppress any fire or take any immediate action to reduce that risk, even up to determining cause and origin.

In the event that there is any contravention of any code or enforcement then in a private residence, written consent or warrant will be required in order to preserve the rights of those individuals in any investigation that might take place. So any search and seizure would have to be done under the auspices of written consent or through a warrant.

Mr. Wotherspoon: — Thanks for that information. The Act makes changes so that municipalities can register fire safety orders on titles. And then of course that also makes it clear to say if you're selling a property or someone's acquiring a property, that there's some safety risks that are there and that need to be addressed that hopefully will compel owners to address fire hazards and safety concerns.

Could you speak to some of the specific examples that municipalities and fire services are dealing with across Saskatchewan? Just some of the practical examples of where fire orders are being used to compel owners to fix a dangerous circumstance or potentially will be registered against a title.

Mr. McKay: — Certainly. There has been . . . and this again was raised by some of the stakeholders to ensure that they had the powers and tools to look after individuals who would have a property, have orders written against it, and rather than dealing with the orders they would immediately sell that property. And the new owner, sometimes without inspection, would obtain that property and then be saddled with whatever the orders were assigned to that property.

And in some cases that might even create a significant financial burden for the individual who would be unaware of that, specifically the ability to enter the orders on the title but ensure that any transfer of property, no matter what, the new owner would be fully aware of all of the obligations associated with

that property, and then would be able to make a good decision in terms of whether they want to enter into that agreement or not. It ensures that fire services are not constantly chasing these individuals who constantly operate or attempt to operate outside of the fire code.

Mr. Wotherspoon: — Thank you for that information. The Act also makes changes around the ability for municipalities to pass bylaws that exceed the national fire code. And maybe if you can speak to some of the specific types of bylaws that are being considered by municipalities or some of the practical concerns that should be addressed.

Hon. Mr. Reiter: — I'll get Duane to address that in a minute. I was just going to mention, as you stated though, it allows municipalities provision to exceed the national building code, not come in under that. It would become the minimum threshold I guess, if you will.

I think it's important to recognize too though that if the proposed bylaw in some way conflicts with the building code, the Ministry still has authority to overrule it. Ministerial approval is still required. As far as some specific examples, I'll ask Duane to give us some.

Mr. McKay: — There isn't any application before us now for this. This is really a modernization of the code in the ability to allow the ability for municipalities to identify opportunities to exceed the national fire code.

There has been bylaws put in place. They're done under the municipal Act, not our Act specifically, and in some cases identifying . . . for instance Swift Current has a sprinkler bylaw that asks new construction to have sprinklers in those buildings. This would allow any bylaw that would be adopted under this with the consent or the review to ensure that there's no conflict with the national fire code. It would then, if there's any orders written against those particular bylaws or appeals via citizens, then it would come back through this Act, through the hearing process to ensure that it's consistent with any other provision of the fire code.

This was again something that was asked for by the municipalities. And we'll have to wait and see whether or not they want to use that provision, but it is there. It does allow them to create bylaws that exceed the fire code but cannot be in conflict with the fire code.

[20:00]

Mr. Wotherspoon: — Thank you for the information. The sprinklers in Swift Current are an example. Are there other examples that you're hearing from municipalities? They're asking for these powers to exceed the national fire code. I'm sure very good reasons that they're asking for them. Are you aware of other practical measures they're looking at addressing?

Mr. McKay: — There is another incident or item. I think the city of Regina has implemented a bylaw that requires hard-wired smoke detectors, smoke alarms in rental properties. That does exceed the national fire code. So it would be cases like that where they have a specific issue within their municipality that is creating a risk, and this would allow them

then to take specific action to address those risks. So those are the two that I'm aware of.

Mr. Wotherspoon: — The changes here would also allow the province, if it wanted, to establish a province-wide provincial standard on this front. Is that something that the minister is working towards?

Hon. Mr. Reiter: — Typically as a matter of course the ministry reviews these every five years. So I think what will likely happen if, for instance, one of the examples Duane gave or something that's not front of mind right now, if there became an instance where a number of municipalities were asking for that, you know, at that time I think we'd consider in future amendments making it standard across the province. But for now this approach seems to be working well.

Mr. Wotherspoon: — Thanks for the information. Moving along to First Nations fire protection, I think there's some comment in your initial remarks that this Act will better facilitate inclusion of First Nations, regional entities, and private industry into fire service agreements and arrangements to encourage area and intercommunity co-operation. I guess, could you speak to those components?

Hon. Mr. Reiter: — There's sort of two key components to that. The first one is the issue I mentioned earlier about liability protection for firefighters and fire departments in that if firefighters are called out to an emergency in a First Nation, this makes it abundantly clear that liability protection is no longer an issue.

And the second part of that, it would be, much of it's language and I think just clarification of sort of the intention. The current Act speaks to, for example, intermunicipal agreements, you know, as opposed to the new language says inter-jurisdictional agreements, I believe. So it just kind of speaks to that whole sort of broad understanding that First Nations are included in this, you know, for the reasons I just said.

I think we have a perfect example of that, that I'm going to get Duane to explain to the committee, in the southwest part of the province.

Mr. McKay: — Thank you. So the ability to bring First Nations and municipalities together is vital. Fire doesn't respect jurisdictional boundaries in any way and, in many cases, the geopolitical boundary gives the fire an opportunity to actually grow while people are trying to figure out what to do.

In the southwest, the southwest regional public safety organization has come together and has organized themselves in a way that it brings rural municipalities and First Nations together. And I just recently attended their annual meeting, made up of municipalities and First Nations sitting on the board. So the representatives from Nekaneet First Nation actually sit as a board member, participate fully in all of the decisions made by the regional organization to bring the resources, not just in fire suppression but in public safety, fire prevention, education programs, and so on. So those are the things that they will address in their meetings.

It also provides us an opportunity to address regional concerns.

And certainly working with organizations like that, where we have First Nation and municipal leaders sitting together, certainly makes our job a lot easier in terms of trying to figure out how to support municipalities and First Nations communities in an effective way, both in terms of getting information and providing information back to them, in terms of how we can move together.

Mr. Wotherspoon: — Thanks for the example, and thanks for that information. As far as the aspect of making sure an entire province is protected and making sure that First Nations in through remote parts of the province and municipalities that are struggling to provide that service, but specifically again recognizing some of the disparities, I guess, on First Nations, what actions have been taken by, I guess your government, to address some of those, to respond to some of those inequities that are in place?

Hon. Mr. Reiter: — Sorry for the delay. Our ministry offers a great deal of services on First Nations. You know, there's always the recognition that emergency things such as fire are, well it's a local responsibility. And on First Nations, there's a different dynamic because it's also federal jurisdiction, but we try not to get hung up on jurisdiction in issues of an emergency.

So what we do do, and I'll just run through briefly, our emergency management folks offer a lot of support to First Nations depending what the issue is. We have a dedicated unit and the provincial disaster assistance program that deals directly with First Nations emergencies. All the hazards, advice, and support that are given to municipalities, we try to provide that to First Nations as well.

Just some examples: during the 2011 flood event, there was over \$3 million spent in responding to emergencies on reserve. We have a lot of background information on the number of hours of emergency services response last year was 3,578. And the list sort of goes on, including in past years our folks coordinated the evacuation of 1,200 residents from Wollaston Lake because of a wildfire.

In July of 2013, at the request of Fond-du-Lac, Stony Rapids, there was another evacuation of 200 individuals. In May of last year, there was an evacuation of about 900 people from Stanley Mission and Cumberland House due to a wildfire, and the list just sort of goes on.

Mr. Wotherspoon: — Thanks for the information that's been provided. And I guess could the minister speak to any work that he's undertaken directly with, certainly with the municipal sector, but as well directly with First Nations and directly with the FSIN [Federation of Saskatchewan Indian Nations] or with the federal government on this file?

Hon. Mr. Reiter: — Sure. Now while this isn't specific to this statute, you know, I'm happy to do that. On the issue of emergency services in general, some work had been done by our officials and federal officials over the past quite a few months, and a draft agreement was arrived at. It was an agreement between the federal and provincial governments and it was sort of specifically to . . . I think in a lot of ways it was putting into writing what's already the practice and it was clarifying payment for the services. But there was also a

provision there that the federal government would fund some new officers that could certainly help on First Nations in regard to training and helping to facilitate agreements with municipalities and a number of things that I think they could do to enhance the services.

Forgive me . . . I don't remember the exact date now, but sometime ago this spring I'd had a meeting with interim Chief Kim Jonathan of the FSIN to discuss this. You know, it was a matter of public record. It was in the media that she was concerned that she felt that the federal government hadn't consulted them early enough or that they had enough input. So I've had further . . . In fact I talked to her briefly this morning. We intend on meeting in the very near future to go through all the issues around that again. I'm optimistic that in the very near future that there'd be an understanding arrived at.

[20:15]

Mr. Wotherspoon: — Well certainly it's an important area for leadership and I know that there's some complexity to these matters. But you know, certainly it's children, and many don't choose the circumstances of the community that they're living within and it would be . . . I think it's incumbent of all of us to make sure there's a coordinated level of a standard of service on this front that would be acceptable to any one of us or our families. So it's an area that we'll continue to track with interest.

And maybe just if you can finally touch on some of the provisions around enhancing the role for the fire commissioner to work directly with municipalities in making recommendations to them as far as I think improvements that can be made or deficiencies that are in place as it relates to fire service.

Hon. Mr. Reiter: — Sure. I'm going to get Duane to do that. Duane and his officials do a great deal of work with individual municipalities and I just thought that question probably was a good opportunity for me to mention, fairly regularly I hear feedback from municipalities on the great work they do. And I just want to commend them for that: Duane . . . Colin King's here as well. So Duane, I'll get you to get specific on that if you would.

Mr. McKay: — Thank you, Minister. One of the things that we identified early on is that municipalities don't want to be legislated in levels of service that they need to provide within their jurisdictions. And recognizing the autonomy of those municipalities, we discuss with them at length alternatives to ensure that they were doing due diligence in identifying levels of service that they might want to provide to their citizens.

Through that process they will be required to inform the fire commissioner of the levels of service that they are providing. This will certainly help the province identify any gaps and be able to pre-position support so it can arrive in a more rapid and coordinated form.

In addition to that they will be required to let their citizens know, the ratepayers know the levels of service that can be provided so that the expectations of an individual living within that jurisdiction in terms of their own safety can be coordinated

with the safety and services that are provided by the municipality.

So if I'm living in a rural area, for instance, it's unlikely that I will expect the same level of service as I would in a large urban centre. But nevertheless, if I am not, if I don't have that information, then I wouldn't even know what to expect. Having that information will allow me as an individual to be able to establish my own safety regime so that I can know what it is that the municipality is going to provide.

So no way are we interfering with the ability for a municipality to set their own standards, but everybody involved will know. And as you stated before, it will provide a coordinated approach to ensuring that everybody is fully aware, from the citizen receiving the service, what services that the fire chief is responsible to deliver, and then certainly what the province can do to assist in filling gaps, recognizing that, you know, there is a potential for significant events to occur anywhere in this province that would certainly overwhelm any municipality and municipal fire service, no matter where they might be. So it does set up a way that everybody's fully informed and that we can coordinate the approach.

Mr. Wotherspoon: — I don't have any further questions as it relates to this bill here tonight but certainly want to urge the important action as it relates to ensuring a fair level of service to all Saskatchewan people, one that each one of us would find acceptable.

I would just like to thank certainly the officials that are here tonight for the work that they provide but really the hundreds and hundreds, I guess thousands of people across Saskatchewan that are a part of fire protection and emergency response, whether in the municipalities, whether a part of a volunteer service, whether on a First Nation, all those that contribute to ensure that Saskatchewan people are safe.

The Chair: — Okay. Are there any more questions or comments from the other committee members? Seeing none, we will proceed to vote on the clauses. Given that this bill has 69 clauses, I'm asking leave of the committee to vote on the clauses of this bill in parts. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you. Part I, preliminary matters, clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 69 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 170, *The Fire Safety Act*.

I would ask a member to move that we report Bill No. 170, *The Fire Safety Act* without amendment.

Mr. Michelson: — So moved.

The Chair: — Thank you very much, Mr. Michelson. Is that carried?

Some Hon. Members: — Carried.

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

Hon. Mr. Reiter: — I do. Thank you, Madam Chair. First I was remiss a few minutes ago when I commented about the good work Duane and Colin, our emergency management officials do. Trent Catley is also here and I shouldn't have neglected to mention him. And I'd like to thank you, Madam Chair; all the committee members; Mr. Wotherspoon for his questions. And I'd certainly like to thank all our officials for being here and so helpful tonight. So thank you, Madam Chair.

The Chair: — Thank you very much, Minister. I'd ask a member to move a motion of adjournment.

Ms. Eagles: — I so move.

The Chair: — Thank you very much, Ms. Eagles. The committee stands adjourned until Tuesday, May 5th, 2015, at 3 p.m.

[The committee adjourned at 20:23.]