



STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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**STANDING COMMITTEE ON INTERGOVERNMENTAL
AFFAIRS AND JUSTICE**

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Arm River

Mr. Doyle Vermette, Deputy Chair
Cumberland

Ms. Nancy Heppner
Martensville-Warman

Ms. Lisa Lambert
Saskatoon Churchill-Wildwood

Mr. Eric Olauson
Saskatoon University

Mr. Doug Steele
Cypress Hills

Mr. Warren Steinley
Regina Walsh Acres

[The committee met at 15:06.]

The Chair: — I want to welcome everybody to the committee and introduce the members. I'm the Chair, Greg Brkich. Doyle Vermette is Deputy Chair. Other members are Nancy Heppner, Lisa Lambert, Eric Olason, Doug Steele, and Warren Steinley. We do have a substitution for Doyle Vermette. Substituting for Doyle is Nicole Sarauer.

Before we go on to the agenda, we have to table document 7-28, responses to questions raised at the May 1st, 2017, meeting. I will put in . . . This afternoon we'll be considering four bills. The first one is Bill 30, *The Freedom of Information and Protection of Privacy Amendment Act, 2016*. Minister Wyant is here with his officials. I will ask the minister to introduce his officials and if he has any opening comments. Mr. Wyant.

Bill No. 30 — *The Freedom of Information and Protection of Privacy Amendment Act, 2016*

Clause 1

Hon. Mr. Wyant: — Thank you. Thank you very much, Mr. Chair. Well to my left, Darcy McGovern, Q.C. [Queen's Counsel], director of legislative services. And to my far left, Maria Markatos, senior Crown counsel for legislative services. And to my right, Aaron Orban, executive director, access and privacy branch.

Well, Mr. Chair, I'm pleased to be able to offer some opening remarks concerning Bill 30, *The Freedom of Information and Protection of Privacy Amendment Act, 2016*. Not long after his appointment, I'd asked the Information and Privacy Commissioner to identify the priority changes that he would like to see in the legislation. So *The Freedom of Information and Protection of Privacy Amendment Act, 2016* is being introduced in response to the proposed amendments by the commissioner.

Those amendments include a duty to assist applicants for information, a duty to protect personal information, extension of LAFOIP [*The Local Authority Freedom of Information and Protection of Privacy Act*] to police services, the creation of a new offence for snooping, and extension of the privacy requirements under the Act to MLA [Member of the Legislative Assembly] offices and to cabinet ministers' offices.

These are changes that will significantly update Saskatchewan's legislation by applying privacy protection to MLA offices. FOIP [*The Freedom of Information and Protection of Privacy Act*] in our province would be the first legislation in Canada to include this requirement.

Amendments are also being made to provide for a number of things: the introduction of mandatory breach notification where personal information has been leaked that places individuals at serious personal risk; broadening the grounds for a review by the commissioner to include reviewing complaints regarding fees, transfer of access applications, and improper handling of personal information; allowing the rejection of frivolous or vexatious access requests; recognition of electronic access

requests and responses; updating the list of existing exemptions from disclosure; authorizing the commissioner to disclose personal information to the privacy commissioners in other provinces to facilitate investigations or reviews regarding government institutions in more than one jurisdiction; and increasing the penalties for offences.

Mr. Chair, we have consulted with the commissioner to identify these priority changes, and we certainly appreciate his leadership, his energy, and expertise in promoting those changes.

While the majority of the recommended changes are being made, there are recommendations by the commissioner that have not been included in this package. We will continue to collaborate with him and consult with appropriate stakeholders regarding the other proposed changes. For example, some of those recommendations may be addressed through changes to practice rather than amendments to the Act.

However rather than wait for further consultations, additional recommendations, or further reports, it was time to get these priority changes done. We'll be working closely with police services and other stakeholders regarding these changes including, Mr. Chair, the development of the necessary regulations before the Act comes into force.

Since the introduction of Bill 30, the Deputy Government House Leader has discussed the proposed addition of parliamentary privilege with the Parliamentary Counsel and the Opposition House Leader and recommends that the reference to parliamentary privilege be removed. Concern was raised by the Parliamentary Counsel that specific reference to parliamentary privilege may undermine the right of the Legislative Assembly to manage its own procedures and invite the courts to become more involved in the determination of parliamentary privilege. As such, the proposed House amendment will amend clause 10 of the bill to remove the reference to parliamentary privileges.

Mr. Chair, the government remains committed to protecting personal information while providing appropriate access to information held by government institutions. The bill and the changes to be made to the local authority, *The Freedom of Information and Protection of Privacy Act*, will go a long way toward resettling the careful balance in this modern electronic age.

So with that, Mr. Chair, I'd be pleased to answer any questions.

The Chair: — Ms. Sarauer.

Ms. Sarauer: — Thank you, Minister Wyant, and to the officials for being here this afternoon for your opening remarks. I have a few questions with respect to this bill. Minister Wyant, you had mentioned in your opening remarks, as well when you were giving your speech in the House with respect to this bill, that this bill comes out of some recommendations from the Privacy Commissioner's office. However as you had mentioned, not all of the recommendations are included in this legislation that's before us today. What process did the ministry use to determine that these were the recommendations that were going to go forward today?

Hon. Mr. Wyant: — Well there was an ongoing consultation with the Information and Privacy Commissioner with respect to the changes. And when we went through them, as I mentioned in my opening comments, there was a number of items which seemed to be . . . well, which we had agreed with, and there's a number of other items which we thought we needed to consult further on.

And so in order to get the legislation moving forward, we felt it appropriate to move the legislation forward with these changes, at the same time giving a commitment to the commissioner that we would continue to kind of discuss those other things with them. So the consultation happened within my ministry and in consultation with the commissioner.

Ms. Sarauer: — Thank you. Can you confirm which recommendations are still going through the consultation process that you just discussed?

Hon. Mr. Wyant: — I'll let Mr. McGovern answer that.

Mr. McGovern: — I think — as the minister had mentioned — there's a few that we would consider to be provisions that the consultation . . . we're not proceeding on or we're not proceeding at this time. For example one of the recommendations by the Information and Privacy Commissioner with respect to this bill was that the LAFOI — which is the local authority FOI [freedom of information] bill which we'll be talking about next — and FOI be combined into one piece of legislation. And of course, they've been separate for about 23 years. And it's not a proposal that I think we've rejected, as opposed to saying at this point that's not happening this time. We're going to focus on the several provisions that you've included, but that's one that we would be taking off the table.

The definition of government institution, he had asked that government institution, the way it's determined be changed. And I think, there again, that's another conversation that we continue to have with them. I think we're prepared as a matter of practice to try and ensure that in a session when there's a new institution created that it be added to that list as soon as it can. But the reality is, now that we've used this government institution definition — the FOI definition — in a number of different other places in legislation, it's a very good tool. And so we're reluctant to simply take a different approach at this point because the certainty that it's provided would be lost.

And so there's items like that where we've said, well I don't think that's a fit for what we're doing right now.

[15:15]

Another example, he had mentioned preambles and purpose clause or a five-year review. Now those, as a matter of drafting protocol in Saskatchewan, we don't normally have those provisions. And people like me who have done this for a long time, with respect, when we hear people asking about preambles, we usually say we want the Act to be clear. The Act should say what it means. We shouldn't have to make a reference to a preamble, particularly in an Act that's not a constitutional Act. That's where you might see a preamble a bit more often. And so those sorts of issues I think were issues

where we said, you know, I don't think we're going to proceed right away.

Where we're talking specifically about more collaboration . . . For example, one issue was with respect to the local authorities asking about whether the records of councillors constituted part of their record. And we feel that's an issue that, fairly, we need to go consult with that community more than making an amendment to the Act at this point. And so there's an example of one that would be a continued consultation.

So those I think are the categories, you know, of those few changes where we would say, we have ones like the . . . combine the Act where we're saying, well we're not doing that right now. We have ones where we're saying we're going to continue to discuss that and see whether or not it's something we can move forward on. And then with Aaron's group, as our executive director with our access and privacy branch, we have areas where we think we can make practice improvements, in consultation with Mr. Kruzeniski, that can address these issues rather than making immediate amendments.

So I think, without going on too much longer, I would just indicate that it's a continuing collaborative effort with the key being the comment by the minister that a lot of these are not new. They've been identified previously. But if we waited for everyone to catch up, we get in the situation where we don't make changes. These are the changes that we could get agreement on, and they're important changes that we wanted to move forward with now, and continue to talk about the ones that need to be talked about more.

Hon. Mr. Wyant: — I might just add one further comment to that. As you may know, this legislation's been substantially unchanged for many, many, many years. And so further to what Mr. McGovern had to say, it was time to move this file forward. And so to get the things done which we thought were fairly clear and what we had agreement on was important to us, as opposed to waiting for a further period of time to bring the whole suite of amendments forward.

Ms. Sarauer: — Thank you. Mr. McGovern, you had mentioned one of the recommendations that wasn't included was the five-year requirement to review the legislation, but I didn't catch why it wasn't included. Can you explain why it wasn't included?

Mr. McGovern: — In my comments, I noted, like with a preamble or an object clause or a purpose clause, that the practice in Saskatchewan hasn't been to include a provision at the end of legislation that says, and "this shall be reviewed on a specific time period." The minister has mentioned in this case as well that, you know, we're viewing this as an ongoing collaborative effort. And I think that's the position of Mr. Kruzeniski as well.

So not including that clause I don't think is a particular indicator of when the next time the Act may be looked at. I think it's more of a substantive approach of saying, let's continue this dialogue that we can build on now, and let's move forward.

Ms. Sarauer: — Thank you. Another recommendation that

wasn't included was changing the maximum time for a response from 30 days to 20 days. Can you explain why that hadn't been included in this legislation?

Mr. McGovern: — Sure. And I may let Aaron speak to this as well. But this was one of the areas that I would refer to as a practice improvement area. The 30 to 20, we recognized in our conversations with the Information and Privacy Commissioner that not all access requests would appropriately take the same amount of time. And I think the goal is to improve that communication so that where you have a huge request — a request for hundreds and hundreds of pages — that the appropriate step is to have a communication with the person who's making the access request to determine . . . Is it properly scoped? I mean, do you really need that much information, or is there something specific that you're looking for? And conversely we have situations where we're saying, well we don't need to wait 30 days to respond to a short request.

And so what we're looking at is a practice improvement where, rather than making this a statutory requirement right off the top, that we look at, with Aaron's discussions with the Information and Privacy Commissioner on the technical side, whether this is something that we can start to address through practice improvement and then be in a better position to assess whether statutory changes would be needed later.

Ms. Sarauer: — Thank you. I do know that there are oftentimes right now where the commission isn't able to meet the 30-day timeline as it is. Is there any work within to be able to improve that and actually hit that? As you said, the 20-day target might be a practice-directive change. But if we're not hitting the 30, what sort of processes are being put in place to make sure that the 20 day gets hit?

Mr. McGovern: — So just for clarity, so you have an access request and you have a 30-day window. And there's some statistics that Aaron will be able to provide. But I think, you know, part of the issue is that you receive the request, you make the assessment of what sort of time will be required, and if it's going to take longer than that, you have a process under the Act in which you're able to seek an extension. And that is the formal process in terms of saying, we're not going to be able to do this in 30 days.

In terms of improving what we do, that's largely a communication effort internally so that we try and say, get started on these earlier. Now you had mentioned the commissioner. Are you saying from the commissioner's office, or do you mean the government institution to the commissioner?

Ms. Sarauer: — The government institution to the commissioner.

Mr. McGovern: — Okay. And I think that's where, as I say, it's part of a matter of getting the procedure set so that they are considered early and then appropriate steps can be taken to determine whether or not it's readily answered or an application for extension. But, Aaron?

Mr. Orban: — Aaron Orban. What I would add to Darcy's comments are that we've been seeing a bit of a change in the

nature of requests over the last several years. There has been a decline in the amount of requests for personal information that have been coming in, a fairly significant decline in that respect. And at the same time, we've been seeing an increase in requests for general information being made to government institutions.

And the difference in those that's noteworthy is that those requests tend to be more complex. But while that's been going on, we've still been managing to maintain our average response time of around 70 per cent of requests are responded to in that first 30 days and only about 20 per cent require that extension.

So for the most part, over the past several years we've been staying on track, keeping in that 90 per cent range of responding within the legislated timelines, which is right on par with most of the jurisdictions across Canada.

Ms. Sarauer: — Great. Thank you for that information. I do want to talk a little bit about one of the amendments that would have been made and some concerns that I've recently heard about them. And it was a recommended change; however I understand there are some concerns. So the change . . . or the definition of "employee of a government institution." I've heard from some third-party organizations who do contract work for government, some concerns about being perhaps included in the definition.

So the new definition states that it ". . . includes an individual retained under a contract to perform services for the government institution." I understand this was very recently passed on as a concern to some of the officials within the ministry. I don't know if it's made its way to you yet, Minister Wyant, or any of your officials that are here today, but that there are some concerns about, for example, organizations who are may be under contract under the Ministry of Social Services. What sort of work would get trapped under freedom of information legislation assuming that there isn't the intention to include them outside of the scope of what the work that they're doing?

I guess I'll give you the opportunity, instead of just continually talking about it, to talk a little bit . . . if you could share a little bit about the definition, the purpose of the definition, and how this may affect any third party or contractors, either individuals or corporations or non-profits, outside of government.

Hon. Mr. Wyant: — Let me just begin by saying that concern hasn't reached my desk, and it'd be fair to say that it hasn't reached the desk of the ministry yet either. But that said . . .

Mr. McGovern: — I think we can . . . We would certainly invite anyone to contact me directly on that point. But I think for our purposes, what the committee would probably like to know is that the definition of government and institution, sorry, employee of a government institution set out in (b.1), provides:

. . . an individual employed by a government institution and includes an individual retained under a contract to perform services for a government institution.

The context for that isn't an access request. Where that's used in the bill in front you, Mr. Chair, and the member, if you look at page — I have it on page 10, for example — the change to

the offence provision is a place where we say:

No employee of a government institution . . . shall knowingly disclose or direct another person to disclose personal information . . .

Similarly in (6), this is the snooping provision that:

No employee of a government institution shall wilfully access or use or direct another person to access or use personal information . . .

And so this is what this definition is designed to get at. It's not to broaden the definition of what a government institution is on an access request. It's to say that if you're in a government institution or if you're on a contract, you're going to be subject to these rules. You cannot, as a contract employee who may have access to this information, be expected to be on a lower standard. You cannot snoop; you cannot knowingly disclose. So it may be that this inquiry doesn't quite understand the niche that that's been designed for, and I'd invite them to certainly contact myself or Maria about that.

Ms. Sarauer: — Fair enough. And thank you for that. I will be sure to pass that along. I normally like to give the ministry a bit of a heads-up when I hear concerns, but this one came to me very recently.

I do want to just follow up on that a little bit, Mr. McGovern, just to make sure and I'm sure it's covered. I know that there is some cross-ministry disclosure of information. For example, when we're talking about the hub model and the work that's done there. Is any of this going to be impacted . . . Or is any of that work going to be impacted by any of these changes to the freedom of information Act?

Hon. Mr. Wyant: — Nothing specifically. There's still going to be the duty to protect, so I think the answer to your question is no.

Ms. Sarauer: — Thank you for that. Just moving on to the amendment that's been tabled. You spoke about it briefly, but I wonder if, just for the record, you can explain a little bit as to what the purpose of the amendment is.

Mr. McGovern: — The House amendment that the minister referenced in his opening remarks is with respect to clause 10, which is the amendment to clause 22(a) of the Act itself.

Previously, there was a provision . . . And this is a recommendation specifically by the Information and Privacy Commissioner, that the provision provide that you're able to, as a government institution, refuse an access request where it "contains any information that is subject to any privilege that is available at law, including solicitor-client privilege or parliamentary privilege."

Now members of this committee and members of the Assembly will be very aware that parliamentary privileges is an issue that is determined and carefully guarded by the Legislative Assembly itself. The concern that was raised with the Deputy House Leader had been that the words "or parliamentary privilege" in this context may invite scrutiny from the court in

particular circumstances that would run contrary to the tradition of the House determining its own privilege.

And at that level, it's very much a political science argument. You have the judicial arm, you have the legislative arm, and you have the executive arm. And I think this is an example of the legislative arm wanting to be clear that it is separate from the executive and the judiciary.

The Chair: — Any more questions? We will now vote on the bill. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 9 inclusive agreed to.]

[15:30]

Clause 10

The Chair: — Clause 10. I recognize Mr. Steinley.

Mr. Steinley: — I wish to amend clause 10 by:

Amend clause 22(a) of *The Freedom of Information and Protection of Privacy Act*, as being enacted by Clause 10 of the printed Bill, by striking out "or parliamentary privilege".

The Chair: — Do the committee members agree with the amendment as read?

Some Hon. Members: — Agreed.

The Chair: — Carried. Is clause 10 as amended agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 10 as amended agreed to.]

[Clauses 11 to 32 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Freedom of Information and Protection of Privacy Amendment Act*, with amendment, 2016.

I would ask a member to move that we report Bill No. 30, *The Freedom of Information and Protection of Privacy Amendment Act, 2016* with amendment. Mr. Steinley.

Mr. Steinley: — I so move.

The Chair: — So moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 31 — *The Local Authority Freedom of Information and Protection of Privacy Amendment Act, 2016*

Clause 1

The Chair: — Okay. We will now begin our consideration of Bill No. 31, *The Local Authority Freedom of Information and Protection of Privacy Amendment Act, 2016*. If the minister has any new officials, he may introduce them, and make opening remarks.

Hon. Mr. Wyant: — Thank you very much, Mr. Chair. Well again with me: Darcy McGovern, Q.C.; Maria Markatos; and to my right, Aaron Orban.

Well, Mr. Chair, I'm pleased to offer some opening remarks with respect to Bill 31, *The Local Authority Freedom of Information and Protection of Privacy Amendment Act, 2016*. As noted in my earlier comments regarding FOIP, several of the recommendations from the commissioner apply equally to this particular piece of legislation as well. Those amendments include: the duty to assist applicants for information; the duty to protect personal information; extension of the definition of local authority to include police services; and the creation of a new offence for snooping.

The amendments are also being made to provide for introduction of mandatory breach notification where personal information has been leaked that place an individual at serious risk; broadening the grounds for review by the commissioner to include review complaints regarding fees, transfers of access applications, and improper handling of personal information; allowing for the rejection of frivolous and vexatious access requests; a recognition of electronic access requests and responses; and increasing penalties for offences.

So as you see, Mr. Speaker, from those comments, for the most part the changes parallel the changes that were made to FOIP. The amendments will keep access and privacy requirements between Acts, whether equal information is held by government institution or local authority such a municipality or a university.

Mr. Chair, one of the major changes in this bill is the extension of the application to municipal police services under *The Police Act*. The chief of police of a police service will serve as the head for that local authority and will be required to comply with access and privacy procedures under the Act. Our municipal police services are already both accountable to the public in their conduct and certainly very discrete in the handling of personal information. That being said, they also recognize that Saskatchewan will be one of the last provinces to take this step.

We're confident that this step will not impair police operations. We will be working closely with police services and other stakeholders regarding these changes, and the development of necessary regulations before the Act comes into place.

As previously stated, Mr. Chair, government and I'm sure our local authorities throughout the province are committed to protecting personal information while providing appropriate access. The changes to the LAFOIP legislation will maintain

the careful balance in this new, modern, electronic age.

So with that, Mr. Chair, I'm pleased to answer any questions.

The Chair: — Ms. Sarauer.

Ms. Sarauer: — Thank you, Mr. Chair. And as you had said, Minister Wyant, a lot of the changes in Bill 31 are similar to Bill 30. So I will just keep my comments to the different provisions that apply in Bill 31 as opposed to Bill 30, and I did have similar questions in this bill that I had spoken to already and we have already had a discussion in our discussion around Bill 30.

As you have said, one of the major changes in this bill is the extension of the application to municipal police services. So I'm curious to know what has been going on with respect to your discussions with the various municipal police services in the province, and what stage of readiness they are at for this change.

Hon. Mr. Wyant: — Well there's been some ongoing discussions with the Saskatchewan Association of Chiefs of Police, not only between that association and the ministry, but with the commissioner as well. I think it's fair to say that municipal police services saw this coming some time ago. We were only the two provinces in the country that didn't extend this type of legislation to municipal police forces, and Prince Edward Island being the other one, if I recall.

So they're in the process of getting people in place, asking the appropriate information. I think they're doing some consultation with some other provinces to see how they do it to put their processes in place. But in my discussions with a number of chiefs, they're well on their way to this. Certainly there's going to be some regulations that need to be put in place.

It's a different kind of information, you know, simply because of the sensitivity of some of the things that they deal with around witnesses and investigations. So they need to be very careful in terms of how they move forward with dealing with personal information, certainly with respect to the disclosure of that. So we'll continue to work with the police forces, but I'm confident that they'll have the processes in place by the time the legislation is proclaimed to deal with it.

Ms. Sarauer: — Thank you. Based on the conversations you've had so far, what sort of regulations are you anticipating?

Mr. McGovern: — There's sort of two sets. There's regulations that are required by the Act itself, and those will be updated and it sort of sets out what the provisions are. And that's the technical exercise that we would go through in terms of saying where in the Act it talks about proscribed and prescribed.

With respect to the police, I think part of what we need to be able to do with them is ensure that they're fully aware of the categories of exemptions that apply to law investigations and to law enforcement. As well as being sure that administratively they're ready to go, that when an access request comes in, that they're able to receive the access request, start the clock, and fit

into the normal process. And so that's part of the exercise both in terms of technically getting the regulations right, but also ensuring that we're able to answer their questions or help them with any issues that may come up in terms of implementation.

Ms. Sarauer: — Thank you. I'm not sure if I heard a specific answer to my question. Which, are there any regulations . . . you had mentioned that there are likely going to be regulations in addition to the standard ones that would be in the legislation but that would deal directly with your consultations, or would flow out of your consultations with the police chiefs. Based on the consultation you've done thus far, do you have a picture that you could present to the committee as to what those regulations may look like?

Mr. McGovern: — I think it's, as I said, we have a fairly good idea of what the regulations need to provide, and they already provide that in some cases. Like, they have to show what the form is going to look like. They have to show the contents of the form. They have to set out the dates. And that's what Aaron's group is working with under a new Act that accommodates electronic process a bit better.

And so that's one of the things that we need to discuss with them is to say, how can we make sure that these new electronic procedures can be taken advantage of, and how best can we have the police services accommodate. And it's simple things like where do they want to receive their access requests, and how do they want to receive them. In the same way that any large institution . . . You know, Maria and I aren't normally people who get access requests. No one hands them to us. No one sends them to us. We might pass them on. And police services are going to be the same way. They're in the process of determining how they're going to administer that, and I think that's part of the conversation that we have to have.

Ms. Sarauer: — Okay, so based on your . . . Okay. I'll leave it at that. When are you planning on having this legislation come into effect?

Hon. Mr. Wyant: — Well without being held to the date, we'd like to see January 1st. But there's certainly some regulations that have to be, and we still need to, of course, consult with the commissioner on those regulations. But if you were to ask me for a target date, I think that would be it. I think given the fact that we've been . . . an extended period of time without any substantial amendments and given the co-operation that we've had from the commissioner, which we're very, very thankful for, I think the earlier the better.

Ms. Sarauer: — Thank you. And that certainly gives you a bit of time as well.

The Chair: — Any other questions from the committee? Seeing none, we will now begin our consideration of Bill No. 31, *The Local Authority Freedom of Information and Protection of Privacy Amendment Act, 2016*. Start with clause 1, short title. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 27 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Local Authority Freedom of Information and Protection of Privacy Amendment Act, 2016*.

I would ask a member to move that we report Bill No. 31, *The Local Authority Freedom of Information and Protection of Privacy Amendment Act, 2016* without amendment. Mr. Olauson. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[15:45]

Bill No. 59 — *The Summary Offences Procedure Amendment Act, 2017*

Clause 1

The Chair: — Okay. We will now begin consideration of Bill No. 59, *The Summary Offences Procedure Amendment Act, 2017*, clause 1, short title. Minister, if he has any new officials, introduce them and make your opening comments.

Hon. Mr. Wyant: — Thank you, Mr. Chair. Well I'll just introduce the officials with me today. To my immediate left, Jane Chapco, senior Crown counsel of legislative services. To my far left, Glennis Bihun, executive director of court services. To my far right, Gina Alexander, executive director of strategic engagement; and to my right, Jeff Dudar, director of corrections and policing. I think I got that right.

So, Mr. Chair, I'm pleased to offer some opening remarks with respect to Bill 59, *The Summary Offences Procedure Amendment Act*. Mr. Chair, this bill is aimed at making sure that Saskatchewan traffic laws are enforced fairly and efficiently. The amendments will create a regulatory authority to remove traffic fines from eligibility for registration under the fine option program.

Mr. Chair, the fine option program will no longer be available for offenders paying fines for all offences under *The Traffic Safety Act* and associated regulations, or for parking and speeding offences under bylaws. The specific offences that are no longer eligible for the program will be prescribed in regulations, which will provide the flexibility to change the list in the future without additional Act changes.

The regulations will also provide the flexibility to support the poverty reduction strategy by allowing low-income individuals to continue to access the fine option program in certain prescribed circumstances. Those regulations are currently in development and the goal is to make the application process as simple as possible.

Mr. Chair, these amendments will also authorize regulations to improve the flexibility of the new administrative process for

granting extensions of time to pay a fine. You may recall the Act was amended in the fall of '16 to create a new administrative process, which will move applications for an extension to pay a fine out of the court and into an administrative process through the fine collection branch, which will reduce court volumes.

Mr. Chair, the ongoing consultation with the court and with municipalities have identified some tickets issued under the bylaws that will need to be handled differently under this new process. Expanding the regulation-making authority will resolve those issues and will allow the new administrative process to be implemented more efficiently.

And finally, Mr. Chair, these amendments will also authorize regulation to confirm the processes to be followed when a justice imposes a fine or grants an extension of time to pay a fine, and to authorize justices to continue to order immediate payment of fines in certain circumstances.

So with those opening remarks, Mr. Speaker, I welcome any questions with respect to Bill 59.

The Chair: — Ms. Sarauer.

Ms. Sarauer: — Thank you, Minister Wyant, for the opening remarks and to the officials for being here today. Now, Minister Wyant, you're going to have to walk me through the logic of this bill because I'm honestly not seeing it. Can you explain to the committee what problem you're trying to solve with this bill?

Hon. Mr. Wyant: — Well, I think . . . I'll state it this way. We think that people who are issued traffic tickets as a result of the operation of a motor vehicle or bylaw enforcement tickets should pay those fines. I think the original intent of this legislation was to ensure that people who couldn't pay fines had access to a program to enable them to satisfy their obligation to the government in respect to those fines.

But we know that in a number of circumstances people aren't completing the process. We also know that there are a number of individuals, or at least we know that there are people who can afford to pay the fines who choose to access this program instead. That wasn't the original intent of the legislation or the program itself, and so that's what we're trying to remedy.

Ms. Sarauer: — Thank you. How many circumstances have people not completed the process, as you had just mentioned?

Hon. Mr. Wyant: — Forty-four per cent completion rate.

Ms. Sarauer: — Okay. And as the Act currently stands now, the process currently stands now, what happens with those individuals who do not complete?

Hon. Mr. Wyant: — There are a number of enforcement options, the primary one being the suspension of one's driver's licence.

Ms. Sarauer: — Okay. So that's the process that's going to occur now. With the passage of this bill, there just won't be that ability to at least make the attempt to pay off the fine through

community service hours. Is that correct?

Hon. Mr. Wyant: — Except we are setting . . . We're putting forward a set of regulations which will allow people of low income to continue to have access to a program. But you're right in terms of anyone that can't access the program with respect to those regulations, if they don't pay their fine, that will be the ultimate result. And they can apply for extensions of time as well for the payment of that.

Ms. Sarauer: — And we'll get into those regulations in a moment. You've mentioned just now and also in some media that there were individuals that were able to afford to pay the fine however chose to go through the fine option program. How was the ministry able to have knowledge of that information? What sort of research had been done to determine who could afford to pay the fine yet chose to go through the fine option program?

Hon. Mr. Wyant: — Well we know that there are a number of people who were employed that registered through the fine option program. We also know anecdotally that there were people who had income who were registered. We had 40 per cent of individuals were employed, so we had 1,389 people in '15-16 who were employed who took advantage of that program.

Ms. Sarauer: — Sure but that doesn't necessarily mean that they're able to afford to pay the fine option program. So could you elaborate a little bit more on what anecdotal evidence you used to create this significant, for many people, legislative change?

Hon. Mr. Wyant: — Well I don't have any. I can't tell you specifically. We just, you know, have, as I say, anecdotal evidence or anecdotal information from people who are of means who were taking advantage of the program. But . . . [inaudible] . . . to you in terms of numbers.

Ms. Sarauer: — So you can't provide us how many people, as you're saying, were . . . well your words are, taking advantage of the program. That wouldn't be my words.

Hon. Mr. Wyant: — I can't tell you that, but I can also tell you that one of the reasons for making the amendments to the legislation was to ensure that people who . . . Driving is a privilege in this province, and if you're going to operate a motor vehicle and you're going to be . . . you have a ticket or you're fined or you have a parking violation, that the default should be the payment of those fines.

Ms. Sarauer: — Right.

Hon. Mr. Wyant: — Not, not, not . . . The default shouldn't be a program which will allow people to avoid paying those fines.

Ms. Sarauer: — Well to clarify, Minister Wyant, it's not an avoidance of a paying of the fine. It's instead of paying the fine, you're choosing to do volunteer service hours at minimum wage to contribute to the community instead of making that payment. It's not as if the individuals who are doing the fine option program weren't providing a service or I suppose completing the conditions of their ticket. It's just another,

alternate route to payment of the fine.

Hon. Mr. Wyant: — I think the original intent of the legislation was to ensure that people who couldn't afford to pay their fines had an opportunity to do that. And when you have a 44 per cent completion rate, I think that indicates that there's a bit of a challenge with that as well.

Ms. Sarauer: — Well let's talk about that a little bit, Minister Wyant. As you had said, for individuals who do not complete, they will go through a series of steps if they haven't paid their fine and haven't completed the community service. Can you walk us through what those steps are?

Ms. Chapco: — So as the minister was saying, once the fine is in default, there are a number of enforcement options that would be pursued. In the case of an offence notice, the main hammer that we have, in terms of enforcement . . . is the fine collection branch works with SGI [Saskatchewan Government Insurance]. And once a fine is in default, the fine collection branch will notify SGI, and there will be a series of notices given to the person. But ultimately if that fine isn't paid, the person will end up with their licence being suspended or cancelled or not renewed, depending on where they are in the process.

Ms. Sarauer: — Right. And so if an individual's licence is suspended and perhaps continues to drive, what happens as a result of that? If they are caught by the police, I suppose.

Hon. Mr. Wyant: — Well that's an offence under *The Highway Traffic Act*, to operate a motor vehicle without a licence.

Ms. Sarauer: — Right. So through this process, we're going to eliminate any fine option payment, a portion, and it will go straight to . . . or the ministry will be going straight to fine collection and then enforcement which will lead eventually to, if someone is not paying their fine, will lead to perhaps the suspension of someone's licence.

Hon. Mr. Wyant: — That's right, bearing in mind that we have made some administrative changes to allow for extension of time to pay from an administrative perspective. So our expectation is that there would be many people that will take advantage of that new administrative process for getting an extension of time to pay.

Ms. Sarauer: — How much money is the ministry planning on saving with this legislative change?

Hon. Mr. Wyant: — It's estimated that the administrative savings is going to be between 160,000 and \$220,000, and the additional fine revenue will be between 840,000 to about \$1.2 million.

Ms. Sarauer: — Where within the ministry are you planning on seeing the savings?

Hon. Mr. Wyant: — The reduction comes as a result of the reduction in the amount that's paid for the service.

Ms. Sarauer: — To clarify, you're talking about the fee for

service that the third party administrators get for administering the program, correct?

Hon. Mr. Wyant: — Correct.

Ms. Sarauer: — Okay, so this program isn't administered by the ministry. It's done through third party organizations, like community-based organizations and non-profits throughout the province.

Mr. Dudar: — Jeff Dudar. Yes, the fine option program currently is administered regionally through the probation offices. So there's eight fine option program coordinators provincially that then work with the third parties to register clients in the program and assign work placements.

Ms. Sarauer: — But it's the third party organizations, apart from the probations office, who receives that fee for service. Is that right?

Mr. Dudar: — That's correct.

Ms. Sarauer: — So we're talking about government saving money. To average it was about \$200,000. That's a reduction in money that's right now paid out to community-based organizations throughout the province.

Hon. Mr. Wyant: — That's correct.

Ms. Sarauer: — Okay, thank you. And just to clarify because we are talking right now about fines as they relate to traffic safety charges, but the actual change to the legislation is removing that entire provision that prescribes which offences are . . . to which an offender is not eligible to register in the fine option program. That entire provision is being moved into the regulations. Is that correct?

Hon. Mr. Wyant: — We'll be prescribing the specific pieces in regulation.

Ms. Sarauer: — Right, but the way the legislative change that is happening now, there could be future changes to the fine option program that would not go through this type of legislative process again.

Hon. Mr. Wyant: — Other offences could be removed from the program. Yes, that's right.

Ms. Sarauer: — Right, without a legislative change, correct?

Hon. Mr. Wyant: — That's correct.

[16:00]

Ms. Sarauer: — I'm wondering if you can expand a bit on why the ministry is making it more difficult for individuals to access fine option programs.

And we're talking about the importance, and we have spoken about the importance of alternative measures, programs within the ministry, especially at a time when we have a large population in our jails and an overrepresentation of indigenous populations through our criminal justice system and

overrepresentation of low-income peoples through our criminal justice system. Why the ministry would be going through the route of any type of alternative measures — and I see this as an alternative measures program because this is an other-than-jail, other-than-incarceration program — why the ministry would be removing this because when we're talking about the routes that happen, that will happen now with the fine option program being removed, that oftentimes when individuals end up having a licence suspended it can lead to many other things which can actually lead to incarceration. And we're talking about loss of jobs and driving several times while suspended. Why would the ministry be going through any type of route that would be potentially taking away from our overpopulated jails?

Hon. Mr. Wyant: — Well I think I have answered this before, but maybe I'll just kind of restate it. There's a very, very small . . . well in terms of numbers. I mean the completion rate isn't very significant, at the numbers that we had quoted earlier. As well I think the original intent of this legislation was to ensure that people that couldn't pay their fines had an option so that they could continue to drive, and that's going to continue to be the case because we'll develop some regulations to ensure that people who legitimately can't pay their fines have an option with respect to this program.

So the idea here is to ensure that people, who do have the ability to pay their fines, pay their fines. So I'll go back to restating that, given the completion rate and given the original intent of this program, I think that this was a reasonable step to take.

Ms. Sarauer: — Let's talk about this a little bit. You had mentioned that the ministry is anticipating extra revenue of about \$800,000 in terms of fine repayment. However that doesn't factor in the exemptions and the process that's going to be done to exempt individuals who cannot afford to pay for their fines because I understand that that's actually a newer change that's happened after . . . Organizations who work in this area have brought that to the attention of the ministry. So can you confirm that that may not be the actual number we'll see come through to government once this is implemented?

Hon. Mr. Wyant: — Well I think that's why we kind of gave a range of between 840,000 and \$1.2 million because we're not really sure where that's going to fall. So I think that was a reasonable estimate that was given by the ministry in terms of what the range might be.

Ms. Sarauer: — Let's talk a bit, Minister Wyant, about the process that's going to be included in the regulations to allow for low-income individuals to continue . . . I don't know. You'll have to actually explain this. If they're going to continue to use this program or if there will be an alternate program or what the plan is to try and assist those individuals.

Mr. Dudar: — Yes, they will still be registering in the fine option program. There's not an alternate program that's being developed. The process, we're going to try and keep it as simple as possible in terms of the participant access to the program.

We're in the process of developing that process now. That will be done through an application form that the client can access through various means. And one of the options that we're

looking at in the development of this is utilizing the market basket measure or another income threshold as the threshold for application in the program.

Ms. Sarauer: — Just to clarify, are you talking about the low-income, cut-off indicators? Is that what you're planning on using for the cut-off for who can utilize this program?

Mr. Dudar: — No, not the low-income cut-off per se. That's an option. We're looking at Statistics Canada's market basket measure which provides a more localized, regional income threshold that might be more suitable for our purposes.

Ms. Sarauer: — You spoke about it, that there would be an application. Who would be receiving that application and checking it and approving it?

Mr. Dudar: — The regulations that are being developed, or in the process of developing, state the program director which is my office. So we're working on an internal process to receive those applications.

Ms. Sarauer: — Are you planning on hiring more individuals within the ministry, or do you think you can deal with the applications with the amount of staff you already have?

Mr. Dudar: — We'll be able to deal with the applications, at least what we project will be the numbers, with the staff that we have.

Ms. Sarauer: — When is the targeted time for those regulations to be completed?

Hon. Mr. Wyant: — We're targeting July 1st.

Ms. Sarauer: — Thank you. And we spoke a bit about . . . Oh sorry.

Hon. Mr. Wyant: — Just to confirm, we certainly won't be proclaiming the legislation until we have that set of regulations in place.

Ms. Sarauer: — Right. What sort of impact will this legislative change have on the various community-based organizations that you partner with to administer the program?

Hon. Mr. Wyant: — Well I think it's fair to say that we're not quite sure what the effect is going to be on those. There's been a number of groups that have made some comments about that, but again, I'll go back to the completion rates. I know there's a number of organizations that have suspended their participation in the program over the years. But I think it's fair to say that we're not quite sure what the effect is going to be.

Ms. Sarauer: — I was talking more the first . . . The first step is the CBOs [community-based organization] that administer the program, and then there's also the CBOs that benefit, I suppose would be . . . that benefit from the volunteer service hours.

I understand the John Howard Society — and I know, Minister Wyant, you've received some correspondence with that organization that they do about 55 per cent of this

administrative work for the province — that they are projecting that they will lose at least two positions because of this change.

And my concern is . . . As you've said, the hope is that this . . . And this is the concern that's been expressed to me and to you, Minister Wyant, by this particular organization, that losing that amount of fee-for-service revenue is going to make being able to administer the remainder of the program, as you hope it will continue to flow for those who qualify, untenable for these CBOs.

My question is: what consultation was done with these organizations that administer the program prior to this legislation being tabled?

Hon. Mr. Wyant: — Maybe I'll just kind of have Mr. Dudar just explain, answer the first part of your question, and then I'll speak to the second part.

Mr. Dudar: — Yes, with respect to the registrations and the \$40 fee for service that agents receive upon registration, it is recognized that that is a challenge that our partners are going to face in the administration of the program.

Again one of the challenges of the program is that right now we're paying a fee for service on incomplete or unsuccessful registrations in some instances, and that's something that we want to look at ways to address that in the future. So as part of . . . Separate from this, what we're here for today, but we have been, over the past two years, looking at redesigning the fine option program so that it is more viable for the participant as well as for the community agent who is registering the work and as well as the work placement agency.

Hon. Mr. Wyant: — With respect to the second part of your question, the changes on the administrative side were undertaken by the ministry in response to some increased court volumes. But in respect to the fine option program itself and the development of the budget, there was no substantive consultation.

Ms. Sarauer: — Thank you. I did want to read in, for the committee's benefit, some of the information of the impact that this is going to have to the John Howard Society, who as I said only administers about 55 per cent, based on my understanding, of this program throughout the province. As I know, you and I, Minister Wyant, have received this letter, but the other members of the committee may not be aware.

They've expressed some concerns about this legislative change and how it's going to affect both their organization, financially, as well as the people who utilize their program. And they've outlined the impact on the loss of community service hours, as well as the financial impact of the John Howard Society, based on their 2016-2017 fiscal year.

So in Regina this change will mean a loss of community service hours to their partner organizations. So to other community-based organizations and non-profits that rely on volunteer hours, it means a loss of 27,296 hours that will affect 44 community placement agencies. So that's non-profits in Regina. In Saskatoon it will mean 52,170 lost community service hours to 51 community placement agencies in

Saskatoon that they partner with. And then in Moose Jaw this legislative change will mean a loss of 5,186 community service hours to 17 community placement agencies in Moose Jaw.

And then, as we've already discussed, the John Howard Society will also lose revenue from the fee-for-service that they used to get from implementing that portion of the program, and while doing some quick math here, it looks like it's about a loss of 140,000 . . . that might be a bit more. About \$150,000 of a direct hit that the John Howard Society is going to take as a result of this change.

I suppose my question is, you've talked a few times about the not-100-per-cent completion rates. Was there any work done to, instead of removing it altogether from the program, to encourage better completion rates?

Hon. Mr. Wyant: — I'll get to that in a sec, but I just want to address a couple of the points that you made, or at least one of them. We talked about the completion rate. I note that there was about 65,000 hours of community service that were completed of 145,000 hours that were registered. And you should know that the organization gets the registration fee, whether those hours are completed or not. And with just 44 per cent, that's certainly not a very, you know, good use of the program, or at least with respect to the resources that the government pays to register those.

What I have said is that we will monitor the community organizations that are affected by it so we know what the effect is actually going to be on those organizations. We agreed to do that. Whether we do anything about that or not is something else, but the fact is we will be keeping an eye on it to see what the net effect is.

Again just to repeat, I mean, the registration fee is paid whether or not the hours are completed or not.

Ms. Sarauer: — The registration fee paid to organizations like the John Howard Society.

Hon. Mr. Wyant: — That's right, but with no accountability as to whether or not the program is actually completed.

Ms. Sarauer: — Right. So again my question, did the ministry do any work to see if there were any ways they could encourage better completion rates?

Hon. Mr. Wyant: — With the redesign, the ministry is looking at ways of perhaps trying to encourage the increase in that completion rate. We're not sure how the completion rate is going to compare going forward given these changes, but there is going to be some work done by the ministry.

[16:15]

Ms. Sarauer: — The additional revenue that's being anticipated for these fines, is that being marked into the budget for next fiscal year?

Hon. Mr. Wyant: — Depending on where the ticket is issued, typically 75 per cent of the fine revenue goes back to the municipalities.

Ms. Sarauer: — Okay. So it's not being projected into the ministry, or it's not going . . . It doesn't go into the GRF [General Revenue Fund], therefore it's not being projected for next budget?

Hon. Mr. Wyant: — Twenty-five per cent would go into our overall budget projections for revenue.

Ms. Sarauer: — Thank you. I do want to read into the record some of the concerns that have been made public in the media by organizations that benefit from these volunteer service hours that will not be able to, will no longer be able to get those volunteer service hours through this program.

And the first article I'm looking at is an article from the *StarPhoenix* published on April 25th, 2017, titled, "Changes to fine option program could hurt Sask. non-profits." And in it, the journalist interviews Friendship Inn executive director Sandra Stack and in it . . . I'll just read directly from the article:

Friendship Inn executive director Sandra Stack said the organization only accepts people in the fine option program who are working off traffic safety or parking tickets. Last year, those people contributed 15,000 community service hours to the organization [which was] (roughly 1,250 hours a month).

On Tuesday, for example, three paid staff members and 10 people doing community service through the fine option program were working at the centre.

And Sandra Stack goes on to say, "It's just such an opportunity for new Canadians, for people living on a low income, for people living on a fixed income to come and do something positive after a negative experience," is what she said.

And I also want to read in another article where Ms. Stack was also interviewed in. And this is a CKOM article, I think it was on April 25th, 2017 titled, "Province's fine . . . [option] cut hammers Friendship Inn." And in it she states:

"I don't know what we'll do," Stack said Tuesday on the Brent Loucks Show. "The three staff in the kitchen will be having to work extra hard that's for sure, because we are used to having 15 to 20 people in the kitchen to put out the 1,000 meals that we produce a day."

And then the article goes on to say:

Stack said she's not aware of the timeline for when the cut will take effect, but added she wasn't impressed with the province's rationale — the government projects savings of between \$160,000 and \$220,000 by forcing people to pay fines rather than work them off.

"What is the point? Because (the program) saves us [and that's the Friendship Inn that she's talking about] \$200,000 and we don't have that in our budget. It costs \$5,000 a day to run the Friendship Inn."

And the article goes on to say:

Stack noted beyond the help with day-to-day operations,

many of the volunteers who've come through the door end up staying on as long-term helpers. She said a few have even become full-time employees.

So, Minister Wyant, with understanding that, as you have said, the organizations impacted by this were not consulted prior to the tabling of this bill. And some of the concerns that have already been expressed by a few of the organizations, I'm not sure if the other organizations are aware yet of the impacts. Is there any, any desire by the ministry to perhaps delay the implementation of this legislation, or delay the passage of this bill entirely, to ensure that this doesn't have a fairly devastating impact on, not only on the individuals who relied on this ability to deal with their fines, but also on the non-profits and the CBOs who relied on the volunteer service hours to keep their programs running?

Hon. Mr. Wyant: — Well it wouldn't be my intention to delay the implementation of the legislation once we've got our regulations in place. I think the fact, and I've stated it a couple of times, the completion rate with respect to the fine option program is not very good and, as well, I think the people who get traffic violations should properly pay for them if they can afford to pay for them.

So the fact of the matter is that once this is all in place, I'm not sure anybody will know what the effect on their organization is until actually the legislation comes into place. And what we've agreed to do, what I've undertaken to do, is to monitor those organizations to find out exactly what the results or what the impact on the organizations will be. But it would not be my intention to delay the implementation of the legislation.

The Chair: — Any other questions from committee members? Seeing none, we will now begin our consideration of Bill No. 59, *The Summary Offences Procedure Amendment Act, 2017*. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 5 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Summary Offences Procedure Amendment Act, 2017*.

I would ask a member to move that we report Bill No. 59, *The Summary Offences Procedure Amendment Act, 2017* without amendment. Ms. Lambert. It is so moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 60 — *The Legal Profession Amendment Act, 2017*

Clause 1

The Chair: — We will now begin our consideration of Bill No.

60, *The Legal Profession Amendment Act, 2017*, clause 1, short title. Minister, if you have any new officials, you may introduce them and make any opening comments you may have.

Hon. Mr. Wyant: — Thank you very much. Well to my left, Mary Ellen Wellsch, senior Crown counsel, legislative services branch.

So I'm pleased to offer some opening remarks with respect to Bill 60, *The Legal Profession Amendment Act*. Mr. Chair, *The Legal Profession Act* is a budget bill that will result in the government saving the cost of professional liability insurance for its lawyers. This will apply to employed lawyers and contract lawyers that work for the government full-time. Government lawyers, like all other government employees, receive good faith liability protection as an aspect of their employment, so the insurance provided by the Law Society is redundant. Justice lawyers who are affected by this change have also been assured that the government will continue to provide that support.

The Law Society rules provide for an exemption of prosecutors employed by the Saskatchewan Ministry of Justice and all lawyers employed by the federal Department of Justice in Saskatchewan. This arrangement has been in place for over 20 years. Government lawyers across Canada do not participate in this type of insurance, except in Nova Scotia where they pay a nominal amount. Eliminating the payment of the insurance will save about \$200,000 annually across government.

So, Mr. Chair, those are the opening remarks that I have with respect to Bill 60.

The Chair: — Ms. Sarauer.

Ms. Sarauer: — Thank you. Minister Wyant, your last sentence was my first question. I just want to confirm that I caught it. Can you repeat again how much money projected will be saved through this measure?

Hon. Mr. Wyant: — Just over \$200,000.

Ms. Sarauer: — Thank you. And this, just so I have a good understanding, will this be exempting government lawyers from the dues they have to pay to the Law Society of Saskatchewan for their membership?

Hon. Mr. Wyant: — They still have to pay their dues, just not the insurance premium.

Ms. Sarauer: — Just simply the premium paid to SLIA [Saskatchewan Lawyers' Insurance Association Inc.] each year.

Hon. Mr. Wyant: — That's right.

Ms. Sarauer: — Okay. What sort of consultation was done with SLIA as well as the Law Society of Saskatchewan prior to the tabling of this bill?

Hon. Mr. Wyant: — Well I think it's fair to say the Law Society was expecting it. We talked to the Law Society a few days before the tabling of the budget to let them know what we were going to be doing.

Ms. Sarauer: — What about SLIA, were they consulted as well?

Hon. Mr. Wyant: — Well that's part of the consultation; it's part of that discussion.

Ms. Sarauer: — So the Law Society and SLIA were both consulted?

Hon. Mr. Wyant: — It was interchangeably.

Ms. Sarauer: — Oh okay, I don't . . . because I used to work on the same floor as them, so I imagine them as different people because they are different people in my head. You've said a few times that government lawyers receive good-faith liability protection. Can you elaborate on whether or not that protection completely overlaps with the insurance that lawyers have under the SLIA policy?

Hon. Mr. Wyant: — I think the answer is, it does overlap each other. And as you know, all government employees have good-faith protection, so government lawyers will be treated no differently than an employee of the government.

Ms. Sarauer: — Is there any protection provided under the SLIA policy that is not provided under this good-faith protection?

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

Ms. Sarauer: — So is the minister confident that the public is sufficiently protected with the liability protection government lawyers will still have access to?

Hon. Mr. Wyant: — We are.

Ms. Sarauer: — Just one question. The change to the legislation includes . . . And I just want to make sure in my head I'm catching who will all be now exempt from SLIA because of this legislative change. Could you just tell me which type of lawyers will be exempt from SLIA insurance underneath this legislative change?

Hon. Mr. Wyant: — Well it'll affect all lawyers that are employed by the government and contract lawyers that are on contract with the government to provide full-time services.

Ms. Sarauer: — Great. Could you expand a little bit on who those contract lawyers would be?

Hon. Mr. Wyant: — I'm not sure this answer is . . . Justice typically would hire lawyers on a contract before they become full-time employees of the ministry. So we were talking about government institutions earlier, and that's really the reference.

Ms. Sarauer: — Okay, I understand that. So when we're talking about government lawyers, we're talking about legal aid, lawyers employed under the Ministry of Justice, any counsel to any of the ministries. Am I missing any other categories?

Hon. Mr. Wyant: — Crown corporations.

Ms. Sarauer: — Right. And that's it?

Hon. Mr. Wyant: — It's a start; I think so. I'd have to think about it, but I think that's right.

Ms. Sarauer: — And correct me if I'm wrong. Public prosecutions was already exempt?

Hon. Mr. Wyant: — They were.

Ms. Sarauer: — Okay. And then just to clarify again — you spoke about this in your remarks — with the exception of one province, there are no . . . Of all provinces, government lawyers are exempt from these insurance premiums?

Hon. Mr. Wyant: — That's right, and Nova Scotia only pays a nominal amount.

Ms. Sarauer: — Okay. Thank you.

The Chair: — Any other questions from committee members? Seeing none, we will now begin consideration of our voting on Bill 60. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 5 inclusive agreed to.]

[16:30]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Legal Profession Amendment Act, 2017*.

I would ask a member to move that we report Bill No. 60, *The Legal Profession Amendment Act, 2017* without amendment. Mr. Steele has so moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. This completes our business this afternoon. Mr. Minister, do you have any closing comments?

Hon. Mr. Wyant: — Just a few thank yous. Mr. Chair, first of all, thank you. I thank the committee members for their patience, and thank you, Ms. Sarauer, for your very respectful comments.

I do want to thank all of the officials that are here. I know some of them have left us today, Mr. Chair, but they do do a phenomenal job in the Ministry of Justice and make me look good every day. So I want to thank them personally. And I do want to thank Hansard for being here as well.

The Chair: — Ms. Sarauer.

Ms. Sarauer: — Thank you. I too would like to thank the minister for his answers to my questions this afternoon, as well as to the officials, those who are still present and those who

have already left, for their hard work in making the minister look good every day as well as their answers to the questions today.

Also to the committee members for their patience, as well as the Chair, and thank you to Hansard for being here this afternoon.

The Chair: — Well thank you. I also want to thank the committee members. I believe this could be the last time we'll be meeting through this session. For me, 16 years of doing some committee work on and off, the session is always very busy for the committee. So I appreciate all the members that are here and the questions that have been asked and the answers that have been provided by each and every ministry that has appeared here.

I also want to thank Hansard and everybody else that helped us through this session. I want to thank the Clerks who still after 16 years have to walk me through each and everything we do here.

But seeing that our business is completed this afternoon, I will ask a member to move adjournment. Mr. Steinley.

The Chair: — Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — This committee now stands adjourned until the call of the Chair.

[The committee adjourned at 16:32.]