



STANDING COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND JUSTICE

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**STANDING COMMITTEE ON INTERGOVERNMENTAL
AFFAIRS AND JUSTICE**

Mr. Fred Bradshaw, Chair
Carrot River Valley

Mr. Buckley Belanger, Deputy Chair
Athabasca

Mr. Ken Francis
Kindersley

Mr. Hugh Nerlien
Kelvington-Wadena

Mr. Eric Olauson
Saskatoon University

Ms. Laura Ross
Regina Rochdale

Mr. Corey Tochor
Saskatoon Eastview

[The committee met at 18:57.]

The Chair: — Well good evening, everybody, and welcome to Intergovernmental Affairs and Justice. I am Fred Bradshaw, the Chair. Substituting for Buckley Belanger, we have Trent Wotherspoon. We also have with us Ken Francis, Hugh Nerlien, Eric Olauson, Laura Ross, and substituting for Corey Tochor we have Todd Goudy.

This evening we'll be considering three bills: Bill No. 134, *The Local Government Election Amendment Act, 2018*; Bill No. 135, *The Local Government Election Consequential Amendments Act, 2018*, a bilingual bill; Bill No. 138, *The Miscellaneous Statutes (Government Relations — Enforcement Measures) Amendment Act, 2018*.

Bill No. 134 — *The Local Government Election Amendment Act, 2018*

Clause 1

The Chair: — We will be considering Bill No. 134, *The Local Government Election Amendment Act, 2018*, clause 1, short title. I would ask that all officials please introduce themselves before speaking at the microphone. Minister Kaeding, would you please introduce your officials and make your opening comments.

Hon. Mr. Kaeding: — Thank you, Mr. Chair. With me tonight is Greg Miller, our deputy minister of Government Relations; Elissa Aitken, the executive director of policy and program services; Rod Nasewich, our director of legislation and regulations, policy and program services; and Allan Laird, behind us, senior legislative analyst, policy and program services.

The Local Government Election Act, 2015 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 key change proposed with these amendments is to move the general local election date from the fourth Wednesday in October 2020 to Monday, November 9th, 2020. This is being done to address the overlap with the provincial and municipal school board election periods in 2020. After 2020 the amendments provide for the local election date to be held on the second Wednesday of November. This keeps the long-standing practice of holding local elections on a Wednesday in fall.

[19:00]

Other amendments proposed in this bill are intended to improve voter turnout through advance polls and improve compliance with public disclosure statements by requiring these at the time of nomination. Several changes address stakeholder suggestions to improve election processes and consolidate the provisions of *The Controverted Municipal Elections Act* into *The Local Government Election Act, 2015*, providing for a single source of reference for all election matters going forward.

The ministry consulted extensively on the changes in this bill,

canvassing municipalities and school boards for areas for clarification and improvement. Most sector associations are supportive of the changes.

I'll open to questions.

The Chair: — Well thank you, Minister. Are there any questions? Mr. Wotherspoon.

Mr. Wotherspoon: — Thank you. Thank you very much, Mr. Minister. Mr. Chair, I understand it's your birthday here tonight, so happy birthday to you.

But to the minister here, I think our position is well known with respect to the date change. We are frustrated with this change. We would've liked to have seen the elected provincial government go to the people earlier, in the spring of 2020, and give ample space to municipalities, to those that are running to serve within municipalities as well as school boards to have that election when it was planned. So we're very frustrated that this is where we're at.

But I don't intend to rehash a bunch of that here tonight, but just solidly to put on the record that it's disappointing that a government would choose to stay on for that longer period of time, not go to the voters in the spring of that year, four years on from earning that last mandate, and give space to our municipalities and our school boards and those that are seeking to serve within them. But that's where we're at.

I guess my interest is around the question around consultation. Can you speak to those that have been consulted that have concerns, and can you speak to those concerns?

Hon. Mr. Kaeding: — So we consulted extensively with SARM [Saskatchewan Association of Rural Municipalities], SUMA [Saskatchewan Urban Municipalities Association], New North, Saskatchewan School Boards Association, stakeholders both there at the executive level, at the elected level. Certainly had responses from, I believe, a majority of municipalities within each of those entities. And although there was no absolute consensus as to what the dates that they specifically preferred when we were able to put options in front of them and were able to articulate our rationale behind them, this is kind of that landing point that we came upon that everybody seemed to be able to work with as an option put forward to them.

Mr. Wotherspoon: — Can you speak more specifically? So you've engaged in the consultation and there is some compromise, I think, for some folks out there, and there was some concerns identified as well through that process. Can you speak to those concerns and from the respective authorities?

Hon. Mr. Kaeding: — So where we ended up with SARM, we had consulted with them May 16th, May 23rd, talked to their municipal program services steering committee. Their biggest concern with going too late in the fall was that it would impede or certainly get in the way of their major convention in the fall. So that was one of the rationale as to why we decided to go a little bit earlier in fall, to give any new councillor, any new elected official an opportunity to take part in their training opportunities within what SARM does offer their elected

officials, and allows them to register and be able to take part in the convention and the training opportunities.

SUMA, December 14th of 2017, May 23rd of 2018, again talking to municipal program services steering committee. 91 per cent of their membership wanted to see the 2020 municipal election date based at the end of October. Again we looked at, faced with dates that SUMA had in front of them, they felt going to the middle of November was a reasonable compromise to them as well. They were able then to get their new elected officials into the budgetary process. That was a concern for them, that they wanted to make sure that their officials had time to then (a) get sworn in in their process, and then to be involved in the budgetary process which traditionally goes on in that middle-of-November, early-December time frame.

Parks, we had consulted with them April 27th of 2018. They were concerned about going too late into November and having issues with inclement weather, having a lot of our residents leaving for warmer climates for a good part of the winter, so they didn't want it to get too late into November. UMAAS [Urban Municipal Administrators' Association of Saskatchewan], consulted with them April 9th of 2018, May 23rd of 2018. They were concerned going too far into November of dealing with, you know, significant events such as the Grey Cup. They didn't want to have it overlap with the Grey Cup week, as well as UMAAS had some other programs that they wanted to make sure their people were involved in.

RMAA [Rural Municipal Administrators' Association of Saskatchewan] really were fairly flexible with the dates. They didn't seem to have too many concerns, consulted with May 22nd, 2018; May 23rd, 2018 at the committee level.

And SACC [Saskatchewan Association of City Clerks] again didn't want to get too late into the November-December time frame, consulted with them May 14th, 2018 . . . And yes, needed to make sure that their councillors and their appointments, that they could get their appointments to board committees in time to start the new year.

So those were those entities. And then as well, talked to the city of Yorkton, had provided some information, very much the same rationale as to many others. Saskatchewan School Boards Association, May 14th, 2018, they wanted to make sure that the school board elections were aligned with municipal elections. They certainly did not want to move election dates back a year to 2021 for a number of reasons.

A couple of school divisions — Holy Trinity Catholic School Division, Lloydminster Catholic School Division. Ministry of Education had all had consultations with SASBO [Saskatchewan Association of School Business Officials]. We consulted with as well, and very similar concerns on all of their parts.

So that's where we ended up with them, and then just with the second Wednesday traditionally is where we would have that date fall in November, as it had been aligned in the past. However the second Wednesday in November in 2020 is Remembrance Day, so then we would default to November 9th, the Monday. So subsequently after this it will be on every second Wednesday until Remembrance Day I think in 2048 or something.

Mr. Wotherspoon: — The decision to all of this consultation was around adjusting to the provincial date. When was it decided that the provincial election would be held in the fall and not the spring?

Hon. Mr. Kaeding: — So the catalyst to all of this really was after the federal election and that kind of changed where we were working with on an established election date. So once we . . . Once the federal election kind of changed the process, we ultimately ended up with the spring election.

It was actually written in the Act, I believe, when the Sask Party came into government in 2007 that it was to be a fall election date. So we're just basing that decision off of the Act.

Mr. Wotherspoon: — Right, but the date . . . I mean, the date of course didn't work out. And that was known then that the date needed to be adjusted. So there was open conversation, and many in your sector as well that were voices that they would've appreciated certainly their date that they had, but also space for their election. And so there was consideration then of course, as you've changed the election date as a government.

So I guess my question is, when was it decided that the provincial election would be held when it is? And it's of course moved a couple weeks earlier than it was supposed to be. When was that decided?

Hon. Mr. Kaeding: — To ultimately . . . The 2007 election platform that we had as Sask Party government was to have a fixed fall election date and with a contingency that, where we ran into the scenario in 2015 with the federal election being called at the time and taking that spot on the calendar, that we would have to make adjustments to accommodate that, but then with the mandate that we were always going to have a fall election.

So I guess ultimately where we ended up with the date that we had selected is that — again to be fair to the voters of the province that expect, you know, the government to be able to provide a full legislative calendar — it was just felt prudent that we needed to have the election at a time that was going to allow all of our stakeholders to get their work done, whatever they needed to have done in the fall, as well as have it at a time that would provide us with virtually a full legislative calendar in the fall to be able to have a Throne Speech and, whichever government is in power at the time, to allow them the ability to have a full legislative calendar. And that was where the October 26th date seemed to be about the best bet.

Mr. Wotherspoon: — But to be fair on that point, and we'll be debating the merits of the choice of the date with another minister on another evening, but to be fair to that point a spring election would have provided ample time for a government to earn a mandate and then to bring forward its agenda, legislative agenda, Throne Speech preparation, and get going with the budget. There's nothing that impedes that.

In fact of course this is an extension of the term of government from four years and on into the fall, and then coincides at the same period of time as the municipal and the school boards elections, something that, you know, certainly many have concerns about, including I think the city of Saskatoon which has been vocal about this. I think they've sent a message your way.

But again to the question: when was it decided that the election would be held on October 26th, the provincial election?

[19:15]

Hon. Mr. Kaeding: — As to the ultimate date that we would have decided that, I can't state. I think where we ended up settling at was to get us back into that fall mandate that we had initially indicated in 2007. And the date that ultimately came up was just part of that whole process of talking to our stakeholders through the entire consultation period.

So the dates that I had provided you earlier, you know, we had also had a number of stakeholders talk to us on a personal level as well and express their concerns. And as we gave them various scenarios, ultimately they seemed to be relatively comfortable with where we ended up.

Mr. Wotherspoon: — When you entered into consultation in your sector — now some of that goes back, I believe you're giving dates in sort of May in the year prior — at that point of the engagement in the consultation, was it clear that government was going to hold the provincial election in the fall with stakeholders right from the get-go?

Hon. Mr. Kaeding: — So part of the consultation process was coming up with a number of connotations and options that each of the stakeholder groups would want to consider or had an opportunity to consider. And it had options, you know, extending to April of 2021, having a split of spring and fall, two in the spring, earlier.

And ultimately it was the municipalities that had pretty well decided that, with the number of issues and conflicts that they may encounter and the tradition of having elections in the fall, our municipal sector was actually the ones that supported the provincial election as well as the municipal elections in the fall. That was ultimately where they landed as their choice in the different options that we gave them and presented, had them in front of them.

Mr. Wotherspoon: — But to be clear, it was the adjustments, or the different options that you were looking at, were different dates for the municipal election. You didn't have municipalities engaged in the conversation as to whether or not the provincial election should be the one that would be moved, for example, into the spring of 2020. Or were they involved in that conversation? Was that one of the considerations that was brought to municipalities?

Hon. Mr. Kaeding: — So through the consultation process, ultimately municipalities had an appreciation for what they had in the past in 2007, 2011 in having the fall election process, both the provincial and the municipal elections. 2015 was certainly an anomaly. We had campaigned in 2007 on having fall elections, had established timelines that we were going to have those elections in. And right up to the end, having our consultation process with our stakeholders, you know, we had been providing, I believe, a number of opportunities and options for them to consider. And ultimately this is where we all had a reasonable comfort level and settled out at.

Mr. Wotherspoon: — Okay, I'm not sure. Maybe I wasn't

listening close enough. Was moving the provincial election back or moving it earlier into the spring of 2020, was that one of the options considered and discussed with municipalities?

Hon. Mr. Kaeding: — Yes, it was. Yes. And ultimately municipalities had found that there was a number of conflicts, issues that they maybe had encountered in the spring elections. And the fall election was where they had felt the most comfortable with, had certainly appreciated where they were at in 2007 and '11. And with all the options that they had in front of them to consider, they felt that the fall election of 2020 was where they were going to support.

Mr. Wotherspoon: — So just to be clear, I'm not talking about the municipal election or the school boards election. I'm speaking of the provincial election. So the municipalities and the school boards, was an active consideration there to have the provincial election moved back into spring, of course leaving the fall to the municipalities and school boards, which was that period of time that I know they were counting on?

Hon. Mr. Kaeding: — So I'm going to let the Minister of Justice discuss what his ultimate consultation was with stakeholders around the provincial election date. But just to be clear that our mandate in 2007 was that we were going to have fall provincial elections. So we were able to accomplish that in 2007, 2011, weren't able to do that in 2015, and ultimately wanted to get back to the provincial election date in the fall of 2020.

What we're able to consult with, with the municipalities is they certainly were indicating to us that they would prefer as well to have municipal elections in the fall. So our consultation was based around options that, knowing we were going to have a fall election — again Justice doing the consultations as to the date on that — but where we're going to have municipal elections was where we involved the municipalities in and just gave them a number of options as to what that may look like as we went into the fall, but also including an early spring and a late April 2021 option. They ultimately fell on the fall of 2020 is where they'd prefer to have their municipal elections.

Mr. Wotherspoon: — So I understand that, and I know the municipalities and the school boards wanted to maintain the fall period. And in fact my understanding would have been the preference for them to maintain the space for their election.

But my question . . . I just want to make sure I've heard the answer properly. You were engaging municipalities and sector partners, school boards, possibly as early as May. Were they engaged with you and your ministry considering whether or not the provincial election — not their election; theirs they rightfully wanted to have in the fall of that year — were they engaged in the discussion as to whether the provincial election should have been moved earlier?

Hon. Mr. Kaeding: — So the municipal sector, as we were consulting, was certainly concerned about the proximity issues around the provincial election, again knowing that we would certainly want to be working on a fall provincial election. So in the consultation process we had heard that there was concern certainly around the interval and wanted to have as expanded interval as what was going to work out.

And as we've talked about before, where we ended up with was the 9th of November, just for various reasons with the municipal sectors in trying to get their new councillors involved in their process. So ultimately the consultation process was trying to find a time frame that worked for our municipal sectors in their municipal elections and just working around what options might have been placed out there on a provincial election. So we certainly heard concerns around proximity issues, and that's where we ended up coming up with about a two-week interval, as everyone felt comfortable enough that they could work with that.

And certainly we've had historical background before. I think we've had elections that have been virtually on the same day, to four or five days apart. And you know, as municipalities were looking at those various issues before, looked at voter turnout in some of those issues, there was really no clear delineation I guess as to what was going to enhance voter turnout. So this interval seemed to work best.

Mr. Wotherspoon: — The question is straightforward though. So I understand municipalities and school boards wanted to have their space in the fall. They wanted a fall election. That was important to them.

My question just in your consultation was, how flexible was the provincial election date, and was it considered? Was it one of the options considered as part of the consultation process with the municipal stakeholders to have the provincial election moved into the spring?

[19:30]

Hon. Mr. Kaeding: — The Minister of Justice I think is probably the best authority to talk around consultation around the provincial election date, as that was their process that they had engaged with the stakeholder group with. So they would probably be best to answer as to the specifics around that.

Mr. Wotherspoon: — But I'm speaking about the process that you were responsible for and that your ministry was, in the consultation that you took on. So I'm not asking you for knowledge of the Minister of Justice's process. But within your process, was one of the options that was being considered was some flexibility to the provincial election date, as in moving it back a little or bringing it forward so that it was earlier, in the spring of 2020?

Hon. Mr. Kaeding: — So our mandate with this Act and the consultations based around it was where we would end up with municipal elections. So that was what we involved in our stakeholder consultation process was where we would land with municipal elections. So the options that would've been provided them on provincial election side would've been provided through the Ministry of Justice. So our control, our options, what we were putting out in front of them was where we would end up on the municipal election dates.

Mr. Wotherspoon: — Just to make sure I understand it, basically where you were entering into this as a ministry was an understanding that your government wanted to hold the provincial election in the fall as well. So that was the understanding as far as that date, and then you were working to

find accommodation to make sure that the municipalities and the school boards had a date that would work within that. Or was it open-ended when you entered into consultation, that there was still flexibility as to whether or not that provincial election date might be moved into the spring of . . . bringing it back earlier to the spring of 2020?

The Chair: — The bill that we're considering right now is No. 134, *The Local Government Election Amendment Act*. It's not over the provincial election, so I would like you to please stick to the bill if you would, please.

Mr. Wotherspoon: — I'm not trying to be tricky or anything here tonight. I'm actually . . . just some very straightforward questions because I guess to figure out how you're going to accommodate one election you have to make a decision as to . . . You have to choose one of those dates and then figure out where the other one fits in. And I'm trying to figure out, was the provincial, you know, was it set in stone that the election was going to be in the fall? And then I'm trying to understand the consultation that you would have had on that end, or was it open-ended consultation?

So it's directly to arriving at the date that you have with the municipal and school board elections. So was it set in stone that it was going to be in the fall, or that was the understanding when you were engaging, as in the provincial election? I know the municipalities and the school boards wanted theirs in the fall and for good reason. But when you entered into consultation, was that your . . . the way you were entering in is that the provincial election was also going to be in the fall?

Hon. Mr. Kaeding: — I think we've stated that since 2007 we would have preferred to have a fall election. So I think that was the mandate that was established as we took government in 2007. So certainly 2015 was an anomaly, but I believe there was a desire to ensure that we had a fall election going forward, as long as we didn't have any other issues that showed up that were going to derail that idea. But to all intents and purposes we've promised the electorate of the province that they would have a fall provincial election. So our mandate within our ministry was to try and determine where we would end up with municipal government elections, and certainly their request was that it be in the fall.

Mr. Wotherspoon: — I won't go further down this path. The debate around the actual timing of the provincial election is one we'll take up with the appropriate minister. We, as you know, would have — and as I think most Saskatchewan people would have — liked to have seen a government, you know, stick to four years and to run in the spring and to work to earn a mandate there and to leave the space to the municipalities and the school boards for this election.

But I just wanted to get an understanding of how flexible that provincial election date was as you were entering into consultation with your sector partners. What I'm hearing is that it was pretty clear from your perspective that the government wanted to have the provincial election in the fall. And what you heard is what I have heard and what I know from municipal and school board members, partners, is that they certainly wanted to have their election in the fall. So thanks for working through some of that.

Could you just speak to some of the changes that you've brought forward around voter . . . to improve sort of voter engagement or voter turnout? And describe what's been brought forward and who's urged you to bring those forward?

Hon. Mr. Kaeding: — So what we're looking at . . . Proposed amendments was the election date as well as requiring all municipalities to provide advanced voting opportunity for voters. So what that was going to do was add greater flexibility for advanced poll dates and hours, so then that also gets consistency between all of the municipal sectors, both urban, rural, northern. Now we make that as a consistent opportunity to provide advanced polling for all the electorate.

Also require candidates to submit a disclosure statement as part of the filing nomination papers. And that was to identify potential conflict of interest in advance instead of trying to recover that post-election. Also add discretionary authority for school boards to require candidates to provide a vulnerable sector record check with nomination papers . . . Or a criminal record check, sorry, a criminal record check with the nomination papers, and then also updating and consolidating the provisions of the CMEA [*The Controverted Municipal Elections Act*] into the LGEA [*The Local Government Election Act*], the two Acts into a consolidated single elections Act. And then some of the other changes that address some stakeholder improvements and clarification.

I know one of them was just clarifying where volunteer firefighters now are open and available to run for office. Clarifying that campsite tenants are not lessees and therefore ineligible to vote in the municipal election in which the campsite is located. Clarifying that it is the candidate's responsibility to verify and ensure their nomination form is complete and truthful, not the returning officer's responsibility.

Making it optional for a municipality to decide whether or not it wants to include a candidate's occupation on ballots as part of their local election bylaws, and providing alternative methods for posting notices. In the opinion of the council, advertising in a newspaper may not be feasible or practical, then to provide them other venues and opportunities as they write a bylaw as to what they would prefer or how they would prefer to get the notices put forward.

So those were all brought forward through stakeholder engagement, certainly you can see, from urban municipalities, rural municipalities, northern municipalities. Each one of them has got certain nuances as to what they wanted to see put forward, and that's what we're proposing.

Mr. Wotherspoon: — Thanks for the response, and thanks to all those that have been engaged in this important work on this front. I guess just to get an understanding, your officials have been engaged in this work, would have a good understanding of where folks are at, and I've got a lot of trust and faith in the organizations that have been engaged. Setting aside the election date which we've already discussed, and looking at all these other measures, does anyone within the sector have concerns with anything that's been brought forward?

Hon. Mr. Kaeding: — So certainly the goal in mind that you'll see with a lot of these changes is to improve voter turnout. What we've heard with stakeholder groups, and certainly comes from

suggestions within a lot of those, that these are some of the measures that they are hoping they can achieve to increase voter turnout. Certainly what you'll see with a couple of the sectors, say the rural sector, now providing advance polling or different opportunities for advance polling may require a little extra work on their part. But they too realize that they want to try and improve voter turnout, and they believe some of these measures are what hopefully will achieve that goal.

Mr. Wotherspoon: — Thanks so much. And are there concerns with anything that's been brought forward by those within the sector?

Hon. Mr. Kaeding: — On a broad base, from what we understand, no. A lot of these measures actually were put forward by a number of municipalities and certainly supported, as far as we know, across the sectors.

Mr. Wotherspoon: — So on a broad base. What about on a very specific nature? Is there any concerns that are specific that have been expressed to you?

Hon. Mr. Kaeding: — I would say that probably the one that maybe had some concern, feedback around it would be the proposal to require a public disclosure statement as part of the nomination process. And I believe most of the concerns were based around logistics and the ability of those, you know, to be able to monitor or measure that. That would probably be the only one that would have any significant pushback to it.

Like I say, all of these suggestions were brought forward by the sector and wanted us to try and deal with that the next time that we had opened up the Act. And we believe that, on their support, that we're going forward with it.

Mr. Wotherspoon: — I don't have any further questions here tonight on this piece of legislation. I think that around voter engagement it would have, you know, certainly been beneficial to have given space to the very important municipal and school board elections, but we've placed that point. And I think it would have been prudent and principled of the government to hold itself accountable and to offer up four years since they'd earned their mandate. But those frustrations we've placed with the Premier, and we'll place those as well and follow up with a line of inquiry with the other minister. I appreciate your time here tonight.

The Chair: — Well thank you. Are there any further questions from the committee? Seeing none, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 28 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 Local Government Election Amendment Act, 2018.*

I would ask a member to move that we report Bill No. 134 — *The Local Government Election Amendment Act, 2018* without amendments.

Mr. Nerlien: — I so move.

The Chair: — Mr. Nerlien moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 135 — *The Local Government Election Consequential Amendments Act, 2018/Loi de 2018 corrélative de la loi intitulée The Local Government Election Amendment Act, 2018*

Clause 1

The Chair: — We will now be considering Bill No. 135, *The Local Government Election Consequential Amendments Act, 2018*. We will begin our consideration of clause 1, short title.

Mr. Kaeding, would you please give us your opening comments.

Hon. Mr. Kaeding: — Certainly. Thank you, Mr. Chair, and officials remain the same. *The Local Government Election Consequential Amendments Act, 2018* makes an amendment to one bilingual Act, *The Education Act, 1995*, as a result of the introduction of *The Local Government Election Amendment Act, 2018*.

The proposed amendment provides the optional authority for a school board to pass a resolution requiring a criminal record check to be filed as part of the nomination process and included with nomination papers. A corresponding amendment to *The Local Government Election Amendment Act, 2018* provides that a criminal record check be included with the nomination papers if the school board has passed a resolution under *The Education Act, 1995*.

Similar authority currently exists for municipalities to pass a bylaw requiring criminal record checks be included with nomination papers. Again, this is an optional authority. The presence of a record does not disqualify a candidate from running for office. The intent of requiring this as part of the candidate's nomination is to provide transparency to the public during the election campaign.

The amendments were suggested by the Saskatchewan School Boards Association. I'll entertain questions.

The Chair: — Are there any questions?

Mr. Wotherspoon: — Just the provision around the criminal record check, I understand the importance of making sure that there is transparency. And then, mind my ignorance on this front, if someone has a criminal record, then that's a public matter and that would be reported out publicly. Is that correct?

Hon. Mr. Kaeding: — So that then does become a public record once it has been accepted through the nomination process. Yes.

Mr. Wotherspoon: — And certainly I think the public would appreciate the transparency on that front. I'm just wondering a little bit here. Now that's different than our laws for the provincial election, correct? I know in the case of someone seeking a nomination for the New Democratic Party that they go through a criminal record check, and that's an important screening process as well. But I'm not sure that there's a law in place that requires that if somebody has a criminal record that it's shared publicly. Or is that a change? Is there any consistency on that front or is there a change being brought forward on that front?

Hon. Mr. Kaeding: — In regards to whether that's a requirement of us as elected officials as provincial government, I'm not sure. So that, I think, is a different Act that again Justice I believe would probably be the area to get that clarification in.

Just to clarify, the criminal record check that the Saskatchewan School Boards Association has asked for, it's just an overview as to whether the candidate has a criminal record. It will be yes, no, or maybe, and that's as far as the public information will then be provided. And then it would be up to the school board to determine how they would want to deal with that information at a deeper level and how they would want to deal with that.

Mr. Wotherspoon: — Okay it's up to the school board as to whether they're going to disclose that someone running for office has a criminal record at that point?

Hon. Mr. Kaeding: — So the criminal record check as it stands is a document that indicates yes, no, or maybe. And that will be the public document; that will be what will be disclosed to the public. After that it would be up to the school board to determine how deep they want to go into an analysis of that criminal record check.

Mr. Wotherspoon: — Thanks. I think because there's different mechanics to a provincial election and the roles for parties in how all of that works, so they're not apples-to-apples comparisons, there is an inconsistency on this front, I believe, in the public disclosure of candidates for elected office with a criminal record. But I'll just leave that there, and I just found it an interesting piece.

Hon. Mr. Kaeding: — I'll just clarify that it's not the school board that would ultimately decide. It would be the electorate that will decide. Sorry, I led you astray there.

Yes, so it would be the electorate ultimately would decide based on that bit of information through the criminal record check, is how they wanted to deal with that.

Mr. Wotherspoon: — Okay, fair enough. I think, like obviously it's important. We want to make sure that the people that are running, that are pursuing office that they're safe, and there's an important space around disclosure to the public. But there is an inconsistency with how things apply to a provincial election and those that are running, you know, to serve as MLA [Member of the Legislative Assembly], or for example . . . But I'll leave that there, and thanks so much. No further questions.

The Chair: — Are there any further questions from the committee? Okay, we shall begin.

Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried

[Clause 1 agreed to.]

[Clauses 2 to 6 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Local Government Election Consequential Amendments Act, 2018*, a bilingual bill.

I would ask a member to move that we report Bill No. 135, *The Local Government Election Consequential Amendments Act, 2018*, a bilingual bill, without amendment. Mr. Francis moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 138 — *The Miscellaneous Statutes (Government Relations — Enforcement Measures) Amendment Act, 2018*

Clause 1

The Chair: — We will now be considering Bill No. 138, *The Miscellaneous Statutes (Government Relations — Enforcement Measures) Amendment Act, 2018*, clause 1, short title. Minister Kaeding, please introduce . . . You've got the same . . . No, you don't have the same official. Please introduce your officials and make your opening comments.

Hon. Mr. Kaeding: — Thank you, Mr. Chair. Officials with me tonight are Greg Miller, our deputy minister; Bill Hawkins, our executive director, building standards and licensing; Chris Selinger, the chief inspector from Technical Safety Authority of Saskatchewan; and Rod Nasewich, our director of legislation and regulations unit.

This bill amends eight public and technical safety statutes to make enforcement measures consistent among the Acts and provide more effective measures for chief officials in TSASK [Technical Safety Authority of Saskatchewan] and the ministry to resolve situations of non-compliance. These measures include administrative penalties, discipline orders, and public notice, and provide more flexible and responsive approaches to target non-compliance and safety issues without resorting to legal action. They are modelled after comparable legislation in Saskatchewan.

The ministry consulted with a diverse group of stakeholders by posting the proposed changes on the Saskatchewan.ca website and sharing drafting instructions with industry associations. Most stakeholders understood the need for the measures or expressed support for the amendments, particularly municipal stakeholders. I'll now entertain any questions.

The Chair: — Thank you, Minister. Any questions? Mr. Wotherspoon.

Mr. Wotherspoon: — Thank you very much. Thank you for the officials that have joined here tonight, and the folks from TSASK. I guess a bit of an understanding around what sort of appeal mechanism might be in place if someone, you know, disputes a finding or an order that's being imposed.

Hon. Mr. Kaeding: — So there are two avenues of appeal. The individual company that was issued a fine or penalty can apply directly to the chief official that issued the notice of a fine or a penalty, so that might be the chief inspector, the chief building official, fire commissioner, director of licensing. And then further to a chief's official decision to uphold the decision, the individual or company may appeal to the Court of Queen's Bench. And in both cases a fine or a penalty can be upheld, amended, or quashed. I think just to provide a little bit more insight, I'll get Bill to expand on some of that.

Mr. Hawkins: — Thank you, Minister. That's correct. The opportunity for every person who may be sanctioned by an order or by a penalty is that individual, that corporation has an opportunity to come back to the chief official who made that sanction, make representation to them. There is some due process detailed in the legislation that says that they must be given notice when a penalty may be applied, what the value of that penalty would be, and the opportunity to come back and make their presentation.

[20:00]

That taken into consideration would give the chief official the opportunity to determine if he did in fact have the correct information to assess the penalty and further, whether the penalty that was proposed was an appropriate amount. And they have some options at that time to continue with the penalty that was proposed, rescind that penalty based on information that's provided, or make an adjustment to the intention that was first issued in the order or the sanction.

Mr. Wotherspoon: — Thank you for that. I guess certainly this is a really important area of work and it's critical to the safety of the public and to people within the province, so thanks to all those that have been involved in this work.

As the legislation's been brought forward through consultation and to this point that we're at right now, are there concerns from stakeholders that are present, or has there been concerns along the way that have been identified?

Hon. Mr. Kaeding: — So there was certainly extensive consultations across the province and I think ultimately every stakeholder certainly appreciated the fact that we're trying to get to a very consistent, predictable level of enforcement. And not even just enforcement, but just to achieve compliance for, really for all our communities' safety. And certainly what we found is that each group had input as to how they believed that may be impactful or may affect them, but certainly were very appreciative of the fact that they were now going to be treated probably on a more consistent basis than what they may have before.

I'll maybe let Bill dive a little deeper into what some of the concerns or issues and how they were able to cover those.

Mr. Hawkins: — Thank you, Minister. The minister is correct. We consulted with a diverse group of organizations throughout Saskatchewan. As you can appreciate, across the eight pieces of legislation that are being amended in this Bill 138, there are a diverse group of people with interests in many different technologies. So it was important that we consult directly with the number of stakeholders that were affected to get their feedback. And what we discovered is that many of the municipal organizations that considered this saw benefits of that consistent application across numerous pieces of legislation.

Once we delved down into specific industries or specific businesses, we saw some other comments raised and some concerns raised. Those comments were brought forward. They were addressed in the consultation. Questions that were asked were answered and we went back to all of those groups with additional information.

Mr. Wotherspoon: — Thank you very much. This area is, you know, certainly incredibly important. It's about people's lives, and so thanks to all those that have dedicated their efforts to improving legislation on this front. And certainly it's important as well that there's a fair process to dispute a matter that might be found. And I see you've addressed those questions for me here tonight. I don't have any further questions tonight.

The Chair: — Are there any further questions for the committee? Seeing none, clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 10 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Miscellaneous Statutes (Government Relations – Enforcement Measures) Amendment Act, 2018.*

I would ask a member to move that we report Bill No. 138, *The Miscellaneous Statutes (Government Relations – Enforcement Measures) Amendment Act, 2018* without amendment. Mr. Olauson so moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. This concludes our business for this evening. Minister Kaeding, do you have any closing comments?

Hon. Mr. Kaeding: — No. I would like to thank the member for his questions and being thorough in his questioning, and as well I'd like to thank my officials. I believe I am surrounded by some of the best, most knowledgeable officials that a GR [Government Relations] minister could ever have, and I certainly appreciate their preparation for tonight.

The Chair: — Mr. Wotherspoon.

Mr. Wotherspoon: — Thank you. Thank you to the minister. Thank you to all the officials that came before us here tonight for

Government Relations, and the TSASK folks as well, and all those that were part of this work here tonight. And once again to the Chair, happy birthday.

The Chair: — Well thank you. I will now ask a member to move a motion of adjournment. Ms. Ross has moved the motion to adjourn. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. This committee stands adjourned to the call of the Chair.

[The committee adjourned at 20:08.]