



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

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**STANDING COMMITTEE ON INTERGOVERNMENTAL  
AFFAIRS AND JUSTICE**

Mr. Fred Bradshaw, Chair  
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Mr. Buckley Belanger, Deputy Chair  
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Mr. Ken Francis  
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Mr. Hugh Nerlien  
Kelvington-Wadena

Mr. Eric Olauson  
Saskatoon University

Ms. Laura Ross  
Regina Rochdale

Mr. Corey Tochor  
Saskatoon Eastview

[The committee met at 15:00.]

**The Chair:** — Well good afternoon and welcome to Intergovernmental Affairs and Justice. I'm Fred Bradshaw, the Chair. Substituting for Buckley Belanger we have Nicole Sarauer. We also have with us Hugh Nerlien, Eric Olauson, Laura Ross, and Corey Tochor.

This afternoon we'll be considering four bills — Bill No. 149, *The Police (Regional Policing) Amendment Act, 2018*; Bill No. 150, *The Seizure of Criminal Property Amendment Act, 2018*; Bill No. 158, *The Youth Justice Administration Act, 2018*; Bill No. 169, *The Saskatchewan Public Safety Agency Act*.

**Bill No. 149 — *The Police (Regional Policing) Amendment Act, 2018***

**Clause 1**

**The Chair:** — We will be considering Bill No. 149, *The Police (Regional Policing) Amendment Act, 2018*, clause 1, short title. Minister Tell, could you please introduce your officials and make your opening comments. Also I'd like to remind the officials, when they speak, could you please say your name for *Hansard*.

**Hon. Ms. Tell:** — Thank you, Mr. Chair. To my right is Neil Karkut, senior Crown counsel from the Ministry of Justice, and to my left is Dale Larsen, acting deputy minister of Corrections and Policing. We'll have different officials come in depending on what piece of legislation that we're looking at.

I'm pleased to offer opening remarks for Bill 149, *The Police (Regional Policing) Amendment Act, 2018*. Mr. Chair, this bill updates the Act's provisions respecting regional policing.

First, the changes will allow rural municipalities and other municipalities with populations below 500 to join regional police services. Although the Act currently allows for the establishment of regional policing services, rural municipalities are not permitted to take part in regional policing arrangements except in limited circumstances. Additionally the bill will make general revisions to clarify and enhance the regional policing provisions. Overall these changes will provide greater flexibility for municipalities in the province to explore regional policing models that focus on the safety and well-being of rural citizens.

Mr. Chair, as previously noted, these changes align with the recommendation of the caucus committee on rural crime to pursue regional policing in Saskatchewan, and form part of a comprehensive strategy to enhance rural policing. This strategy includes further initiatives such as the rural crime watch program, the RCMP [Royal Canadian Mounted Police] crime reduction teams, the community safety officer program, the protection and response team, and a review of the First Nations policing model.

Mr. Chair, with those opening remarks I welcome questions respecting Bill 149.

**The Chair:** — Thank you, Minister. Are there any questions? Ms. Sarauer.

**Ms. Sarauer:** — Thank you, Minister, for your opening remarks.

Minister, you had mentioned that initially rural municipalities weren't allowed to participate in regional policing except in certain circumstances. This bill, as I understand it, will now allow for rural municipalities to join in, should they want to. Can you explain why this change was made?

**Hon. Ms. Tell:** — As was noted in my opening remarks that that rural crime strategy that went across the province, I think it was in 2016-2017, that one of the recommendations that came forward out of that report and through extensive consultations was to explore more than what we've done with respect to regional policing services. And part of that rural crime report was really focused in obviously on rural crime, but ways in which we as a province can put strategies together that would actually address the concerns that were coming forward.

We also had, prior to this particular Bill 149 being proposed, was to give the communities more options, where we could have a rural municipality actually joining forces, so to speak, with a municipality itself. Before you couldn't do that. This just allowed communities to have better options as they're looking at their total complement in whatever community that we're talking about.

We did have one inquiry from a city municipality in the province prior to this being implemented, but nothing has occurred as a result of that to date.

**Ms. Sarauer:** — Could you provide for the record what regional policing actually means?

**Hon. Ms. Tell:** — Regional policing, I mean, you can have a regional policing service. So you join a number of communities together, so now you have a defined region for policing service purposes. This regional policing is not the same as provincial policing. This is regions that make sense coming together, possibly, if they want to. It isn't up to the government to tell people what to do in this regard.

If communities want to, they can take a region, an area around their municipality or around their rural municipality, and find out whether the other communities that would be in that area would be interested in joining forces for purposes of providing policing services.

**Ms. Sarauer:** — Now in many of these rural municipalities they are being served currently by the RCMP. So is this complementary to what the RCMP is already providing? Or how is this different from what the RCMP does in these municipalities?

**Hon. Ms. Tell:** — I don't think in actual fact it wouldn't be any different with respect to providing policing services. But rural Saskatchewan is policed by, or generally speaking, is policed by RCMP, and the municipal areas are policed by the municipal police. So I mean, the provision of policing services is under the RCMP, involves a contract with the province of Saskatchewan and the federal government for the provision of policing services. Regional policing would require the communities that would come together to, you know, come to some sort of agreement as to what that policing service looks like for their particular area.

So you could have an area of regional policing, but outside of that, out of that particular . . . And everything, you know, everything's defined. I mean you have borders for everything, for a particular regional service, because on the other side of that border maybe that service may be provided by the RCMP.

So is it complementary? I suppose. If somebody decided that certain square miles around a municipality were going to be provided by a regional policing service — through memorandum and through many discussions and negotiations they come up with that, to define what their policing service looks like for them — then you would have the RCMP that would traditionally provide that service within that region would be looked at possibly. We don't know because we haven't had anybody coming forward.

So I mean there's going to be options with respect to the RCMP. Whether we redeploy those officers that would have been in that particular defined area or we reduce the numbers with respect to our contract with the province and then put those numbers, that money, so to speak, that we would have paid for RCMP, put it towards the officers that are now working in the regional policing service.

**Ms. Sarauer:** — So just to clarify, this could provide a rural municipality with the option of essentially creating an area that they would then perhaps decide to have the RCMP not provide them that policing service and then would instead create their own policing service for that specific area?

**Hon. Ms. Tell:** — I mean, I don't quite look at it that way. What we're saying to communities is that, and with this legislation, is that there is an option for you now that you didn't have before. So whether they want to consider regionalizing their police service in that particular area is totally up to them. The RCMP currently will provide that policing service to the rural component.

I don't think it's necessarily a question of, we don't want the RCMP anymore. I don't think that's the issue. Every community, every region would have something specific to look at regional policing that they want something specific in their region that they may not necessarily be getting at this stage.

**Ms. Sarauer:** — But just to clarify on my question, that is an option that this legislation will be providing. Is that correct?

**Hon. Ms. Tell:** — Okay, sorry. I didn't know what "that" was. An area, for lack of a better term — it depends on whether it's a rural municipality, a city, or whatever the case may be, a defined region — yes, they can. They can come together as communities, as rural municipalities and decide yes, we would like to have this area, regional policing, and work with the ministry officials, work with . . . I mean memorandums have to be filled out. I mean it's not a simple process. But having said that, they couldn't do it before; now they can.

**Ms. Sarauer:** — And so then the next logical step then, the rural municipality would then be able to hire their own police force to work within that jurisdiction that they've created?

**Hon. Ms. Tell:** — Yes. And again, those things don't happen overnight either. What we'll probably see in at least at the onset

— and please, Neil, correct me if I'm wrong — is that you'll have a larger jurisdiction that has access to a substantial number of policing members getting together with a community very close to the outside of that, maybe a few communities, and saying, okay, what can we do here? What kind of service are we looking for with respect to the provision of policing services? What are we looking for? But the larger service is probably a big part of a regional . . . of taking a policing service and expanding it out of the traditional boundaries of the municipality. Does that make sense?

**Mr. Karkut:** — Neil Karkut, Ministry of Justice. Yes, that's correct. And I guess just to look back at . . . Currently the way the provision's drafted, in order to allow that, the only time a rural municipality could actually be included is when you already had two municipalities joining together and a portion of that rural municipality fell in between them. So hypothetically, if the cities of Regina and Moose Jaw decided to form a giant regional police service, they might be able to include that strip of land in between them.

What the amendments do are provide a little bit more flexibility. So if you had one urban centre that wanted to form a region with a single rural municipality adjacent to it, these amendments would allow that. Because the current provisions as drafted don't allow for that type of arrangement, so it's really about flexibility for those communities.

**Ms. Sarauer:** — Correct me if I'm wrong, but from what I understand from the provincial response team and the changes that have been effected as a result of that, the boundaries of our largest municipal centres, Saskatoon and Regina, the policing jurisdiction has expanded into more rural locations. Is part of what's happened there a reason why this legislation is before us today?

[15:15]

**Hon. Ms. Tell:** — No, they're two separate issues.

**Ms. Sarauer:** — So the expansion of the jurisdictions for Saskatoon and in Regina, the bill is not because of that expansion that's occurred. So because of this legislation could someone, a municipality that's within that expansion — theoretically I'm assuming they could — utilize that to, I suppose, create a jurisdiction that they decide that they don't want the city police to be a part of their boundary, similar to what we were talking about with RCMP?

**Mr. Karkut:** — Yes, theoretically you could have, I guess, a group of communities outside of a larger centre forming together to have their own regional police service under the changes. I'm not aware of that being up for discussion at this time, but as a theoretical, hypothetical example, that could take place.

**Ms. Sarauer:** — Okay, because you had mentioned that you've had one inquiry. And I'm trying to figure out if it's a small jurisdiction, if it's a small municipality that's made this inquiry or if it's a larger . . . I thought you had mentioned that it was one connected or close to a larger municipality, so I was just checking to see if that was a result of any of that change that occurred.

**Hon. Ms. Tell:** — Well first off, and to make some clarification,

is that it doesn't matter whether you're a police officer in the city of Regina or the city of Moose Jaw, for instance. You're sworn for the province of Saskatchewan. So albeit you're paid by the city of Regina or paid by the city of Moose Jaw, you're still sworn for the province of Saskatchewan. So you can take policing action anywhere in the province of Saskatchewan. So with respect to the inquiry that we had, I mean I'm not prepared to discuss what community that was because they haven't pursued it, at least to date anyway.

And I think Neil is correct that the communities that would be coming together to form a possible regional policing service is likely going to be, at least at the beginning, a larger city coming together with some of the surrounding communities. I mean Regina, White City, Emerald Park, Pilot Butte — all of those, that makes some sense. Not that it's happened, but I would say that that was likely. If anything was going to happen, it would be in that regard.

**Ms. Sarauer:** — Right. And yes, that's what I was thinking too, and that's why I was asking the questions because I know they'd fall under the jurisdictional boundary changes that have occurred recently.

Are there other provinces where similar provisions are allowed in legislation? And if so, can you name which provinces are there?

**Hon. Ms. Tell:** — With Lethbridge and Coaldale, I mean they formed a regional policing service, so it must be allowed in legislation for them to do that. Coaldale is a small community outside . . . east of Lethbridge. And so it must be allowed in the province of Alberta. We don't know anything specific. So most of the other provinces, I mean you deal with Ontario and the like, I mean you're dealing with a provincial policing service.

**Ms. Sarauer:** — So you're not sure if this legislation matches legislation that exists in other provinces?

**Hon. Ms. Tell:** — Neil will talk about that.

**Mr. Karkut:** — Neil Karkut, Ministry of Justice. I apologize, I'm not aware of exactly what the other provisions in each other policing jurisdiction did. These were based . . . It's an extension of what our existing provisions were for regional policing. But we've expanded them out to include rural municipalities, and then also the provisions have just been redrafted to provide some clarity on exactly how that would be established. So I can't comment at this time how they compare with other jurisdictions' specific provisions.

**The Chair:** — Are there any more questions from 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 14 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent

of the Legislative Assembly of Saskatchewan, enacts as follows: *The Police (Regional Policing) Amendment Act, 2018*.

I would ask a member to move that we report Bill No. 149, *The Police (Regional Policing) Amendment Act, 2018* without amendment. Mr. Nerlien moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Before we continue on, Lisa Lambert is substituting in for Ken Francis. And Mr. Belanger, you have an introduction?

### Introduction of Guests

**Mr. Belanger:** — Thank you very much. I just wanted to take a few moments to recognize some very special visitors that are watching the proceedings today. These fine visitors are all the way from the community of Beauval, Saskatchewan, which is roughly 700 kilometres away. And joining us today is Alannah Hansen and Tyshaun Hansen. Both these wonderful young people are accompanying their grandfather, Rocky Hansen, and I want to take the opportunity to welcome the Hansen family to the Legislative Building today.

**The Chair:** — Well thank you, Mr. Belanger, and welcome to the Legislative Assembly. My daughter taught up there, intern teaching for a little bit too, so I just thought I would mention that: Lisa Bradshaw . . . or Gina Bradshaw, I should say. Getting the kids mixed up.

### Bill No. 150 — *The Seizure of Criminal Property Amendment Act, 2018*

#### Clause 1

**The Chair:** — We will now be considering Bill No. 150, *The Seizure of Criminal Property Amendment Act, 2018*, clause 1, short title. Minister Tell, could you please introduce any new officials and make your opening comments.

**Hon. Ms. Tell:** — Thank you, Mr. Chair. So to my far right is Tammy Pryzynek, who's the director of civil forfeiture for the Ministry of Corrections and Policing. Of course Neil Karkut is still here, and Dale Larsen is to my left and still here.

And I'll begin with my opening remarks. Thank you, Mr. Chair. I'm pleased to offer some remarks for Bill 150, *The Seizure of Criminal Property Amendment Act, 2018*. Mr. Chair, this proposed bill contains various updates to the province's civil forfeiture program.

The Act currently contains a number of instances where property is presumed to be an instrument of unlawful activity and subject to forfeiture. This places an onus on the defendant to demonstrate that the property should not be forfeited. Mr. Chair, the proposed amendment will expand this presumption to apply to property that was previously subject to a community safety order under *The Safer Communities and Neighbourhoods Act*; vehicle owners with a history of impaired driving suspensions; gang or terrorist activity involving prohibited and restricted firearms; and matters involving sexual offences, including sexual offences with child victims.

Mr. Chair, the proposed changes will also address individuals who attempt to delay or hinder the forfeiture process. In particular, the changes provide that a respondent or a defendant is deemed to waive their rights to property where they refuse or fail to take part in forfeiture proceedings. Further, the director of civil forfeiture will be granted greater flexibility to gather information, including information from persons with a registered interest in the subject property. This will assist the director in determining whether it is appropriate to commence forfeiture proceedings.

In addition the proposed amendments contain further administrative updates that will enhance the operation of the forfeiture process, including allowing the director to commence an administrative forfeiture if a prior registered interest holder waives their rights to the property; allowing the director to provide notice of administrative forfeitures through an online posting if an individual's address is unavailable; and clarifying that property subject to restraint under the Act shall not be released during an appeal period.

Mr. Chair, Saskatchewan's civil forfeiture program takes property and profits out of the hands of criminals and uses those resources to support victims programming, policing initiatives, and other programs that promote community safety. The proposed changes will ensure that the program can continue to achieve these goals while maintaining appropriate safeguards to protect the lawful property interests of third parties.

Mr. Chair, with those remarks, I welcome questions respecting Bill 150. Thank you.

**The Chair:** — Well thank you, Minister. Are there any questions? Ms. Sarauer.

**Ms. Sarauer:** — Thank you. Can you explain, Minister, why these changes are being made?

**Mr. Karkut:** — I'm Neil Karkut, Ministry of Justice. The changes really . . . These are issues or concerns that have been identified over the past years where there's been certain things that haven't worked properly with the forfeiture process. So what this has done is kind of taken a look at all of those issues that have arisen over the years and taken steps to address them through the legislation while still respecting, as we said, the lawful property rights of third parties that ensure, I guess, an efficient forfeiture process while maintaining those protections as appropriate.

**Ms. Sarauer:** — Thank you, Mr. Karkut. Those concerns that were raised, can you explain who has been raising these concerns specifically? What stakeholders?

**Mr. Karkut:** — The ministry works primarily with the director of forfeitures, Ms. Pryzyk, in coming to these changes and what issues needed to be addressed.

**Ms. Sarauer:** — Was there any consultation with the defence bar prior to this legislation being drafted?

**Mr. Karkut:** — No, there was not consultation with the defence bar. There was consultations with SGI [Saskatchewan Government Insurance] and the Court of Queen's Bench in

drafting these provisions, but those were . . . Our other work was primarily internal with Ms. Pryzyk's office.

[15:30]

**Ms. Sarauer:** — Could you explain why the ministry decided not to consult with the defence bar prior to making these amendments?

**Mr. Karkut:** — So based on the nature of the changes, we did not believe that it was appropriate to consult with the defence bar. Like I said, we worked with the director of forfeitures. And also on these changes, a lot of them are changes we're also seeing occur in other jurisdictions. So although we didn't necessarily, I guess, conduct a jurisdictional consultation on it, that a lot of the changes are based on directions that other jurisdictions are moving or that we anticipate will be moving in the near future.

**Ms. Sarauer:** — How will these changes deter crime?

**Hon. Ms. Tell:** — With the determined instrument, an instrument of crime being determined, when that's taken out of the hands of the perpetrator, then the motivation I suppose for committing crime wouldn't be there. If their sole purpose is to use an instrument, whatever that may be, whether it's a handgun or a vehicle or use a home or a camper, I mean it doesn't matter. If they possibly know that the Crown or the director of civil forfeiture is going to seek to take ownership of that particular device, then . . . It all depends on, you know, what is that individual's motivation in the first place. So I guess it depends on any particular individual.

But if you know that if you use your home for criminal activity, whatever the case may be, then the possibility of that home being taken, being used in a civil forfeiture process, perhaps, perhaps somebody would think twice about doing it. And again it comes down to what the individual motivation is of committing the crime in the first place.

**Ms. Sarauer:** — A couple of things to unpack there. The first one, Minister: you had mentioned in your opening remarks, and you spoke about it again in terms of taking profits away from the perpetrator. In your opening remarks you said "taking profits out of the hands of criminals." I would argue that it would be fairer . . . the better term to use would be "the accused." Because the individual that would be subject to a criminal forfeiture order, it's actually at the charge stage — correct? — not the conviction stage.

So an individual — and please correct me if I'm wrong — an individual may be charged with an offence and then subject to criminal forfeiture proceedings. And then something might happen with their criminal case either way: charges dropped, found not guilty, found guilty. But that criminal forfeiture proceeding is actually a separate process that the individual goes through. So this individual is not in fact a convicted criminal at this point. It's someone who is accused or charged with a crime. Is that correct?

**Hon. Ms. Tell:** — Sometimes the individual is already convicted. I think generally and probably most often those proceedings would start prior to an individual being convicted — if they are convicted — but the beginnings of that process would normally

start in most circumstances at the time the person is accused.

**Ms. Sarauer:** — If an individual is found not guilty or the charges are withdrawn, does the civil forfeiture proceeding therefore then stop, and not the proceeds but the asset is then returned to that individual?

**Mr. Karkut:** — So Saskatchewan, just like every other jurisdiction across Canada as I understand it, civil forfeiture process is based on a balance of probabilities and it is a separate matter from the criminal matter. So there still is, on a balance of probabilities, it has to be demonstrated that the property is either an instrument of unlawful activity or proceeds of unlawful activity based on that balance, the civil standard. But that is common across all jurisdictions.

**Ms. Sarauer:** — So to ask my question again, if an individual is not convicted — is found either not guilty or a charge is withdrawn — does the civil forfeiture proceeding then cease, or does that continue on?

**Mr. Karkut:** — No, the process doesn't cease. It can continue on.

**Ms. Sarauer:** — Right. That's what I thought, which is why I think language is important when we're talking about who is being affected by this legislation. You also mentioned, Minister, in your comments about the potential for a home being seized. In particular, I'm interested if that includes the new expansion to property that's subject to a SCAN [safer communities and neighbourhoods] order.

**Mr. Karkut:** — Yes, that's correct, that a SCAN order could result in seizure, or the presumption would apply to real property in this case.

**Ms. Sarauer:** — So that's a very low bar to get a community safety order. I believe it's a reasonable suspicion is what you have to have to be able to get a community safety order. So this legislation will result in people potentially having their homes seized if they have a community safety order granted against them? I guess I'm asking you the same question again, but I want to make that really clear.

**Mr. Karkut:** — Well you have to remember that these are a presumption. It's not resulting in an order against the property. It just reverses the onus on demonstrating that in these very specific cases the property does not fit within the description, or for whatever other reason should not be subject to forfeiture. Because the court does maintain ultimate discretion to not provide the forfeiture if it's in the interests of justice not to do so under the Act.

**Ms. Sarauer:** — Right. And let's talk about the reverse onus that was leading on to another challenge, I think, with these changes. Now as you've just described and as the bill does, this bill will extend the rebuttable presumption that provides the onus . . . Just so that it's clear for anyone who's watching, the onus is then on the accused or the individual who's the owner of the property to have to prove that the proceeds should not be seized, when normally the presumption or the duty is on the ministry, essentially, to prove that this property should be seized.

So it's making it, the onus, even in instances like SCAN cases where the onus or the bar for getting a community safety order is very low, then an individual is now faced with a rebuttable presumption on the civil forfeiture side that did not exist before that they're going to have to wrestle against. Is that correct?

**Mr. Karkut:** — Yes, you're correct in your description of it. What these presumptions do is that where the specific factors that are laid out in the provision are met, then the onus is placed on the respondent to demonstrate, I guess, the reasons why their property should not be subject to forfeiture, and again always at the final absolute discretion of the court if there are interests of justice not to seize the property or forfeit the property.

**Ms. Sarauer:** — Can the ministry provide statistics on how frequently individuals subject to criminal forfeiture proceedings are represented by counsel?

**Hon. Ms. Tell:** — So you're talking about criminal now?

**Ms. Sarauer:** — No, the civil process.

**Hon. Ms. Tell:** — Oh, you're talking about the civil process.

**Ms. Sarauer:** — Civil forfeiture process.

**Hon. Ms. Tell:** — Okay.

**Ms. Pryzyk:** — Tammy Pryzyk. It's an extreme guess at this point, but I think it's around maybe 20 per cent.

**Ms. Sarauer:** — How often do individuals participate at all in these proceedings?

**Ms. Pryzyk:** — Tammy Pryzyk. Again it's hard to say, I don't have the figures in front of me. Maybe about 20 per cent.

**Ms. Sarauer:** — So potentially — and I understand, I understand that those numbers that you're giving me are estimates — but 80 per cent of the individuals subject to forfeiture proceedings have to go through this civil forfeiture process self-represented and will do so with an expanded onus on them because of this rebuttable presumption expansion. Is that correct?

[15:45]

**Mr. Karkut:** — So yes, you are correct in that if they're not represented, an individual would have to represent themselves. However in most cases you would have the onus still present on the director to prove that they're subject to forfeiture. The presumptions do exist in very specific circumstances. So you'd noted the SCAN provision, but we also have changes respecting impaired driving, property used to commit sexual offences. So those are very specific circumstances in which that onus would be reversed on that individual as it was self-represented.

**Ms. Sarauer:** — The section 10.3 allows the director to publish seizure notices online. What is occurring with seizure notices right now?

**Ms. Pryzyk:** — Tammy Pryzyk. That particular amendment is with respect to administrative forfeiture. So currently when we send notices of administrative forfeiture proceedings to

interested persons, we send them via registered mail to the last address that they have provided to the police. What we have found, the reason for this amendment is that unfortunately people often provide fake addresses to the police, and then we don't know how to contact them with respect to the notice that we need to give them to continue the administrative forfeiture proceedings. So this amendment will allow us to publish a notice online so they are able to get some notice of the proceeding.

Now I should indicate as well that even when we send people notices via registered mail, we also publish those. The fact that we're seeking the forfeiture of those properties, those are also already published online. But this would be a specific notice to John Doe, for example, that we think John Doe has an interest in this property.

**Ms. Sarauer:** — Can you tell us where these notices will live online, what website they'll be accessible on?

**Ms. Pryznyk:** — Tammy Pryznyk. It's the government's website under seizure of criminal property.

**Ms. Sarauer:** — Thank you. Section 17.1(3) states that if a respondent files a statement of defence, they are "... compellable to attend for questioning and to answer all questions broadly relevant to the proceedings." Can you explain why this change is happening.

**Mr. Karkut:** — That's actually a housekeeping change. The section had outdated language of "examination for discovery" and it was replaced with "questioning." So that's not so much a substantive change as a housekeeping tweak to that language.

**Ms. Sarauer:** — Can participation in that questioning and the answers retrieved from that be used for the individual's criminal case as well?

**Ms. Pryznyk:** — Tammy Pryznyk. Subsection (5) indicates that the transcript of the questioning can be sealed and that was provided as just additional ... I'm trying to think of the right word. Already the evidence can't be used against them in the criminal matter but this was just an additional sort of ... What's the word I'm looking for?

**A Member:** — Protection?

**Ms. Pryznyk:** — Yes, protection. Thank you. So people would feel at ease with providing the answers.

**Ms. Sarauer:** — Thank you. I just again want to go back to the presumption being expanded in particular to SCAN cases. Mr. Karkut, you also explained, and you're correct, that the expansion also includes impaired driving and sexual offences. SCAN cases are very different than those other two because they're not criminal cases and they're not going through the criminal court process and the scrutiny that is required for a criminal case although, as we've already discussed this afternoon, an individual doesn't even have to be convicted to be subject to a civil forfeiture order. The SCAN cases are an even lower bar than these criminal cases, and for someone to lose their home is a very, very serious penalty on an individual.

I've seen SCAN cases where the mother is the owner of the home

and the son is the one who they believe is dealing drugs outside of the home. But the mother as the owner is subject to that SCAN order, the CSO [community safety officer] order. For that mother now to have to lose their home because of this situation is quite devastating. SCAN orders are already quite devastating because it requires them to be removed from their home for a specific period of time: 30 days, 60 days often. But we're talking about a permanent seizure of the home. And just to clarify for the record, the home would then be sold — and please correct me if I'm wrong — but the owner of that home, thus proceeds of crime, but the owner of that home would not receive the equity or the value in that sale of that home.

I don't know if I have a question at the end of this. It's more of a statement and just a voice of concern about including the rebuttable presumption on SCAN cases when it's hard enough to get someone represented in a civil forfeiture case because Legal Aid doesn't provide that service. Legal Aid also doesn't provide the service for individuals who are subject to SCAN orders. And we're often talking about vulnerable people here who often cannot afford lawyers. So they're left to either struggle on their own, try to find someone who's willing to do a pro bono, or to try to avoid the situation altogether, which results in the low participation rates that I think we've already discussed again this afternoon.

I've also seen forfeiture cases affect family law proceedings, when there's a spouse that's involved and a car gets seized for example, how that can affect the individual especially when they don't know right away what their rights are as a third party, as a spouse, to be able to participate or to be able to lay claim on the property. Often they are not able to access legal counsel and understand what their rights are until long after the period of time for which they have to do that expires.

I suppose, just so that I can give you the opportunity to speak as well and so that I don't end this on just a bit of a rant but on a question, is there any desire within the ministry or would the ministry consider continuing to monitor this — particularly in terms of participation rates of the accused, the individual who owns the property, access to legal counsel, and in balancing with the amount of proceeds that are brought in — into the future to ensure that, as you had said at the beginning, Mr. Karkut, not only is the ministry able to use the enforcement mechanisms that they want and that other jurisdictions also have, but as you had said, third party rights and ownership rights are also respected?

**Ms. Pryznyk:** — Tammy Pryznyk. I think with respect to the concerns over the types of cases that are proceeded on, we within the program in looking at the cases, want to choose our cases wisely. We want to create good law. We don't want to put the integrity of the program at stake by pursuing properties that should not be forfeited and that the court will later tell us should not be forfeited. Of course there are going to be some cases where we feel we have a stronger case, and then the court may say no, you don't have as strong a case as you think you do. But I think in determining which cases we will take forward, we keep all of those things in mind.

And in addition we want to proceed on the cases that are the more serious cases. And I think, you know, not only does the court look at the interests of justice, but we look at the interests of justice too. And if it's a case, for example, where a mother may not know



what her child is doing at her house, that would be an element of what we look at in determining whether we're going to proceed with the case or not. And because of the section 10 of the Act, the mother's interests would be protected in that kind of situation. If she's not aware of what's going on, she is eligible to receive a protection order.

So with respect to legal counsel and monitoring that, I think as a program we're committed to continue to monitor that and see what happens with that.

**Ms. Sarauer:** — Thank you so much.

**The Chair:** — Are there any more 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 18 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Seizure of Criminal Property Amendment Act, 2018*.

[16:00]

I would ask a member to move that we report Bill No. 150, *The Seizure of Criminal Property Amendment Act, 2018* without amendment. Mr. Olauson has moved. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

**Bill No. 158 — *The Youth Justice Administration Act, 2018***

**Clause 1-1**

**The Chair:** — We will be considering Bill No. 158, *The Youth Justice Administration Act, 2018*, clause 1, short title. Minister Tell, could you please introduce your new officials. And I'd like to remind the officials to state your name for *Hansard* when you speak, and make your opening comments also, please.

**Hon. Ms. Tell:** — Thank you, Mr. Chair. To my left I have Maria Markatos, senior Crown counsel of our legislative services branch in the Ministry of Justice; to my far right is Bonny Gerger, senior policy analyst, corporate services and integrated justice service; and right beside me — lucky devil — director of youth custody services, supervision and rehabilitation services, Ministry of Corrections and Policing.

I'm pleased to be able to offer opening remarks concerning Bill 158. Mr. Chair, this Act will repeal and replace the existing youth justice administration Act with this new Act that codifies existing regulations, policies, and best practices for the governance of our youth custody facilities and community corrections programs.

Young persons who come into conflict with the law have the potential to make positive changes in their behaviours and participate in their communities as contributing members. Reducing recidivism of young persons who have committed offences occurs when young persons are held accountable for the actions through a balance of meaningful consequences and rehabilitation. This approach promotes the well-being of the young person and public safety in general.

The new Act incorporates provisions from the existing regulations, including provisions with respect to searches of young persons, visitors, and youth workers, informal discipline processes, the use of reasonable force, and secluded room time.

Mr. Chair, the new Act will also include appeal processes for young persons where a decision has been made that the young person seeks to have reviewed. The Act will also require that the young person be made aware of the procedure for all types of appeals on admission and be provided with assistance in preparing or completing the written materials with respect to a complaint or an appeal.

The new Act includes provisions respecting secluded room time. Secluded room time is defined in the Act to mean circumstances where "a young person is placed in the young person's room or removed from the young person's . . . unit for more than 2 . . . but less than 20 continuous hours in a 24-hour period . . ." I would like to emphasize that a young person in secluded room time continues to have meaningful human contact and to participate in certain programming. The length of time spent in secluded room time is never indefinite, nor is it determined at the outset. The new provisions ensure that there is regular oversight and review and includes an appeal avenue to an appeal adjudicator.

There are a number of principles in the Act parallel to the federal *Youth Criminal Justice Act*. However the primary focus of public safety and reconciling the rehabilitation and reintegration of young persons back into their community is foremost.

Mr. Chair, we will be introducing two House amendments today. Both amendments respond to comments made by the Advocate for Children and Youth. The amendment to subsection 3-12(3) is for consistency and will ensure that the same terminology is used throughout the Act when referring to young persons detained in custody facilities. The amendment to section 4-7 removes language that suggests a director may conduct a body cavity search. "Body cavity search" is a defined term and can only be conducted by a duly qualified medical practitioner in a health facility. Mr. Chair, with those opening remarks I welcome questions respecting Bill 158.

**The Chair:** — Well thank you, Minister. Are there any questions? Ms. Sarauer.

**Ms. Sarauer:** — Thank you for your opening remarks. This is new legislation. Is this codifying what existed prior to this in policy?

**Ms. Gerger:** — Bonny Gerger. This replaces the existing youth justice administration Act that was in place. It codifies the regulations that we had in existence from last year and provides more content to the actual existing Act.

**Ms. Sarauer:** — Thank you for the clarification. Can you explain why some of what existed prior in regulation is now being moved into legislation proper?

**Ms. Markatos:** — Maria Markatos. Thank you. Last year we created regulations to accompany the Act, and those regulations included provisions respecting informal discipline procedures, provisions respecting separate confinement, and provisions about search and seizure, as well as the use of reasonable force. And all of those provisions are being moved to the Act.

As well we did a full review of the adult correctional services Act and included several of the provisions that are in that Act in relation to young persons. So provisions respecting transfers, appeal provisions, those types of things. And the Act also codifies certain things that were in policy, like providing young persons with assistance when they are preparing materials for appeal, ensuring the presumption for contact visits, and also, where appropriate, that the director will advise and involve parents and families.

**Ms. Sarauer:** — I'm going to ask some questions about specific sections of the legislation. Section 2-10(2) gives the power of a youth worker to arrest someone without warrant. Can you explain why this was needed?

**Ms. Markatos:** — This is an existing provision in the current youth justice administration Act. It's section 10. And it's limited to someone who has committed an offence in a youth custody facility. So it's not that they're a peace officer and they can arrest anyone on the street. It has to be with respect to an offence that was committed within the facility.

**Ms. Sarauer:** — Just to clarify, this will be working no differently than how it's working today?

**Ms. Markatos:** — That's correct.

**Ms. Sarauer:** — Section 3-2. Have these boundaries changed with this legislation?

**Ms. Markatos:** — No. This is a provision that was codified in *The Correctional Services Act* and is being duplicated with respect to young persons, just ensuring that where young persons are outside of a designated custody facility that they continue to operate as if they're in the facility. So if they're on the road, if they're in transfer, all of the rules of the facility would continue to apply.

**Ms. Sarauer:** — Is this being done to enhance power and control for when someone is escaping lawful custody?

**Ms. Markatos:** — No. It's just to ensure that when a young person might be outside of the facility, for example on a reintegration leave or if they're being transferred as I previously mentioned, that all of the rules of the facility in this Act and any accompanying regulations continue to apply.

**Ms. Sarauer:** — Thank you. Section 3-5 talks about health but doesn't specifically include mental health. Is there a reason why that wasn't specifically included?

**Ms. Markatos:** — This was a provision that was taken from BC.

British Columbia is one of the only other provincial or territorial jurisdictions in Canada that have a robust youth justice administration Act. Most of the rest of them are very bare-bones or they have nothing to accompany the federal Act. And this provision was specifically added to . . . There have been circumstances where young persons have attended to the facilities to be admitted and they're visibly injured, and then there's no way to admit them and then transfer them to a medical facility for treatment. So this would give the custody facility the ability to require the person transporting them to take them to a hospital or emergency for review.

**Ms. Sarauer:** — Could you or would you . . . Sorry. Would that same argument be able to be made for an individual who's taken into custody and presents with some serious mental health challenges as well? And would this legislation provide for that?

**Mr. Lupanko:** — Gord Lupanko from Corrections. One of the issues with mental health is that usually has to be seen by a medical professional first. So this provision only speaks to things that are identifiable, you know, bites, broken bones, that sort of thing. Mental health, because we wouldn't have that mental health certificate, I don't know how that would apply here.

**Ms. Sarauer:** — Could you, just to clarify for the record, speak very briefly about what mental health services are available for youth in custody?

**Mr. Lupanko:** — The services that are provided in custody include our partnership with health, which is mental health, so child and youth. We use the hospitals. We have psychiatrists and psychologists that come into custody as well to provide the care that's required.

**Ms. Sarauer:** — Section 3-8(1)(c) speaks about . . . Well section 3-8(1) speaks about involuntary transfers of youth. Why is access to family not included as a consideration made for involuntary transfers of youth?

**Ms. Markatos:** — Just to clarify, do you mean that, for example . . .

**Ms. Sarauer:** — I would say proximity to family is probably the better way to describe it, if that helps.

**Mr. Lupanko:** — Gord Lupanko from Corrections. I think because this is involuntary. I mean proximity to family and resources is always a consideration, but it's not necessarily everything that we take into account.

**Ms. Sarauer:** — Thank you. Section 3-23(1), could you give some examples of what devices these could be?

**Mr. Lupanko:** — So we have cuffs, shackles. We use a device called the Wrap. Those are all approved for devices we use right now.

**Ms. Sarauer:** — That same section, (4), can you give for the record how this is documented?

[16:15]

I suppose what I'm specifically asking is the time frame. What is

done to document the fact that this . . . They're not supposed to be restrained for more than one hour, and then there's some provisions that allow for some changes to that. So how is that documented within the facility?

**Mr. Lupanko:** — So every incidence where we use a physical device or a restraint device, there's an incident report that's completed which is documented. That incident report is viewed by our supervisors, as well as if things continue it would be reviewed by the director as well.

**Ms. Sarauer:** — And then the director's decision, is that documented as well?

**Mr. Lupanko:** — It is.

**Ms. Sarauer:** — Part 5 deals specifically with seclusion. How long can you keep a youth locked in their room?

**Mr. Lupanko:** — You'll have to clarify the question. Sorry.

**Ms. Sarauer:** — In particular in seclusion, I'm wondering what is the requirement for length of time that an individual can be secluded for, for the record.

**Mr. Lupanko:** — It's anything over two hours. And I mean it would go beyond but 20 hours is the complete length of time that . . . between 2 and 20 hours.

**Ms. Sarauer:** — How does a reintegration plan typically work, understanding that every situation is a little different?

**Mr. Lupanko:** — So it's based on the infraction that put them into secluded room time based on their issues or the issues that they had problems with. A reintegration plan would be developed to help them work through whether it's anger management or some sort of substance abuse, something like that. So we would work them through . . . They enter portions of the program at different times to aid in that sort of development.

**Ms. Sarauer:** — Do you have any statistics available for committee this afternoon on youth seclusion and what the numbers are and average length of time?

**Mr. Lupanko:** — All right, thanks. So just to clarify, right now in our existing policy and in our regulations we have "separate confinement." We don't use the word "seclusion." So I did go back six months provincially to see around separate confinement. The difference really between separate confinement is it's anything over two hours and it can be up to 23 hours. So there's an hour out that they have to, that's the minimum amount of time that they have to be out.

So in the last six months, November to April of last year, November 2018 to April of 2019, there was 78 reported occurrences of confinement. And that's again anything that went over that two-hour mark. The average length was 19.5 hours. The longest was 43 hours and 26 minutes. And of course the shortest was the two hours.

We have another unit that's our behavioural management unit, and it's a program within itself. And so that unit operates separately from the rest of the facilities in the province. That's a

six-bed unit in Regina. So in that unit there's three ways that you would spend time in that unit. One of them is by referral. One of them is by stabilization, and one would be sort of admin sort of placement. The referrals, the program sort of talks about 15 days would be how you'd work your way out. As you work through the program, more and more time is allowed out of your room, right? So again the minimum amount of time out would be an hour to start with. The maximum time would be complete out until you complete the program.

The stabilization point part of the program really talks about, it's sort of a quick seven-day looking to stabilize the behaviour — get them back, work into either the dorm that they left from or the facility that they went from.

And then admin placements are really a 24-hour. Usually it's for our higher risk admissions that we don't know a whole lot about. They come in with unique issues or unique problems and we need to establish some sort of understanding of where they're coming from. And that's reviewed every 24 hours.

So in that program, again I went back from November to April. The average length was 11.31 days in the Oshitawin program. In that time frame too we had two youth who were complex needs — severe mental health, suicide ideations. In fact they were hospitalized on several occasions. So when we add those two youth in there it actually jumps up to 15.24 days on average.

**Ms. Sarauer:** — Thank you for that information. I appreciate that. I just have one more question. I want to ask about one of the amendments that's being proposed, clause 4-7 that will be amended. Could you explain why this amendment is being made?

**Ms. Markatos:** — This amendment is to the provision respecting body cavity searches, which is a defined term. And a body cavity search can only be conducted by a health care professional in a health care facility. Current 4-7(3) as printed suggests that the director can conduct a search of a young person, and we received comments from the Advocate for Children and Youth that this suggested the director could conduct a body cavity search. That was certainly not the intention, and we wanted to make sure that that was clear, that it can only be conducted by a duly qualified medical practitioner.

**Ms. Sarauer:** — Thank you so much. Thank you, all of you, for your answers. I have no more questions.

**The Chair:** — Thank you. Are there any more questions from the committee? Seeing none, this bill has 99 clauses, and I'm going to be asking leave of the committee to review the bill by parts and divisions. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Part 1, "Preliminary Matters," clause 1-1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1-1 agreed to.]

[Clauses 1-2 to 3-11 inclusive agreed to.]

### Clause 3-12

**The Chair:** — Clause 3-12. I recognize Mr. Olauson.

**Mr. Olauson:** — Thank you, Mr. Chair. I'd like to amend clause 3-12 of the printed Bill:

Amend Clause 3-12 of the printed Bill in the portion of subsection (3) preceding clause (a) by striking out “of the” and substituting “detained in the”.

**The Chair:** — It has been moved by Mr. Olauson to:

Amend Clause 3-12 of the printed Bill in the portion of subsection (3) preceding clause (a) by striking out “of the” and substituting “detained in the”.

Do committee members agree with the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Is clause 3-12 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 3-12 as amended agreed to.]

[Clauses 3-13 to 4-6 inclusive agreed to.]

### Clause 4-7

**The Chair:** — Clause 4-7. I recognize Mr. Olauson.

**Mr. Olauson:** — Thank you, Mr. Chair. I'd like to:

Amend Clause 4-7 of the printed Bill in subsection (3) by striking out “conduct a search of the young person and”.

**The Chair:** — Mr. Olauson has moved:

Amend Clause 4-7 of the printed Bill in subsection (3) by striking out “conduct a search of the young person and”.

Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Is clause 4-7 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 4-7 as amended agreed to.]

[16:30]

[Clauses 4-8 to 15-9 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Youth Justice Administration Act, 2018*.

I would ask a member to move that we report Bill No. 158, *The Youth Justice Administration Act, 2018* with amendment. Mr. Tochor has so moved. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. That concludes our business with the Ministry of Corrections and Policing. Minister Tell, do you have any closing remarks?

**Hon. Ms. Tell:** — I will just thank everyone. Thanks to the committee and you, Mr. Chair, and Mr. Wotherspoon, even though he didn't do anything. But anyway, thanks to all the officials. I'm kidding, Trent. Thanks to all the officials for today, and that's good. I hope you have a great afternoon. Thanks.

**The Chair:** — Well thank you. We'll have a recess right now to change minister and officials.

[The committee recessed for a period of time.]

## Bill No. 169 — *The Saskatchewan Public Safety Agency Act*

### Clause 1-1

**The Chair:** — Well good afternoon and welcome back to Intergovernmental Affairs and Justice. I'm Fred Bradshaw, the Chair. Substituting for Buckley Belanger we have Trent Wotherspoon, and substituting for Ken Francis we have Lisa Lambert. We also have with us Hugh Nerlien, Eric Olauson, Laura Ross, and Corey Tochor.

This afternoon we'll be considering Bill No. 169, *The Saskatchewan Public Safety Agency Act*. Minister Kaeding, would you please introduce your officials and make your opening comments.

**Hon. Mr. Kaeding:** — Thank you, Mr. Chair, and committee. With me today we have Greg Miller to my left who is our deputy minister; and to my right is Duane McKay, our ADM [assistant deputy minister] and commissioner. And with us behind we have Elissa Aitken, our executive director of policy branch; Jay Teneycke, our executive director of communications; Veronica Gelowicz, our ADM, corporate services and policy, from Environment; Jeff Markewich, our executive director of corporate services; Ryan Cossitt, executive director of emergency management; and Jason Rumancik in our legislation and policy department.

This bill expands the mandate of the Saskatchewan Public Safety Agency to deliver the programs and services currently provided by the Ministry of Environment's wildfire management branch and Government Relations' emergency management and fire safety branch.

This bill introduces a broad public safety mandate and allows for the transfer of existing employees, contracts, and assets from government to the Saskatchewan Public Safety Agency. It

establishes the powers of the SPSA [Saskatchewan Public Safety Agency] and legislates the board of directors. This bill also transfers responsibility for administering and enforcing *The Wildfire Act*, *The Fire Safety Act*, *The Emergency Planning Act*, and the Sask 911 system Act to the Saskatchewan Public Safety Agency. The ministry worked closely with the ministries of Environment, Justice, Finance, and the Public Service Commission to advance the expansion of the SPSA and draft this bill.

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

**Mr. Wotherspoon:** — Thanks so much, Minister. Thank you to the officials that are here tonight and those that work in the respective ministries and agencies that we're talking about here today. Certainly the response in an emergency and the whole wildfire management components are incredibly important to the people of the province. We've seen it in action just, you know, recently again with respect to the grass fire near Biggar. Thank you to everyone involved in that effort once again as well.

What I'd like to get a sense of is where stakeholders are at with respect to these changes. So who's been consulted going about building this legislation, and where are folks at? Are there folks that have been consulted that have concerns at this point in time?

[16:45]

**Hon. Mr. Kaeding:** — We've had extensive consultation certainly with our stakeholders throughout the province. So that would include the Prince Albert Grand Council, our northern communities. I believe Meadow Lake Tribal Council we've had discussions with, and then various entities that have been involved such as the Red Cross, various municipalities and communities certainly, you know, within the area, and certainly with the staff and those affected by this as well.

But I'm going to let Duane maybe just go through a bit more of who we've consulted with and some of the details with who.

**Mr. McKay:** — Sure. Thank you, Minister. Duane McKay. So the beginning of this discussion occurred shortly after the wildfires in 2015. We did an extensive review of the impact of the fires, the impact on individuals and communities, and as a result did a direct consultation on sort of all the things, the lessons learned that would come out of that. We held meetings, regional meetings in Beauval and Buffalo Narrows, Weyakwin, Montreal Lake Cree Nation, La Ronge — both in terms of the tri-community in La Ronge and as well as the Lac La Ronge Indian Band — Prince Albert Grand Council, which the minister has already mentioned, Meadow Lake Tribal Council. And over 100 communities attended those to let us know the good and the bad that occurred during 2015.

In addition to that, there was open consultations to the public. We had 623 people that had opinions that they shared with government. In terms of responding to those, we also reached out to business as well, business in the North as well as mining and industries in the North as well.

You know, part of what we heard from those consultations was there was a need to have a more coordinated approach to be able

to use resources across government in a more effective way. And as a result of that, we started moving forward with the concept of how would we do that.

Since we started actually moving forward with moving the concept of expanding the Public Safety Agency, we've reached out to many of those same organizations, as well as many of the public safety organizations as well, to have a look at in a little bit more detail how that would affect them. So some of those would include the Saskatchewan Fire Chiefs Association, the Police Chiefs Association, Volunteer Firefighters Association, Saskatchewan Emergency Planners Association, and as the minister said, many First Nations organizations as well.

In many cases what we've seen, the largest impact is in the North, and so we want to make sure that we're tied in very closely with First Nations organizations. This would include some work that was undertaken by the Prince Albert Grand Council in setting up the emergency management, a First Nations emergency management organization which is in some ways replicating some of the work that we're doing in helping First Nations prepare for and respond to organizations. And we have worked very closely with that organization to ensure that we can be seen as a parallel organization supporting them in their work and allowing First Nations organizations to have some control over sort of how they would plan and prepare and so on. And in all cases this has received good reviews.

In terms of both the answer to the questions that were raised to government as a result of 2015, stronger coordination, more resources more evenly applied across the entire province. As an example, we typically see huge wildfires in the North. This summer, or this spring we've seen them in the South, and the ability to move those resources, regardless of sort of the mandate and jurisdiction as it were, back and forth to serve all the people of Saskatchewan.

So I think so far we have received strong support. I failed to mention SUMA [Saskatchewan Urban Municipalities Association] and SARM [Saskatchewan Association of Rural Municipalities] as well. So we've been in contact with them obviously, and so far we've had strong support for the concept. And we have committed that we'll continue those consultations as we roll this thing forward.

**Mr. Wotherspoon:** — Thank you for the response. And certainly you've engaged very, very good organizations, folks that should be involved in this process. So just to clarify at this point, of all those that you've consulted, there's not outstanding concerns with the approach and the change?

**Mr. McKay:** — So at this particular point we have not received any substantive concern with respect to what the purpose is, what the intent is. And our commitment to continue to engage all of those organizations as this rolls forward has satisfied any concerns that have been raised, or questions. I can say that there hasn't been any concerns but rather opportunities and how people can engage in this and what it's going to mean for them. And in our commitment to ensure those ongoing discussions, where we can create the most effective way to respond to those, seems to have satisfied any questions that have been raised so far.

**Mr. Wotherspoon:** — Thank you. Can you speak to sort of how

this becomes operational and what timelines are on that? Certainly the consultation around the premise is important. I believe it's going to be critical to have stakeholders involved as this becomes operational, and making sure that it indeed is, you know, as efficient, nimble, effective as it can be. So can you speak to sort of the timelines and process there?

**Hon. Mr. Kaeding:** — So understanding, you know, the potential of disruption during a very busy time, we've got kind of the end of 2019 as our goal to have both entities rolled into the agency. You know, anticipating that sometime this summer we'll have emergency management in, and then after the wildfire season has been completed and the snow's on the ground and the planes put away, that we'll have them rolled in. So haven't really got a specific fix time, but just want to minimize the amount of disruption we may have with our stakeholder groups and those participating in the service.

**Mr. Wotherspoon:** — I think those are fair considerations and really important to make sure that you get the timing of the transition right to make sure that there's seamless response and then continued improved response to, you know, the people of the province, as is the aim of the agency. Can you speak a little bit about any assessment of capacity that may be lost by pulling the responsibilities away from the respective ministries that house them right now? Is there any informal capacity or otherwise that's there right now that would be lost, or potentially lost, in this transition?

**Hon. Mr. Kaeding:** — So we certainly don't anticipate any loss of services. In fact with two very high-performance units working together, anticipate that there should be a significant amount of efficiencies gained — the two, yes, left and right of me here, of course. And that's where we anticipate that we can just utilize our resources more efficiently through the province; instead of just having delineated areas north and south, we'll be able to utilize them throughout the province.

**Mr. Wotherspoon:** — Thank you very much. What about the budgetary impacts? What sort of budgetary impacts does this change bring?

**Hon. Mr. Kaeding:** — So what we're going to be utilizing is the current budget that has been established for this service to bring the two groups together. So we're actually not going to be reducing the budget. In fact we've got an increase in the budget just to try and build the front-end capacity of the agency.

**Mr. Wotherspoon:** — Thanks for that. And what's the additional dollars and what are they intended for?

**Hon. Mr. Kaeding:** — So when we combine the 2018-19 budgets in both areas being transferred to the agency, that's going to involve approximately 380 FTEs [full-time equivalent] and \$75 million. And the increase that we've got to build the front end is approximately half a million dollars, and that's to secure a CEO [chief executive officer] and an executive director and build some admin support around that.

**Mr. Wotherspoon:** — Thank you for that information. As well, with respect to the employees, the workers that are affected, I know it's been mentioned, which is important, that collective agreements would be honoured and their pension commitments

would be honoured. Can you speak to that a bit? Because you're bringing in folks, what sort of certainty can they be assured? Because certainly when you're talking about a collective agreement or a pension, it should be ironclad.

**Mr. Miller:** — Greg Miller, deputy minister. So with respect to the transfer of employees, *The Saskatchewan Employment Act* assures that the current rates and structures and benefits that are in place for employees will transfer to the new agency. So that's well established in government.

The next piece then, we'll go to a transition piece where there'll be some negotiations with the SPSA and the union, the Public Service Commission, to determine the period of time over which that transition will occur. And those conversations are yet to proceed. So they'll proceed in due course and, at the end of that, there will be an option for the SPSA to apply to the Labour Relations Board for future status, new bargaining units, those kinds of things. Those discussions will unfold as they do.

**Mr. Wotherspoon:** — But as far as collective agreements and pensions as they are, those that are impacted right now that might be wondering about how this is going to impact them, just speak directly to all of them.

**Mr. Miller:** — So in accordance with *The Saskatchewan Employment Act*, the pensions, the benefits that exist today will transfer into the new agency.

**Mr. Wotherspoon:** — Thanks so much. The matter of resources, the financial resources that are required, of course you're talking about disasters and emergencies that you need to fund in a quick way. Talk about how this may be different or may not be different than how things have been done in the past to make sure that there's operational dollars, that there's contingency dollars in place, and then, you know, there's the dollars that are needed in the case of an emergency.

**Hon. Mr. Kaeding:** — So the short answer is that the same process will apply to the safety agency. So if there is an emergent need, then a special warrant would be issued to provide that need.

**Mr. Wotherspoon:** — Can you speak to the governance specifically of this treasury board Crown?

**Hon. Mr. Kaeding:** — So currently we have four board of directors. So that would be the Minister of Government Relations, Minister of Environment, Minister of Health, and Minister of Social Services. The current president is Greg Miller, and we are now in the search for an executive director and a cross-Canada search for a president or CEO.

**Mr. Wotherspoon:** — And speak to sort of the management of it there. Speak to the broader governance or oversight of the treasury board Crown.

[17:00]

**Hon. Mr. Kaeding:** — So as an agency, as a Crown corporation, it still remains under the control of the government. So I guess just in the Act itself, there's two clauses. One, it's the agent of the Crown. So the Public Safety Agency is that agent of the Crown and the corporation's powers are pursuant to the Act and

can be exercised as an agent of the Crown. And all property of the agency, all moneys acquired, administered, possessed or received, earned by SPSA are the property of the Crown. And then they are ultimately responsible to the minister. “SPSA is responsible to the minister for the fulfilment of its purpose and the exercise of its powers pursuant to this Act.” And the minister can give directions that must be followed by the agency, the board, or both in exercising their powers and fulfilling their duties.

**Mr. Wotherspoon:** — Thanks. And as far as the ministerial responsibility and then connection back to the Assembly, we can fully anticipate the way this is being structured is that we’ll have the time we’re having right here in committee . . . Well this is for the bill change itself. For example, through estimates there’ll be full purview for the Assembly itself to engage in the oversight as we do with other matters that are a responsibility of the minister. Is that correct?

**Hon. Mr. Kaeding:** — That’s correct. So ultimately the minister responsible for this agency will be the Minister of Government Relations.

**Mr. Wotherspoon:** — So when we’re talking about this amalgam, this new agency, that’ll be through the estimates that you’re currently responsible for. Is that correct?

**Hon. Mr. Kaeding:** — So I guess currently, you know, the transition would involve both Minister of Environment and Minister of Government Relations, but ultimately where we’re going to end up is that this agency will be the responsibility of the Minister of Government Relations. So as in many Crown agencies that have a minister responsible for, that will be the same case here.

**Mr. Wotherspoon:** — Thanks. You spoke about the impetus for this being the review that occurred following the incredible challenge of the fires of 2015, spoke about some of the concerns that were identified in a broad way. Can you be specific about some of the concerns that were brought forward that these changes will address?

**Hon. Mr. Kaeding:** — I think what we probably heard the loudest from that consultation during that period was that there needed to be kind of a single point or a single entity that could provide direction as well as communications, liaison with all the stakeholder groups on the ground.

And I think what came out of that — and I’ll get Duane to talk about that a little more fulsome — was that there just was a little bit too much confusion, I guess, when it came to who different municipalities or stakeholder groups were to report to. And what everybody felt, or what we certainly heard fairly loudly, was that if there was a single point, one single entry there or one single group responsible for the messaging and direction and providing direction within the incident or event, that would be what they would prefer. Duane, I’ll just maybe get you to speak.

**Mr. McKay:** — Sure. So as everybody could appreciate the fact that when you have an incident of some magnitude it affects many parts of society and many individuals. And typically in these cases, or the case that we saw in 2015, the actual incident was wildfire. The impact was evacuations — individuals,

businesses, infrastructure, and so on.

So at that particular time, if you needed information on the wildfire situation you would go to the Ministry of Environment to get that from the experts in that particular area. If you wanted information coming from other parts of that emergency, then you would go to those other particular parts. This will give us the opportunity, and this is what the concerns were raised, is there needs to be a central location, a central coordination of all of these services.

In addition to that, the work that is done within the province, you have basically two types of fire services. You have one that works from the treeline south and one that works from the treeline north. And many people were having difficulty understanding how the structural fire piece of this — which is the communities, the urban interface area and the wildland piece — how they would coordinate. Their mandates were different, and when you would go to one to get information it might be slightly different than the other.

What the people responded to, communities that were a part of that were saying, this doesn’t make a lot of sense. During these massive events we need to go to one place. We need a consistent message. We need to be able to ensure that it is truthful, that we can plan on it, that we can respond to that, and that we’re getting all of that information.

Now as you applied that, that’s the concerns that we saw coming out of the 2015 review. But if you go into the other areas of the province you might see the same thing only in a slightly different scale — flooding, for instance. In 2011 we had to bring wildfire crews down into the South to help with sandbags and other mitigation work that we had to do. So when you take a look at this from the perspective of the efficient use of all of the resources the government has to work with during these major events, the other recommendations were that it would make sense to combine these so that the province would not only be able to respond in a particular way, in a coordinated fashion, but we would be able to move those resources around the province wherever they were required.

So that’s primarily the concern. There was other minor concerns in terms of that would have affected some elements of that particular piece, but the common theme was communications of information, the consistency, the coordination, and ultimately the application of resources.

**Mr. Wotherspoon:** — Thanks for that. The Yukon has taken on a model sort of like this, I believe. Has that served as a model? Have they been involved in sharing some of their experience with folks through this period of developing this legislation and this agency?

**Hon. Mr. Kaeding:** — Actually what we’re seeing is that in Canada this agency is actually taking the lead. It is now going to be perceived, I believe, as probably the model that most other jurisdictions are going to look at. I mean Yukon has been able to provide some elements of direction to what we’re going to be accomplishing as a single agency. From what I understand, Yukon still has kind of two streams that they’re using in their decision-making process, but the model that we’ve created here, I believe, will be the premier model used probably throughout

the country.

**Mr. Wotherspoon:** — Can you share a very practical example, a very specific example of how, by bringing everything together in one place, will improve the effectiveness of response, of course knowing that minutes matter and you need to be as nimble as possible, as organized as possible, and certainly it's been identified, the points around communication?

**Mr. McKay:** — Primarily wherever the incident is, it's about people. It's not about forest fires. It's not about floods and not about wilderness. It's about people. And if fires only occurred in places where there was nobody there, we wouldn't really need to make a lot of changes to the programs.

What we're seeing though is that as people expand across the land, even in the North, there's the use of the wildland areas. Where that affects individuals is where the primary effectiveness of this particular model would, I think, begin to shine forward.

So it's the interface. We have a significant border between the South and the North. In there you have farm lands, you have industry, you have all of these different organizations. And where you can take those common resources or common communications and start working effectively in that interface area is where we're going to see the greatest impact. The ability for an individual to show up and be able to say that they have all the information and all the strategic direction required to inform those other elected officials or individuals that might be impacted, that's primarily where we're going to see the greatest benefit.

The secondary benefit is the ability to move those resources strategically around the province where required. In the South we're largely dependent on municipalities to provide the first level of response to whatever might occur. And then we ask them to work with their neighbours. We have mutual aid arrangements for people to go into, to respond.

Over the last number of years, the last eight or nine years, we have seen significant change in the types of emergencies they're responding to. They're bigger. They might involve industry. They're getting perhaps broader in terms of what we saw in the last couple of weeks across jurisdictional boundaries. And primarily these response agencies are volunteer. There's only so much they can do before they run out of energy, equipment or, in some cases, require specialized resources or equipment.

This gives the opportunity for the province to backstop the good work that is done at the municipal level, but there is a limit to the resources the province has. If you just take the programs and say you have eight rapid responders, they can only be in so many places at any particular time with that special knowledge that they might have. There's only so much equipment. But when you combine all of these two branches together, you have resources, staffing resources. You've got equipment. You've got communications. You have technology that can benefit . . . The stuff that primarily is in the North can benefit the municipalities where we have, you know, a large number of people living in the South, and vice versa where you have this very high technical capability of structural protection, can go into communities in the North and protect those communities.

We're hoping that it would give us more options for municipalities and First Nations in the North to say that we might be able to stop the automatic evacuations. Evacuations are expensive. The families pay a significant cost of that. Industry pays a cost of that. It's difficult in terms of the impacts on society in those areas. So if we have that ability to pull technology and special resources in there, we might be able to reduce the actual impact on people. But we need to be able to move those resources, that expertise back and forth across the entire province and in the interface areas.

**Mr. Wotherspoon:** — Thank you very much. I don't have any further questions tonight. Certainly we'll be tracking the continued development of the agency. The outcome is very important to the people of the province, making sure people are protected in cases of emergency and facing fire and weather and all the conditions that all of you that are involved in this work know very well. So thanks to those that are involved.

I'd really urge the continued involvement and engagement with all stakeholders through operationalizing this agency because I think that's critical to make sure there's not any unintended consequences or gaps in services or oversight. So at this time, thanks to all that are here tonight and those that are involved in this important work.

[17:15]

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

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried.

[Clause 1-1 agreed to.]

[Clauses 1-2 to 9-1 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Saskatchewan Public Safety Agency Act*.

I will ask a member to move that we report Bill No. 169, *The Saskatchewan Public Safety Agency Act* without amendment. Ms. Lambert has so moved. Is that agreed?

**Some Hon. Members:** — Agreed.

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

**Hon. Mr. Kaeding:** — Certainly. I'd like to thank all the officials that were with us tonight, committee members. I think it's a tremendous opportunity to also thank the emergency crews that we've got that are working out there, I think, every day, putting their lives on the line to ensure the safety of the residents of the province. And certainly like to thank both the wildfire group and the emergency management group for all the work that they've done and the co-operation that they've shown and the willingness that they've shown to be able to work together to form this agency. And I'd say, just ultimately, we're very excited and looking forward to the next steps of this.



**The Chair:** — Thank you. Mr. Wotherspoon, do you have any other remarks?

**Mr. Wotherspoon:** — I think I captured in my closing remarks before, thank you to all those that are here. But certainly thank you to all the emergency responders, those in communities across the province, those in the field, all those involved in wildfire management for decades that have such incredible knowledge of the land and of the province. So thank you to all involved.

And we'll continue to review this. And if there's anyone observing this committee here tonight that, you know, has some concerns or some practical consequences that they feel aren't being addressed, of course reach out directly to the minister and to myself and the opposition.

**The Chair:** — Well thank you. I will ask a member to move a motion of adjournment. Mr. Nerlien has so moved. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. This committee stands adjourned until Wednesday, May the 1st, 2019.

[The committee adjourned at 17:20.]