



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 16:34.]

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

This afternoon we will be considering Bill No. 160, *The Trespass to Property Amendment Act, 2018*; Bill No. 161, *The Trespass to Property Consequential Amendments Act, 2018*, a bilingual bill; and the committee resolutions for the 2019-20 estimates and the 2018-19 supplementary estimates — no. 2.

Bill No. 160 — *The Trespass to Property Amendment Act, 2018*

Clause 1

The Chair: — We will be considering Bill No. 160, *The Trespass to Property Amendment Act, 2018*, clause 1, short title. Minister Morgan, could you please introduce your officials and make your opening comments, and I'd like to ask the officials to please state your name for *Hansard* when you're speaking. Thank you.

Hon. Mr. Morgan: — Thank you, Mr. Chair. I'm joined this afternoon by Darcy McGovern, director of legislative services branch; and Danielle Schindelka, Crown counsel, legislative services branch. I'm pleased to be able to offer opening remarks concerning Bill 160, *The Trespass to Property Amendment Act, 2018*.

Mr. Chair, this bill amends *The Trespass to Property Act* and *The Snowmobile Act*. A review of these Acts was undertaken in response to public encouragement to do so as concerns regarding rural crime, property damage, and biosecurity have been increasing. We view this bill as an appropriate balance between the rights of rural landowners and members of the public seeking access to private property. The proposed approach is consistent with trespass legislation in Alberta, Ontario, Nova Scotia, and Prince Edward Island.

Mr. Chair, the intention of this bill is to minimize and prevent misunderstandings over land use and to protect the legitimate interests of private rural landowners. This will be achieved by creating consistent trespass rules in Saskatchewan legislation. The bill shifts the onus from the landowner to the individual seeking access to the property. Currently under *The Trespass to Property Act*, a landowner must post his or her property with signs prohibiting entry or enclose the land with a fence for an offence to immediately arise. The proposed legislation will remove the onus on landowners or occupiers to post signs on certain rural property, including cultivated and pasture lands, and instead require those seeking to access private property or leased Crown land to obtain permission from the landowner or occupier.

Similarly, *The Snowmobile Act* currently requires landowners or occupiers of land to post signs to prohibit snowmobiling. The proposed amendments will align snowmobiling rules with the rules that govern ATVing [all-terrain vehicle] by eliminating the requirement for signage in order to prohibit access.

Mr. Chair, we're hopeful that these changes will encourage communications between landowners and land users which will promote respectful and positive relationships. The legislation also recognizes that there is no legal right of access to private property. Mr. Chair, the intention of this bill is to promote the safety of both the landowner and the person seeking access to reduce biosecurity risks and property damage and to provide an additional tool to combat rural crime. We are hopeful that this legislation will be a step forward in addressing those concerns.

With those opening remarks, I welcome your questions regarding Bill 160, *The Trespass to Property Amendment Act, 2018*.

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

Mr. Wotherspoon: — Thank you. Thank you, Chair, and thank you, Minister and officials that are here. Just by way of a bit of an opening statement, I'm well on the record on this front, but this bill in fact is very problematic, and it's been ill-conceived. It's not practical to the realities of Saskatchewan. It's not enforceable, which is a real problem bringing forward a law that becomes more challenging to enforce than the current laws in place. And it's no solution to the very real problems that need action and that need remedy around rural property crime and around the challenge of things like clubroot. So it really misses the mark on this front.

There's no question that landowners have the right to control access to their land. Without a doubt they do, and that's an important piece. There are some practical improvements that could have been brought on this front, but this bill isn't it in its current form and would either need to be, you know, pulled or changed to bring that kind of change.

I'd also like to address that good legislation is built in consultation. And critical to this, we have a duty to consult with Indigenous peoples within our province, First Nations and Métis people who have hunted and gathered and fished these lands for thousands of years, an important treaty right and an important way of life that brings about wellness and brings about food and sustenance for many across the province.

To not consult Indigenous peoples before bringing this legislation forward is very shameful, Mr. Speaker, and a lost opportunity to engage Indigenous peoples in the conversation that the province is having. Furthermore, it's a real loss and a real disappointment that the government wouldn't have seen fit to consult the Wildlife Federation of Saskatchewan, representing well over 30,000 members across the province. Full disclosure, for whom I am one of those members, Mr. Speaker.

But through that sort of engagement, of course the engagement with Indigenous peoples — those that have hunted for thousands, and fished and gathered for thousands of years, Mr. Speaker — we could have had a new look at what sort of improvements could have been brought. And by engaging the hunters and fishers, those with practical knowledge, many of those are landowners as well, and rural residents, we could have brought forward practical changes.

But instead, we have a bill that's not practical, not enforceable,

no fix to the real problems of rural crime and clubroot which need solutions. We have questions here tonight, but I guess I want to get back to a very important piece around the consultation here. It's been a tremendous loss to not have the engagement of Indigenous peoples, of the Wildlife Federation, and certainly as well, of landowners and different agricultural groups that have weighed into the conversation as well.

I wrote a letter to the Chair on April 24, 2019. I'll read that into the record:

Dear Mr. Bradshaw:

I write to you today regarding the upcoming consideration of Bill 160, *The Trespass to Property Amendment Act*, and Bill 161, *The Trespass to Property Consequential Amendments Act, 2018* at the Standing Committee on Intergovernmental Affairs and Justice. As you know, these bills have drawn criticism from members of the public and organizations like the Federation of Sovereign Indigenous Nations and the Saskatchewan Wildlife Federation.

I firmly believe that the committee's consideration of these bills would be greatly enhanced by providing time for these organizations and members of the public to testify in public hearings and share their views on these important bills. I ask that you ensure the committee provides time for witnesses to give oral testimonies here in Regina, so that all Saskatchewan people, including those that are for and against these bills, will have the opportunity to have their voices heard by the committee regarding the consequences of these bills, and to suggest important changes.

Thank you for your consideration of this important matter. I look forward to your reply.

I wrote that letter on April 24th. I cc'd the Minister of Justice, Mr. Speaker. And we're here now without being provided that opportunity to have those important witnesses before us. So I guess I'd ask the minister why we can't have these very important, very important groups and organizations testify at this committee.

Hon. Mr. Morgan: — Yes, I have a few comments I'd like to make sort of in response to that. You had mentioned specifically First Nations, and we have, as you're aware, the second bill as well today. But I want to read just a brief portion of what my remarks will be with regard to that bill, and it applies to this one as well:

This bill will not and cannot affect Aboriginal and treaty rights. These rights are recognized and affirmed by section 35 of the *Constitution Act*. Further, section 14.1 of *The Interpretation Act*, 1993 specifically provides that:

No enactment abrogates or derogates from the existing Aboriginal treaty rights of the Aboriginal peoples of Canada that are recognized and affirmed by section 35 of the *Constitution Act, 1982*.

The intention of this bill is not to reduce or minimize the rights of First Nations. I met with FSIN [Federation of Sovereign Indigenous Nations] and a number of the individual chiefs, told

them that we may at some point have discussions regarding how the bill is to be applied or how it's to be interpreted, but nothing in this bill is intended to reduce, minimize, change or otherwise alter the rights that are there.

I'd also want to put on the record that we don't regard this as an answer to all of the rural issues that are there, whether it be clubroot, crime. This is a tool. It's not a silver bullet. It makes us so that we're on the same playing field as other provinces and other jurisdictions.

I've met with the wildlife association. I've met with hunters' groups. I've met with a variety of ag groups. I'd indicated before I'd met with FSIN. We've had extensive consultation with those groups, and I don't think we've declined to meet with anybody that's asked for a meeting. The purpose of that was so that we heard from everybody.

[16:45]

And I appreciate the points that you're making about consultation, but I would say this: having consultation doesn't necessarily mean that you're on the path to consensus. You would often like to have consensus, but on this one it's apparent we were not going to get a complete consensus from everybody that was involved. But we felt this was the right step to make sure we were providing good protection for the people in our province without trying to significantly adverse the rights of hunters, fishers, or others that need to go on property.

Mr. Wotherspoon: — So the point about consultation and feeling, going into it, that there might not be consensus, that's . . . Again, how would you know that without engaging? And even if consensus isn't found when you're deriving a piece of legislation, there's some practical consequences that can be shared. There's some perspectives that can be shared. And it's a real loss and I think very shameful that Indigenous peoples weren't engaged through their leadership before bringing a significant change, and a real loss from a practical perspective to not have the Wildlife Federation consulted before this legislation was brought forward.

I wrote that in earnest, and while I certainly encourage those groups that may be supportive of this legislation . . . I've met with them too. I think that's part of our duty. I know there's many that are very willing to find some common ground on here and many that are recognizing some of the consequences of this legislation and would be looking for workable solutions.

But I'd like to make a motion to the committee here, because I'm disappointed that we haven't had the support to have groups forward. And I guess just checking with our Chair, can I move that motion right now?

So I move that the . . .

The Chair: — You have to put it on a motion paper. And he'll get you a motion paper here in a second.

Mr. Wotherspoon: — No problem. So I want to move a motion here today. I just want to say beforehand, we've already had some exchanges about the importance of getting this right with this legislation. We've identified that it's been really flawed and wrong to not have that consultation occur before this legislation

was brought forward and very wrong to not have Indigenous peoples engaged in that consultation, and certainly a real loss not to have the practical knowledge of the Wildlife Federation, which represents hunters, fishers, landowners across the province, more than 30,000 in total. And of course it's open to and should include all groups that have an interest in this, so landowner groups, agricultural groups, for whom I've had a lot of conversations with and there's a lot of practical concerns that we can improve. But this bill isn't it.

So I call on my committee members here today to exercise their right to at least ensure that folks can come forward and share their perspective, and that's the agricultural community, through hunters and fishers, through Indigenous peoples — whoever may care to weigh in.

I so move:

That the Standing Committee on Intergovernmental Affairs and Justice hold public hearings on Bill 160, *The Trespass to Property Amendment Act*, and Bill 161, *The Trespass to Property Consequential Amendments Act, 2018* before concluding consideration of these bills.

The Chair: — We are just going to take a quick recess just to make sure that the motion's all in order. So we'll just take a quick recess.

[The committee recessed for a period of time.]

The Chair: — Well welcome back, committee members. Moved by Trent Wotherspoon from Regina Rosemont:

That the Standing Committee on Intergovernmental Affairs and Justice hold public hearings on Bill 160, *The Trespass to Property Amendment Act* and Bill No. 161, *The Trespass to Property Consequential Amendments Act, 2018*, before conducting consideration of these bills.

But this is actually ruled out of order due to rule 87(2): "When a bill is referred to a policy field committee after second reading, the committee may conduct hearings on the content of the bill before initiating clause-by-clause consideration."

This motion will not proceed. Mr. Wotherspoon.

Mr. Wotherspoon: — Thanks for the clarification of the rules and where we're at in the committee. I guess the point is that I had written the letter to urge the consideration or the allowance of witnesses to testify at the committee, which is certainly something that these committees should and can do, especially with an important piece of legislation like this.

So recognizing that it's because we've started the consideration of clause 1 when this meeting was convened that makes this motion not able to be considered, I'd ask for leave of the committee to revert back to before consideration of clause 1 so that this motion that's been put can be considered.

The Chair: — I would ask the committee, is leave granted?

Some Hon. Members: — No.

The Chair: — Leave is not granted . . . [inaudible] . . . continue on with our consideration.

Mr. Wotherspoon: — Okay.

The Chair: — Have you got any more questions, Mr. Wotherspoon?

Mr. Wotherspoon: — Sure do, yes. So certainly I'm disappointed by simple leave not being granted to allow for consideration of a motion that would allow for the public, that we are here to represent, to come before the committee and share their expertise. I'm disappointed that fellow committee members, those of the governing side, would vote that down. And I think it's been a real loss, as I've stated, and a detriment that there hasn't been consultation in a thoughtful, thorough way before this legislation was brought before us. And that sets up a situation where you can pass legislation that has problems within it, and certainly this legislation does.

I guess short of having the witnesses here, I'll just read into the record some of the perspective out there. And I'll share a letter from the FSIN on March 4th, 2019 and this is from Vice-chief Heather Bear. And certainly I've met with Vice-chief Heather Bear as well.

I'll read a portion of this:

On February 20th, 2019 the chiefs in Saskatchewan adopted a resolution directing FSIN to explore all options to challenge the proposed legislative changes to *The Trespass to Property Act*, among other impacted legislation.

The Federation of Sovereign Indigenous Nations, FSIN, and First Nations met with the province on several occasions and we understand it is the province's position that the intent of this legislation is not to infringe on inherent and treaty rights, but rather its purpose is to give the province the ability to charge those who are breaking the law. However FSIN and First Nations anticipate that this legislation will have significant consequences for our First Nations hunters, trappers, and gatherers.

The amendments of the trespass legislation would require hunters to request access to hunt on all private lands even if they're not posted. Currently if lands are not posted, First Nation hunters would be able to hunt on that land if there is no visible and incompatible use being put to the land, depending upon the circumstances. If landowners are worried about trespassers on their land, then they can post their lands as they have done so previously.

If the amendments to *The Trespass to Property Act* are passed into law, this would decrease the amount of lands on which First Nations have to hunt and will potentially criminalize hunters for exercising their inherent and treaty right to hunt to support their families.

The FSIN also wishes to stress that the province did not consult with First Nations prior to drafting or introducing this bill, which is incredibly concerning given the potential impacts upon our rights.

I guess I'll leave this there and I'll maybe put it to the minister, I guess. Just how did he see fit to not consult Indigenous peoples and their leadership before bringing this bill to the Assembly?

Hon. Mr. Morgan: — Mr. Speaker, I think we need to make a couple of things abundantly clear. The member opposite has come in here and has asserted that there was no consultation, which in fact is dead wrong. Totally inaccurate. There was consultation. There was extensive consultation with First Nations, with hunters' groups, and a variety of other groups.

The member opposite had every opportunity, if he wished to have public hearings, to bring forward that request, either at introduction of the bill, at first reading, at second reading. He sends a letter a few days ago and then he comes in here today and is going to accuse us of being undemocratic when he sits there and crafts something on the back of a note with the help of the Clerks. He has every bit of access to the Clerks, the Legislative Assembly staff, and everybody else. He's got every opportunity to do it.

This is somebody that is not a new member. This is somebody that's one of their senior members, a former leader — somebody who aspires to be leader again. If he wants to become the leader again, he's got to do substantially better work when he wants to do something . . . [inaudible] . . . Then he comes in after the fact looking for leave, when a bill is supposed to be going through final reading.

Mr. Speaker, quite simply, had he done his work as the Canadian Wildlife Federation had done . . . They were consulted to the point that they were able to do an extensive brief. They filed it November of 2018. That brief provides a lot of background about what their issues are, what their issues are not. Largely they are in agreement with the position that the province has taken. They understand the need for respect for land, the problems and the threats that are put forward.

They know that the benefits of this legislation will include removing the onus on landowners to post property. It will clarify the rules regarding access for different recreationalists. And this is where it gets important. It will improve the safety of both landowners and recreationalists by ensuring that individuals accessing land know who is present on the property and what dangers might exist.

It will reduce the risk of fire by ensuring that the landowner can limit access to high-risk property. It will reduce damage to property and will decrease the risk of biosecurity interests, including the likelihood of spreading invasive species or clubroot. Mr. Speaker, those are the type of things this bill was directed at. We understand the concerns of people. We've tried to address those when we've done it.

But for the member opposite to come in here and make the assertion that there was no consultation is absolutely wrong. The member opposite ought to say, I'm sorry I was ill prepared. I'm sorry I came here today without having my notes and ready to go ahead with this, and I'm sorry that I accused these people of not having consulted when in fact the government did. And what he's doing is doing a disservice to everybody else that did come forward and consult and put forward meaningful presentations to government. And it's something that he knows better and should

do a better job of.

Mr. Wotherspoon: — You know, the minister, again cranky here, as he's got his bill and isn't willing to hear perspectives from folks. The critique was not that there wasn't any consultation. There certainly was with certain groups within the province, groups that should be heard from, but there was no consultation with the FSIN.

And for the minister to assert himself like this as a senior ranking member of that government and the current Justice minister is disgraceful. It's bush league. It's disgraceful that a minister, a Justice minister, at a time of reconciliation in this province and on a file as important as this would not engage the FSIN . . .

The Chair: — Order, order. Mr. Wotherspoon, let's get everything calmed down here a bit. Like I mean you're starting to use language that's getting a little on the derogatory side and let's just stick to the questions on the bill, if you would please.

Mr. Wotherspoon: — It's incredibly disappointing for a minister, a senior member of that government, and for the Justice minister to not engage Indigenous peoples on a matter as important as this. And to pretend otherwise at this table and to suggest that to the committee here is highly questionable. He can say what he wants but I'll quote Vice-chief Heather Bear of the FSIN:

The FSIN also wishes to stress that the province did not consult with First Nations prior to drafting or introducing the bill, which is incredibly concerning given the potential impact upon our rights.

Now the minister can quibble about whether this is the time. Of course we've asserted ourselves in the Assembly and in the public with respect to our concerns on this front. We've called for that consultation, Mr. Speaker. And the letter I wrote a good two weeks ago to the Chair and to you, Mr. Minister, were in earnest and a very reasonable consideration. You can choose the approach you want on these fronts but it speaks volumes, sir.

I would say with respect to the Wildlife Federation and the failure to consult on that front, it's really a problem and there's a real loss on this front. The minister identifies certainly that the Wildlife Federation has gone out and done very good work in a survey. They've got serious concerns with this legislation. It'd be interesting if the minister wants to characterize the Wildlife Federation with a position of support on this front because certainly there's concerns on this front.

[17:15]

And it's just a real loss that the Wildlife Federation wasn't consulted before this bill was brought forward because that was really an important time to make sure the legislation that was brought forward certainly protected landowners' rights and brought improvements but didn't do so in a way that is unenforceable and not practical and no fix to the problems that it's supposed to be around rural . . . and that deserve solutions around rural property crime and clubroot.

I'll cite the Dirt Hills Wildlife Federation from their year-end report:

There may be a new trespass law come into effect in the spring of 2019. There is lots of info on the government's website. I recommend you have a look and let your MLAs know your concerns. We as outdoorsmen [and I'll just put in brackets here and of course lots of outdoorswomen as well] need to work with landowners to keep the relationship strong between us. However there may be some serious issues that will arise for not only the outdoorsmen, women, and our youth, but for the landowner as well and should be addressed with your MLAs.

Only 1,600 questionnaires were used to get the ball rolling. This isn't a fair result for a province as big as Saskatchewan, for the landowner, nor the outdoorsmen. I have the landowners call me with several concerns and ask how to stop this as it opens a huge can of problems for them as landowners. There will be sections of prime hunting habitat that will not be accessible because land is owned by big companies and other owners are from other parts of the world like China.

This will also affect fishermen getting access into a favourite fishing hole. For what I have read, there are many issues that will affect the landowner as well as all of the outdoor enthusiasts — hikers, bikers birdwatchers, snowmobiler, skiers, and horseback riders.

One of the biggest concerns landowners have mentioned to me is the fact of so many strangers entering their property to ask for permission. This opens the door to more rural crime.

The northern part of the farmland is faced with the spread of clubroot, a soil disease that cannot be controlled. A herd of elk moving across the land can spread it for miles.

The new trespass law will also remove the authority from our COs and place it all on the RCMP. Trespassing will not be a hunting infraction anymore, so a trespassing call may never get looked into. But most of all we must remember, if you do not own the land, you should acquire permission regardless whether the law came into effect or not.

So that's been the practice of hunters across the province to aim to acquire land. Of course the practical realities of landownership and information around how to contact some of those absentee landowners, large swaths of land, can be very, very challenging. So that's another example of the concerns that are being brought forward by one of the wildlife federations here in the province.

One of the concerns that's also been brought forward, in Saskatchewan we have . . . You're comparing things to Alberta, but actually in Saskatchewan we have a better situation. We have the best conditions for hunting, fishing, and enjoying the outdoors all across Canada. So Alberta, you know, it's a beautiful place but it can't hold a candle to the relationship that we have, one that's very important, that requires landowners and hunters and fishers to certainly have that important relationship.

And in Saskatchewan there's a clear recognition that you're out there pursuing a public resource, the Queen's game, Mr. Speaker. And it's not just for the elites, as you might see in parts of the United States, Mr. Speaker, where there's payment for access to land, or the aristocrats as we see through the United Kingdom,

Mr. Speaker, where it's sort of the pursuit of the game is for the wealthy.

Here we have a very important industry, a heritage industry in the province that provides sustenance for many, that also puts a lot of dollars back into tourism, into local economies, Mr. Speaker, that is being upset with the inappropriate balance here. I would just like to get, I guess, a clear statement around where your government is, Mr. Minister, with respect to payment for access to land.

Hon. Mr. Morgan: — Mr. Speaker, we did extensive consultation on this. There's no changes to payment for access. There's no changes in policy. There's no changes in the legislation.

We consulted online on this process and there were 1,600 responses. The member opposite says he doesn't think 1,600 is a lot. Well I would say to those 1,600 people, your voices were heard. You took the trouble to download the questionnaire. You took the trouble to complete it. You thought it through and you gave meaningful answers and completed multiple choice questions. You added comments to it. So to those 1,600 people that participated, I recognize and I accept their democratic rights. I'm not prepared to throw them aside. The members opposite may choose to do that, but I'm not prepared to do that. I accept the wisdom and benevolence of those people.

Two-thirds of the people that replied spoke in favour of requiring some form of advance permission. The member opposite talks that this is going to be the end of the world. This will be the end of hunting. This will be the end of fishing. This will be the end of everything that happens with regard to outfitting and other businesses in our province. This in fact is going to do nothing like that whatsoever. It will, in fact, make our legislation consistent with Alberta, Ontario, Nova Scotia, Prince Edward Island. Nothing new. Nothing unusual. If it works in Alberta, there's no reason why it can't work here.

Mr. Speaker, there's no intention to try and deprive First Nations of their rights. I went out and met with FSIN on a Saturday morning and said, these are the issues we've got. The concerns that we've got are around safety. We've got people that are going onto other people's land, other people's land where they're carrying firearms legitimately, for very good reasons. The fact is you could have two or three or more groups going on at the same time. The owner's got an obligation to try and make sure that there's not an excessive number of people on at any different time, that they should have a right to know. So if they're out on their property, they would know whether there's going to be issues that are there.

Mr. Speaker, we accept that these type of things that are there. So right now it is an offence, under section 143, to sell, trade . . . or section 43 of *The Wildlife Act* . . . to sell, trade, or offer for sale, trade, or barter, the hunting rights for wildlife. Does not change that a bit. So if the member wants that on record, he has it.

Mr. Speaker, the member opposite says we didn't consult. These are a letter from SARM [Saskatchewan Association of Rural Municipalities] dated September of 2018, another one from SARM dated January of 2019, supportive of this piece of

legislation; APAS [Agricultural Producers Association of Saskatchewan], supportive of the legislation; Saskatchewan Cattlemen's Association, supportive of this legislation.

Mr. Speaker, when we prepared our final report, it was done in consultation with the Wildlife Federation, the Association of Rural Municipalities, the Stock Growers Association, the Cattlemen's Association, and various ministry officials to try and get a consensus that would work and be beneficial for the people of Saskatchewan.

This was a bill that was directed at rural crime, property damage, and biosecurity. It wasn't intended to try and divide people. It wasn't intended to take away Aboriginal or First Nations rights. It was intended to actually recognize and enshrine them, and I've read into the record those specific provisions. So for us to go down a different road is something that just isn't accurate.

We've got a long report from the Wildlife Federation. I met with the members of the Wildlife Federation. Many of these people farm as well. And I asked them, I said, what about obtaining advance permission? Oh, absolutely you should obtain advance permission. It's the right thing to do. And I said, well do you obtain it yourself? Oh, I would not think of going hunting without obtaining permission.

So what we're asking is that the same thing that those people were asserting, have it enshrined in legislation: that you should ask for it. Those that don't ask for it should be asking for it. Good practice is that they're already doing it, but there's a large number of people that weren't doing it.

So to those people I would say, look at the legislation. Look at what's best practice. Look what the recommendations are from the Wildlife Federation. Their recommendations are to hunters, whether or not the legislation is passed, that they should obtain consent from the owners. So what we're saying is to the owners, you don't have to put up the signs anymore. You don't need to drive around every quarter of land and have every corner up with two or three signs. You can go about your business without going through the signage.

So there's no change to what should be regarded as best practice. I asked those people, I said, do you sign your own land? Of course I sign my own land. Do you obtain permission? Yes, I do. So all we're doing is taking away the obligation to put up the signs. So no other change. Nothing unusual. Nothing nefarious or nothing underhanded. Simply a matter of trying to make a slight change to the balance as to who has the onus of putting up signs.

So to the member opposite, I understand the point that he's raising. And to the people that have gone to him as well, I would say, think in terms of overall safety. Think in terms of biodiversity and what you need to do to recognize the risks that are posed by some of the newer diseases that are there, and think about the safety of going onto somebody else's land with a firearm.

There's more and more people that are going out hunting, and I'm glad to see that. I don't want to do anything that's going to reduce or create a problem that's there. But this is just plain ordinary good practice and doing things that will protect the

safety and security of all its citizens in the province.

Mr. Wotherspoon: — This is the minister's perspective, but it fails to take into account the practical knowledge of the users of the land, Mr. Speaker. And certainly, you know, I've met with SARM as well and I've met with the Saskatchewan Cattlemen's Association. I've met with APAS, have had good discussions on this front. They should be involved. There's very important perspectives to be brought forward, and there's some common ground that I really think could be brought forward.

What the minister brings forward lacks a practical understanding of how things work out in the field, how land is owned, how its registered, how landowners can be contacted, Mr. Speaker. And that would've all been improved by having the Wildlife Federation engaged in this process.

And certainly again I'd caution the minister to suggest that the Saskatchewan Wildlife Federation with their 30,000-plus members, to suggest they're supportive of this legislation, Mr. Speaker; they've been clear that they're not. I've been directly engaged with them, Mr. Speaker. They've been very clear at their convention as well.

I was out there to Moose Jaw this last . . . I think on a February day; it was a cold one, Mr. Speaker. The Minister of Environment was out there as well, as was the MLA [Member of the Legislative Assembly] for Swift Current. I know they heard first-hand from folks the practical concerns with this legislation, how it's not enforceable, and how it's certainly not a solution to the important action needed on rural crime and clubroot, Mr. Speaker.

I'm going to read into the record a very thoughtful piece. There's quite a bit to it here, but I'll read portions of it, from Philip Haughian; it's spelled H-A-U-G-H-I-A-N. And it's an important perspective.

And I guess just before I say that, I know you touched, Mr. Minister, on the 1,600 people that went on and downloaded the online survey. And it's good that people weighed in there as well. But that's no way to go about building good public policy, and no excuse for not engaging Indigenous peoples and certainly hunters and fishers across the province, Mr. Speaker, through their organizations across our province.

I think of my 80-year-old grandpa that I grew up hunting with, you know, Mr. Speaker. And I can only imagine if he was told that legislation was changing and he had to go online and download a survey, Mr. Speaker, and submit it. And I know what he would think of the changes that have been brought forward. And he too, of course, was a farmer and a landowner, Mr. Speaker, and would have known that those rights are important. So the point is we're missing a space here where improvements could have been brought.

But I'll read into the record Philip's letter to the minister early on, Mr. Speaker. This was actually sent to him on September 25th, 2018:

To whom it may concern:

Thank you for the opportunity to comment on the

Saskatchewan Justice ministry review of existing trespass legislation in Saskatchewan. I'd like to state at the outset of my comments that my perspective on this issue is one I would describe as multi-faceted.

I retired some years ago from a long career with the Saskatchewan Ministry of Environment that included service as a conservation officer, fish and wildlife technician, programs administrator, legislative and regulatory administration, and policy development. In my early working history I did, for some years, farm in rural Saskatchewan, and as well I have been a lifelong game bird and big-game hunter.

I feel I have a sound understanding of the rural landowner's perspective on this issue as well as that of hunters and anglers who wish to access Crown resources on private lands. I also understand the responsibility of government to provide legislation that protects the rights and property of all citizens and that balances the legal rights and pursuits of all citizens with those protections.

[17:30]

I believe that any proposed trespass legislation that would stipulate a blanket requirement for advance express permission for entry upon privately owned rural property impacts all of us in the province, not only those of us pursuing recreational activities in rural Saskatchewan.

On the specific questions asked on the review document, I offer the following comments. Should all access by members of the public to rural property require the express advance permission of rural landowner regardless of the activity? [And his response is no.] While I would agree that the right of the landowner to determine who can access their property should be recognized, any trespass legislation introduced by the province stipulating this blanket requirement would do little to address existing landowner concerns and would indeed create a myriad of legal, social, and economic situations that would be of significant concern to government and all provincial residents.

Existing trespass legislation currently provides reasonable legal oversight for concerns of rural landowners while recognizing the recreational activities of hunters, anglers, wildlife photographers, berry pickers, etc.

[It goes on to say that he would also point out that] . . . enforcement of existing trespass legislation is already extremely difficult [which it is] as the situation currently stands for rural landowners due to limited resources and vast distances in the province. Introduction of a blanket trespass law would do nothing but exacerbate the situation. Enforcement efforts in rural Saskatchewan would be further diluted by the complaint-driven request for attendance by law enforcement for very minor trespass situations.

He goes on to provide very thoughtful comments. I know this has gone directly to the minister. But I would just maybe share his closing:

In closing, I agree this is a complex issue for government

and legislators to be dealing with on its face. No one would disagree with the landowner's right to control who may enter upon his privately owned property. However the complexities involved with implementing suitable legislation to fairly deal with the myriad of associated issues are challenging to say the least.

In all of this however it is my firm belief that two key issues have precipitated lobby groups pressuring government to enhance existing trespassing laws, these being rural crime, and two, vehicle abuse upon privately owned agricultural land. In my experience, vehicle abuse on privately owned land can be curtailed by adequate legislation as we demonstrated with the government's roads and trails vehicle restrictions for hunters.

Just some perspective. That was brought forward, I think, in the '90s and is largely for the southeast corner of the province where this conversation was active and real at the time and solutions were sought.

Perhaps some combination of retention of the posting requirement in expanded legislation, along with prohibition of vehicles, may be a suitable alternative. I would suggest that instances of damage to rural property and rural crimes involving theft, vandalism, etc. would seldom be seen as occurring by persons simply on foot upon privately owned rural properties. Thank you for the opportunity to comment on this matter.

There's more to his letter that I wouldn't mind getting into the record. I am mindful of time. But again we have folks that are weighing in and I know the Wildlife Federation remains a very constructive partner, you know, at this stage. They are ready to be engaged and they'll be ready afterwards, dependent on what is decided with this bill, to make sure that they're serving hunters and fishers and maintaining those important relationships with landowners across the province.

The suggestion that I've heard from many, and have had good reception as well with many landowners and some of the organizations that are identified here today, that there could be a change to what's being proposed. And requiring something more to the effect of requiring a permission to put a vehicle onto private land seems like a reasonable improvement that could be brought.

Certainly I think it's very reasonable that you would require permission to put a vehicle onto private land, whether that's my truck, Mr. Minister, or whether that's a snowmobile. I think the law already exists for ATVs but I think it's actually one of the points here. It hasn't really been enforceable the way that it was either, Mr. Speaker, and that it would follow sort of that model that was brought forward in the Southeast — I think to a high level of success — requiring hunting on foot only, Mr. Speaker, of course fully supporting still the culture and the goal of attaining permission from a landowner. I think this is a very practical improvement that could be brought.

Around rural crime, it's difficult to, you know, have a theft from a Quonset or something, Mr. Minister, if you don't have your vehicle on the land. So it would address concerns to that effect, Mr. Speaker. As well it would address the concerns around

biosecurity, around things like clubroot, where a landowner's permission would be required before a vehicle would be put to the land. But again, the point that's made in that thoughtful letter again is that hunting is a very important wildlife management tool and if deer herds or elk herds or moose herds aren't managed, they also at times grow very large. They then typically will die off in a big way, but large herds of elk or deer or moose, Mr. Speaker, are a very real risk as well for the movement, the biosecurity risks of clubroot that we've identified.

I guess I would call on the minister to, before we push forward a bill that has I think some real negative and unintended consequences and when we have an opportunity before us to improve the situation and the rights for landowners, I'd urge his consideration of a change to the effect to consider, and to do so directly with the Wildlife Federation at the table as well, the consideration of changing the law more to the effect of requiring permission to place a vehicle onto land, Mr. Minister. So I'd like to hear your perspective on that suggestion. I'm sure you've heard it from some of the folks, both landowners and hunters and fishers.

Hon. Mr. Morgan: — It was certainly one of the discussion points that came up from a variety of groups and it was certainly considered as an option that was there. Some of the concerns that came back is that if you said you couldn't have a vehicle on, what happens where a large animal is dropped and you go back trying to get permission? What do you do when you have to go and drag out a large vehicle? So usually the better practice may be to get permission before you go on and say, we're hunting on this date; we are going to take our vehicle on for purposes of, or whatever the arrangements are going to be.

So the general consensus that was there, working from the people that heard it, was it was considered as an option but it was decided that the prohibition of motor vehicles didn't fully address the concerns of rural residents, particularly in relation to safety. It's important for landowners and occupiers to be informed when an individual is accessing their private property with the intention of hunting. The Ministry of Environment and the Saskatchewan Wildlife Federation have identified obtaining permission as the best practice for hunters. The proposed changes make this best practice an enforceable provincial standard.

And you read from Mr. Haughian's letter. And I think the concerns that he raised are a recognition of the issues that are there. So he recognizes and I think he's in general agreement that those are the issues that need to be addressed. So we, I think on that page we're there. And what he's saying, but I would really rather not have it enshrined in legislation; I would still like to see the requirement for land to be posted. Well on that, that's where we disagree. I suspect . . . You know, it was a thoughtful, well-written letter, and I think he would be one of the ones that would agree with and would in fact get permission.

You also raised the issue of your own 80-year-old grandfather, and to you I'd say I'm glad you have a grandfather that at 80 is healthy enough and well enough to go hunting. I hope that you spend time with him and enjoy some of whatever 10, 20, or 30 years that he might have left, and that you go hunting with him often, and that regardless of what we do in this legislation, that you obtain permission before you go on other people's land. I think it's just plain good practice, would encourage you to do it.

You read in a letter at some length, and I'd like to read in a couple of letters that we've received that go the other direction. And I'll read a portion of one, and I'll try and minimize the time that I take:

We have incurred large vet bills several times due to hunters and ATVers shooting or running down our purebred dogs while on land. Costs incurred after our beautiful Labrador retriever was stolen from our yard during hunting season. We have incurred the cost to purchase "no hunting" signs and taken the time to put them up according to Saskatchewan legislation, only to have them shot, stolen, or knocked down by hunters, which then requires that I purchase more and take the time to put them up again, only to have the same thing happen again.

We have incurred replacement costs to agricultural equipment due to hunters using our leafcutter bee huts as blinds, cutting openings in the sides, even though there was a door on that, and knocking over our honeybee hives. We have incurred damage to our shelterbelt due to hunters and ATVers running over our trees.

I have been in my garden and had to take cover as I could hear the rifle bullets whiz overhead, or chatter from my bedroom with a hunter who decided he could hunt beside my house. Some hunters disregard the law, hunting within 500 metres of a dwelling. I strongly feel that these impediments to my life far outweigh any impediments to those wishing to engage in recreational activities.

And I certainly have got more that I'll read in if we go back.

You also raised the issue about how to get consent, and the issue is with obtaining the indication of who owns land. And that's a point that's been made, is that it's sometimes a challenge to get permission, notwithstanding that I think everybody agrees they can and should get permission.

We have through one of the ministries a Saskatchewan innovation challenge where we're asking people to work with us to develop an app that would enable hunters to contact landowners to get permission to go on the land. So how it might work would be that when you get your tax notice or contact with the municipality would be a note to the landowners: do you wish to participate in having your land listed as a potential for hunting, or do you wish to have your land listed as no hunting whatsoever, or hunting with permission only? You wouldn't put people's names, addresses, or phone numbers on there. It would be a matter of being able to do it.

A blind information would be coming forward from the potential hunter who would say: okay, I've got my GPS [global positioning system]; I'm out; I want to obtain permission, or I want to obtain permission of land. They would seek permission from the online, and the person that's the owner or the occupier of the land would be able to say yea, nay, or no, I've already got three people that are hunting on there today; would you like to come back tomorrow, or whatever the situation might be.

And those discussions hopefully would produce the same answers that they would had the person gone to their doorway. It would make it significant easier for the potential hunter and

certainly easier and safer for the landowner because they wouldn't have people coming onto their front door with a firearm. So hopefully that produces something that we think might give an opportunity to landowners to have an additional layer of protection, as well as making their land available for a communication with potential hunters. So I'm waiting somewhat expectantly to see how that's going to work its way out.

Mr. Wotherspoon: — Thanks to the minister for his comments. Just with respect to my dear old grandpa, I wish I was still hunting with him but that was 20 years ago he . . . or 18 years ago he would have passed. But he was, at the time, an 80-year-old hunter and was still a good shot right down to his last days in the field, Mr. Speaker. But I appreciate the minister's comments there.

With respect to the horrifying criminal activity that was identified by this submission, that's criminal activity. That's not hunting. And that needs to be prosecuted and dealt with, Mr. Minister, in the most serious ways, and law enforcement needs to be able to respond. And I think that's an important distinction. That's not a hunter. That's not a . . . You know, that's a poacher, a thief, a criminal, Mr. Speaker, and they should be treated as such.

And that's the whole point around the piece around rural crime as well, and the whole point being that that was criminal, a very serious criminal offence as it was. And it's occurring within the province, which is why any law that we bring forward should improve enforceability and not weaken the already thin resources that are out there in game management and conservation, the good, important work of conservation officers and, of course, those in policing, Mr. Minister.

[17:45]

You know, it's clear that we have a differing view as to how to proceed at this table. I'm disappointed to no end obviously that the FSIN and Indigenous leaders weren't engaged, and I think that that really sets us up for a dangerous precedent on other fronts. And it sets us up for problematic legislation, maybe costly court challenges and other things as well, Mr. Speaker. But at a time where we're so aware of all the wrongs of the past and where we should be acting in the spirit of reconciliation, it's wrong that they weren't engaged. Let's set that aside for a moment.

The fact that the Wildlife Federation wasn't consulted before this was brought forward was a concern and a loss, and I think there really was a chance to bring some practical improvements for landowners. I know I've had really good conversations with many of the agricultural organizations and members within them who recognize some of the practical concerns, Mr. Speaker.

And he addressed as well one of them that exists right now with a change as it is, Mr. Speaker. A lot of those living out there on the farm, Mr. Speaker, in remote, rural locations, I'm hearing from a lot of landowners that are concerned about the amount of who's coming into their farmyard, many which are going to be coming in, I guess, to knock on the door and say, well who owns that quarter section, you know, northwest of such and such, or is that yours? I'm looking to obtain permission to hunt.

I think any time when you're on your own in a farm, I hear from

many that there's a question of safety when someone rolls into the yard. I know it myself. I go seek permission. I pull into the yard. And I can only imagine when I'm pulling in that there's probably questions at that point of what's this truck here for. Who are these people?

And so I know I quickly . . . You've mentioned that someone comes to the door with a firearm. That would never be the case. That would be wrong. But then I know I park in a space that they can see and, you know, walk in a way, a place that they can see clearly that I'm coming. And hopefully it's expressing that I'm coming in peace and to request permission to hunt on the land. And usually really good exchanges, but often it's been expressed to me as well, a high level of discomfort that exists when someone's rolling in to do that.

The legislation, as brought right now without the system in place around landowner contact or the app that's suggested by the minister, will only make that worse. And I hear from many say, well if somebody's actually coming in to commit a crime — and sadly that happens in our province — that there may be a bit of an excuse being offered up here of, hey, I'm just wondering if I can hunt, you know, the quarter section. Is that your land back over there?

These are real concerns of our province, and I think there's some practical solutions that can be brought. I've built relationships in every corner of this province with landowners and valued those conversations. I know often I've been told as well, they say, hey, you know, of course go back there and hunt. You know, that's why I don't post it. Go back there and, you know, go back and post.

So I think there's a more even-handed conversation to improve the rights of landowners and to ensure that we're supporting hunters and fishers across the province in the massive economic impact that's brought to rural Saskatchewan through this important heritage industry, if we would have had consultations. So I'll put some of those concerns on the record.

You've identified as well this application that maybe brought a new tech solution. Again you know, I think we do need to be mindful of those in the field that might be in their 80s and 90s that may not be utilizing mobile phones. And I recognize as well, Mr. Minister, that there are many parts of this province where there simply isn't coverage, and that's a real concern, Mr. Minister.

So bringing forward an application to improve the situation for hunters, fishers, and landowners is something that can be pursued, but it's not implemented. It's not tested, and we don't have a system in place. And bringing forward legislation that is quite problematic without having that solution in place is just not what we should be doing. I guess my question on that, and you know where we stand, we'd like to see this bill improved. So we'd like to see changes, and we'd like to include landowners and hunters and fishers and Indigenous peoples to do that. I've heard that it seems that you're quite dug in with the piece of legislation that's brought forward. It's unenforceable. It's not practical, no fix to the problem.

But if your intent is to pass this legislation that's flawed, what's your plan around implementation? Because right now big-game

draws are upon us. Folks are organizing their plans on this front. Hunting season is around . . . I think spring snow geese open right away, but of course the fall's kind of the big time. But the draws are opening up here. And I think to push forward legislation without having a time for implementation and then time for the engagement with all stakeholders, very importantly the hunters and fishers as well on this front, is very important.

I know the Wildlife Federation is fully ready to work on things like the application, the app that's, you know, being considered. I know they're there to work on things like education which is critical. It's only going to be effective if laws are changed, if people understand the change in the laws and that we work to make sure that there's the supports as well in the field for enforcement.

So I'm hearing from folks that are very concerned with this bill, at least a strong wish that it could be fixed right now and that the flaws be recognized and addressed. But if you push this legislation through, what's the commitment around engagement with stakeholders — I'll use the Wildlife Federation as an example — in making sure that we have things . . . So if the application is something that's being developed, this bill shouldn't be brought into force or it shouldn't be enforced until that tool, that system is in place. Where is the minister on implementation on that front?

Hon. Mr. Morgan: — You made a lot of statements that were there. It was a long statement before you got to the question. Mr. McGovern has a point that he wants to make, and I'm going to let him make that point.

Mr. McGovern: — Sure. I think from an officials' perspective that it's important to understand that in Bill 160 and 161, two things occur. One is that the existing law — and this was addressed in the survey, and it's a point that we, as lawyers in the file, bumped into a number of times — that the sense that if land was not posted in rural land, that that was in any way implied consent for someone to go on that property to hunt. That is not the law now. Currently if it's not posted, you still need consent. It's a different issue with respect to whether, under the existing law, whether or not it is an offence. But it is absolutely illegal to enter onto land simply because it is not posted. That was one of the senses of entitlement issue that rural people had identified time and again in the process.

With respect to the second point that was made regarding if and when these two bills come into force, they both provide again implied consent. They addressed the implied consent issue, but what they also do is provide that an owner or occupant of the land may permit hunting, in the case of wildlife, or may permit access in accordance with any signage in any manner that they deem fit.

So they will be able to put up a sign that if they think that their safety concerns — such as the minister outlined, in terms of someone outside their bedroom window who's on foot — if their concerns would be addressed with saying no ATVs or no hunting, they can certainly post in that regard. And that's how they can provide consent. That consent can be up on the signage and is certainly permissible in both Acts. So we want to just be clear in terms of what the Act itself says on those two points, I think, Minister.

Hon. Mr. Morgan: — I think you had indicated, you know, sort of the overall problems. We're not indicating or holding out that this piece of legislation is an answer to all rural crime or all biosecurity issues. This is a tool that's available to the police. So if somebody is on land, whether they're engaging in the long list of things that are there, whether those are provable offences or whatever the issues they've got to do to meet Criminal Code requirements, they can simply say, okay, you're on this land. You have no right to be on the land. We're giving you a summary offence ticket.

So it is a tool that they can give people to say oh, well I didn't see a sign, I didn't see this. So it makes life easier and more appropriate for police. So this is something that's strongly supported by law enforcement because then they don't need to go back and say, do I need to find the owner before I do this. So it's simply a matter of making another tool available to try and improve the lives of people in our rural province.

I had read a portion of the letter earlier, and I'm going to just read a little bit more from the same one:

The hunter can have a conversation with me and will then know that I have dogs and that these dogs may run out to protect our property if strangers are on the land. We can take precautions to keep our family members and our dogs safe while the hunters are on our land. All of these things are safety precautions and courtesies that demonstrate a respect for land, the landowner, and the property of the landowner, just the way I respect land owned privately by someone in the city.

So that's sort of the direction that this is going. I understand that some people would prefer it not be there. But even those people that indicate they would prefer it not be there, all indicate they think the best practices are to get permission. So you've indicated that you drive onto somebody's property, try and knock on their front door and seek permission. That's absolutely the right thing to do. We hope people continue to do it. The expectation I think as well is if there is an app, if it works out well, that we would want people to use an app or some other method that would make it easier for both the homeowner and that.

You indicated the lack of cellphone coverage. Coverage is good in our province. We have one of the best, but the solution is before you go out, a day or two before, obtain your consents then. You know, know the area that you want to hunt in. Seek the consent. Then you know, I can't be on this quarter; I could be on that quarter. It would be nice when you do it, if you're out there if you can do it. But you know, if you can't do it, the appropriate thing would be to do it there before.

To the opposition, I would say this. Either you're in favour of requiring land to be posted or you're not. And then do you want to go into the next election saying, we don't support rural landowners? We think that you shouldn't have to . . . They should be able to go any time you want, and we think the owner should be on the property when you're doing it. I think you owe it to people to say that is in fact your position.

Mr. Wotherspoon: — So I've been very clear with the concerns in the legislation and any improvements that can be brought and the flaws in this legislation, and we'll continue to find

improvements. What's been brought forward is quite a concern around enforceability.

I guess the question would be ATVs have certainly always been, my understanding it's always been illegal to put an ATV onto private land without permission. But what I hear is this is something that hasn't been enforced despite serious concerns of rural landowners for years. And I'm wondering, you know, I hear challenges that it's very challenging to enforce that law. How will this be different than that?

Hon. Mr. Morgan: — The prohibition continues. And if somebody is on land with an ATV, the police officers have the benefit of this tool. They can say, oh well, you're here, there, you don't need to prove that the land was posted. They would be able to say, it's an offence that's completed. Those people wouldn't be able to say, oh we're hunting and we didn't see, or whatever the presumed consents might be.

None of these things that are in the bill make enforcement easier. It's a tool. It's a tool that's available for law enforcement, and it's somewhat of a tool that's directly available to a homeowner. A landowner would be able to say, get off my land, you don't have the right to be there. And there would be an expectation they would go forthwith.

And it should in any event, they can say to the police, I've asked these people to leave; they didn't. That makes the offence virtually complete at that point in time, without having to run around and prove what was posted, what wasn't posted, whether there was an honest mistake of fact on people that were simply asked to leave.

So those are the type of things we're hoping to achieve with this. And your point that this is not going to fix everything, no, it's not. We've got sadly a crime issue in our province. We saw for nearly a decade steadily reducing crime throughout the province. We've now had, as in most places in Canada and the US [United States], a rapid increase in gang activity and opioids, and it's sad to see that.

[18:00]

And I think this bill is somewhat a response to some of the things that citizens in the province are telling us. And we know that's an area that as a free world we want to deal with, the problem of opioids, the problem of gang activity. We see far too many young people that die unnecessarily. So I think on that you and I can agree.

Mr. Wotherspoon: — Yes. No, we sure do. It's a serious issue across the province and this bill doesn't address it. I guess just a new question to the minister: have you ever looked at an RM [rural municipality] map?

Hon. Mr. Morgan: — I practised law in this province for more decades than . . .

Mr. Wotherspoon: — That's right.

Hon. Mr. Morgan: — Yes. Yes, yes, I've looked at RM maps. I also know the challenge that the RM maps don't indicate the contact information for the landowner, and that's why I think you

need to move to an app. And I know that in addition to not having the complete information on the owner, it doesn't have any information as to who a renter might be or how the renter might be contacted. So that's why the Act talks about the occupier or the person that's got right to and that. And that has always been an issue for a hunter. A hunter knocks on the door and say, oh well, we're just renting the yard site, or we own the land but we've got it rented out, so you've got to find so-and-so.

So I'm hopeful and I'm really anxious to see whether the app produces any kind of a meaningful benefit to putting hunters and occupiers of land together. I'm hopeful the people participate, that landowners say no, this is how you contact me or whatever else I'm going to limit it to, whatever, and rather than wait for what's there.

I think probably when you'd gone hunting or still do, you contact, you likely go back to the same piece of land every year or most years, so you say to the owners or the occupiers of the land, can I come back on such-and-such a day? You phone ahead of time. You maybe drop them off a bird after you've been on or, you know, whatever courtesies you might afford, and that you continue to do it in that manner and that you, you know, because you know them, you go back to see them. And I think that's generally the practice.

But if you have somebody that's new from out of province or elsewhere and somebody else where you want to try a different area, then you've got the challenge of trying to find people. And I think no matter what happens with this legislation, that challenge is there. And if we can have an app or something that helps or addresses some of that, then we've moved in the right direction.

Mr. Wotherspoon: — There's some real practical concerns, some that are identified here, and it's quite right, or whether you look at it through time. And even what the RM maps that I have, decades of RM maps that I have with notes from my grandpa, my dad, and me, and then updates to them because landownership changes significantly and, you know, which was once, you know, the Wotherspoons and the whoever and the whoever and the Morgans and the Brkiches or whoever, is now often numbered companies. And so there's a real challenge in utilizing those maps, but then you add to those companies where you can, or those parcels, contact. And anyways it's not a system right now that's, you know, that's real easy to access land.

So I guess the point . . .

Hon. Mr. Morgan: — It's not intended for this purpose. It's not intended to put people together. It's intended to be the record of who owns it so they can levy taxes. And you're exactly right.

Mr. Wotherspoon: — So I guess just back to my final question there and I guess it's an important one. I've stated that, you know, we have concerns with this bill. I'll leave that at this point. It seems that the intent from the government is to bring this forward.

What folks are wondering is, what's implementation look like? When will this bill be enforced? And do you have willingness to work with all stakeholders, folks like the Wildlife Federation at this point, who bring a lot of knowledge to bear and a lot of

resources as well when it comes to education and ensuring good hunting practice across the province, so very strong allies on this front? Will you work with them and will you make sure that before there's a law that's being enforced that there's . . . If it's the application, for example, that it's proven, that it's working, that it's a system that people can count on?

Hon. Mr. Morgan: — We're anxious to have the bill enforced. We want the protection for homeowners and landowners to be there. So I'm not going to put a commitment on it that we'll do this or do that as far as having the Act in place. I'd like to see how it's going to work and we'll work through that.

We're always willing to listen to anybody that's in the province. At this point in time we went through extensive consultation to have the bill prepared. We made changes as we went along, based on what we heard from people. So the bill is complete. It's ready to go ahead. But how it's implemented, how it's applied, we're always willing to have those discussions.

I don't think we're ready to go on it. There's some work that needs to be done with regard to public knowledge, public information. I'm going to let Mr. McGovern speak to how the implementation might roll out, but our goal is to have it in place in the reasonably near future. We think it's protection that the public has asked for and I would not want to be accused of saying, well something bad happened because you didn't have the bill in place.

Mr. McGovern: — Thank you, Mr. Minister. And I think the distinction that we would just make sure that people understand is between the trespass legislation and *The Wildlife Act*. And of course we're very conscious that *The Wildlife Act*, that there are hunting seasons, that there are synopses, plural, that need to be prepared in terms of timing. So there's very much a communication aspect with respect to the hunting side of the equation on the amendments to *The Wildlife Act*. We'll be working with the Ministry of Environment which of course, as the members know, has an established process for working with its constituency with respect to these kind of changes.

The trespass legislation is a little bit different in terms of the process in that regard. I'll return to my previous point in terms of, you know, the issue of mapping for example, that you know . . . Right now no one should be going on land without permission, regardless of whether it's posted. The issue of entitlement, you know, the concern that this Act would make it in any way more difficult to find someone for that permission, it certainly won't. It will not make permission more difficult.

Right now if you need to seek permission to go on property, it may not be an offence if it isn't posted. And under the trespass legislation it . . . But what needs to be understood is that in all cases consent is not only the best practice; that's the legal practice by which someone gains access to private property. And this process, that in the legislation what we're talking about for implementation is making sure that existing message and the new message gets out so that individuals are aware, and that the existing confusion which again the survey referred to specifically where people say, well what's the rule for snowmobiling versus ATV versus wildlife versus, etc.

And so this makes it clear that there is no access to that property

without prior permission. That's the common law. It's enforced in certain circumstances with offences under the existing legislation, and this will make that a more uniform process. And so I think we recognize that that's part of the challenge in implementation, is ensuring that that message is properly conveyed. But I do think it is a little bit different on the trespass Act versus *The Wildlife Act*, which has its own, as I say, a large mechanism and a large process that it's involved in.

Mr. Wotherspoon: — I've raised the concerns and I'm disappointed that important people weren't engaged in this, but I would really implore the minister to work directly and very closely with all stakeholders through the next phases. I think that that's what can bring meaningful improvements. And certainly those relationships between landowners, who have every right to restrict access to their land, and hunters and fishers and berry pickers and photographers and birders, is important. And we have something so special in this province when it comes to how we can pursue the outdoors, Mr. Minister. And I would just really urge working very closely so that we don't get in a situation where there's a real problem here. So I'll leave that and . . . [inaudible] . . . the minister recognize that I might drop off a bird for someone who I was out with.

I also have been so kind that even, you know, there's an MLA in this Assembly that I sometimes am in his riding and in many other ridings, but I'll even bring back venison chops for that MLA, Mr. Speaker, or a fish fillet or two if I've harvested from his riding. And my offer to the minister is, I'd be happy to take him out into the field sometime as well. We could pursue maybe a nice pheasant hunt or some migratory birds and, you know, we can have a practical assessment of how things are working out there.

Hon. Mr. Morgan: — Mr. Chair, I appreciate the comments and the kind offers from the member opposite. We've discussed birding before and I've offered turkeys to them and we have the turkey sale on and it's passed for this year, but I'll certainly put him at the top of the list for next year, Mr. Chair.

The Chair: — Thank you, Minister. Are there any further questions? Seeing none, 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 Trespass to Property Amendment Act, 2018*.

I would ask a member to move that we report Bill No. 160, *The Trespass to Property Amendment Act, 2018* without amendment. Mr. Nerlien has so moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

Bill No. 161 — *The Trespass to Property Consequential Amendments Act, 2018/Loi de 2018 corrélative de la loi intitulée *The Trespass to Property Amendment Act, 2018**

Clause 1

The Chair: — We will now be considering Bill No. 161, *The Trespass to Property Consequential Amendments Act, 2018*, a bilingual bill. We will begin our consideration of clause 1, short title. Minister Morgan, could you please make your opening comments.

Hon. Mr. Morgan: — Thank you, Mr. Speaker. I know a lot of the things that we talked about in the previous bill are the same issues that have dealt with this one, but there are some things that I feel we've got to put on record for purposes of ensuring that *Hansard* has got the correct background. So once again I'm joined by Darcy McGovern, director, legislative services; and Danielle Schindelka, Crown counsel, legislative services branch.

I'm pleased to offer opening remarks concerning Bill 161, *The Trespass to Property Consequential Amendments Act, 2018*. This bill will make consequential amendments to *The Wildlife Act, 1998*. The bill shifts the onus from the landowner or occupier to the individual seeking access to lands for the purpose of hunting.

Mr. Chair, this will align the trespass rules in *The Wildlife Act* with the proposed changes in *The Trespass to Property Amendment Act, 2018*. The proposed amendments will remove the requirement for landowners and occupiers to post their lands with signs prohibiting hunting and instead require the person seeking access for the purpose of hunting to obtain the consent of the landowner or occupier.

Mr. Chair, seeking consent prior to access is consistent with best practices. Making this best practice a provincial standard will provide clarity to both hunters and landowners. The amendments are also consistent with the approach taken in Manitoba, Alberta, and Ontario.

The government maintains that this bill will not and cannot affect Aboriginal and treaty rights. These rights are recognized and affirmed by section 35 of the *Constitution Act*. Further, section 14.1 of *The Interpretation Act, 1993* specifically provides that:

No enactment abrogates or derogates from the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada that are recognized and affirmed by section 35 of the *Constitution Act* . . .

Mr. Chair, the intention of this bill is to protect both landowners and hunters. The proposed approach ensures that occupiers of rural land and hunters are aware of each other's presence on the land. In addition, Mr. Chair, ensuring that landowners have the ability to access control to their property will reduce property damage and the spread of agricultural diseases.

[18:15]

Mr. Chair, with these opening remarks I welcome any comments or questions regarding Bill 161, *The Trespass to Property Consequential Amendments Act*.

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

Mr. Wotherspoon: — I would just say that, I mean, this flows from the other piece of legislation. So all my concerns simply stand, and I'll leave it there. But we see this legislation as, you know, not practical, not enforceable, no solution to the very real challenges of rural crime and of biosecurity around things like clubroot that deserve action. It misses the mark, and it's disappointing that folks like the Wildlife Federation, who bring practical knowledge to the table, weren't consulted in advance of it being brought forward.

And it's shameful and disgraceful that the Indigenous peoples with treaty rights who have hunted and fished that land for hundreds and hundreds, well thousands of years, Mr. Speaker, weren't engaged. I've made those points in the previous bill and, you know, I've made my calls for improvements.

Landowners definitely, their right is to control access to the land. There's no question there. I just feel that the way that the government's gone about this has brought forward not a meaningful improvement when there was an opportunity to do so.

Hon. Mr. Morgan: — Mr. Chair, we've debated this before, and I don't want to rehash the debate that was there. The only thing I would say, if the member opposite wants to put on record that he would repeal this bill and require the posting of land, he's welcome to put that on record and make that part of his campaign platform for the next election. I'd be glad to knock doors against him.

The Chair: — Okay. Seeing no more questions, clause 1, the short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 5 inclusive agreed to.]

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

I would ask a member to move that we report Bill No. 161, *The Trespass to Property Consequential Amendment Act, 2018*, a bilingual bill, without amendment. Mr. Francis so moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. This concludes our business with the officials this evening. Minister Morgan, do you have any closing comments?

Hon. Mr. Morgan: — Mr. Chair, I've got some estimates to deal with but, as far as the bills go, I'd like to thank you. I'd like to thank the committee members on both sides, the staff from

legislative services who I see were tested mightily tonight, the people from Hansard and broadcast services as well for what they do, not just today but every day. And I want to thank the ministry officials who work tirelessly to provide excellent service to the people and citizens of our province. And we're well served and we can't thank them or recognize them often enough, so thank you, Mr. Chair.

The Chair: — Thank you, Minister. Mr. Wotherspoon.

Mr. Wotherspoon: — Certainly I'd like to thank the minister for his time. We've got some difference that we've identified on this piece of legislation. I'd certainly want to thank Justice officials that are here with us tonight and all those great Justice officials across the province, as well as anyone that's been involved in the creation of this legislation, legislation that we have serious concerns with.

The Chair: — Okay, well thank you. We will now move into estimates.

**General Revenue Fund
Government Relations
Vote 30**

The Chair: — Okay, we're ready to roll with estimates. Vote 30, Government Relations, central management and services, subvote (GR01) in the amount of 8,832,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. First Nations, Métis and Northern Affairs, subvote (GR12) in the amount of 76,703,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Municipal relations, subvote (GR07) in the amount of 516,659,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Saskatchewan Municipal Board, subvote (GR06) in the amount of 1,985,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Public safety, subvote (GR11) in the amount of 11,901,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Provincial Public Safety Telecommunications Network, subvote (GR13) in the amount of zero dollars, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Non-appropriated expense adjustment in the amount of 3,054,000. Non-appropriated expense adjustments are non-cash adjustments presented for informational purposes only. No amount is to be voted.

Government Relations vote 30: 616,080,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I will now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2020, the following sums for Government Relations in the amount of \$616,080,000.

Mr. Tochor has so moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

**General Revenue Fund
Parks, Culture and Sport
Vote 27**

The Chair: — Okay vote 27, Parks, Culture and Sport, central management and services, subvote (PC01) in the amount of 9,121,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Parks, subvote (PC12) in the amount of 24,756,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Resource stewardship, subvote (PC18) in the amount of 7,185,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Community engagement, subvote (PC19) in the amount of 28,839,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Non-appropriated expense adjustments in the amount 4,920,000. Non-appropriated expense adjustments are non-cash adjustments presented for information purposes only. No amount is to be voted.

Parks, Culture and Sport, vote 27: 69,901,000. I will now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2020, the following sums for Parks, Culture and Sport in the amount of 69,901,000.

Mr. Olauson has so moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

**General Revenue Fund
Tourism Saskatchewan**

Vote 88

The Chair: — Vote 88, Tourism Saskatchewan. Tourism Saskatchewan, subvote (TR01) in the amount of 15,491,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. I will now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31st, 2020, the following sums for Tourism Saskatchewan in the amount of 15,491,000.

Mr. Olauson moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

**General Revenue Fund
Supplementary Estimates — No. 2
Government Relations
Vote 30**

The Chair: — Supplementary estimates — no. 2, vote 30, Government Relations, page 10. First Nations, Métis and Northern Affairs, subvote (GR12) in the amount of 95,100,000, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Government Relations, vote 30: 95,100,000. I will now ask a member to move the following resolution:

Resolved that there be granted to Her Majesty for the 12 months ending March 31, 2019, the following sums for Government Relations in the amount of \$95,100,000.

Ms. Ross: — I so move.

The Chair: — Ms. Ross moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Committee members, you have before you a draft of the seventh report of the Standing Committee on Intergovernmental Affairs and Justice. We require a member to move the following motion:

That the seventh report of the Standing Committee on Intergovernmental Affairs and Justice be adopted and presented to the Assembly.

Mr. Olauson has moved. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. That concludes our business today. I'd ask a member to move a motion of adjournment. Mr. Nerlien has so moved 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 18:29.]