



SECOND SESSION - TWENTY-SIXTH LEGISLATURE

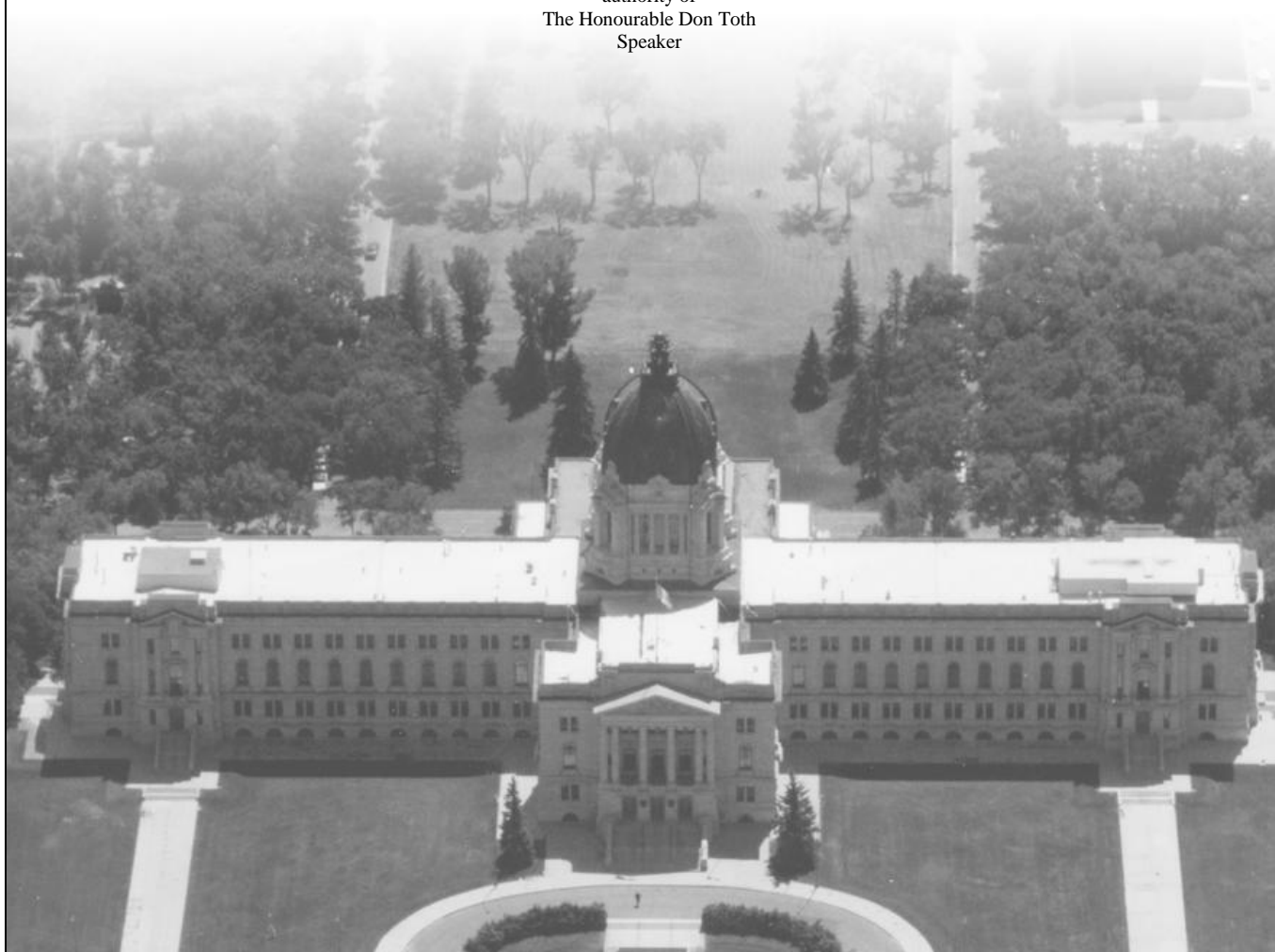
of the

Legislative Assembly of Saskatchewan

**DEBATES
and
PROCEEDINGS**

(HANSARD)

Published under the
authority of
The Honourable Don Toth
Speaker



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[The Assembly resumed at 19:00.]

EVENING SITTING

ADJOURNED DEBATES

SECOND READINGS

Bill No. 46

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Stewart that **Bill No. 46 — *The Labour Market Commission Amendment Act, 2008*** be now read a second time.]

The Deputy Speaker: — The time being 7 o'clock, this House now resumes. Debate will continue on Bill No. 46. The member from Regina Northeast had the floor. I recognize the member for Regina Northeast.

Mr. Harper: — Thank you, Mr. Deputy Speaker. Now let's see, where was I before I was so rudely interrupted by the clock? Oh well I guess I'll just have to start from the beginning again. And I can hear the joy being raised over there across the way when I suggest that perhaps I'll just start from the beginning again. And it would be from the beginning, I can assure you of that.

But, Mr. Deputy Speaker, in regards to this particular piece of legislation, the legislation that basically limits the abilities of the Labour Market Commission to do its job, we can't help but to wonder about the reasons why the government is moving in the direction it's moving. At a time when we have a strong and buoyant economy, at a time when there is a shortage of skilled workers and a shortage of qualified candidates right across the piece, we would think that the government would want to move in a direction that would assist in addressing some of these shortfalls, would assist in making the industry and the marketplace more responsive to attract the quality labour that we need.

But rather not, they're doing the opposite. They're not supporting an agency that has a proven track record of working towards addressing the problems identified within the industry by bringing all the stakeholders of the industry together to work collectively for a common goal, and that common goal being a strong industry. Simply put, a strong industry benefits everyone. All the stakeholders within the industry would certainly benefit from it.

But rather than that, they're moving to reduce the size of the commission. They're reducing the effectiveness in all intents and purposes of the commission by stripping away its resources — the resources of the people who make up the commission body itself, but also cutting their budget in half. By cutting their budget in half, they reduce their ability for the commission to have the resources to effectively carry out their mandate.

The loss of the personnel on the commission is a loss of knowledge. It's a loss of experience. These people have served and served the commission well and served this province well, carry with them not only the knowledge that they've gained

over the years. From their experience, they've gained such expertise that just isn't available just off the wall or off the shelf sort of thing. This is experience that's been learned through time, learned through trial and error, and through, yes, some mistakes, but also some making the right decisions. And those are the important things.

Also by limiting the size of the commission, they're limiting the ability to have at that commission, at that table, the differing points of view. Differing points of view are very important when you're developing policy and doing planning to address the needs of the marketplace. You need to have a balance. In order to have a balance, you have to have different points of view. You have to have representation there with the stakeholders in the industry so that you bring forward to that discussion the information, the experiences, and the knowledge that each group brings forward. So by limiting the size of the commission, I think you limit the ability for that commission to deliver quality product that is so important to ensure that Saskatchewan continues to enjoy a strong economy, continues to enjoy a strong workforce.

Saskatchewan workers have a reputation — I was going to say nationally; I think it's even internationally — of being a strong group of workers who do efficient and effective work. I think for the most part, I think you would talk to employers, whether they be here in Saskatchewan or whether they be elsewhere employing Saskatchewan people, and they will tell you that Saskatchewan workers bring to the job a strong work ethic, quality work. Saskatchewan people provide an honest day's work for an honest day's pay. And I think that goes without saying and I think that's very important and I think that's a reputation that we're all very, very proud of.

But through the current boom, it's clearly evident that the Sask Party has made it clear that it believes that the labour is an impediment to growth. Rolling the LMC [Labour Market Commission] into the Enterprise Saskatchewan is just one more way the Saskatchewan Party is attempting to weaken the labour here in the province.

Well, Mr. Speaker, who is the labour? Who is labour? Labour are the working people that we see each and every day, the working people whose children attend our schools, the working people whose children attend our swimming pools and who attend the various social functions throughout the city here. Who are the working people? They are the people who shop at our stores each and every day. The working people are the people who use our restaurant facilities and who use our shopping facilities and who contribute in a meaningful way to our economy.

Fact, Mr. Speaker, it's the working people who drive our economy. It's the working people who have the disposable income, who spend that money not in New York, not in Dallas, not in Chicago; they spend it right here in the cities and the towns of our province of Saskatchewan. They drive our economy.

Mr. Speaker, it's those working people who by the sweat of their brow and through their efforts we enjoy many of the services that we take for granted each and every day. Those,

Mr. Speaker, are the working people. Those are the people who are the strength and the backbone of Saskatchewan. Those are the people who are the strength and the backbone of our Saskatchewan economy.

And who did this Saskatchewan Party consult with in drafting this legislation? Well I can assure you, Mr. Speaker, they didn't consult with the labour people. They may have consulted with their friends in business. They may have consulted with their friends in the chamber of commerce, but they didn't talk to the labour people across this province, the very people who make up the heart and the soul of our economy, who drive our economy, and who ensure that our economy stays strong.

We also note, Mr. Speaker, that this Act removes the legislative requirements to consult with labour and business organizations that are the most representative of labour and of business. We have no doubt, we have no doubt at all that business will continue to be widely consulted while labour organizations will largely be ignored if not totally ignored.

Mr. Speaker, that is the sad part of it because it is the strength of our industry, the strength of the economy that benefits all. It benefits business. It benefits labour. By benefitting labour and having a strong labour workforce that receives fair and reasonable compensation for the efforts that they put out each and every day, they take that money that they received for their sweat of their brow and for the work that they put into our economy, they take that money and they spend it right here in Saskatchewan. They spend it in our business places right here in Saskatchewan. They make Saskatchewan strong.

So working people of this province, it's the working people of this province that drive our economy, and it's the working people of this province that need to be insured that they are getting a fair deal, and that is what Labour Market Commission was all about, was insuring that there was fairness within our system, there was equity within our system, there was a balance within our system.

Mr. Speaker, this legislation falls short on a lot of fronts, but it makes it quite obvious, Mr. Speaker, that this government is not a government that has really any real interests in insuring the fairness within our marketplace. They're more interested in insuring that there's an advantage to their friends, the people in the business community, and that's certainly evident in this legislation.

But with that, Mr. Speaker, I think we need to spend more time in reviewing this legislation, talking to all the stakeholders — and I say all the stakeholders, Mr. Speaker — in regards to how it may or may not affect them, and to do that we'll need a little more time. So with that in mind, Mr. Speaker, I'd like to move adjournment of debate.

The Deputy Speaker: — The member from Regina Northeast has moved to adjourn debate on Bill No. 46, *The Labour Market Commission Amendment Act, 2008*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Deputy Speaker: — Carried.

Bill No. 43

[The Assembly resumed the adjourned debate on the proposed motion by the by Hon. Mr. Morgan that **Bill No. 43 — *The Trespass to Property Act*** be now read a second time.]

The Deputy Speaker: — I recognize the member from Saskatoon Fairview.

Mr. Iwanchuk: — Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, I rise to speak on the trespass Act, and I would think a review of the minister's main points in terms of the legislation would be probably in order. And that is some of the points made by the minister were why . . . We can only assume why because I don't know that we had any consultations or what was driving the process or why we ended up with the trespass Act. But some of the things that the minister went on to say was that he made part of the Act or felt the need to be there was the unlawful to "enter a posted or enclosed lands . . . without the consent of the occupier" and also if requested not to enter. So they're talking about the definitions of the trespass legislation.

In talking about the offences, he said it's an offence to fail to stop activity when requested when to do so or to re-enter the premises. Further went on to say that the onus on the defendant to prove that they had consent of occupier to enter onto the premises and that "People in contravention of the Act will be liable on summary conviction to a fine of up to \$2,000."

Now, Mr. Deputy Speaker, I put those on record to show not only the content of the Act but the slant and the onus which is very important, when we look across the country and compare to other Acts that we have. And as you know and as we know, Saskatchewan did not have, prior to this, a trespass Act.

Mr. Deputy Speaker, the minister went on to say that:

The Trespass to Property Act seeks to balance the reasonable expectation of landowners and those wanting to access privately owned property to enjoy the great Saskatchewan outdoors. To that end, [he said] Mr. Speaker, the Act is not applied to individuals engaging in lawful hunting, fishing, or trapping activities, and for the benefit of my mother, berry picking. As well the Act will not apply to vacant agricultural Crown lands, Crown resource lands, or parklands that are used for public recreation purposes.

He went on to say, "It is not the intention of our government to restrict access to such lands intended for public use beyond current regulation contained in other Acts." He said, "The Act will also not apply to people acting in the course of their duties, such as emergency personnel or meter readers . . ."

Mr. Deputy Speaker, Bill 43, *The Trespass to Property Act*, just when we look at it, this Act creates a new provincial offence of trespass and raises a number of questions. We would ask, what circumstances made this Act necessary? Who will benefit from the passage of this Act? Are there specific activities or problems this Act intended to address, and if so, what might they be? Are there specific examples of situations where this Act would be seen to be partially useful? Who was consulted

before the Act was drafted? This is a new Act, and it definitely requires further review to determine.

Mr. Deputy Speaker, in my remarks tonight I will be trying to address those questions as they pertain to this Act because I think these are very important and must be answered before this Act can move forward, so just some of the other things that would come to mind that would add a bit more detail here and I guess, as some have mentioned, unintended consequences of Acts. And for us that is a concern, a concern of what might be there and why the drafting was as it is.

Things that I saw or that we see on this side is, does this Act deal with, for example, Mr. Deputy Speaker, freedom of assembly or freedom of expression? Are those impacted by this Act? What constitutes premises? And more specifically, Mr. Deputy Speaker, what constitutes Crown land, including the exemptions listed under section 15 of Crown land? What are we trying to get at here? What exactly is this Act trying to address? What about freedom of assembly? What about freedom of expression, Mr. Deputy Speaker? What about freedom of expression? Is there any understanding for the people who drafted this, for the people who drafted this? Perhaps, Mr. Deputy Speaker, perhaps there are Charter concerns here. I'm not saying that there are, but perhaps there are, Mr. Deputy Speaker.

The question here would be, are all rural and city and municipal land, is it Crown land? Is that Crown land, Mr. Deputy Speaker? Is it Crown land and what kind of activities or trespass are we prohibiting? Now section 17, exemptions from the Act, make that clear. And then, Mr. Deputy Speaker, we do have the regulations, and we know that again that we have the Lieutenant Governor in Council, which we all know is the cabinet, that makes the regulations. If you draft an Act in such a way that you require lengthy regulations, that the regulations are many times more than what the Act is, because it is unclear, it does raise concerns. It does raise concerns as to what we are trying to get at.

So again I would say, are there issues? Are there issues here of freedom of assembly, freedom of expression? What constitutes premises? What constitutes Crown land? What are the exemptions listed under 15, Crown land? Are those the only exemptions that we're . . . [inaudible] . . . Why was that list not expanded? Why were some of these questions . . . Again, as I raise rural and municipal land, our understanding is that it is all Crown land — rural, municipal.

[19:15]

Now the minister talked about snowmobiles, and the minister talked about fishing and hunting. Mr. Deputy Speaker, I'm not sure that fishing and hunting on Albert Street is exactly what we would be looking at. But again when you read the Act, when you read the Act, there's no mention that in fact, Mr. Deputy Speaker, that Albert Street in Regina isn't part of what the minister was trying to capture. And we just simply wish to point out to the minister that if in fact he wasn't trying to capture this, he could have been perhaps a bit more clear in the legislation.

Now I go back as to who basically, perhaps we can find some answers into who basically wanted this Act. What are some of

the concerns, what were the concerns of the people of Saskatchewan? And what are we trying to address in terms of this Act?

This government has been very, Mr. Deputy Speaker, lax with consultations. We've seen that across the piece, whether it be labour Bills that they're passing, whether it be the Agreement on Internal Trade that they had, Mr. Deputy Speaker, that they went, Mr. Deputy Speaker, in early December, this government went and signed an Agreement on Internal Trade and then came back and told us that there was nothing. They didn't have any documents that they had signed. We found that hard to believe, Mr. Deputy Speaker, but that is in fact what happened. It was only until pressure from our side of the House that — all of a sudden, lo and behold — there was the Agreement on Internal Trade. It came forward. So it's unfortunate that a government lacks such transparency that when they talk about consultation transparency, that we don't have any of that here. There's nothing of that here, that we see, that we see in this document.

And again on the Agreement on Internal Trade, when we looked at that at the end of the day, Mr. Deputy Speaker, we don't know what the big deal was all about. We don't know at all what that was all about, why they were getting all excited and jumping up and down. You can't see it. We're upset that nobody . . . You know, we're upset at Alberta because they talked about it. Now Alberta, you know, they said, great, we will tell you what's in there. But here in Saskatchewan, we can . . . Big secret, biggest secret in the world, Mr. Deputy Speaker. And when you look at it at the end of the day, not such a big deal. We can agree with that, Mr. Deputy Speaker. There's nothing that secretive about it, but apparently they feel that there is.

So it was with things like that. It's the transparency, the lack of consultation. We've seen that that's almost a track record of this government since day one — whether they are simply unsure, whether they simply are afraid of what the people of Saskatchewan might say, but again it's an internal trade. We hear a number of the stakeholders saying, asking what was in the deal. And then it was only after, after we asked the questions that the government thought, well maybe we should go ask the stakeholders to find out what's happening. Maybe we should ask them and see what they have to say.

So why the secrecy? Why the lack of transparency? And I think this is a bit of, starting to be a bit of a, I should say, track record, but a bit of a way that this government operates in terms of consultations. And here, no different, Mr. Deputy Speaker, no different here either. We did not hear anything from the minister about what consultations took place, what exactly the Act was trying to address. We could only look at the words and raise issues, legitimate issues of freedom, again freedom of expression and freedom of association. Were those questions, were those questions that the government was trying to address? It's uncertain. It's uncertain, Mr. Deputy Speaker.

Now I guess in terms of that, that led us to try and look across the country to try and assume, assume what they might've been up to since they're not willing to tell us or the people of Saskatchewan what they're up to. Maybe go to Manitoba and have a look at the legislation in Manitoba. Manitoba has a petty trespasses Act, and again they have a section similar to ours,

The Petty Trespasses Act, trespassing offence, definition of that. If I may, Mr. Deputy Speaker, before getting into analysis of the Saskatchewan and Manitoba Acts, I'd just like to put on the record the Manitoba Act:

Trespassing offence

Subject to subsections (2), (3), (4) and (5), any person

(a) who unlawfully enters or in any way trespasses upon lands or premises that are the property of another and are wholly enclosed; or

(b) who enters or in any way trespasses upon lands or premises that are the property of another and are not wholly enclosed, after being requested by the owner, tenant or occupier not to do so, or who, having entered the lands or premises or committed the trespass, refuses to leave upon being requested by the owner, tenant or occupier to do so.

And, Mr. Deputy Speaker, it goes on to say that this is "... an offence, whether or not any damage has been occasioned by the entry ... and is liable on summary conviction to a fine of not more than \$5,000." And as I mentioned, Saskatchewan has a \$2,000 fine.

There is also a "Request of person in actual occupation," and that is, "1(2) [similar to ours] Where lands or premises are occupied, clause (1)(b) does not apply unless the request there mentioned is made by or with the approval of the person in actual occupation of the lands or premises."

It goes on to say:

Exception in case of resident

1(3) Clause (1)(b) does not apply in the case of a person who

(a) ordinarily resides on the lands or premises there described; or

(b) if not ordinarily residing on the lands or premises there described, is at the material time residing thereon with the express or implied consent of the owner, tenant or occupier of the lands or premises.

Now I think that's, so far, Mr. Deputy Speaker, fairly straightforward. I don't think we need to go into explanations of those clauses, and I'm concerned I guess at times when we read ours that it isn't as clear as the Manitoba legislation.

Now there's an interesting clause, "Exception where honest belief." And these, these are all relating to the onus, Mr. Deputy Speaker, the onus on the person trespassing and, in this case, the person who is the occupier:

Exception where honest belief

1(4) Subsection (1) does not apply where a person entering or trespassing upon the lands or premises there described is acting under an honest and reasonable

belief that he or she has the right to do the act complained of.

And, Mr. Deputy Speaker, one thing that that raises or points out to us is honest belief, honest belief where at least some ability for the person who is going to be charged or accused of trespassing, that that person has the right to a defence.

Now they also have an interesting section here, application in religious communities:

In this section, the expression "**owner, tenant, or occupier**", where used with respect to lands or premises occupied by a religious organization or religious community as owner, tenant or occupier the by-laws, articles or a resolution of which authorize one or more officials of the organization or community to act on its behalf in preventing or controlling disorderly conduct, loitering, nuisances, and other disruptive behaviour on the lands or premises ... such an official or officials acting in accordance with those by-laws or ... [activities] or resolution.

Now, Mr. Deputy Speaker, we come to a part here, "**Arrest without warrant.**" Any person found committing an offence ... and as I mentioned before, the Manitoba Act has a \$5,000 penalty in here:

Any person found committing an offence under section 1 [which outlines the sections above] may be apprehended without a warrant by any peace officer, or by the owner, tenant or occupier of the lands or premises on which the offence is committed or by any person authorized by the owner, tenant or occupier, and shall be taken to the nearest justice as soon as reasonably practicable to be dealt with according to law.

An important point, Mr. Deputy Speaker. Now that's (2) and (3):

Act not to affect any case involving title to land [an important consideration, I believe, in any trespass Act, and that is:]

Nothing in this Act authorizes any justice to hear and determine any case of unlawful entry or trespass in which the title to land, or any interest therein or accruing thereupon, is called in question or affected in any manner howsoever; but every such case of unlawful entry or trespass shall be dealt with according to law, in the same manner in all respects as if this Act had not been passed.

And then finally, Mr. Deputy Speaker:

Any person who, on any walk, driveway, roadway, square or parking area provided outdoors at the site of or in conjunction with the premises in which any business or undertaking is operated and to which the public is normally admitted without fee or charge, communicates true statements, either orally or through printed material or through any other means, is not guilty of an offence under this Act [and I would say, Mr. Deputy Speaker, not guilty of an offence under this Act] whether the walk,

driveway, roadway, square or parking area is owned by the operator of that business or undertaking or by any other person or is publically owned, but nothing in this section relieves the person from liability for damages he causes to the owner or occupier of the property.

Now, Mr. Deputy Speaker, a very important part there, because it deals with the situation I talked about before, are we dealing with Albert Street or what is our Act? And our Act is very unclear. Manitoba Act specifically states that.

Now there are a number of points here that I wish to draw a little closer attention to. Again, just to be clear on what I'm saying here, the offence description in *The Petty Trespass Act* is not as expansive as that contained in our own Bill 43. Subsection 3(1) sets out a list of circumstances in which trespass is prohibited, Mr. Deputy Speaker. Now section 3(1), "**Trespass prohibited**" in our Bill, Mr. Deputy Speaker: "Without the consent of the occupier of a premises, no person who is not acting under a right or authority conferred by law shall . . ."

And I would just want to also turn you, while we are here, to the . . . and we'll get back to that section. But just in terms of the definition or interpretation of our section, and that is under "**Interpretation**":

2(c) "**occupier**" includes:

a person who is in physical possession of premises; [and that's (i)]

(ii) is a person who:

(A) has a responsibility for and control over the condition of premises or of the activities there carried on; or

(B) has control over persons allowed to enter in or onto premises; or

(iii) a person prescribed in the regulations.

Now as I read that to you — and I knew you probably wanted me to clarify the definition or interpretation of occupier, so I thought I'd read that in — one of the other words used in 3(1) we also find in section 2(e), which is premises. And I mentioned premises to you earlier in my opening remarks, and that was what the meaning of premises was. Now again I want to refer you back into the Manitoba legislation which talks about driveways and roadways and the rest of that. We don't find those kinds of words in our Act here, but yet we're talking about trespassing. But here in ours, just so that we also know some of the premises and what the definition would be:

. . . means lands or structures and includes the following:

(i) water;

(ii) ships and vessels;

(iii) trailers and portable structures designed or used for a residence, business or shelter; [and]

(iv) trains, railway cars, vehicles and aircraft, except while in operation.

So now, Mr. Deputy Speaker, when we read all that together — and I know the interpretations, you wanted to hear those — in terms of, "Without the consent of the occupier of a premises, no person who is not acting under a right or authority conferred by law shall . . ." and it goes on to list. And I'll probably like to read those in, in terms of:

(a) enter in or on the premises when entry is prohibited pursuant to this Act;

(b) engage in an activity in or on the premises if that activity is prohibited by this Act.

Now again, and I want to, as I go through this, that we keep in mind, "Where no offence under Act." And this is the Manitoba legislation wherefore it says:

Any person who, on any walk, driveway, roadway, square or parking area provided outdoors at the site of or in conjunction with the premises in which any business or undertaking is operated and to which the public is normally admitted without fee or charge, communicates true statements, [again] either orally or through printed material . . . is not guilty of an offence . . .

People are not guilty of an offence, and yet we now go over our prohibited trespass and we — just to go over (a) again, Mr. Deputy Speaker, so we don't lose our train of thought here — "enter in or on the premises when entry is prohibited pursuant to this Act." And the Act again in other parts . . . I will get to that yet, Mr. Deputy Speaker. I know everybody's riveted to wanting to know when that will happen . . . but where it's prohibited and how the onus shifts and who the onus is on in terms of when an offence has occurred.

[19:30]

So:

Without prior consent of the occupier of a premises, no person who is not acting under a right or authority conferred by law shall:

(a) enter in or on the premises when entry is prohibited pursuant to this Act; [and]

(b) engage in an activity in or on the premises if that activity is prohibited by this Act;

(c) [Mr. Deputy Speaker] after being requested either orally or in writing by the occupier to leave the premises, fail to leave the premises soon as is practicable; [and]

(d) after being requested either orally or in writing by the occupier to stop engaging in an activity in or on the premises, fail to stop the activity as soon as practicable;

(e) after leaving the premises pursuant to request to do so made pursuant to this Act, re-enter the premises; or [finally]

(f) after discontinuing an activity pursuant to a request to do so made pursuant to this Act, resume the activity . . .

Again, Mr. Deputy Speaker, nothing . . . And I will be bringing forward legislation from Alberta, British Columbia, and Ontario yet to point out where in fact we have offences and where they're prohibited. We don't have anything similar in our Act that would say this is not an offence. Don't worry about Albert Street. Members from Saskatoon should not not be concerned about hunting or fishing down Albert Street. Don't worry. That's not what that Act is intended to do. The Act is intended for something other than that.

Yet when we have this sort of drafting, when we know of the . . . When you put that together, Mr. Deputy Speaker, with the lack of transparency and the lack of consultation and the lack of information as to where this Act comes from, overall we find ourselves here having to do perhaps what should be straightforward, Mr. Deputy Speaker. We should be able to pass, you know, a trespass Act and it should not create any concerns for us. But yet here we are, Mr. Deputy Speaker, having to talk about other provinces, what happens.

So for a first attempt maybe we could say well since it's a new Act in Saskatchewan, a first attempt, maybe we can cut them some slack. But, Mr. Deputy Speaker, this is an important issue. And when we talk about things like freedom of assembly and freedom of expression, those are not issues that we on this side take lightly and we raise them. We would hope that we wouldn't have to raise issues like that. But yet again, just as I've been going over and pointing out to you in terms of the prohibitions in our Act, we don't have anything there that talks about when in fact what is not an offence. We have some exemptions, and I mentioned those earlier, about Crown land and I'll be getting into those further, Mr. Deputy Speaker, in terms of definitions.

But the key issue here is it does throw quite a wide net here. And if that isn't the intention and, Mr. Deputy Speaker, I would be the first to say that if that isn't the intention, then the minister should have looked at this, done the necessary due diligence on this Bill and perhaps said, you know, that we should cover this off.

In drafting legislation, we want . . . I'm sure we all strive for clarity. We strive that the intent is clear. We don't want this to end up before the courts with some unintended results, unintended consequences of this Bill. We want a Bill that's clear. We want a Bill that's clear.

And unfortunately, Mr. Deputy Speaker, as you're probably noticing and as I'm sure the members across are starting to agree that yes, perhaps this isn't as clear as we could have made it. You know, give us another chance; we'll try. We'll withdraw the Bill. Maybe we'll put in something different. We'll make amendments. You know, maybe we should give them the opportunity to do that. I'm sure I see some heads nodding over there that perhaps they're ready to agree, to say, we didn't consult, you know, we'll try to work on that transparency issue.

And then again, Mr. Deputy Speaker, maybe it's like the definitions in the Bill here. People are having difficulty in terms of what is transparent, like in terms of what way does the

government act to be transparent. In what way must the government act to show that they are consulting the people of Saskatchewan?

What should they be doing? Other than that, you get legislation . . . We've had maybe others; we've had legislation around the Labour Relations Board where again there was lack of consultation, maybe a little haste, maybe not being prepared, whatever it was, and we had to amend it. We had to redo it. We had to continuously redo it. And sometimes we're going to be known as the redos. Redos, that's . . . I'm not . . .

An Hon. Member: — The do-overs.

Mr. Iwanchuk: — The do-overs. That sounds like a good name for a group, but maybe it would fit a party, like a political party. The do-overs. I don't know. Maybe it's got a little cachet. Maybe it would pick up and have a hit single of we redo things and we're the do-overs. You know, I mean, I don't know, maybe it's whatever . . .

But anyways this seems to be again, as I talked about a track record, but it seems to be a part of a type of almost behaviour, Mr. Deputy Speaker — lack of consultation, lack of transparency. Do it, you know, the redo-overs do it and then they consult after that. What do you think? What do you think of this? What do you think of this? And throw it out and leave it for the opposition to point out and carefully go through the details of each Bill so that we get the kind of legislation that the people of this province deserve. And I think the lack of consultation would give you the kind of legislation that the people deserve. And unfortunately, that's not happening here, Mr. Deputy Speaker.

Mr. Deputy Speaker, the fine — again, as I pointed out earlier — the fine is lower in Bill 43 compared to Manitoba's 5,000. And I'd like to just get on to this, and I had mentioned that I would be . . . we talked just briefly, I talked briefly about the onus. And Bill 43 places an onus on the defendant to prove, Mr. Deputy Speaker “. . . on a balance of probabilities, that he or she had the consent of the occupier to enter in or on the premises or to engage in the activity in or on the premises.”

Subsections 3(1) and (2) and again . . . I read 3(1), Mr. Deputy Speaker. I would like to read 3(2), is that:

For the purposes of subsection (1), the onus rests on the defendant to prove, [again] on a balance of probabilities, that he or she had the consent of the occupier to enter in or on the premises or to engage in the activity in or on the premises.

Now for greater clarity, subsection 7(1) of the Act lists the defences that are available to trespasses. Section 7(1), Mr. Deputy Speaker . . . Again just to go back to Manitoba for just a second, Mr. Deputy Speaker, *The Petty Trespasses Act* does not contain a provision that specifically places the burden on the defendant to prove that he or she had consent of the occupier to enter in or on the premises to engage in activity or enter in or on the premises.

Now these are very important differences. When we go to section 1, “**Defences to trespasses**,” again here, just that the

thing about the Manitoba Bill where it talks about where there is no offence under the Act. Now that isn't a defence, but I think it could be seen as a defence. And it would be clearer because it's in the Act, where it talks about:

Where no offence under Act [where 4 says]

Any person who, on any walk, driveway, roadway, square or parking area provided outdoors at the site of or in conjunction with the premises in which any business or undertaking is operated and to which the public is normally admitted without fee or charge, communicates true statements, either orally or through printed material or through any other means, is not guilty of an offence under this Act whether the walk, driveway, roadway, square or parking area is owned by the operator of that business or undertaking or any other person or is publicly owned, but nothing in this section relieves the person from liability for damages he causes the owner or occupier of the property.

Again here, 7(1) talks about defences, but our 7(1) in terms of defences, to read that to you Mr. Deputy Speaker:

It is a defence for a person charged with an offence pursuant to section 3 or 5 to prove, on a balance of probabilities, that he or she reasonably believed that he or she had title to or an interest in the premises that entitled the person to enter in or on the premises or to engage in the activity complained of.

Now nowhere there, Mr. Deputy Speaker . . . we come the closest there probably to trying to deal with what a defence would be, but unfortunately there's no clarity here in terms of what might not be an offence.

So we get down back to, Mr. Deputy Speaker, to Albert avenue and hunting and fishing. Again likelihood . . . I'm not sure what we would be doing hunting and fishing on Albert Street, but it is a concern as to why we couldn't in a simple sentence write about roadways, driveways, walkways, things that are there. Again it doesn't seem to be there.

So 7(1) comes close and talks about probabilities of what would happen so the only defence that we have now in the Act . . . and again I say that the regulations, Mr. Deputy Speaker, could very easily deal with those issues. And you know, we're open then if people . . . but in the Act, as we have in the Manitoba Act, something right in the Act which helps to go a long way to clarify, as opposed to just talking what is a defence, what is the law, and what isn't the law and that is important.

So now we again just to further . . . In an attempt, I guess maybe not a very good attempt, but we have section (2):

It is a defence for a person charged . . . an offence pursuant to section 3 or 5 to prove, on a balance of probabilities, that the entry in or on the premises or activity there engaged was:

- (a) with the consent of an occupier of the premises;
- (b) under a right or authority conferred by the law;

(c) undertaken in the honest and reasonable belief that he or she had the consent of an occupier of the premises; or

(d) undertaken in the honest and reasonable belief that he or she had lawful justification . . .

Now the Manitoba Act also talks about that, but I think there is nothing here again. All we are talking about is on the balance of probabilities and having consent and arguing or not. So I don't know that any of us here would like to be concerned about having to walk down the sidewalk, cross a roadway, walk through driveways and be concerned that in fact that what we should have been thinking about, as opposed to thinking about what we were doing there disseminating true statements, that we should be concerned about worrying about the probabilities of actually whether we had consent to be there. That's a very new concept that's coming in here in terms of that we would only . . . that that would be main defence that we would have is the right to have consent of the occupier. And again I have read the definitions there, Mr. Deputy Speaker, of occupier and of premises to you, but I guess I could do that just so for clarity because perhaps it would serve our purposes that occupier, just so that for those that probably have had some trouble following, I would just read that:

"occupier" includes:

(i) a person who is in physical possession of premises;

(ii) a person who:

(A) has responsibility for and control over the condition of premises or of the activities . . .

(B) [and] has control of persons allowed . . .

So not only is it the occupier of the premises, Mr. Deputy Speaker, but it is the occupier as defined in the section 2(c)(iii)(B) that in fact can allow somebody else to be there so that you would have to think, do I have consent of this person?

Again so now in a further just sort of further analysis, which I know was needed for a Bill of this magnitude, as there are a number of key similarities and differences between Bill 43 and *The Petty Trespasses Act*. Not to say that we've simply pointed out some of the differences, but there are a number of things that are the same, Mr. Deputy Speaker.

So the similarities, subsection 3(1) of Bill 43 lists the circumstances in which trespass is prohibited. Again:

Trespass prohibited

3(1) Without the consent of the occupier of a premises, no person who is not acting under a right or authority conferred by law shall:

- (a) enter in or on the premises when entry is prohibited pursuant to this Act;
- (b) engage in a activity in or on the premises if that activity is prohibited by this Act;

(c) after being requested either orally or in writing by the occupier to leave the premises, fail to leave the premises as soon as is practicable;

(d) after being requested either orally or in writing by the occupier to stop engaging in an activity in or on the premises, fail to stop the activity as soon as is practicable;

(e) after leaving the premises pursuant to a request to do so made pursuant to this Act, re-enter the premises; or

(f) after discontinuing an activity pursuant to a request to do so made pursuant to this Act, resume the activity in or on the premises.

Mr. Deputy Speaker, again:

For the purposes of subsection (1) [we're talking about the onus here and that], the onus rests on the defendant to prove, on a balance of probabilities, that he or she had the consent of the occupier to enter in or on the premises or engage in the activity in or on the premises.

Again all the onus on the defendant, nothing to say that as the activity that I'm doing I could feel comfortable in, that it is in fact not an illegal activity.

[19:45]

It leaves a lot to discretion, Mr. Deputy Speaker, and I think that we would have been better served had we had more clarity on this Bill that outlined exactly where we could and where we could not walk, gather, as again, as I mentioned, that these are the types of things that are important and why we have to go through this.

Now again, and I have gotten into the definition of occupier, and I think we're finally getting what the definition of occupier is and the definition of premises. I think the one thing just to remember, the occupier can also be somebody that was named by the occupier to be in there, and I think that that is clear.

Perhaps we should clarify again the premises, section 2(e) where premises is defined, because where are we sitting, what is that, what is defined? And these are lands or structures including the following, which is water — water, Mr. Deputy Speaker. Now again I don't know again in talking about Albert Street in Regina:

- (i) water;
- (ii) ships and vessels;
- (iii) trailers and portable structures designed for use for residence, business or shelter;
- (iv) trains, railway cars, vehicles and aircraft, except while in operation.

Now we did get here into some trains, railway cars, vehicles, aircraft which talk about some of the things we see throughout

Saskatchewan but might be found in Regina, and that's clear, Mr. Deputy Speaker, of what a trespass there would be.

Now, Mr. Deputy Speaker, what however isn't clear is, what about the roadways, what about the driveways, what about the walkways? Now just to say in the Manitoba Act, just on this one, that the terms occupier and premises are not defined in *The Petty Trespasses Act* in Manitoba. And I would probably say that the reason that they're not — and I'd just venture a guess — is that the Act is clearer, the Act is clearer, the trespass Act, and people are not guessing as to when they might not be breaking the law in these instances.

Now subsection 4(1) and (2) of Bill 43 specify the circumstances under which entry in or on premises is prohibited, when the activity is prohibited. Those circumstances include those situations in which notice has been given in accordance with section 11. Now:

Prohibited entry and activities

4(1) For the purpose of clause 3(1)(a), entry in or on premises is prohibited if any person:

(a) enters in or on a premises that are the property of another person when a notice respecting the premises is given in accordance with section 11; or

(b) enters in or on enclosed lands that are property of another person.

(2) For the purposes of clause 3(1)(b), an activity is prohibited if it is an activity for which notice respecting the premises is given in accordance with section 11.

Mr. Deputy Speaker, these are important points because, I mean, obviously in terms of listing out, enters in or on premises of another person when notice respecting premises is given in accordance . . . The question of course would be, Mr. Deputy Speaker, if it's unclear when this is to occur, it causes further confusion for the parties who have to deal with these because in no way are we concerned, Mr. Deputy Speaker, with issues of illegal entry or people going on private property or entering causing damage, as we well heard of concerns — whether that be snowmobilers, whether that be people driving onto private property.

Some order, Mr. Deputy Speaker, is most certainly appreciated by all residents of Saskatchewan, and knowing full well when and where people can go. And I think that that part you'll receive no objection from this side of the House. But again when we go on and we talk about hunting and fishing on Regina Avenue, Albert Avenue — I'm sorry, Mr. Deputy Speaker — then I see that we're getting into areas that perhaps would be of some concern.

Now section 11 states that the method of giving the notice, as I talked before previously about notices being posted, so section 11 states and outlines a procedure by which notices would be given. Fair enough, Mr. Deputy Speaker:

11(1) A notice pursuant to this Act may be given:

- (a) orally or in writing;

(b) by means of a sign posted so the sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to the premises to which the notice applies; or

(c) by any other means prescribed in the regulations.

Now again here, and again this section probably is not as harmful as some of the other areas that are left wide open, Mr. Deputy Speaker, wide open in terms of interpretation or lack of clarity, lack of clarity in this. Now:

(2) Substantial compliance with clause (1)(b) or (c) is sufficient notice.

(3) A sign that is posted in accordance with clause (1)(b) is sufficient for the purpose of giving notice that an activity is prohibited if the sign . . .

Again here, very clear, Mr. Deputy Speaker, perhaps this is something that the government could have followed or the minister could have followed in looking at drafting this:

A sign that is posted in accordance with clause (1)(b) is sufficient for the purpose of giving notice that an activity is prohibited if the sign:

(a) names that activity and has an oblique line drawn through the name of the activity; or

(b) shows a graphic representation of that activity and has an oblique line drawn through that representation.

A notice given pursuant to this section may relate to all or [any] part of any premises and different notices may be given or posted in relation to different parts of any premises.

No person, other than the occupier, shall remove, alter or deface signs posted for the purposes of this section.

Now again here, Mr. Deputy Speaker, I want to draw your attention to the definition. And I know I've done it a couple times, but I think all members have now understood that definition, but I think that the clear . . . (5) here, where "No person, other than the occupier, shall remove, alter or deface signs posted for the purposes of this section" and "A notice given pursuant . . ." is the occupier. And we have the definition of occupier "shall remove, alter or deface" signposts.

Now that's very clear, Mr. Deputy Speaker. People putting up signs, when they read this section, they understand who can and who cannot. And even that fine detail, Mr. Deputy Speaker, of occupier also being somebody else who's in charge of your premises, as I read the definition, that could also be an occupier. But in this case, if you notice that was not there that somebody could be put in charge of that but, in fact, the occupier . . . So very clear in this part of the Act in terms of putting up the signs, where they go, the oblique lines that are drawn between the representations, and how those signs are to be put out.

Mr. Deputy Speaker, it always amazes me that we could have something clear, and then in other parts we leave something,

maybe we could say you could drive a Mack truck through, why that would be of concern. Yet you see the work done here and the care taken, and yet in that we leave . . . We understand that you leave certain things to regulations, but other things which can be clear, again like the Manitoba section that we have, "**Where no offence under Act**," where it says:

Any person who, on any walk, driveway, roadway, square or parking area provided outdoors at the site of or in conjunction with the premises in which any business or undertaking is operated and to which the public is normally admitted without fee or charge, communicates true statements, either orally or through printed material or through any other means, is not guilty of an offence . . .

Now that is pretty straightforward. We don't have . . . Here we have another section that's quite clear in terms of signposts — who can, who cannot take them down, what they're to work like. And you read that and you find yourself thinking, well we can see from the plain written word what that means.

Now we get into . . . And I've mentioned in terms of consent and owners, and we've talked a bit about what owners should do and what they aren't to do, and subsection 4(3) of Bill 43 states that "(3) A person found in or on enclosed land is presumed not to have the consent of the occupier to be there." And finally section 14(b) states:

Offence and penalty

Every person who contravenes any provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000.

Here again we have, as I mentioned, Manitoba is \$5,000. Now the corresponding provision of *The Petty Trespasses Act* is subsection 1(1) which create and describes the trespassing offence and in that Act it states:

Trespassing offence

1(1) Subject to subsections (2), (3), (4) and (5), any person

(a) who unlawfully enters or in any way trespasses upon lands and premises that are the property of another and are wholly enclosed; or

(b) who enters in or in any way trespasses upon lands or premises that are the property of another and are not wholly enclosed, after being requested by the owner, tenant or occupier not to do so, or . . . having entered the lands or premises or committed the trespass, refuses to leave upon being requested by the owner, tenant or occupier to do so;

is guilty of an offence, whether or not any damage has been occasioned by the entry or trespass, and [it's again] is liable . . . [to the] conviction . . . [of] \$5,000.

Now again here we have in terms of defences, "**Defences to trespass** 7(1) It is a defence for a person charged with an offence pursuant to 3 or 5 to prove, on the balance of

probabilities . . .”

Mr. Deputy Speaker, I read those in so perhaps it wouldn't be necessary to go over that, but *The Petty Trespasses Act* does not contain a provision that specifically places a burden on the defendant to prove that he or she had the consent of the occupier to enter in or on the premises or engage in activity in or on the premises. It does however list four specific circumstances in which trespassing will be said to not have occurred. Presumably the defendant bears the burden on the balance of probabilities to prove that he falls within one of those four exceptions.

So definitely, Mr. Deputy Speaker, in terms of . . . perhaps for those that didn't hear that, where *The Petty Trespass Act* does not contain a provision that specifically places the burden on the defendant to prove that he or she had consent of the occupier, it does however list four circumstances in which trespassing will be said to not have occurred and presumably the defendant bears the burden on the balance of probabilities to prove. So a little more, I would say, clarity on this issue coming from next door in Manitoba, Mr. Deputy Speaker.

Now how about the “**Request of person in actual occupation** 1(2) Where lands or premises are occupied, clause 1(b) does not apply unless the request there mentioned is made by or with the approval of the person in actual occupation of the lands or premises.” Exception again in the case of a resident:

1(3) Clause 1(b) does not apply in the case of a person who

(a) ordinarily resides on the lands or premises there described.

Where lands or premises are occupied, clause 1(b) does not apply unless the request there mentioned is made by or with the approval of the person in actual occupation of the lands . . .

Again I had read that in earlier, but it's an important, important exemption. So those exemptions, Mr. Deputy Speaker, make the Acts different. Different but in terms of clarity, by all means it would be our contention that the Manitoba *The Petty Trespasses Act* outlines that.

So just so we're clear in terms of those exemptions, exemption, for example, exemption in case of resident, exemption where honest belief, Mr. Deputy Speaker: “Subsection (1) does not apply where a person entering or trespassing upon the lands or premises there described is acting under an honest and reasonable belief that he or she has the right to do the act complained of.”

Mr. Deputy Speaker, a very important point in it would seem to be in terms of the onus, as we've talked about in ours, in our Act where the onus is totally on the individual. (4) is an interesting concept, does not apply to a person “. . . entering or trespassing upon lands or premises there described . . .” So why the clarity? Why the clarity in Manitoba? And where is our clarity?

And again, Mr. Deputy Speaker, an issue, a clause like the

exception for honest belief, a very important clause to have . . . Now again in Manitoba, there is a “**Application to religious communities**” and I went over that when I read that, but again:

In this section, the expression “**owner, tenant or occupier**”, where used with respect to lands or premises occupied by a religious organization or religious community as owner, tenant or occupier the by-laws, articles or a resolution of which authorize one or more officials of the organization or community to act on its behalf in preventing or controlling disorderly conduct, loitering, nuisances, and other disruptive behaviour on the lands and premises, means such an official or officials acting in accordance with those by-laws or articles or resolution.

[20:00]

Subsection (1)(5) appears to be the only provision that differs substantially from the defences listed in subsection (7)(2) of Bill 43.

Both Bill 43 and *The Petty Trespass Act* allow a peace officer to arrest a trespasser without warrant. Section 2 of *The Petty Trespass Act* states that:

Arrest without warrant

2 Any person found committing an offence under section 1 may be apprehended without a warrant by any peace officer, or by the owner, tenant or occupier of the lands or premises on which the offence is committed or by a person authorized by the owner, tenant or occupier, and shall be taken to the nearest justice as soon as reasonably practicable to be dealt with according to law.

Mr. Deputy Speaker, as I, no doubt, as in going through this and listing this out, I think it becoming quite evident in terms of some of the concerns that we've been expressing in terms of clarity and drafting. Perhaps a redo might be . . .

An Hon. Member: — A do-over.

Mr. Iwanchuk: — A do-over, a do-over. So as we look at this more and the more . . . Actually the more I read it, the more concerned I actually get, Mr. Deputy Speaker. So I'm not quite sure what we would need here to change the Act to make it right, to fix it. Do we have to go back and redo it? We would hope that this would not have to be another redo, but I think it again goes back to the people responsible in doing this to do the due diligence, to do the work necessary to look at these things, to look across the country perhaps to see what other people have done, and then to make application, Mr. Deputy Speaker, so that we would get it right the first time and wouldn't have to redo and go over and over and over the same ground, Mr. Deputy Speaker.

So I've talked about section 12 of Bill 43, the arrest without a warrant. Now however Bill 43 confers additional powers onto a peace officer that are not included in *The Petty Trespass Act*. Sections 5 and 6 of the Bill give the peace officer the power to assume the authority of an occupier. Now I've talked about the occupiers previously. We've had occupiers and the definition of

occupiers. We talked about the signposts, Mr. Deputy Speaker, the clarity on the signposts, the oblique signs on there. But here we have again included extra powers. And if I could just talk about those extra powers:

A peace officer may do all or any of the things mentioned in subsection (2) if:

- (a) a person enters in or on premises when entry is prohibited pursuant to this Act; or
- (b) a person is engaged in an activity in or on premises that is prohibited pursuant to this Act.

Now . . . [inaudible interjection] . . . Mr. Speaker, the member opposite is yelling, trust me, to us. And I guess that's one of the problems we're having is that — trust me. And we could just do that. So we could draft this Act, we could draft some of the other legislation that we've seen, and trust us. And then we'll take it back if it doesn't work.

You know, so what. You know, it doesn't really matter. We can preoccupy this Assembly with work that might not be necessary had we done the right thing at the right time, had we done the consultation, had we done the due diligence, had the drafting been clear so that we wouldn't have to raise these questions. It would save all of us not only the work, but then we could move on and deal with the business that the residents of this province want us to do. Instead we are caught up trying to see what the Bill means — in fact what does it mean? — because there's no clarity when it was first drafted.

So, Mr. Deputy Speaker, I've been trying to take those few minutes now to get that clarity, to get the message across the way to see if anything could be done about this Bill. And so I think it's somewhat timely that we get yelled from across the way, trust us to do that. I think it would be not the thing to do from this side, not the appropriate thing, not the proper thing to simply say, trust us.

And I would think that that's what's going to be the new call from the other side — trust us — to people of Saskatchewan. Trust us. Trust us. Trust us in terms of being transparent. Trust us. We'll talk to you about it — be that the Agreement on Internal Trade, be that labour Bills or whatever — trust us and we will get back to you. We'll get back to you. We'll get back to you if you haven't quite got it right. Just trust us.

And, Mr. Deputy Speaker, if I might just venture to say that that is a dangerous path that they've started on there by trust us. Trust us. Many good people have been down that road before, Mr. Deputy Speaker, and we see the results of that. What should be happening, Mr. Deputy Speaker, and let me tell you, what should be happening is that work on Bills like these should be done prior to being brought to the Assembly, so we wouldn't have to say trust us on this Bill. Just trust us. If it's not clear, trust us that we'll do the right thing. Trust us.

Our democracy has not been built on something like that. We've had, Mr. Speaker . . . The very essence of legislation that we bring forward here is to deal with the issues in a fair manner so that today but also people coming after us can read these Bills and feel comfort or feel confident that they understand

how they are to treat themselves in our society.

But, Mr. Speaker, this new concept of throwing out legislation and saying trust us is hardly worth . . . I'm not sure why I'm taking the time to even talk about, you know, trust us; there will be no fishing or hunting on Albert Street. I guess next thing they'll be saying to us, but just trust us, just trust us. Just trust us and that's what they say. Just do this and trust us. We'll put in the next Bill and we'll have the trust . . . maybe just do an overall Bill, the trust-us Bill. We'll have the trust-us Bill where we'll just talk about trusting us and then we'll submit legislation.

Under that trust-us subsection 1, subsection 2, Bills on trespass Acts or whatever, but the opening remarks will not be any kind of . . . what the Bill was intended. Any kind of prelude to the Bill will be the trust us, and then we'll have the Bills. So if we miss anything, you know, just go under trust us, and that'll be the new argument. They won't have to have any debate. We won't have to do the work. In fact we might not even, under that kind of thing, consult, because we can just say trust us and we'll get to you later, you know, which seems to be sort of the theme that's being established here. But, Mr. Deputy Speaker, I've probably spent too much time on the new approach of the Sask Party, and I probably should be getting back here because I'm sure that the work on the Bill that we need to do should proceed.

Now I think I was at . . . I apologize for losing my place here. But Bill 43, we talked about the conferring additional powers, and then we talked about when the peace office may exercise powers of occupier. Now I know I've probably, twice already I've read into the record the occupier on here, but I think, you know, just in terms of that because I'm always wondering when we get the kind of replies from the other side, trust us, that perhaps I wasn't clear or maybe there wasn't a clear understanding. So I'm just going to just again, so that we really do have this clear, read into the thing about . . . and I trust that they will trust us that this is in the Act. Occupier includes and this is under “**Interpretation**,” 2(c), (i) under occupier:

a person who is in physical possession of premises;

a person who:

(A) has responsibility for and control over the condition of premises or of the activities there carried on; or

(B) has control over persons allowed to enter in or on the premises; or

(iii) a person prescribed in the regulations.

Of course the regulations are not here. Not that strange, Mr. Deputy Speaker, that we don't have regulations. But regulations still somehow should be, in terms of clarifying, doing the specifics, but they should not leave gaping holes in legislation, Mr. Deputy Speaker.

So the peace officer may exercise powers of occupier, that we've gone over the powers of the occupier and again, I just bring you back to the signposts that we talked about. The clarity of that, the signposts, Mr. Deputy Speaker, I am encouraged by

the clarity there that there is a possibility that we will in fact get that kind of work eventually. I mean I'm hoping. It doesn't leave me with a lot of faith when I do hear the issues around, trust us.

But, Mr. Deputy Speaker, I guess I believe in democracy and I believe in debate. And I believe this is a serious place, and we come here to do serious business. It might not be shared by everybody, Mr. Deputy Speaker. This might not be shared by everybody as to what they think this place is or not. But for my part I'm serious about the work that is to be done here, and I wouldn't just go under the trust-us thing.

Again, Mr. Deputy Speaker, I digress:

(2) In circumstances mentioned in subsection (1), a peace officer may do all or any of the following:

- (a) request a person either orally or in writing not to enter in or on the premises; [so that is similar]
- (b) request a person either orally or in writing to leave the premises;
- (c) request, either orally or in writing, a person engaged in an activity in or on the premises to stop engaging in that activity.

All fairly straightforward, but something new in terms of giving a peace officer additional duties in here, in this Act, Mr. Deputy Speaker:

(3) No person shall fail to comply with a request of a peace officer made pursuant to this section.

Peace officer may act in imminent situations or conditions [again, Mr. Deputy Speaker:]

6(1) With respect to any premises, a peace officer may do all . . . [the things] mentioned in subsection (2) if the peace officer has reasonable grounds to believe that there is a present or imminent situation or condition that requires prompt action to prevent or limit . . .

And again, it lists out here the things that are limited, Mr. Deputy Speaker. Mr. Deputy Speaker, section 5 goes further to say that:

. . . if the peace officer has reasonable grounds to believe that there is a present or imminent situation or condition that requires prompt action to prevent or limit:

- (a) loss of life;
- (b) harm or damage to the safety, health or welfare of any person; or
- (c) damage to property or the environment.

(2) In the circumstances mentioned in subsection (1), a peace officer may do all or any of the following:

- (a) request a person either orally or in writing not to

enter in or on the premises;

(b) request a person either orally or in writing to leave the premises;

(c) request, either orally or in writing, a person engaged in an activity in or on the premises to stop engaging . . .

Now, Mr. Deputy Speaker, again here, like the signpost we were talking about and the oblique sign says to what would not be allowed, take a look at this section. I mean just read this section. And I would ask all members to read this section and say this is clear. This is clear now. This will probably be clear in the future. This will be probably clear to the generations that come, this one section. I would suggest this is one section that might not be ever amended the way this is written.

Now we wonder, we wonder, we wonder and we have to give credit where credit is due, Mr. Deputy Speaker.

An Hon. Member: — They got one section right.

Mr. Iwanchuk: — Well my fellow colleague says that they got one. The signpost section, I think we have to agree, was another good section, the signpost section. I think the signpost section was a good section. And this section, this section in terms of that, Mr. Deputy Speaker, I think I would like to just simply . . . This is such a good section I'd like to read it again. I think I'm going to put in the record again so those that follow in generations to come can, when they read this speech, they will say it was the NDP [New Democratic Party] who said that when a good job was done, they gave credit where credit was due. Never it be not said that we did not give credit where credit was due, Mr. Deputy Speaker. So I'm just going to read this section one more time because I think this has potential historically: "In the circumstances mentioned in subsection (1), a peace officer may do all or any of the following . . ."

The members opposite are riveted to this so I . . . [inaudible interjection] . . . Now some, not all members, I guess. There's some members who are chirping from the seat there. But I notice a number of members are riveted about the good work, about the good work that's been done here in this section, about the good work that's been done here in this section, and that is:

(2) In the circumstances mentioned in subsection (1), [and I'm not going to read subsection 1. I know I've done that, Mr. Deputy Speaker] a peace officer may do . . .

An Hon. Member: — The member from Cannington would like you to read it again.

Mr. Iwanchuk: — Well I'll read this first so I don't lose track, Mr. Deputy, because I've gotten knocked off my train of thought here a couple of times, so I don't want to do that. I want to finish this and then perhaps I'll go back to (1). I could do the signpost one again too because I'm not sure . . . This is good, but let's not take it away from the signpost.

[20:15]

Now (2), as I started out, Mr. Deputy Speaker:

In the circumstances mentioned in subsection (1), a peace officer may do all or any of the following:

(a) request a person either orally or in writing not to enter in or on the premises;

(b) request a person either orally or in writing to leave the premises;

Now how about that, Mr. Deputy Speaker? You can request a person orally, in writing to enter the premises and (b), followed right next after (a), is to request a person either orally or in writing to leave the premises. So that's covered off. You're coming and you're going. You're coming and you're going. You've got it orally and in writing and you've got him in coming and going. No reason to say, trust us, on this one. Clear.

(c) request, either orally or in writing, a person engaged in an activity in or on the premises to stop engaging in that activity.

Now I like that. Request either orally or in writing a person engaged in an activity in or on the premises — a good thing in this. I shouldn't say good, but at least it's clear, Mr. Deputy Speaker. And we don't have, as I mentioned earlier, what looks like perhaps a Mack truck driving through because we don't talk about what, for example, they talk about in Manitoba.

They talk in Manitoba and they cover off hunting and fishing on Albert Street. They cover it off. They don't say Albert Street in necessarily, Mr. Deputy Speaker — I'm just writing that in — but “**Where no offence under [the] Act**” in the Alberta Act, says:

Any person who, on any walk, driveway, roadway, square, or parking area provided outdoors at the site of or in conjunction with the premises in which any business or undertaking is operated and to which the public is normally admitted without fee or charge, communicates true statements [Mr. Deputy Speaker, true statements], either orally or through printed material or through any other means, is not guilty of an offence under this Act whether the walk, driveway, roadway, square or parking area is owned by the operator of that business or undertaking or by any other person or is publically owned, but nothing in this section relieves the person from liability for damages he causes to the owner or the occupier of the property.

Now that's clear. The signpost is clear. The signpost clause is clear and the peace officer coming and going in writing, orally, and then engaging and not engaging in activity is clear.

And then finally: “(3) No person shall fail to comply with a request of a peace officer made pursuant to this section.”

That's good too — good ending, strong ending on that clause.

Now the remaining provisions in both Bill 43 and *The Petty Trespasses Act* are unique to each piece of legislation. First the enclosed land is given a specific definition in Bill 43 and that is in subsection 2(a), “**enclosed land**.” This one we haven't dealt with, Mr. Deputy Speaker, so I'll probably just read that in for

the record. and it's under “**Interpretation**.” We have dealt with under 2, interpretation of the occupier and the premises definitions. I'd like to read in what the enclosed land means.

So interpretation of this is:

2 In this Act:

(a) “**enclosed land**” means . . . that:

(i) is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary;

(ii) is enclosed in a manner that indicates the occupier's intention to keep persons off the occupier's premises or animals on the occupier's premises; or

(iii) is prescribed in the regulations;

Now even this one with the regulations, Mr. Deputy Speaker, is not something that would cause a lot of concern. I think enclosed land, we can look at that and get a sense of what the intentions were here. I don't think that that would be one area that we would be afraid to say that that was drafted and that we have some understanding of that.

But now we go to subsection 1(a) of Bill 43 and specify circumstances in which entry is prohibited — prohibition of entry, if I could put that also in the . . . [inaudible interjection] . . . The member is asking if I could start again. The Minister of Justice is asking if I could start again. Now I don't know which part he would like me to start on again. But I'm willing to . . . The member has asked that, and if this is leading to perhaps an amendment, Mr. Deputy Speaker, or perhaps a discussion of a redo, I am tempted to oblige the member and do this. But I'm really concerned about . . . What time is it? Oh we have time.

So I'm concerned as to where he meant I should start again. I'm not certain if it would be appropriate to ask him the question exactly what start again means in that. I mean, does it mean do over? Is he planning an amendment? What are we here?

But I do want to oblige the member. I don't want to leave interaction . . . I mean interaction is good. I think we're here to interact with each other for clarification, for content, debate. I think this is what this place is. And I'm glad to see that the Minister of Justice is engaged. It's good to see him here. I'm sure his constituents would say . . . [inaudible interjection] . . . Good, good. We're getting some real debate.

I can see the people at home perhaps calling in the neighbours to watch. Perhaps the Bruins and Philadelphia game is over and you know, I mean people were sitting there and just happened to be surfing the channels and came on the legislative channel. Perhaps there's somebody watching that's never watched before, Mr. Deputy Speaker. I mean, this is a telling moment, probably, in the legislature here, that in terms of interaction among members, and perhaps we can get this Bill done tonight in terms of amendments or proposals. Who knows, Mr. Deputy Speaker — democracy in action.

But in terms of that, I believe I was going to 8(1). And I would like to oblige the member, and I will consider that request. I do

have legislation still to go through, and perhaps we can do it in that fashion.

But prohibition of entry is:

8(1) Entry in or on premises may be prohibited by a notice given in accordance with section 11.

(2) Entry in or on any enclosed land is prohibited whether or not any notice is given pursuant to section 11 with respect to that enclosed land.

(3) For the purposes of this Act, there is a presumption that access for lawful purposes is not prohibited to the door of a building on premises by means apparently provided and used for the purpose of access.

Now, Mr. Deputy Speaker, again here I'm not sure if you read this in conjunction with the posts, signposts, but again an eye-opener, I guess, in terms of prohibitions in terms of where notices perhaps are not posted. So again:

8(1) Entry in or on premises may be prohibited by a notice given in accordance with section 11.

(2) Entry in or on any enclosed land is prohibited whether or not any notice is given . . .

And again, directly, our section 11 here . . . And I can't help, I guess, by thinking that section 11, Mr. Deputy Speaker, section 11 is . . . I know the members are probably . . . Maybe some members don't have the Bill before them, but section 11 is the signpost section, Mr. Deputy Speaker.

So 8(1), in terms where 8(1) talks about:

8(1) Entry in or on premises may be prohibited by notice given in accordance with section 11.

(2) Entry in or on any enclosed land is prohibited whether or not any notice is given pursuant to section 11 . . .

So I think perhaps I can't accommodate the Justice minister completely by starting over again, but what we could do is redo — redo may be a positive — on the method of giving notice, the section 11, the signpost section so . . . because in reference: "Entry . . . on premises may be prohibited by notice given in accordance with section 11." And that's 8(1). So perhaps before going down further into section 8, I would maybe redo section 11 again. And then we'd get the entire picture, a clear picture of what I am talking about.

So:

Method of giving notice

11(1) A notice pursuant to this Act may be given:

(a) orally or in writing; [and this is, Mr. Deputy Speaker, of going onto land or premises]

(b) by means of signs posted so that a sign is clearly visible in daylight under normal conditions from the

approach to each ordinary point of access to the premises to which the notice applies.

So the signs, it very clearly says where the sign should be posted: "... is clearly visible in daylight under normal conditions [Mr. Deputy] from the approach to each ordinary point of access to the premises to which the notice applies."

So you can kind of visualize that in terms of how these postings would be done so that any of us walking by would know and see these. There's some good thought put into this so that any member or any resident of Saskatchewan would know when they shouldn't go here.

And then "(c) by any . . . means prescribed in the regulations." And again, this is also one place where regulations, where we oftentimes say, no regulations, we don't understand what this means. But I think this is probably an appropriate place, as I mentioned previously in terms of the definition section. And Mr. Deputy Speaker, you probably remember that section where we talked about the regulations. And that's where I started out on, and not at the beginning again, but in terms of it being enclosed land and when we talked about regulations there. And I said that, again, there the regulations were probably an appropriate use of regulations.

And again just the comparison, I guess, in terms of drafting, our point that we're trying to make:

"enclosed land" means . . . that:

(i) is surrounded by a fence, natural boundary or a combination of fence and a natural boundary;

(ii) is enclosed in a manner that indicates the occupier's intention to keep persons off the occupier's premises or animals on the occupier's premises; or

(iii) is prescribed in the regulations.

We read that and we read section 11 in conjunction with 8, which I will get back to on section 8 yet, but method of giving notice pursuant to this Act may be given:

(a) orally or in writing;

(b) by means of signs posted so that a sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to the premises . . . ; or

(c) by any other means prescribed in the regulations.

Mr. Deputy Speaker, those regulations, and I digress a bit in terms of talking about regulations and the use of regulations, but I think that to get back to the provision of entry, entry in or on premises may be prohibited by notice given in accordance with section 11:

8(2) Entry in or on any enclosed land is prohibited whether or not any notice is given pursuant to section 11 respect to that enclosed land [and].

(3) For the purposes of this Act, there is a presumption that access for lawful purposes is not prohibited to the door of a building on premises by means apparently provided and used for the purpose of access.

An Hon. Member: — I knew it. That's the first time I ever saw a windmill run on water.

Mr. Iwanchuk: — Mr. Deputy Speaker, only in southwestern Saskatchewan, but it's very creative. I thank that member for giving me, for giving me that initial boost then for seeing that. I can appreciate that and thank the member for the remark there. Hopefully that Hansard will have picked it up and put that in.

An Hon. Member: — It's right up there with trust me.

Mr. Iwanchuk: — As my colleague says, it's right up there with trust me, but I would take it in the sense that it was used, Mr. Deputy Speaker, and look at it as a comment. So I thank the member from across the way, from Cypress Hills, for that comment.

Mr. Deputy Speaker, the issues that we have been dealing with here, 8(1), I would now like to turn to section 9 of Bill 43 which specifies circumstances in which limited permission of one or more activities may be granted and how all other activities are deemed to be prohibited — a very interesting section which would define just from the beginning that in some ways we are now to deal with prohibited and which sections would be limited, and which sections a person would allow certain activities.

[20:30]

So under section 9:

Limited permission

9(1) If notice is given that one or more particular activities are permitted, all other activities and entry for the purpose of engaging in those other activities are deemed to be prohibited.

Mr. Deputy Speaker, an interesting kind of phrase. Just to perhaps do this again:

If notice is given that one or more particular activities are permitted, all other activities and entry for the purpose of engaging in those other activities are deemed to be prohibited.

So, Mr. Deputy Speaker, again probably very clear in terms of where that is. Unfortunately what is not clear is what happens with hunting and fishing on Albert Street in Regina. Mr. Deputy Speaker, the unfortunate part about that is that we then . . . it causes us to look that much more careful because . . . and particularly when we hear, just trust us, we start wondering what it is that we are to be trusted.

But overall I think the Bill has some positive aspects to it, Mr. Deputy Speaker. Positive aspects in terms of as we have seen the location of signs, what the in and outs of what a peace officer can do whether it be in writing or orally, and now the limited permission 9(1).

There is a 9(2) that allows us to look at if one particular activity is permitted that would be the only activity that would be there. In fact this is so clear that it requires no regulations to even to deal with this clause, Mr. Deputy Speaker. So, and I know everyone is waiting for 9(2), and 9(2) reads:

(2) Any notice given in addition to that mentioned in subsection (1) that entry is prohibited or a particular activity is prohibited in or on the premises is to be construed as for greater certainty only.

So:

Any notice given in addition to that mentioned . . . is prohibited or a particular activity is prohibited in or on the premises is to be construed as for greater certainty only.

So one activity only, any others are just to provide greater certainty. So a clause like that does also give me pause to consider that the certainty involved here is greatly appreciated.

After 9, we have 10 which specifies circumstances in which limited prohibition of one or more activities may be granted and how other activities are deemed to be permitted:

Limited prohibition

10 If entry in or on premises is . . . prohibited pursuant to section 3 or by notice that one or more particular activities are permitted pursuant to section 9, and notice is given that a particular activity is prohibited:

(a) that activity and entry in or on the premises for the purpose of engaging in that activity are prohibited; and

(b) all other activities and entry in or on the premises for the purpose of engaging in those activities are not prohibited.

So that is section 10. Section 10. The exception in terms of the . . . involved in, and again the Manitoba Act is nowhere near, I guess, nowhere near the amount of clauses that are in this Act. But again here, exception in terms of some of the things that might look clear, and we have a lot of clauses under our Act.

But as I read some of these that . . . And they are clear, Mr. Deputy Speaker. It makes me want to go and look at the Manitoba Act again where there is clarity and we can see where, for example, as I mentioned before, in terms of a request of a person in actual occupation, which is similar to some of the discussions that we have in ongoing sections under the trespass Act.

But if you look at the way Manitoba structured their Act, "**Request of person in actual occupation**," it's simple: "Where lands or premises are occupied . . ." This is in *The Petty Trespasses Act*, section 1(2):

Where lands or premises are occupied, clause (1)(b) does not apply unless the request there mentioned is made by or with the approval of the person in actual occupation of the lands or premises.

I'm at a bit of a loss. I mean I think it clarifies that, and so we kind of get the feeling that in fact under some of these sections, maybe the reason they're clear is they're like regulations and they've gone even past and ended up being regulations, that we're writing some regulations in here. We're saying that we should do regulations in other parts. In other parts we're leaving out of the Act roadways; we're leaving out a part like Manitoba talks about.

And you know it might well be worthwhile reading that section again, "**Where no offence under Act**" because they're just simply not in existence under the trespass Act, and Manitoba's so clear in there where it says:

Any person who, on any walk, driveway, roadway, square or parking area provided outdoors at the site of or in conjunction with the premises in which any business or undertaking is operated and to which the public is normally admitted without fee or charge, communicates true statements, either orally or through printed material or through any other means, is not guilty of an offence under this Act whether the walk, driveway, roadway, square or parking area is owned by the operator of that business or undertaking . . .

So it's interesting that we would have clarity like that. Again even in the . . . In terms of the "**Exception in case of resident**," I read about the part where exception, a person in actual occupation:

Exception in case of resident

Clause 1(b) does not apply in a case of a person who

(a) ordinarily resides on the lands or premises there described; or

(b) if not ordinarily residing on the lands or premises there described, is at the material time residing thereon with the express or implied consent of the owner, tenant or occupier of the lands or premises.

Mr. Deputy Speaker, it's becoming abundantly clear, abundantly clear to me that perhaps, perhaps we might have a redo on our hands here, in terms just of the whole . . . even the construction, even the construction. Because we are, in our Act we are being specific in some cases. You take for example the signpost, the placing of the signpost so that everyone who walks by knows immediately — knows immediately without question — this is a trespass and, you know, I can't go there. And it's legally posted; it talks about in detail how it's to be posted.

And then we have other sections . . . well we don't know what's going to happen on Albert Street. We don't know what's going to happen on Albert Street. And then we hear from the other side, is there hunting or is there fishing? And then we hear, trust us. Trust us, from the other side. Trust us in this. And we've seen what has happened with the trust us, and we've had to redo Bills. We've had to deal with that. And where has it gotten us, Mr. Deputy Speaker? Where has it really gotten us?

Mr. Deputy Speaker, the Act is confusing. I'm simply reading about the Act, and I hear that people, the members opposite are

saying that there's a lack of understanding. I think it's reflective of what I'm reading. And perhaps the member has actually hit upon something that in fact the Act is unclear and we're not sure what is being said, as opposed to the messenger in this case — which is me, Mr. Deputy Speaker — in fact reading and trying to look at and do the work, the work that's necessary before this Bill . . . before we can move it on or before, in fact, we can look at how we should vote.

So when we get this sort of thing before us, I think it is clear that it does lead one to say, do you know what you're talking about? Because simply reading this at times, it was sort of my reaction: I wonder if they know what they're talking about here.

So we not only have the just trust us, but I wonder what really the intention of this Act is. The intention, the unintended consequences, we've talked about those issues of the unintended consequences here. Many people have mentioned that. And I think that's the work we have to do. Unfortunately it is the work we have to do because it's unclear, and we come to the same conclusion about this: I wonder what they're talking about. Or do they know what they're talking about? And so it's unfortunate to have to come to that, to say, I wonder what they're talking about. And we say, you know, I wonder what this Bill is about. And that shouldn't happen, Mr. Deputy Speaker.

The discourse here should be more about challenging ideas, challenging debate, talking about as whether or not the Justice minister talked about starting over again or . . . And I hear still chirping from the seats about what are we talking about. Perhaps they've just joined us and, as the Justice minister said, we have to start over again.

Now I have more Acts to deal with. We have just started in Manitoba, but you know, Alberta has one, British Columbia has one, and Ontario. And, Mr. Deputy Speaker, I know I can't . . . I don't really want to rush through that. I think we need to do a thorough job because as outlined here in, well, section 11. We've talked about section 11, the placing of the signs. We've done that. We've looked at that and we've compared about that. And we'd like to . . .

The Deputy Speaker: — Order. Order. Order. I recognize the member from Saskatoon Fairview.

Mr. Iwanchuk: — Thank you, Mr. Deputy Speaker. Thank you very much. As we go across this great country of Canada, and we look at what we have or we don't have . . . And the member opposite talked about the essential services legislation and what that means, what that means in terms of here, and have we looked across the country.

And the Minister of Labour says, well did you check across the country? Or what about essential services legislation? I think that, much like . . . And here's one minister that probably shouldn't be saying anything because I think he's probably had more redos connected to his tenure than anybody over there, so I think he's kind of setting the trend. Thank goodness. Perhaps he does have some more Bills because with some of the other folks over there are catching up to his redos, changes, and that. So he probably doesn't want to lose that title of Mr. Redo from over there, or lead singer for the redos, or you know, the

do-overs — top dog for the do-overs, over in Sask Party land over there.

Now in terms of essential services legislation, perhaps if they had looked across the country, we also wouldn't be in the mess we are with essential services legislation, since they brought it up in its drafting, because it's a mess. It's costing our health regions money to do this. They've had to spend enormous amounts of money and time on that, and there are people that are saying that in fact this is maybe contrary to their charter, you know.

Mr. Deputy Speaker, if that was to do that . . . And I guess the question, the question I ask about that, on the essential services, since it's been raised, and I think it relates to the drafting here of this, and looking across the country . . . I'll get to that point, but I just make this point, that the animosity that that has caused — nowhere near, I must say, the animosity . . .

The Deputy Speaker: — I'll ask the member to stay to the Bill on hand.

Mr. Iwanchuk: — Mr. Deputy Speaker, the animosity caused by the trespass Act and the potential of the animosity and in terms of the drafting in terms of the essential services, where we have Bills that are passed . . . And what did I talk about initially? What did I talk about initially, Mr. Deputy Speaker? The consultation and transparency.

And where is that, whether that be here or in the essential services? It was the same thing with the Agreement on Internal Trade. They went and signed a document, and then we don't have a document or we don't know, we don't know where the document is. Essential services, we're not going to do it. We're, you know . . . and here it is.

And in each of the three cases, Mr. Deputy Speaker, in each of the three cases, we were going to consult later. We were going to consult later. Well we'll do this and then we'll do the redo later; that's what we'll do.

But anyways, Mr. Deputy Speaker, now if we had more of the consistency around the signposts in there, we would not have to look at what people in Ontario are doing, what people in . . . to try and simply duplicate, because the duplication that they are doing on that side, whether that's essential services or this, is they're widely missing the point of what is going on. First there has to be some grasp of what is happening. So I would hope that the trespass Act is not going to cause us the animosity and the grief and the cost.

And I think what we're doing here . . . And I again thank the Justice minister for wanting to become involved and trying to pay attention so that he could amend it. He could, perhaps he would amend it, perhaps redo the Act if we deem it to be in that much difficulty, without creating the animosity or cost that some of his fellow colleagues have caused in this Assembly and to the people of this province.

[20:45]

So we would hope that to bring it back to that. I know there are some members who are wanting to enter the debate, but I too

believe we should stick with the matter at hand and deal with the trespass Act because we do not want to colour this Act with some of the other things that we have seen here and create the problems that are still to come, Mr. Deputy Speaker.

So in this, I finished the limited prohibition and Section 13 of Bill 43 provides a provision that gives direction how to deal with contravention of the Act committed by means of a motor vehicle, Mr. Deputy Speaker.

Motor vehicles, cars which are a lot in discussion now with the Obama presidency in the United States, and we hear every day in terms of the big auto makers and how we're to deal with that. We hear how the Europeans are dealing with that, Mr. Deputy Speaker. The Europeans have an interesting . . . I believe the Germans have an interesting concept on that in terms of giving the money directly to the people so they can go and purchase that. Here we are taking the other approach of giving money to the big car companies. I'm not certain which necessarily is better. But we talk about motor vehicles here not in terms of that.

But I just say that in terms of the type of motor vehicle, maybe this would be one section that we'll be amending if in fact the electric car takes over. We might be amending this section to not only talk about motor vehicles, but in fact who knows what holds for the future. But as I mentioned previously there were . . . that this, again, this might be one section that in the future might need amendments. I only mention that for that case.

So in section 13 of Bill 43:

Motor vehicles

13 If a contravention of this Act is committed by means of a motor vehicle:

(a) the driver of the motor vehicle is liable to the fine provided pursuant to this Act; and

(b) if the driver is not the owner of the motor vehicle, the owner is liable to the fine provided pursuant to this Act . . .

(i) the driver is convicted of the offence; or

(ii) at the time the contravention was committed, the motor vehicle was in the possession of a person other than the owner without the owner's consent.

So again, when I read this particular section, Mr. Deputy Speaker, this section also is clear other than perhaps some amendments that we might require in the future.

Section 15 of the Bill states the Act does not apply to Crown land. Crown land.

And this is an interesting section, Mr. Deputy Speaker, maybe some would say at the heart of what this Bill is about. Because here was the opportunity for the minister to exempt, now the minister could have exempted any number of things in the Act here, but it was limited. Now I'm not willing to wholly dismiss

this because of that, but it does make one wonder what the thinking was here. And I again, I won't read the driveway thing in Manitoba, but it does make one wonder when you talk about where the Act will not apply, again here, there is at the end of this section, there is:

(d) any other Crown land or any category of other Crown land that is prescribed in the regulations.

This one might be one of those areas, Mr. Deputy Speaker, that we might look at the regulations as being too wide. Again we have the signposts, we have some of the other things that we've gone over, where the placement of signposts limited the prohibition, the peace officer . . . I know that that clause, the peace officer orally or in writing advising people when they can enter and when they cannot. But here in this:

Crown Land

15 This Act does not apply to the following:

- (a) vacant Crown agricultural land;
- (b) Crown resource land;
- (c) park land as defined in *The Parks Act*;
- (d) any other Crown land or any category of other Crown land that is prescribed in regulations.

Now I think this is where . . . And now my question I guess, what is concerning me is all rural and urban municipalities are Crown land under lease. And if this is true, where does that put us? Where does that put the residents of Saskatchewan who might stop in a driveway or a roadway? I'm uncertain if you are in a rural or urban municipality, does this capture the rest of us.

Now I know there's regulations and I know how clear the minister was on the signposts. I know how clear he was on the posting of the signposts. And I commended the minister on that and the oblique line running through the posting, so that it is clear to any person walking by that where they stand. But yet in something that is so crucial here in this Act — and talk about the Mack truck driving through it — why would we not define places where people can congregate? Again, freedom of expression or freedom of assembly, why would we not deal with that?

My question, and perhaps we're reading something into this that is not there, but I surely when I read this it's a question. Maybe the Justice minister or someone could enlighten me on this issue because leaving it simply to regulations, the obvious question is, is what about rural and urban municipalities? Very easily he dealt with, you know, not a problem — Manitoba, you know, and different places have dealt with that.

But in ours, something where we were so clear on posting of signs, posting . . . peace officers saying again, Mr. Deputy Speaker, who an occupier is. The section on the occupiers is . . . just 5(1) again, if we would've had that clarity like, for example, 5(1) is:

5(1) A peace officer may do all or any of the things mentioned in subsection (2) if:

- (a) a person enters in or on premises when entry is prohibited pursuant to this Act; or
- (b) a person is engaged in an activity in or on premises that is prohibited . . .

And then:

(2) In the circumstances mentioned in subsection (1), a peace officer may do all or any of the following:

- (a) request a person either orally or in writing not to enter in or on the premises;
- (b) request a person either orally or in writing to leave the premises;
- (c) request, either orally or in writing, a person engaged in an activity . . .

I guess I'm not sure what that peace officer would do for people standing in a roadway or driveway, disseminating truthful literature. Like I guess in Manitoba, and probably again if you just . . . And I know members who had . . . probably likely to do the Manitoba, "**Where no offence under the Act.**" I mean in this case a peace officer in Manitoba I think would be very clear.

Any person who, on any walk, driveway, roadway, square or parking area provided outdoors at the site of or in conjunction with the premises in which any business or undertaking is operated and to which the public is normally admitted without fee or charge, communicates true statements, either orally or through printed material or through any other means, is not guilty of an offence . . .

Now I think the peace officer coming on that . . . I'll tell you, the peace officer coming on that or the signpost in this legislation or where they're placed knows immediately, knows immediately, Mr. Deputy Speaker, where he or she stands. They know immediately where he or she stands because the legislation is clear. The legislation is clear in those instances, Mr. Deputy Speaker, but I would say that a peace officer coming upon, as 15 is written, what about rural and urban municipalities and Crown land under lease? What is the answer to that question, Mr. Deputy Speaker?

So, Mr. Deputy Speaker, while we have on one hand a clarity, in another, which is a very substantive issue to this Act, is in fact unclear or at the very best leaves everything to regulations — which leaves all of us, which leaves all of us here as we sit here tonight thinking that thought. What happens, what happens under section 15? Are rural and urban municipalities covered? Are they not covered? We can almost know that that peace officer is not going to understand. And perhaps they would be aware of that but I can almost think that you're putting that person in a place of not knowing, of not knowing and not understanding what it is that they are to do.

Yet in some of the other Acts — again I have read the Manitoba

When peace officer may exercise powers of occupier

Act to hopefully clarify this issue — it is very clear to people, to any sensible person, that if you're in a walkway and you're disseminating truthful information, a peace officer is not going to, either in writing or orally, tell you to move on, providing there's no posting and the posting's done in a legal manner. I mean, why can we not have the signpost kind of clarity here? Why can we not have the peace officer when it directs the duties . . . And in fact the occupier, I mean that whole section where it talks about when and when not the peace officer can be deemed to be an occupier, deemed to be an occupier, Mr. Deputy Speaker, and that is clear in terms of the peace officer.

And yet we come to the heart, the very heart of this Bill and what do we find? We find trust you, trust us. Trust us. And you wonder, Mr. Deputy Speaker, why that party over there is in fact losing the trust of Saskatchewan people when their answer is trust us.

It's not something we can take back to my constituents and say on this issue when we sit down next time and discuss it over a coffee and we're talking about the signposts and we're talking about the clarity of the peace officer, that when it comes to this particularly important issue that I would have to turn to my constituents around the coffee table and say to them what they said — to trust us on this issue.

And I'm sure they would say how can that be? How can that be that they can be clear in the drafting here and not then be clear in the issue of Crown lands and have to say trust us? They would be somewhat confused, and so I'm not sure what I could say to them. What would I say, Mr. Deputy Speaker, in terms of trying to convey to them, trying to convey to them that we spent hours on this Bill working and asking the questions and going over it in a manner that's required and yet at the end of the day we would not have these very substantive questions answered on this Bill. So I suppose it's with reluctance that I move on from the Crown lands. But the understanding is crucial, Mr. Deputy Speaker, to this Bill moving forward as we can see.

Now in section 16 of the Bill, we have the application of this Act, and section 16 of Bill 43 states the Act is in addition to and not a derogation of other Acts. And this is important, Mr. Deputy Speaker. I think this is an important section that talks about the provisions here.

The provisions of this Act are in addition to, and not in derogation of, the provisions of any other Act, regulations made pursuant to any other Act or a municipal bylaw that deal with entry in or on premises for the purposes of engaging in an activity and, if there is any conflict between the provisions of this Act and the regulations and any other Act, the regulations made pursuant to any other Act or the municipal bylaw, the provisions of the other Act, the regulations made pursuant . . . or the municipal bylaw prevail.

[21:00]

Now, Mr. Deputy Speaker, this is an interesting, an interesting section. The section deals with . . . as if municipalities and other legal entities have the right to make regulations, the other regulations, that municipal bylaws will prevail. Mr. Deputy Speaker, I'm not certain what the intent was here, and I guess I

would go back to 15. So if a municipality does not have a bylaw, then again we're left with the vagaries of regulations. And, Mr. Deputy Speaker, in terms of clarity, that's simply . . . well I would say it's more than unfair. It's perhaps even dangerous that we would do that.

Now what would that mean that any municipality, municipal bylaw, would prevail? Would we then have conflicts, Mr. Deputy Speaker, of which bylaw? In drafting, what does that cause municipalities? Would they be checking whether or not that they would have to read the trespass Act and then themselves draft bylaws if they felt it wasn't working?

I would think that in the straightforward manner we should be dealing with issues to make this understandable, to make it workable so that then we're not forcing municipalities to re-write the Act to make it make sense and to make it workable for the people of Saskatchewan. I think we should do it right the first time, Mr. Deputy Speaker. Do it right and we wouldn't have to now say, not only will we deal with it in regulations, but we'll impose upon the municipalities. We'll impose upon the municipalities issues of having to draft bylaws.

Like, Mr. Deputy Speaker, where does that leave us? Where does that leave us if the municipalities are not in favour of some of the sections? Are they going to be passing bylaws so that they can put their houses in order because this does not deal with that? An interesting scenario.

Mr. Deputy Speaker, the exemptions from the Act are straightforward and again another section that is clear, the Act not applying to:

- (a) peace officers, firefighters, ambulance attendants, paramedics, first responders or other emergency personnel while acting in the course of their duties;
- (b) persons authorized by an Act or law to enter in or on premises to install, inspect, replace, remove or read meters or service connections that are part of a public utility while acting in the course of their duties;
- (c) inspectors appointed pursuant to *The Electrical Inspection Act, 1993* or *The Gas Inspection Act, 1993* while acting in the course of their duties;
- (d) individuals engaged in lawful hunting, fishing and trapping activities; or
- (e) any other person or class of persons prescribed in the regulations.

Mr. Deputy Speaker:

Act not to affect any case involving title to land

Nothing in this Act authorizes any justice to hear and determine any case of lawful entry or trespass in which the title to land, or any interest therein or accruing thereupon, is called in question or affected in any manner howsoever, but every such case of unlawful entry or trespass shall be dealt with according to the law in the same manner in all respects as if this Act had not been

passed.

And now lastly section 4 of *The Petty Trespasses Act*, by going back to Manitoba, indicates no offence will occur when person communicates true statements, or property owned, and a person, publicly owned . . . are no offence under the Act. Those again that I've put into the record, read into the record, Mr. Deputy Speaker, are again important.

So, Mr. Deputy Speaker, in review, in review of the statements that I have had the opportunity to make tonight, what are we to make of this Bill? We've tried to impress, to impress upon the opposition, to impress upon the members opposite, to impress upon them the due diligence, the transparency, the consultation that is required to make an Act. What comes first? Where was the need?

And again as I ended off, there will be bylaws, municipal bylaws that supersede this Act, Mr. Deputy Speaker. They supersede this Act and that those will prevail over this Act. So what have we done here when we look at this and attempt a review of what have we done . . . We have put forward an Act.

There was no comment as to where or why we needed this. There was nothing on consultations which is really quite indicative of the way the approach of the government has been — no consultation, no listening. And listening is very much a requirement. And I think what's becoming evident, and I think they do it at their peril, Mr. Deputy Speaker, when they determine that listening has now dropped off the radar screen, that we . . . at their peril, Mr. Deputy Speaker, not to listen to the people of Saskatchewan, not to say why do we have . . . what is the need here? What is the need that's being expressed? What do we cover off? And what do we cover off when a municipal bylaw can supersede the Act?

So how does that work? How does that work in terms of putting forward an Act where it's unclear who wanted this, what purpose it is to serve. Where are the consultations? Where are the backgrounders here to say that this is the work that was done to put this forward? And I think it's reflected in some sections of the Act when we look at that and we say, okay, what have we got here. And I think that's indicative of the groundwork that perhaps should have been done, but that's reflected here.

As some members have said, they weren't sure what I was saying. And in fact what I was doing is just simply reading from the Act. So reading from the Act, they couldn't understand it. And I think that they should take that as a little bit of a, well let's just say, a signpost that they should say that, you know, this is something we should be aware of, that we should take care. Let's not, let's not start not listening. But unfortunately, this is what we have.

We have at the end of the day, Crown lands — unclear as to what is the definition or in fact whether this applies to Crown lands, rural, urban municipalities. We're not clear as to . . . unlike perhaps the peace officers where it is clear, Mr. Deputy Speaker. It is absolutely clear what the peace officer can do.

And as I said, it is to be commended the issue of posting of the trespass signs. The issue of where they're . . . not only the way

they're posted, but how they're posted. A peace officer coming upon that, as I said, would know exactly what he was to do. But yet coming upon people handing out literature in a driveway, I'm not certain that that peace officer would know or be directed what to do.

So in terms of regulations — the use of regulations, clarity at times, regulations at other times — I think a lot more work needs to be done here on this Bill. I know that I think we've dealt with each clause in this Bill.

And I'm sure that I would hope that the members opposite would not say trust us. I think it doesn't serve this Assembly well when the members across say trust us. I think do your work, do the due diligence, talk to people. Do the due diligence, talk to that, have some respect for the Assembly, have some respect for the Assembly, and we can all then have the debate. And I think there was some indication earlier tonight from the Justice minister that he was thinking about this. He's thinking about this. And I'm sure his constituents, as well as mine in the city of Saskatoon, would want some clarity on this.

So with that, Mr. Deputy Speaker, I know there's more I could say on this Bill. And I think more work needs to be done, but with that I would like to adjourn debate on this Bill.

The Deputy Speaker: — The member from Saskatoon Fairview has moved to adjourn debate on Bill No. 43, *The Trespass to Property Act*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Deputy Speaker: — Carried.

Bill No. 9

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Gantefer that **Bill No. 9 — *The Superannuation (Supplementary Provisions) Amendment Act, 2008*** be now read a second time.]

The Deputy Speaker: — I recognize the member from Regina Elphinstone-Centre.

Mr. McCall: — Thank you very much, Mr. Speaker. It's a bit daunting coming up at this stage of the evening of course because the member from Fairview did a fine job with that last Bill — not just in intellect, but in stamina, Mr. Speaker. I'll try to live up to that standard. I'll try to do what I can, but we'll take it from here, Mr. Speaker.

Bill 9, *An Act to amend the Superannuation (Supplementary Provisions) Act*, this one's interesting because we, on this side, we've taken to calling it the double-dipping Bill. This one itself has been double dipped, Mr. Speaker. It had been mysteriously pulled from the legislative agenda after its first debut in the Assembly. It's even betting whether or not it had been scared off the agenda by the rhetorical power of the member from Regina Dewdney, but it's come back, Mr. Speaker.

And it's sad to say there a few things that are good about this Bill, Mr. Speaker, but that same old double-dipping stench is

still on it, Mr. Speaker.

I guess a few things that we can agree with off the top, they are tightening up some of the provisions to ensure that annual reports do not disclose personal information such as the names of individuals who have retired or died during the period covered, the amounts of superannuation or other allowances or benefits granted in individual cases, or any other personal information respecting those individuals. We think that's fair enough, Mr. Speaker, and we're glad to see that's coming forward. I think we can also agree on the fact that the proposed minor amendments regarding the calculation of pension benefits for a spouse . . . we think that holds some water as well, Mr. Speaker.

But the thing that we find kind of staggering on this side of the House, Mr. Speaker, a number of years ago there has been a practice from time to time where individuals who have retired from the public service — serving in so some cases 30-plus years, 35 years — that those individuals would be brought back on contract. And previously under section 27, which will be repealed under this legislation, those individuals had been limited in the way that they could engage in the public service. I think this problem, as I understand it, was raised by the Provincial Auditor in terms of something that he wanted to see tightened up in terms of the legislation.

So instead of tightening up the loopholes, closing the loopholes, what does this government do? What does this Sask Party government do? They legalize the whole practice of double-dipping. It's sort of like you've got a hole in the wall, Mr. Speaker, and to fix it you tear down the wall. It doesn't make a lot of sense from where we sit, Mr. Speaker. So they've introduced measures that will allow double-dipping to be entrenched into the warp and woof of how the public service does their business.

We'd be very interested to know, Mr. Speaker, how many, you know, what are the projections around this, what they think this will cost the treasury, what impact this will have on the public service as a whole, what it will do in terms of stacking up the top end of the public service and doing nothing for the recruitment side in terms of bringing new and young people into the public service.

And I guess, you know, those are just some of the practical questions in terms of how this affects the public service as a whole but, you know, it goes back to the fact that you've got . . . if you're going to legalize and embrace and run as far and as fast as you can go with the whole practice of double-dipping, Mr. Speaker, you've got people who have, you know, earned a pension, and rightly so, and then to be making that pension, and then being paid again the salary for it, I mean it's, again it's akin to having a hole in the wall and, instead of plugging the hole, tearing down the entire wall.

[21:15]

So we think that this is not a good step for the people of Saskatchewan. We think this takes the public service in a bad direction. And, Mr. Speaker, I think, you know, given what's going on around the world right now and around different pension plans across the country, that this is in fact the priority

of the government of the day in terms of steps towards the pensions in the province of Saskatchewan, that this is the priority, that this is job one for them to be undertaking as it regards the pensions of, you know, the superannuates in this province — I think again it speaks to some wildly misplaced priorities.

So, Mr. Speaker, I'm not going to be going on at the same length as my colleague from Saskatoon Fairview. I'm sure there's some that are sad about that, but I will be standing to say the minor things that are good with this could be accomplished on their own. The loopholes underlined by the Provincial Auditor in raising this issue to the attention of the government could have been dealt with in a Bill that dealt with closing those loopholes.

This is something else altogether, this Bill in sum, Mr. Speaker, and for that we think it's completely wrong handed. With that I adjourn debate.

The Deputy Speaker: — The member from Regina Elphinstone-Centre has adjourned debate on Bill No. 9, *The Superannuation (Supplementary Provisions) Amendment Act*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Deputy Speaker: — Carried

Bill No. 49

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. McMorris that **Bill No. 49 — *The Ambulance Amendment Act, 2008*** be now read a second time.]

The Deputy Speaker: — I recognize the member from Saskatoon Centre.

Mr. Forbes: — Thank you very much, Mr. Deputy Speaker. It is a pleasure to rise tonight and to make a few comments on Bill. 49, *The Ambulance Amendment Act*. It's one that I know we all will have some connection with unfortunately, perhaps, throughout our lives and our families, our loved ones, when they're in danger or had something unfortunate happen to them, we had that experiences with ambulances.

But first I want to say, Mr. Deputy Speaker, that I very much respect and honour the work of ambulance operators and paramedics and all those involved in that area. And I think it's important that we recognize them as an integral part of the health care system in a province as vast and as wide, both the North, the South, East, West, that it's a difficult job, and it's one that's demanding 24/7. Rural, north, urban — we all face challenges. You know we wish to have the best health care system, and of course we do believe we do have. I know I've reviewed the comments from earlier speakers on this, and we think in Saskatchewan we have a pretty good system. It's one we value, that right across the province the people expect care that is much the same throughout the province, and that's something that's very, very important.

I understand that the minister in his comments that portions of this Bill are essentially housekeeping, and most likely we can

support those aspects of the Act. Of course we'll have questions when the Bill goes to committee. We want to make sure that there are no unintended consequences. One of the pitfalls whenever you do legislation . . . And my colleague from Saskatoon Fairview very much talked about clarity, how important clarity, conciseness, simple language is so, so important, making sure that legislation is well thought out. And of course when you come to something as important as health care and what people experience, particularly through their experiences with ambulances, it's a huge concern that we make sure we do this right and we take the time tonight and throughout the weeks ahead to make sure that this Bill serves the purpose that it was set out to do.

I think that, Mr. Deputy Speaker, that we're happy to see the role, the expanded role of paramedics. We see their roles increased over time, and that's so important as we see how important the first response is to so many accidents or heart attacks or strokes. The first response is hugely important. So it's important that we take the time and recognize that and recognize the whole array of health professionals within the system. It's so important that we do that and we hear their voices about how legislation can be as good as it can be. So tonight we take a look at that, and it's a pleasure to be talking about that.

I want to say though, and I know that many of us have talked about our personal experiences, whether it's a broken femur or a constituent that had to only go a couple of blocks to City Hospital in downtown Saskatoon or people in rural Saskatchewan who have to travel many, many miles. And we know that ambulances in Saskatchewan are not only road ambulances. They're air ambulances.

It's important that we hear from everyone on this. We know and I know — I represent many seniors in my riding — the cost of ambulances is a big concern. We need to understand and we need to hear their concerns as well. So important to hear the professionals, obviously that's a key constituency. Obviously they have first-hand experience, and they have the professional ethics to make it the very best. But we need to make sure we take the time to consult and to listen to ordinary people in our communities, whether they be in the North, whether they be in rural communities, villages, on the farm, downtown Saskatoon, Regina, Moose Jaw. We need to hear their concerns about how they can have the best access possible to the hospitals when something unfortunate — whether it be an accident, a heart attack, a stroke, something like that — happens. It's very important that we hear from them.

So we recognize there has been ongoing discussions with the Saskatchewan Emergency Medical Services Association, and of course that will help to develop the role of the ambulance provider. We hope that there's a sense of transparency and accountability as they become self-regulating. It's so important that when we recognize the maturity of these groups that take on those roles that we also recognize that we can't let the professionalization of these organizations not allow for the ordinary voice — the people, the clients, the customers, the people who experience it first-hand unfortunately.

I know we all know those people would rather not have those experiences, but they do have those experiences, and at the end,

we often hear about them as MLAs [Member of the Legislative Assembly]. We hear the stories of things that might have gone a little bit better if we'd taken the time. So I want to make sure that the minister, when he's done his consultations, not only listens to those people — the paramedics, the professional associations — about how we can improve the quality of health care, but we also make sure we listen to the ordinary Joes and Janes in our communities, whether they be young or old or, as I said, from the North or South. It's very important that we take the time to hear those concerns.

So I understand this Bill provides for further opportunities for consultations with the industry, with the regional health authority, so it is good to see that these things are lining up. Clearly that's something we've suffered from too much in Saskatchewan, too many maps that don't line up. So here when you're lining up the regional health authorities, that's a good thing. You know, you got a problem. So it's very important that we do that. So it's time to do that, and I'm glad to see the minister and the government is moving ahead with this and again making sure the public has a way to hear.

I know, for example, the minister has just appointed many more new people onto the health region boards. I hope they get out and meet with people, that they are accessible, that they can hear about the concerns — about ambulances, other things as well. I know we're trying to meet with those folks. It's important that they meet with everyone to hear about the concerns and tell us what are the challenges that they're facing within the health care system. This is an important aspect that's made Saskatchewan's health care what it is today, and how it can be better tomorrow.

So we're excited about this. It's important that we take this opportunity to take a look. Are there ways that we need to expand this legislation? Now that we have this Act there, is there more things that we should be thinking about? Again when we get it to committee, I want to make sure that there's an opportunity for us to hear what the professionals have been saying, what the paramedics have been saying, what the operators have been saying, but also what the public has been saying. What are the national standards? What should we be comparing ourselves right across this country?

I know that the member from Meewasin was talking about a study from the States, talking about if you had to be in an ambulance, which state was the best to be in an ambulance? Not because of the hospital you were going to, but because of the challenges that came along with being in that ambulance, some states were better than others. Are there ways that we can learn from that?

So it would be really good to hear about those kind of things during this debate, and I'm looking forward to hearing more about that in the committee.

We know for rural Saskatchewan particularly that there are challenges of course. We know that access is really important, how quickly the ambulance can get to the situation at hand. We know there's been a lot of work done around first responders in rural Saskatchewan. My family actually, my brother's been involved with that, and my mom, who used to be a nurse in rural Saskatchewan, speaks a lot about this. It's very much

different though in rural Saskatchewan.

It's different throughout the province where health care people would come together as communities and support each other. But we know that with health care becoming so much more professional and so much more effective at delivering good health care as quickly as possible, that there are opportunities to make this the very best it can be.

So, Mr. Deputy Speaker, I look forward to seeing more about this in committee. There are issues that I've raised, and I want to make sure that the minister is prepared to be talking about those in terms of what are the concerns the public has said. How can they work with the professional organizations here?

We know that whether we've heard the minister talk about air ambulances in different forms, you know, we've heard him talk about the helicopters. We know that that party, the government opposite, has been intrigued by this. It would be interesting to see, will we be revisiting this in a year or two to talk about that? What are their plans to go further down the road, so to speak, on those areas? How can we provide for that?

And of course, as the cities grow . . . We know this is a challenge in Saskatoon with the suburbs. Distances are getting greater. The access, we're glad to see for example in Saskatoon better urban planning for that. We know that we're looking forward to the bridge being built, how that will impact on the ambulance delivery. What impact does it mean for people living in certain parts of the city? We're used to having very good access, quick access to the hospitals but now what are the challenges out there?

So, Mr. Deputy Speaker, I look forward to this. Again what I'm concerned about is the unintended consequences that when we set out to do the right thing, we unfortunately do things that none of us thought could possibly happen; we do the wrong thing. And so here's an opportunity to have a good, frank discussion about that, and this is so, so important that we do take a look at that.

So, Mr. Deputy Speaker, with Bill 49, *The Ambulance Amendment Act*, I know that there are challenges but I'm looking forward to hearing more about that. So, Mr. Deputy Speaker, I would move that we now adjourn the debate. Thank you.

The Deputy Speaker: — The member from Saskatoon Centre has moved to adjourn debate on Bill No. 49, *The Ambulance Amendment Act*, 2008. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Deputy Speaker: — Carried.

Bill No. 59

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 59 — *The Election Amendment Act*, 2008** be now read a second time.]

The Deputy Speaker: — I recognize the member for

Saskatoon Massey Place.

[21:30]

Mr. Broten: — Thank you, Mr. Speaker. It's a pleasure tonight to stand and be able to speak on Bill No. 59, *An Act to amend The Election Act*, 1996.

Mr. Speaker, in general terms this is a Bill that deals with the guidelines with respect to government spending leading up to an election period. It's a Bill that addresses what the appropriate guidelines and rules would be for government to be spending in ministries and through other agencies leading up to an election. And that's fine, Mr. Speaker. It is coming out of much the work that has been discussed for some time in this House.

Central to this Bill No. 59, Mr. Speaker, is the earlier legislation we saw in this Chamber, which was the legislation for fixed election date, because these two pieces of legislation really need to be viewed as one item in some respects because in order to know when the rules kick in for spending up to an election period, you have to know when that election will in fact occur. So when looking at this piece of legislation, it's important to look at also the election, the fixed election dates legislation — not the fixed election legislation, Mr. Speaker; that was one piece that thankfully did not make it — but the fixed election dates legislation that we have in place in the province, Mr. Speaker.

And again it's necessary to look at the fixed election dates, because that is the date that's being set for the election that would in fact provide, that would make sense of the parameters to do with election spending and advertising at this time.

With *An Act to amend The Election Act*, Mr. Speaker, that looks at government spending, looks at the guidelines around that. And as we look at the previous legislation that's gone through this House, Mr. Speaker, for fixed election dates, it follows some instances in other places in the province where fixed election dates have occurred. And I thought it would be interesting, Mr. Speaker, to look at how that crucial part of this Bill 59, the fixed election dates, Mr. Speaker, what has been the experience of having the fixed election dates in other parts of the country.

There's been a trend in other jurisdictions in certain provinces where we have seen fixed election dates come into place and then out of that there comes other pieces of legislation like Bill No. 59. The example that is most obvious to people would be in our federal government, Mr. Speaker, where the Harper Conservatives brought in a fixed election date. So we can ask ourselves, based on the situation that we saw in Ottawa, how well did the fixed election date work for the Harper Conservatives? And what we see, Mr. Speaker, is a troubling situation. We saw in that instance a case where the government actually chose to ignore its own legislation that it passed having named the date when the election would occur. The government ignored its own legislation that it passed through the parliament and decided to have their own way and decided to have the election early, Mr. Speaker.

And this is troublesome, Mr. Speaker, because when we see an example of what has been done with fixed election dates in

other jurisdictions, to me and to many people in Saskatchewan it raises question marks and raises concerns about how the fixed election date legislation here in Saskatchewan might be treated at the end of the day. It might give us an idea as to how members opposite would be viewing the fixed election dates. And, Mr. Speaker, as I introed and as I set up what I'm talking about, it's important to look at the fixed election date legislation with Bill No. 59 because it really . . . it's the lynch pin for why you would have these guidelines and how these guidelines would in fact be ruling.

So, Mr. Speaker, given the situation that we've seen in Ottawa where we saw a government that was willing to ignore its own legislation with the fixed election dates, we have, I think in Saskatchewan, reason to be concerned about how the fixed election date legislation might in fact be treated here in our province.

And I say this, Mr. Speaker, because it's no secret to anyone in this Chamber and to the people in Saskatchewan how closely linked the federal Conservatives are with the Sask Party government here in Saskatchewan. And we can see by a shared mindset, a shared approach to handling matters, a shared opinion on pieces of legislation, a shared opinion on policy items, how so often, Mr. Speaker, the tune that we hear being sung by the Sask Party government is completely consistent with what we hear coming out of Ottawa from the Harper Conservatives.

Because they are so consistent, Mr. Speaker, in what they say, that is why I'm concerned that the Sask Party government sitting opposite, when push comes to shove, I'm worried how they might treat the fixed election date legislation that was brought into Saskatchewan here.

And my comments, Mr. Speaker, are going to be . . . Well I would suggest that there's three sort of themes of evidence that would provide us with a fairly strong link and worry about how the Sask Party government will be treating the fixed election dates because we can see what happened with the Harper Conservatives.

The first group of evidence, Mr. Speaker, that I would like to talk about is a similar arrogance or hubris, a similar approach to where the government in power deals with matters on a daily basis — deals with the media, deals with the Chamber, deals with the people.

The first example I'd like to use, Mr. Speaker, that could highlight what some commentators have called an arrogance by members opposite . . . And we know in Ottawa, Mr. Speaker, the Harper Conservatives are notorious for having this approach to dealing with other political parties, in dealing with the media, in dealing with the masses.

The first piece I would like to highlight, Mr. Speaker, is from a *Leader-Post* article, and the title of the article was, "A humble Sask. Party would be glorious." And this was from Saturday, November 15, 2008, Mr. Speaker. And the article talked about how in the early days of the Sask Party government we started to see the arrogance that they've tried to hide, but it's coming through. It's clear what their true intentions are.

And in this article — it was quite interesting to me — it highlighted some of the information or the advertising that occurred in promoting the Sask Party convention that occurred not too long ago. And on this literature that was used to advertise the event and used as a way to try to lure people to come and to think that it would be a good time, the quote was, "We urge you to register early, and plan to be entertained and informed, and share in the glory of the Saskatchewan Party in power."

Mr. Speaker, I would say a decent tag line, a decent tag line for a big tent revival, a decent tag line for other settings. But for a Sask Party convention, Mr. Speaker, I don't think that it's a great line to be used for advertising.

For the regular watchers of the Legislative Assembly who are perhaps watching at home, and I'm sure all of the members in this Chamber will recall, the member from Athabasca who, following the Sask Party convention, provided a great member statement. And those watching at home might want to search *Hansard* online to see the member's statement that the member from Athabasca provided not long ago. It would have been around the November 15 mark of 2008.

And by the member's analysis, from Athabasca, when he looked at the number of people that actually had to be there and then the number of people that were brought along because they were trying to catch a ride to Saskatoon, and the number of partners that were brought along — people that actually wanted to be there to share in the glory — Mr. Speaker, was actually quite small.

So, Mr. Speaker, that would be the first example that I would provide to give a hint, a glimpse about the arrogance that we can see at times from the other side. And again, no secret to members in this Assembly and to the general public, how similar that type of arrogance can be when we look at what the federal context is with the Harper Conservatives.

The next piece, Mr. Speaker, that I would like to highlight that I think is a good example of arrogance would be from November 28, 2008. And the title of this article from *The StarPhoenix* at that time was "Revved up cabinet runs on hubris." And this one, Mr. Speaker, you'll recall the debate that was going in the House at that time. During the election, the Sask Party campaigned on a pledge to have a green fleet of vehicles, and new purchases for the Central Vehicle Agency would meet a certain requirement according to standards.

Well it turns out, Mr. Speaker, in the same way that Harper ignored his own legislation, his own guidelines, his own rules about the fixed election date, we saw the same thing take place with the vehicles. And he might say, well what does it really matter; it's some vehicles. But it's an indicator, Mr. Speaker, of a mindset. It's an indicator of an approach to dealing with government and an approach with dealing with the finances of this province.

And when the minister that was responsible was questioned about this and gave a reply as to his thoughts about this situation, he said, come on . . . Okay the quote didn't start there; that was the intro. But the quote: "At least we didn't give ourselves Hummers or Cadillac Escalades, he offered." The

author of this article said, “I kid you not . . . the official explanation is even funnier.”

So, Mr. Speaker, perhaps trying to use a bit of humour there, but I think it was humour that was misplaced. And it was humour again that hints to an arrogance that I think is very similar to the Harper Conservatives and would cause me to have concerns, and causes many people in the province to have concern about how seriously they might consider the fixed election dates.

So, Mr. Speaker, the first issue that I was talking about was why . . . Or in this idea of the very, very strong similarities between the Sask Party government here in Saskatchewan and the Harper Conservatives in Ottawa, and some of the worries that causes us about how they view the world and how they treat their own legislation, Mr. Speaker. I addressed a similar amount of arrogance and hubris that can come from the members opposite.

The second point I would like to highlight is a similar attitude of my way or the highway, Mr. Speaker. A similar attitude that if you don't like it, tough. I'm taking my toys out of the sandbox. I'm leaving you, and that's it, Mr. Speaker.

This is a similar approach. The Harper Conservatives are . . . [inaudible interjection] . . . I hear the Environment minister comment, and she could speak well to the characteristics of the Harper Conservatives. So, Mr. Speaker, when we're looking at this my-way-or-the-highway world view and mentality, we could go to . . . This is an article from the *Leader-Post*; it's titled “Wall's flip flops” and it's from July 18, 2008, Friday.

And this is, Mr. Speaker, coming out of the debate that you'll recall that was occurring at that time in the province, and sadly it's an issue that continues to be highly relevant now. But this was the Sask Party government's willingness to completely acquiesce to the demands of the Harper Conservatives and give up on a challenge for Saskatchewan to be treated fairly on the equalization file, to give up the defence of Saskatchewan. And when asked about it, what the Premier said was — he was ending this discussion — the quote from the paper says, “Therein lies the problem with Wall's Harperesque pronouncement Tuesday that, ‘I'm not having this debate again.’”

Tough luck. A textbook example of a Stephen Harper approach used by the Sask Party government here on the way the debate occurs under the leadership of the Premier and of Stephen Harper.

Also, Mr. Speaker, a further example, a quote to highlight this point, the preamble:

That suggests Saskatchewan still should have reasonable expectations of more from Ottawa. Yet a fresh-from-holidays Wall now tells us: “That's not going to happen, so it's time to move on”?

Basically saying, tough. Mr. Speaker, I don't think that's a great defence, but the issue of equalization is obviously a topic for another debate. The point that I want to bring up from the comments made by the Premier on this issue, Mr. Speaker, is

that it shows an example of the my-way-or-the-highway attitude that, if you don't like something, tough — I'm going to do it and it doesn't matter. And that's a concern, Mr. Speaker, because that's the same approach that will be applied to the legislation that the Sask Party government brings in. The legislation like the fixed election dates that is so crucial to the success of the Bill No. 59, the Act to amend *The Election Act*.

So, Mr. Speaker, I've highlighted the similar arrogance that we see from the local Sask Party government and the federal Conservatives. I've talked about the similar attitude, Mr. Speaker, of the my way or the highway.

[21:45]

The third approach or the third similarity, Mr. Speaker, that I would like to identify to members and to the good people watching at home, Mr. Speaker, is the Sask Party's eagerness to defend the Harper Conservatives. And this is the next reason why, Mr. Speaker, I think it's worrisome as to how the local Sask Party government will be treating their own legislation.

Now, Mr. Speaker, the Sask Party misses no chance to defend and work for the federal Conservatives, Mr. Speaker. And it's a result, Mr. Speaker, that I think most people in the province now would realize is not serving the interests of the province well. We have a group of federal Conservative MPs [Member of Parliament], Mr. Speaker, that are great and many but small in voice when it comes to standing up for the issues of Saskatchewan people.

But, Mr. Speaker, that's not the approach the Sask Party government has taken. We can see a quote, Mr. Speaker, and this comes from July 23, 2008, from the Justice minister, also from the *Leader-Post*. And it's:

“I think we have a good working relationship and it bodes well for us. If anybody's going to cut somebody some slack they're going to cut us slack, and I think it will do us more favours than the other way around,” he said in interview.

Mr. Speaker, a clear indication of an eagerness to defend, an eagerness to defend a decision like ignoring your own fixed election dates legislation, Mr. Speaker.

Another example that can be used to highlight the eagerness to defend of the Sask Party government for the Harper Conservatives, Mr. Speaker, was the more recent reaction to the budget. And when the official word came from the Premier on the Sask Party's take on the budget, you know, at first it was yes, it was okay. And they didn't raise a large fuss.

And you could understand, Mr. Speaker, why they would take that approach at first because for so long the mantra has been, whatever they say, whatever they do, we fully support, we fully back. In fact we're going to try to emulate that behaviour here in the province. We're going to try to use that as a template for how we should be behaving and acting here in Saskatchewan, Mr. Speaker. So you can understand why that would be the first response that the government issued.

But, Mr. Speaker, it was later — a day later, Mr. Speaker —

where the Premier came out and pronounced that he gave the grade of a D. And he listed some of the reasons why he gave it a D letter grade, Mr. Speaker. And as many people watching at home and in this Chamber would have read in the paper, Mr. Speaker, the journalists doing the work here also noted that the D also stood for do-over.

And they need to redo the interview and to set the record straight because the natural instinct and the natural tendency to just simply say to toe the party line and to do whatever the bidding of the Harper Conservatives are, Mr. Speaker, it's so instinctive and so natural — a second nature, Mr. Speaker — that it took a day for them to kick in and realize that actually this budget and the 13 or so Tories that we have in Ottawa working for us, supposedly, and speaking up for us actually isn't working out that well.

And the hope that was referenced by the Minister of Justice about, oh this group of people are going to give the province a sweet deal and everything will just be great for us now — well, Mr. Speaker, it's not coming to fruition. There's some major concerns here with how Saskatchewan's being treated by the federal Conservatives, but that's not at all what we're hearing from the Wall government at this time. So we see a clear willingness, an eagerness to defend anything that comes out of Ottawa and the Harper Conservatives, Mr. Speaker.

The last example that I would like to use on this, Mr. Speaker — in terms of highlighting the Sask Party's willingness to completely go along with ignoring legislation that's brought in by the Prime Minister, in this eagerness to defend, a willingness to defend, and go the extra mile to help out the federal Conservatives whenever they can — and this is from *The StarPhoenix*, Mr. Speaker, September 4, 2008. And the title of the article is "Sask Party gov't closely aligned with federal Tories."

And in this article the discussion was about whether or not an election would occur ahead of the legislation, outside of the legislation, Mr. Speaker, that was outlined; and the response that we had from the Sask Party government here in Saskatchewan was completely making excuses and rationalizing and defending the decision of the Harper Conservatives. And to quote from the article, Mr. Speaker: "If Harper does call an election, it will be despite the Conservative government's own fixed election date law that puts the next scheduled federal vote in October 2009."

And this is the important part of the article: "But Wall defended Harper, noting that the situation is complicated . . .", Mr. Speaker. Going the extra mile, Mr. Speaker, to make excuses for why legislation should be ignored.

So, Mr. Speaker, as I've outlined a similar arrogance that we see from the Sask Party government and the federal Conservatives, as I've talked about a similar attitude of my way or the highway, tough, like it or leave it, Mr. Speaker. As I've illustrated, the complete eagerness to defend the decisions of the Harper Conservatives.

Mr. Speaker, I know members in this House can agree, and people watching at home, that there is some serious doubt and seriousness, Mr. Speaker, about how seriously this Sask Party

government will take their own legislation about the fixed election date. And it's how important they take that legislation, Mr. Speaker, how seriously they treat it. Whether they follow it has direct implications for Bill No. 59, *An Act to amend the Election Act*. Because it's only if you know the end date of the election, it's only if you know when the election will occur, it's at that point where the guidelines and the rules that determine appropriate government spending in departments, it's only at that time when you can make sense of the rules and the rules can have bite.

So, Mr. Speaker, I'm not satisfied and I'm not comfortable with the other side's willingness or perhaps evidence of action that they're willing to follow the legislation. The legislation itself, Mr. Speaker, having talked about whether or not it's a good, whether or not it's a likely approach, an approach that will work well for this Sask Party government, there's also issues that can be discussed in the legislation to further length. Issues like what are the consequences if the legislation is not followed? What are perhaps, Mr. Speaker, some of the loopholes that might be present that would allow the government to get around these rules by ramping up spending in the previous years before the election year, if it's based on averages, Mr. Speaker? These are things that aren't being touched in the legislation.

But I know, in speaking with some of my colleagues on this issue, I know there are other members who would like to discuss this for some time and look at other areas and perhaps explore some of the areas where I haven't had the opportunity to present this evening. So at this time, Mr. Speaker, I would move that I adjourn debate on Bill No. 59.

Some Hon. Members: — Hear, hear!

The Deputy Speaker: — The member from Saskatoon Massey Place has moved to adjourn debate on Bill No. 59, *The Election Amendment Act, 2008*. Is the motion adopted?

Some Hon. Members: — Agreed.

The Deputy Speaker: — Carried.

Bill No. 44

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 44 — *The Agreements of Sale Cancellation Amendment Act, 2008*** be now read a second time.]

The Deputy Speaker: — I recognize the member from Regina Elphinstone.

Mr. McCall: — Thank you very much, Mr. Speaker. It's a pleasure to rise this evening and enter into the debate on Bill No. 44, *The Agreements of Sale Cancellation Amendment Act, 2008*. It's an interesting Bill, Mr. Speaker. It would seem to set out some objectives in terms of simplifying or rebalancing or putting in certain safeguards on the question of what happens when you have an agreement of sale that is cancelled. Previously the Act, *The Agreement of Sale Cancellation Act*, that had been initially enacted in 1917. And of course, you know, for the many, many years and centuries before that, Mr. Speaker, there's been a great deal of common law that has

evolved around the entire concept of sale of land.

The Bill as it was initially enacted in 1917 worked, I think, to put in safeguards against . . . In terms of balancing that power between buyers and sellers, I think it sized up the situation at the time, Mr. Speaker, and perceived an imbalance that favoured the sellers of land. And certainly if you look back at your history, Mr. Speaker, you know there are different of the land companies that were in operation in the decade previous and the kind of impact that they had on the province. And there was, you know, a need that was expressed in this legislature and was met with the Bill first passed in 1917.

Since then, Mr. Speaker, perhaps as sometimes happens in these situations, there's been an evolution. The other law, the law of unintended consequences, has seen that perhaps the process right now as it stands is a bit unwieldy, wherein the only recourse that people have is to go to court, and perhaps there's a better way to pursue this remedy under the circumstances.

As well, Mr. Speaker, another of the perhaps unintended consequences not foreseen in 1917 is the way in which people would be able to put very little money down and then essentially control the land in question, tie it up until the court proceedings have been undertaken, and then, you know, meanwhile the months and years have possibly gone by.

So this seems to be a straight-ahead enough of a proposition. We'll be interested to hear what the officials have to say about it in committee, Mr. Speaker. It's also interesting to see how this will change past practice as it is added into *The Land Contracts (Actions) Act*, *The Limitations of Civil Rights Act*, and *The Saskatchewan Farm Security Act*.

But again, Mr. Speaker, this, on the face of it, seems to be a fairly straight-ahead proposition. But the mind does wonder. You do wonder, Mr. Speaker, if it hadn't been changed since 1917, why the change now?

So we'll see how this goes as we gather further intelligence on this Bill, Mr. Speaker. We'll see how it goes in committee. But for now, I'm going to move that we adjourn debate on Bill No. 44. Thank you, Mr. Speaker.

The Deputy Speaker: — The member from Regina Elphinstone-Centre has moved to adjourn debate on Bill No. 44, *The Agreements of Sale Cancellation Amendment Act, 2008*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Deputy Speaker: — Carried.

Bill No. 45

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 45 — *The Credit Union Amendment Act, 2008*** be now read a second time.]

The Deputy Speaker: — I recognize the member from Saskatoon Massey Place.

Mr. Broten: — Thank you, Mr. Speaker. Once again a pleasure

to stand in the Assembly and speak to Bill 45, *The Credit Union Amendment Act*, Mr. Speaker.

This Act makes amendments that will result in the makeup of the board, changes to the Credit Union Deposit Guarantee Corporation, Mr. Speaker, an organization, Mr. Speaker, that has been playing a very important role in Saskatchewan for the members of credit unions here since 1953.

The changes, Mr. Speaker, that are being proposed in this legislation, a good amount of them, Mr. Speaker, are — as outlined by some of the other speakers on this issue — are an effort to ensure that the standards of the Credit Union Deposit Guarantee Corporation, Mr. Speaker, are up to current governance principles that are modern, that are effective; changes, Mr. Speaker, to ensure that the good work that the organization, the corporation has been doing since 1953 in protecting the deposits of the credit union members in the province, Mr. Speaker, changes to ensure that this good work can carry on for many, many more decades, Mr. Speaker.

Clearly credit unions in this province and in this country and around the world, Mr. Speaker, play a very important role. Here in Saskatchewan, they have a very important history from both a social and a financial perspective, have been very influential in the way that the province has developed and the way that our communities have formed and the type of enterprise that has been able to occur throughout the province, Mr. Speaker.

[22:00]

It was, I guess, about over a year ago now, Mr. Speaker, I had a friend visiting Saskatoon, my home city where the good constituency of Saskatoon Massey Place is located. And this individual is originally from Vancouver Island and went on to live in the lower mainland for some time and now finds himself on the other coast of the country in Newfoundland. He came to Saskatoon for a visit and made the remark — perhaps sometimes it takes an outsider to be viewing your home ground to simply state the obvious — but said he couldn't believe the presence of the credit union system in the city and the important role that it is playing, simply by walking around the downtown streets of Saskatoon.

And, Mr. Speaker, I know that situation is true for my city, but I know it's true for Regina. I know it's true for the many other cities and towns throughout the province where credit unions exist. We also see increasingly, in terms of the importance of the role of the credit unions to the social and the financial fabric of the province, an increasingly high number of buildings and branding opportunities that credit unions are pursuing and naming different locations, Mr. Speaker.

It was actually by coincidence just last week that I had an opportunity to meet with a representative from the credit union system. And perhaps, Mr. Speaker, some of the other members in the Assembly have had this same opportunity, as part of their lobbying or part of their work, to ensure that all members of the Assembly are up to speed on the important issues facing the credit unions in the province and the important work that they do.

I had opportunity to meet with a representative from a credit

union from Saskatoon, was there passing on the messages and the information from Credit Union Central, Mr. Speaker. We actually, he and I had the opportunity to discuss the Credit Union Deposit Guarantee Corporation. And I was pleased that I had been putting together a few thoughts on what to say about Bill 45 in order to have a more full and thorough conversation with this individual, Mr. Speaker.

Given the recent turmoil that we've seen in the financial sector, Mr. Speaker, around the world and increasingly with uncertain times here at home and within Canada, it's important that our financial institutions are there to be stable and to deliver the services to members and customers that they expect, Mr. Speaker. And given the financial times that we find ourselves in, I think it's particularly important that we take a close look at Bill 45 — a Bill that seeks to examine what the makeup of the governance structure and principles should be and will be, Mr. Speaker. It's important that we do get this right because in uncertain times it's necessary that people can have faith in their financial institutions.

So in terms of an approach of this legislation of modernizing and ensuring that governance principles are up to the highest possible standard and doing the necessary work for Saskatchewan people, we certainly are supportive of that, Mr. Speaker, because we value the role of credit unions in Saskatchewan and we know that it's necessary for them to be strong, stable actors within our communities.

We are pleased that consultation on this matter has occurred with Credit Union Central and CUDGC [Credit Union Deposit Guarantee Corporation]. We are pleased that they've had input in this process, that their take has been considered, and we're pleased that it would appear many of the necessary steps in terms of modernizing the governance structure are taking place and are suggested properly in this legislation.

That being said, Mr. Speaker, any time we look at governance, any time we look at the operation of organizations, it's very important that the right questions are asked. And that's the important role that the Legislative Assembly plays, comments that the member from Fairview was commenting on. It's not appropriate, Mr. Speaker, to simply trust them and, Mr. Speaker, just to assume that the right thing will be done. The role of the Legislative Assembly is to critically look at legislation and ensure that things are being done correctly.

So any time you're looking at a governance structure, any time you're looking at the organization of a board and how rules will be made, how policies will be enforced, how regulations will be made, it's important to ask some questions about who will be on the board because, as we know, boards are as smart and as wise as the members and the organizations that they represent on the boards. So it's important to make sure that the proper people are going on to or going into the governance structure to bring the type of results that we need, the type of results that can ensure that credit unions can remain strong, effective pillars in our community.

It's also important to ask how many people are getting on these boards. Is there the right mix of the different sides of debate present on the boards? Are there the right personalities, the right number of personalities present, Mr. Speaker, to have the kind

of debate and thorough examination that's required when we're dealing with the important matters of personal finances, especially during uncertain economic times? If these things aren't done, Mr. Speaker, if we're not at peace and at rest with the makeup of the board or the backgrounds of people joining the board, the viewpoints that they express, then we could have problems, Mr. Speaker. And the last thing any member of this Assembly wants would be for the stability of individuals' finances during this uncertain economic time to be jeopardized. We want stability. We want security for individuals who are trusting credit unions to be doing what's right.

The useful thing about having this organization, Mr. Speaker, in terms of how it relates to the credit unions within Saskatchewan, it's good that Credit Union Central and the Credit Union Deposit Guarantee Corporation can have this centralizing role of providing the structure, providing the rules to the local credit unions. Mr. Speaker, as we come from different communities, there's credit unions present in all of these communities. And credit unions are in many ways unique because they are able to reflect and respond to the local concerns and the local needs in a way that some other financial institutions aren't able to. So it's important to maintain the local uniqueness and autonomy of credit unions, but it's also important to ensure that if someone's going to a credit union in a small centre that they can be just as confident in their financial transactions with that credit union as can a member going to a chartered bank or a larger credit union in a bigger city. So it's an important role that the Credit Union Deposit Guarantee Corporation plays, most certainly.

So as we look at the current governance structure — on this side, we're in favour of modernization — we're in favour of ensuring that the highest standards are there to guarantee that the credit unions are on a stable financial footing, but we want to make sure that the correct mix-up of the board members and the governance structure is in place.

I know there are other members, Mr. Speaker, on this side of the House who would like to explore and discuss whether or not, in their opinion, this piece of legislation matches up with what the important role is that we need for the CUDGC to perform in the province. And given that there are other members who would like to speak to this, Mr. Speaker, I would move that we adjourn debate on Bill 45. Thank you.

The Deputy Speaker: — The member from Saskatoon Massey Place has moved to adjourn debate on Bill No. 45, *The Credit Union Amendment Act, 2008*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Deputy Speaker: — Carried.

Bill No. 50

[The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Morgan that **Bill No. 50 — *The Missing Persons and Presumption of Death Act*** be now read a second time.]

The Deputy Speaker: — I recognize the member from Regina

Coronation Park.

Mr. Trew: — Thank you very much, Mr. Speaker. It's actually my pleasure today to stand and speak to Bill 50, *An Act respecting Missing Persons and Persons Presumed to be Dead and Repealing The Absentee Act*. That's what we're discussing, and I want to start, Mr. Speaker, by saying congratulations to the government for bringing this Bill.

It looks like . . . It's a new Bill. It's a Bill that came about because the previous government put together a committee to look into the matter. The committee looked into it, made its recommendations, and I'm firmly of the belief that the government followed those recommendations in the main. I won't say every single recommendation — I don't know that — but certainly in the spirit of it. So I say congratulations to the government. It looks like a good Bill.

And frankly it's a very important piece of legislation because it sets out some new guidelines with respect to timeline for when you can apply for a trustee to look after the property. And there's some steps along the way, some guideposts. And in some instances it's the first time there's been, sort of, a guidebook for, if I can describe it this way, usually for families in a time of stress and distress because when they have someone who's gone missing for whatever reason — you know what? — the vehicle that they may have owned is still there. If they owned any real property, that real property is still there. And any of the family or friends are left to try and deal with it.

And if there was, for instance, some rental property, well how would whoever's left with the pieces, what authorizes them to do things as basic as call a plumber if there's a problem with a furnace in the middle of winter? And who pays for that plumber? How would you collect rent, you know, on behalf of a missing person? Those sorts of details that we hope we never, ever have to deal with, but the reality of life, Mr. Speaker, is that some of us are challenged and have to deal with that, those very issues, at some point through our life.

So there's no question that estate matters can be very, very complex. It's complicated. Heavens, often many of us don't even know what we want to leave in our estate or how we want to leave it, never mind having to go through the machinations where somebody has either gone missing or — there's no discreet way to say this — somebody may have died in the back woods on a camping trip and they just haven't found the body yet or somebody may have gone down in an airplane. My colleague for Regina Northeast says it's been known to happen,

And a prominent family in the town I grew up with actually had that happen where one of their boys — found out later — he'd disappeared. But it was, oh, crowding two years later when they found the plane, the small plane, in northern Saskatchewan. And it had been just a terrible ordeal for that family because they couldn't give up hope. There was always some hope that their son was camping, you know, was alive somehow. Anyway but that's the sort of thing that this allows us to deal with.

The Act also calls for the repeal of *The Absentee Act*. And, Mr. Speaker, some of the things that we want to do is examine this Bill just to make sure that there's no gaps between the repeal of *The Absentee Act* and the passing and coming into force of this

new Act respecting missing persons and persons presumed to be dead and repealing *The Absentee Act*.

It is, I've said, a complex Bill, Mr. Speaker. It's a five-part Bill with some 33 clauses. Again much of this legislation is brand new area and in an area of significant sensitivity. There are timelines for declaring somebody missing that are in this Act. There's timelines for applications to appoint guardians. There's timelines for the discharge of property guardianship, all sorts of nuances, all sorts of things that are going to be taking place in this Bill.

In my perusal of the Bill, I noticed that there's one clause that deals specifically with land titles. It's long known by most of us that before any real property can change hands, you have to have the signature, the willing signature of the lawful owner of that property.

[22:15]

This Act outlines what the rules are for dealing with that very property and allowing for a land titles transfer given the right conditions, the certain conditions, time frames, and the application for guardianship. This allows for that more orderly transfer, if I can describe it that way, of property.

Not surprisingly, the Bill also deals with if a missing person is found or returns, you know, was just away for . . . I won't surmise what all of the reasons that someone could be away for, but if a missing person comes back, this Bill deals with, for example, Mr. Speaker, if a missing person had a vehicle worth \$3,000 and there was a guardianship appointment made and the time frames had gone by and the vehicle was simply not going to be used, it should be disposed of ultimately.

If all of the hoops in this Bill are passed, are followed, all of the timelines and the guidelines, if someone buys that vehicle for something reasonably approximating fair market value . . . I used the example of a \$3,000 vehicle. I'm assuming if they bought it somewhere in that price range, you know, give or take, I don't know, 25 per cent. It doesn't say 25 per cent; that's just my common sense saying. But if somebody bought that vehicle and then the person returns, the missing person shows up, well the person who bought the vehicle still owns the vehicle. Raises some interesting questions, but I don't know how else you could conduct commerce, so to speak. How could you handle the assets of the missing person?

So I'm encouraged that the five-part Bill with 33 clauses is a genuine attempt at dealing with every machination, every potential that could happen. It sets the framework for how it is we would deal with missing people and how we actually come to the presumption of death for them, but there's some real questions with how this is going.

The Bill has a notice required to property guardians re judgments and executions. The Bill speaks to outside claims being made, you know, for money owing presumably, and there are rules around how those claims can or cannot be made. There's very much to this, and it's a thoughtful Bill. But, Mr. Speaker, it clearly needs a little more time to look at it.

There's rules respecting annual accounting of the estate or of

what the executor or administrator is dealing with. And as I said, there's a place where it calls for an annual accounting. There's even in this Act a provision where if the administrator doesn't provide the annual accounting, there's a provision where people interested in what's going on can apply through the courts, and the court can order or direct the administrator to do the annual accounting and share that in some fashion.

There's places in this Bill for objections, statements of objection. If a person goes missing, there's an opportunity for someone who knew that person to object to them being called missing. I don't know on what basis, but at least you'd have an opportunity to apply for some legal advice presumably and find out how you could actually object to that.

There's opportunities for statements of objection. If on the presumption of death, you might have a spouse, for example, not willing to presume the death of their partner, and there's a provision to make sure that that spouse — and it doesn't have to be a spouse, but that interested person, if I can describe it — gets heard and gets a serious consideration about whether or not the person should or should not be presumed to be dead.

Mr. Speaker, I notice on clause 8, there's an access to information clause. I did not read that specific clause, but I suspect it has something to do with our privacy laws and access to information and who should be allowed access to information about a missing and/or presumed dead person. There would be many people or some people that are legally entitled to know some of the details, and I have no doubt that there would be other people that would have no legal right to know it, and the person's business affairs would remain confidential.

Mr. Speaker, there is a place in this Bill, this thoughtful Bill, that deals with an order respecting fees. And there's a way that people involved in this matter can apply to the courts and get a court order respecting any fees that might be paid to the administrator or the executor of the matter. Presumably this would be a safety valve that would prevent people from saying, oh well, I'll be the administrator and I'll charge an outrageous, exorbitant fee. But it also would protect people from being named or appointed administrator and doing much work for absolutely no pay, and either way it's just not fair.

So there's provisions to make sure that there's an ability to pay the administrator. I'm not sure what happens, Mr. Speaker, in the case of where there's not enough assets to pull money from, but I'm suspicious that there's somewhere in this that deals with a threshold of what those circumstances might be, and where it is that we should go with it.

There's I see here a clause dealing with copies of orders to the Public Guardian and Trustee. And I actually read that clause, and I know that the Public Guardian be provided copies of this matter at no charge to the Public Guardian. And that's actually in the law, and I think that's a reasonable provision. But I'm merely pointing out that this is a five-part Bill with 33 clauses.

Mr. Speaker, because of the sensitivity around this whole area and because of the need to do a little more research and make sure that we get this right, because the last thing that I know that the government would want to do would be to hastily pass what should be a very good Bill. And it looks like this is going

to be a very good Bill. I know I'm looking forward to taking my place and voting for the Bill when the time comes. But we want to make sure that it's as good as it possibly can be, that the transition from when the repeal of an old Bill, *The Absentee Act*, when that is repealed, we want to make sure that there's just no gaps, that we can have a seamless transition, that we can just move from history — if I can describe it that way — into today and a Bill that, frankly, I think will serve the people of Saskatchewan very well for some time into the future. And I just really do look forward to that.

You know I've talked, Mr. Speaker, about there being 33 clauses. I'm looking forward to clause 33, which is the coming into force. That is going to be a very good and happy day for the people of Saskatchewan.

Mr. Speaker, this Bill, I just notice, also deals with the death of a property guardian, if you can imagine that. Can you imagine a situation where you have a missing person and then the guardian appointed, and then the guardian passes away? Then you've really got a mess. This Bill is thoughtful enough that it actually covers the death of a property guardian. And it says under clause 14(1), "If a property guardian dies without a will, the public guardian and trustee may assume the position of property guardian and exercise the powers of the property guardian until a new property guardian is appointed."

Clause (2) . . . [inaudible interjection] . . . fairly straightforward, yes: "If a property guardian dies with a will, the executor of the deceased property guardian may assume the position of property guardian and exercise the powers of the property guardian until a new property guardian is appointed."

That one I've got to read again. The third part of clause 14 says, "Immediately on assuming the position of property guardian in accordance with subsection (2), the executor shall give written notice of that fact to the public guardian and trustee."

There's just no question about this Bill being a well-intended Bill. It talks about the duty of the executor or administrator. It talks about the effect of presumption on property guardian and attorney, the status of property if the person is later found alive. And I talked about that in my example earlier of a \$3,000 vehicle, but it could just as easily be a building or a lot or some farm land or a cottage. Who knows what all missing persons might have?

I know I was talking with my colleague, the member for Regina Northeast earlier. And he talked about some land that an RM [rural municipality] had, a missing person. This is some years back, and there was a missing person. And the machinations, the contortions, that this RM had to go through including RCMP [Royal Canadian Mounted Police] and a private investigator and so on, just so that they could effectively deal with that land, Mr. Speaker . . . I see you're on your feet.

The Deputy Speaker: — Adjournment having been reached, this House now stands adjourned until 1:30 tomorrow afternoon.

Some Hon. Members: — Hear, hear!

[The Assembly adjourned at 22:30.]

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