



THIRD SESSION - TWENTY-SIXTH LEGISLATURE

of the

**Legislative Assembly of Saskatchewan**

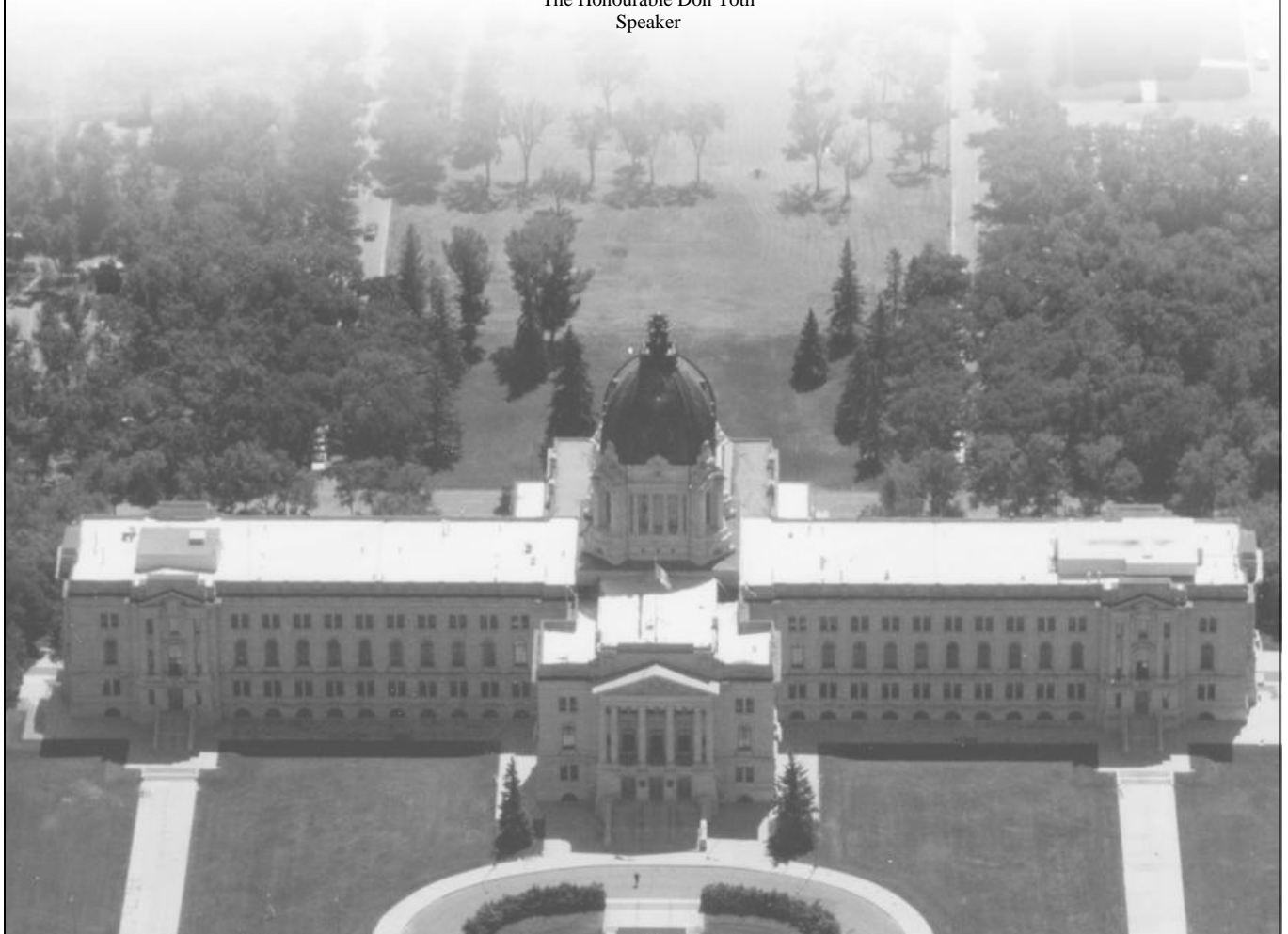
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**DEBATES  
and  
PROCEEDINGS**

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(HANSARD)

Published under the  
authority of  
The Honourable Don Toth  
Speaker



**MEMBERS OF THE LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**

Speaker — Hon. Don Toth  
 Premier — Hon. Brad Wall  
 Leader of the Opposition — Dwain Lingenfelter

<b>Name of Member</b>	<b>Political Affiliation</b>	<b>Constituency</b>
Allchurch, Denis	SP	Rosthern-Shellbrook
Atkinson, Pat	NDP	Saskatoon Nutana
Belanger, Buckley	NDP	Athabasca
Bjornerud, Hon. Bob	SP	Melville-Saltcoats
Boyd, Hon. Bill	SP	Kindersley
Bradshaw, Fred	SP	Carrot River Valley
Brkich, Greg	SP	Arm River-Watrous
Brotten, Cam	NDP	Saskatoon Massey Place
Chartier, Danielle	NDP	Saskatoon Riversdale
Cheveldayoff, Hon. Ken	SP	Saskatoon Silver Springs
Chisholm, Michael	SP	Cut Knife-Turtleford
D'Autremont, Dan	SP	Cannington
Draude, Hon. June	SP	Kelvington-Wadena
Duncan, Hon. Dustin	SP	Weyburn-Big Muddy
Eagles, Doreen	SP	Estevan
Elhard, Wayne	SP	Cypress Hills
Forbes, David	NDP	Saskatoon Centre
Furber, Darcy	NDP	Prince Albert Northcote
Gantfoer, Hon. Rod	SP	Melfort
Harpauer, Hon. Donna	SP	Humboldt
Harper, Ron	NDP	Regina Northeast
Harrison, Hon. Jeremy	SP	Meadow Lake
Hart, Glen	SP	Last Mountain-Touchwood
Heppner, Hon. Nancy	SP	Martensville
Hickie, Darryl	SP	Prince Albert Carlton
Higgins, Deb	NDP	Moose Jaw Wakamow
Hutchinson, Hon. Bill	SP	Regina South
Huyghebaert, Hon. D.F. (Yogi)	SP	Wood River
Iwanchuk, Andy	NDP	Saskatoon Fairview
Junor, Judy	NDP	Saskatoon Eastview
Kirsch, Delbert	SP	Batoche
Krawetz, Hon. Ken	SP	Canora-Pelly
LeClerc, Serge	SP	Saskatoon Northwest
Lingenfelter, Dwain	NDP	Regina Douglas Park
McCall, Warren	NDP	Regina Elphinstone-Centre
McMillan, Tim	SP	Lloydminster
McMorris, Hon. Don	SP	Indian Head-Milestone
Michelson, Warren	SP	Moose Jaw North
Morgan, Hon. Don	SP	Saskatoon Southeast
Morin, Sandra	NDP	Regina Walsh Acres
Nilson, John	NDP	Regina Lakeview
Norris, Hon. Rob	SP	Saskatoon Greystone
Ottenbreit, Greg	SP	Yorkton
Quennell, Frank	NDP	Saskatoon Meewasin
Reiter, Hon. Jim	SP	Rosetown-Elrose
Ross, Laura	SP	Regina Qu'Appelle Valley
Schriemer, Joceline	SP	Saskatoon Sutherland
Stewart, Lyle	SP	Thunder Creek
Taylor, Len	NDP	The Battlefords
Tell, Hon. Christine	SP	Regina Wascana Plains
Toth, Hon. Don	SP	Moosomin
Trew, Kim	NDP	Regina Coronation Park
Vermette, Doyle	NDP	Cumberland
Wall, Hon. Brad	SP	Swift Current
Weekes, Randy	SP	Biggar
Wilson, Nadine	SP	Saskatchewan Rivers
Wotherspoon, Trent	NDP	Regina Rosemont
Yates, Kevin	NDP	Regina Dewdney

[The Assembly met at 13:30.]

[Prayers]

## ROUTINE PROCEEDINGS

### INTRODUCTION OF GUESTS

**The Speaker:** — I recognize the Minister of Justice.

**Hon. Mr. Morgan:** — Thank you, Mr. Speaker. To you and through you to the Assembly, seated in the west gallery, I have the great pleasure of introducing a man whose name is synonymous with the practice of law — that is, *L.A. Law*. Seated in the west gallery is Mr. Corbin Bernsen, known to many of us as lawyer Arnie Becker on the hit series *L.A. Law*. Mr. Bernsen is now starring in the popular TV series *Psych* and is also a successful writer, director, and producer. He is in Saskatchewan this week for the world premiere of his film, *Rust*, which was filmed in Kipling. The premiere will take place tomorrow night in Kipling.

And I'm going to ask them all to stand up. If Mr. Bernsen would stand up, and with him are filmmakers, Greg Redmond and Jay Gianukos who are making a documentary about the film, *Rust*. All three gentlemen are from California. I thank them very much for braving the Saskatchewan weather and I would ask that all members of the legislature welcome them, not just to the legislature, but also to Saskatchewan. Thank you, Mr. Speaker.

**The Speaker:** — I recognize the member from Saskatoon Eastview.

**Ms. Junor:** — Thank you, Mr. Speaker. I'd like to recognize in your gallery at the very top, Darlene Gray, and other survivors of ovarian cancer, representing Ovarian Cancer Awareness and Treatment in Saskatchewan or OCATS. They're here today to witness the proceedings of the legislature, and I'd like everyone to welcome them here.

**The Speaker:** — I recognize the member from Indian Head-Milestone, the Minister of Health.

**Hon. Mr. McMorris:** — Thank you, Mr. Speaker. Mr. Speaker, I have a couple of introductions today. The first introduction I would like to make are members from the Saskatchewan Ophthalmic Dispensers Association. Seated in the west gallery are Paul Johnson, the president. If you could just stand or give a wave, it'd be fine. Stand and give a wave, both. Also Ken Sorensen who is the assistant registrar, and Clarence Mott who is the treasurer. I'd like all members to welcome them to their Legislative Assembly.

Also while I'm on my feet, Mr. Speaker, I'd like to also introduce a number of guests. Some are seated in the west gallery and, I believe, one or two in the Speaker's gallery, but who we have here joining us today is a number of advocates for the reduction of tobacco use in our province, Mr. Speaker. They do an excellent job and we'll be introducing a Bill later on in this day that will address that issue.

So seated in the west gallery are Donna Pasiechnik from the Canadian Cancer Society; Lynn Greaves who is president of the Coalition for Tobacco Reduction, who is in the Speaker's gallery; Paul Van Loon is in the west gallery and is from the Lung Association; Rhae Ann Bromley is in the west gallery as well from the Heart and Stroke Foundation; and Jean Ericson is the assistant registrar for the Saskatchewan College of Pharmacists.

Mr. Speaker, I'd like all members to welcome them to their Legislative Assembly and thank them for the great work that they do to better the health in our province. Thank you, Mr. Speaker.

**The Speaker:** — I recognize the member from Saskatoon Eastview.

**Ms. Junor:** — Thank you, Mr. Speaker. I too want to welcome the people in the gallery today to talk about the tobacco Act. I don't think many people remember, but in 1999 I was the member who moved the motion to set in motion the all-party tobacco committee that went out around the province to study the issue and then bring back suggestions for legislation. And I did that with the help of the member from . . .

**An Hon. Member:** — Douglas Park.

**Ms. Junor:** — Douglas Park. I keep wanting to put you in Riversdale. Yes, so that's how it all started. So I really am pleased to see that the people that have been so diligent in watching this tobacco Act are here today to watch it move forward yet again, and welcome them to their legislature.

**The Speaker:** — I recognize the Minister of Energy and Resources.

**Hon. Mr. Boyd:** — Thank you, Mr. Speaker. Mr. Speaker, I'm pleased to introduce some visitors that are with us here today in the Speaker's gallery. Our visitors are with Sinopec Engineering of China, and I would like to introduce them as follows: Mr. Qi, the vice-director of international project management; Mr. Zhou, the director chief engineering; Mr. Pang, engineer; and Ms. Xu, the assistant engineer.

We're also joined by representatives of the company of NuCoal: Alan Cruickshank, the president and CEO [chief executive officer]; John Burns, the managing director of coals to liquids; Steve Halabura, managing director, geoscience and mining; John Rogers, head of project management; and Allison Sherdahl, vice-president of industrial relations.

Mr. Speaker, these guests are in the legislature today. They are going to be signing a very, very important memorandum of understanding this afternoon for a very, very significant project in the province of Saskatchewan that has tremendous potential for development, for jobs, and for investment in our province. I would ask all members of the legislature to join with me in welcoming them — first of all our guests from China to Saskatchewan, and then the NuCoal representatives in terms of their participation in this MOU [memorandum of understanding] this afternoon.

**The Speaker:** — I recognize the member from Prince Albert Northcote.

**Mr. Furber:** — Well thank you, Mr. Speaker. I too would like to join with the minister in welcoming the folks here from Sinopec and from NuCoal. I had an opportunity, as did some of my colleagues, to meet with the folks from NuCoal on what is potentially an extremely exciting project for Saskatchewan. So we're happy to see them in the legislature today.

Additionally I'd like to introduce, if I could, some folks that are here who drove probably well over five hours to be here today from Big River. They have grave concerns about the future of their saw mill and the viability of their town. And I'd like to introduce, if I could, a few folks from Big River: His Worship Brian Brownfield, the mayor; Doug Panter, the reeve; Darren Osinchuk, a councillor; Wally Wilson, he's a contractor up there; and Jeanette Wicinski-Dunn, she's with the chamber of commerce in town; Trischa Doucette, she works on economic development for the region. I'd like to welcome them to their legislature today.

And just because it's so infrequent that I get up to introduce people, Mr. Speaker, I'd like to take this opportunity to also introduce somebody who's no stranger to the legislature, Mr. Myron Kowalsky who has joined us — former Speaker of the legislature, from Prince Albert — to view the proceedings. I'm sure that he'll have a bit of a different view from the top of the Speaker's gallery today than he's used to, but I'm sure he'll enjoy the proceedings. Thank you so much, Mr. Speaker.

**The Speaker:** — I recognize the member from Saskatchewan Rivers.

**Ms. Wilson:** — Thank you, Mr. Speaker. To you and through you I'd like also to say hello and give a warm welcome to the forestry task force who I'd the pleasure of meeting with today: Mayor Brownfield, Reeve Doug Panter, Jeanette Wicinski-Dunn, Wally Wilson, Trischa Doucette, and Darren Osinchuk, and also the other good folks of Big River that came down on the long bus ride. So thank you. We really appreciate it. And I'd like you to give them a warm welcome to their Legislative Assembly.

**The Speaker:** — I recognize the member from Kelvington-Wadena, the Minister Responsible for Crown Investments.

**Hon. Ms. Draude:** — Thank you, Mr. Speaker. Mr. Speaker, to you and through I am pleased to rise today in the legislature to welcome some of Saskatchewan's finest employees to their legislature.

Joining us today are six dedicated workers who every day provide excellent customer service to all the people in Saskatchewan through the SGI's [Saskatchewan Government Insurance] fair practice office. And I'll ask them to stand to be recognized. We have Meghan Moormann, Murray Richter, Charlotte Hendren, Nadine Williams, Cheryl Cowling, and Irene Gaetz.

The fair practice office answers questions about SGI products and programs, and they assist their customers in dealing with

auto and injury claims. Anyone who has been in an accident knows first-hand the emotional and traumatic experience it can be, and these employees go out of their way to answer questions.

But, Mr. Speaker, I want to single out Irene. Irene's a team manager, and after nearly three decades of working at SGI, Irene is preparing for retirement at the end of the month. Irene is known for constantly demonstrating integrity, being patient, and she's an empathetic listener. And she's made sure that everybody is treated fairly while sharing their concerns and their individual situations. It's very likely that every member in this House has dealt with her in their office and maybe more than once.

So, Mr. Speaker, I ask all members in this Assembly to welcome Irene and the rest of the fair practice office to their Legislative Assembly and congratulate Irene in her retirement.

**The Speaker:** — I recognize the member from Regina Coronation Park.

**Mr. Trew:** — Thank you, Mr. Speaker. I'd like to welcome the good folks from the SGI fair practices office as well. They do terrific work, almost everyone would agree. Of course the sad part is they deal in a department where not all of their clientele are happy to begin with, but I can vouch that they do very, very good work.

And I want to join the minister in wishing Irene a very happy, long retirement. So please, on behalf of the opposition, help me welcome the fair practices group from SGI.

**The Speaker:** — I recognize the Minister Responsible for Corrections, Public Safety and Policing.

**Hon. Mr. Huyghebaert:** — Thank you, Mr. Speaker. Mr. Speaker, in your gallery there's a number of friends. And I know my colleague will be formally introducing some of them later, but to you and through you to the Assembly, I would like to introduce one individual, Mr. Ken Garbutt. Ken is the president of the Saskatchewan-Manitoba division of the Last Post Fund, and I will be making a member statement regarding the Last Post Fund later on.

So I would ask all members of the Assembly to please welcome Ken to his Legislative Assembly and thank him for the great work he's done on the Last Post Fund.

**The Speaker:** — I recognize the member from Melville-Saltcoats, the Minister of Agriculture.

**Hon. Mr. Bjornerud:** — Thank you, Mr. Speaker. Mr. Speaker, to you and through you to the members of the Assembly I'd like to introduce Jack Hextall, president of the Sask Cattle Association; Calvin Knoss, president of the Sask Stockgrowers; Ed Bothner with the Stockgrowers; and another person who's very familiar with this legislature, Harold Martens with the Stockgrowers; and also Dave Marit from SARM [Saskatchewan Association of Rural Municipalities]. I want to welcome them to their legislature.

**The Speaker:** — I recognize the member from Regina

Wascana Plains, the Minister Responsible for Government Services.

**Hon. Ms. Tell:** — Thank you, Mr. Speaker. To you and through you, I am pleased to rise today to welcome a group of grade 4 and 5 students from St. Gabriel here in Regina, Regina Wascana Plains. There's 22 of them joined by their teacher, Denise Reed. I would ask all members to join me in welcoming them to their Legislative Assembly.

**The Speaker:** — I recognize the member from Saskatoon Riversdale.

**Ms. Chartier:** — Mr. Speaker, to you and through you to the Legislative Assembly, I'd like to introduce some very special guests in the east gallery. That would be my husband, Blair McDaid, and Ophelia, who will be two tomorrow. And this is her first time in the gallery. So please join me in welcoming them to their legislature. I need a new tongue today, I think.

**The Speaker:** — I recognize the member from Moose Jaw North.

**Mr. Michelson:** — Thank you, Mr. Speaker. Mr. Speaker, seated in your gallery is a member from my constituency in the name of Lyle Johnson. Lyle is the regional adviser for Prairie regions of the Cadet Instructors Cadre Branch Instructor Council. I hope I got all that right, Lyle. He is here with the cadet instructors from across the province, and I'd ask them all to just stand for a second.

The Cadet Instructors Cadre is celebrating its 100th anniversary this year and will be signing a declaration this afternoon in appreciation for their work with the air, army, and sea cadets throughout Saskatchewan. I would like to ask all members to welcome them to their Legislative Assembly.

[13:45]

**The Speaker:** — I recognize the member from Yorkton.

**Mr. Ottenbreit:** — Thank you, Mr. Speaker. To you and through you and to all the members of the Assembly, I'd like to introduce two women I've introduced in this House before. In the west gallery is my mom, Pat Ottenbreit. Give a wave there, mom.

And also with her is my lovely wife, Leone. And you know, it's been said, Mr. Speaker, behind every successful man or somewhat successful man is a supportive woman. That is one very supportive woman. But it's also been said, at times they're surprised as well. And I'm not sure if that's the case. But I'd ask all members to welcome my mom and my wife to this Assembly.

**The Speaker:** — And if members will allow, I'd like to extend a welcome as well to a previous Speaker who's come to join us today, Mr. Myron Kowalsky, and a former member, Mr. Harold Martens, both individuals I've had the pleasure of serving in the Assembly with, and a special welcome back to the Assembly. And I'll be chatting with the former Speaker later on for his critique of the current Speaker of the Assembly.

## PRESENTING PETITIONS

**The Speaker:** — I recognize the member from Regina Northeast.

**Mr. Harper:** — Thank you, Mr. Speaker. Mr. Speaker, I rise again today to present yet another petition from concerned citizens of Saskatchewan who are concerned over the condition of Highway 310. This highway has deteriorated rapidly and significantly. And the communities, many of these communities are reliant upon tourism as economic development, and this highway is certainly a barrier to that growth. Mr. Speaker, I'll read the prayer:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the Sask Party government to commit to providing the repairs to Highway 310 that the people of Saskatchewan need.

And in duty bound, your petitioners will ever pray.

Now, Mr. Speaker, this petition is signed by the good folks from Ituna and Kelliher, Saskatchewan. I so submit.

**The Speaker:** — I recognize the member from Saskatoon Eastview.

**Ms. Junor:** — Thank you, Mr. Speaker. I rise today to again present petitions. This is almost 1,000 in three days. The petition is in support of people with autism who feel they are disadvantaged by living in Saskatchewan with the inadequate autism spectrum disorder strategies and funding. And the petition reads:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the Saskatchewan Party government to commit to providing a comprehensive provincial autism spectrum strategy that is based on proven best practice, evidence-based research, treatments, and programming; and given the complexity of the disorder and its treatments, the individualized funding concept be adapted for parents and guardians of autistic individuals.

And as in duty bound, your petitioners will ever pray.

These signatures, Mr. Speaker, today are from Regina, Pilot Butte, Balgonie, Weyburn, Yorkton, Regina Beach, Fort Qu'Appelle, Langenburg, Churchbridge, Saskatoon, Stoughton, Midale, Yellow Grass, and Radville. I so present.

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

**Mr. Forbes:** — Thank you very much, Mr. Speaker. I rise today to present more petitions in support of affordable housing for Saskatchewan seniors. And we know that living costs including housing is having a major impact on Saskatchewan senior citizens and that more affordable housing options would help an awful lot. I'd like to read the prayer:

Wherefore your petitioners humbly pray that your

honourable Legislative Assembly may be pleased to cause the government to act as quickly as possible to expand affordable housing options for Saskatchewan's senior citizens.

And, Mr. Speaker, these petitioners come from Chitek Lake, Dysart, Kerrobert, Biggar, North Battleford, and Battleford. Thank you very much.

**The Speaker:** — I recognize the member from Cumberland.

**Mr. Vermette:** — Mr. Speaker, I rise today to present a petition in support of a new long-term care facility in La Ronge. The prayer reads as follows:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the government to immediately invest in the planning and construction of new long-term care beds in La Ronge.

As in duty bound, your petitioners will ever pray.

Mr. Speaker, the petition is signed by and supported by the good people of La Ronge, including the new mayor of La Ronge. I so present.

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

**Mr. Broten:** — Thank you, Mr. Speaker. I stand today to present a petition in support of fairness for students here in Saskatchewan through the necessary expansion of the graduate retention program. And the prayer reads:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the government to immediately expand the graduate retention program to include — oh I'm stumbling here — to immediately expand the graduate retention program to include master's and Ph.D. graduates.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, individuals who signed this petition are from the city of Saskatoon. I so present.

**The Speaker:** — I recognize the member from Regina Walsh Acres.

**Ms. Morin:** — Thank you, Mr. Speaker. Mr. Speaker, I rise today to present yet another petition on behalf of rural residents of Saskatchewan who question why the Sask Party government is leaving them behind with respect to providing safe and affordable water and who have yet not had any commitment of assistance. And the prayer reads as follows:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the government to financially assist the town of Duck Lake residents for the good of their health and safety due to the exorbitant water rates being forced on them by a government agency, and that this government fulfills its commitment to rural Saskatchewan.

As in duty bound, your petitioners will ever pray.

These petitions, Mr. Speaker, are signed by the good residents of Duck Lake and Carlton and Black Lake, Saskatchewan. I so present.

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

**Mr. Iwanchuk:** — Mr. Speaker, I stand today and present petitions in support of the withdrawal of Bill 80. Mr. Speaker, the petition's about the construction industry relations Act, 1992. It's about stable labour relations environment and about apprenticeship programs and quality work and safe work. Mr. Speaker, the petition reads as follows:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the government to withdraw its ill-conceived Bill 80, the construction industrial labour relations amendment Act, 2009, which dismantles the proud history of the building trades in this province, creates instability in the labour market, and impacts the quality of training required of workers before entering the workforce.

And as in duty bound, your petitioners will ever pray.

Mr. Speaker, the petition is signed by people in Lanigan, Saskatoon, Regina, Martensville, Punnichy, Vanscoy, Prince Albert, Mayview, Colonsay, Theodore, and Blaine Lake. I so present.

**The Speaker:** — I recognize the member from The Battlefords.

**Mr. Taylor:** — Thank you very much, Mr. Speaker. I'm pleased today to rise to present a petition in support of affordable rents and housing for The Battlefords. The petitioners note that the vacancy rate for rental accommodation in The Battlefords is very low, but the cost of rental accommodation is increasing at an alarming rate. The prayer reads as follows:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to call upon the Government of Saskatchewan to develop an affordable housing program that will result in a greater number of quality and affordable rental units to be made available to a greater number of people throughout The Battlefords and that will implement a process of rent review and rent control to better protect tenants in a non-competitive housing environment.

Mr. Speaker, the petition is signed by residents of the city of North Battleford. I so present.

**The Speaker:** — I recognize the member from Regina Rosemont.

**Mr. Wotherspoon:** — Thank you, Mr. Speaker. I rise to present petitions once again here today on behalf of concerned residents from across Saskatchewan as it relates to the unprecedented mismanagement of their finances by the Sask Party. Of course they allude to the \$1 billion deficit that's been

created and they have concerns. The prayer reads as follows:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the Sask Party government to start managing our finances responsibly and prudently to ensure that it does not continue its trend of massive budgetary shortfalls, runaway and unsustainable spending, equity stripping from our Crowns, and irresponsible revenue setting.

And as in duty bound, your petitioners will ever pray.

These petitions are signed by concerned folks from Carnduff and Moose Jaw. I so present.

#### STATEMENTS BY MEMBERS

**The Speaker:** — I recognize the member from Arm River.

##### Support for the Regina & District Food Bank

**Mr. Brkich:** — Thank you, Mr. Speaker. I'm pleased to rise today to tell you and through you to all the members about an exciting initiative, an example of co-operation and partnership.

The Saskatchewan public service and the SGEU [Saskatchewan Government and General Employees' Union] have come together to support a joint food drive on behalf of the Regina & District Food Bank. They are encouraging all Regina government employees to take part in the campaign which will run from December 4th through to December 18th.

We are pleased to see the employer and the employees and the union working together to help people at this time of giving. Food collection bins will be set up in government buildings around Regina, and employees in other locations are also being encouraged to consider donating to their local food banks.

Employees in the public service are your neighbours, your families, and your friends. They are part of our communities. They help to provide the services that people need throughout their workdays on the job and also through voluntary donations and campaigns like this one. This campaign will also support CBC [Canadian Broadcasting Corporation] Radio-Canada's upcoming Comfort & Joy campaign, to be launched December 4th.

Mr. Speaker, I would like to challenge other public sector employers and unions and organizations in the private sector too to join the public service and the SGEU in this food bank to make this time of year happier for everyone. Mr. Speaker, the spirit of giving and service is alive and well in Saskatchewan public service.

**The Speaker:** — I recognize the member from Regina Walsh Acres.

##### Remembering Victims of Violence

**Ms. Morin:** — Mr. Speaker, today I stand in my place to remember a very tragic day in Canadian history — December 6, 2009 — the day on which we remember the 13 young women whose lives were cut short during a massacre at École

Polytechnique. These young women, Mr. Speaker, are the daughters of all Canadians. Their lives were tragically cut short by an act of violence by a man, Marc Lépine, who was motivated by hatred of women.

Mr. Speaker, a murderer tried to silence these young women, but they will never be forgotten. In reading out their names each year, we deny Lépine and all the misogynists their victory, and we pay tribute to women everywhere who carry on the struggle for an end to violence against women and full equality for all.

They are, Mr. Speaker: Geneviève Bergeron, Hélène Colgan, Nathalie Croteau, Barbara Daigneault, Anne-Marie Edward, Maud Haviernick, Maryse Laganière, Maryse Leclair, Anne-Marie Lemay, Sonia Pelletier, Michèle Richard, Annie St-Arneault, Annie Turcotte, and Barbara Klucznik-Widajewicz.

It is in naming these young women, Mr. Speaker, that we remember and carry on the struggle of all for an end to violence and for society in which all people are truly equal. It is fitting that we do this, Mr. Speaker, not only in this case, the season of the White Ribbon campaign, but in each and every day throughout the year. Thank you.

**The Speaker:** — I recognize the member from Wood River.

##### Celebrating the Last Post Fund's Centennial

**Hon. Mr. Huyghebaert:** — Thank you, Mr. Speaker. Mr. Speaker, this year the Last Post Fund is celebrating its centennial. Today our government will officially designate the year of 2009 as the 100th anniversary year of the Last Post Fund in Saskatchewan. Later today the Premier will be signing the proclamation.

For the past 100 years, this organization's goal has been to ensure that no Canadian or Allied veteran is deprived of a dignified funeral, burial, and headstone for lack of financial resources. While the Last Post Fund is little known by the general public, I'm pleased to be able to bring it some recognition today. The organization originated in 1909 from an act of patriotism, respect, and compassion towards a veteran who passed away in dire circumstances. For the past century, the Last Post Fund has provided funerals, burials, and grave markings for over 145,000 veterans from Canada as well as other allied countries. From 1995 until today, the Last Post Fund has spent nearly 125 million on funeral, burial, and grave markings expenses for veterans. In addition to delivering the funeral and burial program, the Last Post Fund supports several other initiatives to commemorate Canadian veterans including its own military cemetery, the National Field of Honour, and a provision of military markers for unmarked veterans' graves.

Mr. Speaker, I ask all members to join with me in thanking this organization for their contribution to our veterans and also in congratulating the Last Post Fund on a successful 100 years.

**The Speaker:** — I recognize the member from The Battlefords.

##### Education Funding

**Mr. Taylor:** — On November 19th, I along with the MLAs

[Member of the Legislative Assembly] from Rosthern-Shellbrook and Biggar met in North Battleford with Light of Christ Catholic School Division. The board told us emphatically that their administrative priority for 2010 is sustainable and predictable funding. At the same time, the board indicated that they need a finalized new funding model as promised by the Saskatchewan Party that addresses the existing inequity in per student funding.

For the benefit of members and the public, Light of Christ receives provincial funding of \$7,900 per student compared to the provincial average of \$8,700 and the provincial high of \$16,900 per student. The board Chair made it clear, and I agree with him, education is too important to have to ride the highs and lows of the economy. Education funding cannot be dependent on potash prices.

This week, the Minister of Education admitted his government's mismanagement of provincial finances will have a negative effect on the delivery of their promise to continue education property tax relief, and they will likely not be able to put in place a new funding model for school boards until 2011 or 2012. Boards of education and students in divisions with the lowest per capita funding arrangements will find this totally unfortunate and unacceptable.

If he needs more information, I call on the minister to talk with the members from Rosthern-Shellbrook and Biggar and act quickly to establish a program of equitable, sustainable, and predictable education funding.

[14:00]

**The Speaker:** — I recognize the member from Moose Jaw North.

#### 100th Anniversary of the Cadet Instructor Cadre

**Mr. Michelson:** — Thank you, Mr. Speaker. Today our government officially recognizes the 100th anniversary of the Cadet Instructor Cadre in our province. Since 1909, the Cadet Instructor Cadre, or CIC, has been responsible for the administration, training, and supervision of cadets. These dedicated individuals work within 59 cadet corps and squadrons throughout the province.

Today the Cadet Instructor Cadre consists of approximately 7,500 commissioned officers of the Canadian Forces whose prime duties include the safety, supervision, administration, and training of army, sea, and air cadets. Currently there are approximately 220 cadet instructor cadres within the province of Saskatchewan, along with 50 civilian instructors.

Mr. Speaker, cadet instructor cadres consist of specially trained, part-time members of the Canadian Forces. Cadet Instructor Cadre officers are important figures in the life of cadets. They are governed by a strong desire to see cadets grow into responsible adults. Officers strive to be role models for youth, demonstrating strong characteristics in leadership, loyalty, and dedication.

Mr. Speaker, on behalf of the people of Saskatchewan, I ask all members to join me in thanking the Cadet Instructor Cadre for

their service to this province and nation and congratulate them on the successful 100 years.

**The Speaker:** — I recognize the member from Regina Rosemont.

#### Birds of a Feather

**Mr. Wotherspoon:** — As the old saying goes, Mr. Speaker, birds of a feather flock together. Last month the Health minister had to eat crow when his BC [British Columbia] counterpart, Kevin Falcon, sang like a canary about a plan to fly Saskatchewan patients over the mountains to pay premiums for surgeries.

Now we learn of another migration, Mr. Speaker, as our very own yellow-capped cheerleading chickadee flew to the home of the Blue Jays, Toronto, for a fundraiser, joining a flock of very blue birds. Helping the Premier to feather his nest was none other than Kory Teneycke, Mr. Speaker, former mouthpiece for Stephen Harper's PMO [Prime Minister's Office]. There to introduce and thank the Premier were deficit Jim Flaherty and Mike the knife Harris.

Harris, Mr. Speaker, claimed to speak for common sense, but was eventually identified as a specimen of the Canadian common loon for having fouled his own nest for program cuts and attacks on working people. And before he took his federal perch, Mr. Speaker, Jim Flaherty helped Harris wreck Ontario's finances and now runs record federal deficits in the middle of a recession he said wasn't coming.

Sounds like the line the Premier has been parroting, Mr. Speaker, after placing too many eggs in the potash basket and burying his head in the sand. Mr. Speaker, when the Premier is flying in formation with birdbrains like these, it's no wonder people are saying birds of a feather flock together.

**The Speaker:** — I would just ask that members, even in members' statements, be mindful of the words they use and the words that could be and can be constrained as reflecting upon other members. It's certainly not appropriate.

I recognize the member from Martensville.

#### November, A Great Success

**Hon. Ms. Heppner:** — Thank you, Mr. Speaker. It is my privilege to rise in the House today and announce that last month's Movember was a great success.

Movember is all about raising funds for prostate cancer research in Canada. One in six men will be diagnosed with prostate cancer and, in fact, it is the most common cancer to affect Canadian men. Prostate Cancer Canada uses these funds to help with education and support people who are affected. Movember sends the message that prostate cancer is a non-discriminating disease that can affect all men.

Mr. Speaker, I would like to point out what has been achieved. SaskTel's president and CEO Robert Watson was successful in raising close to \$40,000 for prostate cancer research. And here in this House, Sask Party MLAs and staff raised about \$9,000.



And I would like to thank everybody who gave so generously.

And, Mr. Speaker, I'd also like to add that Movember is not the only month where we recognize the need to raise awareness about prostate cancer. My father was successful in passing a private member's Bill that named September as Prostate Cancer Awareness Month in our province. And, Mr. Speaker, while my father is no longer with us — he has lost his battle with cancer — he certainly left a legacy.

He was a very private man who chose to be very public about his battle with cancer and encouraging men to get tested. I'm very proud of him and his efforts. And, Mr. Speaker, we miss him a lot. And in his memory, I would urge all men who have not yet been tested to do so. Thank you very much.

**The Speaker:** — Before we move to oral questions, I want to just ask our audience, and remind them of the rules that we ask that they not participate in any of the further debate on the floor of the Assembly in any form. And that would be greatly appreciated. Oral questions.

### QUESTION PERIOD

**The Speaker:** — I recognize the Opposition Leader.

#### Provincial Finances

**Mr. Lingenfelter:** — Mr. Speaker, Mr. Speaker, for a number of days now we've been raising the issue of the budget cuts and the government's incompetence here in the Assembly. And yesterday Eric Howe, the University of Saskatchewan economics professor and self-described fiscal conservative, classified the fiscal mess here in Saskatchewan as a spending problem, not a revenue problem. He said, and I quote:

If you look just three years ago, the provincial government in Saskatchewan had revenues of about \$8 billion, and nonetheless had a surplus of nearly \$1 billion. Now in 2009, even with the low value of potash royalties that are forecast, nonetheless the Saskatchewan provincial government has revenues of \$10 billion.

Mr. Speaker, my question is to the Minister of Finance: will he now admit that he has a serious spending problem, not a revenue problem?

**The Speaker:** — I recognize the Premier.

**Hon. Mr. Wall:** — Mr. Speaker, Mr. Speaker, there is obviously a challenge with respect to revenues in the province of Saskatchewan, resulting from a significant decline in potash revenue to the province, a decline of almost the entire amount budgeted, Mr. Speaker, because of an almost complete lack of sales made on potash. However it's also true that we are ahead in terms of revenues with respect to oil, Mr. Speaker. We are ahead in terms of revenues with respect to a number of other sources of revenue for the province of Saskatchewan.

Some of the expenditures that the hon. member points to result from record infrastructure investment, which are the reasons why our economy is stronger perhaps than any other on the continent. Some of the other reasons for the expenditure

increase is actually a tax cut. When you reduce property taxes, when you finally deliver meaningful education property tax relief, you do so by properly funding education, Mr. Speaker.

I will say this: this government is committed to the balanced budget that exists today. It'll balance the next budget. And, Mr. Speaker, we'll have 40 per cent less debt than when we took over from members opposite.

**The Speaker:** — I recognize the Leader of the Opposition.

**Mr. Lingenfelter:** — Mr. Speaker, the Premier will be one of the few left in the province who believe the budget is balanced, one of the few. In his comments yesterday, Mr. Speaker, Professor Howe compared this government's fiscal mismanagement and the incompetence in their billion dollar deficit, and now the recession, with that of Grant Devine's government in the 1980s.

He said both governments inherited a solid fiscal position and thought they could buy anything they wanted with our money. He said, and I quote, "The deficits that were run up by Devine and the deficit that is now being run up by the Wall government are in fact entirely analogous." That's what he said.

My question to the Premier is this: does he now admit that he's following in the footsteps of his mentor and former boss, Grant Devine? Is that where he's taking the province?

**The Speaker:** — I recognize the Premier.

**Hon. Mr. Wall:** — Mr. Speaker, the debt of the province of Saskatchewan is 40 per cent less than when we took office. We have reduced the debt of this province by 40 per cent. Mr. Speaker, the net gain in the province's financial health since we took office is \$2 billion.

When you consider the debt that has been paid off, when you consider \$600 million still in a savings account, the only province in the Dominion of Canada with a balanced budget, and also the province, the province of Saskatchewan that has invested in infrastructure at historic levels because of a massive infrastructure deficit left behind by members opposite, Mr. Speaker, no wonder, no wonder people from across Canada, those that were gathered at Grey Cup and those that are across today, say we would rather be in the province of Saskatchewan with its fiscal health, with its fiscal balance sheet, Mr. Speaker.

**The Speaker:** — I recognize the Leader of the Opposition.

**Mr. Lingenfelter:** — As Professor Howe has indicated and supported statements made by members of the opposition and many people in fact in the public of Saskatchewan, the problem with this government is they have no plan and no restraint at all. They spend money like drunken sailors. They jump from one project to the other. But unlike the Devine government, which went bankrupt doing projects, this government is going broke thinking about projects. That's the problem.

My question to the Premier is this: why are the people of this province being forced to pay for the mistakes, the mismanagement, and the incompetence of this government?

**The Speaker:** — I recognize the Premier.

**Hon. Mr. Wall:** — Mr. Speaker, Mr. Speaker, the debt of the province of Saskatchewan is almost 40 per cent less than it was when we took office.

[Interjections]

**The Speaker:** — Order. Order. I would ask the members of the opposition to give the Premier now the same opportunity to respond to the question as they gave the Leader of the Opposition to ask the question.

**Hon. Mr. Wall:** — Mr. Speaker, the member from Wakamow says from her seat, what else is there? Well we'll say what else there is. Mr. Speaker, we inherited a situation where there were 800 fewer nurses than were needed in the province of Saskatchewan. We inherited a situation where the CAA [Canadian Automobile Association] said the pothole in terms of the deficit and infrastructure in highways infrastructure was \$1 billion, Mr. Speaker.

We inherited a situation where no government in Canada relied more on property, including agriculture property, to fund education than the province of Saskatchewan under that government. And we inherited a province of Saskatchewan, a fiscal situation where there was \$6.8 billion in debt.

There is 40 per cent less debt in the province. We are dealing with the infrastructure deficit in terms of highways left behind by members opposite. Mr. Speaker, we are dealing with the neglect of health care in the cities and in rural Saskatchewan, Mr. Speaker. We're doing so with I think probably the only balanced budget in the country. The budget will be balanced next year as well.

Our economy's continuing to grow. That's why people have voted with their feet, and they're coming here despite the fact that that member does nothing but run down the province of Saskatchewan.

**The Speaker:** — Order. I heard a number of members talking about time. We've already agreed upon what the time for questions and answers is but also, when it's hard to hear, then it's difficult to start asking someone to sit down when it's hard to hear the answers. I recognize the Leader of the Opposition.

**Mr. Lingenfelter:** — Mr. Speaker, a new question to the Premier. And I listened with interest as the Premier talked about where he had spent the money, and making it sound like it is their money. But in fact it's the public's money.

And I want to quote what Professor Howe has said about similarities between the Devine government's spending and this government's. And here's what he said, and I quote. And I might add before I quote, he didn't indicate the same list as the Premier. He said, and I quote: "The cabinet was madly off in all directions, spending money on all sorts of different things as though there was no budget constraint."

My question to the Premier is this: in light of this runaway spending and the fact that we have gone from boom to bust, from surplus to deficit, and we've done that in two years, can he

tell the people of Saskatchewan, if he can do that much damage in two years, why would they give him another term in office with that kind of a record?

**The Speaker:** — I recognize the Premier.

**Hon. Mr. Wall:** — Well, Mr. Speaker, there he goes again. He referred to the economy of the province of Saskatchewan as a bust. That's what he just said. Well I have several other occasions where that member has said the very same thing in this House. Referred to the economy of Saskatchewan as a bust, Mr. Speaker, the economy that has the lowest unemployment rate in the country . . .

[Interjections]

**The Speaker:** — I recognize the Premier.

**Hon. Mr. Wall:** — Mr. Speaker, the economy that has experiencing the fastest population growth that we have in 50 years, the economy that's posting the highest increases in weekly earnings for Saskatchewan people, the economy that Dale Orr, another long-time economist, says will surpass Ontario as the second wealthiest economy in the country ahead of Ontario. That's the economy he's referring to as a bust. That's the depth, that's the breadth of the disconnect, of the gap between that member who recently came back from Calgary and is characterizing this province, the economy as a bust. The gap between him and the people of Saskatchewan is obvious. It's interesting . . .

**An Hon. Member:** — We'll see.

**Hon. Mr. Wall:** — Well he says, we'll see. We were just looking at some polling numbers this morning, Mr. Speaker. It's not just the economy of this province that's on the way up, Mr. Speaker. It's that member's disapproval ratings amongst the people of Saskatchewan that are on their way up. Yes.

[14:15]

**The Speaker:** — I recognize the member from Prince Albert Northcote.

### Big River Saw Mill

**Mr. Furber:** — Mr. Speaker, today people from Big River are visiting their legislature. They're angry, they're frustrated, and they're deeply worried about the future of their community, a town that has for over 100 years depended on forestry. They want answers. They want to know why this minister refused to communicate with them until pressured by the NDP [New Democratic Party]. They want to know why this Sask Party minister said in June that he'd advise them before any decision is made on the FMA [forest management agreement], then refused to give them the courtesy of even a phone call.

To this minister: when dividing the FMA, why did he choose to play one community against the other instead of trying to build an industry bringing all players to the table?

**The Speaker:** — I recognize the Premier.

**Hon. Mr. Wall:** — Thank you, Mr. Speaker. No doubt, Mr. Speaker, that the minister will also want to engage in the debate and answer the questions that the members will ask. We just had a very good meeting with the task force that's here from Big River, and with the mayor and members of council, where I frankly don't think the meeting is concluded yet. We ran out of time before the session began here this afternoon. And so, Mr. Speaker, I think we'll be following up with that group, the minister and officials from my office will as well.

We talked about concerns that the community has. I was an economic development officer, Mr. Speaker. I understand, I understand what that's like to be going through, to be going through what that community's going through.

Well members are laughing and I guess that's fair enough. I would just say this, Mr. Speaker. We are interested in the very same things that the community of Big River's interested, in the viability of that community and specifically in the facility that's there and what can be done with that facility so people can be to work in it, and also so that those who supply the facility and the forestry sector can do that. That was the point behind the allocation in the first place. That was the intent. And we look forward to continued dialogue with the group that has come all the way from Big River today to their Legislative Assembly.

**The Speaker:** — I recognize the member from Prince Albert Northcote.

**Mr. Furber:** — Well there you have it, Mr. Speaker. The Premier wants to write another IOU [I owe you] in this province. He's got an IOU now to Big River. He's got one for property tax. He's got one for municipal revenue sharing. He's got one for just about everything that they failed to deliver on as a government.

Mr. Speaker, the minister seems to have had it out for Big River right from the start, but neither Eacom nor the people in the gallery today can figure out why. The same minister went far out of his way to make negative claims about Eacom and its CEO while in Big River. I'd like to give the minister now another chance to show some guts and set the record straight.

To the minister: why did he say that Eacom is "a shady company," and will he again deny making the same statements that he made in Big River today in this legislature?

**The Speaker:** — Order. Before we move to the response, I ask members again to be mindful of the phrases they use or the words they use to impute negativity on other members. It isn't becoming of any member in the Assembly to use that type of language.

I recognize the Minister Responsible for Energy and Resources.

**Hon. Mr. Boyd:** — Thank you, Mr. Speaker. Mr. Speaker, you would know, and all members of this Assembly would know, that the history of this facility was one that closed in 2006 under the NDP watch. In addition to that, we would also know that in the dying days of the former government, the last few days that they were in office, they signed an MOU with Domtar. And while the NDP now say that they are very much on the side of the community with respect to this, section 13 of that MOU

indicates this:

Domtar will not be reopening the Big River mill, but will transfer the following equipment from Big River to Wapawekka to facilitate its expansion: one saw line, three kilns, two debarkers, stream line and planer.

So the NDP now say they are concerned about this facility, Mr. Speaker, when the real facts are that when they had the opportunity to do something for the community of Big River, they were going to continue to keep the mill closed and move all of the equipment to another facility, Mr. Speaker.

**The Speaker:** — I recognize the member from Prince Albert Northcote.

**Mr. Furber:** — Now I'm not surprised and neither are the people from Big River that the member opposite would not tell the whole story when it comes to this issue. What these people came here today to understand was what their position is on the FMA, not what the NDP wanted to do in 2007.

Mr. Speaker, on July 3rd, 2009, the member from Saskatchewan Rivers told the *Spiritwood Herald*, "Should a corporation purchase the Big River assets from Domtar, the Government of Saskatchewan will work with the purchaser to ensure that an appropriate supply of wood is made available."

Now, Mr. Speaker, that didn't happen. And according to the P.A. [Prince Albert] *Herald*, the member from Sask Rivers' only excuse for her broken promise was that she doesn't sit at the cabinet table to decide when the FMA was divided up.

So why has the member from Saskatchewan Rivers now broken her promise and why is it that the minister has sold out the ineffectual member from Sask Rivers?

**The Speaker:** — I recognize the Minister Responsible for Energy and Resources.

**Hon. Mr. Boyd:** — Mr. Speaker, right from the very outset, the Government of Saskatchewan, early last year, set out allocation criteria that had to be met in order to qualify for allocations: that harvesting must be sustainable; economic wood supplies must be provided to existing forestry companies. There must be full participation of First Nations within this, and proposals have to meet the criteria of economic viability. We wanted to include small companies, large communities, large forestry companies, independent operators, and very importantly, First Nations people into that discussion. And that is exactly what happened, Mr. Speaker.

Mr. Speaker, in addition to all of the various groups that got allocations, there was 200 000 cubic metres set aside for the community of Big River or proposals that would come forward from that community. That is indeed what has happened, Mr. Speaker.

There's opportunity as well to work with the Agency Chiefs who received allocation, to work with the Montreal Lake Cree Nation that received allocation, and to work with the village of Green Lake that got allocation, Mr. Speaker.

So, Mr. Speaker, there certainly is opportunity here for all players to have a allocation and to have the forestry services in their communities.

**The Speaker:** — I recognize the member from Prince Albert Northcote.

**Mr. Furber:** — It's shocking that the minister would take that view in front of the people here from Big River. It's unbelievable.

Mr. Speaker, the minister has said that one reason the Saskatchewan Party won't work with Eacom is because Eacom has "lawsuits against them." The company assures me that it's not true. And John Reynolds states in reference to the minister, I quote, "It shows how poor his research was."

But it takes little research, Mr. Speaker, to find out that another company that the minister dove into bed with, Bruce Power, has lawsuits against them.

So my question to the minister is simple: with his condemnation of companies that have lawsuits against them, if the minister has a lawsuit come against him, will he resign from cabinet?

**The Speaker:** — I recognize the Minister Responsible for Energy and Resources.

**Hon. Mr. Boyd:** — Mr. Speaker, when we worked through the allocation process, not only did we seek advice from the forestry services within government; we also had an outside agency, Deloitte, take a look at this. They came to the same conclusion that we came to in terms of economic viability of the company associated here.

There was concern about the fact that when the proposal came forward, we were understanding that there was going to be a large forestry partner in this agreement. There was no mention whatsoever of that.

We also were aware of the fact that we wanted to have First Nations involvement in this. There has been no communication between Eacom and the Agency Chiefs with respect to this. We have checked with the Agency Chiefs with respect to that, and they have indicated that the company, even though they are saying they want to have involvement, has made no representations of any kind to the Agency Chiefs.

**The Speaker:** — I recognize the member from Prince Albert Northcote.

### Participation in Elections

**Mr. Broten:** — Mr. Speaker, will the Premier agree to the immediate appointment of an independent judicial inquiry to investigate the serious allegation that he, his Deputy Premier, his senior adviser Reg Downs, and the head of his transition team Doug Emsley, conspired to rig the 2007 provincial general election by preventing PC [Progressive Conservative] Party candidates from contesting that election?

**The Speaker:** — I recognize the Premier.

**Hon. Mr. Wall:** — Mr. Speaker, the answer is no.

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

**Mr. Broten:** — Mr. Speaker, does the Premier understand the seriousness of these allegations? He, members of his senior staff, and senior members of his caucus are accused of conspiring with Doug Emsley and other PC trust fund trustees to prevent the PC Party from receiving money to help field candidates for the 2007 provincial election. In other words, he's being accused of trying to influence the results of that election by keeping potential competitors from running. If the Premier did no such thing, why isn't he anxious to have this matter dealt with by an independent body as soon as possible?

**The Speaker:** — Order. I'd just like to remind members of the rules of the Assembly that were brought to members' attention about a couple of weeks ago in regards to questions. Questions must relate to ministerial duties and responsibilities. Questions relating to party or caucuses have nothing to do with the Chamber. And the Premier can choose, if he wishes, to respond, or we can move on to the next question if you wish.

**Hon. Mr. Wall:** — Well, Mr. Speaker, it's interesting. I know they've been talking about this issue from their seat. In fact I think the Leader of the Opposition threatened us with having Mr. Schmidt run against the current member from Melville except, of course, that that's already happened, Mr. Speaker. That would be point number one.

Point number two, maybe we should expand . . .

[Interjections]

**The Speaker:** — Order. Order. Order. I'm prepared to stand here as long as members want to interfere and we'll just cut down on question period. I recognize the Premier.

**Hon. Mr. Wall:** — Also I'm reminded by the member for Thunder Creek that obviously this conspiracy theory of the hon. member wasn't very effective because the Leader of the Conservative Party ran against the member for Thunder Creek. He garnered 279 votes.

Now, now we may want to expand this inquiry he's calling for and determine whether or not it's true that a sitting member of this legislature on the NDP's side now — way back in 1982 when he was running in Shaunavon — conspired with separatists to have the Western Canada Concept run in his constituency. Because apparently the candidate's prepared to say that's happened.

And maybe while we're at it, we could investigate the nomination campaign of the NDP in Riversdale when he ran there, and I understand there may be a matter under investigation currently in another constituency, in another campaign, Mr. Speaker.

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

**Mr. Broten:** — Mr. Speaker, free and fair elections are at the

core of why we are here in this Assembly. It's fundamental to our democratic system. Mr. Speaker, the Premier mentions that the Ag minister ran against Grant Schmidt. And it's true. The Ag minister ran against Grant Schmidt for the nomination in that seat, and the Ag minister lost to the member, Grant Schmidt, Mr. Speaker.

Mr. Speaker, a new question related to the transition team and staff of Executive Council, Mr. Speaker. These allegations are eerily reminiscent of the Filmon vote-rigging scandal in Manitoba a few years ago. That whole mess resulted in a judicial inquiry, the resignation of many senior government staff, and the defeat of Premier Filmon at the next election.

Again if the Premier is confident he did nothing wrong, why won't he launch an independent judicial inquiry to let the people of Saskatchewan know whether he was involved in a conspiracy to rig the 2007 provincial election by preventing the rebirth of the PC Party of Saskatchewan?

**The Speaker:** — Order. Again I must remind the member, the questions must be related to ministerial duty responsibility. That question would be more responsibly related to an independent member of the government, the Chief Electoral Officer. But if there's a minister who wants to respond, they'll be allowed to.

**Hon. Mr. Wall:** — Mr. Speaker, I don't know the details of the situation involving Premier Filmon, but I understand it had to do with First Nations.

And this is an interesting line of question from members opposite, especially considering who their leader is and what has been said about the leadership campaign that that gentleman ran by First Nations people in this province, including the chief of the Flying Dust First Nation who said band members are upset about being dragged into the controversy over the NDP memberships sold on-reserve.

Chief Jim Norman [I'm quoting from an article in *The StarPhoenix*] said there is unhappiness with leadership candidate [and I quote] Dwain Lingenfelter, whose campaign bought \$10 party memberships en masse for residents of the Flying Dust and Waterhen Lake First Nations [Mr. Speaker] without their consent or knowledge.

If anyone ought to be concerned about a public inquiry into their conduct, it should be the Leader of the Opposition, Mr. Speaker.

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

**Mr. Broten:** — Mr. Speaker, this is about openness. This is about transparency, something this side is fully committed to, unlike members opposite. Mr. Speaker, I'm glad the Premier's choosing to answer these questions, Mr. Speaker.

New question. Mr. Speaker, the day after the 2007 provincial election, the Premier was asked about Doug Emsley's appointment to his transition team when he was also a trustee of the PC Party trust fund. The Premier's response to reporters was, and I quote, "I believe he has resigned from that. This was a decision he made, I think, a number of months ago."

The problem, Mr. Speaker, is that no one knew of Mr. Emsley's resignation before the Premier made that statement. How is it that the Premier was the only one to know of Mr. Emsley's resignation from the PC Party trust fund on the day he made that statement?

[14:30]

**The Speaker:** — I recognize the Premier.

**Hon. Mr. Wall:** — Mr. Speaker, we've had PC candidates running unsuccessfully against the member from Melville and the current Agriculture minister. We had the Leader of the PC run unsuccessfully against the MLA for Thunder Creek. So I think free and fair elections are happening, Mr. Speaker.

It's also interesting to note in terms of the results of the '07 election that . . . You know what? I'm just looking over here and I'm pretty sure the people have spoken as to who they want the Government of Saskatchewan to be, Mr. Speaker.

But I will say this. I will say this. If members opposite are interested in inquiring as to the proper conduct of election campaigns and leadership campaigns, they should be directing their questions to their own leader. Mr. Speaker, here's another First Nations chief as reported in *The StarPhoenix*, who said he's upset that his picture has appeared on an online social network, Facebook, as a supporter of Saskatchewan NDP leadership candidate Dwain Lingenfelter. And I quote. He said this: "That's what he said," Burns recalled."

[Interjections]

**The Speaker:** — Order. Order. Order. Order. Order. Order. The member asked the question. The Premier has the opportunity if he chooses to respond. I recognize the Premier.

**Hon. Mr. Wall:** — Here's what the chief said about the conduct of members of his campaign, of his election campaign, the Leader of the Opposition. He said, quote — this is Chief Wally Burns — "I want my pictures taken off of that Facebook because he had no consent . . . to do that."

Then there are the thousands of people at Waterhen, Mr. Speaker, and Flying Dust, who didn't give their permission to support that gentleman in his leadership campaign, Mr. Speaker.

We have the fact of the matter. And candidates for all parties contested the last election. That election was decided, Mr. Speaker, and I would say this based on some recent information we have. If that member doesn't change his conduct, and if that member doesn't get more, I think, more in line with Saskatchewan people about the promise of this province as it exists today, they're going to be there for a long time, Mr. Speaker.

## INTRODUCTION OF BILLS

### Bill No. 129 — *The Enforcement of Money Judgments Act*

**The Speaker:** — I recognize the Minister of Justice.

**Hon. Mr. Morgan:** — Mr. Speaker, I move that Bill No. 129, *The Enforcement of Money Judgments Act* be now introduced and read a first time.

**The Speaker:** — The Minister of Justice has moved first reading of Bill No. 129, *The Enforcement of Money Judgments Act*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

**Law Clerk and Parliamentary Counsel:** — First reading of this Bill.

**The Speaker:** — When shall the Bill be considered a second time? I recognize the Minister of Justice.

**Hon. Mr. Morgan:** — Next sitting of the House, Mr. Speaker.

**The Speaker:** — Next sitting.

**Bill No. 130 — *The Enforcement of Money Judgments Consequential Amendments Act, 2009/Loi de 2009 portant modifications corrélatives à la loi intitulée The Enforcement of Money Judgments Act***

**The Speaker:** — I recognize the Minister of Justice.

**Hon. Mr. Morgan:** — Mr. Speaker, I move that Bill No. 130, *The Enforcement of Money Judgments Consequential Amendments Act, 2009* be now introduced and read a first time.

**The Speaker:** — The Minister of Justice has moved first reading of Bill No. 130, *The Enforcement of Money Judgments Consequential Amendments Act, 2009*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Agreed. Carried.

**Law Clerk and Parliamentary Counsel:** — First reading of this Bill.

**The Speaker:** — When shall the Bill be considered a second time? I recognize the Minister of Justice.

**Hon. Mr. Morgan:** — Next sitting of the House, Mr. Speaker.

**The Speaker:** — Next sitting.

**Bill No. 131 — *The Conservation Easements Amendment Act, 2009***

**The Speaker:** — I recognize the Minister Responsible for the Environment.

**Hon. Ms. Heppner:** — Thank you, Mr. Speaker. I move that Bill No. 131, *The Conservation Easements Amendment Act, 2009* be now introduced and read a first time.

**The Speaker:** — The Minister Responsible for the

Environment has moved first reading of Bill No. 131, *The Conservation Easements Amendment Act, 2009*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

**Law Clerk and Parliamentary Counsel:** — First reading of this Bill.

**The Speaker:** — When shall the Bill be considered a second time? I recognize the Minister Responsible for the Environment.

**Hon. Ms. Heppner:** — Next sitting of the House.

**The Speaker:** — Next sitting.

**Bill No. 132 — *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009***

**The Speaker:** — I recognize the Minister Responsible for the Environment.

**Hon. Ms. Heppner:** — Thank you, Mr. Speaker. I move that Bill No. 132, *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009* be now introduced and read a first time.

**The Speaker:** — The Minister Responsible for the Environment has moved first reading of Bill 132, *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009* be now read the first time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Agreed. Carried.

**Law Clerk and Parliamentary Counsel:** — First reading of this Bill.

**The Speaker:** — When shall the Bill be considered a second time? I recognize the minister.

**Hon. Ms. Heppner:** — Next sitting of the House.

**The Speaker:** — Next sitting.

**Bill No. 133 — *The Tobacco Control Amendment Act, 2009***

**The Speaker:** — I recognize the Minister of Health.

**Hon. Mr. McMorris:** — Thank you, Mr. Speaker. Mr. Speaker, I move that Bill No. 133, *The Tobacco Control Amendment Act, 2009* be now introduced and read a first time.

**The Speaker:** — The Minister of Health has moved first reading of Bill No. 133, *The Tobacco Control Amendment Act, 2009*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Agreed. Carried.

**Law Clerk and Parliamentary Counsel:** — First reading of this Bill.

**The Speaker:** — When shall the Bill be considered a second time? I recognize the minister.

**Hon. Mr. McMorris:** — Next sitting of the House, Mr. Speaker.

**Bill No. 134 — *The Opticians Act***

**The Speaker:** — I recognize the Minister of Health.

**Hon. Mr. McMorris:** — Thank you, Mr. Speaker. Mr. Speaker, I move that Bill No. 134, *The Opticians Act* be now introduced and read a first time.

**The Speaker:** — The Minister of Health has moved that Bill No. 134, *The Opticians Act* be now read the first time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

**Law Clerk and Parliamentary Counsel:** — First reading of this Bill.

**The Speaker:** — When shall the Bill be considered a second time? I recognize the Minister of Health.

**Hon. Mr. McMorris:** — Next sitting of the House, Mr. Speaker.

**The Speaker:** — Next sitting.

**Bill No. 135 — *The Prescription Drugs Amendment Act, 2009***

**The Speaker:** — I recognize the Minister of Health.

**Hon. Mr. McMorris:** — Thank you, Mr. Speaker. Mr. Speaker, I move that Bill No. 135, *The Prescription Drugs Amendment Act, 2009* be now introduced and read a first time.

**The Speaker:** — The Minister of Health has moved first reading of Bill No. 135, *The Prescription Drugs Amendment Act, 2009*.

Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Agreed. Carried.

**Law Clerk and Parliamentary Counsel:** — First reading of this Bill.

**The Speaker:** — When shall the Bill be considered a second time? I recognize the Minister of Health.

**Hon. Mr. McMorris:** — Next sitting of the House.

**PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES**

**The Speaker:** — I recognize the member from Regina Dewdney.

**Standing Committee on House Services**

**Mr. Yates:** — Thank you, Mr. Speaker. I am instructed by the Standing Committee on House Services to report that it has considered certain estimates and to present its eighth report. And I move:

That the eighth report of the Standing Committee on House Services now be concurred in.

**The Speaker:** — The member from Regina Dewdney has moved:

That the eighth report of the Standing Committee on House Services be now concurred in.

Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Agreed. Carried.

**ORDERS OF THE DAY**

**WRITTEN QUESTIONS**

**The Speaker:** — I recognize the Government Whip.

**Mr. Weekes:** — Thank you, Mr. Speaker. I wish to table the answers to questions 562 to 586.

**The Speaker:** — Questions 562 through 586 are tabled.

**GOVERNMENT ORDERS**

**SECOND READINGS**

**Bill No. 126 — *The Management and Reduction of Greenhouse Gases Act***

**The Speaker:** — I recognize the Minister Responsible for the Environment.

**Hon. Ms. Heppner:** — Thank you, Mr. Speaker. At the end of my remarks, I'll be moving second reading of *The Management and Reduction of Greenhouse Gases Act*.

Our government is committed to taking action to reduce greenhouse gas emissions to meet our national-international obligations. The sustained growth of our economy can come at a high environmental price due to increased greenhouse gas emissions from coal-fired power plants, oil and gas production, and other sectors. As a result, Saskatchewan accounts for 10 per cent of the total Canadian greenhouse gas emissions, but only 3 per cent of our country's population.

Today in the lead up to the Copenhagen climate change negotiations, governments, lobby groups, scientists, and environmental organizations are all looking for action. The US [United States] administration has announced that President Obama will propose provisional targets for reducing greenhouse gas emissions in the range of 17 per cent based on targets set in the Waxman-Markey legislation. In Canada, the federal climate change plan, Turning the Corner, is being aligned with key provisions in the US legislation to maintain Canadian competitiveness in exports and production. And Prime Minister Harper has announced he will be attending the Copenhagen conference.

The climate change plan for Saskatchewan that is described in this Bill will reduce provincial greenhouse gas emissions, sustain our provincial economic growth, and foster widespread industry and public involvement in the solutions. In May 2009, we tabled *The Management and Reduction of Greenhouse Gases Act* in the legislature for consultation after consultation with industry and stakeholder groups.

Our government has adopted a target of emissions by 20 per cent by 2020 from 2006 levels. Under our legislation, large emitters such as SaskPower, the oil and gas, mining, steel, and fertilizer industries will be regulated, will report their emissions, and will be required to reduce them to meet annual targets. A carbon compliance price will be set which is competitive with developments in the US, Canada, and the rest of the world.

Regulated emitters who exceed their emissions targets will be required to pay into Saskatchewan Technology Fund which is a non-profit corporation outside of government. The Tech Fund will increase capital investment in low-carbon technologies that will actually reduce emissions. In the early years, we expect a significant amount of money to go into the fund, which is a good thing because emission-reducing investments can be very expensive. The Tech Fund will make investments in eligible activities. Our major emitters will be able to access the fund for re-investment into low-carbon technologies.

Consultations with industry have made it very clear that they prefer a Tech Fund located outside the government to ensure that contributed funds are directed towards greenhouse gas emission reductions and don't just sit in the GRF [General Revenue Fund]. And, Mr. Speaker, we agree. Industry will participate in the governance of this fund since they have the most knowledge on the best opportunities to reduce greenhouse gas emissions in their sectors. The board of directors of the fund will be appointed by cabinet to maintain accountability.

The government target of a 20 per cent reduction in emissions by 2020 can only be met with a major contribution from regulated emitters. This co-operative framework allows government to work with them to meet our own greenhouse gas targets. Non-regulated sectors such as government, transportation, agriculture, and residential and commercial buildings will also need to reduce emissions. This will be done through guidelines, financial incentives, research and development, education, and awareness initiatives.

The legislation creates two other institutions as central parts of our program. One is the climate change foundation which will

receive any unused funds from the Tech Fund to promote research and development and the demonstration of cost-effective emissions reducing technologies. The foundation will be responsible for public education and adaptation planning. It will work with regulated and non-regulated sectors to develop innovative solutions for reducing emissions and adapting to warmer temperatures and extreme weather conditions.

Secondly, an office of climate change will be established for the Ministry of Environment to administer the climate change program and introduce other related aspects of the plan including offsets, pre-certified investments, credit for early action, and other related regulations. This office will also draft additional practice and guidance documents in a code to assist industry with the technical and legal aspects of regulatory compliance. When the new federal climate change program is in place, Saskatchewan will sign an equivalency agreement with Canada, allowing our provincial legislation and regulations to provide outcomes equivalent to the federal plan. Saskatchewan has already signed an agreement in principle with the federal government to conclude these negotiations once both the federal and provincial legislation and regulations have been passed.

Provincial officials have consulted on all aspects of this legislation and are working to accommodate stakeholders' main concerns. These concerns include administrative simplicity, flexibility to offset sources, credit for early action, and pre-certified investments, as well as aligning with federal and US policies. Saskatchewan is a world leader in carbon capture and storage technologies, and this legislation strengthens that leadership.

There are two additions to this Bill from its first introduction in the spring. The first is setting up the allowance for performance agreements. These agreements would be set up with non-regulated sectors who are not covered by the Bill, but will allow them to have performance agreements with the government, and it will act as a social licence so that these organizations can show that they are making reductions in their emissions. The second is the incorporation of the environmental code which is part of our overall approach to regulation through results-based regulatory system.

In closing, Mr. Speaker, *The Management and Reduction of Greenhouse Gases Act* is a made-in-Saskatchewan, action-oriented solution. This legislation will reduce emissions to meet provincial targets and will promote investment in low-carbon technologies. And, Mr. Speaker, I now move second reading of *The Management and Reduction of Greenhouse Gases Act*.

**The Speaker:** — The Minister Responsible for the Environment has moved second reading of Bill No. 126, *The Management and Reduction of Greenhouse Gases Act*. Is the Assembly ready for the question? I recognize the member from Moose Jaw Wakamow.

**Ms. Higgins:** — Thank you very much, Mr. Speaker. Mr. Speaker, this is a long-awaited piece of legislation. There are many, many across the province who have been waiting to see what exactly this government was going to put forward on the



issue of greenhouse gas emissions and climate change.

So, Mr. Speaker, when this legislation finally receives or goes into second reading on the day before the end of this session, well it raises a number of questions. But just looking at the piece of legislation, does it meet some of the requirements there are in the province? And I know that . . . I mean the member's comments were fairly quick on a fairly complicated process, and there's a number of areas that are pointed to in the legislation that raise a number of questions.

[14:45]

Determination of standards, I guess, is one thing that just popped to mind quickly for me. And I know the minister made the comments that 10 per cent of greenhouse gas emissions originate in the province of Saskatchewan, but yet we only have 3 per cent of Canada's population. And that is alarming.

But it's also surprising that two years into the mandate of this government and we are finally seeing some action being taken and just a couple of short weeks — not even — well maybe a couple of short weeks before the minister flies off to Copenhagen for a major conference looking at this issue worldwide.

Mr. Speaker, it's also interesting that economic growth and reducing emissions are being tied hand in hand. And no one wants our economy to be hurt, but we also have to realize that there is effects on our environment that need to be addressed. And we don't have to look much farther than stepping outside of our front doors last week in the province of Saskatchewan where we had some pretty balmy weather. And while it's unusual, Mr. Speaker, I know each of us can think back to when we were younger; and not that many years ago, winters were substantially different. The climate has changed, and you would be hard-pressed to find people that would disagree. Where the disagreement may come is what has caused that change and what needs to be done to address it.

So, Mr. Speaker, while we have had this piece of legislation now in our hands and we're able to sit down and go through it in detail, at this point in time I would like to adjourn debate because I know many of my colleagues have comments that will be made on this piece of legislation.

But I know between now and the next set of comments and the next time that this Bill is brought before this Assembly that there are many, many stakeholders that need to be consulted with. And there is a great deal of reading and scrutiny that has to be put forward on this piece of legislation to make sure it truly is the best that it can be for the province of Saskatchewan to maintain the quality of life that we expect in this province and also to be able to move this province forward in the best way possible.

So with that, Mr. Speaker, I would adjourn debate on the management and reduction of greenhouse gases and adaptation to climate change, Bill No. 126.

**The Speaker:** — The member from Moose Jaw Wakamow has moved adjournment of debate on Bill No. 126. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Agreed. Carried.

**Bill No. 121 — *The Environmental Management and Protection Act, 2009***

**The Speaker:** — I recognize the Minister of the Environment.

**Hon. Ms. Heppner:** — Thank you, Mr. Speaker. Following my remarks, I'll be moving second reading of *The Environmental Management and Protection Act, 2009*. The changes being proposed are part of our government's larger results-based environmental regulatory reform initiative that will modernize Saskatchewan's environmental management regulations.

The Ministry of Environment is adopting a results-based model that will be more responsive to increasing demands on the environment while allowing for increased economic activity. With regard to modernizing Saskatchewan's environmental regulations, the aim of the results-based framework is to focus on desired environmental outcomes instead of prescriptive remedies. In other words, under the new model, the province's environmental protection regulations will describe what is to be achieved but leave the how to those with the expertise and knowledge.

Results-based environmental regulations will allow us to focus on the use of effective, custom-designed environmental safeguards rather than a one-size-fits-all solution. It will be built on the useful management and protection tools that we already use. And more tools will be created, for example, a Saskatchewan environment code with guidelines and best practices which will outline our performance objectives, policies, regulations, and standards.

The private sector and other regulated communities will be accountable to meet these established environmental outcomes. Saskatchewan will be a leader in Canada with its results-based model, but we are by no means inventing this approach. Environmental regulations in the Netherlands, Denmark, Australia, and the United Kingdom are also based on this successful model.

Over the last year and a half, we have engaged with a wide range of representatives from municipalities, environmental non-governmental organizations, industry, First Nations and Métis communities. After three rounds of stakeholder meetings, we are now able to bring forward this piece of legislation as well as amendments to *The Environmental Assessment Act* and *The Forest Resources Management Act*. We will continue to engage with these groups as we move forward, as well as continuing our ongoing dialogue with First Nations and Métis communities.

The overall purpose of this Act is to support and promote the protection, management, and wise use of the environment in a way that will ensure that we can continue to sustain a high quality of life, including food production, social and economic development, recreation and leisure for this and future generations.

The new EMPA 2009 [*The Environmental Management and*

*Protection Act*] will consolidate EMPA 2002, *The Clean Air Act*, *The Litter Control Act*, and *The State of the Environment Report Act* into a single piece of legislation. This will reduce duplication and establish the results-based regulatory framework.

One of the most important changes is the authority to establish a Saskatchewan environmental code. The code is a key element of the new results-based model. The code, comparable to other codes such as the National Building Code, will clearly state one set of consolidated provisions regarding environmental objectives and standards under which companies must operate. It will provide guidance to regulated persons on the design of environmental systems and facilities. It will also require proponents to register with the ministry before engaging in particular activities. The code will establish objectives that regulated parties must meet to engage in particular activities, which they will achieve through best management practices identified in the code and through the preparation of environmental protection plans by qualified persons.

In developing the code, the ministry will seek the advice of municipalities, non-profit organizations, industry associations, First Nation and Métis communities, stewardship organizations, and professional associations. An advisory committee consisting of representatives from these groups will make recommendations to the ministry and to me as minister on the content of the code.

EMPA 2009 will describe the authority to establish a new air management system. The emphasis of this system will be on action and accountability. Activities will include establishing air management zones or airsheds, enhancing public reporting, and setting baseline emission requirements for all major industrial emitters. Saskatchewan's ambient air quality concentrations in airsheds will be compared to the national ambient air quality standards. This could lead to progressively tougher action if air quality deteriorates. Our aim is to keep airsheds clean and bring the polluted airsheds in line with national levels.

Another major change in EMPA 2009 is increased authority for environmental audits and compliance. The core of the new compliance assurance program will be technical audits more thorough than inspections. The ministry will develop teams of qualified environmental auditors. The new Act will enable an audit to be conducted on any activity governed by the Saskatchewan environmental code or by an environmental protection plan.

EMPA 2009 covers impacted or contaminated sites. It increases ministerial power to gain access to and inspect impacted sites and to reject corrective plans that are not sustainable. EMPA 2009 lends more clarity to important definitions, more immediacy for reporting on impacted sites, more certainty of reclamation, and more transparency with the creation of a public registry. It will also expand current requirements for financial assurance with regard to high-risk activities and decommissioning and reclamation plans. The aim is to ensure economic development proceeds in an environmentally responsible and sustainable fashion and to have in place stronger tools to ensure that those who directly benefit from a development are financially responsible for its cleanup.

We will be increasing fines and penalties for any violations under this Act. A fine of up to \$1 million per day for the duration of an offence could be issued upon a decision by a court. The new Act will establish a fund for orphaned, impacted, or contaminated sites. Revenues collected from offences, administrative penalties, acquired through donations, gifts, grants, or appropriated by the legislature for the fund could be used for site cleanup.

Another proposed change is added responsibilities for qualified persons in certifying the accuracy of environmental protection plans. Experienced professionals will be used to ensure that the environment is properly protected. Existing qualified person requirements such as certified water and waste water facilities operators and fuel tank installers will remain in place.

Finally, we are proposing to repeal *The Litter Control Act* and build new tools into EMPA 2009 which will help the ministry support and enhance waste minimization and waste diversion activities. No changes are being proposed to Saskatchewan's existing and very successful stewardship programs for recycling materials such as beverage containers and used oil and filters.

In closing, Mr. Speaker, EMPA 2009 encourages innovation and sustainable growth and investment by removing unnecessary and inefficient processes while clarifying accountability for environmental protection through clear standards and objectives. And, Mr. Speaker, I now move second reading of *The Environmental Management and Protection Act, 2009*.

**The Speaker:** — The Minister Responsible for the Environment has moved second reading of Bill No. 121, *The Environmental Management and Protection Act, 2009*. Is the Assembly ready for the question? I recognize the member from Moose Jaw Wakamow.

**Ms. Higgins:** — Well thank you very much. Mr. Speaker, this Bill covers a great number of areas. And you look at the Acts that it will be encompassing and which are repealed by this piece of legislation, this new Bill. The management and protection of the environment Act, repealed and, by the minister's comments, that will be included in this Act will be *The Clean Air Act*, *The Environmental Management and Protection Act, 2002*, *The Litter Control Act*, and *The State of the Environment Report Act* and it makes consequential amendments to other certain Acts.

So, Mr. Speaker, this is fairly detailed. It encompasses a number of pieces that previously have been stand-alone legislation. And, Mr. Speaker, we also have to look at why they were previously stand-alone legislation. They are important areas of concern not only for the Government of Saskatchewan but for citizens right across the province, affect each and every one of us in our day-to-day lives, and deserve to be specific in the actions and the direction and the areas of concern.

So now the minister is looking at encompassing all these pieces of legislation into one Bill, one new Bill. And I guess one thing that quite surprised me was . . . while the minister in the previous Bill that we spoke of, Bill 126, management and reduction of greenhouse gas and adaptation to climate change, really is a wait and see in many cases. While the government

initially tabled, made a commitment during the election campaign of course and has since stepped back from that commitment and the targets that it had set, they have reduced those targets for whatever reasons. We won't go into that here. But in that Bill, it's kind of wait to see what the federal government does and wait to see what the United States does with the legislation and climate change initiatives or greenhouse gas emissions reduction, what steps that they will take. So we will be in lockstep with them.

But somewhere along the line, we have decided that we should look worldwide and look at best practices. And that's what the minister says when she talks about this piece of legislation, that we should take the best and put it into this piece of legislation. It's not a wait-and-see model such as the Bill 126 is.

So is it . . . Two different initiatives here that have taken quite a different path to get to what we see today in the House, these Bills before us. And, Mr. Speaker, there are questions about a results-based model and what priority that places on the environment and how this all fits together. So, Mr. Speaker, it is quite detailed. And there is many, many organizations that will need to be consulted with and will need to have input into the proposed new Bill that is before us, and also give consideration not only to the new piece of legislation but what's being replaced and repealed with this legislation, how it works, how it fits, and what we see as the pluses.

And of course, there's always some minuses and some concerns that not only opposition members but constituents and environmental organizations will have, and not just environmental because this Bill will also replace *The Litter Control Act* and also *The State of the Environment Report Act* . . . how that fits in and if all of the needed information will be available and if it's appropriate to the needs of the province.

So, Mr. Speaker, there is a great deal of detail that goes with this Bill. And as I said previously, I know my colleagues have many, many questions to ask on this Bill. So at this point in time, I would adjourn debate on Bill No. 121, the Act respecting the management and protection of the environment Act. Thank you very much.

[15:00]

**The Speaker:** — The member from Moose Jaw Wakamow has moved adjournment of debate on Bill No. 121. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Agreed. Carried.

**Bill No. 122 — *The Environmental Assessment Amendment Act, 2009***

**The Speaker:** — I recognize the Minister Responsible for the Environment.

**Hon. Ms. Heppner:** — Thank you, Mr. Speaker. At the end of my remarks I'll be moving second reading of *The Environmental Assessment Amendment Act, 2009*.

It has been almost 30 years since *The Environmental Assessment Act* was first passed. A lot has changed in that time with regard to environmental science and technology. Factors such as climate change, environmental protection, water conservation, and readiness for economic growth are driving this need to evolve. The Ministry of Environment is working to ensure its regulatory framework conserves and protects the environment while working at the pace of our growing economy. The changes that we are proposing are in line with the ministry's move to a results-based regulatory model.

The purpose of this Act is to ensure that economic development in Saskatchewan proceeds with environmental safeguards in place. The proposed amendments are based on the initial review of the ministry's mandate and three rounds of stakeholder consultations. A number of amendments are being proposed, of which I will briefly outline a few of those changes.

The amendments proposed provide a formal process allowing a proponent to voluntarily apply for a minister's screening decision, thus providing enhanced legal certainty for projects that are deemed not to be a development under the Act. This change will result in more consistent and predictable review processes by the ministry.

The amendments include the ability to establish class assessment processes where projects have common characteristics. This should reduce proponents' costs and time by providing greater certainty about information requirements, desired outcomes, and standard mitigation measures. A regulation will be required to establish what kinds of developments may be subject to class assessment. Our intention would be to seek advice from industry and other stakeholders about what sectors of the economy might benefit from a class assessment approach.

The amendments will update and modernize offence and penalty provisions. These provisions have not been amended in close to 30 years and are completely out of step with other jurisdictions. The financial penalty amounts have been significantly increased and are now a more credible deterrent to non-compliance with the requirements of the Act. Financial penalties for non-compliance will be increased from \$5,000 to \$500,000. In addition the possibility of penalties for a continuing offence will increase from \$1,000 per day to \$250,000 per day. Courts will have new powers to impose additional financial penalties and requirements that offenders repair or restore environmental damage.

Mr. Speaker, in closing, extensive consultations have occurred with industry and stakeholders, and we are acting on their key recommendations. The proposed amendments to *The Environmental Assessment Act* will contribute to enhanced environmental protection in our province. And, Mr. Speaker, I now move second reading of *The Environmental Assessment Amendment Act, 2009*.

**The Acting Speaker (Mr. Elhard):** — The Minister of Environment has moved second reading of Bill 122, *The Environmental Assessment Amendment Act, 2009*. Is the Assembly ready for the question? I recognize the member from Moose Jaw Wakamow.

**Ms. Higgins:** — Thank you very much, Mr. Speaker. It seems to be an afternoon for the environment this afternoon, Mr. Speaker. We seem to be trying to push all this out the door, or off the minister's desk anyway, before the end of session. She's probably had it stacked on the corner for a while. But whatever, we're glad to see it here, and we're glad to have a bit of time. Once this session ends for Christmas, it will give a bit of time to be able to do consultations with stakeholders and look at the specifics of the Bill.

It was interesting, Mr. Speaker . . . I think I'm rummaging around through the wrong set of explanatory notes. But there was a couple questions that have come to mind for me, just looking at the legislation and listening to the minister's comments that were made. The changes to *The Environmental Assessment Act*, again we're making the changes that will be appropriate for changes in other Bills with the results-based model that this government is looking to move to.

Also the minister made comments about more predictable review process. And I mean it just kind of caught my attention, and there's a number of questions that I have to ask on the ministerial determination respecting proposed undertaking. And, Mr. Speaker, when you move down to section 7.5:

**“Approval required to proceed with development**

If the minister makes a determination pursuant to clause 7.3(1)(a) that the proposed undertaking is a development, the applicant shall not proceed with the development until the applicant has received ministerial approval to proceed with the development pursuant to section 15.”

Or section 7.6:

**“Approval not required to proceed with undertaking**

If the minister makes a determination pursuant to clause [again] 7.3(1)(b) that the proposed undertaking is not a development, ministerial approval to proceed pursuant to section 15 is not required”.

So, Mr. Speaker, what I was doing is flipping through, looking for definitions, and how this would affect whether it is a development, what constitutes a development, and what does not. And I was looking also in the explanatory notes which I will have to do in more detail, Mr. Deputy Speaker. But I guess all in all, Mr. Speaker, *The Environmental Assessment Act* and the changes that are being proposed, there is a great deal of interest from many of my colleagues.

And I know the minister made the comment that many people have been consulted. So as we get farther along in this process and we have an opportunity to ask questions of the minister, we would like to know who exactly was consulted, how broad of a cross-section across the province had input or were consulted in any of these pieces of legislation when it has to do with the environmental assessment or management and protection of the environment. These are all important, and we need to make sure that we have a good base to move forward in this age when all of these issues are top of concern for many, many of our constituents.

And we can see the impact, and we can see the need for regulation and for changes in the way we live. And I know many, many people looking at these three pieces of legislation more as a group and the environment as a whole, Mr. Deputy Speaker. Many people as individuals have made changes in their lifestyle, changes, whether it's their homes or their business or the vehicles we drive to make sure that our footprint on this earth is not as drastic as what it may have been in a number of decades ago — or not even that far ago — but within the last short period of time.

And I know that citizens also expect governments to make sure that they are taking the appropriate steps, putting in place the appropriate legislation and regulation to make sure that the life that we enjoy here in the province of Saskatchewan and beyond, in fact the world . . . There isn't a day go by when you don't turn on the news or read the newspaper or pick up a magazine and read an article about concerns about the environment, things that are changing that we do have some control over, Mr. Deputy Speaker. And citizens will all agree that there needs to be action taken.

But, Mr. Deputy Speaker, this, along with the other pieces of legislation that we have touched on today, we have heard the minister's comments. But I know there are many, many questions, and I know a number of my colleagues are anxious to make comments on these pieces of legislation. But in the meantime, there are stakeholders that we need to discuss with and sit down and look at the legislation in detail. So at this time, Mr. Deputy Speaker, I would adjourn debate on Bill No. 122, *The Environmental Assessment Act*. Thank you.

**The Acting Speaker (Mr. Elhard):** — The member from Moose Jaw Wakamow has moved adjournment of debate on Bill 122, *The Environmental Assessment Amendment Act, 2009*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Acting Speaker (Mr. Elhard):** — Agreed. Carried.

**Bill No. 123 — *The Forest Resources Management Amendment Act, 2009***

**The Acting Speaker (Mr. Elhard):** — I recognize the Minister of Environment.

**Hon. Ms. Heppner:** — Thank you, Mr. Deputy Speaker. After my remarks I'll be moving second reading of *The Forest Resources Management Amendment Act, 2009*.

More than half of Saskatchewan is forested, and these forests are vital to both our ecology and our economy. Sustaining our forest ecosystems and the industry sector that depends on them are both important parts of the Ministry of Environment's mandate. To better fulfill this important commitment, the ministry is moving towards a results-based environmental regulatory system. Using the results-based framework, we will focus on achieving critical environmental outcomes while streamlining regulation and encouraging innovation.

The amendments before us today are part of a suite of legislative changes needed to implement this framework. The

amendments will help our forest industry adapt to changing competitive pressures while continuing to meet high environmental standards. As part of a results-based regulatory approach, the amendments will achieve several important objectives. The changes will place a greater emphasis on using the expertise of forestry professionals to achieve clearly defined results. Licensing requirements will be streamlined in a variety of ways.

Mr. Deputy Speaker, these amendments have been developed following extensive discussions that include industry, both large and small; environmental groups; and forest professionals. These discussions revealed broad support for the general approach and for specific changes that we are proposing. We continue to work with First Nation and Métis people to find meaningful approaches to incorporate their interests as we move forward on the results-based environmental regulatory system.

The amended legislation will enable a regulatory system that moves away from controlling activities with permits to requiring the regulated parties to meet defined objectives to be established in the Saskatchewan environmental code. It calls for a greater reliance on audits to ensure that licensees are achieving environmental performance objectives and are in compliance.

The amendments removing licensing requirements for activities posing a low environmental risk, activities such as berry picking and research activities, instead of needing a permit, those pursuing such activities will now comply within the environmental code.

The legislation calls for greater transparency and public access to information. New provisions will allow all information submitted as a requirement of the legislation to be made public except in cases where information is confidential or proprietary. The amended legislation provides authority to require those who damage Crown land or Crown forest products to fix that damage. It provides for an enhanced preparation and approval process for 20-year forest management plans, and it eliminates the need for a separate environmental assessment.

Mr. Speaker, a key objective of these amendments is to help Saskatchewan's forest sector grow and thrive. Therefore the government will continue to work closely with industry to make sure that these changes are effective.

Mr. Deputy Speaker, the amended legislation supports the core principles of high standards of environmental protection, operator accountability and transparency and processes and information. These amendments will allow the government to provide responsive and effective leadership while fostering competitiveness and innovation. And, Mr. Deputy Speaker, I now move second reading of *The Forest Resources Management Amendment Act, 2009*.

**The Acting Speaker (Mr. Elhard):** — The minister has moved second reading of Bill No. 123, *The Forest Resources Management Amendment Act, 2009*. Is the Assembly ready for the question? I recognize the member from Moose Jaw Wakamow.

**Ms. Higgins:** — Thank you very much, Mr. Deputy Speaker. And again we are dealing with a piece of legislation, Bill No. 123, *The Forest Resources Management Act*, and it also makes related amendments to *The Parks Act* that deals with or is connected to the previous three pieces of legislation.

And again we are looking at changes to accommodate a results-based model which I don't know whether we are all comfortable with or we all understand the true impact of. But that's part of what we need to do in our discussions that we will have with stakeholders and amongst my colleagues and interested parties when we are looking at these Bills and the impact that they will have and the changes they will make and whether it's, again, pluses or minuses and how it's seen by the general public and the organizations that will be affected by this.

Now it's interesting too that we have *The Forest Resources Management Act* coming before us on a day when we had a number of questions brought forward about Big River and the disagreement or — I'll try and be kind here, Mr. Speaker — the misunderstanding as to how the FMA was divided, and the seemingly poor communications that there was between the minister and the community of Big River and the issues that they've been dealing with there. Because while we stand in this House, Mr. Deputy Speaker, and we deal with legislation and it quite often seems quite remote from our day-to-day lives. And many people, when they look at the language that's used in legislation or may even hear us speaking about it, Mr. Deputy Speaker, may feel that it doesn't affect them on a day-to-day basis either.

[15:15]

And that's one of the things that we have to realize, that legislated changes that we are looking at today and every day that we look at legislation in this Assembly, it does affect people, and it does affect citizens of Saskatchewan. Sometimes it's a benefit. And we always hope that it is more of a benefit than the legislation that it may be replacing, instead of a hindrance or a detriment to citizens, Mr. Deputy Speaker. Now we all know that you can't keep everyone happy all the time. But we truly do work towards providing improvements for the majority of Saskatchewan citizens.

So when I look at this — and it sounded pretty straightforward from the comments that the minister said — it seems to be largely about the ability for contracting for audits of provincial forests. And I'm not sure how far that goes or what kind of an effect it has, but I guess the first things that popped to mind for me is, who pays? How does this all flow together because none of these issues are dealt with in isolation. They affect communities. They affect individuals. And they affect companies, both large and small.

So some of this basically gets down to who pays. Many of the companies that deal in forest resources in this province are small companies. There are some larger ones, but many are small community operations. Does this affect them or doesn't it? Is it a good thing for those companies, or is it something that could be detrimental? And those are all issues that we need to look into, that we need to have more discussion on.

The minister also talked about removing the licence for . . .

**The Acting Speaker (Mr. Elhard):** — Why is the member on his feet?

**Mr. Bradshaw:** — In order to make an introduction, sir.

**The Acting Speaker (Mr. Elhard):** — Is leave granted?

**Some Hon. Members:** — Agreed.

**The Acting Speaker (Mr. Elhard):** — The member from Carrot River Valley.

### INTRODUCTION OF GUESTS

**Mr. Bradshaw:** — Thank you. And thank you to the member for allowing me to speak. It's not very often I get to make an introduction in this House, Mr. Deputy Speaker, because not many people come from the Great White North down here to visit us.

In the west gallery, Mr. Speaker, there is Mrs. Kathy Lindsay who is a member of our executive, has travelled all the way from Arborfield down here to watch a proceeding of the legislature. So I would like all of our members, all the members of the House to please welcome her to her legislature.

**The Acting Speaker (Mr. Elhard):** — I recognize the member from Moose Jaw Wakamow.

### SECOND READINGS

#### **Bill No. 123 — *The Forest Resources Management Amendment Act, 2009*** (continued)

**Ms. Higgins:** — Thank you very much, Mr. Deputy Speaker. And it's always nice to have a bit of a break when you're speaking to legislation. And I know members of this Assembly are always happy to have constituents that show up at the legislature, I think maybe just checking to see if the MLA is actually working or what he's doing. That could be part of it, Mr. Deputy Speaker, but always a privilege to have constituents show up here in the Assembly.

But, Mr. Speaker, part of the comments that the minister made on Bill No. 123, *The Forest Resources Management Act* is the removal of licence for activities of low environmental impact. I believe that was the terminology that was used. And there's a number of questions. Who determines whether it's low environmental impact? If there is a removal of licence and permit, how would we know what the activity is until after the fact? Now maybe I'm being rather simplistic in my comments here, but this is just one of the areas that there is a number of questions.

After the fact, it's pretty difficult to remediate damage that can be done in a number of these areas. I would say that forests in the province of Saskatchewan and the ecosystems that are there are slow to recover in many areas of our province. All you have to do is go to areas where there has been forest fires or there has been other work done. Trees don't have an unusually speedy

growth pattern in the province of Saskatchewan. So how do you start going back into the forests and remediating damage that's been done after the fact? So while it does sound simpler and it may remove what some may view as red tape, it also leaves a number of areas as to what this actually will help or what it won't.

Now I'm not sure, Mr. Deputy Speaker, what the whole point of this is and why we feel that removal of so many areas, whether it's the licensing, whether it's the checks that are to be done upfront, and going to this results-based model. I really need to see if this has been put in place in other jurisdictions and, if it has proved to be successful, what kind of issues they are running across and what kind of, I guess, successes there have been with the whole system because this results-based model is being put through all of the environmental legislation in this province by this government.

And I would feel and I think many stakeholders and many of my colleagues would feel much more comfortable if we had a good understanding of where it has been successful in other areas because there are questions. When we see one piece of legislation that will require emissions standards, we don't want to be out of sync with the federal government or the United States, but yet in other pieces of legislation the minister seems quite comfortable to strike out and do something unique to Saskatchewan.

So it's a bit of a contradiction, Mr. Deputy Speaker, and it causes a number of areas of concern and question, and that's what my colleagues . . . we will be doing this work over the next few months. So, Mr. Deputy Speaker, while many of my colleagues are anxious to get up and speak to this legislation also, at this point in time to allow for discussion with stakeholders and some research to be done on this legislation, at this point in time I would adjourn debate.

**The Acting Speaker (Mr. Elhard):** — The member from Moose Jaw Wakamow has moved that we adjourn debate on Bill No. 123, *The Forest Resources Management Amendment Act, 2009*. Is the Assembly ready for the question? Is the Assembly ready for the question?

**Some Hon. Members:** — Yes.

**The Acting Speaker (Mr. Elhard):** — Is it agreed?

**Some Hon. Members:** — Agreed.

### ADJOURNED DEBATES

#### SECOND READINGS

#### **Bill No. 114**

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 114 — *The Small Claims Amendment Act, 2009/Loi de 2009 modifiant la Loi de 1997 sur les petites créances*** be now read a second time.]

**The Acting Speaker (Mr. Elhard):** — I recognize the member from Saskatoon Fairview.

**Ms. Junor:** — Saskatoon Eastview, thanks. Thank you, Mr. Deputy Speaker. The small claims court is very often the only recourse that many people have, given the fact that they can't afford a lawyer or if their claim or their problem is not of a major, major content. So it's sort of the last resort for many people, and that's why I think the minister categorized it rightly as the people's court.

And I think the Act itself has had many changes over the last few years, and I have served on a legislative instrument committee of the NDP government when we were in government and saw this Bill come through several times. One of the things that I was very pleased to see that over the years we've raised the limit, the claim limit to 20,000 and also put in case management.

Whatever strengthens the process to make it fair and equitable so that the people who use it actually find it useful, understandable . . . and it meets their needs to get justice and recourse in many ways, sometimes financial. The Act itself apparently has four relatively significant changes, and those we'll be interested in exploring more in depth when it gets to committee.

The first change does allow for a judge to order a judgment against a party summoned to small claims court, and we have to make sure that people who use small claims court — which are usually people who aren't that familiar with the law and who don't come with a lawyer to represent them — understand how this works and that the case management between the two parties is fair to both parties. The judge then ordering a judgment will be interesting to see how this works.

The second change apparently is going to mandate that the claim, the summons, be delivered personally or by registered mail to ensure that the party knows they're involved in the claim. Well this is a bit of a narrowing of the range of ways that the defendant can be contacted. It is reasonable to believe that someone having a claim made against them should be aware of the claim, and this change would likely provide a higher degree of certainty that the person against whom the claim is being made is aware of the claim.

The third change will allow a judge to consider evidence that would not strictly speaking be considered legal evidence. Now that is something we have to be really clear about. What does that mean? What kind of evidence that's not considered legal evidence can be brought into a process that is clearly a court process so how would you determine . . . How is that going to be determined and what will be the limitations on it and what will be the definition of it?

We need to make sure that people know that what's being presented in people's court, since it is their court, is fair to them, that they understand what's happening and that they understand the kind of jargon that's being spoken. Since they don't have any legal counsel, they do rely on the fact that this should be as easy as possible for them to use to meet their needs, and they probably need a fairly clear definition of what is evidence. And it will be fairly technical, I imagine, but it has to be understandable, too, when people talk about this being the people's court, that the majority of people would understand it.

And the fourth change refers to the setting aside of default judgments, and the parties should now be able to get a judgment in the absence of the other party. That's interesting to see how that would happen, that both parties that don't have to be present. It's not exactly clear what that means. By one party not showing up, the process may not be quite as satisfactory. And I'm not sure how that's going to work, so I'm interested to see what questions and what answers we will get to these questions when the Bill gets to committee.

It's going to be very interesting also to see the consultation because if this is the people's court, how were the people consulted? People that use the court, people that have used the court, that may use the court, how were they consulted? And how do we gather information about what improvements need to be made to this process to better meet the needs of the people that use it?

These amendments do seem reasonable on the surface, if it strengthens the Bill, as I said. Being the people's court, then we have to make sure that the people that use it find it easy enough to use and that it does meet their needs and that there are successful judgments and fair judgments, and what else do we see that could maybe make the Bill stronger and perhaps meet some of the needs of the people that we haven't heard.

So I'm interested particularly to see who was consulted and how. And I'm not just interested in who's been consulted from Justice. I'm interested to see how the people who use small claims courts will actually be represented in this. So we will have some work to do as well as the opposition to scrutinize the Bill and to ask the questions in committee of how this will better serve the needs of the people who come to small claims court expecting fairness and recourse.

So I think that the Bill itself has certainly some things that we like to see, that we want to see strengthen it. I'm hoping that small claims court doesn't become something that is too wrapped up in legalese and that there isn't a deterrent to the public to use small claims court because for many people, that's it for them. They don't have any other recourse. And I would hate to see that people would be turned away from this one avenue of receiving justice or receiving financial recourse or recompense for losses or damages that they have incurred.

So I'm anxious to see how this strengthens that, and also how people see not only these amendments, but to see what else can come forward. And perhaps there's other things that we might have missed because we don't know who was spoken to. So the consultation on this one I think is interesting. I would really like to see who's been consulted and reach out on our own to consult the people that we need to speak to.

At this time, I think I will adjourn debate. I know there's . . . Okay. Sorry. We're not going to adjourn debate. There's other people that want to speak to this, and I'll certainly take my seat then and allow those members to speak. Thank you.

**The Acting Speaker (Mr. Elhard):** — I recognize the member from Regina Dewdney.

[15:30]

**Mr. Yates:** — Thank you very much, Mr. Deputy Speaker. I'm extremely pleased this afternoon to enter into the debate on what is a very important set of amendments to a Bill that is often referred to in many cases as the people's court, Mr. Speaker, and that even has more relevance to today.

And just about any major network in the United States, there are several shows that talk about small claims courts where people can in fact make, place before a judge cases dealing with a dispute between two individuals. And, Mr. Speaker, we've all seen those popular court shows on television, Mr. Speaker. Here in Canada, we don't have those individual shows portrayed.

But, Mr. Speaker, it is nonetheless a very important vehicle for people to bring forward a dispute between themselves and another individual over generally monetary issues, Mr. Speaker, where there is a difference of opinion in regards to a settlement of a monetary issue or for that matter, Mr. Deputy Speaker, a settlement of an issue or division of property and those very similar types of circumstances, Mr. Speaker. When I have a claim against an individual or somebody else would have a claim against me for not having repaid a loan given to them, those types of things generally appear before a small claims court.

Mr. Speaker, in Canada here, it's often referred to as the people's court because it's a relatively inexpensive vehicle to seek resolution to a dispute. It is generally or the option is generally there to do it without legal assistance, without having a lawyer present. It allows some variation from the very, very strict rules of evidence that are expected in the criminal system, Mr. Speaker, in the higher courts. And for those very simple reasons, Mr. Speaker, many people refer to it as the people's court.

Now from time to time with any piece of legislation like this that exists, you need to examine the legislation to see that in fact that the Bill itself reflects what is actually being undertaken by the court, what the expectations of the population is in dealing with these issues before the court, and to make the process as user-friendly as possible, yet maintaining the balance between fairness and ensuring that the judgments that are brought forward by the court in fact meet the standard and test of law, Mr. Speaker.

And in doing so, Mr. Speaker, from time to time the court itself will recommend changes from time to time. The law society would recommend changes. And, Mr. Speaker, even for that matter, citizens who have participated in the small claims process may make a number of recommendations to their members of the legislature about things that could be done to both make the system easier to use, more accessible, to allow settlement of an issue if an individual didn't appear, as an example.

One of the things that a plaintiff may have difficulty in getting a judgment would be because the person in which the plaintiff is making a case against doesn't appear in small claims court. And in the past, Mr. Speaker, the legislation only allowed an order to be established if a defendant did not appear in small claims court.

So now the new legislation makes four, I would say, fundamental changes which on the surface we all see as very positive. They're the type of changes that both make the system easier, make it more user-friendly, allow the judge to seek resolution when a defendant would attempt not to attend the court when they have been asked to do so.

And, Mr. Speaker, so the four changes really meet that test, I believe, at least on the surface meet that test of improving the system, making it better, making it more expeditious when there is clearly an intent by a defendant not to participate in the process by trying to avoid participation in a process and thus delaying the fact that they may be accountable to the plaintiff and, Mr. Speaker, in many cases owe that plaintiff some sort of monetary penalty.

I'm going to spend a few minutes dealing in detail with some of the changes that are in this particular piece of legislation because I think it's important to do so. The first change explicitly allows for a judge to order a judgment or to make a judgment against a party summoned to small claims court who failed to appear at the case management conference between the two parties.

Mr. Speaker, the judge would set aside a time for a case management conference on a particular issue before him. Both parties would be notified of the time to appear before the judge to make their case and bring their evidence and have the opportunity to share their position on the events that occurred that resulted in the dispute — what the potential loss of the plaintiff was, what mitigating factors would be considered, Mr. Speaker — and make their case before the judge.

If you failed to do so in the past, all that the judge could do was make an order. He couldn't actually make a judgment in the absence of the defendant actually appearing in the case management conference, Mr. Speaker. But now with this amendment, if it's clear to the judge that there is an individual simply trying to avoid accountability, avoid their responsibility in this issue, Mr. Speaker, they in fact can make a judgment and that judgment then can become enforceable, Mr. Speaker. And that is an improvement.

So it allows, when a judge has determined that an individual who has been notified about the case management conference — and the process allows for how that is done; it has to be done in a way that he can confirm that in fact the defendant has been notified — and if the defendant fails to appear without giving any justification for the failure to appear, Mr. Speaker, then the judge can in fact act upon the evidence before him and make a judgment.

This is a new provision, but it is clearly there to help make the process expeditious and to deal with it, Mr. Speaker. I would have to say that in the small claims court process there is also some balance to that. If as a result, let's give an example: somebody ended up in the hospital, couldn't notify, there is a process to set aside a judgment. Then an appeal that can be made and a judgment set aside in that case, Mr. Speaker.

The second major change now mandates that the document that begins a claim, the summons, be delivered personally or by registered mail to ensure the party knows they are involved in



the claim. Mr. Deputy Speaker, this is just an additional step to ensure that the respondent understands that he is in fact involved in a claim and somebody is making a claim against him. It now requires personal service or registered mail, and what it does is expands registered mail. As we all know in this Assembly, if you receive registered mail, you have to sign for it and acknowledge that in fact you have received that document.

So rather than just, in the past, personal service, Mr. Deputy Speaker, which required the hiring of a sheriff or an individual to deliver that and to assure that it was delivered personally, Mr. Speaker — often a lawyer or somebody working in the employment of a law firm or the courthouse, Mr. Deputy Speaker, or a commissionaire hired by them — in this case you can in fact deliver by registered mail as long as the registered mail is received and signed by the individual who in fact should receive that summons.

But again as it may seem like a relatively small or simple process, Mr. Speaker, but it allows for the delivery of summonses perhaps for as low as, you know, 3 to \$5, compared to hiring somebody to do extensive research and maybe spending three to four hours and maybe many attempts before actually delivering that summons.

So, Mr. Speaker, again it streamlines the process and makes it more affordable and makes it more user-friendly and makes the system more readily used and more accessible to the average citizen, which is what the people's court or a small claims court is all about. It does however provide a higher degree of certainty that the person against whom the claim is being made is made aware of that claim because they actually have to sign it.

The third change will allow a judge to consider evidence that would not strictly speaking be considered legal evidence. And this is just to clarify, Mr. Deputy Speaker, what has in many people's minds been the practice for some time in the small claims court because you're not using . . . Many people both appear for themselves as a plaintiff and defend themselves as the defendant or respondent, Mr. Deputy Speaker. The use of lawyers is not as common as you would see in criminal courts, Mr. Speaker.

And in order to make it more user-friendly, the strict adherence to the laws of evidence that say it has to be done in such a manner are relaxed to allow for the introduction of evidence in a more free-flowing, normal environment in a case conference, Mr. Speaker, without the strict legal requirements often required by the courts and under the rules of evidence.

Now, Mr. Speaker, that doesn't mean that they accept hearsay or they accept evidence that isn't relevant or evidence that is in fact not evidence, but it does just relax the rules in order that the ordinary citizen can in fact represent themselves with relative ease versus having to hire expensive representation from a lawyer. And, Mr. Speaker, that is again another amendment that makes the process more simplistic and user-friendly for those who may seek to use the small claims court process in order to seek resolution to a dispute between themselves and another individual.

Mr. Speaker, because individuals are often not represented by

lawyers, they do not have the legal knowledge and the legal terminology that a lawyer would have. The allowance of this consideration and expansion of what is viewed as evidence just makes it easier for the individual to bring forward the information, as long as it's germane to the case. It allows the judge to hear the information in the words of the other plaintiff or the respondent. And the judge simply in this case, because it's a case management conference, can ask questions of clarification to make sure that he's getting the information he needs to have in order to really understand what occurred from both parties — both the respondent and the plaintiff.

It's a process which has long been used to settle what are called financial disputes between people, claims between friends and neighbours in some cases that result in difficulties. But it's a process that over the years has become more and more cumbersome in some ways. And these amendments are taking it back to more of the stance where ordinary people in fact can use this process without the assistance of the legal system or without the assistance of a lawyer.

The fourth change refers to the setting aside of default judgement, and there a party would now be able to get a judgment in the absence of the other party. Now, Mr. Speaker, this is another change that is a check and balance in the system to ensure again that this particular piece of legislation is reflective of what's the common sense approach to applying justice to the settlement, Mr. Speaker, and to ensure that in fact it can be set aside if a judgment has been made that has been incorrect.

Mr. Speaker, there is however a 90-day limit on the ability to set aside a judgment. Again that is a common sense approach, so that if you have a settlement, the settlement stands, it is not appealed and the judgment's set aside within 90 days. Mr. Speaker, I had spoke earlier about where you might have a situation where somebody wasn't able to appear because being in the hospital and not able to necessarily notify the court, Mr. Speaker.

So, Mr. Speaker, I'm looking at these changes and the impact it would have on the small claims court system. It is an improvement. It does in fact allow for some enhancement to the flexibility of the system to allow for people to gain both access to the system, to seek a judgment, to appear before the case conference and make their case without having to have that legal representation.

Mr. Speaker, where the circumstances exist that you're seeking a summons, again from an individual through a third-party claim, there's a number of things that are considered by the judge in doing so. Is it being done without reasonable grounds? Does it disclose no triable issue? Or is it frivolous or vexatious or an abuse of the courts process?

[15:45]

So, Mr. Speaker, the court also has processes in place to ensure that the claims being brought before are real, that there is actually a dispute that is in fact possible to have a trial or make a judgment upon, and that there are reasonable grounds to believe that what is being suggested has occurred, Mr. Speaker.

But they also, because these issues are financial in nature in most cases, Mr. Speaker, if not always, there's always the position of the judge before issuing a summons to look at it whether it's frivolous or vexatious and an abuse of the court's time and processes, Mr. Speaker.

Again these are important responsibilities of the court. The small claims court process, Mr. Speaker, should not be looked at without giving it the importance that it should have, without examining it in the spirit in which the law demands that it should be considered, Mr. Speaker.

Our current process, whether it's the small claims court process, Court of Queen's Bench, are all important to establish a fair and reasonable society, Mr. Speaker, to ensure that the rights of individuals are upheld both in their commercial transactions as well as in their behaviour and, Mr. Speaker, in ensuring that we have an orderly society through the enforcement of our criminal code.

And, Mr. Speaker, the small claims process is used largely on the commercial side to deal with disputes of a commercial nature between either two companies or two individuals. But, Mr. Speaker, there are times when it's between an individual and a corporation, or an individual and a company. Mr. Speaker, again the intent of the small claims process is not to put at a disadvantage an individual who could not afford a lawyer or legal defence, Mr. Speaker, in the case if they were dealing with a corporate entity.

So all these things are taken into consideration by the small claims court process. And the considerations we have before us today help make that process be even more fair and user-friendly. And, Mr. Speaker, I say on the surface once again, that these are in fact processes that I think that we can support on principle.

Of course we will continue to seek advice from stakeholders who are concerned about the outcomes of changes like these. We will talk to the Law Society, Mr. Speaker. We will talk to others who are involved in the court process and ask them if they believe these changes are, in fact, improvements to the current process.

And, Mr. Deputy Speaker, that consultation will take some time. We just can't automatically assume that because a Bill comes forward that appropriate consultations have been done. So we will take some time and we will meet with the various stakeholders we think that are necessary to examine these changes to ensure that those stakeholders believe these are the appropriate changes.

Like I said, on the surface we believe they're good changes. But we will take the opportunity to speak to those who deal with these processes on a more regular basis to ensure that they believe that these are improvements to the process, Mr. Speaker.

And, Mr. Speaker, seeing that that will take some time and seeing as we're not in a position to move the Bill forward as a result, Mr. Speaker, I would move we now adjourn debate on Bill No. 114.

**The Acting Speaker (Mr. Elhard):** — The member from Regina Dewdney has moved adjournment of debate on Bill 114, *The Small Claims Amendment Act, 2009*. Is it the will of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Acting Speaker (Mr. Elhard):** — Agreed. Carried.

### Bill No. 115

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 115** — *The Queen's Bench Amendment Act, 2009 (No. 2)/Loi n° 2 de 2009 modifiant la Loi de 1998 sur la Cour du Banc de la Reine* be now read a second time.]

**The Acting Speaker (Mr. Elhard):** — I recognize the member from Regina Lakeview.

**Mr. Nilson:** — Thank you, Mr. Deputy Speaker. It's my pleasure this afternoon to rise and speak on *The Queen's Bench Amendment Act*. And as a lawyer of many years, Queen's Bench Act is always an interesting Act to look at and see all of the different things that are included there.

And I think the amendment Act, Bill 115 that we have here before the House this afternoon, provides some of the variety and the interesting things that show up in this particular legislation. In some ways, it's a bit of a catch-all Bill. It deals with a number of issues from many different places.

And so Bill 115 makes a number of amendments to the Act, and they look like they're procedural or housekeeping changes. But there are some changes that actually have some fairly broad effects, and I would like to spend some time this afternoon going through what the changes are and provide my comments on this. I think that most of them are probably required at this time, but questions will arise, and so I will make some of my comments.

Now the first area that's dealt with in the legislation is basically a provision that is of much interest to historians and to the people of the province of Saskatchewan because it relates to when did the laws take effect in this province. And basically what happens in every jurisdiction in Canada, and there are different dates for this to happen, depending on which province you're in, but in Saskatchewan the date that we actually can say that we received English statute law has been set as July 15, 1870.

Now that's a bit of a curious date for the province of Saskatchewan, given that our province was created in September of 1905. So what is the significance of July 15, 1870? Well basically that's the date set out in *The North-West Territories Act* which was a statute of Canada, statute from our federal parliament in 1886. And it was basically the date when Rupert's Land, which is a huge tract of land, was transferred. Rupert's Land was transferred from the Hudson's Bay Company of Canada to the Government of Canada.

And I think many people know that the original company of Hudson's Bay was set up in 1670. And so for 200 years, the

charter that was given to the Hudson's Bay Company had many of the rules about the territory on which we are now located, in other words the territory which drains into where the rivers and waters drain into the Hudson Bay.

So basically then in 1870 there was a transfer of this land to the federal government from the Hudson's Bay Company. At the same time, the rule was set that the existing statute law of England on that day was therefore the law that was passed into or is in effect in Saskatchewan.

Now it seems like a bit of a strange concept, but what it really relates to — and you don't see it show up as an issue very often — but it relates to, sometimes in Saskatchewan or in the Northwest Territories from 1870 to 1905, there aren't statutes that actually deal with specific problems that arise, whether they be contract law or domestic law or family law, state law, some of these things. And so lawyers have this tool available to them to go and see what the statute law of England was on July 15th, 1870 and to see if there's any law that we inherited at that time that would actually solve the problem that we're dealing with. It doesn't happen that often, but it is something that can provide a remedy in very, very interesting situations.

And that's one of the true benefits of our legal system, is that it's based on precedent and previous solutions to problems. And then with the assistance of lawyers and judges and others, we take these older concepts and re-adapt them for whatever the specific problem you're trying to solve in the 21st century.

So what this particular amendment will do in *The Queen's Bench Act* is basically include this provision in *The Queen's Bench Act* so that we can get rid of a previous Act the law has declared an Act, and also make it much more accessible to everyone as it relates to this particular use. And there aren't that many places that still have copies of the old legislation that would confirm this, and so this is a way of cleaning up the statute books and making it simpler for everyone.

So it's an important historical step. It's important to recognize the heritage law that we brought into Saskatchewan with this particular system. And it also is part of the history of our province. It begs the question in some sense though of what happens with traditional law and traditional solutions that were available in this territory that we live in, this land that's covered by treaty.

And it's possible that in future generations we may develop some method whereby we can incorporate all of the rich solutions that come from some other systems of law to complement what we have here. I'm not sure it's possible that those things would show up in *The Queen's Bench Act* as another amendment or we may do it in some other fashion, but it is a recognition that the law has the ability to change and adjust and deal with existing or new problems.

Now another section of this legislation, section 4, is basically clarifying some issues that the Law Reform Commission of Saskatchewan identified a few years ago when they did a report on *The Trustee Act*. And effectively there are orders that a court will make around an order for sale of land or where there's an order for specific performance of a contract concerning land, and some of these provisions were in the old trustee Act. It was

suggested by the Law Reform Commission that they should be moved out of that place and put into *The Queen's Bench Act*. And what is being done here is effectively taking up that suggestion from the Law Reform Commission.

And once again, this shows the value of the Law Reform Commission and the kind of work that they can do. It's not necessarily a large organization, but it has some very capable people that work there and identify problems within our laws in Saskatchewan, and on a very organized basis over the years, review the law in particular areas and then provide advice.

And I'm pleased to see that the Ministry of Justice has taken this opportunity to take the advice from the Law Reform Commission and their 2002 report on *The Trustee Act*, which allows for a more organized way of setting out the provisions for vesting orders on a judgment order for sale of land or where there's a judgment for specific performance of a contract concerning land.

[16:00]

Now the next section of the Bill, and as you can tell, they kind of move all over the place, but the next section of the Bill relates to conveyancing issues and it's a continuation of some of the points that I was just making. And so it's including these specific orders around specific performance, around land contracts.

Now the next section, which is section 6, this is an interesting one, and I think it's probably important to talk a little bit about this. Basically this section reads this way. It says, "The cause of action for breach of promise to marry, arising under the common law, is abolished." It's not that often that we take concepts from the common law which have developed over many centuries and then effectively abolish them.

And in this, in the comments that the minister made about this when he brought the Bill forward, he indicated that there's a probable reason to believe that this kind of an action may be unconstitutional and that it doesn't reflect current views.

I think I understand what he's saying. He didn't spend a lot of time explaining it, but one of the issues that comes up under this particular legislation relates to the fact that promises to marry were often arranged by families under the common law whereby it wasn't just a relationship between a man and a woman. It was a relationship between their families and also their assets. And there were situations where damages could happen to a party or parties where a marriage did not go ahead.

And so traditionally, there was a remedy whereby if one family or person . . . and it eventually, I think, got back to the two individuals involved where for example a large engagement ring was purchased by one person for another, and then the marriage was called off. The person who had purchased that large engagement ring might have some damages related to the price of the ring in the sense that it was arguably a used ring when he tried to return it to the merchant that had sold it to him. And therefore there would be some remedy in providing cash to that person from the woman or from her family.

Now this is not necessarily a concept that has been used very

often. But there have been cases where this particular remedy has been available, and it can relate to things as ordinary — I guess it's maybe not ordinary, or extraordinary maybe is the right word — as all of the expenses involved in setting up the wedding, arranging for the church or other facility for the wedding, all of the banquet costs, and all of the other costs that are related to a very large wedding. And so the question is whether there is some other place where a remedy might be available in a situation where a marriage is called off, and I don't know if we have an explanation for that or some other place where this could be dealt with.

Now the minister seemed to say that this doesn't reflect current views, and I think I once again I understand what he's getting at. But there are situations where much expense is incurred, and what remedies are available for these people? So this may be something that we will have to further examine as we move forward with this and also as we ask some questions in committees. I don't think we have some of the larger contract issues involving families and their interrelationship. I don't think we have in Saskatchewan quite the same situation as we might have had a number of centuries ago in England, but there still are some questions that arise in this area.

Now it may be that this change actually relates not to the breach of promise to marry, but it might just relate to breach of promise. And this government may actually not want to have those words anywhere in the common law or the statute law of Saskatchewan given the kinds of breaches of promises that we've heard the last few weeks around Saskatchewan.

And I don't know if I need to go through and enumerate a number of these, but I think it's clear that many of the things that were set out by the Premier are not going to happen, and what we've been hearing is some fairly feeble explanations of why various promises are going to be breached. So it may be that this particular legislation is here to abolish any kind of action for breach of promise. If it's simply that, it's not breach of promise to marry. So it's interesting and it's possible.

Now the next provision goes in completely another way, and it's quite an interesting one as well. And the explanation for this provision which relates to a totally new concept which is allowing for the enforcement of monetary penalties and cost awards made by Agreement on Internal Trade panels in the same way as judgments of the Court of Queen's Bench.

Now effectively what this does is reference the Agreement on Internal Trade which is effectively the Free Trade Agreement or trade agreement between the provinces of Canada and other similar ones, so they're what we call domestic trade agreements. And basically these agreements have included in them various types of penalties or costs that can be awarded by a panel which is effectively like a court or like a group of experts who provide a judgment. And so this will allow for the enforcement of these kinds of decisions and effectively give these orders similar powers as a judgment of the Court of Queen's Bench.

Now this is something that is being done, as I understand it, by agreement of all of the provinces across the country, but it does raise or add another element in how our trade is managed or dealt with, and it adds some penalties and cost awards for

breaches of these agreements which we do not have in our system at this time.

Now we know in Saskatchewan that we are the province that trades the most of our goods of any province in Canada, and so any time that there appears in legislation something which may cause some difficulty with trade, we need to examine it quite closely. And so I think that as we move forward in looking at this particular piece of legislation, we need to understand what it is that is being placed here and understand what kind of effect it may have on some of our businesses, on how we actually govern, what effect does it have on Crown corporations.

And so basically one of the clear clauses in this particular section 7 of *The Queen's Bench Amendment Act*, which is the Bill we're talking about here, says that an award against the Crown, so the section 89.2: "If an award is made against the Crown, the person entitled to the award may file a certified copy of that award with the court if the Domestic Trade Agreement permits the award to be enforced in the same manner as an order against the Crown made by the court."

So what we're saying here is we're going to give the ability to a commercial enterprise or an individual or a co-operative or whatever to get an award against Government of Saskatchewan or one of its agencies and have it registered as a court order in the court, based on a domestic trade agreement and the terms of that domestic trade agreement. So effectively what it does is it adds an extra jurisdictional extraterritorial power to these domestic trade agreements, and it could have financial consequences for businesses and people within our province.

When we end up with these kinds of things coming before the legislature, we need to make sure we totally understand what we're doing, and we need to understand what are the longer term consequences.

I recall that some of the discussion that took place around the Free Trade Agreement discussion during the '80s was then moved forward into the '90s around what were some of the enforcement procedures and what kinds of things did they affect. And it took many, many hours and sometimes years of negotiation and review to make sure that some of the original intentions were kept as we move forward with some of the enforcement processes around the Free Trade Agreement.

And as we know, there have been a number of situations where those processes have not turned out the way we in Canada thought and have actually caused further consternation both for businesses and for governments. So we want to make sure that this particular part of *The Queen's Bench Act* which relates to the enforcement of awards made pursuant to a domestic trade agreement does not have some hidden problems in it that are going to create extra issues for the businesses and people that we have in Saskatchewan.

Now I know that the Minister of Justice has laid out that these are coming forward from some national discussions, but I know from experience that sometimes the solutions which look like they're national in scope have particular problems in particular regions. And so that will be one thing that we will need to look at. I think a good example of that was clearly some of the gun control legislation. Might have made sense in some of the big

cities, but it didn't make sense in many parts of the country, and it's continued to cause a lot of difficulties for everybody.

So the vested trade agreement enforcement provisions which allow for awards made by a panel, not by judges, but made by a panel to be enforced as if they were judgments of the Court of Queen's Bench, this can be a positive thing in some ways, but we need to be very thorough in how we examine this and what we do as we look at this going forward. And so I would say this is another area where we will have more comments from some of the members as we move forward. But also as we get into committee, I think there'll be a lot of questions to make sure that, on the record, we have a clear picture of what the government's intention is when it brings forward this particular part of *The Queen's Bench Amendment Act, 2009*.

[16:15]

So basically working our way through the Act, we're getting to a little farther down in this particular process. But practically another change that's made in the legislation relates to the regulatory power, and this basically will allow for the Lieutenant Governor in Council, the cabinet, to put in place regulations as to some of the procedures around enforcement of awards made under domestic trade agreements. That's one layer removed from the legislature.

It may be that, before this Bill is passed, we will need to see the draft regulations as it relates to this so that we can understand the full effect that it will have on businesses and on people in Saskatchewan. The last thing that we need now is anything that's going to add further complications for our businesses that trade or operate across the country. And let's talk about that before the law comes into effect rather than trying to sort things out later.

Now I think the other provisions of this legislation relate to some of the items that I've already discussed. And so I'm in a position where I think these things will not end up causing any difficulty.

So basically we have legislation then that has made . . . In this sort of grab-all Act, *The Queen's Bench Amendment Act, 2009 (No. 2)*, there are amendments in areas basically eliminating the cause of action for a breach of promise to marry. Another one is, we're looking at setting out the rules of how you enforce orders made by a panel under the Agreement on Internal Trade. But it doesn't just apply to the Agreement on Internal Trade. It applies to all domestic trade agreements.

And one of the factors there that I haven't talked about but I think we may need to explore as we move forward in questions is, does this in any way apply to the discussion that we had on the TILMA [Trade, Investment and Labour Mobility Agreement] process or the rather mysterious Western Economic Partnership Agreement which we haven't heard about at all even though there was information to say it was going to be signed before the end of the year?

And so if in fact this legislation has something to do with those particular agreements, then we need to more fully explore that as well. So here I'm now trying to make sure that some of these important issues are highlighted and so that we can actually go

forward and make sure that we will have on the record, both here in our comments at this stage but also especially in committee when we ask questions, we can have it clearly on the record, what is the intention of the government?

It is quite interesting to note and listen to the speeches made by the various ministers on Bills, but especially, you know, listening and then going over and reading *Hansard* on Bill 115, that sometimes the explanations are quite short and don't necessarily set out all the policy reasons that are there. That was especially noteworthy today, little earlier today, when we had some fairly major processes being described in the environmental legislation. And we had very, very short, not very informative speeches about those Bills.

I know from experience that the comments of the ministers are very crucial as judges try to interpret the laws that we pass in this legislature later. And so therefore it's important that we get clear statements when the Bills are introduced and that we get clear answers as we go into committee about the Bills so that on the record the policy is there which will explain the rationale for what happens. So in this particular Bill, we will look forward to the comments from ministers and officials when we get to the committee stage, but we'll also look forward to other comments from some of my fellow members on this side of the House because I know others are interested to discuss these as well. But at this point I will ask that debate be adjourned.

**The Deputy Speaker:** — The member from Regina Lakeview has moved to adjourn debate on Bill No. 115, *The Queen's Bench Amendment Act, 2009*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Carried.

#### Bill No. 117

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Heppner that **Bill No. 117** — *The Hunting, Fishing and Trapping Heritage Act* be now read a second time.]

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

**Mr. McCall:** — Thank you very much, Mr. Deputy Speaker. It's a pleasure to join in the debate today on Bill No. 117. I should state right off that I'm a kid that was born and raised in north central Regina, and in terms of my connection to trapping or hunting and fishing, it's not something I grew up with walking out the back door.

But I have to say my father, who's tied into a century farm out Montmartre way, as a young boy, as a man growing up out in that neck of the woods, he was an avid hunter, fisher, and trapper and certainly did his best to pass that along to his kids. And in terms of the hunting, fishing, and trapping, my older brother, Ian, had a wider range of exposure to the hunting side of things. But in terms of the trapping, I have to say that one of the memories that stands out for me from my childhood, Mr. Deputy Speaker, is the winter that we, my younger brother Neil

and I, accompanied my father out to the homestead and haunted the old trapline that he used to run as a young man.

As kids growing up, of course we had paper routes and we collected bottles. That's how we made our money. But my father of course, his source of income as a young man growing up was his trapline. And they had some winters that were good for the muskrat, the weasel, and a few others, but that was how he made his money as a kid growing up in addition to the work they do on the farm. But I was about 10 or 11, Mr. Speaker, and my brother a year younger, and we got to spend a week out on the big slough and on different points on the farm and got to see what it was like to follow my dad around on the trapline. And in terms of, you know, setting up for muskrat in the muskrat lodges, the land that my father was raised on is particularly wet land, Mr. Deputy Speaker. When McCalls had initially settled the homestead quarter in the 1880s, they'd let it go in the latter part of that decade because, as our ancestors at the time said, it was mostly good for growing ducks.

But of course wetland is good for muskrats. It's good for the ducks. And when the patterns changed in terms of weather, at least for the time being, they were able to re-establish that homestead as part of the broader efforts by the McCall brothers at that time and re-establish the homestead in 1907. And that land has been in the McCall possession since, Mr. Deputy Speaker.

And it doesn't take too long, when you get out there tramping around, to realize what possibilities it held in terms of duck hunting and in terms of trapping. And although I've never had the pleasure of going out with my dad and he's maybe a bit beyond that now in terms of his abilities, but in terms of getting out to hunt the deer into the big bush at the back of the property, there was certainly a lot of that, a lot of hunting, fishing, and trapping that was very much part of my dad's upbringing and was part of the lessons that he imparted to us McCall kids, and the importance of it not just to the province but of course to the McCall family.

So we were, as members in the opposition benches, we were very interested to see this Act coming forward because this is a tremendous part of the heritage of this province. And in terms of the whereases that set up the reasoning for the Bill being brought forward, certainly there's a lot to be agreed with there and in terms of the role that hunting, fishing, and trapping played in the very establishment of the province of Saskatchewan.

In this Assembly of course, Mr. Deputy Speaker, the mace as we see it right now rests on a beaver pillow. And that beaver pillow is significant of what brought the Europeans out to Saskatchewan, primarily in the North initially, Mr. Speaker, was following the fur trade. And the interplay between Europeans and the people that were pushing the settlement west, the interplay between them and the First Nations, the original inhabitants of this territory, of course that meeting of peoples produced the Métis people. And you don't have to look too far back into the history of this province or into the history of this territory to realize the significance of hunting, trapping, and fishing to what even brings us here as a province and as a people standing in this legislature today. It's important.

Again there are different aspects to this, Mr. Deputy Speaker. You know, it's important to have these days that recognize what is our heritage as a Saskatchewan people, the things that have shaped and informed our history. And so from that perspective, Mr. Deputy Speaker, we think that it is quite good to bring forward an Act that recognizes the heritage of hunting, fishing, and trapping in Saskatchewan. In the last whereas, it says, "... it is desirable to observe a day to celebrate hunting, fishing and trapping as an integral part of Saskatchewan's heritage." And that's exactly right, Mr. Deputy Speaker.

Of course we look at the environment in which this Act is being brought forward overall. We recognize that in terms of trapping it doesn't have the economic impact that it once did, perhaps, you know, 200, 300 years ago when this territory was first being opened in conjunction with the fur trade. We recognize that, but today it is still very important. In Canada as a whole, there are 80,000 people who work in the industry related to trapping. It's worth \$800 million to the Canadian economy. And in Saskatchewan, as of perusing the statistics on the Department of the Environment's website, there are currently about 3,000 registered trappers, and they contribute about 2 to \$3 million to the provincial economy each year.

So it's not just part of our heritage, Mr. Deputy Speaker, but something like trapping is very much part of the day-to-day economic life of this province and in certain quarters in this province. And, you know, I get to talk to my colleague from Cumberland, my colleague from Athabasca, and there are people that make their livelihoods to this very day on the trapline. And some of those traplines have been in families for decades and generations, Mr. Deputy Speaker.

[16:30]

In terms of hunting and fishing, of course that's an activity that is more widely dispersed throughout the province. Hunters and anglers, I believe, have spent about \$1.5 billion in Saskatchewan on an annual basis. In 2005 there were 70,000 people that hunted in the province. And in terms of the tourism take for the province, the hunters at that time accounted for about \$107.5 million of the monies spent by tourism or related to the tourism industry, which is 8 per cent of the industry's take overall.

And that economic activity has resulted in more than 1,000 jobs. You know, and again you think of the more than 200 outfitters that are dispersed through the province and the fact that hunting, fishing and trapping, but particularly hunting and angling, are part of their day-to-day reality and their day-to-day bread and butter, the fact that they're bringing people to the province. They're bringing people to opportunities to hunt the white-tail, to hunt moose, to hunt the black bear or the ducks, the geese, the pheasants that are hunted.

I know my colleague, the member from Rosemont, is an avid hunter and fisher. And certainly he's, I think, he's got his seasonal take for pheasant this year, Mr. Speaker. I think he was down in the member from Cannington's neck of the woods doing a little pheasant hunting just this past weekend.

And I know that in his case, as is the case with many families, that's an activity that was handed down from his parents and

from his grandparents and from their great grandparents. And again I think that chain of, that transmission of knowledge and learning and appreciation for the rich, natural bounty that we have in this province, the appreciation that people have for this tremendously diverse environment that we have in Saskatchewan and the way that people are able to interact with that through hunting and fishing, I think of the way that that's worked in his family. I think of the way it's worked in my family.

And you know, that to me is a very real embodiment of what heritage is all about. It's about those things that are important to us as a people. It's about those things that, again, have shaped our history and our economy. And hunting and fishing, I mean that certainly shaped the settlement patterns in this province. You think about where we stand, here on the shores of the mighty Wascana, Mr. Deputy Speaker.

Of course, through the Great Plains once is where the buffalo roamed, and in some quarters the buffalo are roaming once again. Certainly down in the member from Cypress Hills, in his territory, the way that the buffalo have been reintroduced and are making a comeback in the grasslands, it's a way that . . . It's not just about our history or our heritage, but the way that we should strive as a society to put out safeguards to nurture these things, to really, if they are important to us, make those decisions and investments to bring these things back.

So that the buffalo herds are roaming once again in the grasslands at least, we think is a good thing. Or the fact that the buffalo, in terms of the herds that are in existence in the P.A. National Park again, these are daily reminders. This is a daily reality that connects us to our heritage.

And as the fur trade was one of the main reasons that the waterways like the Churchill, one of the storied historic fur trade routes in this province, the way that that influenced the bringing of people into this province and the bringing of people together in terms of the First Nations, the Métis, and the settlers, you don't have to go too far out of places like Deschambault or in through Missinipe or into Ile-a-la-Crosse territory to recognize that that heritage is not just in the past but it's again part of our living reality.

But if you don't pay attention to conservation, if you don't pay attention to the way these hunting practices, these trapping practices, the fishing, if you don't . . . There are improvements that are always made.

And you always have to pay attention to the conservation aspect, Mr. Deputy Speaker. And I think that people that hunt and fish and trap, in many ways they are on the front lines of conservation. They are the people that recognize the fluctuation in terms of animal populations and the way that this affects the ability of people to hunt and fish. You know, if the animals are gone and if the fish are gone, you of course cannot hunt or fish.

And so in a very interesting symbiotic way, wildlife management is something that hunters and fishers and trappers in this province were miles ahead of the general population in terms of their interest in preserving natural habitat, in terms of the proper management of wildlife and the way that we need to govern these things as a province through our laws and through

our budgets.

In terms of the Bill, I'd be remiss if I didn't recognize that I was glad to see that clause no. 3, the non-derogation of Aboriginal rights, was included. Of course this is a fairly standard non-derogation clause that is included in different pieces of legislation, Mr. Deputy Speaker, but it was good to see that it states:

Nothing in this Act abrogates or derogates from any existing Aboriginal and treaty rights to hunt, fish or trap of the Aboriginal peoples of Canada that are recognized and affirmed by section 35 of the *Constitution Act, 1982*.

So in terms of that non-derogation of Aboriginal rights, we're glad to see that in the Bill.

We would have been happier . . . We were happy to see the different stakeholders that came forward to mark the introduction of this legislation into the House, Mr. Deputy Speaker, but we couldn't help but notice that in the people that were introduced in terms of, you know . . . The first hunters and fishers and trappers in Saskatchewan, or in the territory that comprises Saskatchewan, they were of course First Nations. And then when the Europeans came, of course the Métis people grew and took force, and certainly in terms of different parts of this province that the Red River wagons used to move the Métis across this territory, in some places where those tracks are still dug into the clay of this prairie. They of course were very important to this.

And when we speak of the heritage of hunting, fishing, and trapping, that heritage is not just for Aboriginal people, not just for the First Nations and Métis in this territory, but the way that that heritage should bring us all together into some kind of understanding of the roles that we've played historically and of the ways that we should be able to move forward collectively as Saskatchewan people.

So again when the Bill was introduced, Mr. Deputy Speaker, I looked to the galleries and again I was quite happy to see the representatives from the different stakeholder groups. But I couldn't help but think that it was more than a little strange that there weren't First Nations in the gallery, that there weren't Métis in the gallery.

And you know, we're about to celebrate 2010 as the Year of the Métis and the role that the Métis played in terms of the history of this province. And you think of somebody like Gabriel Dumont who grew to prominence in the Métis settlements in Saskatchewan, very much due to his prowess as a hunter and as the leader of the buffalo hunt and the role that Dumont played in that vital undertaking of the Métis people.

Or you think of the great First Nations leaders, particularly around the time of the signing of the treaties. You think of someone like Poundmaker or Big Bear, or you know, to get into the woodlands a bit further, the Ahtahkakoop or Mistawasis or Piapot, the different First Nations leaders that in terms of hunting and fishing being their livelihood, the whole basis of their economy, and the fact of the disappearance or the overhunting, the hunting to extinction of the buffalo, and the way that settlement hastened that extinction, Mr. Speaker. And,

you know, the terrible hunting practices of certain unscrupulous operators, the wolvers and the buffalo skinners.

You think about the way that they had their lives impacted and the disappearance of the buffalo and that being the foundation of their whole way of life. And you think about the bravery and the vision and the foresight of somebody like Ahtahkakoop that said, the buffalo are gone, so education will be our new buffalo. And the foresight that leaders like Ahtahkakoop had in terms of recognizing the hard, hard challenges of their day, but recognizing that something like education would provide for the people in a way that the buffalo used to. But the fact that they had to come to terms, come to amends in terms of signing treaties and in terms of provisions in those treaties around education and moving the wherewithal or the well-being of the people forward.

So again it would have been very good to see the First Nations and the Métis represented in the gallery as this Bill was introduced, because who is more integral to the heritage of hunting, fishing, and trapping in the province of Saskatchewan than the Métis and the First Nations.

I know for yourself, Mr. Deputy Speaker, you know, I think the last time I was out in your riding, we spent some time together in Kawacatoose where again, there were people that were pursuing education in terms of getting those tools to succeed in a modern economy.

I know that you have an understanding of someone like Kawacatoose — or Poor Man as he was called at the time, *le maigre* — and those treaty signatories that again were transitioning their people as best they knew how from a hunting economy based on the buffalo into this new world of an agricultural-based economy, an industrial-based economy, and the challenge that we have to this day, Mr. Deputy Speaker, in terms of making sure that the benefits of this broader economy are shared equitably and fairly across this province.

So in terms of a heritage day to represent or to celebrate the integral role that hunting, fishing, and trapping have played in the foundation of Saskatchewan and the settlement and the very lifeways of a people, we think it's appropriate to have a Bill that celebrates this. But as the celebrations, or as this marking out of an important day and of an important lifeway, as that continues, Mr. Deputy Speaker, we look with great interest to see if the celebration is joined by all the people who should be joining in the celebration.

And again, who better to join in that celebration than the original hunters, fishers, and trappers — the First Nations. Who better to join in that celebration than a people that very much owe their existence as a people to the interaction between the European population and the First Nations as it related to hunting, fishing, and trapping?

So again it's good to participate in this debate. To go back into my childhood again a bit, Mr. Speaker, if I can bring some of these points forward, certainly one of my father's favourite books growing up was *North to Cree Lake*, ironically about prairie boys that fled the Great Depression and the dust bowl of the '30s and made their way north, moving through P.A. up to Big River — and Big River, of course, which was much in the

discussion here today, Mr. Deputy Speaker — and then used Big River as a jumping-off point to go north to Cree Lake, as the book is titled.

[16:45]

And certainly that was a book that my father handed to me at a very young age. And in terms of the tremendous quality of life, the hard work that these trappers had in terms of always working to make sure that you've put away enough game for the winter, and the hard work that's involved in establishing and maintaining a trapline. It's a book that I very much enjoyed reading and is one of my favourite books now, Mr. Deputy Speaker.

And in terms of again literature that provides a window into what is the heritage, the history of this province, into the different life experiences that people have had throughout this province, the vast diversity of this province, I think a book like *North to Cree Lake* is one of those important books in terms of the history of this province, in terms of the heritage of Saskatchewan.

I think about the stories that different of my colleagues have been able to impart to me, having the opportunity to be up north with our colleague from Athabasca, who's of course based out of Ile-a-la-Crosse. And the ability to go out fishing for an afternoon there, Mr. Deputy Speaker and, you know, the beauty of the natural environment and the bounty of the fish that were available. We caught a fair amount of jack, but we certainly got a couple of pickerel to boot. And then taking the catch back in, the skill and dispatch with which the people we were with were able to fillet those fish right up, and just the fact that this has been part of the lifeways for generations in a community like Ile-a-la-Crosse.

Or the opportunity I had this summer to spend some time with the Woodland Cree at a gathering at Grandmother's Bay just north of La Ronge, Mr. Speaker, north of Missinipe. And for the Woodland Cree of course — Lac La Ronge Indian bands, Montreal Lake Cree Nation, and Peter Ballantyne Cree Nation — again these are three First Nations where hunting, fishing, and trapping is not just about heritage. It's about a day-to-day reality.

But they see that heritage as a way to teach young people skills, to teach them self-reliance, to teach them pride, and to pass along those cultural lifeways, but to teach them, you know, very fundamental things about what it is to be alive on these prairies, on the northlands. Mr. Deputy Speaker, you'll forgive me. And it was tremendous to see the kohkoms and mushoms going out with the mothers and the fathers and the little kids, and to see three, sometimes four generations in a family out there fishing, and then the tremendous work that was done afterwards to, again, to process that day's catch and then the tremendous fish fry that ensued thereafter. And of course there's nothing quite as tasty as a shore fish fry after a great day out on the Churchill and in that system. And that certainly stands out as a tremendous memory for me, Mr. Speaker, and for me serves as a great reminder of the heritage of fishing, hunting, and trapping in this province.

When I think about the work, I think about our colleague Joan



Beatty — who is no longer in this place of course, Mr. Speaker, but is again based out at Deschambault or has returned home to Deschambault — and the work that her family had done and her father had done in terms of setting up co-operatives in that part of the province, but the fact that through it all ran this lifeline, this lifeway of hunting, fishing, and trapping.

And you know Joan, her ability to get out on the moose hunt in the fall and do her part in terms of, you know, not just bagging a moose but getting that moose all trimmed up and cleaned and then the processing of the moose, the mooswa, you know again, you have a hard time in thinking of some things that couldn't be more symbolic or typical of the heritage of this province. And the way that the Beatty family approached the moose hunt and the pride that is taken in the trapline by families like the Beattys, again you couldn't think of anything that's more directly connected to the past but also shows the way forward for the future.

And in a lot of these . . . you know, you spend much time in northern Saskatchewan, Mr. Speaker. You hear very clearly from the elders there the hope that they hold out for these activities in hunting and fishing and trapping for teaching young people the pride and the culture, and that's the bush craft, the wisdom that you need to have if you're going to run a successful trapline or if you're simply going to get enough to eat for that winter, Mr. Deputy Speaker. And I think about the good work of things like the Trappers Association up north and the way that, like primary producers anywhere, they've got challenges in terms of price of fur, the environmental conditions.

But the fact that they've persisted with pride and the fact that organizations like that hold out that hope to transmit that understanding, that knowledge, that wisdom on to the next generation, and that they rightly view it as part of something that should be a source of pride, that should be a way for young people to become adults, to take on that maturity, to develop as human beings. And again to have that appreciation for mother nature and our rich, natural environment, but at the same time to know what it takes, the tremendous level of skill that is involved in if you're going to be a successful hunter or trapper, what you have to know in terms of the patterns of the animals involved or the fish.

If you're going to catch fish, Mr. Speaker, you've got to know where the fish are. And the way that that understanding and that vital connection to nature and to the animals and the fish — let alone to the winged beasts, the birds that are hunted — again very quickly you find out if that's going to be part of your livelihood, you have to pay attention to conservation. You have to pay attention to the best practices in terms of making sure that that resource is not just there for you, but that it carries on for generation to generation. So as these elders in these communities want to pass along that knowledge to their children and their children's children, so there is as well an understanding that they need to manage and to steward the resource — the animals, the fish, the birds — if their children are going to have the opportunity to have that as part of their livelihood as well.

So again you think about the way that hunting, fishing, and trapping is part of the lifeways of many of our northern

communities. You think about the way that it impacts right across this province. We're a province of a million people, Mr. Deputy Speaker.

And certainly my colleague from Regina Rosemont, as I was saying earlier, he's an avid hunter and fisher. And he's a lot better with a filleting knife than I am, Mr. Speaker. I'm not ashamed to admit that. If it was up to me, we'd probably be eating more fingers than fillets if I was left alone to my own devices to take the day's catch and turn it into the fillets ready for the frying pan, but not just a great hunter, fisher, outdoors person, but also a good teacher too, in terms of passing along some of those skills that I missed in terms of my learning around the bushcraft and being able to fillet a fish.

I haven't been able to return the favour in terms of showing him some of the finer points of what it takes to skin a muskrat and to stretch the hide, Mr. Deputy Speaker, and to take that down to the — in our case — to Isman Hide and Fur or what was Isman Hide and Fur here in town, and to get our price for the catch. But perhaps, perhaps that day will come. Or maybe we can settle off on just maybe some pheasant hunting. He can show me the finer points of that, and that can be our particular contribution to the heritage of hunting, fishing, trapping, in this province.

So again I want to . . . I'm coming close to the end of the clock here, Mr. Speaker, but I want to state again, this is not just important to our heritage, but hunting, fishing, and trapping offers a great opportunity for First Nations, for Métis people, for non-First Nations to go forward and to develop a greater appreciation of the rich bounty in mother nature in this province, to develop a more direct connection to the natural life of this province.

And again in Saskatchewan we have such a diversity in the environment from the prairies and the grasslands to the woodlands and parkland to the North, Mr. Speaker. You know, again coming from the South, the great scarcity of water that we have in many parts of this province in the South, when you go to the North of course the thousands of lakes that we are so blessed with in this province and their importance in terms of that, you know, not just to the heritage of this province and the different fur trading activity up and down a place like the Churchill River and the fact that, you know, Stanley Mission and Cumberland and all of these different settlements were the first sort of European settlements in this province and their importance to our history.

But it's not just about our heritage, Mr. Deputy Speaker. It's about how we not just celebrate these things but how we steward them to take them forward so that these opportunities are not there just for us, but they're there for our children and our children's children and their children's children. And again so it's not . . . It's good to have a day to celebrate the heritage. But if we're not taking the appropriate steps around wildlife management and the stewarding of the natural habitat, if we're not paying attention to that, Mr. Speaker, then we're not doing right by those generations to come. It would be a poor state of affairs indeed if we were to tell our grandchildren that, you know, there isn't anything left for you because we took it all.

So in terms of the conservation that something like this or the

attention and the importance of conservation that an Act like this suggests, we'll be looking very closely at the rest of the balance sheet here, Mr. Deputy Speaker, in terms of the actions of this government and how that either balances out with the celebration presented in *The Hunting, Fishing and Trapping Heritage Act*. We'll be looking to see how it balances out in terms of *The Wildlife Act*, *The Fisheries Act*, the migratory birds convention, how it plays out in terms of bringing First Nations, Métis, and the rest of the people in Saskatchewan together in terms of moving this forward together.

We'll be looking for the ways in which that heritage is brought to bear not just on one day every year, but how we can use that rich heritage to perhaps, in places — like I think of Sandy Bay — in places like Sandy Bay to impart that wisdom and that knowledge and that opportunity for development and human potential, to use that heritage to bring those things along and to pass wisdom from one generation to the next and, in the process, make that next generation richer and fuller and more capable of reaching their potential as human beings on this planet.

So, Mr. Deputy Speaker, it's been a pleasure to participate in this debate. Again we're glad to see a day coming forward in terms of the celebrating the heritage, but we look forward to or we look very closely at the actions that are taken not just to celebrate the heritage, but to secure the heritage for generations going forward.

**The Deputy Speaker:** — The time of adjournment having been reached, this House now stands adjourned until 10 a.m. tomorrow morning.

[The Assembly adjourned at 17:00.]



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