



THIRD SESSION - TWENTY-SIXTH LEGISLATURE

of the

Legislative Assembly of Saskatchewan

**DEBATES
and
PROCEEDINGS**

(HANSARD)

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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

Name of Member	Political Affiliation	Constituency
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
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Chartier, Danielle	NDP	Saskatoon Riversdale
Cheveldayoff, Hon. Ken	SP	Saskatoon Silver Springs
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Elhard, Wayne	SP	Cypress Hills
Forbes, David	NDP	Saskatoon Centre
Furber, Darcy	NDP	Prince Albert Northcote
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Harpauer, Hon. Donna	SP	Humboldt
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Higgins, Deb	NDP	Moose Jaw Wakamow
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Junor, Judy	NDP	Saskatoon Eastview
Kirsch, Delbert	SP	Batoche
Krawetz, Hon. Ken	SP	Canora-Pelly
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McCall, Warren	NDP	Regina Elphinstone-Centre
McMillan, Tim	SP	Lloydminster
McMorris, Hon. Don	SP	Indian Head-Milestone
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Morgan, Hon. Don	SP	Saskatoon Southeast
Morin, Sandra	NDP	Regina Walsh Acres
Nilson, John	NDP	Regina Lakeview
Norris, Hon. Rob	SP	Saskatoon Greystone
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Quennell, Frank	NDP	Saskatoon Meewasin
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Schriemer, Joceline	SP	Saskatoon Sutherland
Stewart, Lyle	SP	Thunder Creek
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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 Leader of Her Majesty's Loyal Opposition.

Mr. Lingenfelter: — Mr. Speaker, it's my pleasure to introduce three special people who are seated in your gallery today. Larissa Shasko, the elected leader of the Green Party in April of 2009, Larissa's here with us. She's a political science student, lives in Moose Jaw with her husband. And I want all members to join with me in welcoming her here today. Thank you, Larissa, for being with us.

Mr. Speaker, seated in your gallery as well, right next to Larissa, is Ryan Bater, current Leader of the Liberal Party, raised in North Battleford, earned his degree in business economics, was very instrumental in North Battleford's regional economic development authority. And, Ryan, I'm proud of the work you did there because I've had a small vested interest in that, being the minister when it was introduced. I know all members will want to join in welcoming Ryan here to the Assembly today.

And, Mr. Speaker, through you and to you and the other members in the Assembly, a good friend, Leader of the Progressive Conservative Party of Saskatchewan since 2006, Rick Swenson. Rick of course was a member of the Assembly for a number of years, a worthy opponent. Rick, welcome back to the Assembly today, and I know all other members will join me in that welcome.

The Speaker: — I recognize the Premier.

Hon. Mr. Wall: — Thank you, Mr. Speaker. It's an honour to join with the Leader of the Opposition in welcoming these leaders to the Legislative Assembly today. Mr. Speaker, obviously democracy is only as strong as those who contest it — the parties that are represented, the individuals that are represented. And obviously, Mr. Speaker, the province is better off when that contest is vibrant, and we owe that in large measure to the various political parties that have been contesting elections here very recently, Mr. Speaker. And I join with the Opposition Leader in welcoming them to their Legislative Assembly and ask all members to do the same.

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

Mr. Forbes: — Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to all members of the House several folks who've come from across the province — Prince Albert, Saskatoon, and here in the city of Regina and other places — to have some questions about rent and those kind of issues. They're actually up in the east gallery, west gallery, on the main floor, and an awful lot in the Speaker's gallery. This truly is a major issue for many people, many people in

Saskatchewan, and so I'm glad they've come today to their legislature to hear the answers that they want to hear from the government. Thank you very much, Mr. Speaker.

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

Mr. Broten: — Thank you, Mr. Speaker. To you and through you to all members of the Assembly, I would like to introduce a group of students and concerned citizens from First Nations University of Canada. If these individuals in your gallery, Mr. Speaker, could please rise. Thank you.

Mr. Speaker, many of these individuals are members of the students' association and all were in front of the legislature earlier today, coming to the legislature to voice their concerns about the future of First Nations University of Canada.

I'll also state, Mr. Speaker, later on in the day I will be tabling a letter from the students' association to the Minister of Advanced Education, Employment and Labour.

I ask all members to join me in welcoming these students and others to the Assembly.

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

Mr. Iwanchuk: — Mr. Speaker, to you and through to the Assembly, I'd like to recognize some members of the building trades. We have with us Calvin Goebel, Randy Nichols, Chuck Rudder, Terry Parker, I think is there, and Gunnar Passmore. I'd like all members to welcome these trade unionists to their Legislative Assembly. Thank you.

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

Mr. Wotherspoon: — Thank you, Mr. Speaker. To you and through you to all members of the Assembly, I am pleased to introduce friends and constituents seated in your gallery, Mr. Speaker.

I'd like to start off with Elder Lorna Standingready. I'll ask Elder Standingready to stand. Certainly Elder is a teacher to many of us as well, and certainly I count myself as a student. Elder Standingready originates from Peepeekisis and White Bear First Nations, has built her life working in Regina. I would also like to recognize her daughter, Miss Donna Standingready, a community leader here in Regina, and close friend, Miss Kaitlyn Swan who is a grade 9 at O'Neill High School and is looking towards journalism school, Mr. Speaker, following that. Miss Sawyer Swan who is a young entrepreneur who is looking towards graphic arts for her future and who's been an award winner with Junior Achievement, a great program in our province. I'd also like to recognize Ms. Brenda Dubois who's the Chair of the Regina Urban Aboriginal Strategy and also a constituent.

These are just some of the individuals that are leaders within Regina Rosemont, Mr. Speaker, within Regina, and within our province. I ask all members of the Assembly to join with me in

welcoming them here today.

The Speaker: — I recognize the Leader of Her Majesty's Loyal Opposition.

Mr. Lingenfelter: — Mr. Speaker, it's my pleasure indeed to introduce a friend and a former colleague, Keith Goulet. Keith was the member for Cumberland for a number of years and served that area of the province very, very well. I understand he's taken a leave from politics and is now a student doing his Ph.D., I believe his Ph.D. at the university. Keith, welcome to the Assembly. I know all members will want to join in the welcome in having you here today.

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

Ms. Morin: — Thank you, Mr. Speaker. Mr. Speaker, with leave for an extended introduction please.

The Speaker: — The member has asked leave for an extended introduction. Is leave granted?

Some Hon. Members: — Agreed.

The Speaker: — Agreed. The member may proceed.

Ms. Morin: — Thank you, Mr. Speaker. It's my privilege to introduce to you and through you and to all members of the Assembly a gentleman seated in your gallery by the name of Jaime García. And perhaps Mr. García could stand so he could be recognized.

Mr. García came to Canada at the age of 11 after his father was persecuted, shot, and left as a paraplegic for standing up for peoples' rights. So Jaime is well versed with the issue of fair and equitable treatment as a society in general. He is 32 years of age. He is a graduate of O'Neill High School, so I'm sure he'll want to get acquainted with some of the other students that are currently sitting up in the gallery. He attended the University of Regina and then after that the University of Calgary. He is currently a digital media designer who is married to Kendra Strong-García who herself is a very important activist in the community.

She is currently the director of the YWCA [Young Women's Christian Association] children's shelter and has done amazing activism and work with respect to FASD [fetal alcohol spectrum disorder] as well, Mr. Speaker.

Mr. García is very active in the soccer community in Regina as a player, a coach, and a former board member. He currently coaches with the Austria Capital football club, and I understand he's still kicks the soccer ball around from time to time too when he's asked to play as a guest player. He's a strong advocate of labour issues for the past six years and has been seen on many fronts of those issues around not just the city of Regina, but across Saskatchewan and across the country.

He's a long-time NDP [New Democratic Party] member; he's held a membership since he was 18 years of age. And he's currently seeking the NDP nomination for Regina Coronation Park. As you can see, Mr. Speaker, not only because of his

family history and the persecution that his father suffered in the country that he lived in before he came to Canada, he is a strong member of the community of Regina Walsh Acres. He's father of three wonderful children — Avery, 15; Myan who's nine; and a wonderfully precocious Eden who is three years old.

He has a strong appetite for democracies, Mr. Speaker, and I would ask all my colleagues to welcome him to the Assembly today. Thank you.

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

Mr. McCall: — Thank you very much, Mr. Speaker. I realize we're making a lot of introductions here today, but I would be remiss if I didn't introduce my friend, Mushom. I'm speaking of course of Chief Cameron Watson from Chacachas First Nation in the Southeast. It's good to see you here, Mushom, and welcome to your Legislative Assembly.

PRESENTING PETITIONS

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

Mr. McCall: — Thank you, Mr. Speaker, I present a petition concerning the First Nations University. This petition is . . . the prayer reads as follows:

We, the undersigned, fully support First Nations University of Canada and are petitioning the Government of Saskatchewan to restore full funding immediately to the institution. We also petition the Government of Saskatchewan to fight on behalf of Saskatchewan and insist that all federal funding also be restored to First Nations University of Canada.

This petition is signed by residents of Regina and Buena Vista. I so present.

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

Mr. Harper: — Thank you, Mr. Speaker. Mr. Speaker, I rise today to present a petition on behalf of concerned citizens of Saskatchewan who are concerned over the condition of our highways, in particular Highway 310. This petition states that Highway 310 has now deteriorated to a point where it's a safety hazard for the residents who have to drive on this highway each and every day. And the prayer reads as follows, Mr. Speaker:

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 No. 310 that the people of Saskatchewan need.

And as duty bound, your petitioners will ever pray.

And, Mr. Speaker, this particular petition is signed by the good folks from Ituna and Fort Qu'Appelle, Saskatchewan. I so submit.

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

Mr. Trew: — Thank you, Mr. Speaker. It's my pleasure today to introduce a petition that was put together by the Saskatchewan Student Coalition. This petition is in support of the implementation of a Saskatchewan scholarship fund that was promised by the Sask Party in the 2007 election. And the prayer reads:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the government to implement the promised Saskatchewan scholarship fund.

Mr. Speaker, today's petitioners are from Prince Albert, Hudson Bay, Delisle, Saskatoon, Battleford, and my cousin's hometown, Carrot River. I'm pleased to present this petition on all of the above's behalf.

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

Ms. Higgins: — Thank you very much, Mr. Speaker. I rise to present a petition in support of eliminating poverty in the province of Saskatchewan. And we all know that poverty is an enshrined human right by the United Nations and that all citizens are entitled to social and economic security. And we also know that here in Saskatchewan that income gap between rich and poor is beginning to grow even more, and that one in five children in the province of Saskatchewan lives in poverty. And, Mr. Speaker, we also know that when governments reduce spending they often attack social programs, and with the budget upcoming I think this is importantly relevant. And the prayer reads:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the government to act as quickly as possible to develop an effective and sustainable poverty elimination strategy for the benefit of all Saskatchewan citizens.

And as in duty bound your petitioners will ever pray.

Mr. Speaker, I so present on behalf of constituents in Moose Jaw.

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

[13:45]

Ms. Junor: — Thank you, Mr. Speaker. I rise today to present a petition, thousands of the 21,000 now that we have — over 21,000 — with citizens who are really concerned about the possible elimination of government funding for chiropractic services. And the petition reads:

We, in the prayer that reads as follows, respectfully request that the Government of Saskatchewan honour the agreement negotiated between the Ministry of Health and the Chiropractors' Association of Saskatchewan.

And the signatures again, Mr. Speaker, are from hundreds of communities which I will now read into the record: Regina, Pilot Butte, Lumsden, Rouleau, Weyburn, Midale, Estevan, Vibank, Raymore, Balgonie, Regina Beach, Fort Qu'Appelle, White City, Silton, Wynyard, Craven, Belle Plaine, Hanley, Emerald Park, Lipton, Cupar, Asquith, Saskatoon, Rosetown, Burstall, Warman, Martensville, Battlefords, Eston, La Ronge, Vanscoy, Nipawin, Gull Lake, Swift Current, Hodgeville, Webb, Halbrite, Torquay, Carlyle, Tribune, Ogema, Osage, Radville, Yellow Grass, Fillmore, Pangman, Nokomis, Moose Jaw, Milestone, Admiral, Kenosee Lake, Stoughton, Forget, Trossachs, Ponteix, Maple Creek, Central Butte, Hazlet, Gravelbourg, Assiniboia, Willow Bunch, Saltcoats, Esterhazy, Davidson, Imperial, Craik, Elbow, Dundurn, Watrous, Shellbrook, Canwood, Loon Lake, Meadow Lake, Delisle, Clearwater River, Biggar, Maidstone, Edam, Unity, North Battleford, Cochin, Wilkie, Maymont, Condie, Mayfair, Tramping Lake, Medstead, Milden, Langham, Prud'homme, Assiniboia, Laporte, Arelee, Aberdeen, Bellevue, Outlook, Laird, Hague, Dalmeny, Viscount, Coleville, Kenaston, Wakaw, Osler, Waldheim, Kyle, Hepburn, Fox Valley, Birch Hills, Prince Albert, Melville, Elstow, Rocanville, Zehner, Truax, Odessa, Mankota, Bateman, Yorkton, Edenwold, Cohen Bay, Pennant Colony, Wilcox, Waskesiu, Candle Lake, Leask, Tompkins, Tugaska, Mortlach, Tisdale, Eyebrow, Mossbank, Hendon, Hafford, Radisson, Goodwater, Macoun, Oungre, Chaplin, Val Marie, Pambrun, Neidpath, Beechy, Cabri, Churchbridge, Runnymede, Pelly, Hyas, Veregin, Kennedy, Duval, Fairlight, Leoville, Benson, Avonlea, Fosston, Choiceland, Rosthern, Elrose, Wiseton, Big River, Tway, St. Louis, Strasbourg, Lake Lenore, Ardath, Bengough, Weekes, White Fox, Mont Nebo, Sandy Bay, Morse, Viceroy, Killaly, Langenburg, Calder, Hudson Bay, Ituna, Springside, Star City, Mistatim, Ridgedale, Lintlaw, Fenwood, Zenon Park, Quill Lake, Zealandia, Gronlid, Kinistino, Naicam, Fairy Glen, Corman Park, Spiritwood, Big Rose Colony, Sheho, Danbury, Togo, Theodore, Duff, Whitewood, Margo, Balcarres, Elfros, Ebenezer, Bredenbury, Sedley, Kiseby, Gray, Lebret, Sceptre, Simmie, Grenfell, Montmartre, Air Ronge, Creighton, Glenside, St. Brieux, Bracken, Young, Blaine Lake, Vonda, and Loreburn.

As you can see, Mr. Speaker, the petitioners have signed from all over the province — thousands and thousands and thousands and more to come. I so present.

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

Mr. Forbes: — Thank you very much, Mr. Speaker. I'd like to rise today to present a petition titled, protecting renters from unreasonable increases. And I've got quite a pile today from the folks from Regina. And I'd like to tell a little bit about it. Saskatchewan renters are facing combinations of rising rents and low vacancy rates in many communities. And in fact we've seen rent increases of \$100 each in communities like Estevan and Yorkton. And we know many provinces have rent controls, including BC [British Columbia], Ontario, Quebec, and Prince Edward Island.

I'd like to read the prayer now. And the prayer goes, we, in the prayer that reads as follows:

. . . respectfully request that the Legislative Assembly of Saskatchewan take the following action: cause the government to cause enacting some form of rent control with a view to protect Saskatchewan renters from unreasonable increases in rent.

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. With a waiting list of almost one full year for our seniors, that's appalling. 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.

It is signed by the good people of La Ronge and area. 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 that has been circulated by the Saskatchewan Student Coalition — a petition in support of affordable undergraduate tuition and a request that the Sask Party's actions match their rhetoric. The prayer reads:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the government to implement a long-term tuition management strategy in which tuition is increased by an average of 2 per cent or the most recent increase to the consumer price index.

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

Mr. Speaker, I so present.

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

Mr. Furber: — Thank you, Mr. Speaker. I rise today to present a petition in support of the students of Saskatchewan. And the issue that they bring forward is that they're paying the highest amount of interest on fixed rate student loans in Canada at prime plus two and a half per cent. This petition is being circulated by the Saskatchewan Student Coalition. I'll read the prayer:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the government to immediately reduce the interest on fixed rate student loans to the prime rate of borrowing so that students can accumulate less debt and focus their finances on building their lives here in Saskatchewan.

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

Mr. Speaker, the petition is signed by a good number of folks from the city of Prince Albert. 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 residents of rural Saskatchewan who feel that they're being left behind by the Sask Party government with respect to issues of water. This community has been dealing with the situation for over two years and the government . . . through a government agency ordering the town to upgrade their water system. The exorbitant amount that the Duck Lake residents now . . .

The Speaker: — Order. Order. Order. Just to remind members that as we've . . . Long-standing tradition is to a short and brief explanation of the petition and the prayer. I'd ask the member to move to the prayer, please. Member from Regina Walsh Acres.

Ms. Morin: — Mr. Speaker, these residents are paying over \$165 a month, minimum \$165 a month for water bills, and it has a direct effect on the First Nations people and the community, as well as those on disability . . .

The Speaker: — Order. Order. I've asked the member to move to the prayer. If the member doesn't move to the prayer, we'll move to the next petition. I recognize the member from Regina Walsh Acres.

Ms. Morin: — Mr. Speaker, 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.

Mr. Speaker, these petitions are signed by the good residents of Duck Lake and Saskatoon. I so present.

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

Mr. Iwanchuk: — Mr. Speaker, I stand today to present a petition in support of withdrawal of Bill 80. Mr. Speaker, in the province here the members of the building trade unions have a proud history of craft union certification. And, Mr. Speaker, as well, that the skilled . . . the building trades contracts support a system of apprenticeship, of training, which results in a highly skilled workforce that we have. And 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 Industry 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.

And the petition is signed by people of Saskatoon. I so present.

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

Mr. Taylor: — Thank you, Mr. Speaker. I'm pleased today to rise and present a petition in support of affordable rents and housing for The Battlefords, Mr. Speaker. The petitioners were prompted to circulate this petition because of rent increases of 40 per cent at some Battlefords area apartments. The prayer reads as follows, Mr. Speaker, that the:

... petitioners humbly pray that the 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 or rent control to better protect tenants in a non-competitive housing environment.

Mr. Speaker, the petitioners all come from the city of North Battleford and the village of Meota. I so present.

The Speaker: — I recognize the member from Saskatoon Meewasin.

Mr. Quennell: — Thank you, Mr. Speaker. I rise again today to present a petition signed by residents of Saskatchewan concerned about this government's disregard and disrespect for civil, human, and legal rights. And the prayer reads:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the government to direct marriage commissioners to uphold the law and the equality rights of all Saskatchewan couples, and to withdraw the reference to the Saskatchewan Court of Appeal that would allow marriage commissioners to opt out of their legal obligation to provide all couples with civil marriage services.

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

Today the petition is signed by residents of Wakaw, Regina, and Saskatoon. And I so submit.

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

Mr. Wotherspoon: — Thank you, Mr. Speaker. I rise to present petitions on behalf of concerned residents of Saskatchewan as it relates to the unprecedented mismanagement of our finances by the Sask Party. They allude specifically to the \$1 billion deficit created by the Sask Party, and they recognize that this is a problem getting worse, Mr.

Speaker, not better. And 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 provincial 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 concerned residents and petitions are signed by individuals, residents of Weyburn and Estevan. I so submit.

The Speaker: — Order. Before I recognize the member from Saskatoon Riversdale, I just wanted to remind our guests while you're welcome, it's a privilege to be in the Assembly. You're asked not to participate in any form during any of the debate. I recognize the member from Saskatoon Riversdale.

Ms. Chartier: — I rise today again to present a petition in support of the expansion of the graduate retention program. This petition is basically about fairness in how we treat post-secondary students and about the need to maintain our best and our brightest here in Saskatchewan. The prayer reads as follows:

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 master's and Ph.D. graduates.

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

This petition is signed by the good citizens of Saskatoon and Clavet. I so present.

STATEMENTS BY MEMBERS

The Speaker: — I recognize the member from Regina Qu'Appelle Valley.

International Day for the Elimination of Racial Discrimination

Ms. Ross: — Thank you very much, Mr. Speaker. Racism is destructive. It's dehumanizing and deadly. Racism claims the lives of children, wipes out entire generations, and victimizes people based on their religion or the colour of their skin. Mr. Speaker, the International Day for the Elimination of Racial Discrimination was March the 21st.

This is a day that reminds us of the destructive nature of racism. This day was proclaimed in commemoration of the tragic events in Sharpeville, South Africa. On March the 21st, 1960, the police opened fire and killed 69 people at a peaceful demonstration against apartheid laws passed.

Mr. Speaker, I had the wonderful opportunity to attend Regina's local Spring Free From Racism event. It was held at the Italian

Club and there was amazing performances by the different cultural groups right here in our very own city. Mr. Speaker, there was a mini-mosaic of clothes, food, music, dance. It was a wonderful sight, and it was a day of celebration of inclusion.

It is essential that we all work together to make our homes, communities, and our province intolerant to racist attitudes. We must learn from the tragedies of the past because together we create a beautiful, brighter tomorrow. Thank you very much, Mr. Speaker.

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

Affordable Drinking Water

Ms. Morin: — Mr. Speaker, nations around the world observe today as World Water Day. This day reminds us that water is an essential substratum of human life. Without water, there is no life. Without access to affordable water, our quality of life is at risk.

While many in our province are fortunate to have regular access to affordable water, a growing number of rural residents are forced to pay an exorbitant price for water because of this Sask Party government.

Residents of Duck Lake, a town of just over 600 people north of Saskatoon, are unable to afford their soaring water bills, increasing from \$32 a month to upwards of \$165 a month. Yet this government refuses to put up the cash to lower the rates, taking rural Saskatchewan for granted yet once again.

Now the residents of the hamlet of Furdale, just outside of Saskatoon, are being told that they will be cut off from water unless they agree to pay thousands of dollars to hook up to a private supplier who cannot guarantee access, price, or water quality. Mr. Speaker, on World Water Day let us recognize that there are even more rural residents that are being denied affordable water by this Sask Party government.

Mr. Speaker, New Democrats reaffirm our conviction that people have a right to affordable drinking water, and we'll continue to stand up for rural residents left without affordable access to water by a Sask Party government. Thank you.

[14:00]

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

Saskatchewan Protective Services Awards

Ms. Wilson: — Thank you, Mr. Speaker. This weekend the member from Carrot River and myself had the distinct honour of attending the seventh annual Saskatchewan Protective Services Award held in Prince Albert, Saskatchewan. At this event, Mr. Speaker, 24 recipients were honoured with a Protective Services Medal presented by Lieutenant Governor Gordon Barnhart.

This year's ceremony was special to me because I had the pleasure of working with a few of the award recipients in the

Corrections department. Believe me when I say, these individuals could not be more deserving of this distinction.

Since its inception in 2003, the Protective Services Medal has recognized exemplary long service for Saskatchewan individuals working in a direct capacity to protect people and our property. The Saskatchewan Protective Services Medal focuses attention on the efforts and work of police, fire, and emergency professions, along with others working in the field of safety and security.

All the individuals honoured have set high standards and strived for excellence in their duties so all of the people of our province can live safe and secure lives. Mr. Speaker, these individuals lay their lives on the line daily in order to ensure our safety. It was truly my pleasure to watch them receive the recognition they so richly deserved. Thank you, Mr. Speaker.

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

Z99 Radiothon Supports Neonatal Unit

Mr. Trew: — Thank you, Mr. Speaker. CC, Lorie, and Buzz of Rawlco Radio's Z99, last Thursday and Friday in 36 short hours, turned a lot of hurt to hope and happiness in the 23rd annual radiothon to support the Regina General neonatal unit at Regina hospital — \$360,946 was raised.

This 23rd annual radiothon built on a history. The history started when CC was exactly 23 years less mature. Incredibly he had a crazy concept, the concept being that if he broadcast for 36 straight hours people might respond. So he did so out of a car dealership on Broad Street, and he raised close to \$15,000 in that first year, which is a far cry from 360,000 this year.

It's amazing that he continued. Mr. Speaker, hats off to the listeners who donated so generously and to the volunteers who ran the phones and to the other support staff, and of course to CC, Lorie, and Buzz of Rawlco Radio.

But the biggest kudos of all of course is for CC — a truly master fundraiser that we are very grateful for having. Mothers and babies, families are seeing hurt become hope and happiness. Thanks CC and everyone at Rawlco Radio.

The Speaker: — I recognize the member from Yorkton.

Conserving and Protecting Water

Mr. Ottenbreit: — Thank you, Mr. Speaker. Today's the 18th annual World Water Day. In 1992 the United Nations General Assembly designated March 22nd of each year as World Day of Water. Today nations across the world join together to celebrate the importance of water in our everyday lives.

Water is something that many of us in this province take for granted. It's one of our most precious and vital resources. Our government has taken real action to conserve and protect our water, and despite what the members opposite say, we are doing more than they ever did. The NDP had a low-flow toilet rebate program, a budget \$200,000. We implemented our own toilet rebate program with a budget of \$11.2 million. It has so far

replaced 13,000 toilets and conserved over 150 million litres of water.

The NDP never put a program into place to monitor the water quality at Lake Diefenbaker. Our government has initiated long-term testing there for the first time ever. Under the NDP, the SaskWater contract with Duck Lake skyrocketed, and they only gave the town 250,000. Our government has helped Duck Lake access \$1 million to help with their water problems.

The NDP spent 9.9 million on water infrastructure in their last two years of government. In our first two years, we have spent 76 million on water infrastructure.

Mr. Speaker, the members opposite need to get their story straight. Our government is doing more to protect and ensure access to clean water than they ever did. Mr. Speaker, the people of this province know that action speaks much louder than empty rhetoric. Thank you, Mr. Speaker.

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

Huskies Win National Title

Mr. Broten: — Mr. Speaker, the University of Saskatchewan Huskies made history yesterday when they claimed their first ever Canadian university basketball title. Although the Huskies were ranked fifth going into the finals, they fought their way to the end and beat the UBC [University of British Columbia] Thunderbirds 98 to 81. This game marked the end of an amazing season for the Huskies. They have won 17 of their past 18 games since January.

Only two weeks ago, the Huskies also captured the first ever Canada West title — their first ever.

Showron Glover was named Saskatchewan's player of the game, racking up 28 points and 10 assists. Troy Gottselig of Findlater, playing in his final university game, received the Jack Donohue Trophy as championship MVP [most valuable player]. He scored 22 points and grabbed eight rebounds. Michael Linklater from Saskatoon scored 20 points and joined Gottselig and Glover in receiving the distinction of tournament all-star. Coach Jockhims said that the win yesterday was the pinnacle of his coaching career and one of the pinnacles in our athletes' lives. His team maintained a level of intensity, dedication, and athleticism that was truly amazing.

Mr. Speaker, I ask all members to join me in congratulating the coaches and athletes of the University of Saskatchewan's men's Huskies basketball team for winning their first CIS [Canadian Interuniversity Sport] basketball title. Go Huskies.

The Speaker: — I recognize the member from Carrot River Valley.

Content of Blog

Mr. Bradshaw: — Thank you, Mr. Speaker. Mr. Speaker, the NDP convention is coming up this weekend, and an individual by the name of Kent Peterson is running for vice-president of the NDP. Kent Peterson is also a blogger with a blog called

Humble Opinion. Mr. Peterson is now inviting others to be guest bloggers on his site. This blog says, and I quote, "Almost anybody can be a guest blogger . . . There are only a few guidelines . . . it cannot be slanderous unless you are talking about Brad Wall or Ralph Goodale."

Let me repeat that, Mr. Speaker: ". . . unless you are talking about Brad Wall or Ralph Goodale." Mr. Speaker, we now have an NDP blogger openly inviting slanderous comments about the Premier and Ralph Goodale. More old-style, negative politics from the old-style, negative NDP. Mr. Speaker, I wonder if the Leader of the NDP supports one of his party candidates for vice-president openly inviting people to slander their political opponents. Thank you, Mr. Speaker.

QUESTION PERIOD

The Speaker: — I recognize the Leader of Her Majesty's Loyal Opposition.

First Nations University of Canada

Mr. Lingenfelter: — Mr. Speaker, I understand the Minister of Advanced Education was in Saskatoon today speaking and discussing Aboriginal education in Saskatchewan, which is positive, but to the extent that it doesn't take away from the fact that there's a huge problem at First Nations University here in the city of Regina that's suffering and at the will of this government and the lack of response to the needs of First Nations University.

My question to the Premier is this: talk is cheap and we feel that the government really needs to put its money where its mouth is. The fact of the matter is, the funding that has been withdrawn is causing a huge problem for First Nations University. I want to ask the Premier this question: when will he restore the money that he withdrew from First Nations University, and when will this government insist that the federal government move to have that federal government restore the funding as well?

The Speaker: — I recognize the Premier.

Hon. Mr. Wall: — Thank you, Mr. Speaker. I want to say to the member opposite who's just asked the question, there has been a litany of problems at First Nations University for years, problems that were committed, frankly, at the expense of the students, at the expense of First Nations education in this province. When those members sat in government they ignored those problems, Mr. Speaker.

When we were elected to government, as the problems became more apparent we signalled to First Nations University — along with about 2 million additional dollars — that we were prepared to work with them, but really, Mr. Speaker, that the patience of the students and the taxpayers was getting just a little bit short with respect to this institution. Mr. Speaker, since that time, with no apparent improvement in terms of the concerns that the Government of Saskatchewan and the people of Saskatchewan have with the institution's . . . And the professors and their association. With no apparent improvement in the situation, money's withdrawn. It will be restored in the context of a partnership with the University of Regina, Mr. Speaker.

The Speaker: — The Leader of Her Majesty's Loyal Opposition.

Mr. Lingenfelter: — Mr. Speaker, I have here a letter from the Minister of Advanced Education. And I quote from that letter and it says, "At this time, it is important that the politicians step back and [that] the academic leadership in our province step forward to map out future directions for . . . [First Nations University] students and their programs."

Mr. Speaker, that work has been done. It's been completed. It's now time that the Premier step up and refund the monies that were taken away. The work has been done by the academics, by the students, by the faculty. I ask the Premier again, will he announce today the reimplementing of the funding for First Nations University here in the province of Saskatchewan?

The Speaker: — I recognize the Premier.

Hon. Mr. Wall: — Mr. Speaker, Mr. Speaker, the money for First Nations education in this province is still there. Monies from this government has flowed at increased levels, in fact, to institutions like the Saskatchewan Indian Institute of Technology, Mr. Speaker. This government's commitment to Aboriginal education is non-negotiable and is there, Mr. Speaker, and available as a part of a new partnership with the University of Regina.

Members opposite are advocating simply that the old status quo continue on in the province of Saskatchewan. That is not going to happen, Mr. Speaker, because the status quo, with systemic abuses, Mr. Speaker, the status quo includes firing of senior financial officer, Murray Westerlund, days after he submitted a report accusing senior staff of thousands of dollars in improper leave payments and trips to Hawaii, Montreal, and Las Vegas, Mr. Speaker. The status quo involves scholarship money, Mr. Speaker, not going for scholarship but used to pay for operational shortfalls at the university. That is not acceptable, Mr. Speaker. We will make our investments in First Nations education.

The Speaker: — I recognize the Leader of Her Majesty's Loyal Opposition.

Mr. Lingenfelter: — Mr. Speaker, the Premier knows that when he withdrew the \$5 million of provincial money from the First Nations University, it opened the door for the federal government to withdraw their \$7.2 million.

This government asked for a review, and the work to be done by academics and by the University of Regina. That work is completed. I ask the Premier again: has he met with the Prime Minister to insist that the 7.2 million of federal dollars be restored to First Nations University, and is the \$5 million from the Government of Saskatchewan going to be restored in this budget?

The Speaker: — I recognize the Premier.

Hon. Mr. Wall: — Mr. Speaker, not only is it the position of the NDP that the money be restored in terms of the old status quo at FNUC [First Nations University of Canada], but the critic last week, Mr. Speaker, said the taxpayers of the province

should also cover the entire federal commitment to the old status quo, Mr. Speaker, the old FNUC approach. That's what the critic said, Mr. Speaker . . .

[Interjections]

The Speaker: — Order. Order. Order. I'd ask members to allow the Premier to respond. I think there's other members interested in hearing the answer. I recognize the Premier.

Hon. Mr. Wall: — Mr. Speaker, this is the position of the NDP. It is not the position of the Government of Saskatchewan. The position of the Government of Saskatchewan is that we will make very key and significant investments in First Nations education.

The money that was previously there for FNUC under the old status quo will be there in a new partnership for the University of Regina. We will continue to advance educational interests through technical schools like the Saskatchewan Indian Institute of Technology. And we will support, Mr. Speaker, the 80 per cent of Aboriginal students who actually take their post-secondary education outside of FNUC or the Saskatchewan Indian Institute of Technology, Mr. Speaker.

The Speaker: — I recognize the Leader of Her Majesty's Loyal Opposition.

Mr. Lingenfelter: — Mr. Speaker, the Premier talks about the mismanagement at First Nations University and I think there is great recognition for the fact that that work that was needed to clean up and fix that situation, as it relates to finances, has happened.

Mr. Speaker, we all know that when the Premier took over the province, the finances were in pretty good shape. There was \$2.3 billion in the bank. We're now \$1 billion in the hole. And when he talks about First Nations University and points his fingers, what he has to remember is three are pointing back at himself. One of the worst examples of fiscal mismanagement ever in the history of the province under that administration. By his logic, is he arguing that they deserve to be turfed out at the first opportunity?

[14:15]

The Speaker: — I recognize the Premier.

Hon. Mr. Wall: — Mr. Speaker, Mr. Speaker, if the Opposition Leader wants to debate the fiscal state of the province of Saskatchewan, we welcome that debate. When we took office, there was \$6.8 billion of debt in the province of Saskatchewan, Mr. Speaker, about 1.2 billion in the savings account. Today there's \$4.2 billion in debt, \$700 million cash in a savings account, Mr. Speaker. That is a net improvement, a net improvement of over \$2 billion in the state of the province's finances, Mr. Speaker. We've paid about 40 per cent of the debt off, which is about three times greater than that member's approval ratings, Mr. Speaker.

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

Rental Housing Issues

Mr. Forbes: — Thank you very much, Mr. Speaker. Mr. Speaker, Saskatchewan families are struggling to cope with the rising costs of rents. And one of those renters is Stan, who recently received notice of an increase of up to 29 per cent on his Prince Albert apartment. Stan is here today to ask this government to institute a cap on rent increases. To the minister: will the government institute a cap on rent increases?

The Speaker: — I recognize the Minister Responsible for Social Services.

Hon. Ms. Harpauer: — Thank you, Mr. Speaker. The rent control caps were removed by the NDP prior to our forming government. But we recognized when we formed government that housing was indeed an issue in a growing province, and we do have a growing province and we intend to keep our province growing. So that is one of the challenges.

We struck a task force immediately upon the election to review the whole housing issues, and the task force came back with a number of recommendations, many of which we have implemented. What they did say and what the industry is saying, and we are listening to, is that rent caps prohibit investors from building multi-unit housing in the province. And we already have a stress on the lack of rental housing. We want to be very mindful that we don't make that even worse by implementing something that will stop investors from building rental units.

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

Mr. Forbes: — Thank you very much, Mr. Speaker. Well another person who came here today looking for answers is Nicholas. On January 1st of this year, Nicholas and the tenants of Borden Place Apartments in Saskatoon received notice of a \$200-a-month increase. Many of the tenants in Borden Place are single-income families who now have to pay more than \$900 a month for an apartment. Nicholas is here today to ask the government to take action on rising rents. To the minister: will the government do anything to help these tenants?

The Speaker: — I recognize the Minister Responsible for Social Services.

Hon. Ms. Harpauer: — What we've done as a government, and we did that very quickly, was to address the affordability issues. We increased and indexed shelter allowances. We increased and indexed rental supplements. Rental supplements are available to low-income families who are earning an income. So that is available.

We also increased the Saskatchewan employment supplement. Many of the recipients of the Saskatchewan employment supplement are single parent families. That is to help them with rent and the cost of their children. We increased the rates paid to emergency shelters, and we increased the number of emergency shelters available in Regina, Saskatoon, and Prince Albert. We changed the resident tenancy Act to ensure that rents could not be raised every few months. So we have done that.

Mr. Speaker, I want to say again, we're very mindful that we don't create a further shortage in rental units if we put rent controls in place.

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

Mr. Forbes: — And I just have a remark, Mr. Speaker. It's interesting they're raising the fee to visit the residential tenancy people to \$50. That's shameful.

But many residents in Regina here are also facing massive rent increases. And one of those renters, Brent, lives in downtown Regina. On June 1, his rent will increase by more than 37 per cent. And a woman here today, living at the Canadiana Apartments, faces a rent increase later this year that will leave her with just \$1.50 each month in income once she has paid her rent.

Mr. Speaker, CMHC [Canada Mortgage and Housing Corporation] says the vacancy rate here in Regina is just over a half of one per cent. To the minister: how much longer do renters have to tolerate these rising rents before this government will do anything?

The Speaker: — I recognize the Minister Responsible for Social Services.

Hon. Ms. Harpauer: — Part of the difficulty, for those who understand the housing continuum, is that we do have a growing province and that challenges the number of housing units that are available. We must be mindful that we do not make rental housing even less available.

Mr. Speaker, part of the problem is, in the last two years of an NDP government, they completed less than 200 rental units to come on stream. In our first two years of government, Mr. Speaker, we completed over 500 units to help address the fact that we need more rental units on the market . . .

[Interjections]

The Speaker: — Order. Order. Order. There's a handful of members who make it very difficult for the guests and other members to hear the response from the minister. I recognize the Minister of Social Services.

Hon. Ms. Harpauer: — Thank you, Mr. Speaker. In addition to completing over 500 units . . . And I have a member opposite that said, where did the money go? Well these houses do cost money, or these rental units do cost money, so the money went into housing, Mr. Speaker. We have 900 units that are in construction as we speak and an additional 200 that are in the planning stage.

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

Mr. Forbes: — Mr. Speaker, this minister likes to exaggerate all she's done for the renters, but the facts speak for themselves. And in fact her government has done nothing for the first year but open, cut the ribbons on the projects we started. And I'd like to know what happened to the Lighthouse project. And

today, today she has the audacity to stand there and to claim that she's building 900 housing units, when her own answers through her own written questions say it's actually two-thirds of that; it's closer to 600.

Mr. Speaker, renters come here today. Renters came here today looking for one answer, for one answer. Will this government introduce some form of rent control? Yes or no.

The Speaker: — I recognize the Minister Responsible for Social Services.

Hon. Ms. Harpauer: — Mr. Speaker, I would like to know, if the member opposite supports rent controls, why was it his government that removed the rent controls? Not our government. It was the NDP government that removed rent controls.

We did change the resident tenancy Act. And I would like the member opposite to state here publicly, does the NDP support rent controls? What we do not support, Mr. Speaker, is high-income residents living in social housing units and displacing those that need the social housing unit.

The Speaker: — I recognize the member from Saskatoon Meewasin.

Selection of a Chief Electoral Officer

Mr. Quennell: — Mr. Speaker, Mr. Speaker, my question is to the Minister of Justice: why did the Sask Party government change its mind about appointing the successful applicant to the office of Chief Electoral Officer?

The Speaker: — I recognize the Minister of Justice.

Hon. Mr. Morgan: — Mr. Speaker, the member opposite is well aware that the office, the Chief Electoral office has had some history in the past and I think it's imperative that we find a candidate that will have the confidence of all members of the House.

The member opposite will also be aware that this is a process that goes by where the Board of Internal Economy goes through an advertising process and makes a recommendation back to members of the House. I can advise the members opposite, and they're well aware of it, there are 58 members in this House, and will require the support of a majority of those people. I think though the Board of Internal Economy has got a bigger role, Mr. Speaker, and the role should be to find a candidate that will have the full confidence of as many members of the House as is possible.

And, Mr. Speaker, that is the intention of what we intend to do.

The Speaker: — I recognize the member from Saskatoon Meewasin.

Mr. Quennell: — Mr. Speaker, the minister accurately describes the role of the Board of Internal Economy. I believe the minister sits on the board, and I believe the minister joined in the recommendation to appoint the successful applicant.

Mr. Speaker, the current Acting Chief Electoral Officer won a fair and impartial competition, but the Sask Party government changed their mind about appointing him to the top job. To the Minister of Justice: why?

The Speaker: — The Minister of Justice.

Hon. Mr. Morgan: — Mr. Speaker, as I indicated before, the Board of Internal Economy makes a recommendation. They do not in fact, Mr. Speaker, make any kind of a decision. There's recommendations come from there.

And to be fair to all members of the House, they should apply some rigour to those decisions. They should carefully look at the options that are put forward. And if they're not satisfied with those recommendations, they should go back to Internal Economy and say to the Board of Internal Economy, those are people that may or may not have the support of all of the members of the House.

And, Mr. Speaker, that is the role of the members of this House, is to make those decisions. It is not the role of the Board of Internal Economy to make that decision in and of themselves, Mr. Speaker. The Board of Internal Economy is merely an entity that will make a recommendation and nothing more.

The Speaker: — I recognize the member from Saskatoon Meewasin.

Mr. Quennell: — The question to the minister may not be why he changed his mind. But the question to the minister might be, did he actually change his mind?

Mr. Speaker, independent officers of the Legislative Assembly ought to be just that — independent. To quote the Premier from today, "The electoral contest should be fair and appear to be fair." But it appears that the Saskatchewan Party government is ragging the puck until it can appoint a compliant individual into the position of Chief Electoral Officer.

To the Minister of Justice: is this because of specific direction from the Premier?

The Speaker: — I recognize the Minister of Justice.

Hon. Mr. Morgan: — Mr. Speaker, this is not as a result of any particular direction from anyone. This is a matter of attempting to find an individual that will have the confidence of the vast majority of members of this House. It would be very nice, Mr. Speaker, if the individual that comes forward had the vote of 58 members of this House and that individual would have the confidence of the House.

Mr. Speaker, it goes without saying that that individual will have to take this legislature through two elections, a redistribution, and a major rework of the Act. It is not surprising that members on both sides of the House will want to look very carefully at that individual.

And, Mr. Speaker, it is my advice to all members of the House, on both sides, that this is a decision that ought not be politicized; that all members should, Mr. Speaker, apply some careful due diligence and apply some rigour to the

decision-making process.

The Speaker: — I recognize the member from Saskatoon Meewasin.

Mr. Quennell: — Mr. Speaker, the minister was part of a non-politicized process, Mr. Speaker. That non-politicized process, I understand, interviewed a number of perhaps qualified individuals from across the country and chose an applicant that actually had experience in conducting by-elections in the province of Saskatchewan and has been acting as our Chief Electoral Officer.

The minister was there, and he knows now we have a politicized process because some members on that side of the House clearly do not support the choice that was made at this non-politicized meeting, Mr. Speaker.

Mr. Speaker, a column in the January 15th *StarPhoenix* states, and I quote, “Another issue in play, sources suggest, is whether an MLA is under investigation for violating spending provisions in the Elections Act.”

To the minister: is he aware of such an investigation?

The Speaker: — I recognize the Minister of Justice.

Hon. Mr. Morgan: — Mr. Speaker, it would be inappropriate to say that the members of the House should rubber-stamp a recommendation that came from the Board of Internal Economy. Mr. Speaker, in fact the members of both sides of the House should apply some rigour and some care in the decision making that takes place.

Mr. Speaker, we do not negotiate labour contracts, either through the media or on the floor of this House, nor do we negotiate personnel matters. This is a personnel matter between all members of the House and an individual who will become the Chief Electoral Officer.

Mr. Speaker, I would like to urge all members of the House to take one step back and take a careful look at the process and take a careful look at the applicants as they come forward. I want to ensure all members of the House that the Board of Internal Economy will continue their good work to try and ensure that an appropriate candidate is brought forward.

The Speaker: — I recognize the member from Saskatoon Meewasin.

Mr. Quennell: — Mr. Speaker, I know it's loud in here, so I'll repeat: “Another issue in play, sources suggest, is whether an MLA is under investigation for violating spending provisions in the Elections Act.”

Again to the minister: is he aware of the investigation?

The Speaker: — I recognize the Minister of Justice.

Hon. Mr. Morgan: — Mr. Speaker, the work will continue to be done by the Chief Electoral Officer. There is an acting individual in place. The individual that is in place right now, the acting person that is serving that position, will continue to serve

in that role. And whatever investigations are under way will be under the purview of that individual and will not be discussed or debated on the floor of the Legislative Assembly, Mr. Speaker. We will allow that office, like any other office, to do its work, whether it's the prosecution, whether it's the police or the Chief Electoral Officer. And we will not conduct a debate on that matter on the floor of the Assembly.

[14:30]

Mr. Speaker, once again I want to reiterate to the members of the Assembly on both sides that we support the work of the Board of Internal Economy in finding a good and suitable candidate for that role. That is an important position, Mr. Speaker, and we look forward to trying to find somebody that will satisfy the needs of both sides of this House.

The Speaker: — I recognize the member from Saskatoon Meewasin.

Mr. Quennell: — Well, Mr. Speaker, the needs on this side of the House are to have an independent officer, so I'm not sure we can have an officer that serves both the needs of the minister and the needs of this side of the House, Mr. Speaker.

Mr. Speaker, the January 15th column in *The StarPhoenix* goes on to say, and I quote again, “. . . it's well within the realm of the possible that MLAs might hold it against any prospective candidate who is investigating them.” To the minister: did the Sask Party change their mind about appointing the successful applicant to the position of the Chief Electoral Officer because of an investigation of one of its own?

The Speaker: — I recognize the Minister of Justice.

Hon. Mr. Morgan: — Mr. Speaker, whatever investigations may or may not be under way should form no part of the process of selecting a Chief Electoral Officer. Mr. Speaker, I want to assure you and I want to assure the members of the House that it would be highly inappropriate for there to be any retribution against this particular individual that is there now or any other applicant that is there.

Mr. Speaker, the process that must take place must be one that is fair, open, and impartial and free of any kind of bias from anywhere else. Mr. Speaker, this is an important position. This position is fundamental to the democratic process in this province. And I'd like to encourage all members to take a careful look at whom we select and how the process takes place to ensure that we find, Mr. Speaker, the very best candidate that we possibly can to fulfill this role, Mr. Speaker.

The Speaker: — I recognize the member from Saskatoon Meewasin.

Mr. Quennell: — Well, Mr. Speaker, the minister won't confirm or deny that he was aware of an investigation. The minister was aware of an investigation, sits on the Board of Internal Economy. I think the appearance of fairness, the appearance of fairness, is in question, Mr. Speaker.

Mr. Speaker, one more quote from the same column of January 15th of this year. “Given that the position has a lot to do with

how democracy is carried out in this province, let's hope that politics isn't the cause of the delay." That's the delay as of two months ago, Mr. Speaker.

To the minister: is it really appropriately to politically interfere in the work of independent officers of the legislature just because the government is unhappy with how well they're doing their jobs?

The Speaker: — I recognize the Minister of Justice.

Hon. Mr. Morgan: — Mr. Speaker, I want to assure the members opposite and all members of this House there has not been any political interference with the Office of the Chief Electoral Officer nor will there be, Mr. Speaker. That is an independent officer that reports to this House. There has not been nor will there be any political interference and I take strong issue with the member opposite raising it. Thank you, Mr. Speaker.

STATEMENT BY THE SPEAKER

Motions Under Rule 59

The Speaker: — Before orders of the day, I have a statement I would like to make. On Wednesday, March the 17th, 2010, the Leader of the Opposition stood in his place and under rule 59 asked for the opportunity to seek leave for a motion of urgent debate.

Rule 59 says, "A motion may, in case of urgent and pressing necessity previously explained by the mover, be made by unanimous consent of the Assembly." I neglected to give the member the opportunity to express the reasons for the motion and for that I apologize. I will however also mention that members have the ability to rise and to ask the Speaker at any time if they need a clarification on the rules or to bring them to our attention.

ORDERS OF THE DAY

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

Bill No. 103

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 103 — *The Miscellaneous Statutes (Professional Discipline) Amendment Act, 2009*** be now read a second time.]

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

Mr. Trew: — Thank you very much, Mr. Speaker. Thank you very much. It's my pleasure today to stand and have my turn to speak to Bill No. 103, *An Act to amend certain Statutes with respect to matters concerning Professional Discipline*.

And, Mr. Speaker, I see this Bill is some 18 pages long and 56

clauses in length so we're clearly talking about a Bill that affects a fair number of people, individuals in their own right — both people who deal with one of the roughly 40 groups, professional disciplines involved directly in this Act.

So there's members of the public that interface directly with, for example, architects. Every time we use an architect or a firm uses an architect, you have an interaction between either a company or an individual and an architect, either as an individual or as a firm. And the Bill clearly, clearly has some deep implications, some long, long implications. It is important that the people of Saskatchewan understand what the rules are that surround these disciplines, these professional disciplines.

But it's equally important of course that the professionals themselves in each of these disciplines have a clear set of rules, clear set of guidelines that enable them to do their professional jobs in a very professional way, in a way that everyone can simply count on that it's going to just happen almost seamlessly. And in fact, Mr. Speaker, the more seamlessly that professionals are able to carry out their duties and the more seamlessly the general public feels that they are carrying out their duties, then the better it is for everyone. And in fact, you could argue that we have done our collective jobs in this very legislature.

Mr. Speaker, each one of the groups affected, I point out, will have a completely different set of issues. I happened to pick architects. I could've just as easily picked assessment appraisers or the dental disciplines or agrologists. I could've picked chiropractors. But you can see, for example, an architect and a chiropractor are pretty divergent professions. I don't think that, as the ad goes, I don't think I would want to go an architect if I needed a chiropractic treatment. But I don't think I would necessarily go to a chiropractor either if I was designing a building or a house or a football stadium or anything like that. It seems to me that for that design work, I would want to seek the professional services of an architect.

Mr. Speaker, this Act will mean that members of the public can pursue legal actions against — I'll just for the moment stick with the group I did, just by way of example, not because I have any particular axe to grind with any of them — but I'm presuming that if an architect were to provide a flawed design, that is a design that didn't meet any of the promises or didn't meet the promises that the architect held to be real and true characteristics of the building, I think then you might have cause for a lawsuit. And I guess that's why we have the courts so that you could go that way.

What this professional discipline Act as Bill 103 does, as I understand it, one of the important things it does is it provides for up to two years after — in this case I'm picking on an architect — after an architect resigns from architecture . . . Or is it resigns from the firm? I'm not sure, but let's say resigns from architecture. For up to two years, an aggrieved individual or company can still initiate a lawsuit against that architect or architectural firm even though the, in this case, offending architect may no longer be in the business. But it allows a two-year time for that.

And I think that's very, it's very reasonable that there would be a period of time. Some people might think they're reasonable,

given the period of time, to say that 20 years is but a fraction of time when you look at . . . I wonder who the architects were that did the architecture work for the great pyramids in Egypt, you know, and clearly 20 years is but a tiny, tiny, minute fraction of the time that they have been standing. So the statute of limitations, whether it's 2 years or 20 years or 20,000 years, maybe there's some legitimacy in raising that question.

Certainly it fits the design of a house, for example, that we normally expect is going to last somewhere typically short of 100 years, although there are certainly exceptions. And if you go to Europe, there's many, many exceptions. In fact, there it's the exception for the houses not to last as long. Mr. Speaker, maybe for a house a two-year time limit is the appropriate time limit.

Maybe for a football stadium, we should be looking more at 25 years or 50 years because many stadiums . . . I know we talk that football stadiums don't last 50 years, but the harsh reality is Mosaic Stadium, Taylor Field is, well it's beyond 50 years old. It's had work done on it over the years, but the original structure, the original infrastructure there is beyond 50 years old. From time to time they update some of the seating and they've added some seats and they've updated the turf. And many of us will remember when they had just natural grass there, and then they went to an artificial turf and we thought that was just the most amazing improvement ever. I'm not sure if they're on the third or fourth set of artificial turf since that move was made.

But, Mr. Speaker, Bill 103 as it affects assessment appraisers. Assessment appraisers, I'm assuming we're talking . . . Well and I shouldn't necessarily assume we're talking real estate property because you could I suspect have an assessment appraiser for other things beyond realty, real estate. But let's stick with real estate for the moment.

And if you have an assessment appraiser that gives a value, what is your recourse on that assessment appraiser if that value is demonstrably wrong? And I just don't know the answer to that question today. I don't know how far out is reasonable because I think all of us every day in every way stand up, we get up and we strike off in the morning to do basically the best job we know how, to do the best job we can. Whether that's as an assessment appraiser or whether it's as an architect or whether it's a chiropractor or whether it's being an MLA [Member of the Legislative Assembly], a public servant, we get up in the morning and we think, how can we do . . . how can we add value? How can we do a good job today and tomorrow? And how can we build for the future?

And I don't know that an assessment appraiser that is out perhaps 5 per cent in the assessment value, I don't think that's an unreasonable thing on the surface of it, unless it's done wilfully. It's sort of the best, using the tools that that profession has, I think it's their best assessment on that, on that point of time. But, Mr. Speaker, with the value of property, you know, a 10 per cent change in property tax can be pretty significant if you're talking for tax implications.

[14:45]

But if you were for instance trying to buy or sell a house for

example, that might be worth 400 or even half a million; 400,000 or half a million dollars, you know, a 10 per cent variance on a half million dollar property is \$50,000. And now we're not talking chump change. Now we're talking a value that is worth pursuing. It's worth trying to figure out. Nobody wants to pay \$50,000 more than a property is worth, but I can assure you that no seller wants to sell a property for \$50,000 less than it's worth either. So there must be some clear guidelines for assessment appraisers.

And its professional organization, Mr. Speaker, should have a clear outline, a clear guideline that helps both assessment appraisers understand what it is expected of them and what they're held absolutely accountable for. And the same guidelines should make it quite clear to the general public that use the services of assessment appraisers — when I say general public, I of course mean individuals, but I also mean corporations, you know, companies that may use in this instance assessment appraisers — the guidelines should be crystal clear to the general public what recourse there is if there's a dispute around the job that the assessment appraiser did.

Again in a perfect world, there would never be a dispute. But wouldn't life be dull and boring and uninteresting if we all simply agreed, and we could all simply agree on what fair value is and simply agree on how to resolve any minor disputes? You know, maybe it's go out and share a glass of milk and be done with it, shake hands and pat each other on the back, and have a group hug and away you go. But that's not the world we live in, is it?

Mr. Speaker, it is all the more reason that we get this Bill 103 right. It's all the more reason that we should be looking at every one of these roughly 40 occupations that are affected by this all-encompassing Bill. What did I say, 56? Yes, 56 clauses in this Bill. We should be making sure that we have scrutinized this Bill from start to finish, and we want to make sure that we've done it right.

At first blush, absolutely, to have up to two years to start a court action or a law action seems like an improvement, but I'm not sure it is. I'm just not sure it is. So we have to do the consultation. We have to make sure that not only are assessment appraisers good with this, but that the Canadian Information Processing Society of Saskatchewan, which is the next group I wanted to talk about, is also comfortable, in favour of, and sees this Bill 103 as a step forward.

Because we have privacy legislation now, both at the provincial level and the federal level — I should perhaps know this, but I don't know whether we have it at the municipal level passed in its own right, but I know we certainly do at the two more senior levels of government — and increasingly, as we are in a litigious society, it begs the question of, if my privacy is crossed, if some of this legislation is crossed, who's responsible?

And you know, Mr. Speaker, every day and every way, information is gathered about virtually every one of us every day and every way. Every time we use a credit card, there's information gathered, and they track what your purchase is and what your interest is. And all too often, you wind up having

made a purchase and within a week or two or a month or two, you start getting offers to subscribe to, if you bought a fishing rod, to a fish and game magazine or something like that. And it just seems to flow, one from the other.

And there are, as I say, Mr. Speaker, some privacy issues that we would want to make sure are dealt appropriately with. I'm not today saying that it's inappropriate to get an offer for a hunting magazine if I bought a fishing rod or something like that. But there is some sharing of lists that goes on and lists are bought and sold, lists that describe my interests. And I'm not so sure I feel real good about that.

So I think we need to, I think we need to look very carefully and figure out what are the ramifications for the Canadian Information Processing Society of Saskatchewan. Because maybe what I'm concerned with isn't what the concern is or should be. Maybe that is possible.

But what we need to do is make sure before we pass Bill 103, the professional discipline Act, that we've had an opportunity to understand what this does for the Canadian Information Processing Society of Saskatchewan. I'm not sure that they're in favour of, I'm not sure they're opposed to, I'm not sure how aware they are of this professional discipline Act that is being proposed. So I'm just not sure how that society feels about it. I'm certainly not sure how many individuals or companies belong to the Canadian Information Processing Society of Saskatchewan. I suspect that that list is growing.

But I wonder, Mr. Speaker, how does this affect any information that might have gotten outside of Saskatchewan's boundaries? Because we deal . . . certainly if you're dealing with the financial industry, with a credit card, chances are huge that the home office of the credit card company is not in Saskatchewan. Chances are huge you'll be talking or dealing with somebody from away, as they say in the Maritimes, somebody from away. And we might be dealing with somebody in the Maritimes, but we might just as easily be dealing with somebody in Alabama or Mississippi or who knows where.

So I wonder how this professional discipline Act binds on things like that. Once the information is passed out of Saskatchewan, is it then fair game for everybody, or do we have some legitimate say here? Does the Canadian Information Processing Society of Saskatchewan have some legitimate involvement, some legitimate say in what happens with that information as well? I just don't know.

Certainly, Mr. Speaker, the organizations that we're talking about have an obligation. You know, they are keepers of professional ethics. They have an important role there. They mentor new people and see that normal standards are maintained in that professional discipline. They have a role to play in supporting one another and supporting the professional guidelines of that discipline.

And inevitably when you have responsibility for licensing and allowing members into a discipline, along with that comes the discipline angle of it. What do you do when you have an errant member? And that's in no small measure what this legislation is all about, is to try and help make that as clear as we possibly can for the members of, in this case the Canadian Information

Processing Society of Saskatchewan, but for all members of that particular professional discipline and for all members of the public.

We want it fairly straightforward. We shouldn't ought to have to go straight to the Supreme Court of Canada to get an answer to any of these issues. And I doubt very much, Mr. Speaker, if we could go that far with most of these. But it should be . . . You want laws to be passed that are usable, that are beneficial to the organizations they are passed in favour of.

And in this case, I hope that that means the professional disciplines people in the various disciplines are pleased with the legislation. And, Mr. Speaker, I hope that the public is equally pleased and see this Bill 103 as a step forward, as an improvement. Not necessarily the ultimate or penultimate legislation on the matter, but nevertheless a significant step forward for everybody involved. And if we can do that, I think at the end of the day we will all be able to say that we've done our jobs and done it fairly well.

Mr. Speaker, you head into the next bodies of occupations in the professional discipline, and it's accountants and accounting consultants. Mr. Speaker, nowhere in our world in 2010, I think, is there areas that's more, I guess, clearly defined than dollars and cents. Everybody has a notion about what's proper and what's not proper with dollars and cents.

In fact we just not that long ago witnessed in question period some talk about dollars and cents, and talk back and forth, and who's spending it, why, and how. And everybody has an opinion. This is probably good.

Accountants and management consultants, certified management consultants, all have a huge obligation. Government, all of us in this Chamber, make decisions based on what accountants will tell us. Not solely, but clearly you have to have . . . be watching the finances. You have to be watching. You have to be forecasting what's likely to happen. You have to have some sense of direction.

You have to have a sense. Is the economy expanding? Is it just standing still, or is it contracting? And you have to have a personal sense or a corporate sense of what you do in each of those different circumstances. But we rely on, I hope, I know we should be relying on the accounting professions to give us the hard data and then rely on our good judgment to try and figure out what we do from there on.

But what do we do when the data isn't accurate or isn't presented in a fair way? Well there are rules right now. There are rules that can see and in fact — I believe I'm fairly safe in saying this — every day there are lawsuits going on that accountants are involved with. Every day before the courts we see decisions being asked for and decisions being made respecting who was right and who was wrong or who was legally correct and who was legally incorrect in a given situation.

So we need, Mr. Speaker, to be as clear as we can that while we welcome . . . I'll just pick. I'll pick certified management consultants off this list. We welcome the job that certified management consultants do. We think they provide outstanding

service, but we know just as sure as there are little green apples on this world, there will be disputes over whether a certified management consultant provided the proper advice, the proper background, the proper material so that a decision could be made. We want to make sure that not only can't a professional certified management consultant, not only can they not resign from the profession and thereby avoid any potential lawsuit or ramifications for having done a job in a less than stellar way, but we need to know that they're not being maltreated either. We need to know that the rules are fair, and we need to have an understanding what the rules are today before we pass Bill 103.

[15:00]

We need to know, what is the situation with certified management consultants today? How are they treated? How are they treated in a legal sense? And does this provide cover where cover maybe isn't warranted, or does this provide light and openness where that's presumably warranted? But we don't want to at any time drive, in this instance, certified management consultants away from Saskatchewan either.

We want to make sure that we're all working together, Mr. Speaker, to the best of our potential. We need to work to make Saskatchewan grow and prosper, and to help create jobs and viable businesses, and make it a great place for not only us but our children and our grandchildren and generations following that if we've, again if we've done our job well.

So Bill 103, how does this legislation affect certified management consultants, chartered accountants, certified general accountants, certified management accountants? These are just four of the accounting areas, if you like, and I'm not sure that they'll all understand or know — they probably understand it fairly well — what the ramifications are of Bill 103. I hope they do. I hope they've had a chance to be consulted by the government. And I hope that they're in favour of Bill 103, or else I hope we defeat the Bill. That's the choice. But I'm ever the optimist, Mr. Speaker, and I hope that this Bill was put forward for the proper reasons and that is that it would be better for the people of Saskatchewan.

Mr. Speaker, trade is opening up all . . . certainly Saskatchewan trade is opening up, North American trade is opening up, world trade is opening up at a pace faster than ever before. How does the certified management consultants or the chartered accountants or any of these groups, how does their advice, how is it that we can hold it accountable in a proper way? And does this legislation have anything to say about if perhaps a company maybe hired a chartered accountant firm from British Columbia? I'm not sure, Mr. Speaker, that we have anything much to say about the standards there.

But I'd like to think that it's fairly seamless, which leads to the next question, which is, where is similar legislation to what is being proposed in Bill 103? Where is there similar legislation? Is British Columbia or Alberta or Manitoba, Ontario, any of the Maritimes, any of the territories? Do any of them have a Bill similar to No. 103, *An Act to amend certain Statutes with respect to matters concerning Professional Discipline*?

I don't know. I'm really wondering if in fact there is a connect or a disconnect. And we'd sure like to know what jurisdictions

have done it. Because we can learn from jurisdictions if there is one somewhere that's done this legislation. It's fairly easy. It's kind of like riding a bike. You know, you can pick somebody or some group there and call them up and say, how's it working? You know, has it been a good experience? Has it been a so-so experience, or would you run as fast as you can from it? And these are the sorts of things that we would like to see happen.

Mr. Speaker, we have some community planning professions. That's one of the roughly 40 groups that are affected that are self-regulated groups in Saskatchewan. Community planning is really an interesting area, Mr. Speaker. I can remember years ago when Regina got its computerized lights, traffic light system, and they were so proud of it. And every time I went from the north end, my home, down the Lewvan, it seemed to me I hit more red lights. It was just almost like I had something in my vehicle that said, oh there comes this guy, turn red.

It was really not very much fun but I couldn't see much point in trying to sue the community planning professionals over it. But there are frustrations. I guess that's the whole point of my comment on the traffic lights. There's frustrations around school closures. There's frustration around the potential opening of schools. There's frustration around halfway houses. And oh absolutely have a halfway house, but not on my block. This is the common reaction. Don't do it next door to me.

Well all of these things, it seems to me that the community planning profession has some involvement in, Mr. Speaker. So what is the culpability of community planning professionals in this? Are there ramifications? Is there potential litigation that a member of the public could bring, you know, if in the case of, as I pointed out, there's either a closure of some public building — I used schools as an example but it could be almost anything, any public building — or when there's a proposal for something to come in. Maybe it's something as innocuous as a confectionary, a corner confectionary. And I remember well on 11th Avenue a big fight 20 years ago around it, and the confectionary store is there. It got built and it's there and it continues to be there. But there was much public discussion around it. The people weighed in. Many were against it and some were for it. And at the end of the day, the drugstore was built. Or not drugstore, the confectionary store was built and it has continued operating all of these years later.

But what's the role of community planning professionals? And how do they . . . Just what is their role? And who would they answer to in instances like this? Are they involved in the setting of or proposal for how bylaws are set at the municipal level? So that, you know, you could have . . . I believe Regina's got a bylaw that makes Regina a no-go zone for the nuclear industry and that was passed by the city under Mayor Archer's term. I'm pretty sure it was then. I don't think it was before that. But was that solely a civic matter or was there some community planning profession involvement in that? I don't know the answer.

Mr. Speaker, dental disciplines are something that's near and dear to our hearts. And the dental disciplines have gotten so much better in our lifetime. Just it's phenomenal, the changes, and I can hardly wait to see where they're at five years, ten years, fifteen years into the future with respect to dental work, and perhaps even the non-invasive dental work that will be

coming in the future. It's just getting better in every way and virtually every day.

But what ramifications are there? What can the dental disciplines, their professional discipline, what are the rules around how that's handled, Mr. Speaker? Is it a cavity that's filled and falls out badly or falls out? Is there then . . . I think that probably happens with some degree of regularity. Some known percentage of cavities, of fillings might cause grief over years, but what is the standard? Should a filling last 20 years or should it last 40 years or should it last a lifetime? I don't know.

With respect to cleaning, with respect to the manufacture and fitting of dentures, you know, these are all issues that affect a profound number of individuals. And what is the responsibility? I don't know. What if you have an individual that has some allergy to the dental material? And I know of an instance where this has happened. What is the culpability of the dentist or whoever did the manufacture and fitting of the dentures? I don't have an easy answer to that.

But these are things that should, should . . . If this Bill 103 is as clear as it should be, this should help us know that it's covered under the discipline of this particular profession under their own Act. It's a self-discipline thing. Or we need to say, to the person in my example, you need to seek other restitution. Perhaps you need to see a lawyer; perhaps you need to see your politician, or perhaps you need some other recourse. But it should be clear that here's where the responsibility lies, or here or here or, you know, wherever it is, as much as possible so that all of our legislation is user-friendly for the very people that we are trying to pass the legislation for, Mr. Speaker.

And again I say we're trying to pass it for the general public, but we're clearly trying to pass it for each of these professional disciplines as well. Because I just refuse to believe that members of this Legislative Assembly on either side would be trying to create roadblocks to professional disciplines, to people who practice in any of the professional disciplines. I think we all value the work that these professionals do and want that work to continue to grow every day in every way, and we want to help them thrive and do even better work for us.

When it comes to, Mr. Speaker, when it comes to the discipline there's some question about . . . Under this Act, when it comes — Bill 103 — when it comes to the question of discipline under Bill 103, there's also an interesting question about whose dollars are spent to do the investigation and who is the investigator beholden to.

So we need to get some of that ironed out so that there's . . . justice not only is done but justice is seen to be done, and that whether it's — to stick with my dental disciplines — someone in one of the dental disciplines has a fair hearing for themselves when they're charged with having committed some offence, real or imagined, but equally the individual that feels aggrieved should have a sense that they're going to get a fair hearing, that they're going to be listened to and listened to as respectfully as possible and they're going to try and find some resolution between this person in the public and the person, in the instance I'm using, in the dental discipline.

So, Mr. Speaker, Bill 103, which is to amend certain statutes

with respect to matters concerning professional disciplines, is a big Bill. It's a big Bill. I've gotten all the way up to the 11th out of a list of 40 different occupations. I have spent more time on the 11 disciplines than I plan to spend on the remaining 29 disciplines. I know that's a relief to many, but I've wanted to use those 11 disciplines, Mr. Speaker.

And I spoke about each group — you know, the architects, the assessment appraisers, the Canadian Information Processing Society of Saskatchewan, the certified general accountants. I've spoke of the certified management accountants, certified management consultants, chartered accountants, chiropractors, community planners, and dental disciplines, and that's my list. I briefly mentioned agrologist, but I didn't use an example with agrologist. But that's my list of 11. I used them to point out the divergence of challenges that each of their organizations will face and that each person working in this professional discipline, the challenges that each individual will face that are unique to their own area of huge expertise — not to downplay their area of expertise because it's an area of huge, extraordinary expertise.

[15:15]

You cannot become an architect by hanging a shingle up and saying, I'm an architect. You cannot become an assessment appraiser by saying, well I know property; I'm an assessment appraiser. You can't become a Canadian Information Processing Society of Saskatchewan member just by saying, I'd like to be a member. Here's my, whatever the fee is, you know, my registration fee. It isn't that easy. You have to go through, in most cases, years of studies. You have to go through something that's similar to an apprenticeship program. You go through a mentoring and supportive phase where you're a newcomer into the profession that you're in and you will get . . . You have the right to expect a reasonable amount of support from your colleagues.

So, Mr. Speaker, we come along in this Bill 103 and we just have to keep asking ourselves, how is it that this is going to work? How is it that we can stop the frustration that both the wronged individual and the professional body feels when somebody feels that they've been wronged? How do you resolve that?

And I know that in some of the instances it's happened where professionals practising in an area, rather than risk being fined and losing a lot of money out of their personal pocket, have simply resigned from the profession. Typically I think, I think the fear is that typically then they would resurface in another jurisdiction. Resign from Saskatchewan and perhaps go to Alberta or Manitoba or Ontario or who knows where, but some other jurisdiction. Because, after all, they will have graduated in their profession. They've simply resigned in Saskatchewan and then moved away.

Some people would call it skipped town. I'm sure that every single individual that goes through the process I just described would not describe it as skipping town, Mr. Speaker. They would describe it as, look, I was wrongly accused and it would just break me and I would have to spend so much of my time defending myself that I just did the only thing that is viable. I resigned from that particular profession and I moved to another

province. Not because I'm a bad — take your pick of whatever the professional discipline is — not because I'm bad at it but because I've been unfairly charged. That would be their version of why they've moved.

So we really need to make sure that this Bill works in conjunction with other provinces. So, and I've said that a professional might move to Manitoba or to Alberta — and I'm just for the interest of this discussion, that's where I'm going to stick with — not because I particularly like or dislike either Manitoba or Alberta, but when I say those provinces, just take any jurisdiction certainly in Canada and you can put it in in their place.

We need to work with other jurisdictions — Manitoba, Alberta and other jurisdictions — to make sure that this Bill 103 is binding, to make sure that we cannot have a member of . . . I'm going to go right back where I started, sort of — the architects. That an architect can't resign being an architect in Regina and go to Winnipeg and hang up their architectural shingle. Avoid litigation here, but they shouldn't be able to simply resign here and then sign on in Manitoba either. There should be a consistency for architects and there should be a consistency for the people who use the architects' services.

We ultimately want to have fair guidelines so that when there is a dispute, the dispute resolution mechanism — be it the courts or be it some other dispute resolution mechanism — that it's effective and it's fairly straightforward to access and that it's not onerously costly. Because for many people, you know, the bigger the charge to pursue a wrong, the less likely they are to pursue that.

Certainly if I think that the tax . . . an assessment appraiser has done a bad job of appraising our home and it wound up costing me \$500 in extra taxes or I lost \$25,000 in sale of my property, I might pursue a 25 or \$50 effort to try and exact some rectification, some fix. I might do a simple application if it didn't involve a whole lot of court time or a whole lot of legal fees or anything like that. If I could just sit down in an approved setting with the assessment appraiser involved and myself and a minimum of outside interference and we could resolve the situation according to a fairly straightforward set of guidelines, I might do that.

But if I had to engage in a court case that was likely to cost me \$5,000, I certainly wouldn't do it for the \$500 tax relief. And it's doubtful that I would do it over the \$25,000 loss in the sale of my home in the example that I just used. Because you know, you run the risk any time you go into a lawsuit of course of being seen to be wrong or being on the short end of the stick when it comes time to who gets what.

And you run the certain risk of countersuit and who's got the better lawyer and what the law says. And most of us just aren't lawyers. Most of the population of Saskatchewan are not lawyers and we're not litigious. We want to get along with our neighbours, and we want to get along with our architects. We want to get along with our assessment appraisers. We just want a fair shake in life. We just want things to go as smoothly as they possibly can. So, Mr. Speaker, we need to be pretty clear about that.

Jumping down the list, I see funeral and cremation services, and this is a professional discipline and a very important discipline. Because when we're dealing with people in the funeral and cremation business, we may be signing up . . . I may be signing up for my own memorial service and so on today expecting that I'm going to be around at least tomorrow and many years into the future hopefully. That's what we may think.

But you know, Mr. Speaker, inevitably, even if let's assume that I did that today, well at some point in the future I know that my family, whether it's my wife or my kids or someone who's going to be dealing with that very funeral operation . . . And it'll be because I'm no longer breathing. It'll be because they need their services that I've arranged. So inevitably the death rate's 100 per cent. Inevitably we have to deal with the funeral and cremation services industry. We may not choose cremation, but it's almost inevitable that we need to at least consider doing a funeral service.

And it's such a touchy time in the history of families, if you like. Because I know from experiences that are both personal and that I've heard about, Mr. Speaker, at the time of passing of a loved one, we always want to do absolutely the very best we can for them, and money is pretty much the last thing we want to think about. But you know, we have to be careful as legislators that we don't set the stage for bad practice — and bad practice is a euphemism for a lot worse than that.

I have to tell you that, Mr. Speaker, the funeral directors and people that I've had personal experience with in the funeral industry have been just first-rate. They have just been great individuals and doing a great job. I'm not here trying to paint a picture of individuals or specific funeral companies that may be doing a less than stellar job or providing a less than great service. But at the same time, we've all heard the stories about cremation and the, you know, the \$2,000 coffin that's being offered when there's a much lower cost option, and it's just going to be burned at the end of the day anyway.

So what are the guidelines that are required under the funeral and cremation services, under their professional discipline? And how is it consistent with the guidelines under the chiropractors or the architects or the agrologists? And how is it inconsistent? How should the guidelines differ? But in every instance, how is it that we have a clear entry-level dispute resolution mechanism, a clear opportunity to resolve.

And I'll come back; I'll stick with the funeral and cremation services because, Mr. Speaker, I can't think of anything much worse than having to go through such a time with a loved one and then getting into some drawn-out fight with someone involved in the very funeral that, you know, in putting it on, in making it happen. I just can't imagine the feelings that I would have of just frustration.

And I would always wonder, well am I dishonouring or am I honouring my loved one that's no longer with me? And I just, I don't see that as being productive. I don't see that as helping. So you want to have a clear and a fair dispute resolution mechanism. You want to have the rules, as far as you can, outlined so that it's crystal clear.

If I had . . . In this instance, I'm now a consumer. If I had a

dispute, I could ask my funeral home director, assuming I use one. And they would say, here's the resolution. Here's what you can do, and if that does not work, then clearly you need to seek some legal advice. But here's what we'll try and do.

Funeral and cremation services are different than interior designers. Interior designers do important work, Mr. Speaker, as do funeral and cremation services workers of course, and they're professionals in their own right. Actually have a interior designer in our family. And I'm very proud of the job that Norma does and the work she does, and I know that her many customers are very pleased as well. But when there's a dispute, you want to make sure you have clear rules. Just everything about this whole industry is set up to or should be set up to work well.

So, Mr. Speaker, we're largely in favour of this legislation. Largely in favour of it. But we have some concerns, and we want to make sure that not only the list of professional disciplines have their opportunity to have their say, but we also want to make sure that the dispute resolution is fairly straightforward.

[15:30]

Some of the groups listed, Mr. Speaker, under this Bill 103, some of the professional disciplines are groups that we would expect to be there, and some of them deal with life threatening, life and death. Some of the groups just deal with day-to-day things, and other groups only deal with . . . you only meet occasionally.

LEADS, the League of Educational Administrators, Directors and Superintendents, are a very powerful and important group in Saskatchewan. They're hugely responsible for the education standards that are delivered in our schools right across the province. And I know that everyone has an opinion on the job that they're doing. Fortunately many of us have an opinion that day in, day out, they do a pretty darn good job.

Licensed practical nurses absolutely are an integral part of our health care system. But we need to know now what sort of support, mentoring and support is provided by the LPN [licensed practical nurse] organization, and what are their discipline rules? We don't know that, whether that's going to be changed under Bill 103 or whether it's going to be left much as it is today.

Medical laboratory technologists, medical radiation technologists, midwives, occupational therapists, and then we . . . My goodness, we hit quite a list of health professionals here, Mr. Speaker. It goes on from occupational therapists to ophthalmic dispensers, optometrists, paramedics, physical therapists, podiatrists, psychologists. I think this one probably shouldn't fit into the health area because it's registered music teachers. But I think that's a blip of the alphabet rather than anything else because right after registered music teachers is registered nurses, registered psychiatric nurses, respiratory therapists, and then we head into a different subgroup of professionals.

But the professional disciplines, there's almost an entire page of my list of 40 that deal with health, and every one of those

groups is just very important. Every one of those groups, someone is dealing with every day. Someone is. I say someone because I don't always see my optometrist daily. In fact I tend to see my optometrist every two years whether I need to or not, and he does a very good job I think. Or I see. I'm not sure how I should say it. But I do see, and no small amount of credit is due there.

Mr. Speaker, we could move on to rural municipal administrators, and that's a group that have just a huge job. I mean not only are they in charge of bylaws and making sure that their area that they're administering is well run, but they typically have responsibility to supervise some considerable number of municipal employees.

So the municipal administrators have a huge job. And of course they're responsible for money and tax collection, and all those sorts of good things, and keeping the councillors informed and up to date on what's going on, which makes it pretty important that we know not only what's expected of these municipal administrators, but when they err, where do you go? How do you fix it? How do you resolve it? Is it simply a case of the municipal council getting together and deciding they're going to seek a new administrator, or is there some other resolution? And hopefully we would try the other dispute resolution mechanisms many times before we go to the ultimate sanction in this case.

Mr. Speaker, nearing the end of the list, we've got science technologists and technicians. We have social workers. We have speech-language pathologists and audiologists, and we have urban municipal administrators. Much of what I said about the rural municipal administration, of course, just ditto for the urban. They deal with many similar type issues and some that are different, but the process is largely similar for the most part.

Mr. Speaker, what is the situation with respect to social workers and their legislation today versus what their legislation under Bill 103, *An Act to amend certain Statutes with respect to matters concerning Professional Discipline*? I'm not sure what the changes might be.

I know that we want our social workers to be professional. We want them to do the absolute very best job they possibly can. We want them to be working to make our society a better place, a fairer place, and a place where, as much as we possibly can, there's equal opportunities for everyone. We want to make it a situation where we work to eliminate poverty. Dare I say it? Eliminate — not just reduce. Certainly reducing poverty is part of it, but we should be working to eliminate poverty. We should be working to help social workers. We should be working to help people help themselves.

What's the situation if a social worker gives short change to an individual or a family? I don't know, and I don't know that there's anything new under the sun in Bill 103 with respect to social workers either.

But I do hope that that particular professional discipline of social workers in Saskatchewan redouble their efforts at helping mentor one another, to keep the profession as first-rate as they possibly can. I hope they redouble their efforts to support one another.

And I hope that under Bill 103 they've put some thought into the discipline portion of the Act as well because it's pretty important that, when you're dealing in areas of social work, that you not have two polarizations, if I can describe it. People should be as much as possible treated as equals, as much as possible treated with respect, whether they're the social worker or the recipient of whatever that service that the social worker is providing. So we want to make sure that we don't get any of these professional disciplines into a situation of lopsidedness, of ability to be heavy-handed or anything like that.

Mr. Speaker, there are clearly many, many questions in this list of nearly 40 professions under the professional discipline Act that are followed by Bill No. 103, *An Act to amend certain Statutes with respect to matters concerning Professional Discipline*. There's much to be done here. There's an important role that the professional organizations play. There's much consultation that needs to happen on our part; there's consultation that the government should always be undertaking, but we need to do this consultation.

We'd like to find out where else this legislation or a similar legislation exists. And I'd like to find out if there's some opportunity to make sure that if we pass this legislation that we couldn't have — I'm just going to pick at random, and I happen to land on certified management consultants on my list — that we can't have certified management consultants in some legal trouble here resign as a certified management consultant here and move to the greener pastures of Manitoba, hang their shingle up and continue being a certified management consultant there.

If there's problems, we want them dealt with here. We want the dispute resolution mechanism to be as clear as possible, as fair as possible for everyone involved. But we want things to be dealt with rather than for individuals to simply . . . Whether they're in a profession or whether they're a member of the public, we don't think it's fair that you should simply be able to pack up your bag and leave. So we want that to be looked at very much.

We also would like to consider whose money is spent on an inquiry and how that might affect any potential discipline under this Act, whether it's discipline from the organization and if it was unfair and it was used as an absolute. I'm not saying it is but, Mr. Speaker, if it was used as an absolute protection for any of the 40 on this list, to absolve individuals or corporations of the onus of responsibility, we don't want that. I don't believe that's what this Bill is about, but we do need the opportunity to consider that, to ask some questions and to look around.

We'd also like to have an opportunity to figure out why this list was chosen, how it was this list alone. Just right off the top and without the benefit of research, but it seems to me that I'm missing some public service like the professional firefighters or police. I don't see ambulance. You know, why is it that some groups are absent? And it may well be with very good reason, but we would like to do some consulting and see if we can't figure out how this 40 was chosen, and why not a list of 50 or 30 or some other number.

So with that, Mr. Speaker, on Bill 103, *An Act to amend certain Statutes with respect to matters concerning Professional*

Discipline, I move to adjourn the debate.

The Acting Speaker (Mr. Elhard): — The member from Regina Coronation Park has moved adjournment of debate of Bill No. 103, *The Miscellaneous Statutes (Professional Discipline) Amendment Act, 2009*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Acting Speaker (Mr. Elhard): — 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 Saskatoon Riversdale.

Ms. Chartier: — Thank you, Mr. Deputy Speaker. I'm happy to wade into the debate and discussion on Bill No. 115, the Queen's Bench amendment Act.

This is a bit of a catch-all Act that houses all kinds of different things. There's all kinds of things going on here in *The Queen's Bench Act*. And at first blush, the Bill actually seems to contain just a number of procedural or housekeeping items. But I think that they're likely and probably necessary to make, but I think that there are some questions that arise out of it.

[15:45]

One of the things that's going to be taking place with this Act, it will abolish the common-law action for breach of promise to marry. And according to the Minister of Justice, this action is likely unconstitutional and does not reflect current societal views and expectations of persons intending to marry. So that may or may not be the case. I think that there needs to be some clarification around whether or not the action, this is in fact unconstitutional and perhaps why this no longer reflects current views.

I think one could think this part of the Act was likely set out in common law when it wasn't just couples negotiating and deciding to get married, but rather it was families. It was contractual agreements between families where there may have been property or assets involved. So if one of the families or one of the individuals decides the marriage needs to come to an . . . or the marriage isn't going to take place, there could have been some loss. If you put 10 cows forward and, well, relationships go south and there can be some damages, some actual financial damages when marriages don't take place.

But in the context of today, I think we probably all know someone, I in my case actually know a couple of people who prepared for weddings. They had a great outlay of money, thousands and thousands of dollars, whether it was in rings or the cost of booking hotels, outlays in deposits for the celebration. So it's not so much families anymore making these

agreements, but couples. And there can still be great damage, financial damage done when someone decides at the last minute or five months out even, that the marriage isn't going to go forward.

So this Act, abolishing this part of the Act doesn't really leave any recourse for the person who might have been left standing at the altar. So again I think, as the minister pointed out, that this may be, this part of the Act may be unconstitutional, but I'd like some clarification on whether or not that is actually the case.

And again, he said that it doesn't reflect current views. But as I've said, I do know people who've been stood up at the altar and have not known what to do and don't know what to do with the ring that they can't return to the jeweller or how they're going to make up for the loss of the thousands of dollars that were on the dress. It is definitely a difficulty.

And actually one of my colleagues, interestingly enough earlier on in this debate, pointed out that, one of my lawyer colleagues actually pointed out that this part may not actually relate to the breach of promise to marry, but might relate to the breach of promise, which I think is quite interesting in the current context of Saskatchewan politics around breach of promise.

And my colleague said we need to be mindful or this government should be mindful about putting the words, what does he say here: "And this government may actually not want to have those words anywhere in the common law or the statute law of Saskatchewan." Just in light of the current broken promises that have taken place around whether or not you're a municipality or a school board, perhaps.

The other thing that I want to point out here, I believe it's section 7. And section 7, according to the explanatory notes — pardon me, section 8 — is going to, is a section with many, many regulations. And right now, we're going to be asked to amend it to change, to provide for regulations respecting enforcement of awards made pursuant to domestic trade agreements. So that raises a few flags here.

So this proposed amendment, the explanatory notes indicate that all provinces have agreed to adopt this provision and that Manitoba, Quebec, Alberta, and the federal governments have all done so. So there is some concern whether or not this amendment relates in any way to TILMA [Trade, Investment and Labour Mobility Agreement] or the very ambiguous Western Economic Partnership Agreement on which this government has been quite silent.

But I want to look at one of the other regulations that falls under this same section. We always need to be very mindful of what legislation we're creating and how that has an impact on all kinds of people. That's again, section 7, which is going to be . . . We're asked to amend to add to that about trade agreements, also includes a provision around mediation. So the Lieutenant Governor in Council may make regulations respecting procedures for mediation.

And I know from first-hand experience, again, when these can have huge ramifications on our lives on our daily day-to-day living and what goes on. Having been impacted by actually one

of these regulations — mediation — when my marriage ended about 10 years ago, I had the opportunity . . . I was married quite young and perhaps quite quickly to someone who I discovered we had very different philosophical outlooks in life on the way we saw the world. And when our marriage came to an end, we had the opportunity, you can go the usual route and combative lawyer route, or you have the opportunity to use meditation.

And despite the fact a marriage ending isn't very much fun, and you usually don't like each other very much at the end of a marriage, but we felt we had a very young daughter and thought we needed to take the opportunity to go through the mediation process. And it's not easy to sit down next to the person whom you can't agree to continue to live with and have those discussions about hashing out all those very difficult details around what is your child care arrangements or your custody arrangements going to look like, what are your financial arrangements going to look like.

Mediation is a very, very important tool I think in making sure that couples when . . . And there's a huge percentage of people who come to this place, actually, where marriages end. It's very unfortunate, but it is a reality and mediation offers that opportunity to end a marriage in a much more conciliatory fashion.

And I have to say, speaking 10 years out now, that this section on mediation was very, very important in shaping how we deal with one another. My former husband and I co-parent, and having been through a very positive mediation process, again it was not an easy thing to do, but it is definitely worthwhile. And again these regulations set out the parameters for mediation, and again now we'll be setting out the parameters for awards pursuant to domestic trade agreements. So we need to be very mindful, when we pass legislation, in thinking about what the intended and the unintended consequences may be. That's absolutely critical, thinking about what may or may not happen.

Again just on that mediation point I, having been personally impacted by one of these regulations, I really, really want to emphasize the importance as legislators that we thoroughly understand the ramifications of our decisions because they do have long-lasting impact on us in our daily lives. And I can speak from experience that these parameters for mediation have shaped how my former husband and I co-parent our daughter and still have a pretty amicable relationship, where I can go over to he and his wife's home and actually have a visit and see their lovely, new little daughter. So this, it's important to be mindful of this as legislators when we are debating and discussing and pondering what we're putting forward.

So the Act actually, Bill No. 115, the Queen's Bench amendment Act also makes, also makes some changes to the declaratory Act surrounding the historical dates of transfer of Rupert's Land from the Hudson Bay's Company of Canada. So this is relatively been benign, but as one of my colleagues pointed out, quite interesting as well. And the minister's indicated that this particular amendment will not change the legal effect of the provision, but simply make it easier to find in the statutes.

I have to confess, as I'm not a lawyer, and there's been the odd

moment where I've looked through some of this legislation — my background is in journalism, social work, and public policy — and sometimes it can be a bit daunting when you're looking at some of these Acts. But, you know, it just takes a little bit of time, some careful consideration and review, and questions definitely arise. And I'd like to actually, I'd like to leave some opportunity for some of my colleagues to also enter into the debate, so I would like to adjourn debate on this motion.

The Acting Speaker (Mr. Elhard): — The member from Saskatoon Riversdale has moved adjournment of 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 Acting Speaker (Mr. Elhard): — Carried.

Bill No. 112

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 112 — *The Justices of the Peace Amendment Act, 2009/Loi de 2009 modifiant la Loi de 1988 sur les juges de paix*** be now read a second time.]

The Acting Speaker (Mr. Elhard): — I recognize the member from Regina Elphinstone-Centre.

Mr. McCall: — All rise, Mr. Speaker. Order in the court. Okay, I'll quit jacking around. It's a pleasure to participate in this debate, Mr. Speaker, in terms of *An Act to amend The Justices of the Peace Act, 1988 and to make consequential amendments to certain Acts*. If we could have a little order in the court, please. Thank you.

It's a fairly straightforward Act. In terms of changing the age of retirement for the justices of the peace, currently it's at age 65. The intent of the Bill is to move the age of retirement to the age of 70. Certainly, Mr. Speaker, that's in keeping with the trend of recognizing that seniors are remaining vital and vigorous. They're living longer. The age of 65 is perhaps not the most appropriate marker in terms of asking that people leave the workforce and retire.

And certainly the notion that moving it from 65 to 70, justices of the peace, and there are a lot of wise individuals there, Mr. Speaker, and of course with any pursuit such as this, there's an expertise and a knowledge base that you expand upon and sharpen up as your time in the position goes on. And certainly there's an argument to be made that just as justices of the peace are perhaps hitting their stride as in their practice of the position, that presently they have to retire at age 65.

Moving that age to 70 provides for five more years of individuals being able to carry on their duties as justices of the peace. And certainly the fact that they're able to then build upon their base of expertise and add to their wisdom and their knowledge in the pursuit or in the execution of their duties as a Justice of the Peace, we think that's to the good, Mr. Speaker. Certainly it's been said that throughout a number of fields.

Saskatchewan, back when the previous administration was in

power, had removed the mandatory retirement age of 65 both on the grounds of human rights and with regards to the beneficial aspect for the labour force. And certainly there were a number of people that we heard from in the evolution of that debate, people who had reached the age of 65 but certainly had a lot more to contribute and were feeling quite unjustly done by in terms of being forced out of their respective positions upon the attainment of the age of 65, which they saw as arbitrary and not particularly just, Mr. Speaker. The government of the day agreed with them and that's certainly been the trend across the country.

I do wonder in terms of, if there's opinion that has been assessed in terms of moving the age of 65 to 70, if there are any sort of problems on the grounds of the question of discrimination based on age, if moving from 65 to 70 is, if that is adequate, or if there is perhaps some question of a different approach to managing the retirement of individuals who are serving as justices of the peace and moving from 65 to 70. Does that satisfy the question of whether or not there's a discrimination based on age in that circumstance, and are we trading one arbitrary age for another when in fact this is perhaps a situation that is better addressed by closer management of the individuals who are serving as justices of the peace, and whether or not they are properly and adequately discharging their duties as justices of the peace?

[16:00]

So we have some questions around that and whether or not the Department of Justice in their drafting of this amendment to *The Justices of the Peace Act*, we have some question whether or not that aspect was considered. And we'd welcome further information on that front from the Minister of Justice and the department.

I guess I should state for the record, Mr. Speaker, that justices of the peace are of course not judges. Usually in fact they are not even lawyers, but they do perform an important judicial function in our society.

If you look on the courts of Saskatchewan website it enumerates the duties of the Justice of the Peace of which include administering oaths for criminal charges laid by the police or the public; confirming or cancelling police issued process such as a promise to appear, an appearance notice, or a recognizance orders; reviewing and signing court issued process such as a summons, a warrant for arrest or undertaking; reviewing and issuing subpoenas compelling witnesses to attend court; administering oaths for affidavits, affirmations and declarations; the consideration of applications for search warrants; releasing people under conditions who have been arrested and are being held in custody; conducting show-cause hearings, more commonly known as bail hearings, Mr. Speaker, to determine if someone should remain in custody until dealt with by the law.

Justices of the peace can also perform certain court functions in the absence of a provincial court judge, so thereby providing an important backstop to not just the system generally, but if there's a circumstance where there's an absence of a provincial court judge, the JP's [Justice of the Peace] been able to step in and help out with accepting guilty pleas from and sentencing an

accused person charged with an offence punishable on summary conviction, such as receiving an accused person's election for their mode of trial or the granting of an adjournment of a matter.

In Regina and Saskatoon there are specially designated and trained senior presiding justices of the peace. They of course have authority to conduct trials for offences under various provincial statutes including traffic, liquor, and wildlife offences. I don't know if they've ever hauled my colleague from Regina Rosemont in on any sort of wildlife offences. Probably not. He's too conscientious when it comes to the hunting and the conservation of habitat . . . [inaudible interjection] . . . Perhaps the member from Silver Springs, who seems to be speaking out there about wildlife offences, but we'll just try and decipher the words that he's saying over there the best we can, Mr. Speaker.

These senior presiding justices of the peace also have authority to conduct trials for offences under various municipal bylaws including parking, noise, and domestic animal violations, again providing a valuable sort of safety valve or a supplement to the existing judiciary and to help make our court process more efficient and to perhaps take some of the pressure off the existing court process.

We know that there are a number of backlogs in the system, a number of bottlenecks in the system. And again we think that more effective, more fulsome use of officers such as justices of the peace hold out some help in that regard to alleviate backlogs and to make the process more efficient.

Historically, Mr. Speaker, the practising lawyers have not been eligible for appointment as justices of the peace. It's another amendment or another key aspect of the amendments proposed in this legislation that they would be allowing practicing lawyers to be appointed justices of the peace, provided that they are not practising criminal law and that they are not otherwise in a conflict of interest, for example acting for or against the government in a lawsuit.

We in the opposition benches, Mr. Speaker, on the face of it this would seem to be a reasonable move. There is a need to increase the pool of qualified applicants for these positions. That being said, the legal community in Saskatchewan isn't overly large by any stretch of the imagination. There's a fairly tight-knit legal community and there's a reasonable assumption to be examined concerning the fact that a good many practising lawyers will be involved in a legal action involving either the federal or provincial governments. So the notion that this, changing the previous prohibition against bringing in practising lawyers as long as they're not in a conflict of interest, it remains to be seen just how that expands the pool of possible applicants for this position, again given the fact that there are many practising lawyers currently involved in different federal or provincial matters and how this will affect their eligibility under the guidelines outlined in this amendment.

And again the change to move from a mandatory retirement age, justices of the peace, from 65 to 70, one of the things that does is brings the retirement age here in line with that of Provincial Court judges. That's again . . . I think it's good in that we've got something of an analogous body of experience

that we can examine to see how that has worked in that regard.

Perhaps, you know, obviously sitting as a Provincial Court justice is a bit of a different deal than being a Justice of the Peace, but are there lessons to be learned from the experience of changing the retirement age from 65 to 70 in the case of Provincial Court justices and its impact on justices of the peace and moving the retirement age from 65 to 70.

It is again to say, Mr. Speaker, and it's not to speak against the wisdom of youth or anything like that, but certainly the life experiences that are gained over the years . . . Obviously I'm sure there are a number of justices of the peace that draw upon their life experience in the conduct of their duties and, you know, it bears to some reason that the more life experience you have, the more you've got to draw upon in the execution of your duty as a Justice of Peace.

And again, when previously the notion was that you hit 65, you've reached the zenith of your career and then it's time to head out for a rest, that notion has changed in our society, Mr. Speaker. And increasingly there's that recognition — not just in practice but also in law — that the age of 65 has been somewhat arbitrary.

Again we have some questions around whether or not 65 being replaced with 70 is not in and of itself yet another arbitrary designation of retirement age, or whether or not that age limit should be removed all together to keep it in broader sort of concert with the rest of the practice as to be evolved with the removal of age 65 as the then mandatory retirement age. But again, we'll see if there's information brought forward concerning the constitutionality of that practice by the Department of Justice and the Minister of Justice as we further consider this legislation.

Again when individuals are older there's an argument to be made that age can bring . . . age and life experience can bring judgment and perspective. That's not always the case, Mr. Speaker. Certainly I'm sure we all know individuals that would prove as exceptions to that rule, both in terms of younger individuals and older individuals. But if there is a generalization that can be made, perhaps it's that the more experience, the more perspective, the better the execution of duties as a justice of peace. And we've now got five more years to see that take place.

In terms of the other changes in the Act it's apparently a fair amount of housekeeping, again to use more gender-neutral language throughout the Act. Again we support that, Mr. Speaker. There are a number of female justices of the peace that certainly provide excellent service to the province in the execution of their duties — and language is important, Mr. Speaker — it's important to have that reflected in the legislation, in the law of the land. People should be able to look into their Bills and not see themselves being excluded but seeing themselves be included.

So we welcome the changes to bring the legislation up to date, not just in terms of the removal of the age of retirement, not just in terms of expanding the pool of possible applicants, but certainly, though of a housekeeping nature they may be, it is important that we bring in the . . . that we make the changes so

that that gender-inclusive language is brought into the Act.

Turning to the Bill itself, Mr. Speaker, again this justices of the peace Act, this current iteration dates back to 1988. Some of the amendments included changing definitions of the non-presiding Justice of the Peace, repealing the definition of the presiding Justice of the Peace in section 2. Section 3 again, a relatively . . . you know, it's more housekeeping in terms of striking the word presiding from subsection 3(1).

There are new sections being proposed, 5 and 6. "**5 Sections 5 to 7 . . . repealed and the following [are] substituted**". Again, changing the notion or making some refinements to the notion of conflict of interest. Section 5 states as follows:

Unless otherwise provided by law, a justice of the peace shall not, during his or her term of office:

- (a) practise . . . law;
- (b) act as legal counsel for or against the Government of Saskatchewan or the Government of Canada; or
- (c) be in a position of conflict with his or her duties as a justice of the peace.

There's a new change made to the categories in section 6(1). "Subject to", and I quote:

Subject to subsection (3), the following persons are not eligible to be appointed as a justice of the peace:

- (a) an employee of the Government of Saskatchewan or a Crown corporation;
- (b) an employee or member of:
 - (i) a police service within the meaning of *The Police Act, 1990*; or
 - (ii) the Royal Canadian Mounted Police;
- (c) a member of the Corps of Commissionaires;
- (d) a member of the board as defined in *The Police Act, 1990*; or
- (e) an elected member of a council of a municipality.

So for example my city councillor, Mr. Wade Murray, would not be able to serve as a Justice of the Peace. Nor for that matter would Ensio or Debbie or any of the fine folks who serve in this building as part of the Corps of Commissionaires.

Section (2) describes that, "If a person who is a justice of the peace attains a position described in subsection (1), the Lieutenant Governor in Council may cancel the appointments of the justice of the peace."

Section (3): "A person who is appointed as a court official in accordance with *The Court Officials Act, 1984* may be appointed as a justice of the peace."

Section (4):

A justice of the peace, other than a justice of the peace who is a court official, shall perform those duties and exercise those powers that are prescribed for a justice of the peace in the regulations, in any other Act, in any regulations made pursuant to that [or an] other Act, in an Act of the Parliament of Canada, in any regulations made pursuant to an Act of the Parliament of Canada or at law.

[16:15]

That particular section winds up with point 5:

A justice of the peace who is a court official shall only perform those duties and exercise those powers that are prescribed in the regulations for a justice of the peace who is a court official."

My colleague from Regina Northeast is asking for a further explanation on that score. But I think what we'll do is move on to the next section. We've got a lot of sections here and I want to make sure that they all get their due. So with apologies to my colleague from Regina Northeast, I guess I'll carry on through the consideration of the other sections.

New section no. 8. You might want to pay close attention to this. It regards the term of office. It regards the term of office, something that should interest the member from northeast mightily. It of course relies on the previous section 8 being repealed and the following substituted:

"Term of office

8(1) Unless early removed in accordance with this Act, a justice of the peace holds office until the earliest of:

- (a) the date he or she reaches the age of retirement prescribed in subsection (2);
- (b) the date he or she resigns in accordance with subsection (3); and
- (c) the date his or her appointment is cancelled pursuant to subsection 6(2), 11(2) or 12.8(4).

Again, Mr. Speaker, it provides for different mechanisms to terminate the performance of duties by a Justice of the Peace. Not just on age, not just on bare eligibility, but we're presuming as well in terms of the proper execution of duties, proper pursuit of the role of Justice of the Peace.

Section 8(2) states that, "Every justice of the peace shall retire at the end of the month in which he or she attains the age of 70 years." Again, Mr. Speaker, there's something a bit arbitrary in that if 65 was an arbitrary date and we've decided to do away with it on the grounds of it being arbitrary. Then replacing 65 with age 70, we're not entirely certain how that meshes with the Constitution, with basic questions of human rights, with basic questions of not being discriminated against on the basis of age.

So I don't know if my colleague from Regina Northeast is looking to take that up pro bono or pro forma or what have you or just as a matter of great interest. But in all seriousness, we do

have a question about the . . . if 65 was regarded as arbitrary, how is it that 70 years is not just arbitrary plus five years?

Section 3:

A . . . justice of the peace may resign his [or her] office by sending a written notice of his [or her] resignation to the minister and his [or her] resignation is effective on the later of:

- (a) the date the written notice is received by the minister; and
- (b) the date specified in the written notice.

Again, Mr. Speaker, we're presuming that originals must be preferred in these cases. That it's not enough to phone it in, or to fax it in, or to email it in, or to send it through other means, but there must be an original copy of a letter sent in. Whether or not that copy would need to be notarized or if it's sufficient that it's coming from the desk of a Justice of the Peace, we would be interested to have some clarification on what is sufficient for proper notice in that regard, proper written notice in that regard.

Section 10 is amended with 7. Section 10 of the English version is amended by striking out "his" and substituting "his or her." Again, Mr. Speaker, it's important that we don't have exclusive language in these things. Certainly not in the laws of the land. Certainly not in the laws that describe the duties of people who are there to carry out the laws of the land, to adjudicate the laws of the land. So again, it may seem like a relatively minor thing, but we think it's very important that gender-inclusive language is brought into these pieces of legislation and that those changes are made.

Again in terms of the French language, the changes are provided in the French translation. Also an important thing, Mr. Speaker, in terms of the officers of the court who are carrying out the laws. It's important that we have these. It's important that the laws of the land be there in the official, the two official languages of Canada, but all the more so when it pertains to individuals who are charged with presiding over courts, presiding over the very enforcement and execution of these laws.

Section 12.8 is amended, and it is amended by (a) repealing clause (1)(e) and substituting the following, (e) stating:

recommending to the Lieutenant Governor in Council, in the case of a justice of the peace who has been assigned to a category of justice of the peace established in the regulations, that the category to which the justice of the peace is assigned be changed";

Let me take you through that one more time, Mr. Speaker:

"(e) recommending to the Lieutenant Governor in Council, in the case of a justice of the peace who has been assigned to a category of justice of the peace established in the regulations, that the category to which the justice of the peace is assigned be changed";

So again, in terms of the different categories under the

legislation and where the individual justices of the peace are assigned, that has impact on that practice.

9(b) by repealing subsection (3) and substituting the following:

"(3) If the council recommends that the appointment of a justice of the peace be cancelled, or that the category to which the justice of the peace is assigned be changed, the chairperson of the council shall forward a copy of the recommendation to the Lieutenant Governor in Council";

Again, Mr. Speaker, ensuring that there's proper communication between the different branches of government and the legal system between the executive branch and between the courts, the court components of our parliamentary democracy.

Section 9(c) is an amendment to section (4) by striking out: "the designation of the justice of the peace or".

And again, Mr. Speaker, it's to bring the language further, the subsequent language in the legislation in line with the changes in principle that have been made earlier in the legislation.

There's a new section 13 that is being proposed, Mr. Speaker. Section 13 . . . [inaudible interjection] . . . My colleague from Regina Northeast is obviously very interested in this one. So on with the explanation.

It of course deals with duty rosters. And as a one-time Deputy Whip, I'm sure he's particularly interested in the whole question of duty rosters.

Section 13(1) states that:

The chief judge shall have general direction and supervision over the duties and the sittings of justices of the peace.

Again in terms of making sure that that chain of command is straight and well understood within the judiciary. It's important to have that very clear that who the justices of the peace are answerable to.

Section 13(2):

Subject to subsections (3) to (5) and (7), no justice of the peace shall perform any duty except in accordance with a duty roster established by the chief judge.

Again, Mr. Speaker, it pertains to the manner in which our judiciary is managed and the important role that the Chief Justice or the chief judge plays in the proper management and function of our judiciary and the means by which we coordinate in the role of justices of the peace with those roles executed by the Provincial Court judges.

Section (3), 13(3):

Subject to any regulations prescribing the duties of a justice of the peace, the chief judge may designate:

(a) a justice of the peace, other than a justice of the peace who is a court official, to hear and determine matters involving alleged contraventions of municipal bylaws.

And just to pause there for a moment, Mr. Speaker. Again it's important that you don't have that conflict between a court official, that you want to have the individual presiding as a Justice of the Peace over a particular case, in this regard concerning municipal bylaws. You want to make sure that you have that separation clearly delineated and that there is an absence, not just an absence of conflict of interest, but certainly the appearance of an absence as well.

Section (3)(b):

a justice of the peace to sit in the place of and exercise the powers of a judge of the Provincial Court.

Again, Mr. Speaker, this refers to the practice of, in certain circumstances, the Justice of the Peace is able to stand in for the Provincial Court judge in the execution of duties. And again — in terms of making for a more efficient system and to help supplement the very important role of Provincial Court judges, perhaps alleviate something of their workload — this is an important consideration in the way that justices of the peace do their job.

Section (4):

If the chief judge designates a justice of the peace pursuant to subsection (3), the chief judge shall specify the place at which and period during which the justice of the peace may do the things mentioned in that subsection.

Let's just hit that one more time. Section 10(4), in the replacements, pardon me, section 13(4) in the replacements to the repealed section 13:

If the chief judge designates a justice of the peace pursuant to subsection (3), the chief judge shall specify the place at which and period during which the justice of the peace may do the things mentioned in that subsection.

Again, Mr. Speaker, this refers to the proper management of the duties of the justices of the peace, the important role of the chief judge in assigning those duties and prescribing those duties and making sure that they are done in accordance with the law.

Section (5):

A justice of the peace who is designated pursuant to subsection (3) is entitled to be paid a fee that is prescribed in the regulations for services provided by him or her in carrying out his or her duties mentioned in that subsection.

Again, entitled to be paid a fee that is prescribed in the regulations, the regulations of course being set by the provincial government no doubt in consultation with the judiciary and the provincial court system and the ability to be remunerated for their duties.

New section 13, 13(6):

The duty roster established pursuant to subsection (2) must be available to the public during normal business hours of the Provincial Court of Saskatchewan.

So again it's not just important to have those duties assigned, but in terms of the public being able to understand it more clearly, where the different JPs are going to be pursuing their duty, where the duty roster has placed individuals, what is the timing of it. All of that needs to be made clear and certainly to do so within the normal business hours of the Provincial Court of Saskatchewan would seem to make fairly good sense.

Section 7 . . . I'll just grab a drink of water here, Mr. Speaker. Section 13(7) in the replacement to or the new section 13, section 13(7):

The fact that a justice of the peace performs the duty otherwise than in accordance with the duty roster established pursuant to subsection (2) does not invalidate any act done or matter decided as a consequence of the performance of that duty.

And again it would seem this would seem to point at the fact that in terms of certain circumstances arising that are also prescribed in this piece of legislation, just to clarify that the performance of those duties under one provision of the Act does not mean that they're invalidated in terms of the other aspects of this legislation.

(8) The chief judge may delegate the exercise of any of his or her powers prescribed in this section to a supervising justice of the peace, and the exercise of those powers by the supervising justice of the peace is deemed to be an exercise by the chief judge”.

So again this refers not just to the proper management of the system and the proper management of justices of the peace, but also what circumstances that the chief judge who normally oversees the system, what are those circumstances in which a presiding or a supervising Justice of the Peace can step in and make those determinations, and to help in the management of the system and the assignment of the various justices of the peace.

Section 15 amended, it states that:

(a) in subclause (a)(i) of the English version . . . [has the] striking out [of] “him” and substituting “him or her”;

Again the importance of gender inclusive language, Mr. Speaker. Section (b) again replacing “him” with “him or her.”

Again in a country where we've got not just some outstanding female lawyers and female judges, and in many cases, female Supreme Court justices, Mr. Speaker, we've also got certainly a number of outstanding female justices of the peace. And they should be able to look into their legislation which authorizes them to do their job and not see themselves being excluded by outdated language.

[16:30]

Section 11(d) in the amendment of section 15 states that:

(d) by repealing clause (d) and substituting the following:

“(d) prescribing the remuneration, benefits and fees to which a justice of the peace is entitled”; **and**

(e) by repealing clauses (g) and (h) and substituting the following:

“(g) establishing categories of justices of the peace; [and]

“(h) prescribing the duties that may be performed by justices of the peace or a category of justices of the peace”.

Again, Mr. Speaker, it’s just making certain that they’re keeping the categories of justices of the peace straight, and certainly the duties that attach to those various categories to keep them straight and well delineated as well.

Section 16 amended:

12 Subsection 16(1) is [now] repealed and the following substituted:

“(1) A justice of the peace who has possession, custody or control of any records, or other things belonging to or relating to his or her office that are not his or her private property shall give up possession of those things and deliver them to:

(a) his or her successor in office on the day that he or she ceases to hold office; or

(b) a person appointed by the council to demand possession and receive them, immediately when requested to do so by that person”.

Again this refers to the orderly transition that needs to take place when you have people vacating their positions and the different documents and possessions that attach to the execution of your duties as a Justice of the Peace and the need to make sure that there’s an orderly transfer of those items from the . . . upon the retirement or the cease of duties by one individual to the incoming individual.

We’ve got in the transitional, consequential, and coming into force sections of this legislation, again the transitional provision 13(1):

In this section **“former provisions”** means that *The Justices of the Peace Act, 1988* as that Act existed on the day before coming into force of this Act.

Again ensuring that there’s that proper transfer between the legal authorities of the various pieces of legislation.

Transitional provision, section (2):

Every person who, in accordance with the former

provisions, was a presiding justice of the peace on the day before the coming into force of this Act is continued as a justice of the peace pursuant to *The Justices of the Peace Act, 1988*.

Again relatively housekeeping in nature, but it provides for the clear delineation of what happens to the existing justices of the peace when the new Act comes into effect.

My colleague from Regina Coronation Park is asking me about, why are justices of the peace important? And certainly I think it dates back to that time when there was that greater desire to involve more of the citizenry within the pursuit of justice and the execution of the laws of the land. Certainly this is a province where people who may not have had the formal education have had the opportunity to amass a great deal of perspicacity or perspective and wisdom . . . And I guess I’ll cede the floor to my colleague from Regina Lakeview, Mr. Speaker.

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

Mr. Nilson: — Mr. Deputy Speaker, I would like to get leave to introduce a guest in the Speaker’s gallery.

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

Some Hon. Members: — Agreed.

INTRODUCTION OF GUESTS

Mr. Nilson: — Thank you. I’m very pleased to introduce to you and through you to all members of the legislature a person who is actually quite well known to everybody here, but you may not recognize him in his retired form. This is Mr. Carl Cherland from the Luther College, and for 33 years he was the director of the choir. And from the early ’80s up until last year, every year he would bring the choir to the legislature to sing Christmas carols in the rotunda. And so many people here heard the concerts that he directed and provided here at the legislature during Christmastime.

Carl is a Saskatchewan person who, I think, ended up growing up a big part of his life in Estevan area, but he then went to school in the States and eventually got his doctorate in choral directing from down in Arizona. And he’s been, like I said . . . He taught at Luther College here in Regina for 33 years, and over most all of those years he’s been a personal friend of mine and somebody who I’ve spent time with over the years discussing many things, but especially politics.

And so now that he’s retired he has more time to observe what kinds of things we’re doing here in the legislature. And he’s in that role today, to come and listen a little bit and also to further basically educate himself, but also to take that knowledge and spread it to others. And so anyway it’s my pleasure to introduce him today.

The Acting Speaker (Mr. Elhard): — I recognize the member for Regina Elphinstone-Centre.

ADJOURNED DEBATES

SECOND READINGS

**Bill No. 112 — *Justices of the Peace*
Amendment Act, 2009/Loi de 2009 modifiant la
Loi de 1988 sur les juges de paix
(continued)**

Mr. McCall: — Thank you very much. And I join in welcoming the individual to his Legislative Assembly and I thank the member from Cypress Hills for his encouragement in this important deliberation on this item of legislation.

Just to wrap up with the sort of line-by-line consideration in terms of what is presented, and before I get into some of the more philosophical impact of this legislation and the history of this legislation, again under the subsections dealing at the end, in terms of the transitional, consequential, and coming into force provisions, section 13(1) Transitional provision. The “former provisions” meaning that again there’s that orderly transition between the previous item of legislation, *The Justices of the Peace Act, 1988* and the coming into force of the new piece of legislation that we have under consideration here today.

And section 2 of that coming into force “Transitional provision” ensuring that there’s that orderly transition in terms of the authority of the existing justices of the peace so that they’re not left out by the new legislation, and that they are, in fact, covered by the legal authority prescribed here in this legislation.

I’m going through the remainder of the sections. There are a number of, again coming in to the end, it’s fairly housekeeping in nature but I’m just making sure that those broader changes in terms of (a) the change of the retirement age from 65 to 70, (b) the clarification around the different categories of justices of the peace, (b) who’s in charge in terms of the responsibility of managing those individuals. Who’s the presiding official in this case who has . . . What is that chain of command? Who is assigning duties? Who is assigning locations and timings of hearings? Who’s presiding over the duty roster?

Again, the section 43 of *The Interpretation Act* again, subsequent amendment to other legislation, requires a change to section 43 of *The Interpretation Act, 1995*, wherein the amendment is made to strike out:

“presiding or non-presiding justice or” **and substituting**
“a justice of the peace or a.”

Subsection or, you know, it also calls for subsequent amendments to *The Traffic Safety Court of Saskatchewan Act, 1988*. It’s amended in the manner set forth in this section, wherein:

(2) Section 2 is amended:

(a) by repealing the definition of “presiding justice of the peace”; and

(b) by striking out “presiding” in the definition of “traffic justice”.

Again, Mr. Speaker, it’s not just within the legislation itself that there are changes that are required by the change in the

principles, but of course in terms of that web of legal fabric and the consequential amendments that are required, depending on the changes that are made in one piece of legislation, how they impact other pieces of legislation.

Section 2 is, or pardon me, “**(3) Subsection 4(3) is amended by striking out “presiding”;**” Again, reflecting upon that change in the different categories and the delineation of duties in the current justices of the peace legislation, and how that is impacting the traffic safety court Act . . . [inaudible interjection] . . . Well that’s a good question. My colleague from Regina Northeast has asked who the government has consulted in the question of this legislation. We’d be interested to know what the current justices of the peace have had to say about this legislation. Is this merely a matter of changing the legislation to bring the retirement age of justices of the peace in line with those of Provincial Court judges, moving the age of retirement from 65 to 70? Again, if you argue that 65 is arbitrary, then certainly 70 being arbitrary as well, there’s certainly a valid argument to be considered there.

And we would be interested to know if this has in fact been brought forward by the court officials and by justices of the peace as desirable change in legislation. Does that 65 actually . . . Does the 65 being changed to 70, does that satisfy their concerns around the retirement age in this regard? We’ll await further explanation from the Justice minister in that regard.

Section 4 in *The Traffic Safety Court of Saskatchewan Act, 1988*.

(4) Section 5 is amended:

(a) in subsection (1) by striking out “presiding”;

(b) in subsection (5) by striking out “65” and substituting “70”; and

(c) in subsection (6) by striking out “presiding” wherever it appears.

Again in terms of bringing this subsequent piece of legislation in line with the changes in principle that are made in the justices of the peace legislation and how that impacts *The Traffic Safety Court of Saskatchewan Act*.

Section 5 wherein:

Section 6 is amended:

(a) in subsection (1) by striking out “presiding”; and

(b) in subsection (2) of the English version by striking out “presiding”.

(6) Subsection 7(3) is amended by striking out “presiding”.

And 16, the standard coming into force item that appears in, you know, any piece of legislation is:

16 This Act comes into force on assent.

So I guess we'll await the visit of the Lieutenant Governor for that coming into force, and of course the further explanations of the Minister of Justice in terms of what they have done around consulting on this piece of legislation.

[16:45]

I'd like to draw on a quote that my colleague, the member from Regina Lakeview, has quoted when he was participating in this debate. And it's applicable in a way that is more, even more evident than might first appear. It's from a recent book that came out, *Saskatchewan Politics: Crowding the Centre*. It was edited by one Howard Leeson, a professor at the University of Regina. And why it's particularly interesting in this context, Mr. Speaker, is that this is an individual who was very much a spearhead or a champion in terms of changing the mandatory retirement legislation and provisions here in Saskatchewan and who obviously is still making a vital contribution to the public policy discussion that goes on in the life of this province.

And that of course is no little surprise, Mr. Speaker, because that's certainly what his career has stood upon, is making a top-quality contribution to the public policy discourse in this province, both as a professor of political science at the University of Regina and as well as one of the key players in the intergovernmental talks leading up to the adoption of the constitution in 1982. He was the then deputy minister of Intergovernmental Affairs.

And there's a fairly interesting book about that experience from a Saskatchewan perspective involved in the patriation discussions called *Canada — notwithstanding*, which of course was written by John Whyte, Roy Romanow, a former premier of this province and a former long-standing minister of Justice and obviously a vital contributor to the public discourse himself, and by one Howard Leeson.

So that Dr. Leeson is still making a great contribution to the public discourse in this regard is not surprising. And in the book *Saskatchewan Politics: Crowding the Centre*, there's a fairly interesting article written by John Whyte, who's now teaching at the law school in Saskatoon but again was a deputy minister of Justice throughout most of the '90s and a brilliant mind, Mr. Speaker, and certainly someone, for example, on the question of the secession of Quebec or whether or not a unilateral declaration of independence was possible or the reference that was made by the federal government to the Supreme Court on the whole question of the validity of the separation of Quebec.

Certainly John Whyte was one of the . . . did yeoman's service for the province and, I would argue, for the country in the contribution he made to the intervention made on the part of the province of Saskatchewan. There's a very eloquent piece of language that sticks out in terms of that intervention where Canada is a fabric woven from the threads of a thousand accommodations, I believe was his turn of phrase. And certainly it does speak to the beauty of something like the mosaic and, you know, many people from many different backgrounds. We're here in a province where our provincial slogan is "from many peoples strength".

And Saskatchewan in particular, we should understand the wisdom at the base of a saying such as Canada is a fabric

woven from the threads of a thousand accommodations. And again that whole notion of stronger together, that whole notion of diversity being brought together though to constitute strength, and the tremendous experiment in nationhood that we've been pursuing here in Canada for some time, and the way that it informs the way we live here in Saskatchewan, and the way that that's intervention impacted the ultimate ruling on the part of the Supreme Court as regarded the setting the guidelines for such a thing as the question of Quebec's separation or not.

But again the article in question here comes from the Leeson edited book, *Crowding the Centre*. The passage I'd like to quote from was from an article written by John Whyte, again now teaching law in Saskatoon at the U of S [University of Saskatchewan] College of Law, and Thomas Gusa, who I believe is practising in Edmonton. It talks about justices of the peace, but it talks about why one changes aspects of the judicial system in response to how the community is changing.

So again, to quote from page 95:

Our legal system's prestige — perhaps even its majesty — rests on its transcended quality, existing above, and avoiding corruption by, the exigencies of daily demands and passions. Its constancy is its strength.

Again if I might add parenthetically, Mr. Speaker, you know, elegant language to be certain. To return to the quote:

Its content and its processes have developed slowly over time and are not be battered by the demands of our current situation. And, yet, it seems that our legal system responds to our needs, including our need to see justice done, so imperfectly. The administration of justice faces no greater challenge than to preserve the rigor and impartiality in the way that law works in our society while subjecting it to the changes that will make it an effective social instrument for all people in [all] their vastly different social contexts and with all their vastly different social needs.

To return to the quote, Mr. Speaker:

Certainly two places where this adaptation must take . . . [place] is in having the legal system available to all on a more equal footing and in the response to social disorder through the administration of criminal justice.

Law, after all, is manifestation of the self-determination ideology that has shaped both our political system and our sense of personal entitlement. Both as individuals and as a political . . . [committee] we can make choices with the confidence . . . that when those choices are expressed in law they will be honoured and that these attempts to shape our future condition will be vindicated. But if law in this way is so closely tied to our public and private integrity it must itself have integrity. This is to say that law — the mechanism of justice — must itself meet the underlying conceptions of justice which are: the right of all to be treated with dignity (with respect for personal capacity and not to enslaved through poverty, poor health, low status, or dispossession) and the right to equal treatment. Law's challenge is to reflect in its operation the political

values that led to its development, values of respect, dignity and equality. These values ground the connection between people in our political society and govern the way we act and develop as a political community. When law is not serving these values, either because it is not available to some or because it is detached from the reconciling and restorative function it is meant to perform, then it has become hollow and sterile, and our political community is vulnerable to the diseases of low commitment, resentment over tyranny and bitterness over being rendered invisible and insignificant. When we worry about inadequacies in the administration of justice we are doing nothing less than worrying about the future of our community.

And again, Mr. Speaker, there's a trust that is involved in this legal, political, social contract that we are part of here on the floor of this Assembly in terms of ensuring that the legislation reflects the changing times — perhaps rests on certain principles as those very eloquently enunciated by Mr. Whyte and Mr. Gusa — but keeping in tune with the times to make sure that there isn't that dissonance, that there isn't that lack of resonance between the temper of the times and the means by which we would pursue, we provide the ability to pursue justice in our legal system.

And if we don't do that, Mr. Speaker, Messrs. Whyte and Gusa point quite rightly to the fact that there are some very distinct consequences to the fact of not living up to constantly pursuing proper changes to our legislation and keeping that legislation in tune with the times.

And in nowhere is that more important, Mr. Speaker, than in terms of the officers, the individuals who execute the adjudications upon which our case law history presides. If we're not paying close attention to an institution such of that as of Justice of the Peace, then we're not doing our system justice itself, and by that, by extension from that, an injustice to the people who have sent us to this legislature and the people who rely on the proper execution of the justice system and the different roles therein to have that fairness, to have that equality under the law.

Again, Mr. Speaker, there's an evolution that is taking place in this province. Certainly we pride ourselves on our frontier history. Certainly, McCalls, my forebears came to this part of the world in the 1880s, homesteaded in and around Montmartre, Saskatchewan. And in terms of the way that a society or the way that the North-West Territories at the time, and then subsequently 1905 seeing the entry of Saskatchewan into Confederation as a province — though without control of its natural resources, as was the case with other provinces — there was a need at that time for people to step forward to provide to help for the proper functioning of those important social functions that society, that a civilized society rests upon, such as the legal system.

And again, Mr. Speaker, while there may have been individuals without that formal education, without the official designation as lawyers and how that translates into progress into becoming a judge, there were certainly many wise individuals that our communities depended on in no small part. And justices of the peace were certainly one of those institutions where people that

were recognized as wise, as having perspective within their community, that had the respect of their neighbours and their peers, they had a role to play in terms of the proper functioning of the justice system and making sure that the system worked for their neighbours, their friends, and for the citizens of Saskatchewan.

Again there's a change over time that has taken place. It would be interesting to look back historically to see what that mix was back in the day, Mr. Speaker. Perhaps in 1883, when my forebearers were filing their homestead claim, what was the balance between the function of justices of the peace and those of Provincial Court judges? Were there more JPs that were performing their duties, given that we were then very much a frontier society? What was the balance, what was the division of duties between the two offices? And, you know, how these circuit judges also performed their duties, some of them on horseback going from court to court, it's a fascinating history, Mr. Speaker, in terms of the way that our system has evolved.

And I do know that again, justices of the peace have played a vital role in not just making sure that we pass laws, but to make sure that they're upheld and adjudicated properly for all the citizens in that equality before the law.

Justices of the peace, there's an evolution with the times. It used to be that age 65 was mandatory retirement, that you'd see the end of your working life and off you would go. This law changes the retirement provision from 65 to 70. It expands the possible pool of who's available to apply for work as a Justice of the Peace. We're interested to see what the constitutionality of that change in the age provision is. We're interested also to see where the pressure for this piece of legislation comes from . . .

The Acting Speaker (Mr. McMillan): — It now being 5 o'clock, this House stands recessed until 7 o'clock.

[The Assembly recessed until 19:00.]

TABLE OF CONTENTS

ROUTINE PROCEEDINGS

INTRODUCTION OF GUESTS

Lingenfelter	4343, 4344
Wall	4343
Forbes	4343
Brotten	4343
Iwanchuk	4343
Wotherspoon	4343
Morin	4344
McCall	4344
Nilson	4368

PRESENTING PETITIONS

McCall	4344
Harper	4344
Trew	4345
Higgins	4345
Junor	4345
Forbes	4345
Vermette	4346
Brotten	4346
Furber	4346
Morin	4346
Iwanchuk	4346
Taylor	4347
Quennell	4347
Wotherspoon	4347
Chartier	4347

STATEMENTS BY MEMBERS

International Day for the Elimination of Racial Discrimination	
Ross	4347
Affordable Drinking Water	
Morin	4348
Saskatchewan Protective Services Awards	
Wilson	4348
Z99 Radiothon Supports Neonatal Unit	
Trew	4348
Conserving and Protecting Water	
Ottenbreit	4348
Huskies Win National Title	
Brotten	4349
Content of Blog	
Bradshaw	4349

QUESTION PERIOD

First Nations University of Canada	
Lingenfelter	4349
Wall	4349
Rental Housing Issues	
Forbes	4351
Harpauer	4351
Selection of a Chief Electoral Officer	
Quennell	4352
Morgan	4352

STATEMENT BY THE SPEAKER

Motions Under Rule 59	
The Speaker	4354

ORDERS OF THE DAY

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

Bill No. 103 — <i>The Miscellaneous Statutes (Professional Discipline) Amendment Act, 2009</i>	
Trew	4354

Bill No. 115 — <i>The Queen's Bench Amendment Act, 2009 (No. 2)</i> <i>Loi n° 2 de 2009 modifiant la Loi de 1998 sur la Cour du Banc de la Reine</i>	
Chartier	4361
Bill No. 112 — <i>The Justices of the Peace Amendment Act, 2009</i> <i>Loi de 2009 modifiant la Loi de 1988 sur les juges de paix</i>	
McCall	4363

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