



THIRD SESSION - TWENTY-SIXTH LEGISLATURE

of the

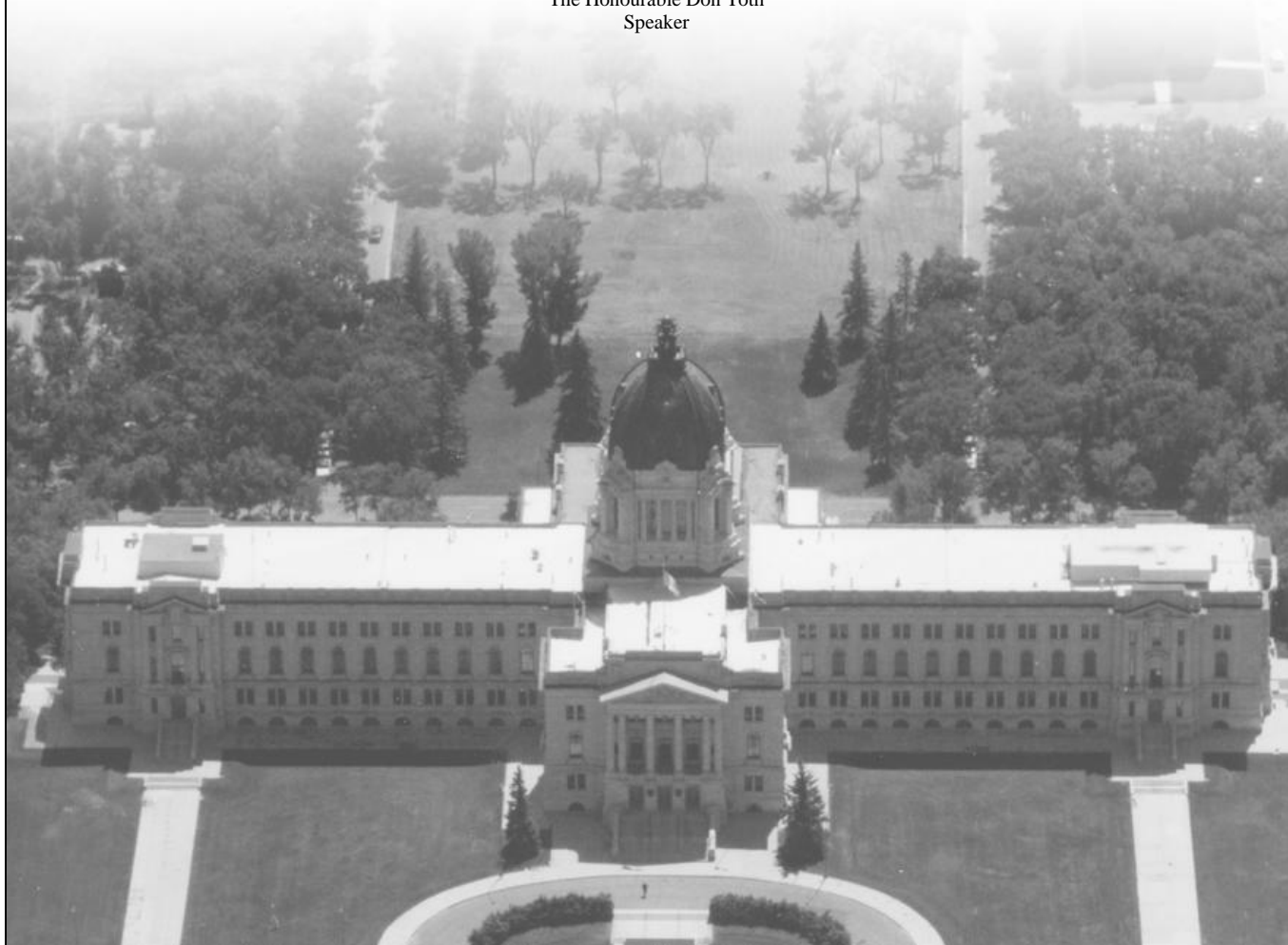
**Legislative Assembly of Saskatchewan**

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**DEBATES  
and  
PROCEEDINGS**

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(HANSARD)  
Published under the  
authority of  
The Honourable Don Toth  
Speaker



**MEMBERS OF THE LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**

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

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

[The Assembly met at 08:00.]

[Prayers]

**ORDERS OF THE DAY**

**GOVERNMENT ORDERS**

**ADJOURNED DEBATES**

**SECOND READINGS**

**Bill No. 131**

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Heppner that **Bill No. 131** — *The Conservation Easements Amendment Act, 2009* be now read a second time.]

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

**Mr. McCall:** — Thank you very much, Mr. Speaker. It is a pleasure to engage in this debate for the last time, and it's a continued pleasure to engage in this debate at this time, Mr. Speaker.

Conservation easements. Again the primary purpose — if I could recap a bit from my remarks last, Mr. Speaker — the primary purpose of this Bill appears to be the enactment of a process to create Crown conservation easements. The Act provides for the registration of these easements in the land titles registry, lays out a process by which a landowner can amend or terminate a conservation easement, provides for enforcements of the terms of an easement, and lays out penalties for violations.

Now the penalties in this Bill have been changed. Previously individuals could be subject to fines of \$100,000 plus \$100,000 per day. Corporations can now be fined, if this legislation goes through, up to \$500,000 per day plus another \$500,000 per day.

The Act also provides — and members may want to pay attention to this — it also provides that conservation easements can be granted for the protection of species that are not plants or animals like fungi or lichen. And again, Mr. Speaker, this may perhaps reflect on a change in sort of perspective on what is in fact worthy of protection in terms of our flora and fauna, the lowly lichen or the easily forgettable fungi. You know, perhaps those weren't really being anticipated in earlier iterations of legislation, but again we've come a long way, Mr. Speaker. We've realized that the diversity of our flora and fauna is very important and that perhaps conservation should incorporate this broader idea of what is worthy of conservation, so fungi, lichens, they're in and we're glad to see that.

One of the things that does give us a bit of concern, Mr. Speaker, this is a government that of course has, you know, gone on the world stage to say that they're going to rag the puck on greenhouse gas emissions. I stood on a platform with the member from Martensville in 2007 in the election where her response to, you know, are you up to the NDP [New

Democratic Party] greenhouse gas emission reduction targets? And what was her response, Mr. Speaker, was me too, me too; our party is in favour of the NDP target — nothing to see here; please move along. And of course we know, Mr. Speaker, that it didn't take long for them to break that promise. It didn't take long at all.

So again, Mr. Speaker, we've got a piece of environmental legislation in front of us here. We look at the legislation and we stack it up alongside the record of the government opposite in terms of how they actually . . . They can go on a public stage before an election, say one thing, you know, clearly break that promise, Mr. Speaker. So in terms of legislation that comes forward with this in front of this House, you'll forgive us if we're not entirely convinced of the veracity of their position.

In terms of the promises that they have made, I mean why should anyone believe them now? Again in terms of what they say in this House as to representing the positions of different stakeholder groups, you know, yesterday we saw another piece of legislation where that was certainly the case, Mr. Speaker, in terms of the wildlife habitat. We know that out there, there are people that haven't been consulted by this government, which again gets into the question of how they're running the business in this House, how they bring legislation forward, how they're consulting or not consulting, Mr. Speaker.

So in terms of the work that we want to do as the opposition, we're going to try and do that to the best of our ability to get out there and to talk to the people who are really affected by this legislation, be they conservation groups, environmentalists, landowners, or certainly the many communities that would be affected by this legislation.

Now in terms of the ability of the Crown to provide oversight for this legislative initiative, again something else that is very important to take a look at, Mr. Speaker, is the difference between what's in the legislation and what comes through in the regulations. Yesterday of course, Mr. Speaker, we saw the government make a tremendous power grab in terms of what could or couldn't be done in terms of removing land from wildlife protection or from endangered land protection and in terms of deeming what is and what isn't sensitive lands. And again, far too often, Mr. Speaker, we see this government coming forward saying, just trust us. Trust us with the legislation and, you know, give us a blank cheque that we'll cash when it comes to the regulations.

And on this front, Mr. Speaker, in terms of ecologically sensitive land, this is, by its very definition, lands that if you take them out of that protection, that's it forever. So we've got a very precious patrimony here in terms of, you know, the heritage of this land. And if you don't get it right the first time, then it's damaged forever.

Rehabilitating lands to their natural state is, by definition, almost impossible. So what you've got to do is make sure that you're protecting the land that is there. We're interested to see of course, as well, how the Nature Conservancy of Canada can utilize this legislation, utilize the lands that are made available under this legislation.

Previously I had opportunity to talk about Old Man on His Back and the remediation and the land that had been brought under the egress of protection over the past decade and a half and the vital role that people like Sharon and Peter Butala had played in terms of helping to assemble that land that constitutes Old Man on His Back. I know that the member from Cypress Hills has paid a lot of attention to that over the years, as has our leader — a person who plays a great role with the Nature Conservancy of Canada and whose stomping grounds is very close to Old Man on His Back holdings and who played a very productive and positive role in making sure that those lands could be brought together to provide this incredible piece of natural habitat.

And again, Mr. Speaker, if you've not been out to Old Man on His Back, I mean, it's now where the buffalo roam. I know you've got some experience in past with buffalo. I'll not try to buffalo this point any further, Mr. Speaker, but I know that you're someone that follows the buffalo fairly closely.

But again, if we think about where we are here on the prairies and the fact that the hundreds of thousands of buffalo that used to blacken the prairies, moving back and forth with the seasonal patterns of grazing and migration, to think that the Nature Conservancy of Canada and people like the Butalas and people like our leader from Regina Douglas Park and his deep ties into Shaunavon and his ranching roots out in that neck of the woods, and the many people that came together to put together something like Old Man on His Back.

Again we're in favour of seeing legislative tools brought forward such as *The Conservation Easements Act* to make sure that those people can do their job to defend this incredible heritage of ours in terms of the wildlife, in terms of natural habitat. And if you think about the fact that now out in this tremendous, tremendously beautiful piece of natural grasslands that the buffalo are roaming there once again, Mr. Speaker, we think this is a good development.

And in terms of trying to learn the lessons of the past, in terms of striving to conserve and not to repeat a modern-day rendition of the slaughter that took place with the buffalo in this province, Mr. Speaker, and throughout the Great Plains, if we can learn those lessons of the past, it means that we have to take those steps to protect habitats such as the native grasslands that you find out in a place like Old Man on His Back.

Again if this legislation is something that actually strengthens the hand of people interested in being able to pursue that work of conservation and protection of natural habitat, if this is something that legitimately accomplishes that, Mr. Speaker, then, you know, we think it's certainly worthy of consideration and possibly moving forward. If it's not, Mr. Speaker . . . And again yesterday we saw case in point in terms of legislation where it comes out, comes out strong in terms of the proclaimed intent of legislation, but the real devil, of course, is in the details of the regulations.

And in terms of providing . . . These people opposite, Mr. Speaker, they don't operate well in an atmosphere of scrutiny generally, so of course we know that they want to shuttle everything offstage into the secrecy of the cabinet room. They want to move decisions offstage so they can, you know, do whatever they please. And we know that they don't like the

standard process of the House in terms of how a Bill becomes a law and how the business of the House legitimately proceeds through this Chamber.

And so of course when we see them setting up to carve off a bunch of activity into the regulations of this Executive Council opposite . . . And we see them not wanting to move something through legislation but rather put it into the regulations where they can do it by the, you know, whatever the in-group says around that cabinet table and then, you know, let alone whatever the caucus has to think over there. Of course that's something that's very much in their interest. Of course they want to move it all to regulations.

So in terms of the division between activity that is enshrined in legislation with *The Conservation Easements Amendment Act* of 2009 versus what happens in the regulations that will follow after this legislation is passed, we'll be watching that very closely, Mr. Deputy Speaker.

And again you wonder about how . . . You know, I've talked about Old Man on His Back. Another one that was under some question yesterday was the situation with the Great Sand Hills, and of course there's been a tremendous amount of work done there to try and at once both square the circle of proceeding with economic development but also protecting this tremendous, wondrous natural habitat that is the Great Sand Hills. That has importance to not just the people that are interested in the unique biology of the place, but which is of traditional, of great traditional importance to the First Nations of this province.

And in terms of the work that was done to try and bring people together, to try and achieve some kind of common ground, to really get the fuller understanding of what happened with the Great Sand Hills, I know that various of my colleagues on this side were very involved in that. And I know certain members over there played a part as well. And I think that's one of the ways that you can proceed to bring forward legislation that, that does something like the Great Sand Hills justice, that actually lives up to that great worth that is there to be protected.

And in terms of how that relates to *The Conservation Easements Act*, again what seems to be a fairly straightforward piece of legislation, we're not sure how this works with the different stakeholders that are coming forward on other pieces of legislation that say they haven't been consulted. They have a great stake and interest in this legislation. And in terms of how this goes, Mr. Speaker, we are going to be talking to those stakeholders to make sure that this legislation does in fact live up to its billing.

But, again, to think about something like the Great Sand Hills and the planning exercise that was undertaken there, the community engagement exercise, the information and knowledge gathering exercise that was undertaken there, Mr. Speaker, there are a lot of people brought together, a lot of resources put to bear, and I think that something very useful and durable came out of that process. And I'm very proud of the work that different members on this side of the House did in that effort.

And again, you know one aspect in particular, Mr. Speaker, the

engagement of First Nations on that file in terms of making sure that a region of the province that is of great cultural significance to them, to make sure that they were engaged appropriately and respectfully, that was part of that process. And again, Mr. Speaker, when you've got something that's up in the light of day and you've got something that's up front and it's not some kind of, you know, signing it by fiat through the Executive Council regulatory process, when you've got something that can go through the public process . . . And, you know, what more public process is there than this Legislative Chamber, Mr. Speaker?

[08:15]

Again it's that division between what's in the legislation and what's in the regulations. And when it comes to this government, of course we know that the legislation sometimes is only the tip of the iceberg, and that in terms of the regulations that come forward, you've got to watch them every step of the way.

And even in terms of the legislation and . . . You know, you think about the optometrists or you think about the chiropractors. You think about different stakeholders that are integral to the delivery of services in this province, where they have legislation or they have different budgetary measures coming forward that affect their livelihoods mightily, that affect their professional ability to do their jobs mightily, and you hear what the members opposite say in terms of the consultation that has been undertaken, but then you talk to the people who actually . . . have been raised in terms of the consultation. And in the case of the chiropractors, Mr. Speaker, you had a joint press release that was drafted up to announce this contract that had been bargained in good faith that was torn up, you know, two minutes to midnight by the members opposite. So that's one case.

Other professional legislation that's been brought forward in this Chamber where they say, of course the due diligence has been done, the consultation has been undertaken. And then you talk to the group and they have something very different to say. Or you look at something like *The Wildlife Habitat Protection Act* and the work that was done yesterday. And again you've got a list of people that the members opposite say that they have consulted widely and that everybody is fine with this or they leave that impression. But then you go and talk to the people, Mr. Speaker, and you find out it's a very different story.

So again in this legislation with *The Conservation Easements Amendment Act*, we're going to be looking very closely at who they've talked to, what the division is between what's actually in the legislation, and what will come in the regulations. We are going to be watching what they do very closely. And again we'll be watching them from 8 in the morning till 12 in the evening if that need be the case, Mr. Speaker.

So conservation easements again, while on the face of it would seem to be fairly, you know, fairly straightforward involving differing tools in terms of title and the ability of the Crown to assume different lands, to work with different third parties, to ascertain what is in fact a natural ecosystem or wildlife habitats or what is in fact a rare or threatened or endangered plant or animal species, again the proclaimed intent looks pretty good.

But in terms of the consultation that underlies it . . . And it's interesting, Mr. Speaker, in terms of the first speech that was given in this House, or the second reading speech given by the minister introducing this legislation, there's no discussion of who was talked to in the development of this legislation.

And again this is a minister who of course in terms of the keystone promise of this government around greenhouse gas emissions . . . You know federally I had once seen a talk from Tom Flanagan where he said — you know in one of the immediately recent federal elections — the federal Conservatives didn't have much to say about the environment and they knew they needed to have something to say. So Flanagan's approach to it was, well you know you got to put a few lights in the window, then you've got something to say. You know, check it off your list, neutralize the issue, and on you go.

And given the time that the member from Martensville spent out working with the Harper government and the Conservatives and I'm sure, people like Tom Flanagan, I'm sure that was very much part and parcel of the approach they brought to the greenhouse gas emission targets. That they said, oh yes, us too; we're all on board for the NDP targets.

But like I said, Mr. Speaker, I stood on a platform with that member opposite in front of a bunch of young university students that were very interested in the election, very interested in what was being discussed in the election and particularly interested in the environment and what the different parties had to say about the environment. And of course the member from Martensville, then the opposition critic for the Environment, when it came forward for the NDP greenhouse gas emission reduction targets, their response was me too.

And again I can't help but think now, Mr. Speaker, about Flanagan saying, you know, you've got to get that light in the window. You've got to neutralize the issue and then move on and then do whatever. And of course that's exactly what we've seen from this government, is say anything at the election.

And you know in a room full of young people that were interested in the issue, that were articulate, that were passionate about the issue, the response was, oh yes we're in for the NDP targets. You know, us too. And then it didn't take months after the election, Mr. Speaker, before they jettisoned that and the targets seemed to go down, down, down and the criteria for greenhouse gas emission reduction targets seemed to change as well.

So to draw that back to *The Conservation Easements Amendment Act*, Mr. Speaker, when this government says something is on the up and up, that's when we start checking our wallets on this side of the House, Mr. Speaker, because we have seen this act before. We've seen them come forward and say, this is our solemn pledge. This is our sacred undertaking of the people. You know, nothing more beautiful than a promise kept. And of course they make a great ballyhoo out of the promises that they've supposedly kept, Mr. Speaker.

But in terms of the reality of how those promises are actually kept, we often find it's a very different thing. And particularly in the case of the environment, this is a sector of public policy

where those members opposite have a tremendous record of saying one thing and doing something entirely different after the election.

So again in terms of *The Conservation Easements Amendment Act*, seems to be pretty straightforward, but is this a part of a parcel that comes from this government, in terms of saying one thing on the environment and doing something entirely different?

So, Mr. Speaker, I don't know if there are other members that are looking to participate in this debate at this time. There are. There are in fact members that are interested in this debate, as I might expect of my colleagues, Mr. Speaker, and as I might expect of my colleagues on a topic such as the environment and conservation. Because of course, Mother Earth, what's more important than that? And the fact that we're not just, you know, we're not leaving this . . . We're not inheriting it from our grandparents; we're leaving it to the next generation. So we've got to take care of it. We're borrowing it from our children.

So, Mr. Deputy Speaker, at that point, I will conclude my remarks in the debate on conservation easements amendment.

**The Speaker:** — The question before the Assembly is . . . I recognize the member from Saskatoon Meewasin.

**Mr. Quennell:** — Thank you very much, Mr. Speaker. I rise today of course to speak on *The Conservation Easements Act*, Bill No. 131. And it struck me, Mr. Speaker, when looking at this legislation . . . well a number of things struck me, but one . . . [inaudible interjections] . . . There's apparently an argument or some kind of discussion across the floor, Mr. Speaker, about whether I'm a lawyer or not. And although I'm not currently practising, indeed I have to admit that I am. And that will become abundantly clear I think in the next few minutes, Mr. Speaker, because this is about easements — not something that one usually hears overheard discussed in the coffee line at Tim Hortons, Mr. Speaker, but of some interest to students of the law and to lawyers.

And this legislation quite frankly, Mr. Speaker, is of some intriguing interest. This institution itself, like our system of land ownership, has not been rewritten to say, well we want a democracy, and we want private land ownership subject to certain rights. And how do you design that, Mr. Speaker? What happens is very evolutionary. And over time institutions are built, and institutions and practices are built on practices. And at the end . . . Well this isn't the end, Mr. Speaker, but at the point, a time where we find ourselves, we have a constitutional democracy — one person, one vote, a representative legislature — but all working within a constitutional monarchy, Mr. Speaker.

And so on top of or above or built upon feudal undemocratic institutions, institutions developed by people who would have found our present system of governing ourselves incomprehensible, built on top of those institutions — not replacing them, not supplanting them, but adapting them to our uses — we have built a democracy within the tradition of a monarchy. And we have as our head of state a monarch, and as a matter of fact, a monarch that lives in another country and is

the head of state of another country. Mr. Speaker, very interesting arrangement, one that I think our neighbours to the south find a little hard to follow sometimes. But a wise person once said, it doesn't have to make sense; it just has to work.

And our method of or our system of land ownership is much like that, Mr. Speaker. How people think it works and how it actually does work is quite different than the actual structure, the actual law, the traditions behind it.

Because again, like our democratic institutions, they are built upon, adapted to very feudal concepts of law. Those of us who own our own homes, which are most Canadians — and I imagine most members of the Legislative Assembly own one home or perhaps two if we're fortunate enough to live outside of Regina in some cases and travel here for these enlightening debates and discussions, not to suggest that my contribution today is going to be particularly so, but some of them are — and we think of those as properties that, subject to any mortgage that might be on them, are ours absolutely. But in fact there is some vestigial ownership by the Crown even in private land ownings, and that is where concept of fee simple is.

Fee simple, even in the minerals rights below the surface, is all that a private individual can own. And we think of that as total ownership, and for all intents and purposes, it is total ownership, Mr. Speaker. But it all dates back to when all land belonged to the Crown, granted to aristocracy who then parcelled it out to others to work on. And it is those institutions that were never entirely replaced because they could be adapted to circumstances of widespread private land ownership, widespread home ownership.

But from those days we have all kinds of interests in land, short of the absolute private ownership. And all kinds of interests could be granted as land evolved from the Crown down to others who were authorized to own land within the feudal system, and then they could provide certain rights to people in exchange for certain services in return, Mr. Speaker. In all these, all these institutions and legal arrangements survive and are adapted to very modern circumstances.

And in the case of this Bill, Mr. Speaker, adapted to what would have seemed, at the time when we developed our land ownership system, probably inconceivable because probably completely unnecessary at a time when people were struggling to extract some ability to have even some subsistence farming from the land around them, from the nature around them, it would've seemed very strange that that natural world would've needed any protection.

People at one time thought they needed protection from that natural world. And now in the 21st century, and of course even in the 20th century, we've become to understand that as our power and technology develops, it's the natural world that needs protection from us and no longer the other way around. And so we have now the use of a rather ancient instrument, the easement, intended for the purposes of environmental protection and conservation.

And the explanatory notes to the Bill provided by the minister give some idea of the recent history of conservation easements in the province of Saskatchewan. It was the previous New

Democratic Party government, Mr. Speaker, that made it possible for non-profit environmental groups to obtain easements on key environmental land without having to purchase that land, which wasn't necessarily the desire of the landowner to sell the land or in the interests of the non-profit environmental organization to own that land. And this was most significant when it came to wetlands throughout agricultural Saskatchewan on migratory bird routes, Mr. Speaker.

And it was, as I recall, not controversial, but there was some concern that it might be controversial, Mr. Speaker, that agricultural landowners as a group might object to the ability of individual farmers to provide these easements to organizations whose purpose was to sustain and protect wildlife, and particularly birds, which can be seen as a threat to farmers because they're not . . . They don't necessarily differentiate between what is grown and what grows on its own when they're looking for food, Mr. Speaker, as I'm sure many people in this room are aware.

[08:30]

But in fact, Mr. Speaker, the change, the expansion of the ability of non-profit environmental organizations to purchase easements — not the land, but just an easement on the land or right to use the land without acquiring the fee simple from the landowner — the ability to do that seems to have been, if not widely embraced and welcomed in the agricultural community, certainly widely accepted, and that the feared controversy never occurred as far as I can tell, Mr. Speaker.

And much is accomplished, I think, for us. Money, money from outside the province of Saskatchewan in many cases, Mr. Speaker, is used to purchase easements. This is a source of revenue, small revenue I expect, Mr. Speaker, but some revenue for some farmers in the province. It's money coming, as I said, often from outside the province inside the province, purchasing easements to protect wetlands and other environmentally sensitive areas.

And of course the wildlife win. That's the whole point of the whole change, Mr. Speaker — the wildlife win and the people of Saskatchewan win and the landowner, I think. Obviously it's a voluntary transaction, Mr. Speaker, unlike the provisions here. And I'm not being critical of the provisions here. There's substantive difference in what the government wishes to propose.

But in the explanatory notes, it does highlight the success, I think, of the previous government's policy in respect to those easements, which was really sort of in this respect to allow voluntary, non-profitable organizations and private landowners to come to mutually agreeable and beneficial arrangements, Mr. Speaker. I mean there was no government money involved. There was no government direction involved. It was only a matter of making it possible for these groups of people to work together to protect wildlife to the benefit of the people of Saskatchewan and future generations.

So perhaps inspired, and the explanatory notes would suggest that is the case, perhaps inspired by the previous government's success in that venture — well not really a venture, but in allowing those ventures to proceed on the parts of others in civil

society, Mr. Speaker — we have now *The Conservation Easements Act*. And I might return to these interests in land, Mr. Speaker, because in government and in the legislature, we're quite familiar with the concept of easement. And of course, people who have utility lines running across their land sort of understand that somebody has the right to go on their land for certain purposes even though they are the owner, and that interests aren't absolute.

But I don't think we give much of a thought usually, Mr. Speaker, unless those power lines are inconvenient and sometimes these issues do arise for, particularly for larger landowners, farmers, Mr. Speaker. But you know, urban dwellers I think take it for granted it's a benefit that someone crosses their land to provide them with power and telephone and cable television and whatever those easements are necessary for, Mr. Speaker.

And here the Crown is proposed to have or place on Crown land easements that will run with the land. And it's very similar in concept to the parking spot behind my condominium in Regina. I don't own that little piece of asphalt but I own the right to park there to the exclusion of others. Unfortunately, Mr. Speaker, I come down to Regina, particularly at the beginning of sitting, and I find that others don't understand that. But once we have that corrected, Mr. Speaker, and then it is of some convenience to me. And that easement, when I someday sell it — condominium — that easement I will sell with it. I will not sell a piece of asphalt but I will sell that right to use that asphalt to park one's vehicle on in an easement.

And what the Crown is proposing, what the government is proposing is the Crown would place easements on Crown land, Mr. Speaker, a land that the Crown may own for some period of time and may cease to own at some time in the future, Mr. Speaker, but that the easement would remain so that a future private landowner would buy the land knowing that this part of the land is subject to an easement that protects the environment and the natural habitat on that property. And that is the proposal that is before us in the Bill. It's not the only proposal. There are some other matters but that's — and most of them I think to further that proposal — but that is the centre of the Bill, Mr. Speaker.

And the member from Moose Jaw North I think is wondering what this is all about, which surprises me, Mr. Speaker, because it is after all not my private member's Bill, Mr. Speaker. It is a government Bill. And I would think the member of Moose Jaw North would . . . [inaudible interjection] . . . He may be bored because he's read this Bill so carefully and studied it so well and understands it so comprehensively that he doesn't really need to have any member of the opposition explain it to him, Mr. Speaker. That may very well be the case. Other people may have some other theories, but that may very well be the case, Mr. Speaker.

But I think the public needs to have a better explanation, a better understanding of what this Bill is about and what the consequences will be and what the consequences will be to citizens of Saskatchewan who may be purchasers of this land or customers to businesses who buy this land that is subject to Crown easements, Mr. Speaker. And they may be entitled to . . . I would say they are entitled to more of an explanation than

they would have received in the minister's second reading speech.

On occasion, Mr. Speaker, I believe that the second reading remarks from the minister, which is the only time we ever hear, the only time we ever hear from the government, Mr. Speaker, on these Bills . . . We won't hear from the member from Moose Jaw North, I expect — I could be surprised — but we won't hear about his understanding with the effect and the intent of this Bill. We will not. I expect it, Mr. Speaker.

So the only explanation that one will hear from the government on government legislation is in the second reading speech. And as I said, or meant to say anyways, Mr. Speaker, the explanation of what a Bill's purpose and intent is by the minister in a second reading speech sometimes leaves a little to be desired. And basically the minister's second reading remarks in this case, in the case of Bill No. 131, *The Conservation Easements Amendment Act*, are a few vague statements of value about protecting environmental land. Not irrelevant to the speech, Mr. Speaker, not irrelevant to the Bill, Mr. Speaker, not at all.

I mean I believe that the values that the minister spoke to in her very short remarks on this Bill are the values behind the Bill. But it is not a very detailed explanation of what the government intends to accomplish in particular and how the Bill accomplishes that, Mr. Speaker, not what one would hope for in that case.

So it does fall to the opposition to do a couple of things. One is to consult with people that we believe would be most directly affected, and the wider public, but people who would most be directly affected. And so the question arises as to whether the major non-profit environmental groups that I spoke of earlier, who are involved in the purchase of easements from private landowners, have been consulted on this Bill and the effect it might have, beneficial or otherwise, on their ability to further protect sensitive environmental land. Has that taken place, Mr. Speaker? It may have, Mr. Speaker. I frankly don't know, but we are, I think, duty bound to ensure that it has.

And that's just an example of the consultations the opposition might undertake because we can't be confident that the government necessarily has. The government may have, but in some cases they have not. And I can think of examples of legislation that have been before this House that they have consulted with the stakeholders. The stakeholders maybe even initiated the legislation. But there's been legislation before this House where they have not consulted as widely as the government may have wanted the opposition to believe, and so we have that duty.

Secondly we have the duty to — and not just the lawyers in the opposition, Mr. Speaker, but other members of the opposition — to struggle with the legislation, to do our best to understand what it's intended to do and whether it'll in fact do that, and what are the unintended consequences or perhaps unintended consequences of the legislation.

And it's striking to me how often I, as a member of a social democratic progressive opposition party, have to remind conservatives of the law of unintended consequences. Because conservatives who are represented on the other side of this

Chamber supposedly are supposed to keep in mind the law of unintended consequences — that if it ain't broke, you don't fix it because you might break it. And we fallible human beings can't always predict the consequences of our actions and therefore should proceed cautiously. At least that's a conservative principle as I understand it, Mr. Speaker.

Now the members opposite are not conservatives in that sense when it comes to labour legislation. We had a labour climate in this province and a labour regime from *The Trade Union Act* and a construction industry that facilitated or certainly did not deter the economic boom in this province which started in 2006-2007, Mr. Speaker. All that happened — all that growth, all that expansion that carried almost through a recession under this government but not quite — all that was done under a regime that the members opposite decided, well we're going to fix it even though it ain't broke.

So that's also, I think, an obligation of the opposition is to raise concerns about what might be the unintended consequences of legislation, Mr. Speaker. And I know that members on this side are going to want to give an opportunity, first of all for consultation with the public and stakeholders, but also to give an opportunity to discuss legislation and ferret out through debate and discussion where there might be unintended consequences — consequences the government doesn't even want to their legislation, consequences they don't intend. I guess that's by definition unintended consequences, Mr. Speaker. So that's our duty as well.

[08:45]

So members may, members of the government may grow impatient with the opposition for the time it spends on discussing this legislation, but that is the duty and those are the purposes of the legislation. And I've certainly, in the very short time I have been here, seen the circumstances where we have had to — both previous government from 2003-2007, of which I was a part, and this government — had to bring in legislation because everybody, the government in its drafting and the opposition in its scrutiny missed provisions or omissions or typographical mistakes that resulted in the legislation not having the effect that was intended.

And as a matter of fact, I think the government may be considering legislation in respect to tax-free savings accounts. To facilitate the designation of beneficiaries on tax-free savings accounts, the opposition agreed to quickly, quickly pass legislation if the government brought it forward to enable that to take place, as was the case with RRSPs [Registered Retirement Savings Plan].

My understanding is that there are financial institutions who don't accept the wording in Saskatchewan legislation. They may be just being obstreperous, Mr. Speaker, but they're not small, they are not small financial institutions. They are significant financial institutions, Mr. Speaker, and therefore I expect that the legislature once again will have to bring in . . . Stubborn and persnickety. Perhaps you want to look up persnickety too, Mr. Speaker. The government may very well want to bring in legislation, not a year, not a year since the earlier legislation, to change the wording so that this legislature's intent can be accomplished, Mr. Speaker.



And so this is not a hypothetical problem that legislation may not, may not have all the consequences and all that are intended. It may have consequences that are not intended. And this may or may not be an example of that kind of legislation, Mr. Speaker. This may be an example of legislation that we will have to look at again if we pass it in a rush this time, Mr. Speaker.

And that's why, one of the reasons that the opposition is reluctant to, except in exceptional circumstances where urgency weighs against caution, but except in those exceptional circumstances . . . And they do arise, Mr. Speaker. And we've had cases in this legislature in very recent time where we have passed legislation very quickly. And I mentioned one example in respect to the tax-free savings account.

I mentioned another example would be legislation that the government resisted for quite a while, *The Profits of Criminal Notoriety Act*, resisted actively in question period, Mr. Speaker, then reversed itself. The government said, well we can't pass this legislation very quickly. It takes a long time to get legislation through the House. That was not the case, Mr. Speaker. The opposition and the government worked together on this legislation. It was passed fairly quickly.

And the government was wrong both about how quickly it could pass, and the government was wrong about whether it would be effective or not, Mr. Speaker, because that legislation was upheld by the Court of Queen's Bench. And nobody was more surprised, I think, than the Minister of Justice who brought in the legislation, that his legislation was upheld as constitutional by the courts, Mr. Speaker. But that shows what we can do when there's an urgency.

But when there's not an urgency, Mr. Speaker, when there's not an urgency, caution should govern us. Caution should govern us. And in this case, caution should govern us.

And quite frankly, Mr. Speaker, I can't take my seat without expressing — and again I know it won't be for the first time; it probably won't be for the last time — the skepticism that the opposition has about the motivations of the government in respect to environmental legislation of which this is a small piece. And that skepticism arises because there is so much evidence, that for the government, Mr. Speaker, this is an issue of issue management, Mr. Speaker. It's not an issue of environmental management. It's an issue of issue management, Mr. Speaker.

People care about the environment, and the government has to pretend that it does too. And that is why the government said they would stabilize greenhouse gas emissions by 2010. That's why the government said that it would implement the NDP targets for greenhouse gas emissions. But that's not what the government did, Mr. Speaker. But the reason they said those things during the election is because they knew that those issues mattered to people and that people agreed with the NDP government of the day about those issues and how those issues should be managed, Mr. Speaker. And then when they become the government, when they become the government, they walk away from those targets and they break those promises.

And part of issue management, Mr. Speaker, is not only to say

that we agree with you in the public and with the NDP about greenhouse gas. We agree about the issue. We agree about the targets, and we will act in the same way. Whether they intended to or not, Mr. Speaker, they certainly did not when it came down to the crunch. That's part of it.

And part of it is, as the Premier put it, to "rag the puck" on addressing climate change, that's part of it. So part of it is holding yourself out as having a certain position, whether in fact you're going to follow through on that position or not. And there's other examples outside the environment, but I won't — in the case of labour law, Mr. Speaker — but I won't go to those because they would be too far from the Bill. But that's part of it. Part of it is just delay. Let's just talk about this some more and talk about this more, and I assume that's what the Premier meant when he said, rag the puck.

And part of it is, well we're not going to keep our promises in significant areas about the environment, so we'll do other things. And there seems to be some commitment, I don't know how much of a commitment, maybe we'll see if they follow through. We've seen abandonment of the Dutch elm disease prevention program. We've seen abandonment of the West Nile prevention program.

Now we have a government that says it's committed to some municipal recycling, but we'll see, Mr. Speaker, because we're skeptical about that. But if they're not, it's just another broken promise. And if they are, it's a way of dealing with the issue and saying or doing things on the environment which may be worthwhile, but trying to draw attention away from glaring, glaring omissions and glaring broken promises.

And this Bill I think is a worthy Bill. And over time, there will probably be some amount of natural habitat that will be protected by these Crown easements that may not have otherwise been protected when it was transferred to private owners. But it seems like the legislation of a government that is trying to turn a dinghy into a flagship because they sunk their flagship. They broke their promise on one of the major environmental issues of the day, and they've got to raise this green banner over something, Mr. Speaker. And the Crown conservation easement Bill, as worthy as it may be, is not a flagship of environmental policy, Mr. Speaker.

So as I said, we have, as an opposition, some obligations in respect to this legislation. It appears that the government is treating this as an important Bill, and we will be debating it throughout the morning, Mr. Speaker. And to allow other members to join that debate, having listened very patiently to my comments on legal property owning systems, Mr. Speaker — and I thank them for their patience in that regard — having listened to my explanation about the use of easements and protecting native habitat, I think it's time for me to take my seat. And I will move to adjourn debate.

**The Speaker:** — The member from Saskatoon Meewasin has moved adjournment of debate on Bill 131, *The Conservation Easements Amendment Act, 2009*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — No.

**The Speaker:** — The question before the Assembly is the Bill No. 131 . . . The question before the Assembly was the adjournment motion. I recognize the member from Saskatoon Fairview.

**Mr. Iwanchuk:** — Mr. Speaker, I rise to make some comments on the Act to amend *The Conservation Easements Amendment Act* to make consequential amendments to enforcement. Mr. Speaker, a important piece of legislation. The member from Saskatoon Meewasin making a few comments on this Act, I rise to add my comments.

Mr. Speaker, the primary purpose of this Bill appears to be the enactment of process to create Crown conservation easements. And the Act provides for the registration of these easements in the land titles registry and lays out a process by which a landowner can amend to terminate . . . amend or terminate conservation easement, provides for enforcement terms of easement, and lays out penalties.

Mr. Speaker, on a number of occasions, the minister has risen to speak on the . . . Minister of Environment rose to speak on various things regarding for example the wildlife habitat Act. In there the minister goes on to talk about wildlife habitat. And some of the concerns, I think, that we see here are perhaps best exemplified in what she had to say in terms of *The Wildlife Habitat Protection Act*, Mr. Speaker.

Now in there she raised a number of points in *The Wildlife Habitat Protection Act*, but I think they relate to . . . They can be put in as, as discussion pieces on Bill 133. Now, Mr. Speaker, the minister went on to talk about changes in that Act in terms of . . . where she talked about detailed inventories that did not exist at present, were not in existence at present, and in fact that is one of the reasons the minister stated that they had to do, had to look at this.

And that, Mr. Speaker, we find those sort of statements when the Act, when the lands have been in existence for that amount of time, we find those, to say the least, Mr. Speaker, odd because all of that work had been done. Much similar to the work that has been done on easements and owners' rights in the Crown conservation easements and, Mr. Speaker, the land owners involved and the registry and how land owners are to do this.

Now to have to go back and to redo some of the good work that's been done, some of the consultation process that were carried on, makes absolute no sense in terms of what is occurring here. Mr. Speaker, we have, we have already a detailed description of which lands are protected as under *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009* being brought in. The lands are listed now, listed and we are clear on where we stand.

The opening of the doors to this opens up many, many questions that we need to, that we need to have answered. And I guess the issue around here is the track record. We can go on here for hours, Mr. Speaker, on the track record of consultation that this government has regarding this. The minister also went on to speak about the amount of time and in terms of who was consulted regarding this. Questions of who should provide conservation easements that can be granted for protection of

species that are not plants or animals, like fungi or lichens.

[09:00]

Now on the surface, Mr. Deputy Speaker, this does seem to be positive. Now, however as I was speaking on regarding what the minister had been talking about, on who they had consulted, we are not . . . The credibility in terms of environmental matters and what has occurred on that file does not make us feel all that comfortable, Mr. Deputy Speaker. For example the Environment minister spoke, in *The Wildlife Habitat Protection Act*, that in fact they had consulted a number of groups regarding that Act. There is nothing here which outlines in terms of what actually occurred in *The Conservation Easements Amendment Act* and why it was necessary to do that.

Again the minister in speaking to this said:

The proposed amendments to this Act strengthen the Crown's ability to maintain and protect these lands. Along with granting of easements to specific individuals, easements can now be applied to the Crown land.

And she went on to say:

This new type of easement will have enhanced enforcement capabilities and will assure that our most sensitive land will be protected. This will also ensure that the easements remain intact and active, even if the lease changes hands or the land is sold.

Now what we get to here, we are opening up the entire discussion around lands. Who's reselling them? What are our sensitive lands? Who can they be sold to? And, Mr. Deputy Speaker, then that brings me right to the point that which I was earlier talking about and that is in consultation. Now on the one Act, the minister went on to say that she has contacted and consultations with Saskatchewan Wildlife Federation, nature conservatory of Canada, Nature Saskatchewan, Ducks Unlimited Canada, the Federation of Saskatchewan Indian Nations, Saskatchewan Cattlemen's Association, Saskatchewan Association of Rural Municipalities.

Now I know we had the ponies Bill, and again from that side of the House, Mr. Deputy Speaker, there was statements that in fact everybody had been consulted with. And lo and behold, we found out that in fact that was not the case, that everyone had not been consulted with. And people had, groups came forward with amendments. Groups came forward with amendments, and that allowed that Bill to pass, but it passed with amendment, Mr. Deputy Speaker.

And this is the track record of this government. In terms of when it comes to consultations, it is sorely lacking. And we can, just to talk briefly, but there is a host, a list, a growing list of groups who were not consulted.

And in fact, Mr. Deputy Speaker, one of the most alarming things that occurred was, of course, the passage of some labour legislation — Bill 5, Bill 6. Bill 5, the essential services Act; Bill 6, *The Trade Union Act* amendments. And those along with Bill 43, the trespassing Act, Mr. Speaker, all those were put forward to the United Nations, the ILO, the International

Labour Organization body. And now the United Nations has clearly come out and sent some very pointed instructions to this government saying that they did not consult.

Now for us here in the legislature, we have been talking. We have been saying to the members across the way that there is no consultation, Mr. Deputy Speaker, that there is no consultation, that they lack consultation. And not only is it the groups that are coming forward and contacting us and saying that there's a lack of consultation but, Mr. Deputy Speaker, now we have groups outside of Saskatchewan, in fact outside our country, groups that were established to deal with international issues, issues that are important to people worldwide that people have come to recognize that we want people to be clear of a process that has to take place.

And it seems that this government has been unable to do that sort of thing. They have, for the very basic fundamentals of a democratic approach, to follow processes which would be accepted by national bodies, which people feel that perhaps comment is not necessary on, a process that when you bring in legislation, that a consultation should have been held.

Now it seems simple, but yet we are here spending time having to question and perhaps look at Bills. Look at Bills which if we could have a clear understanding, have faith that the government had done its due diligence of work and consulted various groups, we would not be having to do this.

But we have to as opposition, as opposition in a democratic forum, it is our duty to consult with these people as well and to simply tell them, when we talk to them, we tell them and discuss with them the entire issue of has the government . . . First question, Mr. Deputy Speaker, has the government, have you talked to the government about this? And it is amazing on any number of issues that we find that the government has not.

So it is disconcerting that you would not have a process that would be similar across the piece. And so whatever you are bringing in, Mr. Deputy Speaker, whatever sort of Bills you are bringing in — be they labour Bills, be they environmental Bills, be they finance Bills, whatever they would be, municipalities or for our resources — and in fact those stakeholders would all have been contacted, that this would have been discussed and the people of Saskatchewan would feel comforted in the fact that their voices are being heard.

It is when you go off, if I may, on a process where it is hit-and-miss, Mr. Deputy Speaker, a hit-and-miss approach that the questions come and, Mr. Deputy Speaker, goes right to the heart of the trust that a government requires to provide the necessary governance for our province's laws.

Mr. Deputy Speaker, I have not even begun to talk about the entire environment file, that we have no targets. We have, I guess you could say, perhaps a moving target would be more, a better definition of what is occurring. But I think at some point a moving target becomes no direction, absolutely nothing being done on this environment file.

In fact we have what is a lot of people have been talking about: a Premier ragging the puck on addressing, for example, climate change. And this goes right down the piece, and unfortunately it

goes right down to the very important issues in our province and that is land, designated protected land, easements — when these can be sold, who they can be sold to, how they will be used.

And in this case, there is discussions about fines. But, Mr. Deputy Speaker, the issue that we have to be careful about is once you have protected lands or lands that we've deemed to be protected, if something happens to those lands where the difficulties arise, the fine is hardly going to replace protected lands and what was protected. If in fact there has been a problem created, whatever that might be, Mr. Deputy Speaker, whatever that problem might be, it's simply too late to then say that somehow people should feel comforted because there's a fine.

So we have a minister going on record saying that she has contacted and spoke to a lot of people. There is some questions here that when these people are contacted, they have no knowledge of being contacted. Again I guess phone calls, the messages may be misplaced, Mr. Deputy Speaker. We're allowing some latitude here in terms of that. But on issues as important as this, you would think that if there was not a reply, people would be contacted again to make sure that their input would be there. I'm not certain, you know, as to what to make of those sort of comments. We can simply say that the minister has stood in her place, said certain things, and we now have to put into question what those might be.

Again there is discussions here, words like streamline management, to deal with these issues. Mr. Deputy Speaker, in terms of streamlining and what we have seen with this government, there are concerns. Concerns that what does streamlining actually mean? To streamline, is that taking away from protection? Is that taking away from the due diligence that is necessary on this file? What in fact is happening here when we have no discussions, and we have questions about people who were contacted who perhaps raised concerns about their input, or whether or not in fact there was actual discussions on the topics that are raised?

Mr. Deputy Speaker, again as the minister, in one of her replies, as I mentioned earlier, to the wildlife habitat protection Bill and applicable here in *The Conservation Easements Amendment Act*, the minister at that time said, "Our government believes that . . . land users are great stewards of the land and have a vested interest . . ." And then again here, talks about fines as she does in *The Conservation Easements Amendment Act*. And when it comes down to that in terms of fines that will be, then the damage might already be done, Mr. Deputy Speaker. Might already be done.

So what do we have here? We have an alarming picture developing, an alarming picture on this issue. The alarming picture, Mr. Deputy Speaker, is a picture of a government that has mismanaged finances, has mismanaged finances in this province. Was left with \$2.3 billion, and now that is gone. It's gone, and, Mr. Deputy Speaker, a lot of people are saying, where did all the money go?

So as we go around the province and discuss with the groups that should have been contacted in terms of dealing with the initial Bill 131, people are saying to us, where did all the money

go and what has occurred here? And why are we now into this? We had everything from, in potash, ministers saying that there would be \$3 billion predictions. And I think people, as an overall, this gives them the sense that they have lost confidence, lost confidence in this government to make the decisions. So when we talk about, when the minister talks about people being, she believes that the people of this province will be good stewards of this land, we agree with that. Unfortunately putting the plan together is where the problem is.

Putting the plan together that . . . The trust and confidence in this government is sliding away, much like the money, Mr. Deputy Speaker, that went down the drain. If you can picture that, Mr. Deputy Speaker, just a funnel of money, perhaps much like water, going down a drain and emptying from a clear cylinder. If you could just visualize that, I think that's what people are seeing these days, is all this money just going down the drain. And of course it's quite obvious or quite logical that they would ask, well where did it go? What have I gotten for my money that we went through? You know we've heard this story — this is absolute fact, Mr. Deputy Speaker — of how the previous Conservative government through the '80s spent that.

And then we know that out of that, because the Conservative Party was so embarrassed, that in fact we've got now the Saskatchewan Party — different name but obviously the tricks are the same, Mr. Deputy Speaker. The tricks are the same, and so now we have basically . . . We are, the people of the province are seeing a whirlpool of money going down the drain. And it's gone.

[09:15]

And so while the party was on, the Sask Party government had friends. But now that the money is gone, the friends are not there, Mr. Deputy Speaker. They're not there.

And so they're asking us, they're asking us, where do you . . . What happens here? What happens in terms of our plan regarding Bill 131? What happens in terms of that? But all they see, Mr. Deputy Speaker, is money going down the drain. No plan.

Exaggeration. I guess exaggeration is the best word that would cover when you talk about potash revenues of \$3 billion. It is amazing that you would do something like that and people would go out and say, well my goodness, I mean, you know, we're not the expert in potash. I spoke to my neighbours in Saskatoon, and they believed that we were getting \$3 billion from potash. And I, you know, I said to them, I don't think that the five-year records or the five-year averages in potash are that. I don't believe that this is what . . .

**The Deputy Speaker:** — I would remind the member that we're discussing Bill No. 131, *The Conservation Easements Amendment Act, 2009*. I would ask that he discuss that Bill. I recognize the member from Saskatoon Fairview.

**Mr. Iwanchuk:** — Mr. Deputy Speaker, I'm so mesmerized by that funnel of water going down in the debt, you know all the money that was spent, and I just wanted to make sure that those points . . .

But the importance of the relationship to that is putting together a budget and putting together a Bill requires certain things to be done, certain things that . . . They've been corrected now all the way from the United Nations telling them, here is how you do it.

It's much, it's much, Mr. Deputy Speaker, much like when we have . . . I have two children, and in raising those kids, if I may, they do things. And you talk to them and you try and explain to them how things should be done. At some point in time you have to say, this is the way it should be done.

Now I guess the embarrassing part about this whole thing is that it took the United Nations to tell these folks, the government, that they were doing things wrong and that they should, whether it be the budget, whether it be Bill 131, *The Conservation Easements Amendment Act* that they are doing, here is how you should do it.

Now when we think about this . . . I know they laugh and the Minister of Advanced Education, Employment and Labour laughs about it because perhaps they don't respect the United Nations. There is a history behind the United Nations in terms of setting this up because people the world over believe that we should have some international standards for people everywhere so that we can not go to the lowest common denominator but we can raise ourselves up, raise ourselves up so that internationally we can all raise ourselves up to a level.

And here we have Canada being pointed out, a finger being pointed at Canada with our past and our stellar record, especially in this legislature where we have passed Bills, not only Bill 131, the conservation easements, and I'm . . . Mr. Deputy Speaker, the points I make here is that it goes directly to the heart of drafting Bills, but we have to understand when we draft the Bills that they are done right and correctly. And so the issue becomes when you shake that foundation, when you need an outside — a respected, if I may say — outside body to make comment on, at the end of the day when the work in this Legislative Assembly is done, to make comment to say that you should redo this.

This is not only this government, what we have seen in the past, not doing their Bills right and having to redo them. This goes beyond this. This goes beyond in singling out the Saskatchewan legislature in saying, you do not understand the basics of drafting legislation. You should redo your legislation. And what is the reply, I guess, from the members opposite, other than the, I guess, the smiling or laughter, which lends us to think that they're not serious about this issue. What has occurred as a result of that ruling is it's a deafening silence, a deafening silence from over there in terms of doing that.

So when you get to the easements Act and you have the Environment minister then join this fray and start talking about people who she has consulted in terms of that, listing out then talking about what great stewards people in this province are. But saying that we need fines, fines that, if I could, Mr. Deputy Speaker, read into the record, of \$100,000 plus 100,000 per day and corporations can be fined 500,000 or \$500,000 per day.

Again as I mentioned before, damage that would occur over the opening up of this file to go over the entire land and easements,

what is, you know . . . Our question is, what is really happening here? If you combine what is happening in *The Wildlife Habitat Protection Act* where again we are talking about selling land, creating new schedules, it's raised concerns throughout the province on this issue, Mr. Deputy Speaker, raised concerns about why we need a new schedule, why are we going on about this new schedule, who has been consulted.

And again here, many people, many people have not been consulted. Many people are contacting us and saying, how do we make comment on this? They're asking how do they make comment and unfortunately, Mr. Deputy Speaker, all we can tell them is that, you know, the United Nations has looked at some of their work and has found it lacking. And one of the things they've said is they didn't consult. And we don't know.

They seem to not listen when we tell them that they should listen to the people of Saskatchewan. They turn a deaf ear to that sort of thing and feel that governing is all about telling people what to do. Now that is what a dictatorship is, when you direct or you simply say, this is what will occur. We are beyond that, but unfortunately I see that in fact this government quite easily slips into that sort of mode when it suits them. And maybe that's a lack, perhaps that's maybe a lack of, Mr. Deputy Speaker, maybe a lack of understanding of how you govern a province, of how you govern a province. And perhaps it goes right to the issue of leadership, right to the issue of leadership, Mr. Deputy Speaker, and leadership which has no patience for discussion, for debate, for democracy because they simply think that they know what is right.

And on an important file, an important file such as the environment where we have in fact no leadership on that file, no leadership on that file because we have changing targets, we have . . . In fact there is some question, Mr. Deputy Speaker, on what that government thinks about climate change in terms of looking back at their history and some of the remarks made by the Saskatchewan Party on climate change. It does put into question in fact whether or not there is a belief that there is an issue of climate change in our province, not only in our province, our country, but in fact the world.

But I guess they perhaps would smile and laugh again because if told by anybody outside . . . And it's an interesting sort of, an interesting sort of personality trait when you do not allow any information to come in, any constructive criticism. When you shut down all incoming information, Mr. Deputy Speaker, it does lend itself to perhaps a dictatorial approach when it comes to governing.

But, Mr. Deputy Speaker, just returning to some direct comments on Bill 131. As I started out, the primary purpose, as I read the Bill, as I go through the Bill, to . . . This Bill appears to be the enactment of a process to create Crown conservation easements. And the Act provides for a registration of these easements in land titles registry. Again lays out a process by which a landowner can amend or terminate a conservation easement and provides for enforcement of terms of easement and penalties, Mr. Deputy Speaker.

As soon as, having said that, I suppose it is well and fine, but the minister, in commenting on this, it says that:

Until now, government has been limited to what it can do to protect sensitive land. Conservation easements have been shown to be an effective tool to protect important ecological values on privately owned land. It's a tool that's been used extensively by conservation organizations . . .

Now it doesn't really talk about how they have been limited, Mr. Deputy Speaker, so immediately after that, the second paragraph to the minister saying:

The proposed amendments to this Act strengthen the Crown's ability to maintain and protect these lands. Along with granting easements to specific individuals, easements can now be applied to Crown land. This new type of easement will have enhanced enforcement capabilities and will ensure that our most sensitive land will be protected. This will also ensure that easements remain intact and active . . .

Now again there's talk here about:

This approach will begin with the comprehensive ecological assessment of all surveyed . . . land. This assessment, developed in consultation with stakeholders, will determine which parcels of land require the protection afforded by a conservation easement. [And the minister ends by] We are confident that this will help to protect our . . . valuable Crown lands for future generations.

Again when we look at that piece, Mr. Deputy Speaker, what we . . . I'm a bit confused by those statements because again, as the minister said, the government was limited. But nowhere after that, in terms of talking to this important Bill and what she has had to say, she just talks about striking the ability to maintain these protected lands. But I'm not certain in terms of the process that in fact it's happened.

And I would think that the number, sometimes the number, the concerns that are raised in spite of the number of people from the province that would say that they have not been spoken to or that have concerns that say, how do we get in on this process? What process do you have within the legislature for doing this?

Mr. Deputy Speaker, we have our education system and the Assembly and we oftentimes have students in here who come to see how the Assembly works, but it is a lot to ask of people, it is a lot to ask of people to know the rules of this Assembly.

Oftentimes the Speaker will talk to the Clerk. Oftentimes we will talk to the Clerks to find out what the rules of this Assembly are. So to then think that people in this province should automatically understand the rules here so that they would say to us, how do we get in on this debate . . . there is a responsibility on the government to do proper work when it comes to Bills so that there are not the discussions, there are not the questions for . . . that we would have to get and to spend the time to explain of how people should have their questions answered. We are simply . . . the opposition is here to do its part, Mr. Deputy Speaker. The opposition is here to do its part so that we can move legislation forward, to debate it, to ask the questions.

[09:30]

But there is this entire issue of the public, the general public, and asking us as to how possibly they can get their message out, how possibly they can, what they have to do, what they have to do to get a say. And this is where there is a great failing of this government, a great failing of this government to involve, to involve the general public of Saskatchewan in the debate, in the debate to involve them so that they, that they feel . . . those people that are concerned about our sensitive lands. They're concerned about those sorts of things, to involve them.

And perhaps this government would've been well served had they involved the people of Saskatchewan in doing their last two budgets, had they done the consultation around the budget — their budget that is in shambles now, in shambles by their own, by their own admissions. All the things that they did around this, around this issue, Mr. Deputy Speaker, the billboards, the billboards that they put up, that this government put up, the billboards, the ads that they ran . . . how were they related? How were they related, Mr. Deputy Speaker, to the budget? Mr. Speaker, it just showed the lack of consultation on the budget, the debt that has arisen and then trying to in a manner that . . .

**The Deputy Speaker:** — I will ask the member to return to the Bill that's being debated, Bill No. 131, *The Conservation Easements Amendment Act, 2009*. I recognize the member.

**Mr. Iwanchuk:** — Mr. Deputy Speaker, the relevance that I'm talking about is the consultation, the consultation process. Had this government used this consultation process, we would not again be in the mess that we're in financially in this province. We would not . . . And it's directly related to the confidence that people need to have and why we're spending the time here on this Bill talking about the budget and the freewheeling spending that is going on, the freewheeling spending that is going on, and the money being wasted.

And where we should be doing proper consultation work with money, we are seeing money going down the drain, down the drain. Mr. Deputy Speaker, down the drain in a budget where there was no consultation, in a budget that they were . . . wild predictions, wild predictions that people here said as soon as that budget was out, that this isn't going to work. It just has no chance of working. And we do not hear now . . .

**The Deputy Speaker:** — There's a few conversations going on across the floor. I'm having a hard time hearing the speaker. I recognize the member.

**Mr. Iwanchuk:** — Mr. Deputy Speaker, on an important issue like this, we again . . . And I sympathize with you in terms of trying to have the government members pay attention to an important issue like this. Perhaps they don't like when we talk about the budget. Perhaps they don't like to talk about their free-spending ways, freewheeling ways. And perhaps that's a little too close to home for them when we talk about their wild predictions in the budget of \$3 billion for potash because this leads to the kind of things that . . . a crisis of confidence, a crisis of confidence occurring with this budget, with this government, Mr. Deputy Speaker, as a result of this woeful budget.

And then the dictatorial approach used to try and ram it down the throats of people and thinking they won't see this. So we wake each day now to announcements of cuts — Dutch elm disease, West Nile — affecting people directly who . . . My neighbours now ask me, well what does this mean about the mosquito population in Saskatchewan? What will be . . .

**The Deputy Speaker:** — I would ask the member to return to the Bill that is being debated.

**Mr. Iwanchuk:** — Mr. Speaker, the issue as you mentioned, the issue of going back to the Bill, this is simply the building blocks in putting a Bill together like Bill 131, *The Conservation Easements Act*, Mr. Deputy Speaker. Again what we see here and what has become rather the ongoing saga, Mr. Deputy Speaker, are issues. So for example, some of the changes that we see directly in the Bill, 4(a) talking about the:

- (a) “**conservation easement**” means a conservation easement within the meaning of section 3,

That is the existing provision. Again, the minister here felt that that could stay and there was no change. Again creating a new 4(b), there was, as I said, a new (b), the language now “ . . . is created to reflect a new category of easement that may be applied to Crown land where Crown land is both initial grantor and holder,” where the Crown is both initial grantor and holder. Again, on that one, questions, again people have asked in terms of that, what is occurring there?

There are some other minor changes. Department change, 4(c), “means the department over which the minister presides.” The explanation here given by this minister is to reflect the new terminology, and I guess on that part, it is on issues like this where work is being done and that is appropriate that we would do this sort of thing and make the amendments necessary so that people would understand.

There's 4(d). Again, the same thing. 5 is a conservation easement. “The heading before section 3 is struck out and replace for the organization of the act.” 6, there is no . . . again, “Addition for organization . . .” 7 here we talk about what the existing provision is and, if I may, Mr. Deputy Speaker, the existing provision:

- 4 A conservation easement may be granted for any of the following purposes:

- (a) the protection, enhancement or restoration of natural ecosystems, wildlife habitat or habitat of rare, threatened or endangered plant or animal species.

Again, what is allowed in terms of explanation is “This will allow conservation easements to be granted for the protection of threatened or endangered species that are not plant or animal species, for example fungi and lichens.” Mr. Deputy Speaker, again an interesting point and one that people are asked and perhaps are saying, what about anything else that we haven't looked at? If we're going to redo this Bill or if we're going to make changes, perhaps we should be looking at all the changes that are possible. And that again goes to the heart of consultation and why I have spent the time on talking about this government's record about consultation.

Now in 5(3) we have:

The Crown, the Crown in right of Canada or a municipality may grant conservation easement to:

- (a) itself; or
- (b) anyone eligible to be a holder.

Again here the explanation is “The Crown no longer requires the power to apply a conservation easement to its own land, as it will have the new power to create . . . conservation easements with enhanced compliance provisions,” Mr. Deputy Speaker. Mr. Deputy Speaker, there are a number of . . . I know you would probably like to hear all the changes read into the record, but I don’t think that that is necessary. There is committee work for that, and I will leave that for that time.

The thing I think overall that we have to be concerned about here is, has the necessary consultation been done? Are the changes . . . Will we have buy-in from the people who we need to have buy-in, whether that not only be the people who use this but the people who enforce this, in fact all levels of government, all people that are concerned about this?

One of the new . . . 11.55 is a new provision:

The minister may take action to repair or prevent damage when it is considered necessary. Parallel provisions grant the minister similar powers under other provincial legislation . . . The Natural Resources Act . . . This section is consistent with the section 62 . . . that is being proposed [again] in the fall . . .

That’s the explanation of a new provision that we have.

Mr. Deputy Speaker, in looking at this Bill and the work that still needs to be done, I would just like to return to the concerns, some of the concerns to clarify when the Environment minister speaks about this entire area of land conservation. And perhaps what has set off alarm bells for me and for many people in the province is the approach that the entire issue of protected land to be looked at again. And you twin that with the lack of confidence in terms of and the track record in terms of this government of approaching changes and particularly this sort of sensitive area, and you look at their track record in the environment, what we see . . . which can be only deemed as ragging the puck by the Premier on this issue, the changing targets, the minister never being clear, changing daily almost every time she has the opportunity to stand, changing what is happening on the environment file. And now she moves into protection of wildlife habitat or easements, and again this is of great, great concern because we have had numerous, numerous people outside — not only locally here — comment on these issues but also international bodies.

Mr. Deputy Speaker, and just on that, just on that, and I did speak to the issue of the ponies and how the lack of consultation that had occurred there. But I would just like to, in terms of what the minister had to say in another Act about how it relates to this one, where the minister says, until now . . . and speaking to *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009*, the minister had this to say. She said:

Until now, [the] government had no detailed values

inventory of protected land in our province. We didn’t know why a piece of land was currently being protected and if that land still had the characteristics that originally qualified it for protection. Much of the current protected land is used for various activities such as grazing. We will now be able to identify which land has changed and is suitable for limited activity. We’ll also be able to tell which land is the most sensitive and needs stronger protection.

This statement, I simply wonder, Mr. Deputy Speaker, with this statement, what . . . For example, the Sand Hills in the southwest part of our province, the Sand Hills, was the minister talking about the Sand Hills when she said here, there’s no detailed values of inventory of protected land? I’m not certain what the minister is saying here, and nor are any number of people sure what is being said here. And that is the argument used to open up sale of land. To open up sale of land, the argument is used to talk about *The Conservation Easements Amendment Act* and talking about people, the use of land.

[09:45]

And here we have is . . . What is the intent of, or what is the minister saying here? That there are no detailed inventories. Are all the now lands that are covered or that are protected, is she saying that there is no detailed inventory of that? Is she saying that people in Saskatchewan do not have a record that the Sand Hills are protected, do not have record of the Sand Hills being protected?

I’m quite puzzled by the argument that she’s using here. And goes on to say that we will now be able to identify which land has changed and is suitable for limited activity. If that is the approach, Mr. Deputy Speaker, that now, that they want to move into, into protected lands, what is . . .

The government should be clear. Most times they have by stealth put things in. We have in this Chamber talked about it being dictatorial. But the stealth in terms of doing that is a disruption and is a disruption, and creates a lack of faith, a lack of faith in the legislators pushing forward this very important kind of legislation because people would look at and say, what is their position? Can we trust them on dealing with protected lands?

And the minister, in saying that there is no inventory of lands, it is quite amazing that a statement like that can be made. It’s unclear what the intent is. It’s unclear whether, whether that she even knows that are protected lands, whether she even knows that there are protected lands. So is it any wonder, is it any wonder then when she says that she has a contact, if I could read into the record, Mr. Deputy Speaker, is it any wonder that this has been developed in consultation with a wide variety of stakeholders such as the Saskatchewan Wildlife Federation, the Nature Conservancy of Canada, Nature Saskatchewan, Ducks Unlimited Canada, the Federation of Saskatchewan Indian Nations, Saskatchewan Cattlemen’s Association, and the Saskatchewan Association of Rural Municipalities?

Is it any wonder then, when these people look and are contacted — when they actually find out that there are these changes being planned — and they say, well we’re not sure. We’re not

sure, Mr. Deputy Speaker. They say, we're not sure as to what is occurring here or what the minister meant, that there is no detailed inventory of protected lands in the province. What was she talking about? Was it something similar that tomorrow this will change, much like the targets on emissions? Will this change, as the change is done on climate change, whether we are uncertain whether the government believes or does not believe in climate change, whether the people are talking about the Premier just simply ragging the puck on this whole issue?

The entire environment file is, Mr. Deputy Speaker, a mess. A mess because there's no direction. There's no leadership on this file.

And, Mr. Deputy Speaker, I know you've been concerned. But you can now probably see the relationship between this and the budget — the mismanagement, the lack of direction on the budget. And if you look at all the . . . And it's become a hallmark of this government, a hallmark of the lack of . . . And it starts with consultation. And when you lack consultation — the hallmark has become that lack of consultation — but it leads you into all the other problems. It leads you to a distrust. It leads you to problems of confidence because people have confidence.

So when you have a government such as this that takes office and has \$2.3 billion, Mr. Deputy Speaker, \$2.3 billion, and then the money goes down the drain in their freewheeling, free spending, and what do the people see this as? Because the people ask, where did the money go? Where did the money go, they say, and what did we get for this, their freewheeling, free spending days?

And now there's some people obviously in the province that are very happy, and those are the friends of these freewheeling spenders. They're probably happy. But as a result of that, as a result of that, Mr. Deputy Speaker, they also then start selling off, stripping the Crowns. They strip the Crowns for money. They look around for anywhere the money . . . Because they want the party to continue, the party that they were having with spending the money.

hey want that party to continue, Mr. Deputy Speaker. They want the party to continue because they want to have all these friends. They want to have friends around them because they can say that, the people of Saskatchewan are with us on this thing. And so they have . . . There's a lack of respect, a lack of respect for serious issues because they spend money. They get left with \$2.3 billion and then now . . .

**The Deputy Speaker:** — I would ask the member to return to the Bill that's being discussed on the order paper, Bill No. 131. I recognize the member.

**Mr. Iwanchuk:** — Mr. Deputy Speaker, the party that I was talking about, the party, sometimes if we look at that, this party can continue. We had a party like that through the 1980s, and it's the after-effects, Mr. Deputy Speaker, it's the after-effects that everyone has to live with. There were after-effects. There were people not wanting to be called a Conservative in the province of Saskatchewan. That's the after-effects of a party, Mr. Deputy Speaker.

But they choose to not acknowledge that. They choose to not acknowledge their history. They think that, in fact, what we can do is do a name change and history will not follow us. But I think in terms of a history, you have to have a history, a proud tradition of where you have to know where you come from, Mr. Deputy Speaker. You have to know where you come from. We've heard it said on a number of occasions: you have to know where you come from to know where you're going and to plan directions.

This is about leadership. This is about vision. And you have to have that, Mr. Deputy Speaker, in order to govern. And that is totally lacking. And so you would find out when you come and you deal with the budget and you have people make pronouncements that there will be \$3 billion in potash, we're on a roll. And they have to understand that what in fact has occurred with this is that the lack of leadership, the lack of vision is what gets you into trouble. And where you get into trouble with that is that you say, we have no past.

We say out to the people of Saskatchewan, we have no past, therefore you cannot blame us for anything. But at the same time, Mr. Speaker, you go and you say, well the NDP were in power for 16 years and on any number of issues — on the health care file or other files, environment — you say, here is what the NDP did. The problem with that thing is much like someone who perhaps is somewhat immature making grandiose statements about, you know, well this is the way it should be, and again not having any respect for the people who have struggled and who have built, and perhaps better understand the functioning of government, the way things would work.

And again there is the history in this province, just a concrete example of this history in the province of the CCF [Co-operative Commonwealth Federation] under Tommy Douglas bringing in *The Trade Union Act*, a piece of legislation that set, that set many high standards that are honoured throughout this country, that are honoured not only in this province, this country, but the world.

And never through that history in our proud traditions of trying to give people to bring . . . Because, Mr. Speaker, the issue here is consultation, the issue of bringing people together. The issue of respecting, respecting not only the citizens when it comes to dealing with Bills such as Bill 131, but respecting the traditions, respecting that people will have input, that they have something to say, that people have something to say about any Act that we bring in here.

So those proud traditions as when *The Trade Union Act* was brought in, of bringing people together, bringing the chamber of commerce together, bringing the trade unions together, bringing the workers' organizations together of all stripes, and sitting down with them and building . . . and not being afraid, not being afraid of doing that. And that is directly . . . Because when you are afraid, you have no respect. Because you're afraid, you do not know what you think and that goes strictly to the . . . because you right off, you say, I have no history; I have no history. So if you have no history, you have no knowledge. You have no knowledge because you have no history, because you have not studied this area, and so what do you bring?

What do you bring? What do you bring to the table here? What



do you bring to the table? What do you bring to the table? I see that we've probably hit a bit of a nerve over there, Mr. Speaker, Mr. Speaker.

But experience, we're not afraid. You're not afraid that you're not afraid to acknowledge that people in this province can bring something to the table, bring something important to the table, and have a debate. And if you are afraid of debate, you're afraid of democracy, Mr. Speaker. You're afraid of democracy and that is what, that is what is happening here. That is what is happening here in this legislature.

That is what is happening here and that is what is the trademark. That is the trademark of this, of this government, because they're afraid and so people are seeing that, as they're seeing there's a lack of respect. And when you have a lack of respect, you have a communication breakdown and that communication breakdown leads to bad legislation. It leads to bad legislation.

And over all the years and all the changes and all the governments that have been involved in this province, it is this government with that sort of approach that has now, that has now been pointed to by the United Nations and have said, you have done legislation wrong. How embarrassing. How embarrassing with that sort of history that we have in the province, that's lacking over there, that we now have been pointed out to the world — to the world. And it had been acknowledged that we do not know how to bring in legislation, how to bring in legislation.

And so here we are, Mr. Speaker, with this sort of embarrassment and acknowledgment from a body, an international body, on to this. And I would just go over that. If you can say that we are new and you somehow want to spin that to people, then you are saying you have no history; you have no knowledge in this area. And that is, that's true. And it leads to lack of respect.

And people now see that lack of respect. Because they come and say, we were not consulted. We were not consulted. And they saw that immediately. And that's why they made application as a first step before they would go on to now embroil us in a Supreme Court challenge. Because that was now laid out in the previous cases in terms of that, that it said it was important to go.

Our Supreme Court of Canada as well has made comment on this issue, and said that it is important what the United Nations has to say in these issues and you should listen to that. But I, again, I hear . . . And it's not uncommon to hear laughter on these issues from the other side, Mr. Speaker, because that is their approach.

But that's fine. We continue to make our points, whether that be on how they deal with the budget, or other legislation, or on this particular piece of legislation and the entire issue of protected lands. Because they fail on all accounts to say, as we did in the pony Bill that we have, that we, as a private member's Bill, that surely with that, you would have talked to people.

Private member's Bills are Bills that are brought forward because they are something that parties could agree on, especially from the government benches. Especially from the

government benches to then have to make an amendment — a last-minute amendment because of not having consulted with a very important group, and that group is in here and also in the wildlife habitat protection and probably should have been consulted about easements — the Federation of Saskatchewan Indian Nations or any of the groups that are in there, that consultation.

[10:00]

What have we done with the duty to consult? I mean the duty to consult is a . . . that's why the courts have now recognized this. The international body, the United Nations recognize this as important. But what has this government done towards that? What have they done with this very important issue? On any number of files, that is the one thing that comes forward: there is no consultation.

And then people ask, people ask, well how do we get our views heard? How do we get our views heard in this legislature? And at times before we've heard . . . It's in the record. Well the thing that where we last heard the people was the election. It was 2007, and the people spoke loudly. And that's all we need. And that carried, I guess that carried, that carried that government for a while. It carried them.

And then the money that the former NDP government had put together and put away for a rainy day, that carried that government. But it carried them until they spent it, until they spent that money. And now most people, when we say, they've had all this money, people say, where did all the money go?

**The Speaker:** — Order. Order. I'd ask the member to actually confine his comments to Bill 131, *The Conservation Easements Amendment Act*. I recognize the member from Saskatoon Fairview.

**Mr. Iwanchuk:** — Mr. Speaker, my point in that, perhaps going and building the case for the consultation is that, at the very heart, it's distressing that people would contact us or distressing that when we would contact people, that what would be occurring here is that it would be saying, no we did not hear about this. No, we did not hear about these changes.

But we would say to them, but this directly would impact on you. Do you know about the issues surrounding this? Do you know about what the purpose of this Bill was? Do you know that the purpose is to create Crown conservation easements and how they would be dealt with? Do you know about the fines? Do you know that the process by which you, as a landowner, can amend or terminate the conservation easement and what the penalties will be? Do you think that the issue of penalties, does that go to the heart of . . . Do you understand that?

And people over time and again say that that's not . . . They don't understand that. They don't understand that.

So it is not, it is up . . . There's a responsibility that goes beyond simply introducing Bills. There's a responsibility to delve in further and to say we want, we want these people at the table. Much as I was making my comments before — when you are afraid to ask people to come to the table, when you are afraid to ask people to participate, you are going to find that you run into

any number of problems. Any number of problems that you might run into, Mr. Speaker.

The kinds of problems that you can run into are that people will perceive that as a lack of respect. People will perceive that as a lack of involvement. People will perceive that they had something to offer and that perhaps they were not heard. People will see that if they had listened to me, if they had listened to me, they might have made the appropriate changes. People will see that in fact if somebody has a proposal, maybe a lot of times all that they require is to be able to express those concerns and then have that clarified. Perhaps they're only questions that they have of these Bills.

And when you lack the leadership, when there is no vision, as we see, what starts happening is people start losing confidence. People start wondering what the government is doing. And what you might have is an unhealthy, an unhealthy, not only situation, but process that develops in and around an issue as important as protected lands.

This is huge for our province when you start talking about protected lands. All of us, Mr. Speaker, whether we are, whether that is, whether we daily deal with this or whether we, whether we only deal with it when the issue is raised, this is an important issue for all of us. An important issue for all of us in a sense that when you talk about protected lands, I would dare say there probably isn't a single person in this province that has, that would not have some comment on lands or some comment on things that they think is important in this area.

And so the sensitivity that the government should bring to this issue, the sensitivity of allowing the people of this province to participate in this sort of debate should be paramount. This is a responsibility that the government should take very seriously, very seriously, to show people in this province that they are important. And particularly here, I think, there's no need to go on to say how important the issue is, but we need to say that . . . We need the people to have a say in this. They need to have a say, Mr. Speaker, to have a say on this very important Bill because in each part, we represent all parts, all of us here represent every part of this province. And as I said, I dare say that in every part of this province there will be people that will want to have something to say on this issue.

So the government, it is the responsibility of the government. But this is, again as we have said over and over, a place where there's a breakdown, a breakdown which is at the heart of the leadership issue, Mr. Speaker. An issue as we have in the running of the finances of this province, an issue when we have the Premier who bankrupts a couple of companies, that that becomes part of his resumé. A Premier that does not have . . . that there is no history because they want to decline that history. A Premier who ran for the Conservatives and then says that now that is not his past. Does not talk about that past, and somehow wants to obliterate the history of that or that past, when it is quite clear that not only did he work for that government, but he wanted to run and continue.

And unfortunately as we saw in a videotape, the thinking of that individual who is now the Premier of this province, in terms of what some of his thoughts were on residents of this province in that video. That unfortunately is a history that they cannot deny,

that the Premier cannot deny being a part of the government, as the Premier himself has said, who lost their way. And we hear that now, that in fact this could be the same thing used now, on whether it be this Bill or other Bills, that in fact this government . . . but it is the Premier who has lost his way.

So we had an individual who was at that time wanting to run for the Conservatives and . . .

**The Speaker:** — Order. Order. I'm finding the member from Saskatoon Fairview's comments are getting fairly broad-ranging. And I'd ask the member to address the issues surrounding Bill 131, *The Conservation Easements Amendment Act, 2009*.

**Mr. Iwanchuk:** — The issue goes directly to the Premier's judgment. And the issue as well is that we need the leadership on all the files and particularly the Bills. And an issue as sensitive as designation of lands. and the issue of respect, Mr. Speaker, the issue of respect, the whole consultation of how we feel, how we respect and are not afraid of comments from residents of this province.

And so it is disheartening to many people when we see the type of comments that were in the video regarding the residents of this province, people of Ukrainian heritage, when people see that and wonder what the thinking was. And that is the history that we have to look at and the Premier has to look at and say, this is my history of what I . . . And the shocking part about that is that throughout, I imagine there's been many things have said by many people, but the audacity to put that on videotape is truly mind-boggling, Mr. Speaker. Truly mind-boggling.

And so people who can say that we want to change our name and now we're somehow different and then we don't have any past there, you can see why they are getting into the difficulties that they are. But these are things that people do not forget. So when it comes to a Bill and they talk about where they consulted people, and people phone in and say, well we don't recall that, we can give them the ability to say, we don't recall that. Perhaps there was a misplaced call, perhaps people were not consulted.

But this is seriously alarming. It goes to vision. It goes to the Premier's judgment of the individuals. It goes to judgment in terms of when you deal with issues like the budget, and then it goes in terms of judgment when you bring that approach directly into the file of this importance as designated lands, designated lands that are important.

And we talk about the . . . Obviously the list is fairly inclusive. I think in terms of the list, as I've read it — the Saskatchewan Wildlife Federation, the Nature Conservatory of Canada, Nature Saskatchewan, Ducks Unlimited Canada, Federation of Saskatchewan Indians, Saskatchewan Cattlemen's Association, Saskatchewan Association of Rural Municipalities. Now these are the people that are being contacted.

You know, the only questions that I would have, Mr. Speaker, on an issue like that is, you know, are there any other groups? But let's not forget we can deal with groups of people, but there's also individuals out there that want to make comment on this. There's also all the individuals who, as we look at the Bill

131, the owners, in terms of the present owners who are now owners and who want to find out how they can amend or terminate conservation easement. And they would also want to know about their fines.

What has been the process by which the government has contacted those? We understand the minister has said that she has contacted these groups. And perhaps it's unfortunate that some of these groups have questions and say that they have not been contacted. But the hallmark, the very hallmark of this . . . well what this, I guess basically what this government's becoming known for is the lack of consultation.

And the lack of consultation, but you wonder, but you have to wonder if perhaps there's a lack of respect and then that's why the people are not being consulted because there's a lack of respect. And perhaps they don't want to hear diverse views because those would in some way that go directly against, against what they believe and what they say. And they do not want to hear any opposing views on these issues or any views that would be contrary to what their beliefs are, Mr. Speaker.

So, Mr. Speaker, when we have further statements being made, and not only being made, but in fact in my city, Mr. Speaker, almost an onslaught, an absolute onslaught that people question, where do you get that sort of money in terms of the billboards that blared back in two different times about the budget, the deficit being reduced? That message, how quickly, it's amazing after doing that, how quickly that has dissipated, and that the real facts are coming out that all sorts of people have commented, whether that be financial institutions or newspapers, about that there is a deficit here. No matter what you say about this, about the budget, there is a deficit. So the billboards that the government put out, the money that they . . .

**The Speaker:** — Order. Order. The member is well aware of the rules of debate, and the rules require that members address the issue under debate currently and the issue of conservation easements amendment, Bill 131, has nothing to do . . . The budget debate is a debate for another day and another time, and there'll be ample time for that debate. Recognize the member from Saskatoon Fairview.

[10:15]

**Mr. Iwanchuk:** — Mr. Speaker, again the purpose when we deal with the easements or whether we deal with this whole issue of designated lands . . . does deal with money, does deal with money. It does deal because if you're talking about selling lands, if you're talking about fines, so if you're talking about that, you're either talking about, perhaps we need some money. We need money and we're going to deal with designated lands because we've mismanaged the finances. And we're going to go around everywhere and we're going to try and find some more money, be that the Crowns, or we're going to change, change the very structure of this province.

Because, not because . . . At times I guess some people might argue a government wants a different approach, but there's a lack of leadership and there's a lack of understanding. And people see that understanding and where are we going? And so they not only ask, and this is, this is at the heart of . . . Is it because that they have mismanaged the finances so badly? Is it

because that they had to get out so quickly and say that there is, that there is no deficit, when there is. Is that why they are wont to sell off protected lands to balance the budget so that they can say that the billboards that they put up were right?

But we know that soon after those billboards were up, that they were outdated. And in fact when you look at the forecast, that we will have perhaps a larger budget than when these folks were in last time. But I know they want to say that they're different and that that's not their past, but perhaps they're worse. They're worse than the 1980s.

The issue is, is that it takes a number of years before these things play out and roll out and then the true cutting has to start. It takes a number of years. And so the raising of the red flags now, Mr. Speaker, this becomes the new history. So the new history in the future will be, when the budgets were brought out . . . and do you remember the billboards that said our deficit was going down and what in fact occurred.

But I think the people of Saskatchewan and this province are smarter. They're not fooled by the name change. They're not fooled by the name change. They're not fooled by the trickery around the budget. And they see that when you start talking about protected lands, that it's an important issue. And they are concerned because, at the very heart, if you cannot manage the finances of the province, can you manage the protected lands of the province?

And the issue for us when we look at the Bill and we go over and we talk about it, whether it be, Mr. Speaker, whether we're debating it or whether we talk about it in committee, is the questions that need to be asked, because not only on this side . . . We take our role seriously as an opposition. We take that role seriously. We take that role seriously that our role is to ask the questions. Our role is to go to the people that we represent in this province — and that is everybody, even those ridings that we don't . . . because there are people everywhere that are concerned about protected lands, and to talk to them as well and to ask the hard questions in committee or in debate.

But also important in that, we have to talk about . . . Mr. Speaker, what we have to talk about is a trust factor. We have to talk about whether there's confidence in the rollout of programs because that is at the heart as well, Mr. Speaker. When you have a Bill that is put out or that is rolled out, we have to look immediately, as you do in all cases . . . And I know they, in denial about this, that in fact when you look at a government that you don't have to look at its past or what they have done. They think they can change that.

But what you do, Mr. Speaker, is when . . . This government that has a history of no consultation — it's become a hallmark now of theirs, of the lack of consultation — that impacts on how you discuss Bills. It impacts on how you discuss Bills because, over and over again, you've either had the redos on the Bills or pulling Bills back because they have not done it right. If you have had to have comments by international bodies on Bills that they've done, if you have had a lack of faith over time about their ability to manage the finances, if you have had all of that, you bring that in because that is history and that is how you make . . . that is where you gain knowledge. Where you gain knowledge is from your history, and then you apply that

knowledge into Bills into the future.

So when we talk about Bills, that has to be part of it. That has to be part of it. Every person that brings what they know, whether it be people throughout this province that bring their knowledge on protected lands, they come with all levels of knowledge. They come with either direct knowledge of that because they, in fact, are involved in this Bill where they have conservation easements and they want to know how to do that. And they can tell you about that. Or there are people who have studied in this issue and have done reading, not only Saskatchewan, across the country. And they can bring something to the table on this. And we all have to respect that because the more we do that, there is a trend in history that the more you do that, the more there is involvement, participatory democracy, then the better, the better, the better product you get. And that is why it is sometimes frustrating. It's frustrating sometimes to work through this.

And you have, as we have in the extended hours debate, you have a lack of maturity on that other side, a lack of understanding of this, of the democratic process. And the frustration level is achieved more quickly, and we pull the trigger and we go into the extended debate and we say that the other side is, the opposition is simply trying to not allow us to pass the Bills. But in fact, what is in fact occurring is, it is not that the other side is not allowing to pass the Bills. What is happening is democracy, Mr. Speaker. It's democracy.

And it's a fine line. It's a very fine line between when you pull the trigger and say that this is obstruction and this is democracy because patience, Mr. Speaker, patience is a virtue. And that is absolutely true that patience is a virtue because there are difficulties that . . . whether we encounter in our personal lives or difficulties that we encounter here, we all struggle as to how we're going to get through them. Some we pass through quickly. Some we allow to just . . . we ignore them and they pass. But some we have to struggle with. But that makes us who we are, Mr. Speaker. That makes us who we are. And those kinds of lessons in life, we bring here. Or supposedly we should bring here.

But when we think, Mr. Speaker, when we think this is a game and we do not take things seriously, that is when we go into the ditch. We go into the ditch because what takes over after that is a pointing of fingers and, I would say, perhaps a certain type of paranoia that would say that this is what really is the intent of that when it is true debate.

And so a fine line, democracy is a fine line. And it's a fragile thing. It is a fragile thing. And it's always easier, it's always easier to — if I may grab the bull by the horns as we would say — and just go out and do this. Now at times that works. At times that works. But when we have time, when we have ample time, when we have time when there is not a crisis that has developed, to say that we will not pass our Bills, that it's absolutely clear that becomes something different. When we use words like obstruction, when we create, when we manufacture crisis, that is when we get into trouble because that's when democracy, that fragile thing that we strive for, gets damaged. And we say that in fact it's obstruction. The other side says that they're doing their work. And here we have and we create a crisis.

But the issue, the issue here is, we bring that — Mr. Speaker, what I wanted to say is — we bring our history and the knowledge we gain. We bring that, what we've learned in our life is another way of saying the same thing perhaps in more common language. We bring all of that to bear upon every issue that we face. And we're called upon to do that and to do that in a serious manner. And when we do that, the product will be a solid product. We should always strive for that.

And of course when we don't do that, we see some of the failings. We see those failings, Mr. Speaker, in terms of legislation. We see those failings when we are called upon, when this government is called upon — that they did not do the proper consultation, Mr. Speaker, that they did not do proper consultation on any number of Bills, that they should have to redo those Bills, that they should have to start all over again. Something as basic as what we've been talking about, Mr. Speaker, as basic as the lessons learned in life, lessons learned in life, and that we are not going to be bringing those at all to bear upon the problems that we face.

So, Mr. Speaker, it is important. It is important because people, when we do these Bills — and we have to — the amount of concern that when we are told that, whether it be the pony Bill, as I have said before, or any number of Bills where people have said that they consulted, to then at the last minute have a group say that we did not consult them and we would think that this should be in. And then the government saying, well okay, that's right. We will change that and do an amendment and do that.

So I mean it's, I guess, at the end of the day, at the end of the day we have a product that was acceptable to the parties that needed to gain that acceptance. But the process — and process is what we are all about here. Democracy is process. Process is what we are about and democracy is process and that seems to be lacking. There seems to be a lack of understanding about that and it is like the amber and then we talk about the sort of type of alerts that we should be put into whether there are cases where different alerts for whether cases of missing persons we have.

But this government should look at this as alerts that they are . . . perhaps have hit red alert when they pass a Bill and the United Nations says you did not consult. We have been saying that over and over again here that there's a lack of consultation. We point to any number of Bills that people were not consulted. Again, not even to go into the more controversial Bills, but the pony Bill where there is a lack of consultation. And that's an indication, should be an indication to this government about how deep this runs, and they in fact gloss over it and move forward. And then they wonder why, when it comes to the Bills, that we raise these issues.

We raise these issues that are so basic, and they put that off as obstruction or that in some way, why are we still talking about that because it is not only us that has recognized this now. It is the United Nations that has recognized this now. Now I'm not sure where they go with this because some of these Acts, as people move through, a second sober thought moves through, that some of these Acts like the labour Bills have been in force. They have been in force and have been in place and people have been trying to operate under them.

But all those things that people said under those Bills, particularly the essential services Act, people are unable to achieve a collective agreement. They're unable to achieve a collective agreement because of, I guess, the best word is ill-conceived drafting, ill-conceived Bill, but the lack of debate, the lack of consultation.

And what are the words that we hear from many women, many women across this province, many women who dedicate their lives to the health care system because they're part a health care team? What do they see? The biggest word I hear out there is disrespect, a disrespect on a number of levels, disrespect on a level that of that are we part of the health care team? Are some members of that health care team being treated differently . . .

**The Speaker:** — Order. Order. I would ask the member if the member could at least tie his comments to the legislation that we're currently debating, Bill No. 131.

[10:30]

**Mr. Iwanchuk:** — Mr. Speaker, before I get into the more clause-by-clause of the Bill, I felt that it was necessary to make a . . . to talk about the foundation of . . . which again as I said, it's difficult to simply talk about the Bill when some of the arguments are based on the lack of ability of this government to draft the Bills and to present the Bills, Mr. Speaker.

Mr. Speaker, in terms of the Bill, some of the things that are in the Bill provide just direction, and I would think that there is no concern about that.

I think in terms of if there is anything to be said in terms of offences, and again here we have to look at whether the offences under 11.6(1) . . . if I could just get the explanatory notes that we were presented with. Mr. Speaker, the offences, under the offences, division 5, offences and penalties, talk about:

No person shall:

- (a) alter lands that are the subject of a Crown conservation easement unless the alteration is permitted pursuant to the regulations or is otherwise authorized in writing by the minister;
- (b) fail to comply with a Crown conservation easement;
- (c) make a false statement or provide false information to the minister, an officer, the ministry or any person acting on behalf of the minister;
- (d) omit to state a fact that is required to be stated or that is necessary to make a statement not misleading in light of the circumstances in which it was made to the minister, an officer, the ministry or any person acting on behalf of the minister;
- (e) fail to comply with an order of the minister or an officer issued pursuant to this Act; or
- (f) fail to comply with any provision of this Act or the regulations.

No. 2 under the offences and penalties is:

Subject to subsection (3), every person who contravenes a provision of this Act or the regulations is guilty of an offence and liable on summary conviction:

(a) in the case of an individual:

- (i) to a fine of not more than \$100,000; and
- (ii) to a further fine of not more than \$100,000 for each day or part of a day during which the offence continues; and

(b) in the case of a corporation:

- (i) to a fine of not more than \$500,000; and
- (ii) to a further fine of not more than \$500,000 for each day or part of a day during which the offence continues [Mr. Speaker].

(3) If a person is convicted of an offence pursuant to this Act or the regulations and the court is satisfied that as a result of the commission of the offence monetary benefits accrued to the offender, the court may order the offender to pay, in addition to a fine pursuant to subsection (2), a fine in an amount equal to the court's estimation of the amount of those monetary benefits.

(4) Every director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

Now:

**“Additional order from convicting court**

**11.61** In addition to or instead of any penalty imposed pursuant to this Act, the convicting court, having regard to the nature of the offence and the circumstances surrounding its commission, may make an order doing one or more of the following:

Then it goes on to talk about, Mr. Speaker:

- (a) prohibiting the convicted person from doing any act or engaging in any activity that, in the opinion of the court, may result in the continuation of the offence;
- (b) directing the convicted person to repair any damage to any lands that resulted from the commission of the offence in a manner and within the period specified . . . [and]
- (c) requiring the convicted person to take steps [or] to prevent any damage to any lands that may result from the commission of the offence in a manner and within the period specified by the order; [and]
- (d) directing the convicted person to pay to the minister an

amount of money as compensation, in whole or in part, for the cost of any corrective action taken by or at the direction of the minister as a result of the commission of the offence; [and]

(e) requiring the convicted person to do any other thing that, in the opinion of the court, is necessary in the circumstances.

Mr. Speaker, it is quite clear what should occur. It's quite clear that what should occur is that people who have easements should be contacted. And my question I guess would be, have these individuals been contacted? We have no comments from the minister in the remarks as to whether they have been contacted or where, what their intention, what their thoughts are on this very important issue, Mr. Speaker.

Mr. Speaker, the issue I think of why it is important to speak to people . . . And I spoke briefly on the issue of the health care providers and the number of women in our health care system providing service to the residents, and I don't know if they were contacted . . . Well they obviously were not contacted in terms of when the Premier said before the election that he would not bring essential services and then broke that promise. Much like the inaccurate information on the budget billboards when I am certain that no one I have talked to yet has indicated to me that they were contacted about the individual fines that they would face in terms of the legislation, and what they thought about that and how that would impact on their personal lives. And that we would be prepared to go out throughout the province and fine our neighbours, put fines that would set people back years for people who are trying to simply put forward their rights, rights of collective bargaining, that we would see the need to impose fines of that nature on people who work in the health care system.

Individual fines on individual workers, impose those fines, and that they would go home and say to their families, here's what now I am facing. It was not there before, Mr. Speaker, and they would have to come home now and say, here's what I am facing in my workplace, a fine of this sort.

And on top of that all, Mr. Speaker, no one was contacted. No one was contacted. Not one phone call to any of the 25,000 health care providers that are now without a contract saying to them, did you know that you would be fined the amount of money that's in the Act of \$4,000 or 2,000 daily for doing that?

So I raise that because at the same time we have that experience and what those folks are saying and what those mothers and daughters and grandmothers when they came home and looked at their . . . Because these are not wages at the higher end of the scale, Mr. Speaker. These are not wages . . . But if this government felt that kind of steel fist had to be shown to these workers in order to have them comply, and what now appears to be an Act in total shambles, if that was the concentration where they . . . Was there any thought given to having them reply? Or were they contacted to say, what do you think? We're going to fine you here if you determine that you will go on strike, that you're essential . . . And that whole essential services piece now where you have . . . I mean, surely the embarrassment has had to start coming in where the number of people that are deemed essential is now larger, Mr. Speaker, when you go on strike.

Can you imagine that it's larger than, on a daily basis, than the number of workers that are on-site? And it's not just on a day. The stretch is over months. This is tracked.

Now what type of legislation and what type of things were being thought about and what type of things are being thought about here when we impose fines, when we impose these fines? Are they meeting, are they meeting those needs? And that question has to be asked because, as in the case of the health care, of the essential services legislation, the minister has no response to that of how, how is it that if you go on strike, that when you go on strike, there has to be more people working than normally there is when you're not on strike?

That, when you think about that, what an absolute embarrassment. What an absolute embarrassment. And it isn't any wonder that the United Nations say, what are you doing? What are you doing? Did you talk to anybody here about how this works? And so that, that type of knowledge or that . . . in fact just on that small point, it's not knowledge. It's just common sense. It's common sense that you should talk to people.

So who has . . . have they talked to the people who have these easements? Have they talked to them before they say we need to come down with these, with these fines? I don't know. I mean there's nothing here where the minister has said it's just simply a connection. And this is that, this is what people are seeing, a steel fist about, about here's what you're going to get. But where is the discussion . . . Have we reached this low in the province, Mr. Speaker, have we reached this low in the province that our answer, our answer when there's no consultation is a steel fist?

To show that much like, much like the hours debate . . . and you see a trend line here, or not a trend line, but you see a common thread run through these, run through the approach. Now we can say that and I'm certain that there will be not many people on the other side of the House who will acknowledge that, who won't acknowledge that.

But it has to be said, Mr. Speaker. It has to be said because today, every day is history. Every day is history, and I know those folks aren't fond of history. They don't believe in history. But every day is history and history is being made. And that'll be what, in the case of the Minister of Advanced Education, Employment and Labour, that'll be his story that he writes in here every day. His story will be told that he was the fellow that the United Nations talked about. He will be known as he was the person who said to . . . I would say there is over 80 per cent of the 25,000 health care workers now are women. He will be the person who'll say he was the person who wanted to fine all of those daughters and aunts and granddaughters and sisters. He was the one that wanted to fine them. And he was the one that did not want to talk to them, but simply wanted to push through legislation.

And I know that the Environment minister has had some international recognition with a fundraiser that she was going . . . And maybe she wants to also be writing a history. But there is also no comment about what the intent of her . . . what her intent is in terms of these fines.

So you see, not only is this . . . there's the lack of democracy. Not only is there a trigger-happy response regarding extended hours, but there is a thread that runs through all of this. And that thread, Mr. Speaker, that thread of what is common here is the lack of respect, the lack of respect. And I believe there is fear.

Fear is always at the basis of lack of respect, because that's how you get to lack of respect. Because everything comes from fear. When you have fear, you react in probably ways that are not logical. And one of the reactions is probably to disrespect, to feel that you know better and the other person doesn't know better. And so you put forward fines.

So I have not in my discussions around the essential services on the numbers of people that are required to work . . . It's a joke. It's a joke out there.

Now the government might feel that it's not important enough to take seriously, to mend their ways, and to do things differently. And I think it's exemplified in the electoral officer. I believe it's exemplified in the electoral officer and the approach taken by the Justice ministry, the Justice minister, where there is the group of people that decided who a candidate should be for a very important office in our legislature for our province and what that group did with that. What did they do? They made a decision, and then the Premier decided that that was not on for him. They changed that decision and now we have . . . I'm not sure where we're at, Mr. Speaker, where we are now. Perhaps we'll again require a body outside of here to make comment on that.

[10:45]

Mr. Speaker, I have made the points that I think are necessary to be made. We've talked about the lack of . . . the acknowledgement that you can govern without history. We've made the points about the Premier on the video, the remarks that he made, and not only making the remarks but putting them on videotape so that that could be their history, preserving history and that.

I've talked about the budget, Mr. Deputy Speaker. I've talked about the budget in terms of what we see on the free-spending ways of this government. We talked about the billboards — the billboards that were in fact not true, probably true for a few seconds after they were put up — and that we will be experiencing a huge deficit over the next . . . a projected deficit that will be worse, worse than we experienced in the '80s.

We've talked about the lack of vision and leadership of the Premier, the lack of . . . free-spending ways and the party that was going on here.

**The Deputy Speaker:** — I would remind the member to bring his comments back to Bill 131, *The Conservation Easements Amendment Act, 2009*.

**Mr. Iwanchuk:** — Mr. Speaker, perhaps the point that is most, I guess, disturbing across the entire piece is the judgment, the judgment. And the Premier throughout has a history of this judgment. And again as I mentioned earlier, we all have perhaps said things or done things. But his remarks about the Ukrainian farmers in this province and then the ability or the

lack of judgment to put that on videotape, the lack of judgment, Mr. Deputy Speaker, to put that all on videotape for all to see, for the country to see and to have the visual of that, is disturbing.

But I think that lack of judgment continues to this day, Mr. Speaker. It's unfortunate. But I know that there will be a number of other people that wanted to comment and with that I will take my chair, Mr. Speaker.

**The Deputy Speaker:** — The member from Saskatoon Fairview has moved to adjourn debate on Bill No. . . . Has he adjourned before . . . [inaudible interjection] . . . Pursuant to a rule under 283, that the member has lost one adjournment so he cannot move to adjourn debate again.

**Some Hon. Members:** — Question.

**The Deputy Speaker:** — Pursuant to motions to adjourn the House, pursuant to rule 283, subparagraph (3):

A motion to adjourn the House may not have conditions attached, otherwise it becomes a substantive motion which may be moved only after notice.

There . . . [may] be some question before the House for a Member to move a motion to adjourn the House.

If a member has lost it, the motion before . . . [inaudible interjection] . . . Okay. I recognize the member from Athabasca.

**Mr. Belanger:** — Thank you very much, Mr. Speaker. I want to rise today to give my comments on Bill 131, *The Conservation Easements Amendment Act*. And, Mr. Speaker, I want to point out, after discussing the notion of how long I wish to speak on this particular Bill, I will point out that the Bill, you're allowed to speak on a Bill for as long as you wish. And there's no specified time frame that you can speak on this Bill, and I think the only thing that's stopping me from going on right until the end of session of course is the fact that the second last day of the session a vote can be called in relation to Bill 131.

But, Mr. Speaker, in terms of the purpose of the Bill, and for those that are listening to the presentation here this morning, the Bill really is . . . The primary purpose of the Bill is to enact a process to create Crown conservation easements.

And, Mr. Speaker, I want to talk a bit about the, not necessarily the intent of the Bill, but those that are proposing the Bill. And, Mr. Speaker, I certainly want to point out that the Saskatchewan people and many people throughout the different areas of our province, they certainly support any effort to conserve land and to try and protect wildlife and offer habitat to wildlife. And basically the list goes on and on as to the value of conserving land. And the Bill attached to this in terms of the easements, which are primarily land set aside for this purpose, in theory certainly every effort should be made to promote that and support that.

So, Mr. Speaker, in Bill 131, we looked at the Bill itself. And again notwithstanding the fact that there hasn't been enough consultation and debate on many, many Bills, we look at this

Bill as at the face value an effort to try and look at conservation and easements throughout the province.

Mr. Speaker, I think it's important that people out there can understand that the Act provides for the registration of these easements in the land titles registry. It also lays out a process by which a landowner can amend or terminate a conservation easement. It also provides for enforcement of the terms of an easement and also lays out penalties for violations of those easements.

Now, Mr. Speaker, I want to go bit by bit on the four or five phrases or the points that the minister tried to present to this Bill. And before I do that, I want to talk a bit about her record as the Minister of the Environment. We're looking at the number of things that this minister has failed miserably on and this party has failed miserably on.

But prior to the last election in 2007, in an effort to try and attract some Green Party support and obviously trying to persuade Saskatchewan people that they had this new-found environmental values, what they did was they made some bold predictions on what they want to do to reduce greenhouse gases and how do you make sure that Saskatchewan did their part. And this Bill 131 is a key part of what they attempted to try and do but obviously failed miserably at, Mr. Speaker.

Now I listened with great interest yesterday when the Minister of Health was talking about West Nile and the Minister of Environment was talking about the northern forest fire situation. Now, Mr. Speaker, Bill 131, contrary to what many people think, there's a lot of interconnection between forest fire fighting values, the West Nile virus, this Bill 131. And we need to go down the path to connect all the dots for the people of Saskatchewan.

The first thing I want to point out is that when it came to the whole notion of reducing greenhouse gases, which this has a direct connection to, this government failed, as I mentioned at the outset, to try and do anything when it comes to leadership on the environmental front, Mr. Speaker. They have failed miserably in the sense that they made the prediction, they made the commitment, and all during the election you couldn't find a stronger champion of their cause anywhere, Mr. Speaker, when the radio ads were out and newspapers — yes, we're environmentally friendly. And what happens after election day 2007? They totally forgot about everything that they committed to, Mr. Speaker. They downgraded their commitment, and then they went further down to their commitment, and now they're down to zero, Mr. Speaker.

It's much similar to their potash revenue figuring-out scheme. That's how they did the environmental process where they said at one time in potash they wanted to get \$3 billion. At the end of the day they owed the potash companies \$204 million. That's how the environmental file is going as well, Mr. Speaker.

So I'll point out to the people and to yourself, Mr. Speaker, the important message that any environmental Bill presented by this minister and by this government really is not any type of a Bill that we want to see passed easily. It's not any kind of Bill that we want to see go through the process without having some very thorough discussions. And, Mr. Speaker, I certainly can

and plan on doing that.

Now at the outset I spoke about the time allotted for this particular Bill. And I've been advised that this Bill, the discussion can go on for quite some time. And about the only pressure attached to the debate on this Bill is that the second last day of the session a vote could be called, and I imagine a vote will be called on this Bill to try and get it through session. And, Mr. Speaker, there's two Bills that of course have precedence or priority over this particular Bill, and that would be of course the budget Bills and the specified Bills.

So, Mr. Speaker, I think the current government's going to have a tough time here, unless things change, in trying to proceed forward with their legislative agenda because they simply have not been able to do so on the finance front. They've not been able to do so on the economic front, and again as we mentioned, they can't seem to do anything in relation to the legislative agenda.

So, Mr. Speaker, this particular minister and this party talked about the environmental challenges but have done zero, including this Bill 131, to try and ease the challenge that we face as a province. People throughout the province have been telling us . . . And it's not just private people. It's not just the environmental groups. It's not just the average household. It's been many people in the business community. It's been many agricultural leaders. People are saying to this government and to many other governments across the country — and we're not immune to that — that we ought to provide leadership when it comes to the environmental stewardship of our province, that we ought to provide some solutions. We ought to be very, very dynamic. We need to be very intelligent in how we proceed with our environmental plan.

And, Mr. Speaker, this is exactly the challenge and the problem with Bill 131, is that it's a sporadic, confusing little issue, plan that this particular minister is trying to provide and trying to get approved through the Assembly. And like Bill 131, Mr. Speaker, this is a clear example of how there's been no thought, no leadership, and no connect to the rest of the issues in relation to the environmental challenges that we face in Saskatchewan.

So the people of Saskatchewan again are saying, Mr. Speaker, that Bill 131, it's a small, little piece in some corner that this particular minister and his government are throwing out as their flagship Act in relation to meeting the environmental challenges of our province. And Mr. Speaker, nothing is more insulting. And nothing is more disingenuous in terms of trying to deal with the whole notion and the challenge that people are laying before this government of dealing with climate change.

Now, Mr. Speaker, this minister also talked about fines of up to 100,000 per day or for corporations, 500,000 plus 500,000 per day. Like, give me a break. These fines that they're putting up, it could be \$500 million a day or \$5 billion a day. There's really no plan that they have whatsoever to enforce any kind of easement Act.

So those figures that they're throwing out here are just that, just figures. We don't see any evidence nor do we suggest in any way, shape, or form that these fines that the minister is trying to allocate are going to be applied, Mr. Speaker. People in



Saskatchewan know very well you can have all those figures that you want in terms of how the fines are going to be doled out or rolled out. And quite frankly, there isn't going to be anything in terms of serious action in relation to fines to address climate change and to meet the challenges attached to climate development strategies when it comes to this particular government.

So Mr. Speaker, Bill 131, *The Conservation Easements Amendment Act* is primarily that. It is just the small, small little piece of something that the current minister and the Sask Party government have no intention of doing. And as I mentioned at the outset, many of the pieces of papers and the Bills that we get from that particular minister, about the only value I see in some of these Bills, including this one, is that if I take it home, and after I'm done reading it, I could start a fire in my fireplace and this would make certainly good fire starter for that purpose.

[11:00]

Now, Mr. Speaker, the conservation easements throughout the province, they have a real true value, much like the RAN program, which was the representative area network. People began that process . . . Whether it's wildlife habitat protection lands, these are all interconnected. And the minister ought to know that, but quite frankly she doesn't know that because we're seeing different actions on different fronts. This Bill 131, the conservation easement Act, it has its own specified or specific actions. And they can attach as many of the fines and amounts as they want but they'll never be applied.

The second thing is that, how does it relate to the wildlife habitat lands? Is there a connection there? You would assume there would be, Mr. Speaker, because it has the same purpose as Bill 131. Isn't it about conservation and isn't about protecting lands, much like the wildlife habitat lands — isn't it the same purpose? Well why is it that actions on Bill 131 does not match the actions behind the wildlife habitat protection lands or does not match the actions of the representative area network system?

And why aren't there discussions and consultation with land set aside even on agricultural land? Wasn't there any discussion with the Department of Agriculture in relation to some of the lands that they de-listed as lands that are important for habitat? There was no consultation.

So, Mr. Speaker, I think the important message we have for people throughout Saskatchewan is that when you have small Bills, like Bill 131 and the current government says well they don't want to pass even these small Bills, we are saying to people, you shouldn't put these small little band-aids on a huge problem that Saskatchewan faces, — and that's addressing the climate change matter — and try and pretend that that's the solution, the silver bullet, to meeting all the needs. Because clearly, there is no connect and there's no actions attached to any of the other conservation efforts that this government purports to have in relation to this Bill.

So what that simply means is they have not thought out the strategy nor have they put the proper resources, the time, and the intelligence behind how they're going to deal with setting aside land for many, many purposes including easements that

we're speaking about on Bill 131.

Now, Mr. Speaker, one of my colleagues quoted a very important point yesterday and I wanted to echo that quote. Robert G. Ingersoll quoted: "In nature there are neither rewards nor punishments; there are consequences."

So, Mr. Speaker, we have been trying to tell this government, and many people throughout Saskatchewan have been trying to tell this government that you've got to have a comprehensive, interactive strategy to deal with not just global warming but to also look at how we're protecting our land base, how we're protecting our animals, how we're protecting the value of our plant life, and the list goes on and on and on.

And obviously with Bill 131, these are just red herrings in the sense of saying, well we'll do this on this one; we'll put all these big fancy fine amount and maybe that'll convince a few people that we're serious about this. Well I'm sorry, Mr. Speaker, but *The Conservation Easements Amendment Act*, Bill 131, as I mentioned, is a very, very small effort in relation to what needs to be done province-wide, and what needs to be done across the government board to make sure we're serious about addressing climate change and we're serious about the environmental agenda that people of Saskatchewan are asking us to adopt as legislators.

Now, Mr. Speaker, I go back to the credibility of this minister and this government as it relates to Bill 131. And that's the important point here, is that the people of Saskatchewan and the environmental movement are saying, well we need leadership. They've said that to us on many, many occasions when we were in government. They continue saying that today. And I think the time has come, the time has come where Bills like 131 have absolutely very little effect on what needs to be done, that we need not to raise them up and hold them up and saying, look what we're doing. Because that is not fair to the people of Saskatchewan. That is not intelligent in any way, shape, or form.

We need to begin to get serious about climate change, about protecting our environment, and put a made-in-Saskatchewan solution. And that leadership has to come from us, Mr. Speaker. It has to come from us.

And we've done it in the past. We've done it in the past. Whether it's medicare under Tommy Douglas or the creation of the Crown corporations under the NDP, we have certainly shown that Saskatchewan can lead the nation and be a shining light of how we're able to turn the corner on meeting some of the environmental challenges that we as a country and as a world face. And what is wrong with providing leadership, Mr. Speaker? There is absolutely nothing wrong with that particular point.

So Bill 131, *The Conservation Easements Amendment Act*, people ought to know that this Bill in its small, little way is talking about easements but in the meantime this minister and this government are ignoring a wide range of other issues that are just as, if not more important, as this particular Bill. And this minister and this government are not connecting some of those initiatives in other sectors and other areas to how they can make this conservation easement actually fit into the grand

scheme of things, Mr. Speaker.

So I would point out the Bill itself is a pathetic effort to try and have some kind of environmental agenda that the Sask Party was touting before the election. And people can see right through it because it has no base of support, it has no intelligence behind it, and it has no connection to the other pieces of the different Acts that can really make an effective plan for Saskatchewan people.

Now, Mr. Speaker, I pointed at the outset, this particular minister has agreed to delist certain wildlife habitat lands at her will and is basically saying, we're going to do this; we're going to sell that land, and nothing's going to change. And, Mr. Speaker, then they turn around and present Bill 131, saying they got all these fines for people that don't want to follow this Bill. Well, Mr. Speaker, what you have clearly here is a sense of confusion and what the heck is going on. That's the vast majority of people's position and point as it relates to this government's environmental agenda.

So I would point out to the people out there, the fact that they're not connecting with some of the other initiatives within the Department of Environment, the fact that they're not putting the proper resources into some of these areas, the fact that they're just throwing out some of these red herrings such as Bill 131, the fact that they're never serious about the environmental agenda to begin with, it all points to the fact that many of the environmental groups throughout Saskatchewan have been had by this government. They thought they would give them the opportunity — and this minister — to try and provide leadership on this front, and they got a big fat F in terms of progress so far. I'm talking about the Saskatchewan Party.

And now the Green Party and members of the Green Party, people that are quite serious about the environment and people that have done, people that have done a lot of work in relation to raising the awareness, they are now seeing a total lack of leadership by this minister and by this government. And *The Conservation Easements Amendment Act*, Bill 131, all it is is just a feeble attempt to try and have some kind of environmental agenda in front of people that they can speak about.

So in relation to this particular Bill, Mr. Speaker, I'll point out to the people of Saskatchewan, they need to look at the credibility of not just the minister but the government that is proposing this Bill. And you can see right off the bat, that is never part of a serious effort and that some of these Bills and some of the fines attached to the Bill in 131 really doesn't mean anything to anybody.

And that's one of the reasons why, Mr. Speaker, I'm telling people now that some of these Bills that are being presented by the minister, the paper . . . It isn't worth the paper it's written on. And when I get back home and after I've read through some of the points of the Bill, I'm going to roll it up, and I'm going to start a fire in my fireplace back home so that my house can stay warm and some of my grandkids can stay warm. And that's about the value of this particular Bill, Mr. Speaker.

And to look at the . . . Going back to the credibility of the minister that's proposing Bill 131, the other day I mentioned to

people: the minister was talking about, well we hope there's good moisture in the North because there's a lot of forest fires; then a few minutes later the Minister of Health saying, well there's no more West Nile cases so we reduced the West Nile budget, so we hope that there isn't a lot of mosquitoes in southern Saskatchewan.

So here we have a Minister of the Environment that's saying it's going to rain in the North. And then you have the Minister of Health saying, well it's not going to rain in southern Saskatchewan. So that's pretty much their strategy when it comes to trying to assess and prepare for the environmental challenges. They have decreed that in northern Saskatchewan there will be rain. They have decreed in southern Saskatchewan there won't be rain. So that the net result is there'll be less fires in the North and less mosquitoes in the South.

And, Mr. Speaker, that's the kind of Sask Party math that we've seen evidenced in the last couple of years. And that's why I tell the people on the environmental challenges and some of the environmental plan that they have attached to, Bill 131 isn't worth the paper it's written on because they're never serious about it. They have ignored people time and time again. And, Mr. Speaker, people have had enough of this government.

They've had enough of this government and its lack of leadership. They've had enough of that minister who purports to try and protect the environment and never has any plan attached to anything that she ever does, Mr. Speaker. And I'm calling a spade a spade today, that if you can't provide leadership on the environmental front and you don't know what you're doing, then you should step aside for a party and certainly for a leader that can provide that leadership, Mr. Speaker.

Now I'll point out that this minister, everything that she has touched, whether it's the greenhouse gas emissions target, whether it's anything on a national stage, whatever Ottawa says, she certainly jumps and does exactly what she's told, Mr. Speaker. You've never seen her challenge the federal government on any environmental front. And my point to people out there, as I speak to some of the lack of leadership on the environmental front, is you shouldn't bite the hand that pats you on the head. And that's exactly the relationship this minister has with Ottawa. She refuses to stand up for the people of Saskatchewan. Whatever the federal Harper Conservatives tell her to do, she will do, Mr. Speaker.

And it's not her in charge, Mr. Speaker, it's not her in charge. It's the business, it's the business people in downtown Calgary that'll dictate what happens to our environmental problems here in Saskatchewan. It is not this minister and it is not that party, Mr. Speaker. It is the business community in downtown Calgary, the oil executives that are dictating what we will do or won't do on the environmental challenge and the environmental front that Saskatchewan faces and that the people of Saskatchewan so desperately want to see leadership on, Mr. Speaker.

So again, as we pointed out at the outset, I don't believe the legislation . . . And I said I'd go through the points, point by point. This Act is about laying out a process which a landowner can amend or terminate a conservation easement. It provides for

enforcement of the terms of an easement and lays out penalties.

Now on the first front in which a landowner can amend or terminate a conservation easement, well, Mr. Speaker, if a landowner can do that, why do they have penalties attached to it? Like what is the purpose of the Bill? Again it's very confusing, because isn't this meant to protect land? And yet as part of the Bill 131 they're saying that they can amend or terminate a conservation easement and that's entirely up to the landowner.

Well, Mr. Speaker, there's got to be leadership and co-operation in the sense of working with the many landowners throughout Saskatchewan and how we can protect simple things like wildlife habitat, of how we can protect the river streams and the flow of water. These are some of the issues that we have to have discussions on.

And what I see here is that again *The Conservation Easements Amendment Act*, it is not meant in any way, shape, or form to try and protect the environment and interconnect and interact with all the other legislation and to really, truly have a very good, solid plan for the environment, Mr. Speaker. This is more about protecting certain interests when it comes to land and it has nothing to do with the overall benefit of the majority of people.

And that's exactly the reason why I pointed out earlier that the penalties and the enforcement that they have attached to it is just simply a smokescreen. They have no plans to fine anybody. They have no plans to enforce any kind of provincial statute when it comes to sharing water rights or protecting habitat lands. No plan whatsoever. So as a result of that, all this is simply a smokescreen that people can see right through. And this minister is certainly trying to push that agenda.

Now, Mr. Speaker, I would point out that if you're going to be serious about the environmental protection, and we've said that time and time again — and this Bill 131 is certainly connected to that — you've got to make sure that you're able to commit the time and the resources and the energy and the staffing to put that strategy together. This minister and this government have no intention whatsoever.

And I'm just trying to find out exactly how many times that she's actually spent many, many hours sitting and talking to her officials by saying, what can we do to make it better? And they have an air management system is one of the things that she often speaks about in some of her Bills.

[11:15]

And, Mr. Speaker, again, what the heck is an air management system? She insults the people of Saskatchewan's intelligence in the sense of providing little Bills like this in the hopes that she can at least present to people that she's trying to do something, all the while she's not going to bite the hand that pats her on the forehead, and those hands that pat her on her forehead are in Ottawa and downtown Calgary. And it certainly isn't in the interests of the people of Saskatchewan to try and put a solid environmental agenda forward so we can finally do something to try and address climate change and the greenhouse gas challenge that we as a province are contributing to.

Mr. Speaker, there are solutions. There are bold steps. There is a plan. There's a need for it. All the issues point to the fact that there is a demand for leadership from this minister. And Bill 131 is nothing but a small, little part of a small, little piece of action that this minister is trying to do and tout herself as the environmental champion of Saskatchewan, which is the furthest thing from the truth.

Now, Mr. Speaker, I was quite amazed to also see the fact that this minister . . . from what I can gather, she's given up the forestry allocation process that was typically under Saskatchewan Environment. She's handed that file over to the minister of Energy and Mines. And the minister now has the right, the minister of Energy and Mines has the right now to allocate the forestry to whomever he wants. And, Mr. Speaker, the problem with that is, again, the minister is sitting around wondering what's going on in her own department. In the meantime, different ministers are taking away different responsibilities from her, and she's sitting there on her hands hoping . . . well what effect does this have?

Well what happens typically in a government, the Minister of the Environment should actually be somebody that is totally separate from the process when it comes to trying to protect the integrity of her department. So when somebody comes along, a politician or another minister, and says, why don't you give that allocation to X-Y-Z company and they're allowed to harvest 300 000 cubic metres, well the minister needs to be a bit more independent by saying no. Based on our environmental modelling and based on the structure of our government, I can't be pressured from the economic perspective to compromise on the environmental standards that we as a government should have.

Now what happened was, the minister basically gave up those standards and gave up her integrity as a Minister of the Environment by simply turning over all allocation rights of the forestry issue over to the minister of Energy and Mines, and now he can do with it as he wishes. And, Mr. Speaker, Bill 131 goes back to that, my point earlier, that this minister lacks credibility on many, many fronts. And Bill 131 is another example of how she's trying to confuse and fool people of Saskatchewan that she is really in charge over there, Mr. Speaker.

So one of the first things that this minister ought to do is take charge of her department, take charge of her department and tell the minister of Energy and Mines that I will not be told which allocations to make, and you will not do it for us. We have to protect the integrity of their environmental standards, and that means I can't be persuaded nor convinced, from the economic perspective, that I have to do this. I've got to make sure I balance the economy with the environment. It's got to be fair. It's got to be thorough. There's got to be a certain amount of standards attached to that process, and the list goes on as to why she should not have done that.

And, Mr. Speaker, what we see is the minister saying, well okay, you want this piece of the environment? Go ahead and take it. You want that piece of the environment? You go ahead and take that too. But I'll put up, like, Bills 131. I'll say oh look, look what we're doing on the environmental front. And people of Saskatchewan and the opposition are shaking their

heads, saying my goodness, where's the leadership from this minister? Where is the leadership from this minister? And I would say to the people of Saskatchewan that it was never there. It was never there. Many of you had been fooled and that shouldn't ever, ever occur again.

And I've bumped into quite a few folks that at one time were thinking of giving this particular minister and this party an opportunity, and many of them who are very strong conservatives and who have voted for them. They have looked and they have assessed. And many people in the environmental movement as well said let's see what they can do. And after two short years, \$2 billion, two extended hours sitting, they have come to the conclusion that we made that mistake and we'll never make it again.

So, Mr. Speaker, the environmental movement is getting strong. I encourage them not to quit. I encourage them to rally, to organize. I encourage them to provide leadership to that file because obviously this government and this minister's not going to do that. I encourage them to connect and help the NDP develop policy. I encourage all the people out there that have been disenfranchised, as a result of this particular party's action and this minister's lack of action when it comes to the environmental front, and join forces with us so that Saskatchewan can once again provide leadership on the environmental front. It's the single most important issue, the single most important issue facing Saskatchewan, and that's how we begin to protect our environment.

So, Mr. Speaker, *The Conservation Easements Amendment Act* is primarily, again, just a little game that the minister throws out, some of these Bills. And there's no connect to some of the other areas. There's no connect whatsoever. How is it that you can put this Bill forward, 131, and talk about trying to conserve land? Then all of a sudden you turn around and you raid the wildlife habitat lands and de-list many lands that are important, for sale. And how do you all of a sudden start laying off staff and all of a sudden the RAN program's in jeopardy? There's no valuation. There's no effort to try and figure how that program may have been valued. And then you turn around and you say, well we hope there's a lot of rain in northern Saskatchewan so we don't have as many forest fires as we've had in the past year.

Mr. Speaker, that's exactly my point. It goes to the credibility, not just of this minister but of the Sask Party government in terms of trying to address the climate change and really do something meaningful for the environmental file.

Well, Mr. Speaker, I pointed out to several of my colleagues that if you want to look at a plan, it's got to be a comprehensive, across the board, interdepartmental strategy that this government can implement to begin the process of forwarding an environmental plan that the people of Saskatchewan can help architect. And they haven't done nothing of that sort.

Unless and until we see that concentrated effort, the effort to try and bring as many resources as possible to make sure that people know we're serious and to engage the people, then you will see the energy and the flow of information and the participation from the people, from the communities, from the

universities, from the youngsters, from the schools, from the villages, and from the business community. All these groups out there are just dying to have the opportunity to participate in the process to establish their role and thus the leadership role of Saskatchewan when it comes to qualifying and quantifying in developing sound, intelligent environmental strategy that certainly has short-term, medium-term, and longer term outlooks and goals. And that's exactly what I think the people of Saskatchewan want, Mr. Speaker.

So again I want to point out that there are many more things that I want to say on this, but again, Bill 131 is certainly that; it is simply primarily a smokescreen for this minister to try and pretend to be an environmental minister. And that's why I think it's important that people be told exactly what she is and what this government lacks, and that's a poor leader and certainly lacks vision when it comes to the environment.

**The Speaker:** — I recognize the member from . . . Just one second. Is the member standing to speak to this current Bill? Oh, okay. The member from Athabasca I'm assuming has moved to adjourn debate. Okay, the member's done. So the question before the Assembly is that Bill No. 131, *The Conservation Easements Amendment Act* be now read a second time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

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

**The Speaker:** — To which committee shall this Bill stand referred? I recognize the Government Deputy House Leader.

**Hon. Mr. Harrison:** — I designate that Bill No. 131, *The Conservation Easements Amendment Act, 2009* be referred to the Standing Committee on the Economy.

**The Speaker:** — The Bill stands referred to the Standing Committee on the Economy.

### Bill No. 132

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Ms. Heppner that **Bill No. 132 — *The Wildlife Habitat Protection (Land Designation) Amendment Act, 2009*** be now read a second time.]

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

**Ms. Junor:** — Thank you, Mr. Speaker. I'm happy to get up today to speak to *The Wildlife Habitat Protection Act* and the amendments being proposed for it.

Some of the things that come to mind when we first talk about wildlife protection and the lands that we're talking about are many of the hours and days that were spent around the Great Sand Hills and talking to people around there and people in the province who were interested in making sure that we do preserve our natural habitat and our natural beauty in this

province. There is some concern with this Act that there will be less rigour around those protections and that we could, in essence . . . And I think, listening or reading the minister's comments this morning in *The StarPhoenix*, that there will be opportunity, there would be opportunity in regulation to actually see some eroding of that protection. And I don't think that is anything that the people of Saskatchewan want to see.

We have spent a lot of years making sure that we do have respect for the land and respect for the land that we turn over to our children and our grandchildren. And I think it would be very harmful and very short-sighted to put into effect anything that would hamper that protection. And I do have some serious doubts that the proposals that are in place in this Bill, I don't think they actually would strengthen anything that we have in place now, so I'm really a little leery and skeptical about what the intent is.

I know there is people who have had access to the land for years and would like to have an opportunity to buy it, but I don't think that there's any urgency for that. And I do think that this is a Bill that has some serious consequences into our future and our children's future. And once you do something, it's very difficult to undo it. And I think if you sell lands and something happens to the wildlife on that land, then it's not possible to reinstate it or to undo the harm that has been done.

I certainly wasn't reassured, and I don't think anybody else will be reassured by the minister's explanations in the paper today that define a different definition of ecological. And somehow what will meet their definition of that and what will meet their broad plan was, I don't think, terribly reassuring and I don't think actually very clear about what the intent will be.

And I know a lot of the proposals talk about putting things into regulation, and there is a fair amount of unease about moving things that were previously in legislation into regulation because regulation does not have the scrutiny. Passing regulations does not have the scrutiny that passing legislation does. There's lots of things that happen in regulation that just actually slip by, and unless you're paying attention to an OC, an order in council, you will not notice it.

And one of the things that comes to mind is the recent one in health where, by regulation, your private information will be shared with a foundation. And that comes into place May 1st by regulation. I don't think *The Health Information Protection Act* ever, ever envisioned that. Since I was the minister who was responsible for bringing that original Act in, I know that was true. And I don't think there's anything in that Act that would have presupposed that we would be sharing our health information just by changing a regulation.

So I'm really not very happy to see that we're going to talk about having things repealed and regulations will be adopted, especially that designate which lands are protected. And this says this will allow all designations and withdrawals of protected lands to be done by regulation. Well that goes to my point exactly. This can certainly be done without any scrutiny, without any transparency, and certainly without any debate. So there is, I think, a real danger in actually going down this route.

And that is what I think I am seeing from the actual wording of

the Bill. And not knowing the intent from the minister, I don't know if that's the intent, is to hide some things that could happen and things that could be done without public scrutiny and certainly without scrutiny of the opposition.

I know there's various organizations who want to have some conversation about this and talk about the impact of what this will do from their point of view and from their interest, and I don't think we've heard from them yet. And I think that they are still waiting to come, so I think that it would be premature to actually think that this legislation would be one that we would see moving along very quickly.

This one, I think as I mentioned at the beginning of my remarks, has such a huge impact on the future of the province and the future of the land that we turn over to our children and our grandchildren and on to perpetuity that we simply cannot get this wrong. And I think it would be short-sighted, certainly of the minister, to expect that things that were in legislation that would protect the land and the future of the land would now be willingly or eagerly removed to regulation where we have certainly far less scrutiny and far less accountability.

[11:30]

And I think it looks like it's innocuous when you talk about defining what is wildlife habitat and what are ecological lands and to reflect some broader intent. I don't think that's very clear of why we would need that, especially when the minister's remarks said, we would be able to define and fit them into our plan. And given our experience — at least from the opposition's point of view — of the plans of government, none of them have actually worked out very well and in fact are fairly thin on detail and thin on rigour and also thin on outcomes and evaluation. So again I have significant problems with having this sort of thing put into regulation or leaving it in the hands of regulation.

I think that people in the province definitely do have an appreciation of our wildlife habitat, and they do have a real interest and a keen connection to the environment and the ecology of our province. And I think that changing this— in particular changing it in so many ways and areas that would open it up to interpretation of whoever is in the ministry at the time — is a danger, and it is doing a disservice to our province and our future and the future of the land. So I don't think that there's going to be a huge amount of support for moving this into regulation, and I think that's basically the thrust of the amendments that are proposed.

And there could — exactly what I was talking about — there could be ways of selling off what is now currently wildlife-protected land. And I think there's going to be some questions about what exactly we do to make sure that what we sell, if we sell it, we have certainly good reason for it and that we have looked at all the impact on the previously designated protected land and why it would it would be of value or of necessity to sell it at this point.

So I think that many of my colleagues have raised some of the same concerns, and I don't think that is something that we can see anybody has suggested anything that would ease those concerns or in any way answer the questions that we all have

about why move to regulations and why the necessity at this point to put something in place that would make it easier to sell land that has been previously designated as wildlife protected. And even if you designated it as ecological land, it doesn't protect it any more since you've only allowed it now to be accessed through regulation which, as I said, doesn't have a great deal of rigour attached to it. Regulations come and go and, basically at the whim of a minister, have only cabinet to answer to and basically are only shared with the media and the opposition after the fact.

So there is no ability or opportunity to talk about regulations and the impact of what they would be until it's done. And once something is done, as I've said, it's very hard to undo it. Once you've allowed something to be sold, it would be extremely difficult to un-sell it. And I think of some of the provisions of NAFTA [North American Free Trade Agreement], where once you've moved into a certain area and you open it up, you have opened it up forever and there's no turning back.

So I think we should be even more cautious on our land. We only have so much land in Saskatchewan. It is our duty as legislators at this time to protect that land, and I think it is an abrogation of our duty if we look at making it easier to sell it without anybody having the ability to ask why and have any public scrutiny of decisions that are made about who gets to buy the land.

It does seem suspect that it would be necessary to do this. I think if there's some reason that land has changed in its designation and that it has now become . . . there's no wildlife on it or it doesn't have any ecological value, then there is the legislation to deal with. And there's processes within that, I'm sure, that you can look at to see if this could be somehow expedited to sell it. But to leave it to regulation does not sit . . . I do not think that that is a very good avenue to pursue, and I know the legislation itself is basically constructed around that premise.

And as I said, the minister's remarks in the paper today were not reassuring. And I think that her comments have led people to think, what about the Great Sand Hills? Is there an opportunity for something like the Great Sand Hills, for us to lose that as a protected area? There's certainly been conversation about what's under the land and who owns it and who would want it. So it's interesting to have this debate at a time when you wonder who would benefit the most from this. What is somebody wanting from this land, or what is somebody wanting from a certain piece of the land? Has it got anything to do with some of the natural resources that could be there?

So I know when the Great Sand Hills debate was going on, this was definitely an issue the public was really connected to and concerned with and engaged in. And there was an awful lot of conversation about the value of protected land and even the value of protected land versus what could be considered to be a natural resource that would have some economic value, not only to the area but to the province. And in the balance, the value of the protected land won out.

So I think it's extremely short-sighted to be looking at some way to actually undo this and make this easier to have somebody who has an interest in perhaps taking out natural

resources or — for whatever other reason — wants the land, to make it easier for them to get it or make it easy for them to get it without any public input or public scrutiny, and certainly without any ability of the opposition to review the regulations before, as I said, they become fact.

So I don't think that there's any way we can actually see this going forward unless we have some serious conversation with the stakeholders and the wildlife federations who are interested in this and have not had the opportunity to appear here in the legislature to share their concerns. And I know that they are sharing those concerns out and about in many venues, but they need to be able to come here to talk about their concerns and to answer the questions that we might have or to bring forward some of the issues that we may not have thought of.

Given that this has serious impact on the future of the province, I think we do need to have that conversation. And I think it is important that everybody that needs to be involved in the conversation is contacted and has the opportunity to have that conversation. At the moment I don't think any of that has been done.

And I know, given the history of consultation with Bills that I've been involved in and that I've seen in this legislature — and particularly in the last two years — that consultation is really a foreign language to the Sask Party. So I don't think that there has been meaningful, meaningful consultation that would in any way ease people's concerns, and I don't think people would be very happy to see this Bill move forward without that conversation taking place.

And I know when we talked to First Nations about the wild ponies Act, they certainly had no idea what was coming forward and they certainly did not feel that they'd been consulted. We've seen many areas of First Nations not being consulted. Many of the lands in the province do of course fall under First Nations or on reserve land or on treaty land. And there would be certainly an interest, I'm sure, from the FSIN [Federation of Saskatchewan Indian Nations] to have a conversation on what this would mean if there's lands that are in this protected Act that would be in danger of having any changes happen to them without consultation since that's the norm, without consultation with the FSIN or with the bands that were affected. So I don't think that, Mr. Speaker, much has been done for consultation.

And I know I was just recently involved in looking at *The Opticians Act*, and the contradictory submissions we have had about who supports it and who doesn't. It's unusual for a Bill to come this far without having done that homework and done that work ahead of time so that people do support the Bill. As government, that's how I would think it would work, that you bring a Bill forward that has the support of the community that it affects, but apparently not with *The Opticians Act*.

So I'm not convinced that this Act has had any better preparation from the stakeholders' point of view. And I don't feel comfortable that we've heard from whoever needs to be heard from and certainly have given them the opportunity to raise their concerns. This is not something that any of us should take lightly. It is certainly something that will have a long reaching effect on our future as a province and the land that we

see and that we have access to as citizens, not only just for our own personal use, but for our own enjoyment and the enjoyment of tourists and other people in the province who just enjoy looking at wildlife or enjoying the scenery out and about on a holiday.

I don't think we have any idea of who is interested in buying what, which is the danger of having legislation like this that opens the door. And once a door is open, as I said, it's very difficult to shut the door. And I think we do this at our own peril. And I don't think this is an Act that has been well advised. And I don't see any real imperative to do this. There doesn't seem to be anybody calling for this in a very concerted way. I'm not sure who or what this legislation would benefit, so I think that's another question that needs to be answered. Why? Why do we have this proposal? And who needs this? And what will it do for them? And why do they want it?

And then on the other side, what will it do to our wildlife and our land? And what does the Wildlife Federation and what do all the members of the Wildlife Federation have to say about it because they have a very, very large membership that reaches from border to border of our province. And I think that they definitely have had a role as stewards of our protected lands over the years, and certainly to hear from them would be of great value. So I certainly await that opportunity that I believe is coming soon.

I think that, as I said, the minister's conversation with *The StarPhoenix* was disconcerting to say the least. I don't think there was anything reassuring in those comments that would make me as a citizen, let alone as a legislator, think that this was good legislation. And I think when we look at legislation, we have to ask ourselves, what does this do for people? Does it make Saskatchewan better? Is it of a benefit to the people of Saskatchewan? And I don't actually see what could be pointed to or touted as beneficial to the people of Saskatchewan as a whole.

This may have some benefit to certain people, I'm not sure who. But I don't know who would be asking for this, and of course we don't know who was consulted since we don't ever have that information shared with us. It's difficult to actually scrutinize legislation if you don't know the intent and you also don't know who may have wanted it, who may have asked for it, who may have been consulted. We don't know that and we seldom do. So it's difficult to say that something is a good idea when you definitely don't have any idea of why the idea is here.

And I think we're at that point now with this, this particular Bill. There doesn't seem to be any explanation of why we would need to change, have this legislative change, and why we would put it into regulation that would be significantly less onerous and less rigorous in its scrutiny. I don't see any good reason for that. I haven't seen any remarks by the minister or anyone else who says this is a good idea.

The minister's remarks weren't even that supportive. It doesn't seem to me that that's something that even the minister supports in a very significant way. It doesn't seem like it's an important Bill for her but I don't know why then it was brought forward because it does seem to fly in the face of many other people who, if it was changed, would be, it would be very important to

them. And they do have serious concerns, and they don't really believe that this is in any way, shape, or form, a necessary piece of legislation.

So I think with those remarks . . . I think it's incumbent upon us as an opposition to actually do the consultations that don't ever appear to be done on Bills before we get them. There doesn't seem to anything done ahead of time. And like I said, my latest conversation around *The Opticians Act* has shown me that both sides have a different opinion. And as legislators, when we were in government, we were reluctant to bring forward legislation that didn't have the support of the people that it impacted. We were less likely to bring forward controversial legislation than not.

So I wonder what on earth it is about this legislation that would make the minister think this was a good piece of legislation. I haven't heard that explanation. I also haven't heard who has asked for it. I haven't heard who it will benefit. I have heard from . . . anecdotally, and I'm sure we're going to hear in more detail, why we shouldn't do it. And I can only, as legislator in this opposition, hold to that that there are people who don't want to see this and they have a significant, they have significant reasons for that.

[11:45]

So we do have some information on . . . [inaudible interjection] . . . Oh and a nice picture of a moose too . . . [inaudible interjection] . . . Yes. And those of us who travel on the highway now are seeing more and more moose. I think it's moose. Plural — isn't it moose?

I'm just hoping that they all stay away because I do think . . . Apparently much of the best remaining habitat, wildlife habitat land, is on Crown land and so these are, these have always been historically very important for maintaining existing wildlife populations. And as much as we don't want to see them on the highway where they're involved with our cars or trucks, we do appreciate that they contribute to our general good, the good way of living that we have in this province by what they bring to our natural habitat. And many of the wildlife populations are definitely on land — that is about two-thirds — some of it is south of the forest fringe and it is privately owned.

But we do have a history around this when we passed Bills like the critical wildlife habitat protection Act which is now, what this one is known as *The Wildlife Habitat Protection Act*, and that was passed in 1984. And it does protect 3, over 3 million acres of uplands and wetlands or one-third of all wildlife habitat in our agriculture region in its natural state.

So when we talk about changing legislation and moving the ability to sell any of this into regulations, we're actually putting at risk over 3 million, 3 million acres of uplands and wetlands. And it seems like a fairly dramatic step to take, to jeopardize that much land in this province. And the current Act has a protection for these lands and we have apparently the most cost-effective wildlife conservation program around these lands. And the Act prevents the government from selling the designated Crown lands which I gather is what, is all I can gather, is what the intent of, is changing this legislation to allow in regulation the sell-off of Crown lands previously designated

as protected.

And the philosophy of the Act was to conserve the wildlife habitat while enabling compatible traditional uses to coexist. So people who had rented these lands and used them for farming or agricultural use have done so over the years while still protecting the wildlife habitat that live on those lands. And the wildlife, the protection Act does recognize and support some agriculture use and petroleum activities, and the lands are leased mainly to cattle producers who use them for grazing and haying. Now I understand there are some cattle producers who would like to, after years and years and years of leasing, like to buy the land, and I understand that.

But I think the bigger picture is, what happens when you open this door of selling the lands that have . . . And then 3 million acres is a significant amount of land and it has been protected for a long time, and the reasons for the protection I don't think have diminished over the years. I think those reasons are still solid now.

And the designation of a protected . . . wildlife protection has no effect on the lessees' right to continue leasing their land. So there is no threat to removing the ability of the person to lease the land and use it for what the terms and conditions of their leases are. They can be, the leases can be routinely renewed and transferred as in the past and the Act has very little effect on their daily operations at all.

So again I have to ask, why on earth bring this legislation forward then, if there's not some impelling or compelling reason to selling the land? Because that would be the only thing that I could see the legislation would do, would open it up to sell it. And most people do not like the idea of selling land that has been protected over the years and that has a designation of a protection.

And there is certainly, there's certainly ability for oil and gas companies, that they can explore and drill but they must ensure they do very little damage to the surface. So there are all kinds of, there's all kinds of concessions made for people who lease the land to do certain things for the economy, their economy or ours or on agriculture. But it does always maintain the ability within the government to protect the land. Once the land is sold, of course the government has very little control over what it's used for and so the loss of whatever value for the wildlife habitat is certainly a possibility once we no longer have control over that use.

And Saskatchewan has . . . Preserving more lands to save endangered species is also important and we do have designated 15 plants and animals under the species at risk provision of the Act. And there's certainly things that we need to watch out for that we don't lose animals, plants that we may lose if we don't have, if we don't keep our 3.4 million or 3.4, I guess, million acres. And that's only about 5 per cent of Saskatchewan's agriculture region and about 80 per cent of the region's total natural protected areas. And this includes such things as parks or protected wildlife and ecological areas. And protecting these lands, we have found, has been the best preventative medicine to ensure habitats for the survival of endangered species and spaces for species. Can't say that too fast.

So we have always found that the ranchers and farmers who lease the lands are good stewards and the wildlife is benefiting. Preserving the important wildlife habitat has enabled us in Saskatchewan to come to the forefront of national and international habitat and natural ecosystem conservation which is helping Canada contribute its share towards global environmental conservation.

And so we have basically wise multiple use of public lands that can curb habitat loss while accommodating the interests of agriculture, wildlife, and the public. So there doesn't appear to be in the current legislation any real reason — there's no gaps — there doesn't appear to be any reason that someone could not lease the land and do almost ordinary daily activities of agriculture or even gas and oil production as long as certain environmental standards are met.

So I don't see the reason that we have this Bill before us today, Mr. Speaker. And with all the questions being raised around it, it seems to fall under: why move it to regulation? And you have to ask then, what would be accomplished by that? And what protection for those 3 million acres would be left in the Act if by regulation you could change pretty much anything? That's dangerous. It's a dangerous thing to do, especially in an Act that has this impact on the environment and on the lands of the province and on the future of the wildlife and the various species that are protected.

And that since we're all in a bit of a connection as species of this earth, it does make a difference in whether we protect our wildlife and their habitat, how it affects us. Once we start interfering with the wildlife and their habitat, we see . . . Like killing foxes who kill gophers who kill rats, we end up impacting somewhere else along the line. And it doesn't actually do us any good to insert ourselves with our human solutions. It doesn't actually work. And we've seen that quite clearly with the fox thing . . . or coyote, sorry. I think what we're seeing is it didn't do what it was supposed to do and it actually did have harmful effects.

So I worry that when we have legislation like this before us that we haven't looked at, what will be the harmful effects of this? And that is our jobs as legislators and especially as opposition to look at what would be the downside. What would be the harmful effects of this kind of legislation? And that one just jumps right out at you. And I have had no explanation or no reassurance that that would not cause exactly what I am worried about, that the 3 million acres that are currently protected could, in effect, be sold.

And I don't see anything that says, from the minister's remarks or anybody else's comments, that that wouldn't be the case or that there would only be a certain amount sold and here would be the criteria for the sale. I don't see any of that. And I don't see anybody jumping up and saying, we need to have this, we should do this. I don't see that either. I do see people saying, what on earth are we doing? And this is a dangerous precedent to set and it's dangerous for the province.

So I don't see the reason for this. I certainly don't see why the minister has opened the door to letting these lands be sold without very much scrutiny. And you may have confidence in yourself when you're sitting in the government seat and the



Minister of Environment, but you're also leaving this door open for any future person who comes in there, or future government. And I think we owe it to ourselves and to the people of this province to make sure that we leave the province in good shape when we leave our jobs as legislators.

And I think that we have to take our jobs seriously because we do need to remember our connection to the environment, to the animals in the environment and the plants in the environment, and that we do have to have a connection, that we recognize that our health is dependent on their health as well and the health of the land. We can't just take everything for immediate use and not expect some damage to be done that will be permanent and that will have lasting effect on the future of the province, the land of the province and the land that we turn over to our children and grandchildren.

I think that we have . . . It's interesting that there are over 600 species of birds and mammals in Saskatchewan and their territorial ranges in southern Saskatchewan continue to shrink. Human activities and development over the last century including roads, towns, cities, agriculture, and industry have carved away 75 per cent of the natural areas in our province's agriculture region. That's aside from the places that the 3 million acres that we protect. This is what's happening as we just naturally let it go.

This region contains one of the most altered landscapes in North America. That's a significant comment, Mr. Speaker. When left to its own resources, the land unprotected has fallen victim to this erosion. Seventy-five per cent of the land, the natural areas, are in the agricultural region. So today, southern Saskatchewan's wildlife populations are relying on approximately one-quarter of their original habitat. So that habitat is shrinking as we leave it to the natural forces. And so if we contemplate selling some of the 3 million protected areas, we are actually adding more into this erosion, and we will see more of the erosion of our natural . . . of our species of birds and mammals and their territorial ranges.

So we do not have . . . I don't think we have the authority to do this, Mr. Speaker. I think we have to look at what we are stewards of. And as legislators, we do have the ability to change dramatically what will happen to our ecosystem. And we have to remember that we are part of that ecosystem. Not only are we stewards of it; we are part of it. So when we contemplate changes of this magnitude or that have the ability to be of this magnitude, we are really putting in jeopardy so many things that I don't think we've actually taken into account. And I think that we would do a disservice to ourselves and this legislature and this province and the children and the future if we would not ask the questions and we would not actually, I don't think, put into regulation what this Bill contemplates.

This is not something that I think should ever be contemplated — to lose the control of those 3 million acres. I was just reading how much of the natural habitat by natural erosion is going away. If we turn over the 3 million to the natural erosion, we'll have nothing. We'll have saved no animals and no species, and then we are then again. That is at our own peril.

And I think that a sober second thought should be taken on putting forward Bills like this, that tamper with our natural

resources — and I don't mean our oil and gas and minerals — that tamper with the natural habitat, the natural lands, and natural order of things. I think we do that at our peril, and I think this is going to be opening the box to tamper, and I don't see any benefit to that tampering. I think that we are actually looking at some significant, significant damage that could be done.

And I think that we would have to seriously ask ourselves what would be the benefit to us if we did this. I don't see anybody that is saying this would be a benefit to us. I really worry that whatever, whoever, or whatever reason we're doing this for isn't clear, and it certainly doesn't offset the bad side or the downside of this decision. Nothing that I have seen so far or that I have read or that I have commented on today would at all make me believe that there is a balance of . . .

**The Speaker:** — Order. According to order, this House stands recessed until 1:30 p.m.

[The Assembly recessed until 13:30.]



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