



FOURTH SESSION - TWENTY-SIXTH LEGISLATURE

of the

Legislative Assembly of Saskatchewan

**DEBATES
and
PROCEEDINGS**

(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

Name of Member	Political Affiliation	Constituency
Allchurch, Denis	SP	Rosthern-Shellbrook
Atkinson, Pat	NDP	Saskatoon Nutana
Belanger, Buckley	NDP	Athabasca
Bjornerud, Hon. Bob	SP	Melville-Saltcoats
Boyd, Hon. Bill	SP	Kindersley
Bradshaw, Fred	SP	Carrot River Valley
Brkich, Greg	SP	Arm River-Watrous
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, 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, Nancy	SP	Martensville
Hickie, Hon. 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
Lingenfelter, Dwain	NDP	Regina Douglas Park
McCall, Warren	NDP	Regina Elphinstone-Centre
McMillan, Hon. 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, Hon. Laura	SP	Regina Qu'Appelle Valley
Schriemer, Joceline	SP	Saskatoon Sutherland
Stewart, Lyle	SP	Thunder Creek
Taylor, Len	NDP	The Battlefords
Tell, 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
Wyant, Gordon	SP	Saskatoon Northwest
Yates, Kevin	NDP	Regina Dewdney

[The Assembly resumed at 19:00.]

EVENING SITTING
GOVERNMENT ORDERS
SECOND READINGS

**Bill No. 148 — *The Animal Protection Amendment Act, 2010*
(continued)**

The Speaker: — It now being 7 p.m., debate will resume. I recognize the member from Moose Jaw Wakamow.

Ms. Higgins: — Thank you very much, Mr. Speaker. And it's a pleasure to rise this evening and be able to continue comments into *The Animal Protection Act*, Bill No. 148. The minister made some fairly lengthy comments in his second reading speech, and I was kind of hoping they'd have been up on *Hansard*. I wouldn't have minded looking at some of the details; I didn't catch it all when he was making comments. But I'll just have to get up bright and early tomorrow to actually read it and see what it was; see if it was half as good as it sounded.

Mr. Speaker, I think I can say quite easily that the opposition supports this Bill. Everyone I think in this province has a duty to ensure that animals are protected from cruelty and abuse and that they receive the necessities of life to which they are entitled. And I agree with the minister that a majority of producers or animal owners in this province would take great care with the animals that they raise or the animals that they have and make sure that they're adequately protected. But, Mr. Speaker, when we live in a country with such a variance of weather and weather conditions — when you can go from 40 below to 35, 40 above — there's always an effort that needs to be made to make sure that animals in our care have what they need and are adequately cared for.

So you know, all in all, while this is pretty short piece of legislation, the definition of owner: "No person responsible for an animal shall cause or permit the animal to be or to continue to be in distress". And, Mr. Speaker, I'm kind of out of step here because part (1) is, "No person shall cause an animal to be in distress," and part (2) is, "No person responsible for an animal shall cause or permit the animal to be or to continue to be in distress". And that's important. It makes some clarification on what was an older description and makes it more appropriate to this day and age.

Mr. Speaker, I think everyone supports increased penalties for perpetrators of any cruelty or abuse, and we do support the changes to ensure that charges can be levied against people who abuse other people's animals as well as their own. And this was a kind of a separation in the description that, or a better definition of the description, I know, that the SPCA [Society for the Prevention of Cruelty to Animals] had touched on when I'd first heard some comments the other day on the radio about this piece of legislation.

Now, Mr. Speaker, the other part that the minister touched on is providing additional resources to the SPCA to be able to follow

through in their investigations because of course you can put the best piece of legislation in place, but if you don't have the adequate resources to be able to follow through and to enforce the legislation that's on the books, it really isn't worth the paper it's written on. And, Mr. Speaker, so I was very pleased to hear the minister in his comments talk about increased support for SPCA.

And there was an article, it was an editorial, I believe, in *The StarPhoenix* the other day . . . in July. And it spoke about the tough job, that the SPCA has to do it. And they talked about it being a charitable organization that, in conjunction with the Agriculture ministry, needed to enforce . . .

The charitable organization works in conjunction with the Agriculture Ministry to enforce the Animal Protection Act — legislation that's meant to protect animals in Saskatchewan from cruelty.

So it goes on to talk about:

The SPCA also is charged with providing care and treatment for animals that are seized in cases where an investigation deems that it is warranted. And that this task is . . . [probably] as tough as the investigation and the enforcement of the Act.

So I think what really initiated this editorial in *The StarPhoenix* in July was that the Saskatchewan SPCA was on a fundraising drive as it attempted to care for 82 dogs and puppies seized in early June from a breeder in Leslie. So what we have here is an organization that really is charged with enforcing legislation and giving care for any animals that may be seized. But they're doing it as a charity and relied heavily on the community for support, and as they weren't even a registered charitable organization it was even more difficult. But they were on a fundraising drive to help look after these puppies and dogs that had been seized in June, and it really brought to light some of the problems that they deal with while they are carrying out this very important work.

So what we have to do is look at, is the funding that the minister's committed to providing for the SPCA, is that appropriate? And the article goes on and talks about it was questionable whether the SPCA should be put in a position of having to beg for donations to carry out this important task on behalf of taxpayers. Because that's what they're doing; they're doing the work on our behalf, for all of us that are citizens of this province. And it is legislation and requirements that are put in place by this legislature.

So, Mr. Speaker, I am pleased to see the government make the decision that there would be additional funding. Now I guess the question always is, is it enough? And that's what we'll have to look into. And we will have to do some more discussion on that, and some calls to make sure it's in the ballpark and that it's close to providing or is adequate to provide what the SPCA needs to do.

So, Mr. Speaker, this is the same government . . . I guess, that said, this is the same government that put in place the coyote program last year. And this program, I think many people

talked about it not being very well thought through. And this bounty is blamed for what they referred to as a mass killing of 37 coyotes in Alberta last spring. And now these animals were killed, and their bodies were dumped with the paws cut off which was of course the requirements of the coyote program. You had to turn in the feet to your RM [rural municipality] office to receive the bounty. Now they know that it was something to do with the coyote program in Saskatchewan, even though the animals were killed in Alberta, because the pelts were still intact on the animals. So we know that they weren't killed by trappers.

So, Mr. Speaker, when we're looking at pieces of legislation like this animal protection Act, we really have to look at it in the broader sense and make sure that initiatives that we're putting in place to maybe address or help alleviate some problem in some areas — as coyotes were a problem for some producers in certain areas of the province — we have to make sure that you look at it with the big picture in mind. Killing off coyotes may lead to an increase of rodents and gophers which leads to more problems for producers, and what we have to do is then put out poison to get rid of the gophers. And that costs money, but it also can cause residual damage to other wildlife if gophers are eaten, dead gophers are eaten, ones that have died from poisoning are eaten by birds of prey or other animals.

So, Mr. Speaker, when we do any of these pieces of legislation, nothing is done in isolation. And we really need to look at the big picture and make sure what we're doing is appropriate and is the best process that we can possibly follow.

So, Mr. Speaker, another area of this Bill, the minister named off quite a list of people that he had said had been consulted with before this Bill was moved ahead on. And, Mr. Speaker, I quite like to think of myself as an optimist. I don't think of myself as a pessimist, but we do have the experience, we do have the experience of the last session especially when we've seen a number of pieces of legislation come forward where there had been minimal consultation; I would actually say no consultation.

Some of the parties had been notified that the government was planning to make changes to, say, *The Wildlife Habitat Protection Act*. They were invited to a general meeting with no kind of inclination of what changes were being proposed or what was happening. Then lo and behold, we had the legislation brought forward. And the government said, well yes, they felt they had done adequate consultation.

Well once we heard from these organizations — and it was a real variety from right across the province, Mr. Speaker — we found out that, you know, there is a big difference between being notified there may be changes proposed to actual changes being put forward in the House, and what constitutes consultations and actually working through this legislation or any proposed changes with interested parties or people who had a vested stake in what the law of Saskatchewan says, and how their industry or how their lifestyle may be changed according to any new laws or legislation changes that are put forward here.

So, Mr. Speaker, the minister had said that there had been consultations done, but I think what there needs to be is a bit of

a check to see exactly what kind of consultations have been carried out, and what kind of input. Now I do have to say, Mr. Speaker, these are good changes. I don't think they would be controversial to anyone, but still all of these producers, all of these organizations across the province, they are still partners. They are still taxpayers in the province of Saskatchewan, and they have a right to be consulted with and be able to voice their opinion when any type of new changes are being put forward in areas that are specific to their industry or their careers or their occupations.

So, Mr. Speaker, that's something that we will do. I know that there has been a number of cases, or a few cases, and not that many — I think the minister referred to about seven over the past year or two years — that had been quite serious. And I hope that the minister . . . I know the legislation really doesn't speak to household animals or whether it speaks to other types of animals that may be in our care or if it's, if it covers them all generally. And that's something I think that we will need some clarification on.

And maybe a discussion with the minister or maybe questions when this Bill finally moves to committee would be appropriate because there are many concerns that are out there. And while this at face value looks like it could address many of them, I'm sure that my colleagues will have numerous questions.

So at this point, Mr. Speaker, so we can have consultations with some of the interested parties and make sure that the Bill adequately does what the minister is expecting it to do, at this point in time I would adjourn debate on this Bill.

The Speaker: — The member from Moose Jaw Wakamow has moved adjournment of debate on Bill No. 148, *The Animal Protection Amendment Act, 2010*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

Bill No. 147 — *The Public Interest Disclosure Act*

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

Hon. Ms. Draude: — I'm pleased to rise today to speak to the second reading of Bill 147, *An Act respecting the Protection of Public Servants who make Disclosures*. After enactment this will be known as *The Public Interest Disclosure Act*. Mr. Speaker, after my comments I will be moving second reading of Bill 147, *The Public Interest Disclosure Act*.

We're introducing this Bill, Mr. Speaker, to fulfill government's commitment to strengthening protection for employees in the public service. It was an election commitment. It was also included in the mandate letter in 2007 for the Minister Responsible for the Public Service Commission. As the minister responsible for that portfolio, I am pleased to confirm that we are moving forward. This is a positive move for the province and for the Saskatchewan public service.

At a high level, this Bill is intended to first of all enhance

confidence in government institutions and in the public service. It will facilitate disclosure and investigation of alleged wrongdoings and it will protect whistle-blowers in the public service workplace.

The proposed new public interest disclosure Act will also protect employees from reprisal if they report wrongdoing by government institutions. This legislation covers the following four kinds of wrongdoings.

[19:15]

First of all, a contravention of any legislation. Second, an act or omission that creates a substantial and specific danger to the life, health, or safety of persons other than a danger that is inherent in the performance of the duties or functions of a public servant; or a substantial and specific danger to the environment. Third, gross mismanagement of public funds or a public asset. And fourth, knowingly directing or counselling someone to commit a wrongdoing of the three kinds I have just described.

Mr. Speaker, the government is committed to protecting our employees. They can bring forward concerns knowing they will be safe from dismissal, layoff, suspension, demotion, elimination of a job, or reprimand. This legislation will apply to executive government, Mr. Speaker. With this, all employees in all ministries in all locations will be protected if they blow the whistle on wrongdoing. We also intend to include the Crown Investment Corporation and Treasury Board Crowns. This is the same definition of government institutions as found in *The Freedom of Information and Protection of Privacy Act*.

We'll bring in regulations after this Bill is enacted to set out the details of which Crown corporations and other entities will be covered. This legislation focuses on government institutions and the public service. It provides specific provisions for employees that hold this public trust.

Other employees in the province, including those in private industry and in the wider public sector, such as regional health authorities, school divisions, and municipalities, will continue to have protection under *The Labour Standards Act*.

I'm also pleased to say that this legislation establishes a Public Interest Disclosure Commissioner as an independent officer of the legislature. The commissioner will have authority to provide education, to undertake investigations, to make recommendations, and to initiate systematic reviews when common themes or issues are identified through the complaint process.

This Bill provides flexibility for the Assembly in appointing the commissioner. The role may be with the Ombudsman's office or someone other than the Ombudsman may instead become the Public Interest Disclosure Commissioner.

Finally, there are a number of procedural requirements covered by this Bill to ensure sound and effective process. For example, each government institution must appoint a designated officer to accept and to manage disclosures of wrongdoing and complaints of reprisal. Employees may report wrongdoings to this designated officer within each ministry or Crown, or to the

commissioner. All disclosures must be in writing and in a prescribed form. Knowingly making a false statement, obstructing an investigation, falsifying or concealing information will be an offence and subject to a penalty of up to \$10,000.

And there are provisions for tabling annual reports by the commissioner on disclosures he or she has received. Once this legislation is enacted, each ministry and Crown will be responsible for establishing internal processes for managing disclosures. The Public Service Commission will work with the Public Interest Disclosure Commissioner to develop a consistent approach across the public service.

Mr. Speaker, again this is an election commitment that we made, and I am pleased to be here at second reading to speak to this Bill. We are committed to the consultation and in the development of this Bill that discusses this issue and this legislation and the new position of the Public Interest Disclosure Commissioner with a wide range of stakeholders.

We met with the Ministry of Justice and Attorney General. We've spoken to Crown Investments Corporation, and this agency as you know represents all commercial CIC [Crown Investments Corporation of Saskatchewan] Crowns. In addition, we met with representatives of the four Crowns: SaskTel, SaskPower, SaskEnergy, and SGI [Saskatchewan Government Insurance]. We've discussed this issue with the Provincial Ombudsman. We've notified all deputy ministers and heads of all Treasury Board Crowns of this legislation. In addition, we've informed the two public services unions: the Saskatchewan Government and General Employees Union, SGEU and the Canadian Union of Public Employees or CUPE.

Mr. Speaker, we believe this legislation fills a critical need in our current system, and it will protect employees in government operations around our province.

I'd like to summarize for all members of the Assembly the results of this new legislation, *The Public Interest Disclosure Act*. It will require permanent heads of ministries and chief executive officers of Crowns to establish internal procedures for managing disclosures. It will provide a process for employees to disclose wrongdoings within their own government institutions. It will protect employees from reprisal if they make a disclosure of wrongdoings. It will apply to all employees of executive government, including all ministries. It will also enable the Lieutenant Governor in Council to prescribe by regulation those Crown corporations and other entities which could be brought under the Act.

And again, Mr. Speaker, our intention is to include all Crown Investments Corporation Crowns and Treasury Board Crowns. This legislation will establish a Public Interest Disclosure Commissioner as an independent officer of the legislature. It will provide this new Public Interest Disclosure Commissioner with the authority to provide education, undertake investigations, make recommendations, and initiate systematic reviews when common themes or issues are identified through the complaint process.

It will encourage disclosure either to designated officers within each ministry or Crown, or to the Public Interest Disclosure

Commissioner. It will outline the Public Interest Disclosure Commissioner's duty when receiving and conducting investigations. It will prohibit reprisals against public servants. Any employee who feels that he or she has been a subject of reprisal can make a complaint of reprisal to the designated officer or the Public Interest Disclosure Commissioner.

It will provide for a penalty of up to \$10,000 for knowingly making a false statement, obstructing an investigation, falsifying or concealing information. And finally, this new legislation will provide for the tabling of annual reports by the commissioner on the disclosures he or she has received by the minister on internally handled disclosures.

I'd also like to explain what it means for employees, and the steps they will follow if they believe there's been wrongdoing and wish to raise concerns. First, they will decide whether they want to disclose their concerns to the designated officer in government, or whether they would choose to disclose to the commissioner. Next, they will fill out and submit a form with their information. They will be then interviewed, and if the matter can be resolved internally, efforts will be made to do that. Finally, if an investigation is required, the designated officer or commissioner will ensure that this is done.

Mr. Speaker, there are many times when matters reported to the commissioner are more appropriately handled through other legislation. This could involve other agencies. For example, it may be the Provincial Auditor if a financial concern is raised. Or it may be the Information and Privacy Commissioner if privacy concerns are raised. As I have said, this Bill protects employees from reprisals. These protections continue and carry forward even when another agency or process becomes involved.

Protection from reprisal is one of the overarching purposes of this Bill, as noted in the long title, *An Act respecting the Protection of Public Servants who make Disclosures*. This purpose, broadly stated and as not qualified any way, provides that a public servant has acted in good faith. It will remain in place for the employee no matter what agency may need to become involved.

Mr. Speaker, we know our employees in the public service are hard-working people committed to their jobs and to serving the people of our province. We believe they are dedicated and competent and loyal and capable. We want to protect them if they believe there are wrongdoings that should be disclosed.

And so how will this process work in practice? We actually expect to get inquiries and questions from public service employees, and also some disclosures. Where possible, we will resolve these internally. And as I mentioned, there's a capacity for investigations. We don't expect to get many of these but if they do occur, investigations will occur. We believe this is an important step forward, ensuring that our workplaces are the best they can be and ensuring that employees in the public service can do their jobs with dignity and be protected from reprisals if there are issues of concern. What we want to have is a safe, effective system in place so that concerns can be addressed. In the event that something inappropriate happens, employees will now know they have a way to raise issues and know that they will be taken seriously.

Mr. Speaker, this legislation provides a comprehensive and effective approach, and we are pleased to be moving forward today. This is a commitment we made in the election and we are keeping this commitment.

In closing, Mr. Speaker, I'm pleased to introduce the second reading of Bill 147, *An Act respecting the Protection of Public Servants who make Disclosures*. This Bill will be known after enactment as *The Public Interest Disclosure Act*. It represents the fulfillment of our commitment to strengthen protection for public servants in the workplace. It will increase integrity, accountability in government operations, enhance confidence in government institutions, and facilitate disclosure of wrongdoings. This is a positive move for the province and for the Saskatchewan public service. Mr. Speaker, I am pleased to move second reading of Bill 147, *The Public Interest Disclosure Act*.

The Speaker: — The Minister of Social Services has moved second reading of Bill No. 147, *The Public Interest Disclosure Act*. Is the Assembly ready for the question? I recognize the member from The Battlefords.

Mr. Taylor: — Thank you. Thank you very much, Mr. Speaker. I'm pleased today to rise and speak to second reading of Bill 147, an Act respecting the protection of public servants who make decisions, an Act that may be cited under its short title, *The Public Interest Disclosure Act*. I appreciate the words of the minister in introducing the Act here just a few moments ago, Mr. Speaker. I listened carefully to the minister as she described the Bill.

My first thoughts on reading the Bill, Mr. Speaker, and on listening to the minister, my first thought was, good try. This is a great first draft, Mr. Speaker, of a Bill that has some potential. But, Mr. Speaker, as it stands right now this piece of legislation, as I will describe over the next few minutes, this piece of legislation, *The Public Interest Disclosure Act*, Mr. Speaker, fails very much to meet the test originally set out by the Saskatchewan Party itself in its election commitments in 2007, Mr. Speaker. And also it fails to address some of the real needs that exist within the public service as far as disclosure goes.

Mr. Speaker, by way of summarizing some of what I will address in my remarks on this Bill, Mr. Speaker, let me just say that this Bill does not provide the greatest public disclosure. In fact, Mr. Speaker, this Act acts almost to the point of suppressing information to ensure that perhaps there is no public disclosure of certain things, Mr. Speaker. This Act, the way it's set up, the practice that's set up in the Act seems to be protecting the government in ways in which it can control the flow of information as opposed to ensuring that information flows smoothly, Mr. Speaker. In fact it actually pulls away from the public interest as opposed to moves us more closely to protecting the public interest, Mr. Speaker.

So let's just have a look at some of the things that we need to think about, Mr. Speaker, as we take a look at how to take this first draft which addresses some of the concerns that have been expressed in the public service and amongst the members of the public, Mr. Speaker, as we take this first draft and try to create from it some legislation that would actually be extremely useful

in the interests of Saskatchewan people.

I say this, Mr. Speaker, just to make it clear — sometimes words get distorted in this place, Mr. Speaker, and I want to ensure that there's some certainty around this — the purpose of the Bill is something that the opposition supports, Mr. Speaker. And certainly as I speak today I want to indicate clearly I support the purpose or the principle behind the concept of this Bill 147, Mr. Speaker.

We know that governments must be accountable. They must be transparent. They must be open. They must be honest, Mr. Speaker. And the public relies on a system that protects employees within government, Mr. Speaker, if they choose to speak out in the protection of the public interest. That's how we ensure open, honest, and accountable government, Mr. Speaker.

[19:30]

Just to add even further clarification to what I'm talking about, I have the Saskatchewan Party's election booklet in front of me from the 2007 election. There's a whole section here on accountable government. The Sask Party told the people of Saskatchewan prior to 2007 election, and I quote:

Saskatchewan people expect their government to be open, honest, and accountable. A Saskatchewan Party government will provide Saskatchewan people with more transparency and accountability than any previous government.

Well, Mr. Speaker, that was the commitment to Saskatchewan people. We've seen in this legislature now on numerous occasions, most recently just this week, Mr. Speaker, how this government has actually acted to be less transparent and less accountable to the public.

An instance that I cite right off the top of my head, Mr. Speaker, is the case of a freedom of information request about information surrounding a deal that this government has made with Amicus corporation, a private sector corporation, Mr. Speaker, planning on providing long-term care service and facilities in the city of Saskatoon. A simple arrangement, apparently between the government and Amicus, Mr. Speaker, a simple arrangement in which the government, according to them, will simply provide some funding for beds in a home built by, owned by, and operated by this corporation, Amicus.

But, Mr. Speaker, when we asked for the agreement . . . It seems to be a simple deal, Mr. Speaker. We asked for the agreement. Under freedom of information, we get 900 pages back: 900 pages, Mr. Speaker, of which 890 of them were blanked out. A huge amount of black ink, Mr. Speaker, on this agreement. Obviously this government has chosen not to be transparent and not to be fully accountable, Mr. Speaker, on that particular matter.

So I think the public would want members of the opposition to ensure that when legislation comes forward that the government says will make us more transparent and more accountable, that we're going to look at it very, very closely.

Mr. Speaker, I just opened the Saskatchewan Party election

booklet to the page that follows, the page after this section on accountability, Mr. Speaker. And the election platform commitment was very simple, supporting a professional public service: "Strengthening protection for public servants and whistle-blowers in the workplace by establishing a public integrity commissioner."

Mr. Speaker, I don't think we've heard the term public integrity commissioner since before the 2007 election. Mr. Speaker, we've now got a Bill that says that whistle-blower protection will be provided by a commissioner, a public disclosure commissioner who in fact may be the Ombudsman in the province of Saskatchewan, Mr. Speaker. I'll have more to say about that shortly. But the whole idea of an integrity commissioner, which is broader than a whistle-blower, Mr. Speaker, seems to have disappeared. So another reason why it is important for members of the opposition to question exactly what the government is attempting to do by bringing forward this whistle-blower legislation.

Now, Mr. Speaker, it's not like the government was starting from scratch when they designed Bill 147 because, Mr. Speaker, this government has talked about whistle-blower protection since, again, before the 2007 election. They talk about consultation. The minister outlined some consultation that had occurred prior to this Bill coming forward, Mr. Speaker. She also talked about not just consultation, but informing groups that this legislation was coming forward.

And I think she's hoping that there will be some feedback from organizations, groups, bargaining units, unions, and members of the public, Mr. Speaker. Because like so many other pieces of legislation the government brings forward, they say, we brought it forward and then we consult; as opposed to consulting first and bringing forward the Bill later. This Bill, Mr. Speaker, suffers from a lack of consultation because it doesn't deliver all of the things that it could, and I say, Mr. Speaker, because they didn't start from scratch.

In fact, Mr. Speaker, recently, in fact in the last sitting of the legislature, there was a Bill on the order paper — Bill No. 609, *An Act to provide protection, rights and remedies for certain employees*. Mr. Speaker, this legislation — Bill 609 in the last sitting of the legislature, 2009, Mr. Speaker — was brought forward by my colleague, the member, the MLA [Member of the Legislative Assembly] from Saskatoon Fairview. Mr. Speaker, this legislation was known, short title, *The Whistleblower Protection Act*, Mr. Speaker. Interestingly enough, there are a lot of ideas in this whistle-blower protection Act, Mr. Speaker, that sat on the order paper. And I had some discussion amongst the members opposite, Mr. Speaker, that do not show up at all in the government's legislation, Bill 147.

So, Mr. Speaker, not enough consultation on the Bill. Ignored a number of things that would improve the scope and delivery of this legislation and, Mr. Speaker, is brought forward at a time when there is skepticism amongst the public and amongst public sector employees. Let me expand on that just a little bit before I get into some of the details of the legislation itself.

I think it's very clear, Mr. Speaker, that the public relies heavily on public servants in the province of Saskatchewan to provide critically important services. Some members opposite will go so

far as to say these services are essential. Not the Minister of Health, Mr. Speaker, who said we don't need essential services legislation, but perhaps the minister of Labour, the former minister of Labour, who said that no, we need essential services legislation. Mr. Speaker, because of course health and safety, plowing our highways in winter, are critically important to the people of Saskatchewan.

Well, Mr. Speaker, we didn't need essential services legislation to ensure that the people who work for the province of Saskatchewan would provide critically important services to the people of Saskatchewan. They do it every single day that they go to work, Mr. Speaker. And the public, the public has certainly come to rely heavily on these people, often in emergency situations. Sometimes members of the public service put their own health and safety at risk, Mr. Speaker. But we have men and women who have expertise that members of the public and even members of the legislature rely on, Mr. Speaker, to ensure that there are good decisions made on their behalf.

We rely on health care workers to take care of us and our loved ones when we're ill. We rely on teachers and their support staff to educate our children and give them the best possible start in life. We rely on child protection workers to protect the safety and well-being of thousands of Saskatchewan children, both who have been placed in care and those who are at risk. Of course, Mr. Speaker, we rely on our Highways workers to clear the snow and repair our roads so that we can travel safely from one location to another, Mr. Speaker.

But today in the province of Saskatchewan, public servants work in an atmosphere where they sometimes feel afraid to speak out and they are afraid of reprisal, Mr. Speaker. And as I said earlier, it's not like they don't have any reason to be concerned, Mr. Speaker. The Sask Party has a record already, in only three years in office, of terminating employees who try to do their jobs and protect the public.

It's not that long ago, Mr. Speaker, that we were talking in this legislature about this government, the Sask Party government, spending more than \$10 million in taxpayers' money to pay severances to non-partisan career public servants who won their jobs through fair competitions but who the Sask Party did not believe shared their philosophy, Mr. Speaker.

This is the same government that fired an occupational health and safety officer who was fighting for better working conditions for employees of the Saskatoon Correctional Centre. And, Mr. Speaker, I know that everyone listening to me tonight remembers this is the same government that reacted to the opposition's disclosure that an offender was unlawfully at large and that the public had never been notified, not by addressing the reasons that the system broke down, but by firing an employee of Corrections, Public Safety and Policing who, Mr. Speaker, you will know they incorrectly believed was responsible.

Mr. Speaker, this is not a government that has a strong record that public servants feel confident in, that will respect their rights. So public servants who want to report wrongdoings in their workplace definitely need protection, Mr. Speaker, from this government. The opposition of course is concerned that this

government's Bill doesn't go far enough, Mr. Speaker. And I'm going to address some of that as I address clauses within the Bill.

The Bill will protect whistle-blowers who say the law has been broken but, Mr. Speaker, not those who allege that policy has been broken. And, Mr. Speaker, we find it interesting that the minister has suggested that the commissioner would be part of the provincial Ombudsman's office. This is the same government that will not commit to implementing any of the recommendations of the provincial Ombudsman, Mr. Speaker. They will pick and choose as they feel inclined. So how, Mr. Speaker, can public servants have confidence in an officer working out of the Office of the Ombudsman if the teeth of the protections aren't necessarily in place.

So, Mr. Speaker, I've indicated that the government said they want to be more accountable, but they've proven that they can't be. They've said they want to . . . They promised an integrity commissioner, Mr. Speaker, and instead we've got a desk, perhaps in the Ombudsman's office. They've said they want to provide true whistle-blower protection, but they've ignored some of the factors in *The Whistleblower Protection Act* that was in front of them for some period of time.

So, Mr. Speaker, I think that we have, while I said, a very good first draft in front of us, Mr. Speaker, there's so much more that this could be. Let's just have a look therefore, Mr. Speaker, at this Act, 147, that the minister has brought forward to us tonight.

Mr. Speaker, the Act, as I said, cited as *The Public Interest Disclosure Act*, provides for a public interest disclosure commissioner to be appointed, Mr. Speaker. Disclosure means disclosure of a wrongdoing made in good faith by a public servant in accordance with the Act, Mr. Speaker. And it indicates very clearly, Mr. Speaker, the legislation does, that this applies to government institutions.

Now government institution is defined as the Office of Executive Council or basically the office of government, Mr. Speaker: any department, ministry, secretariat, or other similar agency of the executive government of Saskatchewan; any prescribed board, commission, Crown corporation; any prescribed portion of a board, commission, Crown corporation. So, Mr. Speaker, obviously the Crowns are included. Staff, employees of the Crowns, Mr. Speaker, are included in this.

The process that's set out by the government is interesting, Mr. Speaker, because it sets out that wrongdoings to which this Act applies are related as follows: a contravention of an Act; as I said earlier, Mr. Speaker, disclosure of a wrongdoing in law, Mr. Speaker. So the Act applies to a wrongdoing related to a contravention of an Act or regulation of an Act.

[19:45]

It also applies to an act or omission that creates a substantial or specific danger to the life, health, or safety of persons, and provide or provides a substantive or specific danger to the environment. It also applies to wrongdoings that could be a gross mismanagement of public funds or a wrongdoing where someone knowingly directs or counsels a persons to commit a

wrongdoing within government.

Mr. Speaker, as I said, a very good first draft. This is directing people as to what's included: all government ministries, all of its agencies, the Crown corporations, Mr. Speaker. And the wrongdoings, as I said, include acts of law, gross mismanagement of funds, or counselling of an individual to commit a crime.

So, Mr. Speaker, if someone who works for the public service sees one of these wrongs being committed, has some documentation or can direct some information surrounding these wrongdoings, Mr. Speaker, what are they supposed to do? Well the Act ensures that there is a person, Mr. Speaker, within each of the agencies, within each of the ministries, within each of the Crowns, there's a person who is going to be designated to act as the designated officer for the purpose of receiving this wrongdoing information. So an individual who sees wrongdoing, Mr. Speaker, can make a representation to this one person within the department or directly to the commissioner, Mr. Speaker. Nowhere else. That's the process. That's the procedure. Nothing else, Mr. Speaker.

Remember I said there was an Act last year, Bill 609, the Act that was brought forward by the member from Saskatoon Fairview. He in his Bill, Mr. Speaker, and I'll quote from clause no. 3 of the Bill: "No reprisal shall be taken against an employee of an employer that is a public agency or public institution because the employee does any of the following."

So this is true whistle-blower protection, Mr. Speaker. So no reprisal can be taken against an employee of government if:

- (a) discloses, threatens to disclose or is about to disclose to a supervisor, a public agency, public body, public institution or to an independent officer of the Assembly, an activity, policy or practice of the employer, a co-employee or another employer, that the employee reasonably believes is in violation of a law, an enactment, rule or regulation promulgated pursuant to law or an enactment.

Basically, Mr. Speaker, what this does, it protects individuals who may disclose or attempt to disclose information beyond their immediate supervisor or beyond the commissioner, Mr. Speaker — so a public body, a public institution, an independent officer of the Assembly. Mr. Speaker, this gets, to a certain extent, to the heart of the process that an employee feels comfortable with.

Mr. Speaker, a wrongdoing has occurred. Let's make the assumption a wrongdoing has occurred. An employee knows something about this wrongdoing. They have a choice right now of going to the commissioner — could be the Ombudsman — or going to immediate department head. What happens, Mr. Speaker, if that employee is more comfortable disclosing in a more public way what has taken place? What occurs, Mr. Speaker, under this legislation? Well, Mr. Speaker, reprisal can take effect because the process outlined in the Act has not been followed.

Mr. Speaker, the Act itself says the supervisor or the designated officer or the commissioner is the only one to whom this information can be disclosed. If it gets disclosed to the public,

to the media, or even, Mr. Speaker, to the opposition in the legislature, then this legislation does not protect that individual, Mr. Speaker. And that's a major failing, a misunderstanding, or maybe a better way to put it, a failure of this government to understand, Mr. Speaker, how this process really should work to ensure full and broad protection of the employee and more importantly, Mr. Speaker, ensuring that the legislation allows for accountable and transparent government, ensuring that, Mr. Speaker, that if information gets to the public, that the government then has to ensure that there's public disclosure, there's public debate, and public discussion, Mr. Speaker.

But this Act goes way too far in trying to ensure that nothing goes to the public, Mr. Speaker, that everything is contained quietly, Mr. Speaker, in a file on the designated officer's desk, on a file in the Ombudsman's office, Mr. Speaker. And the only information that's going to be released to the public is once a year — could be a year after the disclosure has taken place, Mr. Speaker — in a report to the legislature that would outline, without names, without specific information, how many cases were brought forward in which departments, what type of cases they might be, that sort of thing, Mr. Speaker. So that if there is wrongdoing, Mr. Speaker, the public is kept away from that information by the very law that this Sask Party government predicts is going to make it more transparent, more accountable, and, Mr. Speaker, ensures the integrity of the whistle-blowing process.

Well, Mr. Speaker, I think there's a reason why the promise to create an integrity commissioner has been broken, Mr. Speaker, because the integrity piece is what's missing from this legislation. Yes, they are creating a commissioner for disclosure, Mr. Speaker, but the commissioner is designed in this legislation to contain the information, not to ensure disclosure.

This Act has to do several things. Number one, it has to protect the members of the public service, Mr. Speaker, and it has to be seen to protect the interests of the public service. So the government has to spend a great deal more time in consulting with the representatives of the employees of government, Mr. Speaker, before this legislation goes through committee and is dealt with in a way in which amendments could be brought forward or the legislation is pulled and redrafted, Mr. Speaker. A second draft would be good. Perhaps it needs a third draft and a fourth draft after proper consultation occurs.

Mr. Speaker, I want to highlight a couple of other things to further support what I have to say. Let's say that a member of the public service wishes to seek advice before taking their disclosure forward, Mr. Speaker. What if an employee of government, an employee of a Crown corporation, an employee of an agency of government says, I think this is wrong, but I'm not sure if it's wrong or not. Who can, under this Act, the process outlined by this Act, can the employee talk to, Mr. Speaker?

Seeking advice: this is under division 2, page 5 of *The Public Interest Disclosure Act*:

Seeking advice before making a disclosure

9(1) A public servant who is considering making a

disclosure may request advice from:

- (a) the designated officer . . .
- (b) the Commissioner.

Mr. Speaker, the same people to whom the report must be made is required, is only required . . . The public servant is limited to talking to the person who's going to judge the information, to getting advice on that report, Mr. Speaker. It is very interesting that this government does not wish the public employee to seek advice, Mr. Speaker, from anyone other than those who are going to judge or adjudicate the written wrongdoing information when it is finally presented, Mr. Speaker. And of course the content of the disclosure, as I said, must be made in writing, Mr. Speaker, so public employees are going to be required to provide whatever information they have in writing before any further action can be taken care of, Mr. Speaker.

On top of that, the commissioner is given certain responsibilities, including, Mr. Speaker, the conducting of an investigation, and of course, the reporting on that investigation. But it is interesting that there is a section in the Bill 147 in front of us, *The Public Interest Disclosure Act*, very specifically said the commissioner is not required to conduct an investigation if certain circumstances come forward. The commissioner makes all the decisions, Mr. Speaker, about whether a matter is relevant for investigation or not, and is not required to conduct an investigation if the commissioner feels that it's not important enough. In fact the legislation goes so far as to say the commissioner is not required to conduct an investigation if "the disclosure is frivolous or vexatious, has not been made in good faith or concerns a trivial matter."

So, Mr. Speaker, if someone seeks advice from the commissioner and is told, number one, this isn't worth going forward, there's no place else for it to go, Mr. Speaker. It's done. If advice is not sought, or a matter is brought before the commissioner, the commissioner can simply say, sorry, I find that frivolous; I'm not doing an investigation.

Mr. Speaker, it is interesting that there is no further appeal process or way in which a whistle-blower can take their information further. In fact, Mr. Speaker, sometimes what appears frivolous on the surface, once it's investigated proves not to be frivolous, Mr. Speaker, and therefore the public service members must have more confidence that this government is setting up legislation that ensures their protection, but more importantly, Mr. Speaker, ensures that the government is accountable at the end of the day to the public.

At the end of the day if an investigation is completed, the commissioner prepares a report that sets out the commissioner's opinion and the reasons for that opinion, Mr. Speaker. And the commissioner must provide a copy to the designated officers in the various departments.

So, Mr. Speaker, again the person to whom the wrongdoing may have been reported in the first place, a designated officer, reports it to the commissioner. The commissioner does an investigation and reports back to the officer, Mr. Speaker. And the commissioner may also notify the public servant who made the disclosure, Mr. Speaker, but there's no indication here of a

copy of the report being provided to the public servant, only that the commissioner would notify the public servant. So again someone who makes a disclosure, puts their job on the line, Mr. Speaker, may not in fact find out the exact nature of the investigation or the conclusion of the investigation unless, Mr. Speaker, there's some other reason for the commissioner to make that information public.

As I said earlier, the commissioner does report once a year in accordance with *The Tabling of Documents Act*. The commissioner once a year submits to the Speaker of the Legislative Assembly a report that sets out in the previous year the number of disclosures received, the number of investigations commenced, whether or not there were any findings of wrongdoing, the number of recommendations the commissioner has made, but in fact no information or details are actually provided in *The Tabling of Documents Act* reporting mechanism, Mr. Speaker. A special report can come forward again, Mr. Speaker, but only if the commissioner considers it is in the public interest to do so.

So, Mr. Speaker, I think as I said earlier, there are matters that are raised in this legislation, Bill 145, that attempt to meet some of the needs of the public and provide some general sense of protection to members of the public service, Mr. Speaker, but we need more than that.

Therefore, Mr. Speaker, I think it's important that this legislation be reviewed very carefully before we move it along very quickly. Review it very carefully, Mr. Speaker, by representatives of the public service, representatives of the people who work for government, for agencies, for Crown corporations, but also, Mr. Speaker, reviewed by those who ultimately need to know that the government is transparent, that the government is accountable, Mr. Speaker.

[20:00]

The last point that I wanted to make in terms of the specifics on the legislation, Mr. Speaker, the last point deals with some of the final and ultimate responsibility of the commissioner in the Act. There's a section under the Act called non-compellability, Mr. Speaker. These are legal terms, but I think it's important that I put them on the record today:

The Commissioner is neither competent nor compellable to . . . produce any files, papers, information, reports, correspondence, or other documents relating to the business or activities of the Commissioner.

So, Mr. Speaker, the work of the commissioner, the files, the papers, etc., cannot be subpoenaed or reviewed really by anybody, Mr. Speaker.

And then, "Proceedings of the Commissioner not subject to review." This is section 43 of the Act, Mr. Speaker:

No proceeding of the Commissioner is invalid for want of form and, except on the ground of lack of jurisdiction, no proceeding or decision of the Commissioner shall be challenged, reviewed, quashed or called into question in any court.

So, Mr. Speaker, the commissioner's word is it. It's the end of the day. If someone disagrees with a report of the commissioner, Mr. Speaker, that's it. Nothing you can do about it, Mr. Speaker. And because the disclosure is only made to the person, the designated authority, or the commissioner, Mr. Speaker, and the protection only applies to a public servant who has made a disclosure only to the designated authority or the commissioner, Mr. Speaker, the protection doesn't exist if the public servant goes to the opposition with their information, goes to the media with their information, Mr. Speaker, or goes to the public in another way, Mr. Speaker, to express their concern that in fact one of the wrongdoings covered by the Act does exist. And let's just review that, Mr. Speaker. The wrongdoings are identified in the Act very clearly.

This Act applies to the following wrongdoings. This is section 3 of the Act:

(a) a contravention of an Act, a regulation made pursuant to an Act, an Act of the Parliament of Canada [those are federal Acts, Mr. Speaker] or a regulation made pursuant to an Act of the Parliament of Canada;

(b) an act or omission that creates:

(i) a substantial and specific danger to the life, health or safety of persons other than a danger that is inherent in the performance of the duties or functions of a public servant; or

(ii) a substantial and specific danger to the environment;

(c) gross mismanagement of public funds or a public asset;

(d) knowingly directing or counselling a person to commit a wrongdoing mentioned in clauses . . .

So, Mr. Speaker, these are fairly significant matters. There are some things that I said are not here, Mr. Speaker, like policy, Mr. Speaker, whereby government policy may not be followed within a department that perhaps leads to some other action or activity that indeed the government should be more accountable or held more accountable to, Mr. Speaker.

But these are serious and significant wrongdoings, Mr. Speaker. And ultimately anyone who blows the whistle needs to ensure that their job is protected, that their health and safety is protected in blowing that whistle, Mr. Speaker. And this Act just, at the end of the day, doesn't go far enough to provide either the public servant with the confidence to make the claim or the public the confidence to believe that their government is giving them all the information that they need to ensure that government is being run properly and in their interest.

So, Mr. Speaker, just going back to what I said at the top of my remarks, Mr. Speaker, while I believe that the minister has made a very good first step here in addressing the issues, Mr. Speaker — she has overseen the writing of a very good first draft, Mr. Speaker — we need a broader public review of this issue and this legislation. We need a second or a third draft, Mr. Speaker, before this legislation meets all of our needs.

So therefore, knowing that there's more work to be done and many of my colleagues, Mr. Speaker, would also like to review this legislation, discuss this legislation with their constituents and members of the public service, Mr. Speaker, I would therefore move that tonight debate on Bill 147 be adjourned.

The Speaker: — The member from The Battlefords has moved adjournment of debate on Bill No. 147, *The Public Interest Disclosure Act*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Agreed. Carried.

Bill No. 149 — *The Income Tax Amendment Act, 2010*

The Speaker: — I recognize the Minister of Finance.

Hon. Mr. Krawetz: — Thank you very much, Mr. Speaker. Mr. Speaker, I'm pleased to rise and move second reading of Bill No. 149, *The Income Tax Amendment Act, 2010*.

Mr. Speaker, on December 3, 2009, our government announced its intention to introduce a new targeted tax incentive intended to encourage economic growth and diversification in Saskatchewan by enhancing the attractiveness of refining minerals in this province. To achieve this objective, this Bill will add a new section to the provincial income tax legislation that creates a five-year corporate income tax incentive for companies that engage in the processing of minerals imported into Saskatchewan from elsewhere in Canada. The legislation is a result of the work done by officials at Enterprise Saskatchewan who have been consulting widely with the business community in an effort to improve the province's business and investment climate.

Mr. Speaker, to be eligible, a corporation must process in Saskatchewan ore extracted from a mineral resource located in Canada, but not in Saskatchewan, to the prime metal stage. In addition the corporation must have a minimum capital investment in Saskatchewan of \$125 million. It must also employ at least 75 full-time employees in Saskatchewan and must allocate at least 90 per cent of its taxable income to Saskatchewan.

This incentive will be administered by the Saskatchewan Ministry of Finance and an eligible corporation will file its corporate income tax return and pay its tax liability to the Canada Revenue Agency and then claim a rebate of the taxes paid from Saskatchewan Finance. Eligibility starts from the first year that the corporation has a tax liability and continues for the next four years.

This initiative forms part of a larger effort to improve Saskatchewan's tax competitiveness. Over the past decade, Saskatchewan has implemented several specific measures to enhance the competitiveness of Saskatchewan businesses such as reducing the general corporate income tax rate; eliminating the general corporate capital tax; enhancing tax credits for the research and development, manufacturing, and various royalty reductions and incentives for resource producers.

These changes are paying significant dividends. Saskatchewan has the lowest unemployment rate in the country, and we are up over 5,800 jobs through the first eight months of this year. Retail sales, housing starts, exports, and average earnings are up over last year. There are more than 16,000 people living in Saskatchewan than a year ago. Mr. Speaker, we are committed to making affordable and sustainable reductions to Saskatchewan's taxes that improve our competitiveness.

As you know, we have already brought in a major reform to the personal tax regime. In the fall of 2008, Saskatchewan announced the largest one-year PIT, personal income tax, reduction in the province's history by significantly enhancing the value of provincial tax exemptions. These enhancements removed an estimated 80,000 taxpayers from the income tax roll, moved Saskatchewan's basic personal exemption to the second highest in the country, and moved Saskatchewan's exemptions for a family of four to the highest in the country. In addition Saskatchewan also enhanced the refundable low-income tax credit for lower income residents, ensuring that all Saskatchewan residents were better off.

Mr. Speaker, we have also moved to reduce the burden that onerous levels of property tax have placed on farmers, businessmen, and homeowners. The first phase of the property tax reform increased the share of the cost of education that government pays, and it reduced the share that property owners pay.

Mr. Speaker, we feel that we have made good progress on fixing the property tax problem, and we intend to do more. Our goal, as outlined in the Speech from the Throne, is to bring the education portion of property tax down by an average of 20 per cent from their levels in 2008. For agricultural land, that tax bill will drop by an average of 80 per cent.

Mr. Speaker, this amendment to *The Income Tax Act* is designed to build on these initiatives. It will supplement an already attractive investment climate by opening up a new field of possibilities. Mr. Speaker, this initiative is intended to support value-added processing that businesses can take advantage of and our willing and capable workforce and the infrastructure we have been building to accommodate an expanding commercial sector.

Mr. Speaker, I move second reading of Bill 149, *The Income Tax Amendment Act, 2010*.

The Speaker: — The Minister of Finance has moved second reading of Bill No. 149, *The Income Tax Amendment Act, 2010*. Is the Assembly ready for the question? I recognize the member from The Battlefords.

Mr. Taylor: — Thank you very much, Mr. Speaker, I'm pleased tonight to rise and speak to Bill 149, *An Act to amend The Income Tax Act, 2000*. Mr. Speaker, short title, I may refer to it, the Act may be cited as *The Income Tax Amendment Act, 2010*.

Mr. Speaker, I appreciate the Minister of Finance making a few comments here in relation to the reasons for *The Income Tax Amendment Act, 2010*. But, Mr. Speaker, the Minister of Finance is someone who the public must have trust in, Mr.

Speaker, as he reviews the revenues of the province and presides over the Treasury Board distribution of those revenues, Mr. Speaker, for programs and services that the public come to expect from government.

But what I found interesting, Mr. Speaker, is the two really important questions that one would have in a preliminary review of this legislation — the two questions that the Minister of Finance alone could answer — the Minister of Finance failed to address at all in his introduction of the Bill. Number one, Mr. Speaker, what is the impact of this measure on the treasury? Mr. Speaker, what impact will this measure have on the ability of government to deliver programs and services and support those things, Mr. Speaker, that the public relies on government to deliver?

[20:15]

And secondly, Mr. Speaker, what, aside from generalities which the minister had in great number, aside from generalities, Mr. Speaker, really who is eligible for this refund, Mr. Speaker? I'm going to address that point in a minute, Mr. Speaker, very specific to this piece of legislation.

But since the Minister of Finance in addressing the Bill in front of us, Mr. Speaker, talked about how many measures that he thinks his government has initiated, Mr. Speaker, to make this province more acceptable to investors, Mr. Speaker . . . He forgot to talk about a number of things, Mr. Speaker. If one were to look at the farm economy in the province of Saskatchewan, Mr. Speaker, one would have a hard time understanding the economic strength of this province, Mr. Speaker.

We had a budget earlier this year, Mr. Speaker — we're still in budget year 2010, Mr. Speaker — in which almost \$100 million was cut from the Agriculture budget while at the same time our agriculture producers are facing one of the most challenging years they've ever had to face, Mr. Speaker. If you're a livestock or hog producer, Mr. Speaker, this has been a hugely challenging year. At the same time, Mr. Speaker, if you are in an area of the province that was flooded out, Mr. Speaker, you didn't have a crop this year. And yet the funding from the province and the federal government, Mr. Speaker, has not been adequate to meet the needs of the farm community, Mr. Speaker.

The Minister of Finance talked about retail sales being up, Mr. Speaker, but is he aware that car sales — not vehicle sales, Mr. Speaker, but car sales — in the province of Saskatchewan for the most recent two months have dropped, Mr. Speaker? Car sales in August were down 8 per cent; car sales in September were down 2 per cent, Mr. Speaker. These are challenging, challenging times, Mr. Speaker, in the province.

Employment in the city of Saskatoon, Mr. Speaker . . . Accordingly to the latest issue of *Sask Trends Monitor* for October 2010, employment has slowed in the province of Saskatchewan. Employment in Saskatoon alone, Mr. Speaker, is down 3.3 per cent. Mr. Speaker, the government has to do more than put money into advertising, Mr. Speaker, to ensure that the public is going to understand what's going on in this province and support those who are managing this economy,

Mr. Speaker.

The Minister of Finance, as I said, Mr. Speaker, is that individual in whom the public must have the most confidence, Mr. Speaker. The previous minister of Finance lost \$2 billion in forecasting potash revenues, Mr. Speaker. And now this Finance minister is introducing his first Bill in this session by failing to give us any indication of what the impact of the legislation on the treasury will be.

So, Mr. Speaker, let's just take a look at this legislation itself. And again, Mr. Speaker, members of the Chamber and some members watching at home listened to some remarks I had a few minutes ago on another piece of legislation, Mr. Speaker. And in that previous speech I indicated that it's very important that I put my bias on the table, Mr. Speaker. I make things perfectly clear where I stand.

So, Mr. Speaker, I want to make it very clear too in this case that under, you know, all of the conditions that are necessary to ensure for accountable government and fair government, Mr. Speaker, raising revenues and providing expenditures for the public service, I'm not afraid to address issues of tax benefits for corporations, Mr. Speaker. In fact in the last government that sat in this Chamber from 2003 to 2007, Mr. Speaker, I sat in a government that began to see, began to put the steps into place that saw massive investment in the province of Saskatchewan in the corporate capital tax changes that took place in this province, Mr. Speaker.

So just to be clear and on the record, I am generally in favour of doing those things that are going to ultimately provide a net benefit to the province of Saskatchewan. So, Mr. Speaker, that is an interesting way perhaps that the public should look at new pieces of legislation that this government brings forward. What is the net benefit in the province of Saskatchewan?

So we've got *An Act to amend The Income Tax Act, 2000*; short title, *The Income Tax Amendment Act, 2010*. This Act sets out a mineral processing tax refund. So who's eligible, Mr. Speaker? Let's just take a look at what the government says. And this is very specific, so listen carefully, Mr. Speaker.

[An] **'eligible asset'** means depreciable property of an eligible corporation that is included in any of the classes in Schedule II of the federal regulations for capital cost allowance purposes;

'eligible corporation' means a qualifying corporation . . .

that the corporation directly employs at least 75 . . . employees in Saskatchewan . . .

that the ratio of the corporation's taxable income earned in the . . . [taxable] year in Saskatchewan for which a refund is claimed to the corporation's total taxable income earned in the taxation year . . . is at least 90 per cent; and

any additional conditions that may be prescribed by regulation.

So here we've got something that's very specific, Mr. Speaker.

Corporation must employ at least 75 full-time employees in Saskatchewan. And the minister mentioned something else. Here it is under (e), qualifying corporation. The corporation must acquire "... eligible assets for use in Saskatchewan having an initial capital cost equal to at least \$125 million." The minister mentions both those things — 75 employees and acquired eligible assets, 125 million.

So, Mr. Speaker, what corporation is he specifically talking about, Mr. Speaker? This is obviously related to mineral processing, so we're talking about potash. We're talking about uranium. We're talking about . . . What else might we be talking about, Mr. Speaker? I don't know because the minister won't say, Mr. Speaker. So who fits this qualifying category, Mr. Speaker, and who is it that this legislation has been drafted for?

One thing we know that it doesn't apply to, Mr. Speaker, because there's an exemption:

'eligible mineral processing' means processing at a mineral processing facility located in Saskatchewan of any of the following:

ore, other than iron ore . . ."

So, Mr. Speaker, there's an exemption for iron ore. Iron ore doesn't qualify, Mr. Speaker.

So, Mr. Speaker, it's important that we have a full disclosure, a full understanding, of who does it apply to and who doesn't it apply to, Mr. Speaker, because obviously there is some reason behind this.

The minister in his introductory remarks said there was great consultation through Enterprise Saskatchewan, Mr. Speaker. We know that Enterprise Saskatchewan has been set up by this government for consultation purposes. There have been quite a number of recommendations made to this government, most of which to this point in time have not been accepted by the government, Mr. Speaker. And a lot of recommendations that have been discussed thoroughly by representatives of Enterprise Saskatchewan, Mr. Speaker, have been dismissed outright by this government, Mr. Speaker. But this recommendation, Mr. Speaker, to fanfare from the minister, has been accepted.

So what is the argument that the government is bringing forward, Mr. Speaker, that meets that test of what's good for business, what's good for investment? And on the balance side, how is that good for the people of Saskatchewan, Mr. Speaker, specific for this dollar value?

Mr. Speaker, I also read the Act fairly closely and in section 5(a), I'll just read it:

(a) if the minister is satisfied that an applicant is an eligible corporation and has complied with this section, grant a refund for the taxation year for which a refund is claimed and each of the next four taxation years equal to the amount of the corporation's refund within the meaning of subsection (6) . . .

So four more years, Mr. Speaker. One application reviewed,

evaluated, and then four more years after that, Mr. Speaker. I think we'll need to ensure that we have a very clear understanding of what the government's intent was there, Mr. Speaker. What if there's a change during the next four years? Is the number of employees remaining constant at 75, etc., etc., Mr. Speaker? And again once we discover who this specifically applies to, Mr. Speaker, we have a little better understanding of how to develop out the questions to see the net benefit for the people of Saskatchewan.

So, Mr. Speaker, interesting Act being brought forward. The context, according to the Minister of Finance's speech, not quite as the public understands it. There's lots of people across this province, Mr. Speaker, who can't make their rents, who can't find a doctor in their community, who are having difficulty, Mr. Speaker, finding a bed for their senior mother or father or brother, Mr. Speaker. There are lots of issues in this province that need attention from this government.

This legislation may serve a purpose, Mr. Speaker. The minister's speech didn't make that very clear so there will be a number of questions that members of the opposition, probably members of the media, will have for government on this. Obviously we're going to need some time to discuss this matter with members of the public. So therefore, Mr. Speaker, I would move tonight that debate on Bill 149, *The Income Tax Act, 2000* be now adjourned.

The Speaker: — The member from The Battlefords has moved that debate on Bill No. 149, *The Income Tax Amendment Act, 2010* be now adjourned. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

**Bill No. 150 — *The Superannuation
(Supplementary Provisions) Amendment Act, 2010***

The Speaker: — I recognize the Minister of Finance.

Hon. Mr. Krawetz: — Thank you very much, Mr. Speaker. Mr. Speaker, I am pleased to rise today to move second reading of Bill No. 150, *The Superannuation (Supplementary Provisions) Amendment Act, 2010*.

Mr. Speaker, the superannuation Act applies to these defined benefit plans: the public service superannuation plan, the Liquor Board superannuation plan, the Power Corporation superannuation plan, the Anti-Tuberculosis League employees superannuation plan, and the Saskatchewan Transportation Company employees superannuation plan. Mr. Speaker, these pension plans are administered by the Public Employees Benefits Agency, PEBA for short, as part of the Ministry of Finance under the direction of their respective pension boards.

These defined benefits, also referred to as DB pension plans, were closed to new members on October the 1st, 1977. Starting that date, new employees could join and participate in the public employees pension plan, or PEPP as it is commonly referred to, which is a defined contribution pension plan. I want to make that very clear, Mr. Speaker. We're talking the new

plan that is in effect as a defined contribution pension plan, whereas the five that I have outlined are defined benefit plans.

In total, Mr. Speaker, these defined benefit plans now include 1,181 active and deferred members and 7,853 pensioners.

[20:30]

Mr. Speaker, the proposed amendments to *The Superannuation (Supplementary Provisions) Act* will do three things. One, the first amendment to section 28.3 will enable the proper calculation of the surviving spouse's pension after the member has retired. Two, the second amendment to section 48.1 is a housekeeping change that will make the Act comply with the *Income Tax Act* of Canada. Three, the third amendment to section 69 will eliminate the need to include personal information in the pension plan annual reports.

Up to 2003, a member's new spouse attained after retirement could not get a survivor benefit. In 2003, Mr. Speaker, section 28.3 of this Act was amended so members who attained a spouse after retirement had the opportunity to provide the new spouse with the survivor's benefit upon the death of the pensioner. However in that amendment, the calculation in some circumstances undervalued the member's pension. Now by amending section 28.3, it will properly value the member's pension in the calculation of the survivor benefit payable to the new spouse after retirement. The proposed amendment will make the survivor benefit cost-neutral to the plan, and the proposed amendment to the calculation has no financial implications to the General Revenue Fund.

Mr. Speaker, the housekeeping amendment proposed to section 48.1 of the Act will provide compliance with the *Income Tax Act* of Canada or ITA. The federal Act allows pensions to be attached — in other words, garnished — except for maintenance orders and divisions on marital breakdowns. Section 42 of *The Financial Administration Act, 1993* allows for attachments for various reasons. We wish to amend section 48.1 to ensure it complies with the *Income Tax Act*.

Finally, Mr. Speaker, we wish to make an amendment to legislation that requires that pensioners be identified in annual reports. Currently, pension plans' annual reports must identify names of those members who have retired or died in the fiscal year. The reporting includes the offices held by them, the nature of their employment, the amount of salary payable at the time of retirement or death, and the age at retirement or death. The requirement for such reporting serves no practical purpose. It is not consistent with the spirit and intent of *The Freedom of Information and Protection of Privacy Act*. This amendment will remove the requirement to disclose personal information in the annual reports.

It is proposed that these changes will come into effect on assent. Mr. Speaker, these amendments demonstrate government's concern for current and former employees as well as for the overall governance of the pension plans subject to this legislation.

Mr. Speaker, I move second reading of Bill No. 150, *The Superannuation (Supplementary Provisions) Amendment Act, 2010*.

The Speaker: — The Minister of Finance has moved second reading of Bill No. 150, *The Superannuation (Supplementary Provisions) Amendment Act, 2010*. Is the Assembly ready for the question? I recognize the member from Moose Jaw Wakamow.

Ms. Higgins: — Thank you very much, Mr. Speaker. We've spent a bit of time discussing *The Superannuation (Supplementary Provisions) Act* and also listened with interest to the minister's comments. He gave quite a good explanation on clause 28.3(6)(b) and the changes that are made there, which really clarifies calculations for surviving spouses, which I know can be a complicated situation. And the legislation needs to be maintained and updated on a continual basis to make sure it's current with society and situations that may arise.

But, Mr. Speaker, 48.1 where the minister had referred to it as housekeeping, I need to do a bit of work on that one because it's . . . I'll have to make some reference to federal legislation and see exactly what changes are being made and proposed with this housekeeping amendment.

I agree with the sentiment that the minister stated when he talked about attachment through the income tax for certain specific reasons, and it needs to be allowed in provisions in Saskatchewan's legislation and that we were keeping up with the federal legislation and making sure we're in compliance. So I would agree with both of those.

But, Mr. Speaker, section 50 on first glance, I have to say that I strongly disagree with the changes that are being proposed by the minister. When we look at the existing provisions:

The report transmitted by a board to the president of the Executive Council need not show [it need not show] the amount of superannuation or other allowances granted in each case to a named person.

The name is given but no details, no amount of superannuation or other allowances granted.

So when we look at what's being proposed in the new legislation it states quite clearly that the new section 50:

The report transmitted by a board to the president of the Executive Council must not show the names of individuals who retired or died during the period to which the report applies, the amounts of superannuation or other allowances or benefits granted in individual cases or any other personal information respecting any of those individuals.

Now, Mr. Speaker, I agree that there should be no personal information respecting any of those individuals. There should not be reports, reports of the amounts of superannuation or other allowances or benefits that have been granted.

But, Mr. Speaker, I need to remind the minister opposite that in their very first Speech from the Throne, one of the comments that were made was that this government would be the most open and accountable that this province had ever seen. Well, Mr. Speaker, we're still waiting, because what happens with this clause, what it would do, it could possibly mean that the

\$10 million that was paid out in severance to long-term public servants in the province of Saskatchewan when this government took over — money that they were required to pay into pension plans — and because they had inappropriately fired or let go of people . . . they have the right to do it, but they have to pay.

So, Mr. Speaker, if we had this clause in place, I suspect that we would not know the names of people and who had been paid to be let go out of the service of the government of Saskatchewan. And we would not be able to ask the questions about amounts, and all that would be slid under the carpet. And, Mr. Speaker, for a government that has talked about being the most open and accountable, they've got a long ways to go.

And, Mr. Speaker, we look at this clause, and it raises a number of doubts. And I have to say that we do disagree totally with section 50 of the proposed amendment. And, you know, the member may wonder why. Well all you have to do is look at question period over the last number of days. Today when we asked questions about Amicus and this special financing of the private long-term care home in Saskatoon. Well we're hearing all kinds of things, and we've gotten bits and pieces of information. But, Mr. Speaker, the deal smells.

The member has asked a number times for information to be revealed, and we have been refused any type of accountability. So when we have a government that is saying open and accountable, and they are arranging these special financing deals with companies that have not competed in any type of tendering, even though this is public money that will pay for the operation, this is public money that is guaranteeing the loan, which is another very unusual circumstance.

Mr. Speaker, in Moose Jaw, my community has a levy on it to raise 35 per cent of the health facility in our community. And many communities around the province are doing the same thing. But now this private long-term care in Saskatoon, they don't have to put up the 35 per cent, Mr. Speaker. And we want to know why, my community wants to know why. Other communities around this province want to know why this deal is being treated quite a bit differently than what other similar circumstances are around the province.

So, Mr. Speaker, when this government is trying to remove accountability out of legislation, it raises concerns. It raises some huge concerns.

Mr. Speaker, when we look at this Amicus deal, all of the contracts that have been let, none of them have gone to tender. They have just been dispersed, I would assume, to friends or investors. I'm not quite sure how you would classify some of them. But it's you and I that will be paying these contracts, Mr. Speaker, in the long run — taxpayers' dollars, but no publicly tendered contracts. It's not fair to taxpayers, and nor is it fair to other businesses across this province who might have had an interest in putting in a tender.

And this government is just saying, oh well, don't worry. Just trust us. We're looking after it all. Even though when we put in a FOI, a freedom of information, trying to get details on Amicus, it all comes back blacked out, no information. So again we don't have a lot of faith in this government being open and accountable, and they do have an awful long way to go.

Mr. Speaker, this one clause, and it's interesting how one clause can really start you thinking about all the things that have gone on. And when we look at the way the debt is being shifted out to either Crown corporations or arms-length organizations, and there are many that feel that this Amicus deal in Saskatoon, that it may possibly be the same type of financing arrangement that we're going to see on the 13 long-term care homes that were announced a number of years ago by this government. But then when they had spent too much money, couldn't afford to roll out the money, they ended up pulling back on the announcements and using the money for operating in the health system.

So here we have 13 other communities across the province that are still waiting to hear when they're going to receive their long-term care home funding and when these new facilities are going to start. So they're waiting to hear. Well will they get the same kind of special financing arrangement that Amicus has in Saskatoon? And if they do, what does that do? As I said, many people believe that this just may be a tactic for the government to move their debt off the Government of Saskatchewan books and shift it out to Crown corporations and into community organizations.

And, you know, the minister stood the other day during question period, and no offence to the minister, but he kind of reminded me of one of those old milk horses we see in the westerns or the old movies, and they've got the blinkers on. And my grandpa used to have a team of work horses and they had blinkers on, or blinders, whatever you want to call them. Some call ... Okay, blinders. Blinders may be more appropriate for the Minister of Finance.

So, Mr. Speaker, but you know he's walking down ... And he's saying, oh no, our GRF [General Revenue Fund], our GRF, the debt, it's down. We haven't added any debt and we're not going to. But then he's got \$1 billion that comes in from the Crown corporations. Now he can't see the Crown corporations, but by golly he jumped on that money and he spent her. And he's saying, well I've got more money. I've got more money. Don't know where it's coming from; I can't see what's happening out on the edges, but the debt is piling up in the Crown corporations.

But he's not even looking at that. He's got his mind set. He's just looking straight ahead — GRF. I'm spending the money that comes from the Crowns, but I'm not accounting for the debt that goes with it.

[20:45]

And that's what you're doing with these health organizations also. You are dumping the debt out into the regional health authorities so it shows up differently. We are looking at municipal financing for municipalities. And yes, it's been helpful, but it also moves the debt to a different area. And this government has also created a number of Crown corporations, Mr. Speaker, which have also enabled them to shift debt to these Crown corporations.

So the minister can stand there with his blinkers on saying the debt's fine, the debt's fine; it's not going anywhere. But we know by the financial reports, the summary financial reports of

the province of Saskatchewan, debt is actually increasing when you look at all of the organizations, all of the operations that are just outside the blinkers of the Minister of Finance. And he knows it's there. It's just a poor way to account for the spending that's gone on by this government.

So, Mr. Speaker, when we see this Bill 150 and we see accountability sliding away even more so, that is a problem. That is a huge problem. And, Mr. Speaker, when we look at Public Accounts, Public Accounts was just released about a month ago. Every expenditure of the Government of Saskatchewan over \$50,000 is listed in that book, whether it's contracts, whether it's wages, whether it's ... I mean expenditures of any kind, they are listed in Public Accounts.

But for some reason when it comes to the pension plans, the minister wants to wipe out any type of names and reduce accountability. Having your name listed when you are an employee of the Government of Saskatchewan and are entitled to a pension is no different than being listed for many years in Public Accounts.

Mr. Speaker, this serves no purpose other than reducing the openness and the accountability of this government. And, Mr. Speaker, we are suffering that on a number of levels, and I think one more is just too much to take.

So, Mr. Speaker, at this point in time my colleagues and I need to do some discussion on Bill No. 150, but there needs to be some discussions had on the specifics of these changes that are being proposed and especially on section 50. But until the discussions are done, Mr. Speaker, I will adjourn debate on this Bill.

The Speaker: — The member from Moose Jaw Wakamow has moved adjournment of debate on Bill No. 150, *The Superannuation (Supplementary Provisions) Amendment Act, 2010*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Agreed. Carried.

Bill No. 151 — *The Saskatchewan Indian Institute of Technologies Amendment Act, 2010*

The Speaker: — I recognize the Minister Responsible for Advanced Education, Employment and Immigration.

Hon. Mr. Norris: — Thank you, Mr. Speaker. I rise today, I rise today, Mr. Speaker, to move second reading of Bill 151, *The Saskatchewan Indian Institute of Technologies Amendment Act, 2010*. My comments I trust will serve as a brief prolegomena preceding broader discussions and deliberations that will likely ensue as we enter into committee.

Last week, Mr. Speaker, I was pleased to announce that the government is moving to bring the Saskatchewan Indian Institute of Technology legislation in line with that of other post-secondary educational institutions specifically regarding an important area of taxation.

Our government proposes to amend *The Saskatchewan Indian*

Institute of Technologies Act to provide SIIT [Saskatchewan Indian Institute of Technologies] with an exemption from school and municipal taxes on property owned by SIIT, that property which is used for educational purposes.

Mr. Speaker, one of our government's societal priorities, indeed one of Saskatchewan's priorities, both at the level of state and society, is to improve the education and employment outcomes of our First Nations and Métis people.

We can think specifically of both the intrinsic value of education, as well as the instrumental outcomes that we seek by increasing areas of employment. And to that, Mr. Speaker, we have seen some success over the course of the last six months as employment has increased for First Nations and Métis people across our province. That being said, we know that there's more to do.

We certainly know that there's more to do when we think about the 72,000-plus learners that we have in a number of skills training and post-secondary educational programs right across the province. And we think about the more than 13,000 First Nations and Métis learners that consist of a significant and important cohort of those learners.

When we think about our talent challenge, when we think about the tens of thousands of jobs that are going to be opening up in Saskatchewan over the course of the next five to ten years, Mr. Speaker, we know that it's imperative that we have increasing First Nations and Métis learners that are successfully completing post-secondary education, skills training, and related programs so that they can better participate within the economic growth that's under way within Saskatchewan, as well as contribute to their own intrinsic value regarding identity and self-actualization as well as making greater contributions to their families and to their communities.

SIIT's principal role is to provide academic, skills training, and career-related programming for First Nations and Métis students. That is education, skills training, personal and professional development which allows these students to meet their full potential, thereby allowing their families, their communities — indeed the entire province — to reach its full potential by being far more inclusive to those that for too long have been left behind.

In the area of instrumental benefits, Mr. Speaker — essentially that is focusing on the realm of employment — SIIT focuses on developing a strong workforce to benefit communities right across the province. The organization works to build positive and collaborative relationships with many stakeholders in industry, First Nations and Métis communities, governments, and other training institutions as well as a number of other societal partners. These partnerships help to ensure that SIIT's skills training and educational programs meet the needs of the students, of employers, and of relevant sectoral and community stakeholders.

On the subject of partnerships, Mr. Speaker, I recently had the honour of representing the Premier in the grand opening of the SIIT Aviation Learning Centre in Saskatoon, an event that saw the Minister of Justice join us for that important opening as well as, from the opposition benches, the member from

Saskatoon Massey Place. The province has contributed hundreds of thousands of dollars in operating funds and donated four aircraft toward this program through this very first year, which has also seen investment from the federal government's Western Economic Diversification — investments that we are very grateful to receive here within the province of Saskatchewan — as well as investments from significant and serious multinational players within the area of aviation. These include Lockheed Martin, Boeing aerospace, and Rockwell Collins.

As we can see these partnerships develop with more than 50 students now being trained within that centre, and SIIT sharing a partnership with SIAST [Saskatchewan Institute of Applied Science and Technology], we also see that there are connections to Mount Royal. That is a high school within Saskatoon run so ably under the direction of the impressive and visionary principal, Dean Newton.

What we can see is increasingly a vertically integrated system of support and partnership that is helping a number of students, especially those from First Nations and Métis communities, see opportunities in a sector that for too long has gone underappreciated. And what we see is that within the aviation and aeronautics sector there are real opportunities for First Nations and Métis learners. We think these partnerships, sustained by the support and leadership of SIIT among others, will help to ensure that more First Nations and Métis learners are succeeding within this sector, among others.

Mr. Speaker, the SIIT board of governors initiated this request, and our government wishes to see this change fulfilled in this legislature. We see, Mr. Speaker, despite the disruption from the members opposite, that this is a very worthy initiative that has been requested by the SIIT board of governors — requested by the board of governors — which will allow SIIT to maximize public funding, thereby directing more dollars to its primary purpose: the education, skills training, personal and professional development for First Nations and Métis students across the province of Saskatchewan.

Mr. Speaker, this legislative amendment will also bring SIIT in line with other post-secondary institutions in our province. To this end, our consultations have been thorough. We have consulted with the Ministry of Municipal Affairs which is responsible for policies on municipal taxation. We have also consulted with the city of Saskatoon where SIIT currently owns property, with the Saskatoon business improvement district; with the Saskatchewan Urban Municipalities Association, SUMA; with the two school boards in Saskatoon, and of course naturally with the Ministry of Education, as part of the Ministry of Advanced Education, Employment and Immigration's due diligence. Generally we have heard broad and sustained support for this measure which is intended for SIIT own property to receive this tax exemption, especially for properties that are used for educational purposes.

In closing, Mr. Speaker, I would like to reiterate that this legislation will provide SIIT with the same tax exemption status provided to other Saskatchewan public post-secondary institutions, and I am pleased to speak to this amendment today.

Mr. Speaker, I move second reading of Bill No. 151, an

important piece of legislation, *The Saskatchewan Indian Institute of Technologies Amendment Act, 2010*. Thank you, Mr. Speaker.

The Deputy Speaker: — The Minister of Advanced Education and Immigration has moved second reading of Bill No. 151, *The Saskatchewan Indian Institute of Technologies Amendment Act, 2010*. Is the Assembly ready for the question? I recognize the member from Saskatoon Massey Place.

Mr. Broten: — Well thank you, Mr. Speaker. I'm happy to have the opportunity to respond to the minister's second reading speech of Bill 151, *An Act to amend The Saskatchewan Indian Institute of Technologies Act*.

After the minister's lengthy remarks, I went back to the page because I thought there must be more to the proposed amendment than is down on paper. But I guess the minister was just being thorough. So I thank the minister in doing that this evening.

Mr. Speaker, of course SIIT has a long and proud history here in the province, and I think all members of the Assembly would agree that SIIT does wonderful work. They do very important work here in the province, and the minister is correct in his remarks that I was at the opening ceremony for the Aviation Learning Centre that SIIT has opened in Saskatoon.

In a variety of educational pursuits or sectors, SIIT does tremendous work in assisting Saskatchewan students, many of them First Nations students, in receiving the education that they need to participate fully in the province as they ought to. So for that I applaud SIIT and thank them for the good work that they're doing here in the province. I think it's important work, Mr. Speaker.

When we look at the job numbers that come out once a month, when we look at the area of Aboriginal employment for First Nations and Métis individuals, there is certainly a lot of work that we do need to do here in the province to ensure that everyone is participating in the economy and contributing as individuals want to do. So I think that's a positive thing.

If there are things that we can do as a Legislative Assembly to assist SIIT in meeting that mandate, in educating Saskatchewan students to contribute and make the positive contribution that they want to do, I think that's a positive step, Mr. Speaker. I think that's a track record that has been part of NDP [New Democratic Party] governments in the past, and if this change, Mr. Speaker, is requested by SIIT and is a positive thing, then in principle, Mr. Speaker, I would support changes that help SIIT and allow them to do their job more effectively.

So, Mr. Speaker, those are my brief remarks on this amendment. I do have additional questions about the implications and some details to do with the aspect of the changes that is proposed in this amendment, but I'm happy to do so in committee, Mr. Speaker. So at this time I would move that Bill 151, *An Act to amend The Saskatchewan Indian Institute of Technologies Act* be referred to committee.

[21:00]

The Deputy Speaker: — The question before the Assembly is the motion by the Minister of Advanced Education and Immigration that Bill No. 151, *The Saskatchewan Indian Institute of Technologies Amendment Act, 2010* now be read a second time. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

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

The Deputy Speaker: — To which committee shall this Bill be referred?

Hon. Mr. Krawetz: — Mr. Speaker, I move that Bill No. 151, *The Saskatchewan Indian Institute of Technologies Amendment Act, 2010* be referred to the Standing Committee on Human Services.

The Deputy Speaker: — This Bill stands referred to the Standing Committee on Human Services.

Bill No. 152 — *The Commissioners for Oaths Amendment Act, 2010*

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

Hon. Mr. Morgan: — Thank you, Mr. Deputy Speaker. I rise today to move second reading of *The Commissioners for Oaths Amendment Act, 2010*.

Mr. Speaker, *The Commissioners for Oaths Act* authorizes the administering of oaths and the taking or receiving of affidavits, declarations, and affirmations, within or outside Saskatchewan for use in Saskatchewan by commissioners for oaths.

Some commissioners are appointed, while others have that authority by virtue of their positions or occupations. These include lawyers in good standing, members of the Legislative Assembly, certain court officers, and officers in the permanent Armed Forces.

In the Armed Forces, as part of their duties, it is necessary for officers to complete affidavits, declarations, and affirmations on a regular basis. Mr. Deputy Speaker, it is frequent for a reserve member or a member of the Armed Forces to have documents as part of their personal life that are shipped to them wherever they may be stationed or wherever their duties may be carried out. This may relate to the purchase or sale of a home, a mortgaging of a property. It may include completing estate or probate documents for a deceased relative or a minor or many other things, Mr. Deputy Speaker.

Documents can be used for a variety of persons' purposes, both military and civilian. Many of them relate to administrative procedures in the various regiments. While senior officers of the regular force can administer oaths, it will make it easier for members if they can also use the services of senior officers of the reserve force. This amendment will make Saskatchewan's requirements similar to most of the rest of Canada.

Saskatchewan is one of the few jurisdictions to grant the status

of Commissioner for Oaths only to “permanent” members of the Canadian Forces — that is to say, regular force officers. Officers in the reserve force have been excluded. Alberta, Manitoba, Ontario, Prince Edward Island, Newfoundland and Labrador, Yukon, and Nunavut refer to officers “on full-time service,” which include reserve officers. Nova Scotia, New Brunswick, and British Columbia refer to officers on active service, which also excludes reserve officers.

Mr. Speaker, we are proposing an amendment that will put reserve officers on the same footing, respecting administration of oaths, as their permanent counterparts. This change recognizes the important role played by Canada’s reserve force and eases the job of reserve officers. In the Canadian Forces the reserve force is being used much more frequently than in the past to supplement the permanent Armed Forces. It is appropriate that officers in the reserve force be able to exercise the same powers as commissioners for oaths as those in the permanent force. This is a change, Mr. Deputy Speaker, that was requested by the North Saskatchewan Regiment, which is a reserve regiment in Saskatchewan.

Reservists are members of the Canadian Forces who usually serve on a part-time basis. Primary reserve units are located in hundreds of communities across Canada with more than 26,000 personnel Canada-wide as of June 2010. There are 10 such reserve units in Saskatchewan representing army, navy, and air force services.

Reservists give up their time for training and other duties. They may be called up for active duty, and some have lost their lives, most recently in Afghanistan. I think it’s proper that we can do everything, only proper that we do everything we can to assist them in their work.

Mr. Deputy Speaker, *The Commissioners for Oaths Act* has remained largely unchanged since it was passed in 1945. Section 10, respecting Armed Forces officers, was changed in 1949 to add the word permanent. In the modern Canadian Forces, however, the reserve force is frequently used to supplement the regular forces, and it is important to recognize that fact.

Reservists are members of the Canadian Forces who usually serve on a part-time basis. The reserve force of Canada comprises these part-time members of the Armed Forces whose role is to augment and support the regular force. It consists of approximately 30,000 officers and non-commissioned members, and is divided into the naval reserve, the militia, the air reserve, and the NDHQ [National Defence Headquarters] primary reserve list and the communication reserve. All are composed of volunteers who train on evenings and weekends or at short camps. Primary reserve units are located in hundreds of communities across Canada with more than 26,000 members.

Mr. Speaker, while we are making a substantive change for reserve officers to have the same powers to administer oaths, declarations, and affirmations as their permanent counterparts, we are also taking the opportunity to update terminology.

The current legislation refers to Her Majesty’s naval, military, and air forces, and refers to the ranks of lieutenant in the naval forces, captain in the military forces, and flight lieutenant in the

air forces. Those descriptions and ranks were updated over 40 years ago in 1968 when the three branches of forces were merged into a unified structure and the ranks rationalized. At the present time, the rank of flight lieutenant in the air force is no longer used. Those individuals are now called captains. A change in terminology is being proposed to bring the legislation up to date.

Mr. Deputy Speaker, the brave women and men in Saskatchewan’s reserves play a crucial and ever-increasing role in the delivery of Canada’s Armed Forces services, and this proposed amendment will recognize this increased commitment. Mr. Speaker, it’s my privilege to move second reading of Bill No. 152, *The Commissioners for Oaths Amendment Act, 2010*.

The Deputy Speaker: — The Minister of Justice has moved second reading of Bill No. 152, *The Commissioners for Oaths Amendment Act, 2010*. Is the House ready for the question? I recognize the member from Saskatoon Meewasin.

Mr. Quennell: — Thank you very much, Mr. Speaker. It’s a pleasure to rise this evening to speak on *The Commissioners for Oaths Amendment Act, 2010*. I can advise you, Mr. Speaker, and through you, the House, that I will be the only opposition member speaking on second reading on the Bill and that we would propose that it move to committee following this evening, to be dealt with there.

My remarks will be brief. I understand the minister related the concern that was raised by some reservists in the province of Saskatchewan as to an unfair distinction between members of the regular forces and members of the reserves that may very well have reflected the intent of the legislature back in 1949, but certainly does not reflect the intent, I don’t believe, of this Legislative Assembly today. And maybe the wording has not kept up with the current circumstances, but certainly current circumstances are far different than they once were, Mr. Speaker. And so this comes to the attention of the minister.

And I think briefly after it came to the attention of the minister, it came to my attention as well, with some hope on the part of reserve forces that this would not necessarily be a matter of partisan debate, Mr. Speaker, but a matter upon which there could be some consensus and agreement in the Assembly.

I understand that the Ministry of Justice, realizing that the Act had not been reviewed for now almost 60 years, was looking forward to an extensive review of the Act so that any changes that might need to be made could all be made together. And I know that there were probably some individuals in the ministry who would have thought that it would make more sense to have the review first and make all the changes and that this could wait for that review.

And reviews of Acts are important, Mr. Speaker, not just to update the Acts. But as the Minister of Justice knows, all kinds of interesting things come to people’s attention when you review legislation. And some errors in practice that aren’t concurrent with the law sometimes come to the attention of ministries and then to the attention of the minister only upon review of legislation. And I understand that recently took place in the case of the legislation involving the Liquor and Gaming

Authority, Mr. Speaker.

So a review of *The Commissioners for Oaths Act* is probably overdue, and it would probably be worthwhile. But I think the minister in this case made the right decision to proceed with this amendment and not wait for a review. And as I said, we support the amendment, and any examination on the details of it is best done in committee.

I just want to briefly speak to the distinction and almost the discrimination against reserve officers that the minister alluded to in his second reading remarks. Mr. Speaker, anyone who's followed the mission in Afghanistan I think is well aware that that mission would not have been possible without reserve forces. Canada does not have a large standing army. It certainly did in 1945 at the dissolution of the Second World War — maybe the fourth largest army in the world at that time, at the end of the Second World War or by the end of the Second World War, Mr. Speaker. But at this time, even compared to countries of a comparable population, Mr. Speaker, we do not have large standing armed forces.

And yet we have, as I think someone said — maybe it was a federal minister — punched above our weight in Afghanistan for some considerable period of time, Mr. Speaker. And that has been partly due, and significantly partly due, to the reserves supplement the regular forces, Mr. Speaker. Matter of fact, while our American cousins were distracted by their second war in Iraq, I think the overall mission in Afghanistan would have faltered considerably if it was not for the act of Canada, Canadian Armed Forces and Canadian reserves in Afghanistan. And a number of missions here at home in relieving the stress to civilian populations in Canada could not have been carried out to the success that they were without the reserve forces.

And so this distinction anywhere, Mr. Speaker, between regular forces and reserve forces that is not necessitated by the fact that one is full-time and the other is part-time and supplemental, any other distinction is unacceptable and inappropriate, Mr. Speaker. And this ask from the reservists to remove this distinction effectively from *The Commissioners of Oaths Act* is a small ask, and it is one that should be given freely and quickly by this Legislative Assembly. And so, as I said at the beginning of my remarks, I would propose that this matter now proceed to committee, Mr. Speaker.

The Deputy Speaker: — The question before the Assembly is a motion by the Minister of Justice that Bill No. 152, *The Commissioners for Oaths Amendment Act, 2010* be now read a second time. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Deputy Speaker: — Carried.

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

The Deputy Speaker: — To which committee shall this Bill be referred? I recognize the Minister of Justice.

Hon. Mr. Morgan: — I designate that Bill No. 152, *The*

Commissioners for Oaths Amendment Act, 2010 be referred to the Standing Committee on Intergovernmental Affairs and Justice.

The Deputy Speaker: — This Bill stands referred to the Standing Committee on Intergovernmental Affairs and Justice.

[21:15]

Bill No. 153 — *The Provincial Court Amendment Act, 2010*

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

Hon. Mr. Morgan: — Mr. Speaker, I rise today to move second reading of *The Provincial Court Amendment Act, 2010*.

This Act will accomplish the following: repeal section 8.1 of the Act that established the civil division of the Provincial Court. It will allow Provincial Court judges from other provinces to be appointed as temporary judges in Saskatchewan when required to deal with a file where all Saskatchewan Provincial Court judges are in a conflict or appear to be in a conflict position.

It will reduce the waiting period for disability benefits for judges from one year to three months. It will require the Judicial Council hearing committee to disclose their report following an investigation into a complaint concerning the conduct or capacity of a judge, with certain exceptions allowed.

It will clarify how the Law Society of Saskatchewan appoints a replacement representative of the Provincial Court Judicial Council if the president of the Law Society is unable to attend. It will consequentially amend *The Small Claims Act, 1997* to allow justices of the peace to hear small claims matters.

Our government is committed to providing an efficient and effective justice system for the people of Saskatchewan. In criminal matters, reasonable time to trial is a key aspect of the effective operation of the courts. This Bill and the consequential amendments to *The Small Claims Act, 1997* focus on providing the court with additional tools to reduce the time to trial in criminal matters.

This Bill repeals section 8.1 of the existing Act. That section established the civil division of the court and allowed designated judges to dedicate their time to hearing civil matters. Repeal of this provision will give the court additional flexibility to manage time to trial pressures by allowing judges currently assigned to the civil division to focus on criminal matters when required and when assigned by the chief judge. This amendment works hand in hand with the consequential amendments to *The Small Claims Act, 1997*. That amendment allows justices of the peace to become more involved in resolving small claims matters. Again, this will help free up Provincial Court judges to focus on criminal matters when backlogs occur.

This Bill provides authority and procedures for the appointment of judges from other provinces as temporary judges in Saskatchewan. Occasionally a matter comes before the Provincial Court where all judges in Saskatchewan are in a

conflict of interest with one or more of the parties. This provision allows the judge from another province to be temporarily appointed to hear such a matter.

Currently the only option available to deal with the situation . . . this type of situation in Saskatchewan is to assign the matter to a judge of the Court of Queen's Bench. By comparison, Manitoba and British Columbia allow a Provincial Court judge from another province to be temporarily appointed as a judge in their province. This gives their courts flexibility when dealing with these controversial matters.

Currently Saskatchewan provides assistance to the other Western provinces when their provincial courts experience similar conflicts. Now the Provincial Court of Saskatchewan will be in a position to request another province to reciprocate.

Mr. Speaker, integrity and transparency are fundamental to public confidence in the court and the administration of justice in the province. The Provincial Court is held in high regard today, and the amendment to disciplinary provisions contained in section 62 will enhance public confidence in the court by making the disciplinary process for judges more transparent. Complaints against Provincial Court judges may be resolved either through an informal review by the Judicial Council or the Judicial Council may recommend that a formal hearing be constituted.

At the present time, the less formal process is not open to the public, and the results are not made public at its conclusion. The hearing conducted by the committee is public, unless otherwise ordered by the committee. The hearing committee provides a report to the Judicial Council, minister, defendant, and complainant. The report is not made public unless the report recommends and the Judicial Council agrees to issue an order that the judge be removed or retired from office. In that case, the report and order are filed with the legislature and only then are publicly accessible.

Many other provinces have a much more transparent process that requires the release of the report in a broader range of circumstances. With these amendments, the report and order of the Judicial Council will be made public in all circumstances, except where its release would disclose personal health information, the identity of the complainant in circumstances of sexual harassment or assault, or in other circumstances where it is contrary to the public interest. Making the order public in most circumstances offers an opportunity for the Judicial Council to publicly renounce inappropriate behaviour by a judge, to clear the name of a judge found not to have acted inappropriately, and also to enhance public confidence in the disciplinary processes under the Act.

Mr. Deputy Speaker, the Law Society of Saskatchewan requests the changes to its representation on the Judicial Council. Under the current provision, the president of the Law Society is a member of the council and the president may appoint a replacement representative to the council if he or she is unable to attend. The Law Society was concerned that this appointment process could lead to annual changes in representation on the council. Many of the responsibilities of the council benefit from the consistency of membership. The government worked with the Law Society to prepare amendments that would allow the

Law Society to maintain consistent representation on the Judicial Council.

Mr. Deputy Speaker, the final amendment implements the recommendation of the Provincial Court compensation commission to reduce the waiting period for judges' disability allowance from one year to three months. This puts judges in the same position as provincial government employees. The waiting period for disability benefits for most provincial government employees is three months. *The Provincial Court Act, 1998* currently requires the Provincial Court judge must have served at least one year prior to becoming incapacitated in order to be eligible for disability allowance. In 2008 the Provincial Court Commission recommended that the Act be amended so that a judge becomes eligible for disability allowance after three months of service.

Mr. Speaker, I am pleased to move second reading of Bill No. 153, *The Provincial Court Amendment Act, 2010*.

The Deputy Speaker: — The Minister of Justice has moved second reading of Bill No. 153, *The Provincial Court Amendment Act, 2010*. Is the Assembly ready for the question? I recognize the member from Regina Lakeview.

Mr. Nilson: — Thank you, Mr. Deputy Speaker. It's my pleasure to rise to respond to the information provided by the Minister of Justice about this particular Bill. And I'm mindful of the fact that I was the Minister of Justice when the previous Bill was introduced in the House at a time when we had much conversation with the Provincial Court about how they should be organized, what should happen, what kinds of things should proceed.

And so I'm also very mindful of the fact that when the legislature or the executive branch of government deal with the Provincial Court or with anything related to any of the levels of court, we have to be especially vigilant in what we're doing to make sure that there aren't unintended consequences or that the intentions . . . make sure that the intentions are entirely clear as we proceed.

So, Mr. Deputy Speaker, I think there are a number of things that are being proposed here which are logical, but I think we're going to have to spend some time to make sure that we understand where these changes are coming from. I found it somewhat curious that there were recommendations for changes coming from the Law Society around the representation and how that worked. And that seemed like a logical request, to allow them to have more say in, from the perspective of the Law Society, by having a person who could serve maybe a three-year term instead of a one-year term because of the wording of the legislation. There is also changes that came from the committee looking at compensation the last time around as it relates to the disability issue, which is in the paragraph, I guess it would be . . . well the paragraph relating to the length of time required reduced from one year to three months.

Those were specific requests, but all of the other requests that are here must come from the Minister of Justice. I didn't hear that there was a request coming from other places. And it may be that the minister actually has that information, but it wasn't presented here tonight. For example, is the idea around

eliminating the civil division and the power of the court itself to organize its affairs a proposal that's coming from the court, or is this coming from the minister himself? If there isn't a clear answer to that, that immediately raises this question of the independence and the role of the Provincial Court or the courts and the legislature and the executive. And so, Mr. Deputy Speaker, we need some better information about why that particular section is being repealed.

Also as we move forward, I think it's the situation across Canada that judges from other courts can be of assistance in working here in Saskatchewan. And as the minister said, our judges have the abilities to go and assist in other places. And I think there are a number of changes that are being made there which are logical, especially as it relates to some of the judges who had recused themselves when there's a matter that involves another one of the particular judges. And so I think that that is kind of a logical point, but I'm not sure I know exactly where that request came from. Did it come from the minister, or did it come from the Judicial Council? Did it come from the chief judge? Where did this request come from? I think that that kind of information would have been helpful in the explanation of this Bill so that we understand why changes are being made.

I know that there are administrative pressures around the time that certain cases are taking to go to court. The traditional way of responding to that was to expand the number of judges that were in the system to make sure that there were sufficient judges, and it strikes me that the minister is kind of stepping in and taking over some of the administrative functions that the chief judge used to handle or handles now or maybe wouldn't handle under this legislation. So I think we need a better explanation as to why the minister would be intruding into this particular aspect of the running of the courts.

It may be that financially there's a sense of let's not appoint more judges to do this work even though there's a request for more of those judges. I think that the consequential amendment, which is Bill 154, allowing for justices of the peace to take over some of the work of our present Provincial Court judges, is another example of attempting to do this work in a different way without maybe respecting the way the court has been set up. There is no explanation of who requested that particular solution.

Now it's possible that it would make sense in certain communities where there isn't a Provincial Court judge located that you would use a Justice of the Peace. But from what I heard tonight, it raises the question of whether or not there's being work transferred out of the Provincial Court to the justices of the peace in a way that impinges on the integrity of the overall court structure.

And that raises a matter of concern, I think, not just for us here in the legislature, but for people across the province. And I know that from past experience that one has to be very careful in proceeding with these kinds of amendments. And I guess I didn't hear that these requests were coming from the court itself through the processes that they have.

[21:30]

And so I'm concerned that there are changes that are being

proposed here, as it relates to how the court runs and the number of people there able to do the work, that maybe don't fully respond to how our constitution lays out these responsibilities. And so, Mr. Speaker, I know that some of my colleagues will have questions in that area and will eventually get a chance to ask some questions about it.

Now when the practical parts of this Bill are laid out, such as allowing the minister to enter into agreements with other provinces, that does make a lot of sense in that there needs to be an appropriate legislative authority for the Crown to pay money to another province for the services of judges from another place.

But all of these administrative changes that are here still go back to this fundamental question about who requested this particular kind of change. Is it the kind of request that actually comes from the judiciary itself? As I said before, there were recommendations from the provincial compensation committee around one specific clause. There was also request of change from the Law Society on another clause, but all of the other changes, there wasn't an indication of where the request was coming as to the changes.

Now the last part of the amendment here relates to the release of the reasons around making orders, and I think it's appropriate that this all be done in conjunction with what other provinces have done. It's not entirely clear from the information that we have here tonight whether we will have the most open system or we'll have something that's in the middle of the pack or where we are.

I think there's an attempt to provide some of that information, but I wasn't, in the way it was laid out, able to tell whether we were going to have the broadest release of information. And it's a bit interesting that this Bill follows on a Bill from the Minister of Finance not many minutes ago that actually restricted a lot of information that the public needs to know around the superannuations that are to be paid out to individuals.

I think in our society here in Saskatchewan we've gotten quite used to the fact that payments of over \$50,000 from the public funds will be identified, and it will say who the money goes to and why. That proposal that came from the Minister of Finance, that seemed to eliminate that as it relates to superannuation, goes in the wrong direction. This proposal from the Minister of Justice of providing more of information is, I think, more in the light of kind of how we expect our society to work. But I think it's important that we have further information to help us understand exactly how this fits in with the system across the country, and I'm sure the minister will be happy to provide that in committee as we deal with this later.

So on the whole, Mr. Deputy Speaker, there are some appropriate needed changes, but for some of the main ones we need a better explanation of where this comes from and why. And we have to be extremely careful that it is not just a budgetary type of response coming out of the Ministry of Justice to deal with some of the financial issues that the government as a whole has, because ultimately those things, as they're vetted by courts at various levels, will be clearly identified as that. And they'll cause problems for our Ministry of Justice, but also for our community.

So, Mr. Deputy Speaker, I think that this matter will require further discussion from some of my colleagues here on this side of House, and it may be that we can get some more information as to where some of these requests have come from. But I want to say clearly on the record that we need to have full transparency about how we make changes to the courts so that subsequently if these changes are challenged, then we have clearly a record in the legislature of why the changes were being proposed.

With that, Mr. Deputy Speaker, I'll adjourn the debate.

The Deputy Speaker: — The member from Regina Lakeview has moved to adjourn debate on Bill No. 153, *The Provincial Court Amendment Act, 2010*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Deputy Speaker: — Carried.

Bill No. 154 — *The Provincial Court Consequential Amendment Act, 2010/Loi de 2010 portant modification corrélative à la loi intitulée The Provincial Court Amendment Act, 2010*

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

Hon. Mr. Morgan: — Mr. Deputy Speaker, I rise today to move second reading of *The Provincial Court Consequential Amendment Act, 2010*. As I mentioned in my remarks on *The Provincial Court Amendment Act, 2010*, this Bill makes consequential amendments to *The Small Claims Act, 1997*. These changes complement the amendments to *The Provincial Court Act, 1998* to provide the Provincial Court with additional tools to reduce the time to trial in criminal matters.

This Bill amends the definition of judge in *The Small Claims Act, 1997* to include both Provincial Court judges and justices of the peace. This will allow justices of the peace to become more involved in civil matters when backlogs occur, which will in turn free up Provincial Court judges to focus on criminal matters. It is planned that justices of the peace will take on an expanded role in case management and pretrial conferences in civil matters.

Justices of the peace currently preside over trials involving municipal traffic safety, occupational health and safety, and environmental safety offences as well as consider matters relating to search warrants under provincial and federal legislation. Justices of the peace accept guilty pleas. They're also very involved in resolving procedural issues for the Provincial Court, including granting certain adjournments, receive information under the Criminal Code and municipal bylaws from peace officers.

Mr. Speaker, I am pleased to move second reading of Bill 154, *The Provincial Court Consequential Amendment Act, 2010*.

The Deputy Speaker: — The Minister of Justice has moved second reading of Bill 154, *The Provincial Court Consequential Amendment Act, 2010*. Is the Assembly ready for the question? I recognize the member from Regina Lakeview.

Mr. Nilson: — Thank you, Mr. Deputy Speaker. The minister had an opportunity to further explain where some of these requests had come from around this change. But clearly in the remarks as it relates to this particular Bill, No. 154, the minister has said that they will be using justices of the peace to do the work of provincial court judges in a number of areas where they have not traditionally done this work.

And one of the points made is that small claims cases obviously would be handled not by a Provincial Court judge in all cases, but by a Justice of the Peace. And this is a change. It's like contracting out work, I suppose, to another group of workers. It is important that the minister tell us if this is a request that is actually coming from the Provincial Court judges, the chief judge and their group, or if this is something that is being done as an administrative financial solution to the situation.

Because when it comes to the courts, the ultimate test is whether the citizens of Saskatchewan perceive that they receive justice and that they actually receive justice. I have a great deal of respect for justices of the peace, but I know that there are many situations where the skills of a Provincial Court judge are required for solution of a number of the issues. And if this in any way causes members or citizens of Saskatchewan to have less faith in our court structure, then I think it's a problem.

And so, Mr. Deputy Speaker, I think that some of my other colleagues will have comments about this. And I encourage the minister to provide more information about where this is coming from and why, so that we can understand this better because I think it's important for all of the citizens of this province that we have a robust, well-funded court system that can provide the kind of results, the kind of justice that citizens of this province have come to expect. And so with that, I'll adjourn debate, Mr. Deputy Speaker.

The Deputy Speaker: — The member from Regina Lakeview has moved to adjourn debate on Bill No. 154, *The Provincial Court Consequential Amendment Act, 2010*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Deputy Speaker: — Carried.

Bill No. 155 — *The Natural Resources Amendment Act, 2010*

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

Hon. Mr. Duncan: — Thank you, Mr. Speaker. Mr. Speaker, after my remarks I will be moving second reading of Bill 155, *The Natural Resources Amendment Act, 2010*.

Mr. Speaker, last spring our government passed *The Hunting, Fishing and Trapping Heritage Act*. And in fact today marks Hunting, Fishing and Trapping Heritage Day in the province of Saskatchewan. That Act recognizes the important role that hunting, fishing, and trapping have played in shaping Saskatchewan's social, cultural, and economic heritage. It is also a reflection of the important role that hunters, anglers, and trappers play in conserving the province's rich ecological

diversity.

That diversity is in the foundation for making a healthy and sustainable environment for this and future generations. We are blessed in this province with pristine lakes, rivers, and native prairie that allows Saskatchewan people to enjoy a quality of life that is unsurpassed in any other part of Canada, and dare I say, anywhere else in the world, Mr. Speaker. Our government knows that a healthy and secure environment is fundamental to sustaining the health and well-being of Saskatchewan people. And our environment is fundamental to sustaining the economic growth and prosperity that is the hallmark of Saskatchewan today. There are many natural places within this province that are unique and special to the people of Saskatchewan and, Mr. Speaker, we must protect them.

The Fish and Wildlife Development Fund has been and continues to be a great success story in the conservation and enhancement of biodiversity on many acres of fish and wildlife habitat. Through collaboration and co-operation with non-governmental organizations, our government's conservation efforts have increased over the past three decades.

The Fish and Wildlife Development Fund was established in the mid-1970s when resident hunters, anglers, and trappers asked the government to place an impost on hunting and fishing licences and to use the revenue to purchase and improve wildlife habitat. Currently 30 per cent of the revenue generated from the sale of hunting, angling, and trapping licences is directed into the Fish and Wildlife Development Fund. This amounts to approximately \$3.5 million annually.

The Fish and Wildlife Development Fund provides the money necessary to secure habitat to support a diversity of fish and wildlife species. To date the fund has acquired, through purchase or donation, approximately 212,000 acres of land for wildlife habitat purposes, with many acres under joint title with various partners. Aside from the obvious benefits to hunters, anglers, and outdoor enthusiasts, it is important to note that much of this land continues to be made available to local communities for haying and grazing.

The largest piece of this funding goes to the on-the-ground preservation and securement of natural habitats. Over recent years much of this funding has gone to the Saskatchewan Wildlife Federation, Nature Conservancy of Canada, Ducks Unlimited Canada, and the Rocky Mountain Elk Foundation under cost-sharing agreements. In some instances, a dollar that has gone into the fund from licence sales has leveraged significantly more into the fund from licence sales has leveraged significantly more dollars from the federal government and the private sector through the fundraising efforts of non-governmental organizations. This is truly a great example of co-operation and partnership.

[21:45]

The Fish and Wildlife Development Fund also provides funding through agreements with a variety of researchers and non-governmental agencies to better understand, manage, and promote the wise use of our fisheries and wildlife resources. Currently the Ministry of Environment directs the use of the Fish and Wildlife Development Fund funding under the

advisement of the FWDF [Fish and Wildlife Development Fund] steering committee. The committee is comprised of representatives from the Saskatchewan Wildlife Federation, the Saskatchewan Bowhunters Association, the Saskatchewan Flyfishers Association, Nature Saskatchewan, the Saskatchewan Trappers Association, and the Saskatchewan Outfitters Association.

As a result of the amendments contained in *The Natural Resources Amendment Act, 2010*, the current Fish and Wildlife Development Fund steering committee will evolve into the fish and wildlife development advisory council. The council will play a greater role in directing how and where FWDF resources are spent so as to maximize the value of ecological diversity that those expenditures generate. The council will play a major role in reviewing, evaluating, and making recommendations on agreements proposed or already funded under the Fish and Wildlife Development Fund.

There is acknowledged need to increase the level of land management performed on Fish and Wildlife Development Fund lands. We will employ land management tools such as the control of invasive alien species and the use of sustainable grazing to ensure that Fish and Wildlife Development Fund lands continue to support biodiversity in Saskatchewan.

Our government will task the advisory council with an increased role in directing the evaluation of the land base to identify specific management needs. The council will also play an important role in determining the best means of delivering the required management activities. Amendments contained in this Bill also broaden the scope of activities that are covered under the fund to include the restoration of fish and species-at-risk populations or of habitat necessary for fish and wildlife species. Here again the advisory council will play an active role in identifying priorities under its expanded mandate.

Taken together, these amendments represent another positive step in the important work of conserving our natural environment. And these amendments mean that, together with the organizations represented on the fish and wildlife fund advisory council, our government will work even more effectively in the future to preserve biodiversity in Saskatchewan. Mr. Speaker, I move second reading of *The Natural Resources Amendment Act, 2010*.

The Deputy Speaker: — The Minister of Environment has moved second reading of Bill No. 155, *The Natural Resources Amendment Act, 2010*. Is the Assembly ready for the question? I recognize the member from The Battlefords.

Mr. Taylor: — Thank you very much, Mr. Speaker. I'm pleased tonight to rise and speak on Bill 155 at second reading. Bill 155 is the Act to amend *The Natural Resources Act*, and as some people will know, we always have short titles. The Act may also be cited as *The Natural Resources Amendment Act, 2010*.

Mr. Speaker, I am pleased to follow the minister in making the explanation about Bill 155, and, Mr. Speaker, I share the minister's celebratory comments about the Hunting, Fishing, and Trapping Day today declared by the legislature. As you know, Mr. Speaker, that legislation was debated to some extent

in the last session of the legislature. The declaration of the day — Hunting, Fishing, and Trapping Day — was made by legislation here in the Chamber.

Some of the concerns raised at that time, Mr. Speaker, indicated that respect for the North, respect for those who are involved in hunting, fishing, and trapping, respect for the views of the individuals that are involved in that . . . And, Mr. Speaker, some may remember even some of my comments that in fact hunting, fishing, and trapping, Mr. Speaker, there's one other element of this that needs to be taken into consideration, and that is the tradition of gathering, Mr. Speaker.

When we look at northern communities and First Nations communities, hunting, fishing, trapping, and gathering were all a part of the community's way of life, Mr. Speaker. We can't allow ourselves to forget that gathering is a very important tradition as well when it comes to the lands and what the lands produce for human benefit.

So that having been said, Mr. Speaker, and welcome the opportunity to celebrate the recognition of hunting, fishing, and trapping. Something else that we can't forget, Mr. Speaker, is that this legislation comes about as a result of a lack of consultation that occurred with the organizations involved in wildlife and wildlife habitat protection also in the last session, Mr. Speaker. We saw this government attempt to — and then succeed simply because they have a majority, Mr. Speaker — move wildlife habitat lands from the protection of legislation, without adequate consultation with those who are most involved with wildlife habitat land in the province.

Mr. Speaker, I can't help but note that even the non-partisan, objective observers that exist within the editorial committee of the Saskatoon *StarPhoenix* newspaper commented on that in their recent editorial about the new vision of the Sask Party government as expressed through the Throne Speech. *The StarPhoenix* editorial of Thursday, October 28th recognizes that, and I quote from the editorial. They're talking about a reference to the creation of measures designed to protect the Sand Hills. The editorial says:

However, it only serves as a pre-election reminder of this government's utterly bone-headed move last year to remove nearly three-million acres of Crown land from the protective umbrella of the Wildlife Protection Act.

So, Mr. Speaker, even the, as I said, non-partisan, objective observers at *The StarPhoenix* recognize the government's last efforts at wildlife conservation and wildlife habitat protection as boneheaded, Mr. Speaker. It means that we have to be extra vigilant in reviewing new legislation that's coming out from the same department, the same ministry, Mr. Speaker. Even though there's a new minister in place, Mr. Speaker, the old government is still in place.

I also note, Mr. Speaker, when I review the Throne Speech this year, the legislative agenda outlined in the Throne Speech there — the Throne Speech delivered on October 27th — the legislative agenda portion does not mention anything about the new natural resources Act, Mr. Speaker. The legislative agenda outlined in the Throne Speech talked about legislation to be introduced to protect whistle-blowers. It talked about legislation

to increase penalties for those who mistreat farm animals. It talked about legislation to reduce Provincial Court delays. It talked about legislation to introduce new human rights legislation. It talked about another boneheaded idea, Mr. Speaker, asking for . . . giving municipalities the authority to require photo ID [identification] when conducting local elections. And it talked about introducing a similar Act requiring voters to produce photo ID when voting in provincial elections, Mr. Speaker.

So a few weeks ago the government gave an indication of a large number of pieces of legislation, many of which we've actually seen introduced and debated today, Mr. Speaker. There was no mention of the new natural resources Act. So was the government not interested in highlighting this in the Throne Speech, Mr. Speaker? Has it come up just recently, Mr. Speaker? Or what's the motivation for bringing this forward?

Mr. Speaker, I have to declare my bias in this legislation as I did in my speeches earlier on other pieces of legislation, Mr. Speaker. I am a supporter of the work that's being done by the Saskatchewan Wildlife Federation, by Ducks Unlimited, by the Outfitters Association, by the Nature Conservancy, Mr. Speaker. I'm a supporter of the efforts that have been made by these organizations in the past, and I believe that quality consultation with these organizations will yield a quality legislation and regulation for the protection of wildlife and wildlife lands in the future, Mr. Speaker.

I also believe that the legislation that's in front of us here — I have not discussed this with many folks within the Wildlife Federation or Ducks Unlimited, Mr. Speaker — but I understand that this legislation was put together with some consultation. And, Mr. Speaker, I welcome that.

But I think we have to be very careful, Mr. Speaker, about what might be the government's hidden intentions as opposed to the organizations' good intentions to try to ensure that those who are involved in wildlife conservation, who are involved in habitat protection, Mr. Speaker, are actually able to provide greater influence over the decisions in this regard.

Some even may go so far as to argue, Mr. Speaker, that had the council that's currently . . . that in this legislation is being established, Mr. Speaker, had this council been in place a year ago, this — what *The StarPhoenix* refers to as boneheaded move last year — probably would not have happened, Mr. Speaker, because the council would have been advising the minister on a number of things, likely including that legislation, had they been consulted in advance. So, Mr. Speaker, we welcome the creation of the council, and we wish them well in their work.

But, Mr. Speaker, I think there are some things that everybody has to understand, and we have to make this very clear. The council's purpose is to advise the minister, Mr. Speaker. That advice is on allocations and expenditures from the fund, acquisition of lands pursuant to the Act, administration of lands acquired pursuant to the clauses of the Act, the disposition of lands acquired pursuant to clauses in the Act, proposed changes to the Act or regulations with respect to the fund and, Mr. Speaker, advise the minister on the annual budget and financial statement of the fund. So, Mr. Speaker, it's pretty clear on what

the council will advise the minister on.

Mr. Speaker, I think the most telling matter however is under duties of council, clause 20.2. If we look at subclause (4):

(4) When making allocations or expenditures from the fund or administering lands acquired pursuant to clause 20(6)(a), the minister shall consider:

(a) the advice of the council provided pursuant to this section; and

(b) any other matter that the minister considers to be in the public interest”.

So, Mr. Speaker, I think it's got to be made very, very clear here: the council's there to advise the minister. The minister, however, is not required to accept or act on that advice. So we just have to be very clear: the minister is still in charge over there, Mr. Speaker. And that's not a bad thing if the . . . But everybody's got to be clear of the roles of the various parties, Mr. Speaker.

Now I believe that at the end of the day the wildlife lands, wildlife projects, Mr. Speaker, require the influence of the organizations that are most involved with them and are closest to the work that's being done.

[22:00]

The minister outlined that the fund was established in the mid-'70s. It's about 30 per cent of the revenues end up going to the fund, Mr. Speaker, and there has been a steering committee that's going to evolve into this council.

Mr. Speaker, in the past the fund has been used primarily to acquire, for lack of a better word, let me use the word assets. The fund has been used to acquire land. It's been used to manage that land. But, Mr. Speaker, it would appear that this legislation will now allow the fund to fund matters other than capital projects. Mr. Speaker, it appears that this fund could provide funding for projects.

Mr. Speaker, I don't know how far the consultation has gone with the organizations, but many of the organizations, I think, believe that there's additional money that's available to the organizations through the fund now because the mandate has grown. There's no indication whatsoever in the Act that I can see, Mr. Speaker, that there are additional funds available.

If there are additional funds available, I hope the government will make that perfectly clear in either comments that they wish to make in the Chamber or certainly in answer to questions or perhaps even before we get into committee, whatnot, Mr. Speaker. But if there are promises being made about more financial support for the fund, then that's got to be clear, Mr. Speaker, before we move on very much further.

How do we ensure the sustainability of the fund, Mr. Speaker? Up to this point, the sustainability of the fund, the accountability on the fund, Mr. Speaker, has been pretty strong. But it's been related to the purchase of assets, not so much on projects, Mr. Speaker.

But here's the point that I want people to really grasp and understand: it looks like this proposal is moving us towards more off-budget financing of projects, Mr. Speaker. By off-budget, what I mean is setting up a system whereby somebody other than the government through the GRF is funding activity. We're seeing that in the health care field right now, Mr. Speaker. In long-term care, we're seeing that government debt is being transferred from the GRF into the regional health authorities. This deal with Amicus, Mr. Speaker, will create additional long-term care beds, but they will not show up as government debts, Mr. Speaker. They're going to show up off the books.

We're seeing other plans, Mr. Speaker, whereby what is normally a GRF expenditure is now going off the books, Mr. Speaker, and is being managed elsewhere. So a project under the fund, Mr. Speaker, could easily be managed or administered by a biologist that may previously have been working for the Department of the Environment, or the Ministry of the Environment, and has now moved over to become a project employee or funded through a project funded by the Development Fund. That expense, Mr. Speaker, would no longer show up under the GRF or be subject to the Provincial Auditor's review.

Mr. Speaker, this is not the sort of accountability that, if this is indeed the case, this is not the sort of accountability that the Saskatchewan Party promised the people of Saskatchewan in their election promise prior to 2007 or in their Throne Speech arguments that were made after the election. Promises that said we will be more accountable, we'll be more open, we'll be more transparent, when in fact, Mr. Speaker, more programs are being established that create off-budget financing for activities that are normally activities of government.

Now, that having been said, Mr. Speaker, it's a cautionary comment. At the end of the day, I think that a Bill that supports and recognizes the value of the organizations working in the wildlife and habitat protection areas, Mr. Speaker, is of value to the people of Saskatchewan. So we have to cautiously approach the language and direction outlined in this Bill because there could be some hidden, perhaps I will for the benefit of the doubt say, unintended consequences that could result because of this.

But, Mr. Speaker, I look forward to the debate that will continue on Bill 155, *An Act to amend The Natural Resources Act*. I look forward to my meetings and consultations with the organizations involved in the wildlife field, Mr. Speaker. And I very much look forward to our time when this Bill ultimately does get to the committee stage where we can ask government more specific questions about its intentions and its ability to deliver, to meet the needs expressed today and yet unexpressed desires of the organizations that are being and should be consulted on this.

So, Mr. Speaker, with that I indicate that we are interested in consulting further on this legislation. I therefore move that Bill No. 155, *An Act to amend The Natural Resources Act* . . . Or pardon me. I should say debate on Bill 155, *An Act to amend The Natural Resources Act*, be it now adjourned.

The Deputy Speaker: — The member from The Battlefords

has moved to adjourn debate on Bill No. 155, *The Natural Resources Amendment Act, 2010*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Deputy Speaker: — Carried. I recognize the Government House Leader.

Mr. D'Autremont: — Thank you, Mr. Speaker. I move that the House do now adjourn.

The Deputy Speaker: — The House Leader has moved a motion that this House does now adjourn. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Deputy Speaker: — Carried. This House stands adjourned until 1:30 tomorrow afternoon.

[The Assembly adjourned at 22:08.]

TABLE OF CONTENTS

EVENING SITTING

GOVERNMENT ORDERS

SECOND READINGS

Bill No. 148 — <i>The Animal Protection Amendment Act, 2010</i>	
Higgins	6027
Bill No. 147 — <i>The Public Interest Disclosure Act</i>	
Draude	6028
Taylor	6030
Bill No. 149 — <i>The Income Tax Amendment Act, 2010</i>	
Krawetz	6035
Taylor	6036
Bill No. 150 — <i>The Superannuation (Supplementary Provisions) Amendment Act, 2010</i>	
Krawetz	6038
Higgins	6039
Bill No. 151 — <i>The Saskatchewan Indian Institute of Technologies Amendment Act, 2010</i>	
Norris	6040
Brotten	6042
Krawetz (referral to committee)	6042
Bill No. 152 — <i>The Commissioners for Oaths Amendment Act, 2010</i>	
Morgan	6042
Quennell	6043
Morgan (referral to committee)	6044
Bill No. 153 — <i>The Provincial Court Amendment Act, 2010</i>	
Morgan	6044
Nilson	6045
Bill No. 154 — <i>The Provincial Court Consequential Amendment Act, 2010</i>	
<i>Loi de 2010 portant modification corrélative à la loi intitulée The Provincial Court Amendment Act, 2010</i>	
Morgan	6047
Nilson	6047
Bill No. 155 — <i>The Natural Resources Amendment Act, 2010</i>	
Duncan	6047
Taylor	6048

GOVERNMENT OF SASKATCHEWAN

CABINET MINISTERS

Hon. Brad Wall
Premier of Saskatchewan
President of the Executive Council

Hon. Bob Bjornerud
Minister of Agriculture
Minister Responsible for Saskatchewan
Crop Insurance Corporation

Hon. Bill Boyd
Minister of Energy and Resources
Minister Responsible for Saskatchewan
Telecommunications

Hon. Ken Cheveldayoff
Minister of First Nations and Métis Relations
Minister Responsible for Northern Affairs
Minister Responsible for Saskatchewan
Gaming Corporation

Hon. June Draude
Minister of Social Services
Minister Responsible for the Status of Women
Minister Responsible for the Public Service Commission

Hon. Dustin Duncan
Minister of Environment
Minister Responsible for Saskatchewan
Water Corporation
Minister Responsible for SaskEnergy Incorporated

Hon. Donna Harpauer
Minister of Education
Provincial Secretary

Hon. Jeremy Harrison
Minister of Enterprise
Minister Responsible for Trade

Hon. Darryl Hickie
Minister of Municipal Affairs

Hon. Bill Hutchinson
Minister of Tourism, Parks, Culture and Sport
Minister Responsible for the Provincial
Capital Commission

Hon. D.F. (Yogi) Huyghebaert
Minister of Corrections, Public Safety and Policing

Hon. Ken Krawetz
Deputy Premier
Minister of Finance

Hon. Tim McMillan
Minister Responsible for Crown
Investments Corporation
Minister Responsible for Information
Technology Office
Minister Responsible for Information
Services Corporation
Minister Responsible for Saskatchewan
Government Insurance
Minister Responsible for Saskatchewan Liquor and
Gaming Authority

Hon. Don McMorris
Minister of Health

Hon. Don Morgan
Minister of Justice and Attorney General
Minister of Labour Relations and Workplace Safety
Minister Responsible for the Saskatchewan Workers'
Compensation Board

Hon. Rob Norris
Minister of Advanced Education,
Employment and Immigration
Minister Responsible for Innovation
Minister Responsible for Saskatchewan
Power Corporation
Minister Responsible for Uranium
Development Partnership

Hon. Jim Reiter
Minister of Highways and Infrastructure
Minister Responsible for Saskatchewan
Transportation Company
Minister Responsible for The Global
Transportation Hub Authority

Hon. Laura Ross
Minister of Government Services