



FOURTH SESSION - TWENTY-SIXTH LEGISLATURE

of the

**Legislative Assembly of Saskatchewan**

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**DEBATES  
and  
PROCEEDINGS**

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(HANSARD)

Published under the  
authority of  
The Honourable Don Toth  
Speaker



**MEMBERS OF THE LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**

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

<b>Name of Member</b>	<b>Political Affiliation</b>	<b>Constituency</b>
Allchurch, Denis	SP	Rosthern-Shellbrook
Atkinson, Pat	NDP	Saskatoon Nutana
Belanger, Buckley	NDP	Athabasca
Bjornerud, Hon. Bob	SP	Melville-Saltcoats
Boyd, Hon. Bill	SP	Kindersley
Bradshaw, Fred	SP	Carrot River Valley
Brkich, Greg	SP	Arm River-Watrous
Brotten, Cam	NDP	Saskatoon Massey Place
Chartier, Danielle	NDP	Saskatoon Riversdale
Cheveldayoff, Hon. Ken	SP	Saskatoon Silver Springs
Chisholm, Michael	SP	Cut Knife-Turtleford
D'Autremont, Dan	SP	Cannington
Draude, Hon. June	SP	Kelvington-Wadena
Duncan, Hon. Dustin	SP	Weyburn-Big Muddy
Eagles, Doreen	SP	Estevan
Elhard, Wayne	SP	Cypress Hills
Forbes, David	NDP	Saskatoon Centre
Furber, Darcy	NDP	Prince Albert Northcote
Gantfoer, 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
Ottobreit, 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 met at 13:30.]

[Prayers]

## ROUTINE PROCEEDINGS

### INTRODUCTION OF GUESTS

**The Speaker:** — Members, before I recognize the Premier, I'd ask members to allow me the opportunity of introducing a special guest who's joined us from Nunavut territory, the Speaker of the Nunavut Legislative Assembly, Mr. Paul Okalik. And I'd like to invite members to welcome Mr. Okalik to our Assembly.

I recognize the Premier.

**Hon. Mr. Wall:** — Mr. Speaker, just before I request leave for an extended introduction, may I join with you in welcoming Speaker Paul to this Assembly today. Before he was the Speaker in Nunavut, he was the premier of that territory and a leader in the country. He still is obviously, Mr. Speaker, and I want to join with you in welcoming here.

In addition, Mr. Speaker, I would request leave of members to make an extended introduction.

**The Speaker:** — The Premier has requested leave for an extended introduction. Is leave granted?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Leave's been granted. I recognize the Premier.

**Hon. Mr. Wall:** — Thank you very much. Mr. Speaker, it's an honour for me to be able to stand in my place today and to you and through you make some introductions to all members and to those who have joined us.

Today was an historic day in the Legislative Assembly, witnessed by the Métis sash, the traditional sash that is now on the Clerk's table right beside the mace and adjacent to the First Nations mace runner that we are so proud to have in the Assembly since March of 2006.

Mr. Speaker, members were able to gather this morning and receive a great gift from the Métis Nation, this sash that was designed by renowned sash maker, Mr. Adams, from the Rosthern area. And, Mr. Speaker, we want to introduce some who are still with us today as a result of that ceremony this morning.

So, Mr. Speaker, we'll begin with the president of the Métis Nation — president since 2004 — a leader of the Métis people in Saskatchewan as well as the Métis Nation proper, a friend of obviously the Métis, but of all of Saskatchewan, and a leader that sets a powerful example in terms of dedication to the people that he serves. And we welcome him, and maybe we'd make the exception, Mr. Speaker, in the introductions to be able to pause for Robert, individually, and give him a warm welcome to his Legislative Assembly today.

Mr. Speaker, joining us as well in your gallery is the secretary for the Métis Nation of Saskatchewan. I believe Max Morin is . . . [inaudible interjection] . . . No, Max is not with us. Now he's not with us. Thank you, Robert. Allan . . . [inaudible interjection] . . . Also not here.

But I see Senator Nora Cummings is here and the elder that brought the prayer and was so instrumental in today's ceremony. Ms. Cummings, will you please stand and accept our welcome.

I'm going to jump around in order now because I see Henry's beside her — her husband, Henry Cummings, who danced his way into the Assembly leading the musicians as well. And we certainly welcome Henry to his Assembly.

As well here today we're joined by May Henderson, the provincial . . . [inaudible interjection] . . . No, we're not. But we are joined by Julie Pitzel from Prince Albert who's an elder with the Métis Nation of Saskatchewan.

We're also joined . . . I'm recognizing now Greg Lawrence from Moose Jaw who's here for the ceremony as well. And we just want to welcome, to and through our guests today, all of the Métis Nation that they represent. They will forever be with us — the past, present, and future generations — through this sash and through the ceremony this morning. We welcome them to their Legislative Assembly, Mr. Speaker.

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

**Mr. Lingenfelter:** — Mr. Speaker, I want to join with the Premier in welcoming the very important people from the Métis Nation. Robert Doucette, senator, welcome here today. And also to the Speaker and former premier, welcome to our Assembly as well. We're very, very proud that you would join us today for this important presentation of the sash on behalf of the Métis Nation.

I just want to say to the Premier, thank you to you and the government for bringing this forward and also to the members of the opposition for being part of the ceremony. It's very, very important in building forward, first of all to recognize the history, recognize today, but most importantly to realize that tomorrow and the future depend on these kind of relationships being built. And it was a great honour to be there today. And the sash that the Premier's wearing and I'm wearing, I know we'll be wearing those proudly for many, many years to come. So thank you and welcome to our Assembly.

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

**Hon. Mr. Cheveldayoff:** — Thank you very much, Mr. Speaker. It is indeed a pleasure to join with the Premier and join with the Leader of the Opposition to welcome the Métis leaders to their Assembly.

It has been a pleasure to work with you through this year, 2010, the 125th anniversary, and it's been enjoyable — everything from Back to Batoche and the many other celebrations that I had the honour to attend and represent the government. I want

to thank you for all the work that you do, and I want to say how excited I am to continue to work with you for the betterment of Métis people and for the betterment of all people in Saskatchewan. Thank you.

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

**Mr. McCall:** — Thank you very much, Mr. Speaker. I just want to join with those who are welcoming President Robert Doucette and the leadership that is here today from the Métis Nation of Saskatchewan.

Obviously this is a very significant day in the history of this province. The legislature should reflect the people, and it should reflect the things that are important to the people. And that the sash has taken its rightful place in the middle of this Assembly is obviously something that's been long overdue — perhaps 125 years overdue. But this is a good day and may there be many more good days to come.

So I join with those who welcome those from the Métis Nation of Saskatchewan and in recognizing the importance of this day. Thank you, Mr. Speaker.

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

**Mr. Ottenbreit:** — Thank you, Mr. Speaker. To you and through you to all the members of the Assembly, I want to welcome 28 great looking grade 10 students from my home town, Yorkton, Saskatchewan, centre of the third largest trading area in the province. They're accompanied by Mr. Perry Ostapowich, Ms. Ashley Marchand, and Mr. Grant Bjornerud, I guess it's pronounced. And we had a great conversation down in the MLA [Member of the Legislative Assembly] lounge, dining room. We had a little bit of conversation there. And, Mr. Speaker, I actually put in a good word for you, so I just ask that you keep that in consideration in today's proceedings and the rest of the session here. So I'd just ask all members to welcome them to their Legislative Assembly.

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

**Mr. Belanger:** — Thank you very much, Mr. Speaker. I too want to join the Premier and our leader in recognizing our Métis leadership. And I want to recognize President Doucette and of course Senator Cummings and a dear friend, Julie Pitzel.

Mr. Speaker, as one of the very few members of the Assembly that are of Métis ancestry, it gives me great pride today to see the sash lay at the table along with the First Nations treasures. And I want to join in all the people in recognizing the contribution that the Métis people have made to the province and certainly commend the government and all the MLAs in laying this sash at our table.

I also want to take a few moments just to recognize Speaker Okalik. I think it's important that as an Aboriginal legislator for Saskatchewan we look at models and the different leaders throughout Canada that certainly can give us inspiration and hope as Aboriginal people. And I think Speaker Okalik, being the former premier, certainly brought forward a lot of young people throughout Canada in terms of getting involved with

politics. And I just want to recognize him for his inspiration and his leadership and to also thank all the Métis people that are here today. So once again, thank them all, Mr. Speaker, on behalf of the opposition as well.

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

**Ms. Eagles:** — Thank you, Mr. Speaker. Mr. Speaker, to you and through you I'd like to introduce two constituents of mine that are seated in your gallery. Bill and Fern Crouse are good friends of mine, and we've been friends for many, many years. We've had a lot of fun together, but they've, more importantly, Mr. Speaker, they've always been with me through the tough times, and that's what true friendship is all about.

Bill and Fern live in Estevan now, but they used to live on a farm about a mile from me. And I can always remember Bill coming before we did continuous cropping, and I used to do some summerfallow. Bill would get off his tractor and come over to me and he'd say, I didn't know Vic wanted this field worked twice, because he said I was overlapping so much. So he always had a little bit of advice for me, but I look forward to spending this evening with them. And I ask all members to join me in welcoming them. Thank you.

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

**Mr. Wotherspoon:** — Thank you, Mr. Speaker. To you and through you, seated in your gallery, I'm very honoured to introduce two very special women in my life and in the lives of my family. Today it's my pleasure to have my mother, Faye Wotherspoon, here today — if you can give us a wave, Mom — and my mother-in-law, Barb Willows, here today. Barb if you could give us a . . .

So I didn't know when they arrived at the legislature here today, Mr. Speaker, if maybe you were up to something as it relates to enforcement from your . . . through your Chair, Mr. Speaker. But it's my pleasure to have these very special women in our lives who make us stronger as a family, who provide me exceptional support, who provide all of us exceptional support within our family, and wise political advice, Mr. Speaker.

I think it's fair to say that none of us arrived to this Assembly on our own, Mr. Speaker. It's on the backs of our families and our communities and it's those individuals that make us stronger. I welcome two of those here today. I ask all members to join with me in welcoming my mother and mother-in-law here today. Thank you.

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

**Mr. Michelson:** — Well thank you, Mr. Speaker. Mr. Speaker, I'd like to introduce to you someone in your gallery by the name of Greg Lawrence. Greg Lawrence is a constituent of Moose Jaw. He is one of the Métis leaders that was here this morning. He's the president of the Southern Plains Métis Local 160. He also works for one of our Crown corporations. Greg works for SaskTel. We'd like to welcome him here.

Just as importantly, he is the nominated candidate for the constituency of Moose Jaw Wakamow for the Saskatchewan

Party. And he wanted to be here today especially to see where his seat might be located after the next election. So I'd ask everyone to welcome Greg Lawrence.

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

**Ms. Higgins:** — Thank you very much, Mr. Speaker. To you and through you I would like to join with my colleagues from across the floor in welcoming Greg Lawrence here to the legislature today. Greg's very active in our community. And I know he's got a great seat in the Speaker's gallery and I look forward to seeing him there for many years, coming to visit the legislature. So please welcome Greg.

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

**Mr. Vermette:** — Mr. Speaker, to you and through you, I'd like to join the members of the Assembly that have gone before me to introduce members of the Métis Nation, also our elder, Senator Nora Cummings, to all the Métis people that are here today and taking part in this ceremony.

And I think, Mr. Speaker, it truly is something to reflect on. We talk about the sash and what it symbolizes to many of us. My grandfather was a Métis vet, president of the Métis local. Our culture, our pride in what we accomplish, and sometimes, you know, our leaders . . . And I think all of my colleagues here will join me in saying, being leaders of a community is a pretty difficult job sometimes. You can't please everybody. And sometimes there's a hard word.

But our ties in the Métis community with our families, like the sash, is woven very strong, very strong. Our ties, our family ties tie us together as a people, as a culture, and I'm very proud of that. I may not always agree with my family members and the members of the Métis Nation and the nation in itself, but at the end of the day, we work together for what's best for our people. And we have to. We have to be proud of our culture. And I commend the leadership and the people of our province for continuing that fight. There's more work to be done, but I know that will continue.

And I just want to say, welcome to your legislature. And the work will continue, and thank you for the work you have done so far.

[13:45]

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

**Mr. Furber:** — Thank you, Mr. Speaker. I'm pleased to today introduce somebody who's been introduced a couple of times already, Julie Pitzel. Thanks so much to Julie for the work that she does in the community of Prince Albert, volunteering countless hours for many events and to help many people in our community. So I'd like to thank her for that today, and ask all members to join with me in welcoming here to her Assembly today.

Additionally, Mr. Speaker, I'd like to welcome a constituent from Shellbrook. Robin Langford is here today. Robin is an

agricultural producer and been a cowhand for many years. We have a little bit in common in that we both trained horses at some point in our lives. I'm sure the members opposite would acknowledge that of the two of us that would be a horse whisperer, it's more likely to be Robin than myself. But we appreciate the work that he does in the community of Shellbrook and as an agricultural producer in our province. He's very proud of that fact, Mr. Speaker. And I'd like all members to join with me in welcoming him here today as well. Thank you.

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

**Hon. Mr. Hickie:** — Well thank you, Mr. Speaker. To you and through you and joining my colleague from Prince Albert Northcote on this introduction of Julie Pitzel as well please to all the members of the Legislative Assembly.

Julie was instrumental when I was in the police force in Prince Albert and prior to me arriving there, of building a bridge between the community and the Aboriginal people in the community and our Prince Albert Police Service. And she was a leader in so many different realms with the youth and with the elders in the community. And it's because of her hard work that the relationship now in Prince Albert is strong between the service, the police service and the Aboriginal people. So thank you, Julie, for that and welcome.

**The Speaker:** — Before I call petitions, I just want to say how much we appreciate the visitors who've joined us in the gallery, but also to remind you of the protocol of the Assembly that we would ask that you not participate in the debate. Thank you so much.

## PRESENTING PETITIONS

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

**Ms. Junor:** — Thank you, Mr. Speaker. I rise today on behalf of citizens of Saskatchewan who wish to bring to our attention that many seniors, Saskatchewan seniors live on fixed incomes and are victims of physical, emotional, and financial abuse; that Saskatchewan seniors have a right to social and economic security and a right to live free from poverty; and also that Saskatchewan seniors have a right to protection from abuse, neglect, and exploitation.

We, in the prayer that reads as follows, respectfully request that the Legislative Assembly of Saskatchewan to enact a Saskatchewan seniors' bill of rights, which would provide Saskatchewan seniors with social and economic security and protection from abuse, neglect, and exploitation.

I so present on behalf of citizens from Saskatoon, Hanley, Melfort, and Lashburn. I so present.

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

**Mr. Forbes:** — Thank you very much, Mr. Speaker. I rise

today to present a petition in support of eliminating poverty in Saskatchewan. And we know that freedom from poverty is an enshrined human right by the United Nations and all citizens are entitled to social and economic security. And we know citizens living in poverty have long identified affordable solutions. Recent national and provincial initiatives, including the Saskatoon health disparities report and the Canada Without Poverty, Dignity for All campaign, all call for a comprehensive poverty elimination strategy. I'd like to read the prayer, Mr. Speaker:

We, in the prayer that reads as follows, respectfully request that the Government of Saskatchewan act as quickly as possible to develop an effective and sustainable poverty elimination strategy for the benefit of all Saskatchewan citizens.

And, Mr. Speaker, the people signing this petition come from the cities of Regina and Saskatoon. I do so present. Thank you.

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

**Mr. Broten:** — Thank you, Mr. Speaker. I stand today to present a petition that calls for the expansion of the graduate retention program and a call for fairness for Saskatchewan post-secondary students. The prayer reads:

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

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

Mr. Speaker, I so present.

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

**Ms. Morin:** — Thank you, Mr. Speaker. Mr. Speaker, I rise to present petitions from Furdale. The government ministry has directed SaskWater to cut off supplies of water for domestic use to Furdale customers. The same government ministry has directed that customers may no longer treat non-potable water using methods approved by Sask Health.

The Furdale residents, dealing in good faith with SaskWater for over 30 years, have paid large amounts for their domestic systems and in-home treatment equipment as well as for livestock and irrigation lines. And the alternative water supply referred to by government ministry is a private operator offering treated, non-pressurized water at great cost with no guarantee of quality, quantity, or availability of water. And the prayer reads as follows:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly may be pleased to cause the government to withdraw its order to cut off non-potable water to the residents of the hamlet of Furdale, causing great hardship with no suitable alternatives; to exempt the hamlet of Furdale from further water service cut-offs by granting a grandfather clause

under *The Environmental Management and Protection Act, 2002* and *The Water Regulations, 2002*; and that this government fulfills its promises to rural Saskatchewan.

As in duty bound, your petitioners will ever pray.

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

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

**Mr. Wotherspoon:** — Thank you, Mr. Speaker. I rise once again today to present petitions on behalf of concerned residents from across Saskatchewan as it relates to the unprecedented mismanagement of our finances by the Sask Party. They allude to the two consecutive deficit budgets, the billions of dollars of debt growth accruing underneath this government with \$4.2 billion projected to grow over the next four years alone, Mr. Speaker. Within this year alone, \$448 million of debt growth, Mr. Speaker, and of course this all comes at a consequence to Saskatchewan people, whether that be your power bill, your health care, or your education system, Mr. Speaker. And the prayer reads as follows:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly condemn the Sask Party government for its damaging financial mismanagement since taking office, a reckless fiscal record that is denying Saskatchewan people, organizations, municipalities, institutions, taxpayers, and businesses the responsible and trustworthy fiscal mismanagement that they so deserve.

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

These petitions are signed by concerned citizens and good folks of Carievale and Carnduff. I so submit.

#### STATEMENTS BY MEMBERS

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

#### Métis Sash an Emblem of Strength

**Mr. McCall:** — Thank you, Mr. Speaker. I rise in the Chamber today to recognize a special addition to this legislature. The architecture and furnishings of this building are rich in tradition and symbolism. The mace reminds us of centuries of British parliamentary tradition. The statues of MacDonald and LaFontaine remind us of the origin of our democratic confederation as a partnership between the French and English peoples. The beaver pillow and the gorgeous mace runner reflect the culture and traditions of the First Nations who first inhabited this land, Mr. Speaker. And today we add a Métis sash, which brings together in its colourful threads strands of Aboriginal and European traditions stretching back to the time of the fur trade and beyond.

Mr. Speaker, as the sash draws its strength from the many strands it weaves together, so Saskatchewan, as our provincial motto recognizes, draws its strength from the many peoples who together form its diverse and colourful fabric.

In this the Year of the Métis, Mr. Speaker, 125 years after the death of Louis Riel in this city, it is especially fitting that we should honour the special contribution of the Métis people to Saskatchewan's strength.

For the sash, Mr. Speaker, it is traditionally no mere colourful decoration, but a tool whose strength on which those who used it in times past relied upon for their survival in challenging circumstances. It remains, Mr. Speaker, a symbol of the Métis people whose strength as a people we are so thankful for the opportunity to honour today. Marcicho.

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

### Métis Sash Ceremony

**Mr. Kirsch:** — Thank you, Mr. Speaker. Mr. Speaker, today is an important day for this Assembly and especially for Métis citizens in our province. Earlier today this Chamber was alive with the sound of music and celebration. A ceremony took place in which a beautiful Métis sash was presented to this Legislative Assembly. The sash was created by Mr. Pat Adams, who is a renowned artist and a champion of Métis people. His sashes were featured at the Winter Olympics in Vancouver, and he certainly did the Métis people and this province proud.

Speaking of champions for the Métis people, we had Métis Nation Saskatchewan President Robert Doucette here as an honoured guest today. He and Métis senator Nora Cummings presented this sash to the Assembly, and it was fitting to see these two individuals who've done so much to promote Métis rights and nurture a stronger nation. The Métis helped build Saskatchewan in its early days, and they continue to build a strong foundation for the future.

To the Métis Saskatchewan and to the tens of thousands of Métis citizens across our province, I say thank you for this sash and congratulations on this well-deserved recognition. Thank you, Mr. Speaker.

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

### North West Regional College Practical Nursing Class Graduation

**Mr. Taylor:** — Thank you, Mr. Speaker. Students, instructors, family, board members, community leaders, interested citizens gathered on Friday, November the 19th for the graduation ceremonies in honour of the practical nursing graduating class of North West Regional College in North Battleford.

It was a proud day for all as we witnessed the closing pages of this program for Jasmine Draude, Shellie Dutton, Danielle Fedler, Annette Kahpeaysewat, Jennifer Kosolofski, Randi Milnthorp, Anita Moosomin, Lori Pateman, Travis Schafer, Joanne Swiftwolfe, Dianne Weitzel, and Patrick Whelan.

North West Regional College and other regional colleges across Saskatchewan provide extremely valuable and beneficial educational programs and experiences for students across Saskatchewan, and the nursing program is no exception. In fact this program virtually ensures that residents from rural Saskatchewan can be educated and ultimately gain employment

as health professionals in rural Saskatchewan. Thanks to the college and its commitment to all our communities, more and more individuals can attain their personal goals and aspirations, and individuals in need will find program services and care much closer to home.

I ask all members to join me in congratulating the 2010 graduating class in the North West Regional College practical nursing program and thank the instructors, staff, and board members for the college for maintaining their high level of commitment to the overall betterment of our community at large. Thank you, Mr. Speaker.

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

### 2010 Communitas Award Winner

**Ms. Tell:** — Thank you, Mr. Speaker. Throughout history, a defining human attribute has been a sense of communitas, which means people helping people for the benefit of their community. Today communitas is thriving in businesses, organizations, and individuals dedicated to community service and social responsibility. Mr. Speaker, our very own Saskatchewan Gaming Corporation has been named the winner of the 2010 Communitas Award in the leadership in community service and corporate social responsibility category.

The Communitas Award is an international competition that grew out of the Association of Marketing and Communication Professionals pro bono recognition program. The award recognizes the spirit of communitas and are given to exceptional businesses, organizations, and individuals for their efforts involving volunteerism, philanthropy, or ethical and sustainable business practices.

One example of the corporation's actions under the framework is its community giving program. Each year Saskatchewan Gaming Corporation donates a portion of its profits to local organizations that are working to enhance the quality of Saskatchewan people. Last year Saskatchewan Gaming gave over \$670,000 to community organizations and events that contribute to community development, education, recruitment, health and medicine, social programs, and arts, culture, and sports.

Mr. Speaker, it's with great pride that I, on behalf of the Government of Saskatchewan, recognize Saskatchewan Gaming Corporation for winning this international award. I am proud that their important contributions throughout our province are recognized as a part of the spirit of communitas. Thank you, Mr. Speaker.

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

### Saskatoon Nutana Resident Receives Book of the Year Award

**Ms. Atkinson:** — On Saturday, November 27th, some of our finest Saskatchewan writers and publishers were honoured with 14 awards presented by the 18th annual Saskatchewan Book Awards. Each year these awards celebrate our deserving authors

and publishers and focus attention on Saskatchewan's literary community of more than 300 writers and 75 book publishers. Saskatchewan is nationally recognized as a particularly fertile incubator for excellence in the literary arts.

The Saskatchewan Book Awards promotes literary artists at the annual gala and also at reading salons and book displays year-round. The book awards fosters lifelong learning, literacy, and a deep sense of ourselves as prairie people.

Living in the Saskatoon Nutana constituency, David Carpenter is a professor, writer, editor, and mentor of other Saskatchewan writers. On Saturday, David received the Book of the Year award for his non-fiction work, *A Hunter's Confession*, published by Greystone Books. The book focuses on the rise and fall of hunting as a pastime in North America and is informed by the author's own experiences as a hunter until a life-threatening predicament while hunting grouse caused him to strike a bargain. Today David remains an avid fisherman, especially in our northern boreal forests.

David Carpenter's body of works includes books, poetry, literature reviews, and articles in such publications as *The Globe and Mail*. He's been interviewed by Peter Gzowski, Shelagh Rogers, and Eleanor Wachtel. Mr. Speaker, I'd ask all of my colleagues to join me in congratulating David Carpenter, along with all of the other winners of the 2010 Saskatchewan Book Awards.

[14:00]

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

#### **Muslim Festival at Huda School**

**Mr. Weekes:** — Thank you, Mr. Speaker. Mr. Speaker, I would like to mention a very special event that took place on Saturday at the Regina Huda School. The event was organized by the Islamic Association of Saskatchewan, Regina Huda School, Muslims for Peace and Justice, and Muslim Students Association, University of Regina in honour of Eid-al-Adha, a Muslim festival that occurs after the pilgrimage to Mecca and commemorates the sacrifice offered to God by Abraham.

Dr. Ayman Aboguddah, President of the Huda School, and other members of Regina's growing Muslim community welcomed several representatives of government, universities, and cultural organizations to the celebration which featured informative presentations and wonderful food.

Last week, Saskatchewan celebrated Multicultural Week, Mr. Speaker, so it was all the more appropriate to learn a little more about the traditions of the Muslim people who now number about 10,000 throughout Saskatchewan. Saskatchewan's proud of its multicultural population, so this event provides us with great opportunities to learn about other customs, increase our respect for diversity, and to become more understanding of each other.

Understanding the experiences of different communities make us stronger and helps our province move forward. This province's proud history of multiculturalism is enshrined in the provincial motto: *Multis e gentibus vires*, which translates from

the Latin to "from many peoples, strength." Thank you, Mr. Speaker.

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

#### **Water Supplies**

**Ms. Morin:** — Mr. Speaker, the Wall government is failing rural residents of Furdale and Birchwood Heights by promising to terminate their water supplies with SaskWater that have existed for nearly 30 years and, in doing so, forcing residents to sign up with a private water utility or simply go without water.

Since 2008 a private water utility began advertising in this small-farm and acreage community south of Saskatoon, saying that joining the system was voluntary, that is, until the Wall government decided that those . . . sorry, that the Sask Party government decided that those who did not sign up would lose their SaskWater services by December 31st of this year.

Despite well over 300 signatures on petitions calling for the Sask Party government to stop its unnecessary push for water privatization in this rural area and no public vote on the matter, residents continue to face the threat of paying out anywhere from \$13,500 to \$25,000 each to alter their individual water lines or face water cut-offs by their long-time public water supplier, SaskWater.

As one resident writes, "It's a sad time, especially for those who cannot afford any kind of new water system and are forced with the prospect of putting their property on the market. It's sobering to think that the stroke of a ministerial pen can damage a community so much." Mr. Speaker, another resident writes, "Maybe this issue will have to be resolved in the courts or through the ballot box next November." Mr. Speaker, I think that says it all.

**The Speaker:** — I'm not positive, but I think I heard the member referring to an individual by the member's name rather than by the member's responsibility. And I'd remind members in the future to be mindful of that, whether in member's statements, to remember the rules of the Assembly.

#### **QUESTION PERIOD**

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

#### **Contract Negotiations and Supply of Physicians**

**Mr. Lingenfelter:** — Mr. Speaker, my question is to the Premier, and it deals with the ongoing shortage of doctors in Saskatchewan.

Yesterday we raised the issue that the vacancy number in the province now stands at 120 vacancies. That's up 40 per cent since the Sask Party government was elected three years ago. And today the situation gets worse where doctors are now withdrawing their service in a number of communities in southwest Saskatchewan, namely in the Cypress Hills Health Region, in the Premier's own area and hometown.

Mr. Speaker, my question to the Premier is this: in light of the



fact that the doctors have been now negotiating for 19 months and are still without a contract and when we already have long waiting lists and shortages for doctors, how does it stand that we don't have contracts for doctors in this province when we have shortages that will get longer if this disrespect for our doctors and their community continues and isn't resolved by the Premier and his government?

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

**Hon. Mr. Wall:** — Thank you, Mr. Speaker. Mr. Speaker, what we've seen over the last three years is a number of major contracts settled. In fact of course all contracts settled, whether they were for health care providers or for nurses in the province, Mr. Speaker, the SGEU [Saskatchewan Government and General Employees' Union] contract, Mr. Speaker. We've gone through this collective bargaining process, have government managers or third-party representatives. They've entered into free collective bargaining, Mr. Speaker, and agreements have been concluded.

Mr. Speaker, I have every confidence that that is exactly what will be the case with respect to the province's doctors. We know how important doctors are for the province. That's why we've made investments in new training seats for doctors. That's why we've made massive investments in new residency positions — the first time in the history of the province of Saskatchewan that we're going to get north of 100 on both counts, Mr. Speaker. It's why we're taking the residency programs to places like Swift Current, Mr. Speaker. It's why we're investing in a health care recruitment plan specifically focused on doctors. With respect to the contract, we'll have a settlement soon.

And Mr. Speaker, I can tell you this. I think people in the province understand there's work to be done, but there is significant progress being made by this government.

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

**Mr. Lingenfelter:** — Mr. Speaker, the doctors certainly don't agree with the Premier's statement that this issue is being dealt with. In fact they've become so frustrated in the province of Saskatchewan, along with resident physicians who were here yesterday and said they felt disrespect from the government, and many of them are considering leaving the province because they haven't had a contract for over two years. We now have doctors withdrawing their service for the first time in decades in the Premier's own hometown in order to make a point.

Can the Premier guarantee that he will take seriously this matter of doctors leaving the province, in large part because they feel disrespected and unwanted by this government? Will he now deal with this important issue?

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

**Hon. Mr. Wall:** — Mr. Speaker, I'm very confident that negotiations will conclude. There will be a settlement, Mr. Speaker, and we will resolve these issues as we've been able to resolve, together, all the collective bargaining process the government has proceeded with, Mr. Speaker.

And I would also say this. I think the people of the province understand that after a decade and a half of neglect from members opposite on this particular file, where we were only training 60 doctors a year, Manitoba was training 100 doctors a year, while we were only training 60 residents a year . . . Mr. Speaker, they see in our platform a commitment to double the residency positions. That promise is being kept to increase the number of doctors being trained to 100. That promise is being kept, Mr. Speaker, to finally have a comprehensive plan to recruit and retain doctors in our province for rural and urban Saskatchewan. It's why there are 6 per cent more doctors today in the province than there were under the NDP [New Democratic Party]. There's work to be done and we're getting it done, Mr. Speaker.

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

**Mr. Lingenfelter:** — Mr. Speaker, the fact of the matter is that the number of people being trained in medicine in the province has little or nothing to do with how many stay. The residents yesterday, and the interns told us, they told us that they wouldn't stay because this Sask Party government doesn't respect them and won't give them a contract. How can they stay in the province of Saskatchewan if they have no contract? That is why 225 of the residents have signed a petition saying that they've been treated unfairly by the Sask Party government.

In light of the fact that the SMA [Saskatchewan Medical Association] today issued a press release, it says, and I quote, "The longer negotiations go on, the more physicians we are likely to lose in Saskatchewan, and this threatens patient-centred care throughout the province". That's what the doctors are saying. My question again to the Premier is, when are you going to take this issue seriously and get a contract for the doctors and patient service improves in this province?

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

**Hon. Mr. Wall:** — Well, Mr. Speaker, no one is a bigger authority on out-migration from this province to other places in Canada than the Leader of the Opposition.

Mr. Speaker, while he was the deputy premier, while he was the minister of Economic Development, that is the time in our history where more people — health care workers, business women and men, workers from almost any part of the economy — left the province in droves because of the economic policies and the lack of vision from the member opposite when he was a deputy premier and when he was the Economic Development minister.

Mr. Speaker, here is the record. 2006 to 2010, the number of rural doctors in Saskatchewan has gone up 228 to 241. That's up 6 per cent. For the same time period, Mr. Speaker, the number of doctors overall in the province, it was 944. It is today, under this government, 1,017. They don't like the information, Mr. Speaker, but it doesn't stop there. The number of health care workers working in the province, delivering health care to the people of Saskatchewan, 27,322 under them, 30,500 under this government — an increase of 11 per cent, Mr. Speaker.

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

**Mr. Lingenfelter:** — Mr. Speaker, those words are cold comfort for the people in those communities who can't see their doctor today. The Premier can obviously make all sorts of wild statements about the lack of inflow from Alberta during the years that Lorne Calvert was premier. But the fact of the matter is more people moved from Alberta in 2007 than any time under his management of this province. That's a fact. Get your facts straight.

My question to the Premier, my question to the Premier is based on a statement from the SMA. And I quote from their press release: "Unfortunately, [this] government seems much more reluctant to create the working conditions for physicians that would give them good reasons to stay and good reasons [for others] to come from other provinces." The doctors are saying that not only can't they stay, but we can't attract other doctors because they don't have a contract. That's a fact that the doctors are saying.

My question to the Premier is, when are you going to take the doctors and the residents of this province seriously about the health care they need?

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

**Hon. Mr. Wall:** — Mr. Speaker, the significant investment in our post-secondary ministry of this government, budget after budget, to increase the number of seats training doctors in the province, to increase the number of residents' training seats in the province, to double those numbers respectively almost, Mr. Speaker, to take the residency program outside of the major tertiary centres into places like Swift Current, Mr. Speaker, where now four residents are being trained in that community . . .

[Interjections]

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

**Hon. Mr. Wall:** — Mr. Speaker, and our resolve to see the contract is settled, Mr. Speaker — those are all evidence of this government's commitment to this particular issue.

And I will happily debate the record of this government with the record of members opposite, the record of that member who's originally from southwest Saskatchewan and was happy to sit in a cabinet that closed five, six, seven hospitals right in the Southwest. Those days are over. We're working and fixing the problems in health care we're hearing from the members opposite.

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

### Crown Land

**Mr. Furber:** — Thank you, Mr. Speaker. In December of 2009, Robin Langford purchased two quarters of land from the Ministry of Agriculture, land branch. In the spring of 2010, the land branch contacted Mr. Langford and told him that they had made a terrible mistake and had not surveyed out 10 acres that were leased to another person. The Minister of Agriculture is now telling Mr. Langford that they're going to survey out the

10 acres of land with the access road to his property. In short the minister's Department of Agriculture is taking away his access road.

To the minister: why is Mr. Langford forced to pay for Saskatchewan Party government incompetence?

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

**Hon. Mr. Bjornerud:** — Well thank you, Mr. Speaker. Well, Mr. Speaker, to the member, in the case of Mr. Langford where we have sold Crown land, there was a mistake made by the lands branch in the Ministry of Agriculture, and we're working to rectify that with the two people that are involved in this. There was a subdivision on that title that was missed by lands branch, and we will work with the two people involved — Mr. Langford and the people that had the subdivision on that case. It was an honest mistake by lands branch, and we're working through it, Mr. Speaker.

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

**Mr. Furber:** — Well, Mr. Speaker, he says that they're working through it, but Mr. Langford's yet to be contacted in writing by the Ministry of Agriculture itself except to say, "Will they prefer to have the title revert to the Crown?" And so, what they're doing in effect is, without an agreement from Mr. Langford, they're threatening to take his land. Mr. Speaker, it's unacceptable in Saskatchewan today. So why is this their way of dealing with their own mistake — to expropriate, bully Mr. Langford, and take his land when he doesn't agree to what they want?

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

[14:15]

**Hon. Mr. Bjornerud:** — Well thank you, Mr. Speaker. And I think possibly the member has not got the facts quite right. We are not taking the land on Mr. Langford. The mistake was made when there was a subdivision with 10 acres that was owned by someone else and, as I have said, a mistake was made. It was missed by the lands branch and the Ministry of Agriculture and the total acreages were sold to the member . . . or to Mr. Langford.

Mr. Speaker, we are working to rectify the problem. I don't know what more the member would want us to do. We're working with Mr. Langford. We are also working with the people that were involved with the 10-acre subdivision, working with land titles to settle this problem. And any cost will be the Ministry of Agriculture's cost. Mr. Speaker, I don't know what more we can do until we have the opportunity to work through this.

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

**Mr. Furber:** — Unfortunately, Mr. Speaker, that they're working with Mr. Langford will be news to him because he doesn't agree. Additionally it says right in the letter from Crown counsel to Mr. Langford's lawyer, "Will they prefer to

have the title revert to the Crown?" So when he says that they're not taking their land, that's exactly what the letter from his ministry says they're going to do.

So, Mr. Speaker, Mr. Langford came to the legislature today in a last-ditch attempt to have this problem resolved. He's attempted for months, Mr. Langford has, to have this issue resolved, only to be ignored. So, Mr. Speaker, the lack of consultation by the Saskatchewan Party government continues. Instead of consulting with Mr. Langford, as the minister says they have, they bully and threaten to take his land. So to the minister: why is it always this government's knee-jerk reaction to bully and intimidate, and will he agree today to do something to resolve this issue?

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

**Hon. Mr. Bjornerud:** — Well, Mr. Speaker, this is the same lands branch that was under the NDP government. No changes have been made there, Mr. Speaker. It was an honest mistake. It was nothing that they did on purpose to totally exclude the 10-acre subdivision.

Mr. Speaker, the department and the ministry staff has worked with Mr. Langford's lawyer. I don't know how else we can do this. They've been in contact, working with the lawyer for Mr. Langford. They've been working with the people that had been excluded from the title when the land transaction was made. Mr. Speaker, we're working as fast . . .

[Interjections]

**The Speaker:** — Order. Order, order. Order. The member was allowed to place a question. I'd ask the members now to allow the minister to respond.

**Hon. Mr. Bjornerud:** — Mr. Speaker, we're working with both parties — the lawyer for Mr. Langford and the people that had the subdivision on that quarter. I don't know what more we can do. We're going as fast as we can to rectify a mistake that was made, as I admitted, by the people in lands branch. I don't know how much more I can tell the member opposite.

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

### Northern Roads

**Mr. Belanger:** — Thank you very much, Mr. Speaker. Every day the lives of northern people are being put at risk by this government's inaction on dealing with dangerous northern roads.

Mr. Speaker, there's a section on Highway 915 nicknamed suicide curve. Last year a teacher died taking a winter access road to Wollaston Lake because the main all-weather road is being slow-walked to death towards completion. Mr. Speaker, Highway 135 paving through Pelican Narrows has been cancelled or, as they like to say, postponed. And on Highway 155, the main route to northwestern Saskatchewan, no action. Mr. Speaker, to the minister: when can northerners expect to see action on addressing these dangerous roads that many northern people travel on?

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

**Hon. Mr. Reiter:** — Thank you, Mr. Speaker. Mr. Speaker, when our government was elected three years ago, we inherited a massive infrastructure deficit right across the board, Mr. Speaker. In Education it was schools, schools that needed to be built, schools that needed to be repaired. Mr. Speaker, in health care it was hospitals and long-term care facilities. But I think probably the most noticeable part of that infrastructure deficit was the deplorable state of many of our highways, Mr. Speaker, especially in the North.

Mr. Speaker, the facts of the matter are the NDP, when they were in government for 16 years, did very little for northern roads. Mr. Speaker, here's the facts for this year — \$41 million in the budget for northern roads. And, Mr. Speaker, that's a 7 per cent increase over last year's budget.

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

**Mr. Belanger:** — Mr. Speaker, northern people, frankly all Saskatchewan people, are sick and tired of Sask Party cabinet members reciting talking points about 16 years. They are sick and tired of it, Mr. Speaker. This government has spent approximately \$30 billion in just three years, \$30 billion dollars. But families in northern Saskatchewan still travel dangerous roads. The fact is they've been in government for three years. They've had \$30 billion at their disposal. They had more than enough time and money to get the job done.

Northerners continue driving on dangerous, crumbling roads. They take their lives and their children's lives in their hands every time they get behind the wheel. And yet this government and this minister gives insulting, meaningless answers. Mr. Speaker, why is this government risking the safety of northern families, of Métis families, of First Nations families through its failure to act in finally providing decent, safe roads for northern Saskatchewan people?

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

**Hon. Mr. Reiter:** — Thank you, Mr. Speaker. The member opposite says that we've had more than enough time to fix all the roads in the North in three years, yet they did nothing in 16 years. So we're not supposed to talk about that, Mr. Speaker.

He's calling those numbers meaningless? He says \$41 million in this year's budget is meaningless? Mr. Speaker, that's 7 per cent increase over last year. And if he doesn't like my speaking points, Mr. Speaker, here's one for him. He was a former minister of Highways, Mr. Speaker. He was a former minister of Highways, and what did he do while he was there? Virtually nothing, Mr. Speaker.

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

**Mr. Belanger:** — Mr. Speaker, I'll put my record as a former minister of Highways against his record any day of the week, Mr. Speaker. Talk about doing things for northern Saskatchewan, Mr. Speaker. Mr. Speaker, we need to do more to improve the lives and the safety . . . [inaudible] . . . to northern people, First Nations people, and Métis peoples than attend ceremonies.

We can back up, we can back up our words, Mr. Speaker. All we see from this minister and this Premier and this party is pretty words with no meaningful actions, Mr. Speaker. This government say they have done a lot to improve the roads, but we're certainly not seeing any of it in northern Saskatchewan. We continue seeing crumbling roads, cancelled projects, and yet another broken promise. We're seeing families burying loved ones because of unsafe roads.

To the minister: if he really thinks that he can defend his government's record on northern roads, will he agree to a public debate? And, Mr. Speaker, he can name the date, the time, and the location in northern Saskatchewan so I can finally put an end, an end to his empty rhetoric, Mr. Speaker.

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

**Hon. Mr. Reiter:** — Thank you, Mr. Speaker. Mr. Speaker, this may come as a big surprise to that member opposite, but this is a public debate. And, Mr. Speaker, I will put the record of this government on highways and in every other area against the . . .

[Interjections]

**The Speaker:** — Order. Order, order. I recognize the Minister of Highways.

**Hon. Mr. Reiter:** — Mr. Speaker, there are several days of session left. We can debate this every day for the next two weeks, Mr. Speaker.

Mr. Speaker, when our government came to office, part of our platform commitment was \$1.7 billion in highway spending over the next four years, Mr. Speaker, \$1.8 billion in highway spending over the four-year term. Mr. Speaker, with this year's budget, we're already at 1.7 billion; we will far exceed our campaign commitment. Mr. Speaker, over \$40 million for the North — 7 per cent increase, Mr. Speaker. I will indeed debate that member in the legislature every day for the next two weeks if he wishes.

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

#### Arrangements for a Long-Term Care Facility

**Ms. Atkinson:** — Thank you very much, Mr. Speaker. I want to talk about a health care contract the government did sign and that's Amicus, Mr. Speaker. Yesterday the government was asked about apparent conflicts of interest involving members of this government and Amicus. And they meet the definition of a pecuniary conflict of interest, Mr. Speaker, which is whether a person or someone in their family has a controlling interest in or is a director or senior officer of a corporation that could financially profit or be adversely affected by a decision. That's the definition Saskatchewan municipalities follow.

This is a question to the Premier. Would he not agree that, by this definition, the Minister of Justice may well be in a conflict of interest? And can the Premier advise the Assembly if the minister has recused himself from any decisions with respect to the Amicus affair?

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

**Hon. Mr. Wall:** — Mr. Speaker, the mistress of conspiracy theories on the other side of the House, Mr. Speaker, day in and day out, casting aspersions on the Catholic Health Ministry, the Catholic Health Ministry that has provided health care in this province for decades, Mr. Speaker, for decades — the mistress of health care conspiracies, Mr. Speaker, would now have us believe that a brother of an MLA that won a tender tendered by a third party, a third party that interviewed contractors and then based on the fact that they could get a price guarantee, chose that contractor. That contractor goes out, tenders publicly, and someone who's related in this Assembly wins the tender by \$140,000.

Only in that member's world would that be a conflict of interest, Mr. Speaker. The people of this province are getting tired of this I think, Mr. Speaker. There's only one Donlevy brother they've missed, Mr. Speaker. He's a Catholic priest. So I'm sure he's at the top of this entire pyramid, Mr. Speaker.

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

**Ms. Atkinson:** — Mr. Speaker, the Premier seems to know an awful lot about this, and I just want to say this to the Premier. What I want to say to the Premier is that the tender that went out to Bridge City went out in early February, Mr. Speaker, and the government didn't sign an MOU [memorandum of understanding] with Amicus until March, Mr. Speaker, over a month and a half later. That's point number one.

Point number two, Mr. Speaker, is that it was that Premier's government that chose to redact close to 1,800 pages of information, Mr. Speaker, and you know, we really want to know why they're so nervous about that that they had to do a total blackout, Mr. Speaker.

Now, Mr. Speaker, leading members of the government are in what most Saskatchewan people would agree is a clear conflict of interest when it comes to Amicus. Two brothers — two out of four brothers actually — of the Premier's chief of staff have profited. So has the Minister of Justice's brother. And their situation is what would clearly be considered to be in a conflict of interest under municipal legislation, if not *The Members' Conflict of Interest Act*. So I have another question to the Premier. Will the government agree to changes to *The Members' Conflict of Interest Act* to ensure that conflicts like these don't occur in the future?

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

**Hon. Mr. McMorris:** — Mr. Speaker, today as we got near the end of question period and there had been no questions on Amicus, I was a little afraid. Now I'm certainly reassured because, after five weeks, I feel a little bit like Yogi Berra when he said *déjà vu* all over again, Mr. Speaker.

Day in and day out, she tries to smear families, well-standing families, Mr. Speaker, in this province.

[Interjections]

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

**Hon. Mr. McMorris:** — She stands in this House, Mr. Speaker, and tries to smear well-standing families, be it the Donlevys, the Stensruds, Mr. Speaker, absolutely unacceptable.

From the Catholic Health Ministry, Paul Ellis, when he talks about this agreement between the Catholic Health Ministry and the Saskatoon Health Region, he goes on to say, “Any allegations that there is outside influence on our board to select Miners Construction or any other firm associated with this project is completely false,” Mr. Speaker. She’s been on a fishing trip for an awful long time, and she hasn’t caught a thing.

### INTRODUCTION OF BILLS

#### Bill No. 161 — *The Election Amendment Act, 2010*

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

**Hon. Mr. Morgan:** — Mr. Speaker, I move that Bill No. 161, *The Election Amendment Act, 2010* be now introduced and read a first time.

**The Speaker:** — The Minister of Justice has moved first reading of Bill No. 161, *The Election Amendment Act, 2010*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

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

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

**Hon. Mr. Morgan:** — Next sitting, Mr. Speaker.

**The Speaker:** — Next sitting.

[14:30]

#### Bill No. 162 — *The Local Government Election Amendment Act, 2010*

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

**Hon. Mr. Hickie:** — Mr. Speaker, I move that Bill No. 162, *The Local Government Election Amendment Act, 2010* be now introduced and read a first time.

**The Speaker:** — The minister of Municipal Government has moved that Bill No. 162, *The Local Government Election Amendment Act, 2010* be now read the first time. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

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

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

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

**The Speaker:** — Next sitting.

### PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**The Speaker:** — I recognize the Chair of House Services.

#### Standing Committee on House Services

**Mr. Yates:** — Mr. Speaker, I’m instructed by the Standing Committee on House Services to report that it has considered certain estimates and to present its 11th report to the Assembly. I move:

That the 11th report of the Standing Committee on House Services now be concurred in.

**The Speaker:** — The Chair of the House Services committee has moved:

That the 11th report of the Standing Committee on House Services be now concurred in.

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

**Some Hon. Members:** — Agreed.

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

**Hon. Mr. Wall:** — Mr. Speaker, I request leave of the Assembly to make a special motion today to honour the events of earlier this day.

**The Speaker:** — The Premier has requested leave to present a special motion to recognize the day’s events. Is leave granted?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Leave is granted. I recognize the Premier.

### MOTIONS

#### Recognition of Métis Contributions in the Creation of Saskatchewan

**Hon. Mr. Wall:** — Thank you, Mr. Speaker. It’s a pleasure for me to be able to move:

That this Assembly recognize and celebrate the historical significance of this day; and further

That this Assembly recognize the importance of the

contributions of the Métis people in the creation of Saskatchewan as a province by the acceptance of the gift of a Métis sash created by Mr. Pat Adams, a renowned artist from the community of Fish Creek near Rosthern.

**The Speaker:** — It has been moved by the Premier:

That this Assembly recognize and celebrate the historical significance of this day; and further

That this Assembly recognize the importance of the contributions of the Métis people in the creation of Saskatchewan as a province by the acceptance of the gift of a Métis sash created by Mr. Pat Adams, a renowned artist from the community of Fish Creek near Rosthern.

Is the Assembly ready for the question?

**Some Hon. Members:** — Question.

**The Speaker:** — Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

## ORDERS OF THE DAY

### WRITTEN QUESTIONS

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

**Mr. Weekes:** — Thank you, Mr. Speaker. I wish to table the answers to questions 450 through 469.

**The Speaker:** — Answers tabled to questions 450 through 469.

## GOVERNMENT ORDERS

### SECOND READINGS

#### Bill No. 159 — *The University of Regina Amendment Act, 2010*

**The Speaker:** — I recognize the minister responsible for advanced education and labour.

**Hon. Mr. Norris:** — Thank you, Mr. Speaker. I rise today to move second reading of *The University of Regina Amendment Act, 2010*. Last week, Mr. Speaker, I was pleased to announce that the government is moving to update the University of Regina legislation, which will allow the university to improve its governance process and enhance its efficiencies.

Mr. Speaker, our government is committed to building a stronger Saskatchewan through investments in and enhancements to post-secondary education, its associated research, and related innovations. And, Mr. Speaker, our government recognizes that the University of Regina, like other post-secondary institutions across the province, is an important partner in building a stronger, new Saskatchewan.

Mr. Speaker, the University of Regina approached our ministry to request some much-needed updates to the legislation regulating the university. The changes that are reflected in Bill 159 balance the public interest with the needs of a modern, dynamic university. These amendments provide for both continuity and change, aspects that will help to strengthen the University of Regina in its academic endeavours.

The government is proposing amendments to *The University of Regina Act* as follows: (1) repealing the visitor section; (2) increasing the number of members required to call an extraordinary meeting of convocation from 25 to 50; (3) refining the methodology associated with the election of the chancellor where as proposed the chancellor would be elected by the university senate rather than all of convocation. This has proven to be an expensive process with minimal if not sporadic participation and input.

Next, enabling the senate to appoint an interim chancellor in the case of a vacancy. Following this, enabling professional organizations with membership on the senate to now choose their own representatives rather than being directed by the senate. Further, requiring senate district representatives to be elected only by members of convocation living in that specific district, rather than by all members of convocation.

As well, requiring the board of governors to now report to the senate when requested, and enabling the senate to make bylaws governing the administrative functions for its elections and the election of the chancellor rather than these functions being outlined explicitly in the Act, thereby streamlining the administration of the election process.

If I may, Mr. Speaker, I'd like to go into some detail on each of the proposed amendments to better explain the nature of these changes.

Regarding the repeal of the visitor clause, Mr. Speaker, this will make *The University of Regina Act* consistent with *The University of Saskatchewan Act* where the visitor clause was removed earlier during our term. The University of Regina remains one of the only universities in the country still with this clause in its legislation.

The avenues of appeal will not change in actual practice or on de facto basis, Mr. Speaker. An appeal to the visitor is in fact an appeal to the Lieutenant Governor, who currently simply refers these appeals to the courts. This, Mr. Speaker, is just simply to ensure that this current practice is streamlined and that the courts become the source of appeal.

Mr. Speaker, there have been no appeals to the visitor at the University of Regina since its inception in 1974 and as such, on behalf of the University of Regina, the government proposes to remove the visitor clause from the legislation.

Regarding extraordinary meetings, the second amendment proposes increasing the number of members required to call an extraordinary meeting of convocation from 25 to 50. Convocation grows each year, Mr. Speaker, making it much larger than it was when this provision was originally included in the Act. With approximately 56,000 members of convocation, it is a reasonable and realistic increase that is moving this

threshold modestly in order to call for an extraordinary meeting.

Mr. Speaker, next regarding the chancellor and the appointment by the senate, as it would be, rather than the convocation. Mr. Speaker, the senate is representative of convocation by virtue of its wide representation of the university community in its 97 members. The senate represents members of the convocation, the academic community, including students, and certainly numerous external stakeholders.

Mr. Speaker, this amendment will align with the University of Regina and ensure that this university is consistent with and can be compared to other universities across the country as the senate of the University of Alberta and Guelph university already elect the chancellor, and the University of Saskatchewan has made this similar shift as well. Mr. Speaker, this is a cost savings that we anticipate will benefit the University of Regina to the tune of about \$50,000 regarding the mailing out of ballots to its 56,000 members of convocation.

Mr. Speaker, regarding the vacancy of the office of the chancellor, Mr. Speaker, the amendment enabling the senate to appoint an interim chancellor in the case of a vacancy is quite appropriate, especially if the chancellor vacates the office early in the term. The amendment allows the term of the chancellor to be fixed to three years and elections will be held on predictable dates.

Regarding senate representatives from professional bodies, Mr. Speaker, the amendment enabling professional organizations with membership on the senate to choose their own member is consistent with what is currently being done at the University of Saskatchewan. The senate will still determine which professional bodies are invited to sit on the senate, but the professional body will now be able to determine who is most qualified and most interested — that is, most engaged — in being a member of the senate. In practice, the senate currently accepts the recommendation of the professional body as to whom will be its representative on the senate body.

Regarding the senate district elections, Mr. Speaker, the amendment requires the senate district representatives to be elected only by members of the convocation living in that district, and we know that this is common practice across a variety of elections. It's more fair that members of convocation in a senate district vote for their own representative exclusively rather than having members from other districts also vote for their district representative.

Regarding the board of governors and its report to the senate, requiring the board of governors to now report to the senate on certain matters, Mr. Speaker, will allow the senate to ask for a report from the board as it already can from the university council. It makes sense, Mr. Speaker, that the senate should be able to ask for the reports from both of these bodies.

Regarding senate by-elections and bylaws, Mr. Speaker, the last proposed amendment is to enable the senate to make bylaws governing the administrative functions for its election and the election of the chancellor rather than these functions being included explicitly within the Act. The senate already has a series of bylaws in place which deal with the mechanics of its election process, and this amendment will now allow the senate

more flexibility in future elections.

Mr. Speaker, these legislative amendments will update *The University of Regina Act* and will help the university improve its governance processes and enhance its efficiencies. We consulted with university officials, faculty, and staff, including unions, student associations, the alumni society, and the general alumni and convocation of members. And in general, Mr. Speaker, we were met with support for these amendments, though I will certainly offer here, Mr. Speaker, I wouldn't want this to be categorized as having universal support.

In closing, Mr. Speaker, I would like to reiterate that this legislation will update *The University of Regina Act* as we have been requested by the University of Regina. And I am happy to speak to these amendments today, Mr. Speaker. I move second reading of *The University of Regina Amendment Act, 2010*. Thank you, Mr. Speaker.

**The Speaker:** — The Minister of Advanced Education, Employment and Immigration has moved second reading of Bill No. 159, *The University of Regina 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. I'm very pleased to rise on Bill No. 159, *The University of Regina Amendment Act, 2010*.

Mr. Speaker, I've been going through the Act and looking at what was previously there and also the explanatory notes, and also listened carefully to the minister's comments on Bill 159. And I don't think any of us would disagree, Mr. Speaker, that it's always important to review legislation, make sure that it's updated and appropriate for the community that it addresses and make sure that it is keeping up, I think, with today's world, which is changing rapidly. So we know that it is important to make adjustments from time to time and to make legislation more effective and organizations and operations more effective.

According to the news release that was put out by the government on this Act . . . or 159, *An Act to amend The University of Regina Act*, according to the news release, these amendments are intended to update *The University of Regina Act* in order to allow the university to improve its governance processes and to become more efficient.

The minister commented in a little bit of detail, Mr. Speaker, on the amendments, including repealing the visitor section and enabling the university to adopt new processes for the election of chancellor and senate representatives. And according to the minister's comments, these amendments were initiated at the request of the University of Regina and they were met with general support from stakeholders during the consultation process.

Mr. Speaker, I took note of the different pieces that the minister highlighted in his comments. A repeal of the visitor section makes the University of Regina consistent with the University of Saskatchewan, brings them in line so it's similar sections in each of their Acts, and also increasing the numbers that are needed to call extraordinary meetings.

[14:45]

The minister talked about, spoke about the size of the university, the campus, the cost of sending out ballots and . . . well on the election. But calling an extraordinary meeting that the numbers needed to match more appropriately, I think, the numbers that are associated with the university in this day and age. So I think on some sense it makes sense. But there's also difficulties that you come across when you're changing numbers and what's required for extraordinary meetings.

Electing the chancellor, the minister is looking at, and this is where we talk about saving the cost of sending out ballots because of the larger convocation that you would be sending . . . or convention that you would be sending it out to. The minister talked about saving up to \$50,000 at each election, which is every three years, I think, by what the comments that the minister made. Mr. Speaker, I know that there's always the urge to streamline processes, make them simpler, make them easier, but it may not always be the most engaging and in the long run the best for the organization.

So that was a couple things that popped to mind when I first listened to the minister's comments: senate district reps, the election process there. Also board of governors and reporting back to the senate, and senate establishing bylaws — administrative bylaws, I believe, is what the minister said. I'm going to have to go back and look at his comments in a little bit more detail.

Mr. Speaker, I know all of us here are committed to student success and to building world-class institutions here in the province of Saskatchewan. And to that end, we are certainly interested in looking at any requests that are made by the University of Regina or the University of Saskatchewan. So if indeed these amendments were requested by the university and that they were met with general support, as the minister has commented on, from stakeholders during his consultation process, then that truly is a good thing.

But, Mr. Speaker, I don't mean to be a doubting Thomas here, but we know that this government hasn't had a great record when it comes to doing consultations. And we don't have to look that far back. They're in their third year of their mandate, but they still, up until even the last session that we were in in this legislature, there was numerous concerns raised by organizations around the province that consultations hadn't been conducted appropriately with stakeholders and partners in a variety of sectors.

So, Mr. Speaker, I don't want to be a naysayer, but I know that my colleagues and I will need to take some time to further scrutinize the legislation and actually make some contacts and talk to stakeholders directly to make sure that appropriate consultations have been held and to see what the feedback is. Because the minister noted that there was general acceptance, but not universal acceptance, I think was his . . . or support of the changes that are being proposed.

And, Mr. Speaker, as the minister was speaking and I was looking at the legislation, a number of people that I know came to mind quite quickly in a couple of sections, that they would be quite opposed to them for a number of reasons. Now are those

reasons still valid? I don't know, Mr. Speaker, but that's one thing that the opposition needs to undertake, is having a discussion with stakeholders. And they can be pretty wide-ranging when it comes to the universities.

But, Mr. Speaker, I know that all of us are very dedicated to the idea of building world-class institutions. In fact we have some very good institutions here in the province of Saskatchewan, and anything that will enhance their operation and their academic standing and ability to be more active, not only in Saskatchewan but in Canada and beyond, I know the opposition will be supportive of.

So I know many of my colleagues would like to make some comments, and we have a fair bit of work to do on this piece of legislation. So, Mr. Speaker, at this point in time I would adjourn debate on Bill 159.

**The Speaker:** — The member from Moose Jaw Wakamow has moved adjournment of debate on Bill No. 159. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Agreed. Carried.

**Bill No. 160 — *The Saskatchewan Human Rights Code Amendment Act, 2010***

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

**Hon. Mr. Morgan:** — Thank you, Mr. Speaker. I rise today to move second reading of Bill No. 160, *The Saskatchewan Human Rights Code Amendment Act, 2010*. Mr. Speaker, earlier this session we introduced a Bill dealing with the Provincial Court. The members opposite during their comments on that made significant reference to the fact that the second reading speech was short and was going to require them to do some additional work.

Mr. Speaker, while I thought at the time that the information was provided was more than adequate — and I still believe that — I have today provided some significant additional information with regard to this Bill, so I will be somewhat lengthier in time than we were on the earlier Bill. But that is directly in response to the members opposite inquiries as to the things that should be included in a second reading speech, so we will provide some more significant detail.

Mr. Speaker, *The Saskatchewan Human Rights Code* promotes and protects individual dignity and equal rights. The Code prohibits discrimination based on grounds set out within the Code and includes a bill of rights that makes it illegal to violate another person's fundamental rights and freedoms.

The Code establishes the Saskatchewan Human Rights Commission and a procedure for filing and investigating complaints. The Code also considers the resolution of complaints or the hearing of complaints if not resolved. The commission has general responsibility for the Code and for reducing discrimination through research and public education. The commission receives, investigates, and attempts to settle complaints.



Currently complaints that are not dismissed or resolved by the commission are forwarded to the Human Rights Tribunal panel where commission lawyers appear on behalf of the complainant. The tribunal was established in 2001 to hold inquiries into complaints. Since 2001, tribunal members have held numerous inquiries and played an important role in the complaint process.

However the tribunal has not been seen by some as independent or at arm's length from the commission. This may be because tribunal members do not have security of tenure, financial security, or administrative independence. Also there has been some confusion that the tribunal and the commission are the same body.

Mr. Speaker, I want to make it clear that the members of the tribunal, who are lawyers in private practice, have provided excellent service to the public. However we have considered the comments we have received about the tribunal process and searched for ways to improve the public's confidence in that process.

Mr. Speaker, this Bill will amend the Code to transfer the powers and duties of the tribunal to the Court of Queen's Bench and to eliminate the tribunal. The amendments will provide that where the Chief Commissioner determines that a complaint has merit and settlement efforts are unsuccessful, an application may be made to the Court of Queen's Bench for a hearing.

The Court of Queen's Bench has the capacity to handle the additional workload. If the last two years are any indication, there will be fewer than 10 human rights hearings a year. For example between April 2008 and March 2009, the tribunal conducted 11 inquiries. There was a substantial decrease in the following year. Between April 2009 and March 2010, the Chief Commissioner forwarded just five complaints to the tribunal for inquiry. To date, since April 2010, just three complaints have been referred to the tribunal by the commission.

Judges of the Court of Queen's Bench also have expertise and experience in the area of human rights as they currently hear complaints on appeal from decisions of the tribunal and regularly deal with Charter issues.

Mr. Speaker, the proposed amendments include transitional provisions to allow the tribunal to continue and complete any inquiry or review that is under way in accordance with the current provisions. The tribunal will also be able to exercise any of its powers in relation to these matters until they are complete. Also the proposed provisions will come into force on proclamation to provide ample time to both the tribunal and the court.

Moving the duties of the tribunal to the court should not impact the accessibility of hearings to members of the public, given the Queen's Bench courthouse locations across the province. Also the commission will continue to have carriage of all matters that are referred to the court for a hearing, and complainants will be represented by the commission's legal counsel for all court matters up to and including, if necessary, the Supreme Court of Canada.

The Bill also includes a provision that provide for costs that

may be awarded by the Court of Queen's Bench at a hearing or by the Court of Appeal on an appeal. Currently costs associated with inquiry are considered in *The Saskatchewan Human Rights Code Regulations* and may be awarded against any party to the proceeding. The commission rarely seeks costs. Since 2006, at the tribunal level, costs have been awarded in favour of the commission only twice, and a respondent has been awarded costs against a complainant only once.

The Bill moves the cost provisions to the Code and places a limit on costs that may be awarded to situations where there has been a vexatious, frivolous, or abusive conduct on the part of any party to the proceeding, including if appropriate, the commission itself. Limiting costs will preserve accessibility to human rights hearings.

Mr. Speaker, in our effort to make the human rights complaint process more effective and efficient, we reviewed the legislation in other Canadian jurisdictions. We found that where a complaint is dismissed by the commission, only four other provinces establish a right to request a review of that decision, to allow review by the commission itself and, secondly, by a third party. Given the new tools that are being established for the commission to effectively investigate, resolve, or pursue complaints, these amendments will remove the review step.

As a result of moving the duties of the tribunal to court, the Bill will also consequentially amend *The Labour Standards Act* to remove references in that Act to the tribunal. Since 2001, the tribunal has had the jurisdiction to hear any equal pay complaints that arise in situations where men and women are paid differently in a workplace even though they essentially do the same job. Before the 2001 amendments, equal pay complaints were heard by the commission with the last complaint being heard in 1995. Since the Code was amended in 2001, no equal pay complaints have been referred to the tribunal. The Bill will amend *The Labour Standards Act* to provide for the appointment of an adjudicator to hear inquiries into equal pay complaints.

In March 2010, the Saskatchewan Human Rights Commission revealed its four pillar strategic business plan through which it intends to position itself as a best practice model for other jurisdictions. The commission has already begun internal reviews in support of the four pillars, namely, gatekeeping and investigation, directed mediation, systemic advocacy, and civics education. But some amendments to the Code are required.

The Bill is a crucial part of the four pillars process. The government drafted it as a result of the recommendations by Chief Commissioner, Judge David Arnot. Judge Arnot consulted a wide range of organizations before making his recommendations.

Members will recall the many diverse groups that were here yesterday to see this Bill introduced. These groups included: the Treaty Commissioner's office, B'nai Brith, the Islamic Association of Saskatchewan, the Mennonite Central Committee, the Multicultural Council of Saskatchewan, the International Women of Saskatoon, Saskatchewan African-Canadian history museum, the Canadian Mental Health Association, the Saskatchewan association of rehabilitative centres, Learning Disabilities Association of Saskatchewan, the

Saskatchewan Abilities Council, the South Saskatchewan Independent Living Centre, the Avenue Community Centre for Gender and Sexual Diversity, the University of Saskatchewan's Students' Union Pride Centre, the Canadian Bar Association, the Saskatoon and Regina chambers of commerce, the Saskatchewan Educational Leadership Unit, and also Regina Catholic Schools. I think that speaks to the breadth of consultation and of support concerning this Bill.

Judge Arnot was consulted on the drafting of this Bill and has stated his approval for it.

Mr. Speaker, one of the commission's four pillars is directed mediation. The commission has started being more assertive in seeking non-litigation resolution of complaints. But an amendment to the Code is necessary to assist the commission in promoting this pillar.

The Bill creates a new provision that allows the Chief Commissioner to direct the parties to mediation prior to referring a matter to the hearing stage. It also allows the Chief Commissioner to dismiss a complaint where a reasonable offer of settlement is made by the respondent and the complainant simply refuses to settle. This new provision will allow the Chief Commissioner to dismiss a complaint where it is unlikely that the complainant will receive a better result at a hearing or that, given the proposed settlement, proceeding with the hearing would be unfair to the respondent and costly for all parties.

[15:00]

At the recommendation of the commission, the Bill also repeals and replaces section 48, the exemption provision, with a new provision that will allow any person to adopt or implement reasonable and justifiable measures designed to prevent, reduce, or eliminate disadvantages without the prior approval of the Chief Commissioner.

No other Canadian province establishes an approval process for measures that contravene the Code. Instead the same effect is accomplished by excluding from the operation of the Code measures that are reasonable and justifiable given the circumstances. Under the new provision, measures may be adopted without prior approval and will only come to the commission's attention in the form of a complaint if the requirements in a new section are not met.

The new section 48 will have the effect of freeing up resources currently used by the commission to process exemption applications to focus elsewhere to promote the objectives of the Code towards not requiring these measures in the future. It will also address many of the concerns raised with respect to processing exemption applications.

The Bill will expand the Chief Commissioner's powers of dismissal. Currently the Chief Commissioner may dismiss a complaint where he or she is of the opinion that the best interests of the complainant will not be served by continuing, that the complaint is without merit or raises no significant issue of discrimination, that the substance of the complaint has been dealt with through another proceeding, that the complaint was made in bad faith, or that there is no reasonable likelihood that an investigation will reveal evidence of contravention.

The Bill will expand the powers of dismissal to allow the Chief Commissioner to dismiss a complaint where in his or her opinion there is no likelihood that a further investigation will reveal evidence of a contravention of the Code or where a hearing into the complaint is not warranted given all the circumstances.

The Bill strengthens the threshold requirement for the filing of a complaint by moving from a subjective to an objective standard. The Code currently requires the person who files the complaint must have reasonable grounds for believing that a contravention of the Code occurred. The amendment will require the complainant to provide enough information to show that, objectively, reasonable grounds exist for believing that there has been a contravention of the Code. This amendment will allow the commission to ask a complainant for more information to ensure that the complaint is completed before proceeding with a review and investigation.

Mr. Speaker, the Code currently allows the Chief Commissioner to designate an individual to act on his or her behalf with respect to the dismissal of or inquiry into a complaint. The amendments will expand the delegation powers to allow the Chief Commissioner to delegate any of his or her powers under the Code to any employee of the commission or another commissioner.

**The Speaker:** — Why is the member on his feet?

**Mr. Belanger:** — Mr. Speaker, to kindly ask for leave to introduce a guest. And I apologize to the minister for interrupting him, but if I could ask for leave to introduce a guest.

**The Speaker:** — The member from Athabasca has asked for leave to introduce a guest. Is leave granted?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Agreed. I recognize the member from Athabasca.

## INTRODUCTION OF GUESTS

**Mr. Belanger:** — Thank you very much, Mr. Speaker. In your gallery we're joined by a very special guest, none other than Vice-chief Lyle Whitefish of the FSIN, the Federation of Saskatchewan Indian Nations. And just to point out that we had Mr. Whitefish up in Ile-a-la-Croise this summer. It is always an excellent opportunity to sit down and chat with him about a bunch of northern issues. And Mr. Whitefish was very helpful, very supportive, and some of the information that he shared with me was very, very helpful. And I want to point out that he is indeed one of the strong First Nations leaders of Saskatchewan, a great Canadian, and a great First Nations man.

So, Mr. Speaker, I'd ask all members of the Assembly to please welcome Vice-chief Lyle Whitefish.

**The Speaker:** — Why is the member on her feet?

**Hon. Ms. Draude:** — For leave to introduce guests.

**The Speaker:** — The Minister of Social Services has asked for leave to introduce a guest. Is leave granted?

**Some Hon. Members:** — Agreed.

**The Speaker:** — I recognize the Minister of Social Services.

**Hon. Ms. Draude:** — Thank you, Mr. Speaker . . . [inaudible] . . . This is a very important group we have with us today in the gallery. The Education portfolio is crucial when it comes to making a difference in the growth of our province and ensuring that our First Nations are involved in the economy. The work that the vice-chief has done with our government and with the people of the province is so important and we can't thank him enough for all of his work and dedication. So on behalf of all the members on the government side and my colleagues, I'd like everyone to welcome the vice-chief to our Assembly.

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

**Hon. Mr. Morgan:** — Thank you, Mr. Speaker. I'd like to join with both the member opposite and with the Minister of Social Services in welcoming Vice-chief Whitefish to the Assembly today. We appreciate the continuing good work that is being done by him and by his staff and thank him very much for being here.

## SECOND READINGS

### Bill No. 160 — *The Saskatchewan Human Rights Code Amendment Act, 2010* (continued)

**Hon. Mr. Morgan:** — Mr. Speaker, I will conclude my remarks by going back to the . . . speaking to the amendments on *The Saskatchewan Human Rights Code*.

The amendments will expand the delegation powers to allow the Chief Commissioner to delegate any of his or her powers under the Code to an employee of the commission or another commissioner. The new provision will also specifically permit the Chief Commissioner to delegate his or her powers to a person outside of the commission. This extension of the delegation power is important where the commission may be in a conflict.

This Bill clarifies the commission's administrative independence and powers by adding new provisions that will allow the commission to be responsible for the allocation of resources dedicated to the commission, but still be accountable for any expenditures to the Minister of Justice and Attorney General.

Finally, Mr. Speaker, the Bill will reduce the limitation period in the Code from two years to one year. Reducing the limitation period will increase efficiency and fairness for all parties. It will make investigations easier and more timely and will bring the Code in line with most other jurisdictions in Canada. Only Quebec, the Northwest Territories, and Nunavut have a limitation period of two years. Each of British Columbia, Manitoba, and the Yukon have a six-month limitation period for human rights complaints. In each of Alberta, Ontario, New Brunswick, Nova Scotia, Prince Edward Island, and

Newfoundland, a one-year limitation period is established for the filing of human rights complaints. Federal legislation also creates a one-year limitation for human rights complaints.

Reducing the limitation period will not change an individual's ability to file a complaint, as a new provision will also be added to allow the Chief Commissioner to extend the limitation period if appropriate given all of the circumstances. This extension will ensure that where there's good reason for the delay in making a complaint or the complaint alleges particularly egregious discrimination, it will be accepted and investigated by the commission.

Mr. Speaker, it is my privilege to move second reading of Bill No. 160, *The Saskatchewan Human Rights Code Amendment Act*.

**The Speaker:** — The Minister of Justice has moved second reading of Bill No. 160, *The Saskatchewan Human Rights Code Amendment Act, 2010*. Is the Assembly ready for the question? I recognize the member from Regina Lakeview.

**Mr. Nilson:** — Thank you, Mr. Speaker. It's my pleasure this afternoon to rise to speak to this particular legislation. I appreciate the fact that the minister heard my words a couple weeks ago about *The Provincial Court Act*, where there was not sufficient information provided for the public to understand what the changes that were being done there were about. He's provided much more information on this particular legislation, but I still will have a number of questions and a number of concerns as we move forward with this particular piece of legislation.

Now the Human Rights Code amendment Act, related to tribunals, speaks to this specific issue of the tribunal process under the . . . involved within the Saskatchewan Human Rights Commission. The tribunal conducts public hearings of complaints that have been referred to it by the commission, and it also reviews dismissed complaints at the request of a complainant. So in other words if a person makes a complaint to the commission, the commission decides that it's not sufficient to have it be referred to a tribunal, then that person has a right to make an appeal.

Discrimination complaints may be based on race, colour, age, sex, sexual orientation, physical or mental disability, religion, marital status, family status, place of origin, or ancestry. And the Human Rights Code itself covers discrimination in a variety of contexts including tenancy, employment, employment advertisements, publications, public services and facilities, purchase of property, and discrimination by unions or other associations.

The tribunal under the Human Rights Code was originally created as a replacement for boards of inquiry which were appointed by the minister to review individual cases where the commission decided they had merit or where the complainant was appealing a decision referred to it by the commission. Sometimes it would take months for a board of inquiry to be appointed, particularly if the minister's office was having difficulty identifying a member of the bar that did not have a conflict of interest with one of the parties in the dispute. And this of course delayed justice for the complainant.

The tribunal was originally created in part to address those concerns. And, Mr. Speaker, I recall this original process where, as the minister of Justice, I had the role of selecting the people who would hear these cases. And I do agree that there were times when it was quite difficult because of sometimes the rather broad nature of some of the issues being involved, and other times just to find the person who had the skills that were necessary to handle some of these things. So the tribunal process was put in place which is what is being used now. And it's now that process which is going to be changed by this legislation.

Now when people complained about how long tribunals would take to refer or to deal with decisions that are sent to it or to the people involved in the tribunal, I think those were quite legitimate concerns, as people do have a right to have a timely resolution of their complaints. And especially when many of the complaints that come under the Human Rights Code are so personal, emotional, very connected to relationships, and it often goes right to the core of who people are as human beings.

So these cases are not very simple cases to deal with and they can become even more difficult as we go through the process of sorting them out. Now we know, as members of opposition, that the Saskatchewan Human Rights Commission and in particular the Chief Commissioner, David Arnot, have endorsed making changes. And in their words:

The Commission anticipates that a move of the tribunal function to the courts would elevate the stature of human rights issues within the justice system and improve the current decision timelines. Dedicated . . . judges would handle hearings and provide decisions.

The commission and the Chief Commissioner, Judge Arnot, has also spoken about his desire for:

. . . a decision making process which is informal and accessible to all, provides for review of decisions, and is handled by experts who reflect our diverse society.

Mr. Speaker, we support that view. We want a decision-making process where people without a legal background can be heard, and we want people who make decisions to have the necessary expertise and to reflect the diverse nature of our society. Further, Mr. Speaker, the commissioner and the commission have also stated:

Under the court system parties to a complaint would see no change to current processes. The Commission's complaint intake, mediation and investigation processes would not change. In addition the Commission's lawyers would continue to represent the complainant at the hearing at no cost whatsoever, including any subsequent levels of appeal right up to the Supreme Court of Canada if necessary.

Mr. Speaker, this last point is extremely important because we want to make sure that this process is set up in a way that any individual who has suffered discrimination will get assistance in their quest for justice without being forced to pay for a lawyer. Vulnerable and marginalized people, people who have already suffered discrimination, should not be forced to pay for the

government's financial mismanagement. So we want to make sure, Mr. Speaker, that in these changes that are being proposed there is not a way for the government to squirm away from their responsibility of providing appropriate counsel, appropriate advice as these matters move forward.

[15:15]

Now the government's also spoken of a desire to attempt to resolve more disputes through mediation and we're supportive of this move. And we also see that every human rights complaint has in it an opportunity for education and for the ability to restore things back to right relationships. Mediation often provides a better opportunity for the kind of dialogue that can bring about that rather than taking the conflict to court. And so, Mr. Speaker, there are provisions in here about mediation. I will speak to them in a little while, but first I have some other concerns.

One of the questions that I have with this particular piece of legislation is its timing. Why is it being brought by this government at this time? We know that there've been some very strong views stated by individuals who have served in the Sask Party caucus, especially the former member from Saskatoon Northwest.

And so we need to examine carefully what are the motives that the government has for bringing forward these changes at this time. Are these changes really the methods of providing improvements to human rights protection, or is there something else going on here?

We know that in 2009 the Human Rights Tribunal, which we're talking about eliminating in this particular legislation, we know that this tribunal was the body that ruled that marriage commissioners were obliged to uphold the law and perform their duty to provide civil marriage to all Saskatchewan citizens regardless of their personal belief. The government's response was to refer two pieces of legislation to the Court of Appeal that would allow marriage commissioners to continue to discriminate against some Saskatchewan citizens based on their personal belief. Now that was the government's response to a ruling of the Saskatchewan Human Rights Tribunal that it didn't like.

So I think we need to be very careful and ask questions around the government's motives that are here because we know that the response to some of the things that happened last year may be legislation this year that actually eliminates the tribunal that they questioned.

Just last week, Mr. Speaker, the Ontario Superior Court of Justice made a ruling on November 18th. And in that ruling, Giacomo Vigna, a lawyer for the Canadian Human Rights Commission, was held by the judge to have been defamed by a blogger, Ezra Levant. And according to the court — and this is the Superior Court of Justice in Ontario — Mr. Levant was on a campaign to discredit human rights commissions. I mean it's kind of interesting, Mr. Speaker, that Mr. Levant was in our province yesterday on a number of issues, but it's clear that just last week, some of this push and attack against human rights commissions were in the courts of Ontario.

Now we know that there have been some fairly strong attacks on our Human Rights Code. Any person who was in this legislature in the early '90s knows what kind of upheaval and discussion changes to the Human Rights Code caused to all of the people that were here. And so, Mr. Speaker, we need to be especially careful as we look at this particular legislation and see what it is that the government is actually trying to do here.

Now when we talk about the accommodations that can be made — and I know that the minister, in his detailed description of the legislation, talked about a method whereby there could be variations that are contrary to the Code and that they could be dealt with in a different manner — we need to find out from the minister, from the officials involved whether what they're talking about is a way of sidestepping the Human Rights Code as it relates to the marriage commissioners case. If that's in fact what they're talking about with some of the changes that they've made, or that's what they're attempting to allow in this legislation, Mr. Speaker, I think we have many, many questions.

So this process of changing the Human Rights Tribunal at this time raises many red flags. And, Mr. Speaker, we've only seen this legislation since yesterday. I think there will be others who will help us identify other issues that are here.

Now let me go on to some of the other concerns that I have. The current process that we have, this existing law right now allows people to appeal the decision by the Human Rights Commission that their complaint has no merit by referring it to the Human Rights Tribunal. The new system that's being proposed in this legislation would involve the use of lawyers appointed by the Human Rights Commission to represent these complainants in a court. How would this work in cases where the Human Rights Commission itself had decided that a complaint had no merit, and the complainant wanted to appeal?

So the person gets a lawyer to help them go to the Court of Queen's Bench on the appeal, but the lawyer is the person who works for the Human Rights Commission. And that Human Rights Commission had already said, well you've got no case. So is there going to be a mechanism that would allow for somebody else to represent the complainant?

If a complainant has to find their own lawyer, will they have to pay for that lawyer themselves? And even if they don't have to pay for that lawyer, do they have to go and find this lawyer or will there be a panel of lawyers who are experts in these kinds of cases who will assist? Will they be able to hire a fully experienced lawyer, or will they end up with somebody who doesn't have quite the same experience? And will this end up being another barrier for people who've already been marginalized and are trying to seek justice?

I think at this point, Mr. Speaker, it's important to remember that the Human Rights Code and all of the processes under the Human Rights Commission were set up to allow for individuals who have been especially hurt or marginalized to have access to justice, to the law, to the rule of law without having to go through the formal court structure. And so some of the reasons back in those days maybe aren't as valid now, but there still is the fundamental question of making sure that a person who is marginalized or pushed to the edge isn't further abused by the

system itself. And so I think that we need to ask a lot of questions as we move forward.

Now, this changed and removal of the Human Rights Tribunal process also seems to be based on the fact that courts may be faster. And it's true that some of the delays were as a consequence of how the Human Rights Tribunal members were appointed. They were often lawyers in, mostly lawyers in private legal practice. And they were very busy individuals, so they had to fit these cases into the other work that they did.

But, Mr. Speaker, and speaking as a member of the Bar, we also know that there are situations where judges of the Court of Queen's Bench or other courts also take a long time to resolve issues. And one of the circumstances where this often happens is where there are complex legal matters, which in many cases most of these human rights issues fall into that category of complex legal cases. And so it'll be interesting to observe whether that process will be faster or not.

Now, Mr. Speaker, another area where I have some concerns relates to the fact that the government wants to change limitation periods. I mean there are some good reasons for limitation periods of one year, or I think in some other provinces it's six months. One of the factors is that you can gather the evidence much more quickly and find out more fully what has happened in certain situations. But we need to ask who will be affected in Saskatchewan if there's a reduction of limitation period from two years to one year. So we're going to have to look at this.

We know that the commissioner will have the power to use discretion to extend that limitation period, and that's a laudable thing to do. But it's much like what we do too often in this legislature. We set out the law and then we actually put the substance of the law in regulations or in the discretion of a minister or senior official. And so the law isn't as clear as it could be as to what exactly will happen. So we have some questions there about the limitation period change.

Now we know that these cases will be somewhat different than cases that have normally gone to the Court of Queen's Bench. And so we know it may take some time for the expertise to be developed in that court as this goes forward. We'll also have to be looking at that.

It may be that there'll be an opportunity for the federal government to appoint judges who will have special expertise in human rights law, which will assist the courts. But I have a fundamental faith in the quality of the people that are appointed to our courts in Saskatchewan that they will be able to handle some of these cases, but they won't be fully up to speed on many of these issues to the same extent that the lawyers involved on the tribunals are right now. But that's something obviously that can be remedied with time.

Now the minister has indicated that there have been substantial rounds of consultation with the community as it relates to this legislation. He obviously introduced quite a number of people in the House yesterday, and he read off a list of quite a few of the organizations today. Mr. Speaker, we have had experience with that consultation over the last few years, and we make a special point of checking it out because often the ultimate

intentions of the government have not been fully understood by the people who have been consulted as it relates to new legislation.

[15:30]

Now one other area of concern for me in this particular Bill relates to the whole issue of the use of mediation. And once again this becomes an issue of discretion for the commissioner who will be handling these cases, and it provides a lot of discretion for this commissioner. The commissioner has the ability to dismiss complaints if there aren't sufficient amounts of information. And I thought it was quite interesting when you actually looked at the legislation because it ended up setting out the fact that there was going to be a change to the ability of a person to start this process.

I think the original intention when the legislation was created was that it would be flexible and would give a lot of leeway to a complainant to get a matter before the court because often they were not professionals. They were not people who could articulate what had gone wrong. They just knew something was wrong, something didn't look good, something didn't smell good, and they wanted it to be dealt with.

Now this particular legislation allows for the commissioner to dismiss a complaint if they think that it's not properly framed or that the facts aren't there. But once again it's in the discretion of the commissioner.

Now one of the other areas of discretion for the commissioner is for directed mediation, I think is the term that the Minister of Justice used. And, Mr. Speaker, this is a substantial power that is given to the Chief Commissioner to direct parties to be using mediation and if, in his or her opinion, they haven't been appropriately involved in a mediation process, then their case can be dismissed. And it appears that then they have to go through even a bigger process. But it gives substantial power to the commissioner to dismiss complaints if a person doesn't want to use the mediation as defined by the commissioner and the commission.

And, Mr. Speaker, for many years I've been a mediator. I guess it's been twenty-five and a half years I've been a lawyer, mediator in Saskatchewan. The last number of years, most all of my mediation has taken place within the confines of the legislature and the caucus, but I still remain connected with a number of professional organizations, including the American Bar Association's section of dispute resolution.

Mr. Speaker, I received today the latest copy of the *Dispute Resolution Magazine* for fall 2010, and the whole article is about mediation ethics. And one of the points made in this particular magazine on page 14 is that when dispute resolution, mediation, is required and there's a rule that's developed that says that this should happen, these rules are effective and powerful policy tools "but they are also blunt instruments that may not be effective in motivating people to perform complex tasks that are hard for others to monitor."

Mr. Speaker, that's one of the questions that I have in this particular legislation is that there's a lot of power given to the commissioner to effectively force the use of mediation in

situations where the Chief Commissioner may not actually know all of the circumstances and all of the things that are happening in that particular situation. So, Mr. Speaker, these are just some of the questions that I have come up with in looking at this over the last 24 hours. And, Mr. Speaker, I think that with the assistance of other people in our community who are more involved in this area, that there will be other concerns that are raised.

So, Mr. Speaker, to conclude, I would say the timing of this Bill raises many questions, so that's the first thing. The discretion and the extra powers given to the commissioners, that raises some questions. Eliminating the tribunal process may be the right thing to do, but it also changes the balance. And we want to make sure that those marginalized, those people who are in a very difficult place in their life, we want to make sure that they're not in any way left out of what's happening here.

The whole goal for the original legislation — and it's my hope it's the goal for this legislation — is to make sure that human rights in Saskatchewan are enhanced and not diminished and that the protections for Saskatchewan people will continue to operate under the rule of law in an important and appropriate way.

So on that ground, on the basis that many of my colleagues will want to comment on this and that we have quite a few questions to be answered, I will move adjournment of debate.

**The Speaker:** — The member from Regina Lakeview has moved adjournment of debate on Bill No. 160. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

## ADJOURNED DEBATES

### SECOND READINGS

#### Bill No. 157

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Boyd that **Bill No. 157 — *The Oil and Gas Conservation Amendment Act, 2010*** be now read a second time.]

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

**Mr. Wotherspoon:** — Thank you, Mr. Speaker. It's my pleasure to join in discussion and debate here today on as it relates to Bill 157, the Act to amend *The Oil and Gas Conservation Act*, henceforth known as *The Oil and Gas Conservation Amendment Act, 2010*.

This legislation is done in concert with the amendments to the companion legislation, *The Freehold Oil and Gas Production Tax Act, 2010*. I guess I'm being heckled by the other side of the Assembly by simply introducing the Bill. That'd be the member from P.A. [Prince Albert] Carlton, the one that promised to open the Bill, Mr. Speaker, open the mill. It was

what he put on his literature, Mr. Speaker, and then he ripped up the promise right afterwards, Mr. Speaker. But if the member would sit quietly and join in the discussion, that would be maybe from his feet, it'd be more productive, Mr. Speaker.

The Bill that's before us here today is fully and wholly connected to our very important resource, Mr. Speaker, our very important industry, the oil and gas industry, Mr. Speaker. And when we're talking about the oil and gas industry here in Saskatchewan — something that we take great pride in and of course it's of great importance to Saskatchewan people now, and certainly well into the future, Mr. Speaker — and the management of this resource, the Bills and legislation, regulations associated with this resource are so vital, Mr. Speaker, for the longevity of that prosperity as well for the economic activity that is fundamental to driving the well-being and quality of life that Saskatchewan people depend on, Mr. Speaker, and the kind of progress that they're expecting to see, Mr. Speaker.

So we're talking about an industry that in many ways is a multi-billion-dollar industry, Mr. Speaker, that has all sorts of positive impacts for Saskatchewan as it relates to jobs, Mr. Speaker, and small- and medium-size business within our province, Mr. Speaker, but also a fundamental impact on the treasury of Saskatchewan, the finances of Saskatchewan as it relates to resource revenues, Mr. Speaker, something that's incredibly significant.

And we talk about a multi-billion-dollar industry. In fact the resource revenues themselves are multi-billions of dollars, Mr. Speaker, and something that when we're making changes, we need to make sure that these coordinated changes in fact are in the best interests of the industry, the economy, and the people of Saskatchewan, Mr. Speaker. And that's sort of the review that we'll be taking here, Mr. Speaker.

What we see in fact is quite a complex Bill, Mr. Speaker. And as I say, this Bill is done with concert with *The Freehold Oil and Gas Production Tax Act, 2010*, so there's the connection between these two and it's very important that we analyze and understand both the connectiveness there as well, but the objectives that are trying to be achieved, Mr. Speaker, through this legislation, but as well making sure we're aware of any unintended consequences, Mr. Speaker, as we make these changes.

It speaks to the importance that any one of these times that consultation is vital, Mr. Speaker, and certainly no more vital than now when we're dealing with our multi-billion-dollar industry, when we're dealing with those industries that are so vital to our economy both now and into the future, Mr. Speaker.

And it's very important that we continue our consultation that we've engaged in as the opposition on this Bill, and I know our critic's taken a fantastic lead on this front to make sure that industry, to make sure that stakeholders, landowners, environmental stakeholders have been consulted, understand the impact of this, and that their voices are heard. Because what we see all too often, Mr. Speaker, with this Sask Party government, is the pursuit of legislation that serves one or two individuals, Mr. Speaker, that are close to the Premier, Mr. Speaker, but in fact the questions aren't asked as to how it impacts the many,

Mr. Speaker, and those specific individuals and stakeholders that are impacted.

We saw this, Mr. Speaker, with the irresponsible actions and the devastating piece of legislation that was the sell-off of the environmentally sensitive habitat lands last spring, Mr. Speaker. And those lands of course, Mr. Speaker, had been put into trust and protection by Saskatchewan people and organizations and public dollars and by projects that had been fundraised, Mr. Speaker.

And we saw a ministry and a minister, Mr. Speaker, actually say in the second reading, just as this minister has said, that at that point that she had consulted with the stakeholders, Mr. Speaker. When we got into that debate, Mr. Speaker, we realized that nothing could be further from the truth. And even though she said she had consulted, Mr. Speaker, with the stakeholders — whether that be First Nations and Métis within our fine province, the important environmental groups, Mr. Speaker, hunters and fishers across this province, landowners — what we realized as we started to delve into our consultations and our meetings is that nothing could have been further from the truth, Mr. Speaker. And not only that, that this legislation was hugely offside, hugely offside, Mr. Speaker, with Saskatchewan people.

Now I'm getting heckled by the minister opposite, Mr. Speaker, for raising the fact that First Nations and Métis people weren't consulted in the sell-off of environmental lands, Mr. Speaker . . .

**The Deputy Speaker:** — Why is the member on his feet?

**Hon. Mr. Harrison:** — Point of order, Mr. Speaker.

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

**Hon. Mr. Harrison:** — Mr. Speaker, I believe the Bill under debate right now is Bill 157, *The Oil and Gas Conservation Amendment Act, 2010*. The member chose to rise to speak on this Bill. And I would encourage him, and I think other members of the House as well, to make his comments relevant to the Bill.

**The Deputy Speaker:** — I recognize . . . Why is the member on his feet?

**Mr. Iwanchuk:** — To reply to the point of order.

**The Deputy Speaker:** — I recognize the member.

**Mr. Iwanchuk:** — Mr. Deputy Speaker, on many occasions in the Chamber we've allowed some latitude, the member simply going on to make the point. I believe the Opposition Deputy House Leader has attempted to preclude proper debate on this issue, and I think we should have a ruling that the member continue.

**The Deputy Speaker:** — As I think I ruled on this yesterday, on when it comes to second reading debates, we do allow a bit of latitude, but we do also want the members to be discussing the Bill and be tying any argument they have to the existing Bill

that is before the legislature. So I'll remind the member that the Bill we're discussing today is Bill 157, *The Oil and Gas Conservation Amendment Act, 2010*, and to mark his remarks all around that particular Bill.

[15:45]

**Mr. Wotherspoon:** — Thank you, Mr. Speaker, and I appreciate your ruling and understand it and certainly still have the concern as I was expressing and was interrupted, Mr. Speaker. But with the consultation under this government, what we're dealing with is a multi-billion-dollar industry, Mr. Speaker — oil and gas sector — billions of dollars of revenues that flow into coffers now and into the future, Mr. Speaker, the kind of prosperity that certainly impacts jobs but certainly goes well beyond that as well.

Mr. Speaker, we need to make sure that the consultation with the stakeholders, that rightful consultation has gone on, Mr. Speaker. In our initial conversations with some of those stakeholders, we've received varying information, some of which is certainly supportive of aspects of this Bill. But when we're looking at these stakeholders and we're looking at industry and we're looking at the petroleum producers of Canada and the small explorers association, Mr. Speaker, and the landowners and the environmental groups, we need to make sure we get this right, Mr. Speaker — something that we didn't get right in past pieces of legislation, Mr. Speaker, that under this government that ended up impacting so many in this province to their detriment, Mr. Speaker. We need to make sure that we get that right, right now.

This is a complex Bill. We need to make sure that we understand the breadth and depth of these changes, Mr. Speaker, and we need to look at this sector that we're dealing with, oil and gas sector, Mr. Speaker.

We look to it with great pride as New Democrats, Mr. Speaker, and province-wide, we look to it with great pride. Certainly I look back to the exciting changes, Mr. Speaker, around the regulatory side, Mr. Speaker, and the royalty structure side, Mr. Speaker, all driven to build an economy that thrives, Mr. Speaker. Strategic decisions set out by New Democrats and through their government, Mr. Speaker, that set Saskatchewan in such positive economic direction, Mr. Speaker. A regulatory structure that's stable and consistent, that's respected and understood by industry and the people of this province, Mr. Speaker.

And we need to make sure that the kinds of changes that we're making in fact support making sure that this sector is as strong and vital to the well-being of our province, the well-being of our provincial coffers, and that it's respectful of the varying interests and needs of the people of this province, Mr. Speaker. And this is where we need to make sure when we're seeing this significant consolidation, Mr. Speaker, of legislation that that consultation has gone on.

When we do talk about the pride of building that economy, Mr. Speaker, out of those changes working with, and this is what's very important, working with the stakeholders, Mr. Speaker, to build that economy that was at its peak in 2007, Mr. Speaker. When we're looking specifically at the oil and gas sector and

when we look to the numbers, Mr. Speaker, at that point in time — whether it be drilling or production, of course at all-time highs, Mr. Speaker — and something that the Calvert administration can be incredibly proud of, Mr. Speaker, building that lasting legacy for Saskatchewan people.

Now some of this is vulnerable, Mr. Speaker, and good economic policy needs to be managed. And legislation certainly has an impact on these factors as well as does financial stewardship, Mr. Speaker. Financial stewardship that I might say, Mr. Speaker, has gone by the wayside under this Sask Party government.

And when we're looking at those economic numbers and the drilling and production of '07 that was built, built this sector to a peak, Mr. Speaker, we need to be looking to where we're going next, Mr. Speaker, and organizing this industry to make sure that it's as strong as it can be and making sure that legislation isn't there to impede or to challenge the interests of Saskatchewan people. And we've seen quite the opposite from an economic perspective of course, Mr. Speaker, under the Sask Party. And it's well-known across this province that in fact the economic growth has been lacklustre and less than stellar, Mr. Speaker, underneath the Sask Party.

And I know it frustrates members opposite because I know there's a couple of them, Mr. Speaker, who would like nothing more than to see that economy grow and develop the way that New Democrats had set, in fact set that economy into full stride. And I believe they'd like to have that as their legacy as well, Mr. Speaker. I know they'd like to have that record to be able to point to and provide to speeches, Mr. Speaker, and say, well these are the kinds of growth we had in our GDP [gross domestic product], Mr. Speaker. This is the kind of growth we had in our revenues, Mr. Speaker.

But of course their record is something that contradicts the empty rhetoric that they are left with, Mr. Speaker. Because when we look at the economy, Mr. Speaker, what is of great concern is what *Sask Trends Monitor*, Mr. Speaker, an independent, objective economic analysis in Saskatchewan has pointed out. And that is in fact, Mr. Speaker, that under this Sask Party government that in fact our economy is really no further ahead than it was back many years ago, Mr. Speaker. That we've in fact shrunk last year and corrected now to 3.9 per cent, Mr. Speaker. And we have to go back a few years, Mr. Speaker, to get to the trade volume, Mr. Speaker, that we're at now. Certainly that doesn't match or doesn't square with the rhetoric of some of the members.

And I know that a couple of those members over there would really like to see some economic development under their leadership. I suspect they're frustrated by the fact that they shrunk the economy in the way that they have, Mr. Speaker, and the fact that when in 2008 it's been pointed out that many of the gains that were pointed out were all in fact primarily due to inflation, Mr. Speaker. So not a whole bunch more service and goods being produced in this province, Mr. Speaker, but in fact simply Saskatchewan people paying more for those products, goods, and services, Mr. Speaker.

Something that we are always proud of as New Democrats, Mr. Speaker, is our record with the oil and gas industry, Mr.



Speaker, our record with the economy here in Saskatchewan. And in fact the two go hand in hand when you're looking about the importance of that sector to our province. And as we talk about it ourselves, and we do so with rightful pride — our resource-rich province that we have bestowed to be the stewards of, Mr. Speaker, and that we have responsibility to be good stewards of, Mr. Speaker — we see challenge in the policies of the Sask Party.

Now this legislation and these changes, Mr. Speaker, has apparently been impacted by the New West Partnership, Mr. Speaker. We want to know more about what specifically has driven those changes out of that partnership. What we do know about this New West Partnership, Mr. Speaker, is that it's a partnership and an agreement that was signed with two other provinces, Mr. Speaker, but without consultation with Saskatchewan people. And we still don't know many of the impacts of this agreement, Mr. Speaker, but it's again sort of been one of those decisions that's been blacked out from Saskatchewan people to be involved with. Public consultation simply didn't occur.

And now we have legislative changes that are resulting from that piece of legislation. We don't quite know what that means yet, Mr. Speaker, but we need to make sure we continue to do the consultation that allows us to make sure that this is in the best interests of Saskatchewan people in our oil and gas sector, Mr. Speaker.

Certainly it suggests that we're going to be more comparable or compatible with Alberta from an oil and gas regulatory structure. Certainly there can be some merits in this, Mr. Speaker, but these are the kinds of questions that we need to make sure that industry has fully contemplated and supports, Mr. Speaker. We need to make sure that this is in the best interests of Saskatchewan people. We need to make sure it's in the best interests of the coffers of Saskatchewan. And I speak of the coffers, the many billions of revenues that Saskatchewan people benefit from from this vital industry, Mr. Speaker.

And it's an industry for which I think we take a lot of pride. I see a couple members opposite who represent ridings, Mr. Speaker, where . . . And of course we have oil and gas production across many parts of our province, but some areas that it predominates, Mr. Speaker.

And it's been so exciting to go back and see the decisions and changes that came out of the New Democrat administration, Mr. Speaker, and then the impact on the region, Mr. Speaker. And I speak specifically down to the southeast, whether that be Cannington or down into Estevan, Mr. Speaker, or Weyburn-Big Muddy. And we see that exciting boom, Mr. Speaker, that took off back in 2005 and '06 and '07, Mr. Speaker, many of which were resulted from legislative changes, Mr. Speaker — changes to regulation, changes to royalty regimes, Mr. Speaker, that incented all sorts of development in jobs, Mr. Speaker.

And we see that activity, and I see it regularly, Mr. Speaker, in through that region. And we see many local business people, whether that be individuals from a maintenance perspective or a service perspective, that are prospering from this. But we need to make sure we get it right on all perspectives, Mr. Speaker. Not always sure that we have it right, have it completely right

yet to make sure that landowners are completely benefiting in all circumstances, Mr. Speaker. And we want to make sure the changes that we do make are in the best interests of all, Mr. Speaker. And that's what we're going to endeavour to do.

Basically any time, Mr. Speaker, that you have a significant consolidation or amalgamations of rules of an industry, whether that be to amalgamate with a jurisdiction such as Alberta or any other jurisdiction for that matter, Mr. Speaker, it's incredibly important that we do a thoughtful analysis and a consultation with all stakeholders to make sure that the impact of that is in fact positive, and it is in fact moving us forward in the direction that we desire to be, Mr. Speaker, the direction that we need to be going and that it serves Saskatchewan people well, Mr. Speaker. So we're going to continue to study these changes, to consult with industry, to consult with landowners, to consult with those that understand public finance, to consult with those that understand the impacts on our environment, Mr. Speaker. And we'll work through this Bill.

But it's important to say, Mr. Speaker, that when you put such significant changes or so many different changes that could have objectives . . . This is the important part to understand, Mr. Speaker, is that there may be well-purposed objectives within a piece of legislation, but there may be unintended consequences that hadn't yet been deliberated or understood by a minister or a premier, Mr. Speaker.

And we've seen that all too often to be the result of the reckless legislative environment that we see out of this Sask Party government, that in fact sometimes they've maybe even got a purpose in mind that could be supported, but the unintended consequences from their legislation as a result of poor consultation and a poor analysis, Mr. Speaker, that hasn't been contemplated is to the detriment of Saskatchewan people.

So we're going to spend time in committee with this Bill. We're going to spend time certainly meeting with stakeholders as we have, as our critic has, as many other critics have as well, Mr. Speaker. We're going to continue to do that. Making sure it's in the best interests of Saskatchewan people — that's our job. That's our responsibility, Mr. Speaker.

We're certainly worried to see production down in this vital industry under the Sask Party, Mr. Speaker, to see drilling and production both down significantly in their first few years of office, Mr. Speaker, because this is so fundamental to the well-being of Saskatchewan in an economic sense but as well in a social sense, Mr. Speaker. And we're going to make sure that we're going to ensure that to Saskatchewan people.

At this point in time, Mr. Speaker, keeping all of that in mind, I think it's fair to say that there are many questions, many discussions, a lot of dialogue that we'll continue to have with our respective stakeholders, those for whom it impacts, Mr. Speaker. We're going to learn from the lessons that we've seen in this Sask Party's short tenure, Mr. Speaker, where it brings forward legislation, hasn't consulted, doesn't understand the impact. Sometimes even says they've consulted, Mr. Speaker, but when the case could be nothing further from the truth, Mr. Speaker.

So we need to make sure that we go through that thoughtful

analysis and consultation and make sure that we serve Saskatchewan people in the role that we're required to, Mr. Speaker.

So looking at this piece of legislation at this point in time, I think in fairness to its complexity, in fairness to the number of stakeholders that are going to continue to be engaged with the opposition to provide analysis on this front, with thought to the breadth and depth of the changes that are going on with the significant consolidation of rules and regulations, Mr. Speaker, we're going to at this point in time move ahead with our meetings and dialogue and consultation.

And at this point in time I will adjourn debate of Bill No. 157, *An Act to amend The Oil and Gas Conservation Act*, henceforth known as *The Oil and Gas Conservation Amendment Act, 2010*. And, Mr. Speaker, thank you for allowing me to provide some comments here today. We look forward to further discussion on this important Bill.

**The Deputy Speaker:** — The member from Regina Rosemont has moved to adjourn debate on Bill 157, *The Oil and Gas Conservation Amendment Act, 2010*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Carried.

#### Bill No. 158

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Huyghebaert that **Bill No. 158** — *The Correctional Services Amendment Act, 2010* be now read a second time.]

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

**Mr. Taylor:** — Thank you very much, Mr. Speaker. I appreciate the opportunity to rise today. I am speaking today at second reading of Bill No. 158, *The Correctional Services Amendment Act, 2010*. Mr. Speaker, earlier in the week the Minister of Corrections, Public Safety and Policing introduced the legislation, Mr. Speaker, and had a number of things to say about the legislation. And I want to thank the minister for taking a little extra time to explain and outline the properties of this legislation, 158, because I think it's very helpful in understanding the legislation.

Mr. Speaker, there were a number of things that the minister in his second reading speech alluded to but did not go into much depth about. And, Mr. Speaker, I would like to address a few of those matters in my remarks today. I will be talking about a couple of things in my remarks here, Mr. Speaker. First I will talk about the nature of the legislation itself. Secondly I will talk about some of the issues that are important to the legislation but have not been addressed by the government. And lastly, Mr. Speaker, I will talk about the effects of this legislation on Saskatchewan citizens that are also not completely addressed in the comments and remarks by the minister or members of government to date, Mr. Speaker.

[16:00]

Just a few moments ago the member from Regina Rosemont, just a few minutes ago the member from Regina Rosemont, speaking on an oil and gas Bill, Mr. Speaker, talked about unintended consequences. And that's a critical word or a critical phrase, Mr. Speaker — unintended consequences — that I want to use to also close my remarks later, Mr. Speaker, with regards to this legislation.

When I am speaking about these things, these matters, Mr. Speaker, we'll address the content of the Bill, as I said. We're going to talk about the privatization of telecommunications systems and the effect on SaskTel that this legislation has. And, Mr. Speaker, we'll talk about the impact or the cost for families, in particular perhaps grandparents across the province, Mr. Speaker.

But first, for those who are watching or for those who will be reading this later, Mr. Speaker, let me just outline a little bit about what the Bill is all about. And, Mr. Speaker, I will refer to the remarks of the minister in this regard. The minister talked about *The Correctional Services Amendment Act, Bill 158*, Mr. Speaker, as proposing:

... amendments to the existing corrections services Act to enable corrections officials to listen to suspicious telephone calls made by inmates in its four secure correctional centres.

That's a quote from the opening remarks of the minister, Mr. Speaker.

If this was all that we were expecting from this government, Mr. Speaker, this legislation is completely supportable and could pass very quickly, Mr. Speaker. But that's not really the whole picture that we need to look at. So let me just say, Mr. Speaker, that on the surface of it, of course we are very supportive of the correctional services, Mr. Speaker, being able to ensure that the environment that they are providing, both for inmates and for workers, Mr. Speaker, is a safe environment.

And secondly, Mr. Speaker, we want to ensure that the public receives protection from those who wish to do them harm, i.e., Mr. Speaker, the minister also talked about this legislation assisting and protecting victims and the public from unwanted and harassing phone calls from inmates.

So, Mr. Speaker, this is a simple proposition. The legislation allows the correctional service to monitor telephone calls of inmates. This ensures, Mr. Speaker, that if there's gang activity within a correctional facility or drug activity within a correctional facility that is facilitated by the use of the telephone, Mr. Speaker, the administration and correctional workers are given the right to monitor, listen in on those telephone conversations, Mr. Speaker, and make that institution a safer place.

Also, by listening in on those telephone conversations, Mr. Speaker, we ensure that someone who wishes to intimidate perhaps a witness in a court case, intimidate a family member of someone else that may be involved in gang or drug activity associated with an inmate, Mr. Speaker, that activity is allowed.

Mr. Speaker, we live in a society where we expect certain protections, certain security measures to be taken around us to help our communities to be a better place in which to live and to ensure that those who are put into our institutions, our correctional facilities, Mr. Speaker, are there for a very specific reason and are not there to harm themselves or others.

So, Mr. Speaker, one would on the surface of it want to applaud the government for taking steps to ensure that there was protection involved. Are there other ways of doing this, Mr. Speaker, than what the practice is around this legislation? And one would think that yes, there are different ways of doing this. The way that this government, the Sask Party government, is now going to do the work that allows this principle to be in place, Mr. Speaker, I don't believe is completely acceptable to the people of Saskatchewan. So on the one hand we want to applaud the principle, but on the other hand, Mr. Speaker, we want the public to fully understand the practical side of the legislation.

Let's back up just a little bit, Mr. Speaker, to last year. The minister indicated that last year the correctional system in the province laid out a plan. And that plan was to move towards an ability to monitor telephone calls. It is done in other provinces, Mr. Speaker. It is done in states south of the border, Mr. Speaker. This is not terribly innovative because it's being done in other locations, and Saskatchewan is catching up. So, Mr. Speaker, the principle again is something that I think the public supports.

But in practice, Mr. Speaker, a year ago this was identified. And I think the minister indicates that in June of this year, the government had contracted with a Texas-based company, a Texas-based company from San Antonio, Texas, called synergy inmate telephone solutions. Synergy inmate telephone solutions, obviously a company that's got some experience in this field, Mr. Speaker.

But they've contracted with a Texas-based company to put phone systems into our correctional facilities, a system that allows for monitoring to take place. The minister indicates there was an RFP on this, a request for proposals. So obviously, Mr. Speaker, the correctional system, the minister's office decided, actively decided that in terms of putting new phone systems into our correctional facilities, they were going to go outside the province or outside the country even to find somebody who would do it.

Mr. Speaker, obviously there was a decision made that SaskTel should not do this. There was a conscious decision in order to set a request for proposals in place to indicate that SaskTel was not going to do this. Obviously SaskTel has been putting phone systems into our facilities, whether they're health care, educational, correctional, or others, for years, Mr. Speaker. SaskTel puts phone systems into place. But no, this government decided that they were going to have somebody else do it. And it just so happened that the company that responded is from San Antonio, Texas, Mr. Speaker.

Now this company says, according to the minister, we're going to do this at no cost to the government. So the government seems to think this is a fine idea. The correctional system will not pay anything for a phone system, but in exchange for that,

the minister says, this company from San Antonio, Texas will receive a commission of the gross revenue generated by a fee per call charged to inmates — a commission of the gross revenue generated by a fee per call charged to the inmates.

So, Mr. Speaker, the correctional system . . . This government likes this idea that now they're not going to have to pay for a telephone system. They're not going to have to pay anything, but the company in San Antonio, Texas gets the commission, gets all of the money on these calls, Mr. Speaker. Not all — I'll get back to that in a minute — gets a significant amount of money from this system to pay off their equipment costs, to pay off their contract, and of course, Mr. Speaker, to make a profit. They're in the business of providing telephone systems, Mr. Speaker, so there's a profit involved in this.

What are these calls going to cost, Mr. Speaker? According to the minister, the inmates will pay \$1.35 per local calls and \$1.85 for long distance calls. And a portion of that money will come back, Mr. Speaker, to the facility, the institution. And the institution, the minister says, is going to buy board games and cards for the inmates.

So in addition to San Antonio, Texas making money off this deal, Mr. Speaker, the inmates are going to be paying for buying board games and decks of cards for their own institution.

Now, Mr. Speaker, again if that was the only cost involved in all of this, that's not too unacceptable, Mr. Speaker. The unacceptable part, of course, is throwing money outside the province, Mr. Speaker, for a phone system that we could have installed ourselves.

But, Mr. Speaker, the unintended consequence that I had talked about earlier is the fact that inmates can phone collect to their family. Mr. Speaker, the minister had indicated again clearly, inmates make collect calls; the recipient is charged 30 cents a minute plus whatever additional charges the telephone service provider bills. So 30 cents a minute plus additional charges, Mr. Speaker, is what somebody who receives a collect call pays on this. Now, Mr. Speaker, for those who make very few calls, collect calls, don't have any concerns, Mr. Speaker.

But I do know that there are a lot of young adults in our correctional facilities, young adults who have had a lot of family stress in their lives, a lot of young adults who have attached themselves to a grandfather or a grandmother who is the adviser in their life. They're the strength part of their life. And, Mr. Speaker, we all know, for young adults in our correctional facilities, life can be very difficult, very challenging. And quite often these young adults reach out to a family member, a family member to help them get through their difficult days.

And, Mr. Speaker, this is a hugely important part of the rehabilitative process of the correctional facility as opposed to the punitive part of the correctional facility, Mr. Speaker. If there is someone that the inmate reaches out to for advice and guidance, that's incredibly useful in the ability of the young person to get through their challenges. And more importantly, Mr. Speaker, it creates an environment in which, when one leaves that institution, that facility, Mr. Speaker, there's a full

understanding of respect that comes from that elder or that older person — in the example that I'm using here, grandfather or grandmother.

So let's just think about this for a second, Mr. Speaker. The charges on a collect call, money that's going to San Antonio, Texas, to pay for this system, Mr. Speaker, from people who likely are not involved in drugs or violence or intimidation of witnesses but are simply reaching out to grandmother or grandfather.

The case of a call every day, it's not unusual. Inmates use the telephone system a lot, we're told. Calling grandpa once a day, being on that phone for as little as . . . Well it wouldn't be hard to imagine that with the charges on the lines — 30 cents a minute plus provider charges, Mr. Speaker — \$10 a day showing up on grandpa or grandma's phone bill in order to talk to a loved grandchild who is incarcerated, Mr. Speaker. Ten dollars a day, 30 days is \$300 a month, \$3,600 a year, Mr. Speaker, that grandpa or grandma is paying to help with the rehabilitation of their grandson or granddaughter.

Mr. Speaker, this is an unintended consequence of the practice of this legislation. This legislation allows the practice to happen.

[16:15]

I don't believe, Mr. Speaker, when the government decided they were going to monitor individuals' phone calls and privatize the system to San Antonio, Texas, that somebody's grandmother or grandfather was going to be paying \$3,000 a year to make that happen. I don't think the government intended that to happen, Mr. Speaker.

So I think as we review this legislation and review its practical application, we have to find a way to ensure that the protections remain in the system, but that grandma and grandpa are not the ones paying for it, Mr. Speaker. That's what the public has to understand, and provide additional information.

The other thing, Mr. Speaker, is that the legislation allows for monitoring to take place. The phone system was put in in June, several months ago, Mr. Speaker, and those charges have already been applied. There may have been no monitoring taking place, Mr. Speaker, because the legislation hasn't passed yet. But the charges are showing up on grandma and grandpa's phone bill. I've seen them, Mr. Speaker. The charges are now. They're already on grandma and grandpa's phone bill.

So, Mr. Speaker, the legislation hasn't passed. The system has been put in place. The company in San Antonio, Texas, is receiving funds already, but we haven't passed the legislation.

We've got to look at the practice. We've got to look at the principle. We've got some work to do yet, Mr. Speaker. So I wish to ensure that the government and the public understands that the principle of protecting inmates, correctional workers, and members of the public, Mr. Speaker, is an honourable principle and one that we certainly support on this side of the House. We join the government in agreeing to an acceptable principle.

But, Mr. Speaker, we've got to work through this practical aspect of it. It would appear we aren't. We've lost the ability for SaskTel to put the system in place. This government has unilaterally made a decision to privatize the delivery system for this practice, Mr. Speaker. And now we've got a charge system in place that is penalizing grandma and grandpa trying to help their young adult grandson or granddaughter who find themselves in a very difficult and challenging situation.

So that having been said, Mr. Speaker, I want to indicate to the legislature that we want to do some more work on this Bill. I think my colleagues also want to put some of their thoughts on record before this Bill is sent to committee for official study. Therefore, Mr. Speaker, I would move that we adjourn debate on Bill No. 158, *The Correctional Services Amendment Act, 2010*.

**The Deputy Speaker:** — The member from The Battlefords has moved to adjourn debate on Bill No. 158, *The Correctional Services Amendment Act, 2010*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Carried.

#### Bill No. 144

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Duncan that **Bill No. 144 — *The Litter Control Amendment Act, 2010*** be now read a second time.]

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

**Mr. McCall:** — Thank you very much, Mr. Deputy Speaker. It's with pleasure and some nostalgia that I rise to participate in the debate today concerning Bill No. 144, the Act to amend *The Litter Control Act*. Again this is clarifying certain matters as it relates to the control of litter, but particularly as it relates to the environmental handling charges and refundable deposits that are attached to beverage containers.

And again, Mr. Deputy Speaker, I say with some nostalgia off the top because one of the ways that I of course made some money as a child was collecting bottles. And I followed very closely the way that, you know, if it was a penny for the deposit, that was a penny that we got for those, taking those bottles back in. And when it went to 5 cents or to 10 cents, we in the McCall household were thrilled because of course it meant that we'd be getting more for those bottles that we take back in.

And so, Mr. Deputy Speaker, I was interested to see this Bill come forward and interested to follow some of the debate that has taken place to date around it. The existing legislation allows the government to increase or decrease both environmental handling charges and refundable deposits. The proposed Bill lays out a new schedule of environmental handling charges for a variety of containers and takes away the government's ability to set environmental handling charges outside of the legislature.

It does, however, allow the government to continue to set the

refundable deposit by cabinet order. Again this is, you know, procedurally some changes that perhaps allow for ease of process, use of responsiveness, and again not anything hugely to write home about, Mr. Deputy Speaker. But again we'll see how the government pursues this process in the days ahead.

It also introduces provisions which prevent anyone from suing the government to recover environment handling charges paid after April 1st, 1998. The minister has indicated that these changes are intended to address a current lawsuit and to prevent the province from being liable up to \$1 million or more in other potential legal actions.

Again part of this relates to what is rightly defined as a tax or what is rightly defined as an environmental handling charge or as a deposit and how this tends to mix around in the General Revenue Fund, how the government relates these, the collection of these different monies to the central mechanisms of government. So again we'll be interested to see how that plays out.

We'll also be interested to see how this impacts the current situation with the lawsuit. Again these things, these matters arise from time to time and it's . . . The government is charged with pursuing the best interests for the public as a whole, and from time to time that will arise, that will result in legal action where individuals don't quite see it that way. We'll be interested to see how this particular case plays out.

It's also been admitted by the government in the speech launching this particular phase of the debate that this was the result of the Supreme Court of Canada decision in the '90s where it's required to have service fees collected for specific purposes to not exceed the cost to government of delivering that service, otherwise they would be considered to be a tax. And again, Mr. Deputy Speaker, this is where it's always sort of interesting to flense out or to delineate between the actions of the government and the actual . . . what is being purported to take place.

And it is a fairly reasonable expectation that, if you're going to provide something forward in the name of a service fee, that you not engage in some kind of backdoor taxation in the course of that. I know that one thing that we've had interesting discussions over the years, in terms of committee work, around the functioning of Crown Corporations and whether or not those are taxpayer dollars. And of course in the situation with the Crown Corporation and the dividend that they pay into the CIC [Crown Investments Corporation of Saskatchewan] holding fund and the dividend that CIC in turn pays to the General Revenue Fund, obviously it has an impact on what is expected of taxpayers in terms of taxes levied.

But those funds, purely speaking, are service fees and not taxation. But of course there's a very indirect but strong relationship between what is charged from the Crowns and how that impacts the revenues available to government and how that, in turn, affects services and taxes that need to be levied, and the financial obligations of the government, so that some of the language in this legislation clarifies matters so that the distinction between service fees and not being able to have them construed as taxes, we think is fair enough. And again we'll see how the government lives up to that.

It's the most serious aspect of this legislation, we think, Mr. Deputy Speaker, is the matter of retroactively changing the law and curtailing the ability of people to take legal action. And I guess we'll carefully consider how that impacts those rights against the broader public interest as being pursued by this legislation. So, Mr. Deputy Speaker, with this legislation we'll be looking to see how it impacts the broader regime of or the stated goal of the legislation of litter control.

I know that in terms of past discussions around bottle returns or beverage containers where there is in fact a deposit on them, that has provided for a very good return rate for those containers and a return level that on those narrow items is something that I think Saskatchewan leads in.

Some of the interesting implications of that though, is they have different regimes in other jurisdictions. I think of what's in place in the province of Manitoba and the city of Winnipeg where beverage containers that would otherwise be subject to this legislation go to subsidizing the cost of the curbside recycling program, which is of course something that is a matter of great interest in the province of Saskatchewan. I know it certainly is an interest and a matter of interest in the city of Regina. I believe it just came up in the recent by-election in the city of Saskatoon where the successor for the current member for Saskatoon Northwest was elected. And in other jurisdictions, those monies have gone to subsidize the cost of that program offering.

So has there been some consideration of, is that an amendment or a different approach that we'd want to take to recycling of beverage containers. It's not for me to say, but certainly it would seem that the government is carrying on down the path which is in . . . And again this very specific context provided for a fairly good recycling return level on these items.

I also, looking at this legislation, Mr. Deputy Speaker, think of a one-time physics teacher that I had at Thom Collegiate who thought if you wanted to have 100 per cent recycling, what you needed to do is make the deposit \$1 for each beverage container. And I know you're doing the calculations, Mr. Deputy Speaker. You're thinking, okay, that'd really make it worth my while to get those empties in to the Sarcan. And certainly I made some of the same calculations when I was a kid of that age.

But then it gets into the whole sweep of interprovincial trade and whether or not you have people from other jurisdictions bringing cans to have them to get the deposit. I know that there are currently safeguards in place to guard against some of those attempts to subvert the system. But I can't help but think of Mr. Mader and the great physics teacher he was, and on that one perhaps not as appropriate measure to be taken to help out with attaining the goal of 100 per cent recycling levels when it came to something like beverage containers.

One thing else that I found interesting about the legislation, Mr. Speaker, was the distinction that is drawn or the clarification that is made in the legislation between the beverage and the container. And of course you'd think that that would be somewhat self-evident, but those legal counsel, they certainly are earning their keep and they are clarifying the matter so that we can be certain that this refers to the beverage container and

not to the beverage contained inside.

A can of Fresca that I just poured into my coffee cup, Mr. Speaker, this will make it certain that we know that it's the can and not the Fresca that has been since transported into my glass that is the object in focus with these amendments.

I don't have much more to say than that, Mr. Speaker. But certainly we on the opposition side will be watching very closely in terms of how this impacts again people's . . . the way that this government has moved to curtail legal liability questions. We'll be watching that very closely. We'll also be watching very closely to see how this matter plays out in implementation because of course again, with this government, it always pays to pay close attention to see how these things actually get implemented.

So with that, Mr. Speaker, I would adjourn debate on Bill No. 144.

**The Speaker:** — The member from Regina Elphinstone-Centre has moved adjournment of debate on Bill No. 144. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

[16:30]

#### Bill No. 147

[The Assembly resumed the adjourned debate on the proposed motion by Hon. Ms. Draude that **Bill No. 147 — *The Public Interest Disclosure Act*** be now read a second time.]

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

**Mr. Iwanchuk:** — Well thank you, Mr. Speaker. It's a pleasure to enter debate on Bill 147, *An Act respecting the Protection of Public Servants who make Disclosures*, Mr. Speaker.

Mr. Speaker, I'd like to just start out to make some general observations regarding this Act. We have spent some time now looking at this, and a number of my colleagues have made comments, and I want to add mine to the record, Mr. Speaker. For my part in going over this Bill, I have found that the idea of *The Public Interest Disclosure Act* is something that we could support, Mr. Speaker, but again, as many times before, we have many questions because of the way this Sask Party government has approached this Bill.

For that matter, we are somewhat disappointed. The Minister of Justice had put forward in his day as an opposition member, had put forward a Bill more attuned to whistle-blowers legislation, and again this particular Bill has fallen quite short of those days. And I wonder what occurred between that time and now where we have a Bill that is nowhere near offering the protection — and I'm sure that member would agree with me — that he had intended in his private member's Bill at that time.

So again, Mr. Speaker, the opposition supports the stated purpose of this Bill, but again there's often a big difference between the stated purpose and the actual effect of this Bill.

So, Mr. Speaker, in Saskatchewan we rely on our public servants to provide a number of critically important services to us, and again these are people on our front lines dealing with emergency situations and sometimes in situations where they place their own safety and health at risk.

The public service here in Saskatchewan have an expertise upon which we rely upon. There's a corporate memory that we often rely upon that these people have and that offers them to provide a service to all of us in Saskatchewan. And for the most part, Mr. Speaker, I think we would all agree here that they provide a good service to all of us. They provide an excellent service. We rely upon them. But again today we have seen over the last number of years, Mr. Speaker, that these servants, the public servants work in an atmosphere where they are afraid to speak out for fear of reprisal. And we have had some instances of that, and we were looking forward to a Bill of this sort to offer people the security of speaking out in the best interests of the residents of Saskatchewan, the best interests of us as legislators.

And again, the things I spoke about which offer some concern to us . . . And what we have seen is the Sask Party government terminating employees who try to do their jobs and protect the public interest. We have seen, at the same time that this Sask Party government has gone and done and created this atmosphere, some of the things . . . They have spent 10 million in taxpayers' dollars to pay severances for career public civic servants who, Mr. Speaker, got their jobs through a fair bidding process, fair competitions. And it was simply on the stated . . . As the Deputy Premier stated that this simply did not go with the philosophy of the Sask Party we had in here. I know personally asking questions on a fired occupational health and safety officer who was fired for nothing better than trying to better the working conditions of employees at the Saskatoon Correctional Centre. And what a sad day that was, Mr. Speaker, when we saw the minister attempting to defend that . . . was just simply, probably lack of understanding of the situation more so than trying to work under the occupational health and safety law in protecting the workers in this province.

And again this was the same Sask Party government . . . to add to what I was talking about why people feel the inability to come forward and at the same time where we disclosed that there was an offender unlawfully at large . . . And we all remember that, Mr. Speaker, and where they never notified the public. I would . . .

Not spending that many years here, Mr. Speaker, but enough to know and remember when those members were in opposition, the cry that would come out had we done something like this. And here it was the member from Wood River sitting on this and not speaking out was almost unbelievable to then say that he knew about this. And all the things of finding himself recorded in *The Parliamentarian*, I think it was the magazine, making it there on the cover. Sort of, *The Parliamentarian* may be akin to the cover of the *Rolling Stone*. So he is now famous for posterity for appearing in this magazine as a . . . Mr. Speaker, I would not say that that would be any way to make your mark in your political career.

But again the firing . . . And then there was the firing of the employee at the Corrections, Public Safety and Policing and believing . . . And to this day, I believe that they fired the wrong person. So this sends a chill through the public service. And Mr. Speaker, this is the kind of thing where we need good legislation, a good system where people would feel comfortable, would feel confident that when they brought forward issues of concern, to not only us as legislators but to the people of Saskatchewan, that these issues would be dealt with in a proper manner.

And again as just some of my . . . in terms of having some opening comments, this Bill does not provide that sort of protection. It does not have the kind of transparency that we need for reporting. And it does not provide or encourage, I would say . . . and I use the word encourage because I think where people see wrongdoing they should be reported through a number of mechanisms that we have, be that within the department. But if this continues and they see this continuing that they should feel secure in reporting these things so that it's for the betterment of not only us here but for all people in our province.

Again there's a number of things that the Bill that then . . . that we should have a reporting mechanism, how that should be reported and to who, to who that should be. Again this Bill is again public interest disclosure, and again that would be in the interest of the public. But again the Bill does not in fact allow for public disclosure. In fact what it does is clamp down and attempts to, Mr. Speaker, for lack of anything better . . . but to hide and deal in a manner that in fact would, I would say, create an atmosphere where people would be unwilling to come forward because knowing that in fact their issue might not make it, see the light of day. And at that time it would have impact on their career.

And we can't have a Bill which purports to deal with doing some positives in the area of public disclosure so that we all can have a better service but in fact at the end of the day, at the end of the day, Mr. Speaker, creates a situation where people are uncertain — because of actions of this government — are uncertain whether, if they bring forward an issue, that it will in fact be dealt with in a manner where it will not only see the light of day but that justice will be done.

It's important that, again, Mr. Speaker, as we all know, even if justice appears to be done . . . and when you lose sight of that and you attempt to deal with deal with it in a manner — and I'll be getting to more detail in that in the Bill — in a manner that this Bill deals with it, this is not, I don't think, what people saw as bringing forward issues and having protection for reprisals and other sorts of things or perhaps, perhaps, Mr. Speaker, prevent some career advancement for people because they brought forward issues that they felt were important. And even if the issues, Mr. Speaker, were not direct but a person assumed those issues were there, there should still be, if they were brought forward in good faith, that there should not be reprisals for actions of that.

So the other thing that we have in here is it's not very clear from the Act . . . And again here the members opposite are asking us to simply accept that there are some, in terms of under the definitions in the Act, who this would apply to, ministries

. . . But it's again not clear how far this extends. Does it extend to education workers, teachers? Is support staff in there? Does it include health care? Does it include highway workers? We would think, Mr. Speaker, that it would, but there's nothing in here that indicates, at this point in time in reading the Act, that these people are included. And so we're left again with a lot of vagueness here in terms, and we will have a lot of questions in terms of who this Act really applies to.

We understand that the . . . Again the overall picture that is painted is that all things will be brought forward to, well, to different people. In some cases, I would say the head of the departments, that being the deputy minister. But again when the minister came out, we had the establishment of a commissioner, the Public Interest Disclosure Commissioner which would be appointed, and again here we're not certain because of . . . That in fact that this could be the Ombudsman.

As to what direction the government is taking, we're not certain here as to how much money will be given for this. How much money will be provided? We know that they are in trouble over there because of the way they've handled the finances, and so we wonder even in terms of that that this Bill has shortcomings — whether in fact will see the light of day or when it will see the light of day where people feel comfortable to bring forward issues because in fact there are issues here in terms of funding and how and when this person will be put into place or whether they in fact will be put into place and what the Assembly will determine to do.

And we know the problems we've experienced with the Chief Electoral Officer and how that works and so we need . . . In that area, Mr. Speaker, it doesn't leave us with a lot of confidence that we will see much come of this, Mr. Speaker.

Those just are sort of some of the comments I would have. I think the other comments would simply be in terms of the reports of the commissioner, of who those would be done to, and the issue of, in reporting, that the reports would be done a year after some of the incidents or after the . . . So for example if we had somebody bring forward an issue and we had to do the investigation, the investigations would be done. Then there would be decisions made and reports. In fact it's not clear. If all the reports have to be done, the reporting could be done a year later. Mr. Speaker, in some cases, this would push us for almost two years before we would find out what the problems were. And I don't think that that really is something that would give a lot of people confidence that the problems are being dealt with.

And so, Mr. Speaker, I guess in going over these things, in fact it gets me . . . It's a little more like cold comfort to know that an area so important as this, where we have attempted to deal with this issue, that this is what we have come out with.

I would think that people might revert back to just simply going public with issues because they would have a lack of confidence at some point in time, that they would come to see that this issue, that they could not live with this, or that they could not continue in their employment and simply would go public with it anyways because they would not feel that, if they entered into this system that is being proposed, that the system would simply cover up and that they would not get a fair hearing.

Again there was just something probably a little bit more in detail but the section 13, what's the, I guess, the interplay of this legislation with the *Freedom of Information and Protection of Privacy Act*? Mr. Speaker, that whole issue of how those two interplay . . . We have seen now where we are asking for information under the Amicus deal, and we're finding that we have 900 pages of blacked out information being given to us and we wonder what that's all about. I would think that the one way to resolve that very quickly, for those members across the way, would just simply be, as they say in question period, that you know there's nothing here to hide. Then that would be one way of simply getting to the root of the issue and saying here's the full report. There's nothing blacked out here; we will be able to deal with this.

So, Mr. Speaker, we have some very serious questions that we need to ask regarding this Bill. Again, just questions of who it takes in, who will this all involve, what are the exact approaches, and will we actually have a commissioner — will we actually have a commissioner. So we have to wait for a lot of those things to happen.

Now, Mr. Speaker, the government institution, and again trying to, when I looked at this to try and determine who would be in the . . . It says, talks about the, means:

the office of the Executive Council or any department, ministry, secretariat or other similar agency of the executive government . . .

any prescribed board, commission, Crown corporation or other body . . .

And in that, Mr. Speaker, I guess the question there is, who would actually this apply to? Would it apply to, as I mentioned, education employees, support staff? Would it be the same in the health care? All the commissions that we have set up, to what degree of staff would that be?

The entire area where the Act talks about that this would now go to the deputy minister or the commissioner. And in fact, Mr. Speaker, in some of those things where the commissioner can actually send the issue back to the department head, it strikes me that in most cases, Mr. Speaker, concerns are raised on issues of wrongdoing in terms of, are we talking about here law or would we be talking also about policies, Mr. Speaker?

Because I would think that in most cases where the deputy minister is involved, that these things would be driven downwards into the ministry. And then the employees, depending again as I mentioned, of how deep this would go and who it does include, how would the employee feel a sense of security that they wouldn't know that it was the deputy minister that was in fact putting forward this policy when it could be the immediate manager or whoever else that they were thinking that is doing the wrongdoing? And they end up having to go to the deputy and deal with this issue.

So I don't think, you know, unless there's some explanations here where in fact I'm not understanding what's happening here, it strikes me that this is almost a cat-and-mouse game where this is all happening. In fact, what is happening here is it's preventing some impartial eyes, some objective eyes to look

at the situation to assess what it is that's happening. So if you're going to talk to the person or whatever it is, the policy that you disagree with that is in fact within that department, that the department supports and therefore I would say the deputy minister would be supporting, and if you have to go directly to the deputy minister, what sort of confidence does that bring forward if you are thinking that this is very wrong, that this is wrong for the public of Saskatchewan, that it's wrong for us as legislators?

And trying to bring this forward, I would think a lot of people would be considering whether or not this would be very good for their career, this move. Whether it would be the right thing to do or whether you would just simply, Mr. Speaker, look the other way and continue doing these things which you feel are not right. And again, Mr. Speaker, I think this lends itself to people going public, to saying, this has come to this point; I don't feel any security in going to the deputy minister.

Now again the issue comes up, well we have put in a . . . The Assembly has put forward a commissioner, an independent person. And you might be questioning that independent person as an officer of this Assembly. Well, Mr. Speaker, it's certainly not that. But what we're also saying is that the commissioner has a right to send the issue back again, send the issue back to the designated officer within government if that person so desires.

So some of those things are rather confusing that you can be doing that. And I think we should be looking at those kinds of things very carefully. And I guess my questions would be, why would we have that sort of ability if . . . And I guess you could probably see some cases where it should go back to the deputy minister to do that.

But there is a lot of things that are going on here sort of internally, Mr. Speaker. And that's very bothersome for us, because there's very little public disclosure. And again there's a lot of internal handling of these issues. And I think that what we are talking about here again in this Act, we're talking about public interest disclosure, Mr. Speaker. And in fact a good portion of this Act talks about how it will be handled internally. And so for people even to go forward and to say, to talk about, as it does here in some of the places where it talks about, that you can talk to somebody about . . . to see if, whether or not you have a case.

Again I think the base, the underlying, the underlying premise here has to be that people have to feel confident. That they have to feel confident that when they talk to people that they will be taken seriously. That there will be no reprisals, and again . . . And that somebody — I would think that for us as legislators — always looking for a system, be it the justice system, to have a balance of people being able to go forward and feel that justice is done so that they're impartial.

People looking at this need to know and feel comfortable that this is important for them and that they would be able to discuss, whether it is just simply determining whether they have an issue or bringing things forward, that it will be dealt with in the appropriate manner. And this doesn't really lead that in cases, as I said, that there seems to be a lot of keeping, trying to keep this internal, and even when you don't go to the



commissioner, that this gets to go back, that this can be sent back to the, again to the deputy minister.

Now I know that where people are finding that they have found something, Mr. Speaker, that they have found an issue, they would be thinking about all of these things. They would be thinking them through very clearly and wondering, if I go back, can I go to the commissioner? Can I feel secure that when I talk to the commissioner that in fact the people in my department, in that ministry will not find out about this?

Can I feel certain that if I go to the commissioner that they will, that the commissioner will treat my issue and keep it private? That that information would be secure? That it would not be taken back, so that in fact at some future date when I'm applying for a job, all of a sudden I find that there's a deficiency raised in my performance or something that I had had previously done, and it's unrelated, Mr. Speaker, unrelated to my performance, but it's related to this little discussion I had with perhaps the deputy, the deputy minister or with the commissioner.

So I think if you're going to build a system where people feel that they can bring forward issues, if you're going to build a system where people feel confidence in this, I think you should have a lot more ability for people to feel that if I bring this forward, I need to know that it will see the light of day in the proper manner.

Otherwise, Mr. Speaker, I think what you really are doing here is that you're not fixing a problem. What you will have is people going outside and still saying that in fact that what we should do is just don't take it to the public because if I've come to that point in my concerns for this issue . . . And again these are important issues. We should never . . . That where people will come to the point of saying, I have to raise this issue, these have to be very important issues.

And I think the Act there recognizes that, but I wonder what that person will do, whether they might not just say, I'm at that point I can't deal with this any more. I'm going to take it over to the press or I'm going to go somewhere where I can raise this issue in a manner that'll see the light of day. I've now forgone my, you know, knowing that this is going to damage my career and I think the Act — if a person was to do that — I think the Act, I wonder how the Act would deal with that, Mr. Speaker. I wonder how that Act would deal with that and what they would, you know, I wonder what the people, what a person like that would think.

Mr. Speaker, I have a lot more things that I would like to say about this and I see the time is coming near 5 o'clock, so with that I would adjourn debate.

**The Speaker:** — The member from Saskatoon Fairview has moved adjournment of debate on Bill No. 147. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

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

**Hon. Mr. Harrison:** — Thank you, Mr. Speaker. To facilitate the work of committees, I move that this House do now adjourn.

**The Speaker:** — The Deputy House Leader has moved that in order to facilitate the work of committees, the Assembly stand adjourned. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried. This Assembly stands adjourned until tomorrow afternoon at 1:30 p.m.

[The Assembly adjourned at 16:57.]

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