



SECOND SESSION - TWENTY-SEVENTH LEGISLATURE

of the

**Legislative Assembly of Saskatchewan**

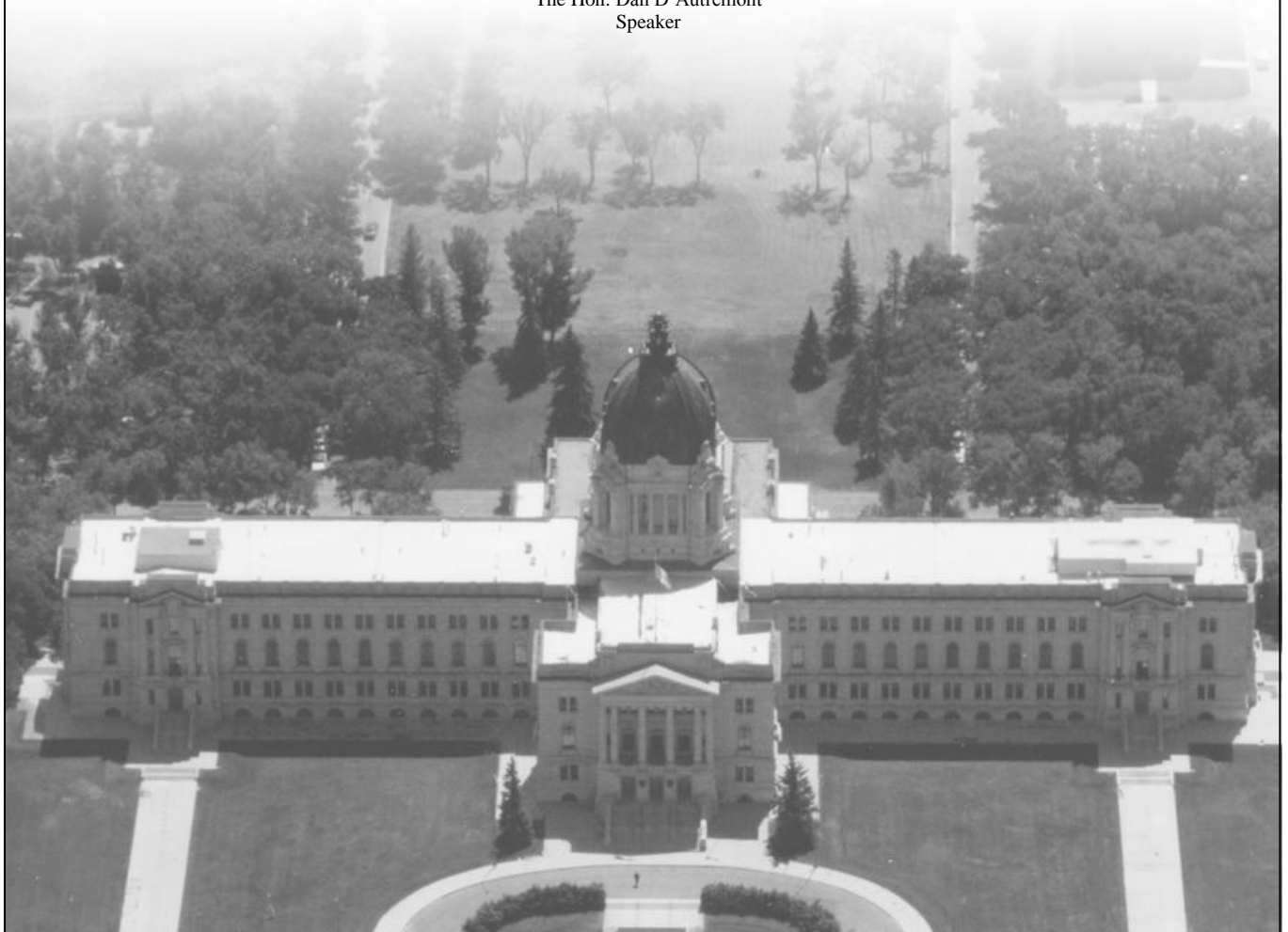
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**DEBATES  
and  
PROCEEDINGS**

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(HANSARD)

Published under the  
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The Hon. Dan D'Autremont  
Speaker



## MEMBERS OF THE LEGISLATIVE ASSEMBLY OF SASKATCHEWAN

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 Premier — Hon. Brad Wall  
 Leader of the Opposition — John Nilson

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Brkich, Greg	SP	Arm River-Watrous
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Campeau, Jennifer	SP	Saskatoon Fairview
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Ross, Laura	SP	Regina Qu'Appelle Valley
Sproule, Cathy	NDP	Saskatoon Nutana
Steinley, Warren	SP	Regina Walsh Acres
Stewart, Hon. Lyle	SP	Thunder Creek
Tell, Hon. Christine	SP	Regina Wascana Plains
Tochor, Corey	SP	Saskatoon Eastview
Toth, Don	SP	Moosomin
Vermette, Doyle	NDP	Cumberland
Wall, Hon. Brad	SP	Swift Current
Weekes, Hon. Randy	SP	Biggar
Wilson, Nadine	SP	Saskatchewan Rivers
Wotherspoon, Trent	NDP	Regina Rosemont
Wyant, Hon. Gordon	SP	Saskatoon Northwest

[The Assembly resumed at 19:00.]

EVENING SITTING

**The Deputy Speaker:** — It now being 7 o'clock, I will call the House back to order.

ADJOURNED DEBATES

SECOND READINGS

Bill No. 54

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 54 — *The Seizure of Criminal Property Amendment Act, 2012*** be now read a second time.]

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

**Ms. Chartier:** — Thank you, Mr. Speaker. I am pleased to enter the debate on the bill before us, Bill No. 54, *An Act to amend The Seizure of Criminal Property Act, 2009*. What this bill does, Mr. Deputy Speaker, it amends a bill that was first passed just a few short years ago in 2009 which provided the authority for the province to take the responsibility for the seizure of criminal property processed from the police services in our province, Mr. Speaker.

So just to outline, as this bill has only been before the House for a couple of weeks, as the opposition does, it is our job to review these bills and make sure that we're holding the government to account and make sure that there's nothing that's being missed. But we're in the early stages of that, Mr. Speaker, right now, having just seen the bill, so we have to reach out and speak with stakeholders and people who will be impacted by this bill. But I would like to first outline what this Bill No. 54, *An Act to amend The Seizure of Criminal Property Act, 2009* will do.

So what this Act will be doing, Mr. Speaker, it:

Defines "defendant" to mean the defendant named in the statement of claim and it includes a possible defendant for the purposes of an *ex parte* application for an interim order under Section 6.

Subsection i(i) is amended by adding the words "or was likely to result in or is intended to result in" to the definition of "instrument of unlawful activity". This change is intended to clarify that evidence of intent or of a likelihood that the activity will result in the acquisition or production of property or in bodily harm to a person will be enough to establish property as an "instrument of an unlawful activity" for the purposes of the Act.

So that means, Mr. Speaker, that no longer does it have to be about directly the proceeds of crime or proven to be, but there doesn't have to be . . . So perhaps if it was, let's say a counterfeit operation, Mr. Speaker, and there was the opportunity to make money but no money had been made yet, the house could still be forfeited. So that's what that means, Mr. Speaker.

Subclause (i)(ii) is amended by removing the word "serious" to avoid the high evidentiary standard this creates. Evidence of bodily harm is sufficient for these purposes.

And also, Mr. Speaker, is added that:

"Respondent" is defined to mean a person named in a notice of motion and includes a possible respondent for the purposes of an *ex parte* application or an interim order in Section 6.

What else does this Act, Mr. Speaker, do? Subsection (1.1) is added to make it clear that the director may proceed by way of notice of motion or statement of claim at the discretion of the director. And the director, Mr. Speaker, is laid out in the original Act in section 22, I believe, as someone who is appointed by the minister.

Subclause (3)(b) is amended to remove reference to the owner of the property as an individual that must be named as a respondent. So this will allow the director to proceed where there is difficulty in determining the owner and serving them for the purposes of an application under the Act. So I take this to mean, too, if it's a numbered company, that if they're having trouble finding out who actually owns the property, that the suit can still go ahead, Mr. Speaker.

What else does this Act say, Mr. Speaker?

Subsection 6(5) is amended to extend the period for an order made under subsection (1) from 30 days to 60 days. Thirty days has been viewed as too short given the requirements to produce affidavit evidence under *The Queen's Bench Rules*.

Clause 6(6)(b) is amended to provide that instead of a single . . . day extension, the court may extend the order for such term as it deems fit.

Subsection 6(11) provides for a sealing order with regards to a respondent's affidavits.

Subsection (12) provides for a process by which the court may, on application by any party, vary, amend or rescind an order granted under subsection (11).

And:

Clause 12(b) is amended to make it clear that evidence that a person was not charged with an offence will not be taken as relevant in making a finding of fact. The standard of proof for this application is the civil standard of proof on a balance of probabilities rather than proof beyond a reasonable doubt. Accordingly, criminal activity may be found under this Act when it is not able to be proved on the criminal standard.

And it also, Mr. Speaker, this Act in subsection (1) provides that *The Queen's Bench Rules* will apply to all proceedings, including those commenced by statement of claim and less specifically stated.

Subsection (2) addresses how an *ex parte* application under the Act should proceed and how the process for noting for a default judgment would proceed on an *ex parte* application under the Act.

Subsection (3), which is new, provides that a defendant is compellable to attend an examination for discovery where a statement of defence has been filed, and subsection (4) provides that the director and any person acting for or under the direction of the director is not a compellable witness for the purpose of an examination for discovery.

Subsection (5) provides that where the defendant is examined for discovery, the transcript will be sealed to ensure that there is no argument that a right to trial is being jeopardized in the criminal context, and subsection (6) provides for a certificate process for filing with the court any prior legal interests in any property where the proceedings are *ex parte*.

Subsection (7) clarifies:

*The Queen's Bench Rules* with respect to expedited or simplified proceedings do not apply to applications made pursuant to this Act unless agreed to by the director”.

And the last thing that it does, Mr. Speaker, is section 38.1 provides that evidence based on information and belief will be admissible for the purposes of applications made under this Act.

So as I said, the opposition is in early days of taking a closer look at this bill and talking to people who have a specific interest in this bill. I do know that in the minister's comments . . . So I thought it was important to get on the record some of the explanatory notes what this bill sets out to do. But I know in the minister's second reading comments, on November 6, 2012, the minister says:

While there have been successful seizures under this legislation since making this change, counsel and operational staff have identified a series of changes to make the seizure process more efficient and effective.

So, Mr. Speaker, in 2009, just three short years ago, this Act was first passed and so we're amending this Act just three short years after it was first introduced. I'm always glad when a government, and particularly this government, recognizes that there's been shortcomings in things that it has done, and obviously recognizes that it has not seen some unforeseen consequences or recognized some of its errors. So I always think it's a good thing to revisit things that we've done and improve upon them. And it's good to hear that this is coming from direct stakeholders, but I would say, I would perhaps call into question this government's ability to consult in the first place.

We've seen across the board this government's difficulty in embarking upon real and meaningful consultations with a broad swath of people who generally need to be consulted on a whole variety of issues, Mr. Speaker. And the fact that we are amending a bill that was introduced three years prior would lead me to think that they didn't do the proper consultation on this piece either.

Again, I commend them for recognizing the errors and trying to beef up or enhance the existing legislation. But a good example of a government, the government not listening to stakeholders and people impacted by decisions is the film employment tax credit, Mr. Speaker.

I think that perhaps this government in March, on budget day, didn't realize the impact of its decision to cut the film employment tax credit and could be forgiven in the short term. Well probably I shouldn't say that, actually. Any time you make a decision that has huge ramifications for an entire sector, you should be doing proper consultation, Mr. Speaker, as this on Bill No. 54 sounds like it's been done after the fact as well. But consultation is absolutely imperative, and recognizing that you've made an error. So on budget day, this government didn't see the error of its ways with respect to cutting the film employment tax credit, but shortly thereafter they heard from people in the film industry saying, no, we need a refundable tax credit, something that is bankable that we can take to the bank and leverage other dollars, Mr. Speaker.

So they heard from the industry, but that wasn't enough, Mr. Speaker. It wasn't enough that this government heard from people who are directly impacted by a decision that this government had done. But you know what, Mr. Speaker? The members opposite are wondering if this is relevant. It is completely relevant. This is about a government who does not know how to consult and does not know, does not know how to admit its mistakes. As I've said with Bill No. 54, it's very good, Bill No. 54 . . . [inaudible interjection] . . . The member from Moose Jaw North always has such eloquent things to say from his seat, Mr. Speaker. It's too bad we don't hear from him on his feet in this legislature a little bit more often, Mr. Speaker. He's always so eloquent.

With respect to Bill No. 54, so they have acknowledged that there were things missing in the Act. But I again want to talk about consultation and government hearing from people saying, there is something wrong; you've made a decision that isn't correct. So they didn't have the sense when they heard from the film industry saying, we need you to make changes, Mr. Speaker. But then the chamber of commerce, who probably has the ear of government a little bit more than the likes of someone like me perhaps, Mr. Speaker, has said this government has made a mistake, that this government has made a mistake.

And the process was flawed, Mr. Speaker, as clearly the process was flawed with Bill No. 54 as well because they've seemed to have left out some very key points that they have had to come and amend an Act three short years later, Mr. Speaker.

So not only did people, with respect to the film employment tax credit, did we not only hear from people in the spring who work in the industry and from them, but from the chamber of commerce. And it's still not good enough, Mr. Speaker, that this government is so stubborn and set and refuses, absolutely refuses to admit its mistake on this one particular file.

I'm glad to see they can admit that there are holes or flaws in what they've done just three short years ago, but this is a government who should learn its lessons and apply it across all aspects of governance, Mr. Speaker, which again goes to proper consultation, real and meaningful connecting to people who

know something about the policy area, connecting to people who are directly going to be impacted by policy changes you make. This government has not had a strong record when it comes to consultation, Mr. Speaker, almost across the board.

But with that, I know, as I said, this is early days for us taking a look at this bill with a critical eye, Mr. Speaker. This is early days for us taking a look at this bill, and we will reach out to stakeholders and make sure that there's nothing in here . . . [inaudible interjection] . . . And actually the member from Martensville is suggesting that we do that, and I assure her that we will in fact be doing that, Mr. Speaker, because that is our job as opposition. So we will continue to reach out to stakeholders, unlike this government who only likes to speak to people who are of like mind. But, Mr. Speaker, we will continue to do that.

And with that today I would like to move to adjourn debate on Bill No. 54, *An Act to amend The Seizure of Criminal Property Act, 2009*. Thank you.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 54, *The Seizure of Criminal Property Amendment Act, 2012*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 55

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 55** — *The Consumer Protection and Business Practices Act* be now read a second time.]

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

**Mr. Forbes:** — Thank you very much, Mr. Speaker. It is a pleasure to stand today and enter into the debate on Bill No. 55, *An Act respecting Consumer Protection and Business Practices, to repeal certain Acts and to make consequential amendments to other Acts*.

I also appreciate the time of day that we're doing this, just after 7 o'clock. Maybe some people are tuning in. This is a piece of legislation . . . I think ratings actually spike after 7 o'clock, and especially when they are knowing we are doing second reading speeches. But I think this is one that most people will want to know more about, you know.

And I think that in a province that at this point in time when we see economic indicators that, you know, the average weekly salary is going up and different indicators that generally this province is doing well, that people are maybe out spending more than ever before. And so a bill like this is very important. And one of the things that we need to do is to make sure that they have adequate protection and consumer protection is in place and business practices also have the knowledge of what they're expected to do in terms of protecting their consumers. Because if people are out doing more things, then it's important that we all know what kind of expectations are around the rules

and regulations.

So it's quite a substantive piece of legislation, as the minister talked about rolling in 12 pieces of legislation. The Act is some . . . Well is it 50 pages? It talks about 120-some sections, 50 pages, quite a hefty piece of legislation. And so for sure this is one that I know the opposition is going to take a lot of interest in because when things . . . wheels go off the car, we want to make sure we've got the protection and we know what to do about it. So I think this is an important piece of legislation. And so we'll have lots, lots to say about it.

[19:15]

I just want to take a moment to review for the House and for those people who may be tuning in about what the Minister of Justice had to say about this, you know. He talks about how this was . . . the legislation began with the process of updating and rationalizing the consumer protection framework for Saskatchewan, began with a consolidation and simplification of existing consumer protection, making the legislation more accessible and easier to understand. So that's very important that we have good legislation. I'm not sure if it covers all the bases, but if we can start from that, that's really important.

He talks about how the consumer protection in Saskatchewan is spread out across 12 separate statutes, each with different standards, enforcements, mechanisms, and results. And so he's rolled them in together.

He does talk about how they have gone out and done some consultation with . . . Well you know, it is funny what he said, and I quote, Mr. Speaker, and I quote:

Mr. Speaker, I wish to assure you and this Assembly that thorough consultations will be undertaken with affected industry groups, consumer and business groups, the legal profession, and the public before any regulations are passed.

So he's talking about when they put the regulations in. But I'm curious to know what consultations happened for the legislation part, the legislative part, because that provides the framework for the regulations. And what are they going to be doing going out in terms of consultations?

At length we talk on this side about the surprises that this government does because of lack of appropriate consultations. Myself, you know, we have raised a lot of concerns around the upcoming labour legislation, where it was just a 90-day mail-in consultation process. We've not seen, I was not aware, and the minister did not refer to any consultation process that was taking place in regards to the consumer and protection . . . consumer protection and businesses . . . or business practices Act. Let me get that right — *The Consumer Protection and Business Practices Act*.

I think that he doesn't speak to the consultation that happened prior to this, so this is something the government has done and they're going to go out and consult on the regulations. And I'm concerned about that because I think this kind of Act, what it tries to do is putting together the different statutes across the legislative field, but if you haven't talked to people out there

about what are the emerging issues, you may have missed some. And so I want to talk about that a little bit later. But let me finish reviewing the minister's comments.

He talks about "The Act will allow for individuality of rules governing the businesses depending on the particular needs of the industry being licensed." So I'm not sure what the individuality of rules . . . He talks of bringing the rules together under one big piece of legislation, but then he talked about individuality of rules. So that's quite a handful and I'm not sure if many in the House . . . Maybe the lawyers in the House know what that means. We're not sure. And so we'll be asking more questions about what does it mean, individuality of rules? It's an interesting phrase. I think this is one that we'll have to know more about.

He talks about the flexibility that will apply to consumer contracts and he talks about the five types are typically regulated pursuant to *The Consumer Protection Act*. And they are Internet sales, future performance, professional or personal development services, travel club, and remotely formed contracts. And that's interesting as well. So he talks about five areas that they want to focus on, and I think that those are interesting ones, ones that are very relevant to consumers as we talk about different consumer spending practices as our world changes, especially the Internet, online shopping, that type of thing. So it is very important. But we'll need to know more about that. We have a lot of questions about that for sure.

And the other one that he talks about, and I think this is important, he talks about some of the recent rulings, particularly from the Supreme Court of Canada, recent cases which caused them to add clarification to this, particularly when it prevents contracting out and stopping some of the protections of the Act.

And it's an interesting process. I'm glad to see that in this area that the Act really speaks from the consumer point of view and not the business point of view when it comes to how you set up the arbitration process; that really it's from the consumer point and what that really means. It's not the supplier's choice about what happens in terms of the dispute resolution mechanism, but it's more the consumer's choice. That's good news.

So I think there's some good points but some that we'll have to know more about. And of course the devil's in the detail, and what we're talking about here is what the implications are, and we sure don't want to get into unintended consequences. So clearly they're taking signals from the courts on what should be done in terms of best practices when it comes to consumer rights and how they should be protected and how they should be executed in terms of dispute resolution mechanisms that solve issues.

But, Mr. Speaker, I think that, I think it's interesting that it talks about, make it easier for the consumer protection division of the Financial and Consumer Affairs Authority of Saskatchewan to do its job. So we're going to want to know more about the Consumer Affairs Authority. And many people just tuning in now may not have heard of the Consumer Affairs Authority of Saskatchewan and probably will want to make themselves familiar with that, particularly when it comes to the new legislation that is out this fall. And so I ask people to think about challenges that they are facing when it comes to

consumer protection, some of their recent experiences. And maybe they want to write in. They can write in definitely to us because we are . . . that's our job is to scrutinize this.

And this legislation really speaks to protecting the citizens of Saskatchewan because we want to make sure we have the best consumer protection and business practices Act that you can possibly have, and that there's no stone left unturned because we want to make sure that when things happen in Saskatchewan — whether you're buying a new vehicle or buying things through the Internet or through your travel club or whatever — that you have some sense of protection. That's hugely, hugely important. And I think as we experience more and more the rights of consumers, and there's expectations that they get fair quality, they get the fair quality they're expecting from a product, and if it's oversold or seems to have been endorsed by some group and it's not, it's falsely endorsed, then things need to happen here.

So, Mr. Speaker, I do want to talk a little bit about, you know, what some of the emerging issues that are happening in the last decade or so and even more so, particularly since we know that the US [United States] has experienced a housing crisis in 2007-08 and what the impact of that is. And I would suggest that there probably are four, but there could be more emerging issues, and I've seen as many as 10. But I think that particularly what relates to people here in Saskatchewan, more than anything, are four or five issues. And I would like to raise them tonight and see if this . . . because these are the lenses that we'll be looking at this legislation through.

Of course one is housing, and we see an emerging housing market. Brand new housing is being built at a rate that is strong in Saskatchewan. But what are we talking about in terms of warranties, protection of different products you find in your house, all of that kind of thing — the major appliances that you're buying, the furniture that you're buying, the workmanship, the contracting that you may be having — and so I think that in terms of housing, I think that's an issue that a lot of people would like to talk about in terms of consumer protection and business practices.

I think that it's important, particularly around warranties or if you're hiring somebody to do some renovations, that all of those things are part of the discussion. We've all heard of those horror stories of where people come in and do renovations and they say they have the qualifications, but then sometimes you wonder about whether or not they do. Is this part of this package here? And how will that get communicated out to the public because I think those are big money items and people have concerns if they've been misled, thinking that they're hiring quality work tradespeople and they're not? They've been misrepresented. And so what does that mean? Does this relate to them? We're not sure so we're going to have questions about that.

And we definitely ask people, particularly if you're listening or watching, if you've got consumer issues, this is the time to raise them because the legislation is new and we're going to be talking about it over the next few months, talking about consumer protection. And so here's the time to raise those concerns.

Another issue that is emerging, and is very, very important, of course, is health care and personal development. These two go together. Probably health care is more important than ever, whether we're buying vitamins or products that we think will extend or help us with ailments or the aches and pains that we all suffer, or will help us in terms of preventing potential health issues. How do they relate in terms of this legislation? So this is important because more and more people are spending dollars on that sector.

There's more advertisements, more opportunities to do things that relate to your personal health. And that's not a bad thing. That's a good thing that we should be more concerned about our personal health whatever we do, and also in terms of that, relates to personal development. Clearly whether it's joining a fitness club or joining a club where you're developing skills, that's also very important. Lifelong learning is a huge, huge thing, and it's an important thing that we promote in terms of a healthy society. How do we engage people to become a better, healthier, more well-balanced person?

And of course those are issues that we can see that relate to consumer protection and business practices. How do we make sure that we're protecting those people in Saskatchewan from people who may not be doing practices or business practices that are not the very best in terms of giving consumers fair value for the dollars that they're paying?

So health care and personal development are very, very important. And I think that more and more this is becoming an issue in Saskatchewan, and I think this is one that I would like to know more about in terms of how does this legislation address that specifically. And that's hugely important.

Another emerging trend in terms of consumer behaviour is around green issues. More and more people are saying, I'm willing to spend money to make sure that I live in a green or sustainable manner and that the lifestyle I have chosen is a sustainable manner. So when you see that products say that they're organic, that they truly are organic; that products say that they've come from recycled products, that they truly do come from that.

So how does this relate to that? And we see this is as an important . . . You know, we have to recognize and congratulate and acknowledge and hope more and more people think about a sustainable or an ethical way to buy products that are built or created, designed in an ethical way. You know, we often think of the three Rs — reduce, recycle, and reuse. But the fourth one, the fourth one really is in the engineering. Can we make sure when we have a consumer product that it actually has less packaging, less materials that are not necessary for the product to do what it's said to be done or saying that it's going to do?

[19:30]

And so we want to make sure that we protect consumers from that kind of false behaviour when they think they're doing the right thing, that they're making an ethical choice, and they find out that's all wrong. But we also want to make sure it's a level playing field for businesses who are out saying that they are doing an ethical project.

And I think, and I just remember there's a group here, I think it's Ten Tree. They buy, for every product they go out and they do, they plant ten trees. And think that group should be congratulated for that. Clearly an ethical business. And I think we want to create a level playing field for those people when they say they're ethical . . . [inaudible interjection] . . . Yes, they were in here the other day. And we want to say that when you have a business that's doing the right thing that they are not being penalized by other groups who are making similar claims, but in fact aren't and taking the easy way out.

So I think that when we see groups, businesses like that in Saskatchewan — and there's quite a few in Saskatchewan that are making an ethical choice to be green or sustainable businesses, and there's people who are supporting them by making similar choices by saying, I'm going to spend my dollars with them — and we should recognize them and do all that we can to give them a level playing field so they're not penalized by people making false claims that they're doing the same thing but in fact they are not, and they have no intention, no intention of doing that.

So I think that — I hope — and we need to take a careful look at this. Because as I said, this is a pretty thorough bill. And those people who are at home, I do say, if you've got concerns about any of these consumer issues, this is the time to raise them. The government now has taken this on in terms of consumer protection, and they should be contacting their MLA [Member of the Legislative Assembly] or contact us and say, these are our experiences with consumer protection. And we will raise that and try to see, how does this mesh with this? Is this a better piece of legislation, or does it leave a hole in the area that the people are looking for?

And of course and as I said earlier, the government does talk about Internet contracts, but the whole Internet online shopping again is a major, major concern. We see that as an emerging trend, as people are now shopping more and more online. It's an easier way to do it. It's one that you can do 24 hours a day from your own home, and it's becoming quite a business. And so I think this is one that is important and we'll have lots of questions about it because people are shopping more and more online. And as I was reading through it, some of the comments or some of the legislative aspects in terms of having to return products, that type of thing; making sure you get your credit back, that type of thing; things are advertised as they are online — I think that's important.

So it is, Mr. Speaker, as I continue on, I think that I know the other one that . . . There's a couple of others I really do want to speak to. One, of course, is travel. And of course, you know, in fact yesterday I was making some travel plans for Christmas. And it's so easy to go online and book things and book your plane tickets. And of course, you think you're getting the cheapest ticket and then you . . . You really should shop around online to make sure you are getting the best value because just because they say they're the cheap tickets or the most inexpensive tickets, that may not be so. But it's important that we do have some protection for online shopping and travel because how they connect together.

And as a province we see that we're travelling more than ever, particularly as we head into this winter season. And particularly

now as we've seen the snow that we've got, people . . . [inaudible interjection] . . . As I said, and I'll start from the beginning here; I'll say the best parts.

But no, Mr. Speaker, you know what's really wonderful about our province, and it really, truly it's a gift that where we live because we have people, and I think it's actually everyone — everyone appreciates the winter sports that we have. And we've seen this over the weekend. The snow caused a bit of travel problems for people and it was really unfortunate that plans had to be cancelled. But the other wonderful thing was it got people out. And whether you were snowmobiling or out cross-country skiing or just enjoying the snow, it's a wonderful thing. And people are looking now to make their travel plans accordingly, and whether it's going to the mountains for downhill skiing or trying to connect with a place here in the province, a chalet, or just getting out and making sure you have a good day out skiing or snowmobiling.

But it's really critically important, it's critically important that consumers have protection. And those people who are providing the services, the services — whether it's snowmobiling, guiding, or whatever — that they do have a standard and when they advertise their standard, it is actually a true standard. And so this consumer protection bill is hugely important. So that's very, very important.

The other issue I wanted to say and wanted to talk about a little bit, and I know it's probably related to another area, but I think the other issue around consumer protection is around food and food safety and all of that. But it relates a little bit into consumer protection because you do go online, and whether you're looking for recipes or whatever, buying things, you know, it is interesting.

I just bought a new set of pots, and it was by some . . . you know it was interesting because it was a German name. And I thought that's absolutely wonderful. I'm going to go down. It was a great sale at a department store, but it was engineered by the German company, but it was made in another country and it wasn't quite the same pot. They have several different standards. And it was interesting going online and reading about it and reading what people had comments about this line of pots because they said, yes, it's got the German name on it. But they're the designers, but it's not their steel and it's not their workmanship. And it's very interesting when that happens. And so, fortunately, I was aware when I bought it, this set of pots, that clearly my expectations were a little lower. I didn't think that I had hit the gold mine.

But this is what is important, is that people are aware and they know what they're getting into. Because clearly, as we get more into marketing, more into marketing — and I know the other side is very much into marketing — that people really watch what you buy, what you're buying into. And you have to be very clever in terms of thinking of all the different questions. And it is interesting when you go online and you ask, so what do you think about this set of pots or this other line of whatever, or going to this place or whatever, that it's very important that you do that. So you know, you can have a consumer protection Act, but I think we need to engage the consumers and educate the consumers and make sure that they know what their rights are and how to ask the right questions. That's so important.

So, Mr. Speaker, this is a very thorough bill, and I do want to talk about a couple of specific parts of it. Actually, I want to talk about part II, under unfair practices. And I just want to . . . I won't go into all of them because, I mean, it's quite a long list, but I think it's very interesting and I think that people at home might be interested. And I think that it's very important that we just take some time and reflect on some of these things.

Now it goes up to, I think there must be 15, 20 — 20 examples of what unfair practices are. So if you have a concern about an unfair practice, go against this checklist and see what they are.

But I just want to talk about the first couple. The following are unfair practices. This is part II, division 2, section 7. I'll talk about:

- (a) representing that goods or services have sponsorship, approval, performance characteristics, accessories, ingredients, components, qualities, uses, or benefits that they do not have.

And I think that's a huge one, Mr. Speaker, the first one.

And of course, you know, the other night we were listening to a speaker, and he was talking about how Viagra had got into trouble and had been fined, I think, 1 or \$2 billion. I think it was a \$1.2 billion penalty or fine because they did not list one of their ingredients. So Viagra is . . . But it's interesting, a drug like that, I guess they could afford a \$1 billion fine. But what's \$1 billion to them, a billion or two? But here it's really important that we make sure that we have all the information about ingredients, and it's not only just because of some protection or something like that. But what they're really looking for, especially in terms of ingredients that we're becoming much more aware of allergies and that type of thing, and so it's very important that you know what you're buying completely and accurately. And if they're not and if things are omitted, then that's a problem.

The next one is:

- (b) representing that the supplier has a sponsorship, approval, status affiliation, or connection that the supplier does not have.

And that's also very critical because quite often we're looking for third party endorsements or some validation. You know, we often look to sport figures who we believe should know something about . . . And this again relates back to that personal development aspect, that they would know something about, say, a pair of running shoes or a tennis racket. And if they don't have, they don't really have the sponsorship, they're misleading people. This is really, really a problem. And so that's important.

The next one:

- (c) representing that goods or services are of a particular standard, quality, grade, style, model, origin, or method of manufacture if they are not.

Clearly that makes sense. But quite often, as I was alluding to my example about buying some pots, that really you had to dig a little bit deeper because the implications were that these pots



had a certain standard and that they had, you would assume, a certain method of manufacture but not necessarily so. So it's really important that you take a look.

Next one:

(d) representing that goods are new or unused if they are not or if they have deteriorated or have been altered, reconditioned, or reclaimed.

And clearly, Mr. Speaker, this is one that's very important. And especially when I was talking about those big-ticket items, the appliances or things where you think you've bought a brand new machine and you find out that in fact it's been reconditioned, and then what do you do? This is very important.

(e) representing that goods have been used to an extent different from the fact or that they have a particular history or use if the supplier knows it is not so.

Now, Mr. Speaker, they're not talking about what they may be . . . giving you a specific example, but I can think of vehicles, cars, trucks, as a good example. Quite often they're sold and you're not sure what the history of the vehicle has been in terms of whether they've been involved in accidents. Hopefully the odometer has not been altered, that type of thing. But clearly when you talk about big investments, this is one that you want to make sure that you're getting exactly what you're buying and it hasn't been changed. And truly if you ask about the background of the item, that you will get the straight answer.

Here's one I think is very interesting:

(f) representing that goods or services are available if the supplier does not supply nor intend to supply or otherwise dispose of the goods or services as represented.

Now, Mr. Speaker, a few years ago we had a shower installed and there was a part that was missing. And you know, what we often hear now is just-in-time delivery, JIT. Just-in-time delivery, that really if the product is not there, they're waiting for enough orders to build the product. And if they get X number of orders, then they will build it. But if you're below, if you're X minus 1, then you're out of luck.

And so this is really important, that products are there so that you can either . . . You know, I'm thinking whether it's a light bulb, that certain light bulb that fits to a lamp, hopefully they still have those light bulbs. And we often see that with the new designs, the creative designs, the things that we have. And that's just not happening. And so clearly this is an important thing, that if you're buying something, that all the parts should be available and you're not going to be left out in the cold because there are no parts and they have no intention of doing that. And this is hugely important.

(g) representing that goods or services are available or are available for a particular reason, for a particular price, in particular quantities or at a particular time if the supplier knows or can be reasonably expected to know it is not so, unless the representation clearly states any limitations.

[19:45]

So I'm glad that one's there because that one is the one that really, really brings us into a sale. We're quite often captivated. We watch the Saturday papers, we listen to the advertisements on the radios. And we go, we are looking for a certain product and we find out this thing's on sale and for a particular price, for a particular time. And you go there and it's not there. And so what do you do? And so you're kind of left out. And I think that people can expect more than that. It should be expecting that if, if suppliers are making claims about particular items at particular prices, then they should be there. So I think this is, this is a good one.

So I think they're covering off a lot of the bases, and I think that again though, we're not sure whether we thought of everything. And this as I go through the list and I'll continue down the list, it's really important that we cover all the bases. Because clearly people who are marketing goods and services or have thought a lot about how they can maximize their products get their best profit by doing . . . It's a balance. It's a balance, isn't it? You want to make sure you have a good product and it's in the right place, but at the end of the day, you've got to get a good return on that product. And so to do that, you have to look at all angles.

(h) representing that a service, part, repair or replacement is needed if that is not so, or that a service has been provided, a part has been installed, a repair has been made or a replacement has been provided if that is not so.

So if somebody tells you that they fixed your washing machine and they've put this part in, how are you supposed to know whether that part's actually been in? How are you to know if it's a brand new part? And so clearly when you can't, when you actually can't determine for yourself, but you have to believe that it is the case, but if it's not the case, then there has to be some action taken.

And clearly this is important:

(i) representing that a price benefit or advantage exists respecting goods or services if a price benefit or advantage does not exist.

So if they're telling you that there is a great sale on, and it's been marked down, but actually maybe it hasn't been marked down. And they say it's, you know, 20, 40 per cent off, but clearly that's not the case. But how are you to know because you haven't been shopping around? So that's very important, very important.

So I'm just going to go down, I think this is an important one:

(o) using exaggeration, innuendo or ambiguity in representing a material fact, or failing to disclose a material fact, if the representation or failure is deceptive or misleading.

So if you're leaving out something that can be true, that is a material fact, can't be disputed, but in fact the advertisements use exaggeration, innuendo, or ambiguity around that fact.

I think that's something that I know the members opposite kind of think that's A-okay. A little exaggeration every once in a

while when it comes to the facts has not stopped the government from telling their story. But I think, when it comes to consumer protection, that it's important that we stop that, and it's clear in this province that we stop that in its tracks. And I think that's important that we move to the straight goods, the straight facts about products that people are looking for.

So, Mr. Speaker, and the last one:

(s) taking advantage of a consumer by exerting undue pressure or undue influence on the consumer to enter into a transaction involving goods or services.

And so, Mr. Speaker, that clearly is one that we often have the case where we see people pressured into making purchases. And we're talking — it might be a small thing, you know, it could be a larger thing — where people are pressured into buying today because the sale may not be on tomorrow, or this is the right thing, or this is the last one. And I think that it's very important that we protect consumers against this type of thing and make sure we're not caught in vulnerable situations.

And I think there's a whole lot of reasons for these things, and I think that clearly we need to do more around consumer protection. Clearly we see that. And we've heard this, we've heard about the increase in debt, particularly for young people, the concerns around credit cards, how easy it is to get a credit card. And of course the line is, you should have a credit card because if you have a credit card then you can establish a credit rating. And you have to have a credit rating if you want to buy anything of significant size. If you want to buy a car, that type of thing, you want a loan, better have a credit rating. And so all of a sudden you're going down this garden path. And so this is why it's important to have good consumer protection.

And so while this is, you know, a step that must be taken, but I am concerned again about how did we arrive here in the consultation that took place for this consumer protection Act because I think that people can rally behind and understand and be looking forward to legislation that meets their needs if they're part of that process. But if they're not part of that process, I wonder how many people out there in Saskatchewan will be aware of this. And how many people will be thinking about all these different reasons why, when we talk about unfair practices, and I think it's an exhaustive list. I'm not sure if they've thought of everything. I don't have any to add right now, but we'll be thinking over the months ahead. Are there other practices that should be listed as unfair? And I think that, Mr. Speaker, that clearly this is one that needs a lot of attention. And I would like to think that the government has and will take more time to work with that.

And so one other area I do want to talk a bit about is around the consumer contracts. And of course this is — and really, just to refer back to what I was talking about, some of the emerging trends here — but consumer contracts is a very important procedure that people who are buying goods want to have laid out in terms of protecting themselves when it comes to a contract.

So first they define a consumer as meaning any:

... individual who participates in a consumer contract and

includes an individual who receives or has the right to receive goods or services from a supplier as a result, lease or other arrangement.

And then they outline six different types of contracts that they're talking about: a future performance contract, an Internet sales contract, a personal development services contract, a remote contract, a travel club contract, or any other prescribed contract.

Now somebody might be asking out in television land, what is a remote contract? And I'll give you the definition of what that means. That means a "... consumer contract that is entered into when the consumer and the supplier are not physically together." Now I don't know why that would be different than an Internet sales contract, other than the Internet really does specifically talk about the Internet. So a remote one might be through the mail. It might be over the phone. I'm not sure, but they do speak specifically to that.

A personal development services contract means:

(i) services relating to any of the following:

(A) health, fitness, dieting or matters of similar nature.

Modelling and talent, and we've heard lots of stories about that, particularly around people thinking they have a contract, but then they find out that's not the case, especially in this day and age of reality TV. But:

(B) modelling and talent, including photo shoots relating to modelling and talent or matters of similar nature;

(C) martial arts, sports, dancing or similar activities;

(D) any other prescribed services;

Or facilities provided for instruction, training or assistance with any of the above. So this is very important.

And then they talk about the travel club contract which is pretty well straightforward. But really the key word there is club. So I'm not sure whether travel contracts, that probably would fall under personal development services. And I would think the one that is of interest for many people, future performance contract:

means a contract between a supplier and a consumer for the supply of goods or services for which the delivery, performance or payment in full is not made at the time the contract is made or partly executed.

And I can think of my own experience with this. Just a few years ago, I thought I'd hire somebody to look after our lawn, and thought, you go through the phone book and you look at who would be somebody who would provide services like that in a quality way, in a way that you could be assured that they're going to do it. You may not be home that morning when they show up, but they leave the sign on your grass that they visited you and hopefully everything's okay. I mean, and then you find out that it's not happened.

In fact what happened one time for me is the person just left the bill. And I came back and I said, so what happened? It looks like, I mean, it was not fertilized. There was nothing. The lawn looked exactly the same. So I phoned the company, the headquarters in Ontario, and the guy in Saskatoon had just disappeared. And so here we were arguing about it. And of course, the Ontario people were very good about it and it worked out well. But of course that is sort of a future performance contract where you're paying ahead and you're assuming everything will be done, and there is a real . . . you're really relying on trust.

And so I think this is important that we talk about this. But as I said, I would have liked to have seen more specific wording here around some of the other areas that we had been talking about, the emerging issues — now more than ever — around housing and all the parts around housing and trades that are being done and any of those kind of components in terms of new housing or old housing or renovations, things that you think will be done. Clearly we've seen the shows on TV about shoddy workmanship and what has been the results of that, or buying a house that you thought was in good shape and then you find out later that's not the case.

And so housing is not addressed specifically that I can find. Now that may be the case, but that's something we'll find out.

They talk about personal development, but they don't really talk a lot about health care and personal health. And I think that's an important issue, specifically when it comes to health products that give the impression around better healthy living and curing ailments and that type of thing. And I'm not sure. You know, as I was going through that list of unfair practices, it didn't really talk about health care in any fashion.

But I did catch one other one that I think is one to get on the record if anybody hasn't heard this one: taking advantage of a consumer by including in a consumer agreement terms or conditions that are harsh, oppressive, or excessively one-sided. Now if you come across a contract like that, then I do think that's unfair and should be stopped in its tracks. But that's hugely important.

So we didn't hear about health care. There's no specific references to green practices or sustainable practices that are in that list of unfair practices. And I think that's important because that is one that people are really looking to. Should I buy this product or that product? And if you find one that's more green, more sustainable, then you say, maybe I'll go with this company. So I do think that that's not in the list of unfair practices. Because as we said earlier, that really we should be thinking more about that.

It's important that when we talk about consumer protection we are talking about people of all ages. We're talking about young people who may be buying their first major product, and whether that's an iPod or an iPad or some electronic device, whether it's a first vehicle, whether it's a first house. All of these things are important that we make sure we protect the consumers but we also let the businesses know what is the playing field out there and what will be tolerated and what will be expected and what will not be tolerated, and what they can expect will have penalties attached to them.

[20:00]

And so, Mr. Speaker, I think that it's clear that, you know, consumer protection really has been in the forefront for the last five or six decades and we really can't lose the ground that we've taken. And so when the Minister of Justice talks about how we want to protect consumers and we want this piece of legislation to have a world view that it's the consumer that is being served by this legislation, that's important. But we can't lose any ground. And we can't lose ground when we know that there are emerging issues out there. And I'm talking about the issues around health, personal health care, around sustainability or sustainable, green products, housing, online purchases. All of those are very important.

So, Mr. Speaker, we will be asking a lot of questions about who was consulted, who will be consulted, what will be the education component of this so people will know their rights, what will be the . . . how will people be able to access this. And you know, we talked about the consumer protection authority, that it's a new body here in Saskatchewan. How do people access that?

So it's important that we create some profile for this legislation because people have a certain expectation that they can turn to the government for redress in terms of fairness, that when they feel that they've been wronged that there's somebody out there who will do something for them, who will stand up for them. And if there's nobody who will do that, then they become frustrated and they're disappointed in the government.

And so clearly, Mr. Speaker, we'll have lots more questions about this. I think that we are interested in hearing more from the minister specifically about this. We'll be asking a lot of people over the next few months, what do they think of this? What do they think of the unfair practices? Are there any contracts that are missing? That type of thing. And in potential amendments because we know that there is trends happening in Saskatchewan and Canada that we really should be addressing.

So, Mr. Speaker, I know that there'll be many people on our side who will want to talk about Bill No. 55, *An Act respecting Consumer Protection and Business Practices, to repeal certain Acts and to make consequential amendments to other Acts*. And I know people who are just turning the channels after 8 o'clock and wondering what we're talking about, we're talking about consumer protection. And we really want you to call in, write in about . . .

**An Hon. Member:** — Ring those phones.

**Mr. Forbes:** — Ring those phones about consumer protection. If you've been wronged in the consumer, in the marketplace, this is the time. This is the time to call in. This is the place.

**An Hon. Member:** — Give them your home phone number.

**Mr. Forbes:** — All right. And so . . . I don't know whether I'd give any phone numbers out. That would be an unfair practice, I think. But at any rate, this is our job and this is why we're being televised. It's a serious issue, Mr. Speaker, because if you've been wronged in the marketplace, you do get angry and you do get upset and I think that we need to have the best legislation

we possibly could have.

So with that, Mr. Speaker, I know there'll be many members on our side who will want to speak to this issue but tonight I know we've got many other items that we want to get to, and so with that I move adjournment of this bill. Thank you.

**The Speaker:** — The member has moved adjournment of Bill No. 55, *The Consumer Protection and Business Practices Act*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 56

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 56 — *The Court of Appeal Amendment Act, 2012/Loi de 2012 modifiant la Loi de 2000 sur la Cour d'appel*** be now read a second time.]

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

**Mr. Forbes:** — Thank you very much, Mr. Speaker. It is a pleasure to rise on Bill No. 56, *An Act to amend The Court of Appeal Act, 2000*. And this is a little shorter bill. This is just a one-page bill with only four sections to it, but still clearly an important piece of legislation. Any time that we are dealing with the courts, we have to make sure that we're dealing as thoughtfully and carefully as we can. We definitely do not want to have any unintended consequences at this level because when we talk about courts of appeal, when things end up in the courts, there's clearly have taken a wrong turn. And we want to make sure that everybody feels that when they've had their day in court that it's been fair and that they've had all the avenues that are due any person — that they have confidence in the system.

And so, with that, Mr. Speaker, when we take a look at this, clearly this really speaks to what happens when a judge . . . And I'll read parts of this, but it's very short piece of legislation.

A judge who resigns his or her office or is appointed to another court or otherwise ceases to hold office may, within six months after the resignation, appointment or date that he or she otherwise ceases to hold office, give a decision in an appeal or matter he or she heard while holding office, and the decision is as effective as though he or she still held office.

And so this really speaks to the fact that sometimes, because of changes in who's sitting on the bench, that you may have to retry the court case. And of course that can lead to different problems. And it's just important in fairness that if there can be as much continuity as possible, then we should encourage that. And the fact that if we can streamline the court's procedures then, and yet maintaining a sense of fairness — and that particularly is the case if the judge has heard the case — then it only makes sense that they continue and they can finish up their work.

So I think this is a relatively straightforward case. Of course we

would like to hear from others about this and whether or not this is as it seems. Quite often the legislation appears to be straightforward and then we find out it's anything but, that there are reasons why you may want to think that the old and true and tested way actually had a lot of merit. So maybe it did, you know, because we've had this situation for many years and so why has it taken so long to make this kind of decision? But that's for us to find out, and we will be definitely talking to people to find out, is this a suitable solution? Is there any concerns about this?

I know the minister in his speech talked about the costs, that this is a good thing. He talks about preventing rehearings benefit the public as well as the courts. All parties, all parties incur costs when you have to redo the court hearing, and so that means there's legal costs, time away from work, that type of thing. And so there are costs. So hopefully that will reduce that. And then it also makes sure that people have a time that they are so fresh with the information.

He talks about most, the minister talks about most other provinces allow a period of time for judges who have left office to participate in decisions on matters that they previously heard. In some places it's 90 days, other places up to six months. And so what they're doing is they're landing with six months here. This is what the minister is recommending, and he says that it's consistent with British Columbia, Alberta, New Brunswick, Newfoundland and Labrador. So that makes some sense as well.

So we will be, we'll be thinking about this. This is a very important issue that, you know, I think that in terms of, as the minister talks about, the deadlocks or bottlenecks in the courts, that this will help clear the way a bit and make sure that things are more expedient in terms of getting things done.

So, Mr. Speaker, very short but straightforward piece of legislation, and we'll be asking a little bit about this in terms of, what can this mean? You know, is six months the right amount? Ninety days? What the impact will be on the courts? It will be interesting to see, but relatively it seems straightforward. So I don't think I have much more to say with this, but I know that we'll all have something to say about this over the months ahead and of course that we'll be asking some of the stakeholders their thoughts. I know that I'm not really well versed in this. I can't tell you as many stories about appearing in court as I can about pots and pans and lawns and that kind of stuff. I just don't have that experience, but I think this makes sense. But we'll have to ask that question to those who are more in the know.

So with that, Mr. Speaker, I would move adjournment now of Bill No. 56, *An Act to amend The Court of Appeal Act, 2000*. Thank you.

**The Speaker:** — The member has moved adjournment of Bill No. 56 . . .

[Interjections]

**The Speaker:** — Order. The member has moved adjournment of Bill No. 56, *The Court of Appeal Amendment Act, 2012*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

**Bill No. 57**

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 57 — *The Condominium Property Amendment Act, 2012*** be now read a second time.]

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

**Ms. Sproule:** — Thank you, Mr. Speaker. I'm pleased to rise this evening to discuss the changes to *The Condominium Property Act* and Bill 57, *The Condominium Property Amendment Act, 2012*.

This appears to be a very comprehensive review, and many, many changes are being made to *The Condominium Property Act*. I believe this results from a study done in 2011 by Crown counsel for the legislative services public law division. And an extensive review was done at that time, and several recommendations were made. And it appears that many of these recommendations have now been incorporated into this bill.

Again I think kudos go to the faithful public servants who spent countless hours poring through the recommendations, doing the consultations, and working very hard to ensure that the ministry is given the proper information it needs to consider these changes and actually do the actual drafting of the legislative changes. So again kudos to the public servants that are holding their end up on this deal. And as always I like to acknowledge the work that's done by the good people over at the Ministry of Justice.

The minister's introductory remarks for this bill when he introduced it in the legislature in second readings were fairly extensive and identify a number of areas that the bill is working to improve, and in particular he indicated it would be consumer protection, dispute resolution, condominium conversions, and insurance. And I won't go into detail on all the changes tonight, Mr. Speaker. We are going to take close looks at all of these issues. I just want to speak to a couple of the situations that present themselves with the changes to this bill and the introduction of this bill.

Certainly I think the additions for protections for purchasers of the new condominium units which are converted from apartments are important. We understand that occasionally when a conversion happens, the new purchasers find out that there's large and unexpected fees to replace or repair these condos right after they buy it, and that's obviously not a good situation for them. So there's certainly changes in the bill that will rectify that situation.

There's some areas in there regarding dispute resolution mechanisms. As you know, when you live in a condo, you're living there with other condominium owners. And quite often there will be disputes that arise when people have differing views on how things should be handled at the board level or the condominium corporation, and often there's disputes between

owners and the condominium corporation. So the ministry has heard concerns regarding that and have introduced a number of changes that intend to address those concerns and ensure that both sides are heard and that the issues can be resolved fairly.

There's also ability for owners, even mortgagees, to make application to court to have their disputes heard in a fair manner. That appears to be an order, Mr. Speaker, although these are very complex changes and will require fairly extensive review.

Again as my colleague pointed out previously, the purpose of this being televised tonight and as always televised is to ensure that people who are tuned into the legislative channel can think about these bills and also talk to their friends if there's people who are having trouble with conversions or people who are having trouble with disputes between themselves and the board or if the board's having trouble with the owners. They'll understand that there are changes here that are being made to reflect that. And they should have a look at them and at least get in touch with someone from government or the official opposition to raise those concerns and see whether the draft proposal is meeting the needs of these people.

[20:15]

I guess the one area that I have the most familiarity with in particular in my riding in Saskatoon is the process and the issue of condominium conversions. As you know, Mr. Speaker, the city of Saskatoon didn't have any moratorium on condominium conversions. And there are some interesting numbers that were done a couple years ago. For example in October 2010, Saskatoon actually had 8,200 condominium units and Regina only had 2,900. And that's a huge difference between the two cities. And apparently the reason for that is that Regina actually had a moratorium on condominium conversions. So in that situation, you can imagine what the rental vacancy rate would have been in Saskatoon compared to Regina for a number of years.

And that is definitely something that people are concerned about and are experiencing difficulties with. And I hear that's one of the common complaints I have in my riding is from renters who are experiencing huge rates in their rental fees. The rates are increasing, and there just isn't enough stock or housing on the market for these rates to be slowed by market availability. And it's causing considerable hardship, not only for students — I have a number of university students that live in my riding — and also seniors, seniors who have chosen to live or needed to live in rental units and don't have ownership of their own home or condominium. They're all experiencing severe hardship due to the shortage of good rental stock in my riding in Saskatoon. When you see the rate of conversion in Saskatoon of rental units to condominiums, you can understand why that shortage is there.

So what this bill is proposing to do, and we really want to take a close look at that, is the changes to the regulation-making authorities to prescribe the rental vacancy rate that must be achieved before a conversion can be approved. On the face of it, that appears to be an interesting proposal, Mr. Speaker, but as always the devil will be in the details. Until we have an opportunity to actually review the regulations that are being

proposed or how these regulations will choose to prescribe what the rental vacancy rate should be, municipalities are going to be held to that and so will developers who want to do the conversions. So that's something that I think is going to require close observation.

And again it's being done through regulation, so it won't be vetted really very well or at all in this House. Most of the time, once those decisions are made by the government, it's through the Lieutenant Governor in Council, and there's actually no opportunity for comment on those from the official opposition or from the public. And those are the kinds of things that could really cause problems for especially the municipalities who are approving the applications for the conversion.

I guess the minister has indicated in his comments that the aim for this regulation-making authority is "... to prevent condominium conversions from depleting rental accommodations in the province." And we certainly, certainly do support that notion and that goal.

He went on to explain "... that the prescribed rate will be linked to the results of rental vacancy surveys conducted by Canadian Mortgage and Housing Corporation on a quarterly basis ... ." So again that appears to be some thought. But he's indicated that city managers are welcoming the criteria "... and the flexibility that the new regulation-making authority will provide when concerns arise in the future." It's just that we don't have any information on what that new regulation-making authority will look like, and that's something that would be useful for us to have opportunity to review and comment on. And we just simply don't have any of that information at this point, so we'll be looking for that in detail, Mr. Speaker.

There's a number of other areas that have been addressed in this draft bill. The minister indicated that one of them is insurance. There's changes to the insurance provisions. There will also be requirements for liability insurance to be held by directors and officers and there's concerns from individuals about whether they'll let their name go forward on the board if they're going to be carrying some liability. And so the goal of the amendments in that case is just to alleviate those concerns because, as you know, if you put your name forward as a volunteer on a board for a condominium, it's a lot of work and a lot of headache and often not a lot of reward. So you want to encourage people to do their part.

We also understand that there is a number of issues where condominium units, the owner is not even living there. And so there's no incentive for the owners who are renting out their units to be involved in the decision-making and the responsibility of the common areas. So these things need to be looked at, and this bill attempts to do that. And we'll have a close look at it and talk to stakeholders to see whether indeed these provisions are meeting their target.

There are a number of changes to the parking provisions, and if I understand correctly, the goal there is to make it more easy for registration of plans and the titling associated with the parking units for these condominiums. So this is something else that is very complex, and we do want to take a closer look at it, as we have some time to do that, and talk to people that are affected by this.

There was a number of changes on the bylaws and enforcement of bylaws. There's changes in the tax assessment and enforcement proceedings, especially as they apply to parking units. And also there's changes in the bill related to completion of phases and how the phase developments go forward and changes to the board's bylaw making authority. There's quite a few changes that are being proposed. So we're going to want to have a very close look at all of these changes, Mr. Speaker.

I guess the one other thing that we don't see in this bill, despite its length and the complexity of the proposed amendments, is one of the concerns that you often hear condominium owners talking about is the fact that they're not eligible as a condominium owner for energy saving programs and grants because the heating, cooling, and ventilation systems are the property of the common, and so there isn't an ability for them to apply for energy saving grants. And unfortunately we don't see any proposals in this bill to assist condominium owners in the common element, common ownership of the condominiums to apply for those kinds of grants to ensure that the building is sustainable and is able to capitalize on energy savings. The incentive is simply not there.

I guess the other thing that I did want to raise before I cede the floor, Mr. Speaker, is that one of the things I found when I was working with Information Services Corporation 10 years ago was the importance of the land titles registry for the condominium ownership in Saskatchewan. And indeed I think Saskatchewan has been a leader in the condominium legislation, but also it's tied with our land registry and how that works. And the conversion of the land titles registry to an electronic registry in early 2000 was particularly difficult in the condominium area. And the new land titles Act, they had to work very hard to ensure that the conversion worked, and there was a lot of issues that were resolved at that time.

I guess my concern in this case is that if the government goes ahead ... And we haven't heard much lately about what the plans are in terms of the sale of ISC [Information Services Corporation of Saskatchewan] as a Crown corporation to private ownership. But certainly these kinds of efforts that we've seen the Crown corporation and before that the land titles registry through the Department of Justice was the attention to these kinds of issues and the motivation coming from a need to serve the public and ensure that condominium owners are well served rather than the bottom line or the profit that a private owner would be focused on.

So this is just another example. I think if you look through the changes, you'll see all the relations between condominium ownership and the land registry. And there is a number of changes required in the registry to ensure that these condominium changes suit the public and the people that are purchasing condominiums.

So again it's just another reason I think that we need to look very carefully at any privatization of a registry where condominiums and landownership is being affected, where mortgages are being affected, and all the other issues that affect landownership here in condominium land.

So beyond that, Mr. Speaker, I think my colleagues are going to want to have a lot to say about this bill as well. There is a

multitude of changes that will affect condominium ownership across the board, and we want to take a very close look at all these changes to ensure that it is indeed dealing with the needs of the public.

So at this point I would like to adjourn the debate on this bill and see if other of my colleagues want to address it. Thank you.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 57, *The Condominium Property Amendment Act, 2012*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 58

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 58 — *The Workers' Compensation Act, 2012*** be now read a second time.]

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

**Mr. Broten:** — Thank you, Mr. Speaker. It's a pleasure this evening to be able to enter in on the debate on Bill No. 58, *An Act respecting Compensation for Injured Workers and making consequential amendments to certain Acts*.

Mr. Speaker, Bill No. 58 is a fairly significant piece of legislation. It's significant in length and, Mr. Speaker, it's also significant in its relevance and its effect on the lives of Saskatchewan workers and the lives of Saskatchewan employers on their businesses. We know that the Workers' Compensation Board, or WCB, is hugely important to the province in terms of providing benefits to workers who are injured on the job as well as creating a culture and atmosphere, Mr. Speaker, where we do in fact want to have fewer injuries, fewer lost days with respect to injuries and not being able to be performing their duties. And we're reminded, Mr. Speaker, most especially, once a year on the day of mourning when we consider the workers who have lost their lives on the job over the past year.

And in recent days in the legislature, Mr. Speaker, we've been discussing proposed legislation concerning asbestos. And we think of the actions and the advocacy of Howard Willems in working towards having a safer environment for workers but also for patients and for students and for all Saskatchewan people.

So we know this is a very important topic. It's a topic that deserves our attention, and it's a topic that deserves close scrutiny when we are making changes to the Act.

The changes, Mr. Speaker, that are presented in this piece of legislation come out of the six member committee of review which conducted its business, Mr. Speaker, over the course of parts of 2011, and the final report is 2011. And the report was of course put forwards by the Ministry of Labour Relations and Workplace Safety. The final report, Mr. Speaker, that was a

joint effort of the employers and workers, with recommendations made, where consensus was achieved, is fairly substantial as well — a good number of pages for individuals that are wondering. It's 80-plus pages, so it does touch on a number of areas. And these are areas where employers and employees can come together and see where changes ought to occur in the Act in order to ensure that WCB is as effective and as efficient and as well positioned as it needs to be to provide the benefits to injured workers.

The changes, Mr. Speaker, that are included in this piece of legislation, coming out of the committee of review final report, some of them are of a minor nature, and some of them are more significant. And the minister in his remarks gave an overview in his second reading speech about some of the different or some of the major changes that are standing out.

But I will say that with a piece of legislation that is this long and that is this significant, we will have work to do in the months ahead as MLAs in listening to our constituents and listening to employees, listening to employers, and see whether or not the proposed changes are in fact, in their opinion, in the best interests of the province. And so I make that a general statement before I get into some of the specifics with respect to the legislation.

In looking at the minister's second reading speech which does highlight a number of the main aspects, Mr. Speaker, to do with this legislation, the one component where it talks about the maximum benefit level, I would like to just make a clarification. This might be something that we want to clear up in committee later on. The recommendation of no. 8, which was non-consensus, it said:

The maximum benefit level which is currently set at \$55,000 be raised immediately to \$59,000. Over the next 4 years, it be increased annually by a percentage of the annual average . . . in Saskatchewan until it reaches 165% of that average annual wage. Henceforth, the maximum be adjusted yearly to remain at 165% of the annual average wage in the province.

So for folks in Hansard that want to know where that quote is, it's on page 19 of the 2011 report, recommendation no. 8. I'm not an expert, Mr. Speaker, on WCB, but as I understand this, it's increasing the benefit, the maximum payable to a recipient from 55,000 raised to 59,000.

[20:30]

In the minister's second reading speech, he stated that "The minimum wage rate will be increased from 55,000 to 59,000 for workers injured after this bill comes into force." I think that should read maximum, but if I'm mixed up on this, which could be possible, Mr. Speaker, that might be something that we want to talk about in committee just so that everyone at home and individuals that are affected by this have an understanding of what is occurring with respect to the maximum wage, not the minimum.

We also see, Mr. Speaker, that there's a \$10,000 fine for employers who fail to . . . well employers where there are breaches in their obligations under the Act, as the minister

states, "... such as failing to notify the Board of an injury, collecting money from an employee for a medical expense, and refusing to let the Board inspect their records without a lawful excuse." So there's some, it would appear some teeth being added to the Act to ensure that the employer side of the equation is living up to its responsibilities as detailed under the Act.

We also see in the Act, as the minister said, an increase in the borrowing limit up to \$25 million which the minister states is an appropriate amount given the premiums that are being paid into WCB and the size of its operation. So, Mr. Speaker, we will be looking for a bit more information on that with respect to whether or not that is an appropriate change. Whenever we're dealing with a situation that involves increase and in taking on debt or the debt ceiling or debt limits, it's important to make sure that the actions are in fact in the best interest.

Also, Mr. Speaker, we see some changes in this legislation coming out of the report that addresses the issue of the return-to-work program which I think is important. As the minister said:

[The] ... Work programs assist in maintaining the employee's connection with the workplace. They also increase the employee's sense of self-worth during the recovery process. This change will pay dividends to the employee, the employer, and the workers' compensation system.

I would agree with that. Any sort of step we can take when someone has been injured to get them back into a rhythm of work and into a place in doses or in amounts that they can handle, I think that's a positive thing at face value. And I hope that is in fact the case, that it is a positive thing.

An important change also, Mr. Speaker, or an important issue that is being addressed is the fair practices office which has been in existence since 2003. And I know just speaking first-hand from my own constituency perspective, Mr. Speaker, I would like to compliment the individuals that work in the fair practices office, as they have helped a number of my constituents with cases and issues that they've had with WCB.

It's often, probably for members on both sides of the House, a bit of a baptism by fire the first time we're elected and a huge WCB file comes into our office. They're rarely straightforward, rarely cut and dried, often very complicated, and often very emotional as well because of the reality of workplace injuries and then the effects that this has on individuals and on their families. So if there are steps we can take for the fair practices office to ensure that due process has always taken place and that individuals have been treated and handled in a proper and fair manner, that is the type of public policy we should pursue as a provincial government, and I would support efforts to strengthen and to improve that approach.

And lastly, Mr. Speaker, as identified by the minister, there are changes with respect to language and gender, be more gender inclusive, and some changes that are required there. And I think, Mr. Speaker, that of course is a good step whenever we are working to modernize our legislation and ensure that it is in fact in keeping with a modern-day view on language and what

is appropriate, especially at the level of the provincial government. So as I say, Mr. Speaker, those are some of the highlights based on, well based on some of the comments from the minister and my own review of the final report from the committee of review.

But as I said in my remarks at the start, whenever you're dealing with WCB and the workplace and employees and employers, when it involves injuries, when it involves the premiums paid by employers, it's important that we get these changes right. And I know that the committee of review has done work, and I recognize that there was participation from employers and employees — and that's a positive thing. But any sorts of changes like this, Mr. Speaker, can have far-reaching consequences, and sometimes unintended consequences.

So I think it's important that in the coming days we have the opportunity to consult with individuals, to hear from constituents, as I said, to hear from employers and employees in order to ensure that the changes that are being brought forward in Bill No. 58 are in fact in the best interest of the province. So, Mr. Speaker, those are my remarks for Bill No. 58 and with that I would move to adjourn debate. Thank you.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 58, *The Workers' Compensation Act, 2012*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 61

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. McMorris that **Bill No. 61 — *The Railway Amendment Act, 2012*** be now read a second time.]

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

**Ms. Sproule:** — Thank you very much, Mr. Speaker. *The Railway Amendment Act, 2012* is a very brief bill which causes some members to toot like a train.

Anyway, there are two clauses that are being changed here. And if I understand the minister's comments correctly, he's ensuring that the abandonment process of the railways is done in a way that doesn't negatively affect either the purchasers or the buyers. What it's doing is it's allowing the Highway Traffic Board some authority to remedy a situation where someone's negotiating in bad faith. So I assume that this is coming out of real-life situations where there has been experience in bad-faith negotiations, and this is an attempt to insert some sort of government oversight into these transfers to ensure that the bad faith is dealt with.

He refers to the government purchase phase and, at that point, if there is no purchaser, the government and municipality can purchase the railway for the net salvage value. And the net salvage value application and determination is now being done under section 22.2 of *The Railway Amendment Act*, or *The*



*Railway Act*. And the goal here is to ensure that if there is a determination required for the net salvage value, that the 30-day clock is paused until that assessment can be made and then they can decide whether or not they want to buy it at that value.

So really, you know, it just appears that in this case on the sale of railways, the Minister of Highways has deemed it necessary to intervene where there's negotiations in bad faith. And apparently there's also powers to evaluate disputes and issue orders for the parties to enter into an agreement that the board believes is fair and reasonable. So it's a fairly strong measure on the part of the board. When you think about negotiations on any other kind of fair market purchase — a house, for example — you can't imagine a board intervening between a buyer and a seller of a house. But we are talking about railways here, and that's a very important part of the transportation system in our province and indeed in our country.

And I understand that some of these changes were reflecting what happens at the federal level in the abandonment process in the federal railways. I mean it's a sad thing to see the old railways all disappearing as they are, and that's, I guess, a change in the way our transportation system has evolved over the last 100 years, particularly in the transportation of grain. And we know that with the abandonment of the single desk for the Canadian Wheat Board and also drastic changes that are being made to the Canada Grain Commission and the extra costs and all the extra liabilities and burdens that are being borne by the producers, certainly this is just another example of how the whole transportation system and the marketing of grain has become more and more difficult over the years.

So just a few comments then on that bill, Mr. Speaker. We will watch with interest how this unfolds and I suspect that my colleagues will also have a couple of comments on this particular bill. But at this point I'm prepared to adjourn debate and we'll leave it at that.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 61, *The Railway Amendment Act, 2012*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 63

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Doherty that **Bill No. 63** — *The Regional Parks Act, 2012* be now read a second time.]

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

**Mr. McCall:** — Thank you very much, Mr. Speaker. It's a pleasure to rise and join in debate tonight. I should state off the top, this summer I had the pleasure of staying at the regional park in Nipawin, and through the rain and thunderstorm that took place all around me I, despite all that, had a wonderful stay at the Nipawin Regional Park . . . [inaudible interjection] . . . I didn't have a chance to stay at the Nesslin recreational park, but you know, it's so many parks, such little time, Mr. Speaker.

I guess the legislation under consideration, Bill No. 63, the first area of improvement identified by the speaker in the second reading introduction of the legislation, Mr. Speaker, the first area of improvement under the proposed legislation is to provide a much clearer description of the minister's power with regards to the regional parks program, wherein the existing legislation describes the powers of the department versus the minister and does not specifically describe the types of powers required to carry out the minister's responsibility. So the first area of improvement is a matter of clarification in terms of the respective roles and authorities of the ministry versus the minister. So we'll see how that plays out, Mr. Speaker.

The second area of improvement identified in the speech was to introduce the proposed, to establish the authority to delegate certain of the minister's powers to the Saskatchewan Regional Parks Association via a formal administration agreement approved by the Lieutenant Governor in Council. Again, Mr. Speaker, we'll be watching that to see how it plays out in actual fact and how, if the minister is seeking to do things in partnership with the Regional Parks Association or in fact to take a more subversive role in rolling things through the association that would be more forthrightly put through the ministry.

The third area identified in the second reading speech addresses the formal recognition of community and non-profit organizations in the establishment and operation of regional park authorities. Previously only municipalities have had this formal recognition. Again, Mr. Speaker, a lot depends on how this is actually implemented and carried out. Certainly the municipalities were the logical vehicles for this previously but, you know, who gets rolled into the community and non-profit organizations in establishing regional park authorities? We'll be watching to see how that plays out. Again, there may be, but there may not be the same kind of accountability that is there with municipalities back to the community affected.

The fourth key component identified is the overall improved clarity throughout the legislation. Again, largely housekeeping measures, removing out of date and redundant references dating back to the original drafting of the legislation of 1960.

Finally, Mr. Speaker, the proposed legislation clarifies the processes required for regional park boundary adjustments. And I guess this is where it gets particularly interesting, Mr. Speaker, in terms of the land swaps that might go on to refine or fix the boundaries of the regional park. The legislation allows the minister to set certain conditions such as the completion of public consultation process before such adjustments are made to boundaries and any said conditions needing to be met prior to creating an order to dissolve a regional park. Again, Mr. Speaker, in terms of what's going on throughout the province right now, particularly in regional parks, it will be mighty interesting to see how this holds out.

[20:45]

There is some consultation cited by the ministry in terms of what went into the drafting of this legislation, but in the interest of due diligence and broader consultation, we in the official opposition will certainly be undertaking our own consultations on this piece of legislation.

As such, Mr. Speaker, I know that there are others that would desire to participate in the discussions around Bill 63, *The Regional Parks Act, 2012*. And with that, I would move to adjourn debate.

**The Speaker:** — The member has moved adjournment of Bill No. 63, *The Regional Parks Act, 2012*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

#### Bill No. 45

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. McMorris that **Bill No. 45 — *The Miscellaneous Statutes (Saskatchewan Telecommunications) Amendment Act, 2012*** be now read a second time.]

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

**Mr. Broten:** — Thank you, Mr. Speaker. I appreciate the opportunity to make a few remarks on Bill No. 45, *An Act to amend The Saskatchewan Telecommunications Act and The Saskatchewan Telecommunications Holding Corporation Act*.

Mr. Speaker, this piece of legislation is not too long in length, but I would say, Mr. Speaker, that it does have fairly significant implications for SaskTel and for the province. So it's important, Mr. Speaker, that it does receive the attention and the discussion that it deserves.

Mr. Speaker, according to the minister in his second reading speech and in reading the brief legislation which is about, which is a page, the main items here, Mr. Speaker, though one would be to change the monetary limits for when an order in council is required with respect to spending money for the purchase of land with respect to cell towers, as one example. The limit right now is \$100,000, Mr. Speaker, so this would be increased.

I understand, Mr. Speaker, that land prices have increased and there may be a rationale for this change, as the minister suggests there is, according to the recommendations coming out of committee. However, Mr. Speaker, any time that we are reducing transparency and reducing the availability of the public, of the media, of the opposition, of community members to receive information about what is being spent, and when and where, I think it is an important issue.

And it's important to ensure that the step that is being taken to increase the limit, thereby meaning that an order in council would not be required, I think that it is a significant issue and something that we should take seriously. And there should be an awareness about that that change is occurring because purchase of land is important, and transparency with respect to finances is most certainly important, and decisions around order in councils are also very important. It's an important means and an important avenue that individuals are able to receive the transparency that they desire when it comes to government actions.

The second component, Mr. Speaker, as identified in the bill and through the minister's second reading speech where this bill is making a change, has to do with lengthening the term of borrowing that SaskTel can do. And as stated by the minister, the point of this is in order to access some new bond options with respect to 30-year bonds, some different options for borrowing with the idea that this would save dollars. Mr. Speaker, of course we want to borrow wisely. We want to borrow in a prudent manner. We don't want to do anything, Mr. Speaker, that's not in the best interests of SaskTel or in the best interest of the province. But whenever there is the issue of borrowing, it's very, very important that we have a thorough examination of what is actually being done and what are the implications.

Now, Mr. Speaker, the borrowing would be used for infrastructure needs within SaskTel — things that would need to be purchased, expanded upon, improved upon in order for SaskTel to fulfill its mandate. SaskTel as we know is important to many, many Saskatchewan people in terms of the services that it provides. But it's also important, Mr. Speaker, to the province and to the family of Crown corporations that we have in Saskatchewan, that we are fortunate to have in Saskatchewan a family of Crown corporations that have provided many great services to the province over the past decades.

So the question of taking on more debt, Mr. Speaker, it's important because it speaks to the financial strength of the organization, of SaskTel, and it speaks to whether or not SaskTel is on a sound footing. So it's a very important discussion. And we're talking about millions of dollars that are required, Mr. Speaker, for SaskTel to do its job, to fulfil its mandate to the people of Saskatchewan. And we know it costs money to operate and to make infrastructure investments. So in some situations, Mr. Speaker, it may be appropriate to borrow, but it's important at the same time to consider what resources are currently available to SaskTel through the profits that it receives through the services that it provides. And it ties in very, very closely to the issue of how large of a dividend the government is taking from SaskTel, and from other Crowns really, with respect to allowing the corporation to continue to do the work that it needs to do.

And what I sincerely hope is not the issue, Mr. Speaker, the circumstance here that we're seeing is the stripping of equity or the taking of dividends beyond what is appropriate, beyond what allows SaskTel to stay on a sound footing and do the long-term planning and investments that it needs to do, and shifting the availability and the provision of those resources to being provided through debt as opposed to using the profits that SaskTel has.

And I think that really is the question that we need to examine closely here, that is there a move being taken here in order to provide more funding for the province by taking it from SaskTel through a larger dividend at the expense of SaskTel's ability to fulfil its mandate of what it needs to do, and then turning to SaskTel and saying, actually you need to borrow more money over now what will be beyond a 30-year period, Mr. Speaker? That's an important question because it talks about the long-term viability and sustainability and effectiveness of SaskTel to deliver services to the people of Saskatchewan.

And I say I hope that is not the situation. But if we look at other actions that the government has done with respect to institutions that are public, that are tied to the province but are separate, the most glaring example where we have seen these types of actions actually takes place, Mr. Speaker, at the University of Saskatchewan with the province forcing the university to take on close to \$100 million of debt, thereby maxing out its debt capacity on campus, Mr. Speaker, in order for the government to get out of its election promise of paying for a project up front.

So it's a little bit of a different dynamic but it's a similar approach, Mr. Speaker, where we see a tendency and a pattern of behaviour from members opposite where they will take actions and ask other organizations to take on debt in order to have their own financial picture look better, either through debt that they don't have to take on or dollars that they don't have to send out through the door, in order to pay for a project.

I hope that is not what is happening, Mr. Speaker, but I truly believe that is what has happened in the case of the University of Saskatchewan. So given that track record, Mr. Speaker, I'm worried that this is a possibility as well with our Crown corporations.

So the minister's remarks are rather brief. The legislation itself is rather brief, but the issue is important. The issue is significant. The issue has to do with the long-term well-being of our Crown corporations, and it has to do with transparency and openness with how we are taking in dollars and spending dollars and borrowing dollars. And when we think about the well-being of the province, those are the questions that ought to be top of mind. Mr. Speaker, with that I will conclude my remarks and move adjournment on Bill No. 45. Thank you.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 45, *The Miscellaneous Statutes (Saskatchewan Telecommunications) Amendment Act, 2012*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

#### Bill No. 46

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Krawetz that **Bill No. 46 — *The Municipal Employees' Pension Amendment Act, 2012*** be now read a second time.]

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

**Ms. Chartier:** — Thank you, Mr. Speaker. I'm pleased to wade into the debate on Bill No. 46, *An Act to Amend The Municipal Employees' Pension Act*.

Mr. Speaker, this Act, there's a couple of things that stand out for, about this Act. The minister's remarks are relatively brief on this, but a couple of things that Act proposes doing is providing or allowing the chairperson and vice-chairperson to be appointed for one additional term of one year, Mr. Speaker.

Interesting, and I know that the minister commented that these changes came from a review that, a review of the Municipal Employees' Pension Commission, and to align it with certain provisions. So this is coming out of a review of the commission, and you'd like to think that it's well-thought-out, but interesting to extend the term for another year. It's just a bit curious why you wouldn't, I'm sure that's there's some rationale behind it, but it's curious why you wouldn't just extend the length of the term instead of saying that they can add it.

I know in the minister's comments, he said:

The proposed amendments, Mr. Speaker, are it will allow the commission to extend the terms of the chairperson and vice-chairperson at times when leadership continuity is vital and their original terms are nearing an end.

I would argue that isn't leadership continuity important at all times when you're doing this work, Mr. Speaker? So we're curious on the opposition, as the opposition to learn a little bit more about where that change is coming from. And that's part of our role here as the opposition: you always ask yourself, where is this coming from? Where has it arisen? What kind, why are these changes being proposed? So those are questions that we will be pursuing with stakeholders who are impacted by this, Mr. Speaker.

Another provision is that this, in subsection (2) of 7.01, they've added a subsection here that . . . Sorry, Mr. Speaker, the hour is late here and I'm not functioning on all cylinders here, I think, but — which is highly unusual for me, Mr. Speaker, I might add. I hear from the members opposite there is no, no sympathy, no mercy, but that's okay, Mr. Speaker.

So what has happened here with one of the, this additional clause is if you don't agree, if you . . . I'd like to read it here actually for the record:

#### **The following section is added after section 7:**

##### **“Majority and restriction on liability**

**7.01(1)** Subject to subsection (2), a decision or any other action taken at a meeting of the commission constitutes a decision or action of the commission if it is voted for or approved by a majority of the members of the commission present at the meeting.

(2) No member of the commission is liable with respect to a decision or an action taken at a meeting of the commission if:

(a) in the case of a member who was present at the meeting, the member:

(i) did not vote for or otherwise approve the decision or action taken at the meeting; and

(ii) requests that his or her dissent be entered into the minutes of the meeting; or

(b) the member was not present at the meeting at which the decision was approved or action taken”.

And that's interesting, Mr. Speaker, and I don't know if there are clauses in other legislation and that's something we'll be examining. So the hypothetical . . . Well there are ten people on this commission, Mr. Speaker, so if there's an 8 to 2 vote and there are two people who didn't agree with the decision and didn't support it, then those two people can register their dissent and not be liable. So is there a precedent in other legislation for this or will this in fact be precedent setting? So this is something that we'll be looking into as well, Mr. Speaker.

With that, as I've said, our job is to take a look at legislation and then talk to those who will be impacted about it, from it, look at other legislation as how it relates to this. So in the coming days, Mr. Speaker, as we've only seen this legislation in the last couple of weeks, but in the coming days we will continue to examine that. And with that I would like to move to adjourn debate.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 46, *The Municipal Employees' Pension Amendment Act, 2012*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

#### Bill No. 47

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Cheveldayoff that **Bill No. 47** — *The Saskatchewan Watershed Authority Amendment Act, 2012* be now read a second time.]

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

**Mr. McCall:** — Thank you very much, Mr. Speaker. It's a pleasure to rise and join in the debate on Bill No. 47, *An Act to amend The Saskatchewan Watershed Authority Act, 2005 and to make consequential amendments to other Acts*.

Essentially what this bill does, Mr. Speaker, is provide for a name change, changing the Watershed Authority's name to the water security authority. I guess the water . . . Pardon me, the Water Security Agency. So that's about the sum total of the changes involved in the bill. I've heard of turning water into wine but I've never heard of turning the Watershed Authority into the Water Security Agency. So it's a new one on me, Mr. Speaker.

I guess the only thing else that it's, other things that it's remarkable for is the penchant for the minister in terms of quoting noted conservative thinkers, Tom Axworthy and Jean Chrétien, in his second reading speech. We thought that was interesting as well. And also the almost sort of mystical quality that the minister recounts the appearance of the opposition critic at the announcement for the water security 25-year plan. So it's, beyond that, Mr. Speaker, not a lot to commend this piece of legislation. It's largely a change of a name and, you know, we'll take it out for consulting but I can imagine what the reviews will be like.

So with that, Mr. Speaker, I'd adjourn debate on Bill No. 47.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 47, *The Saskatchewan Watershed Authority Amendment Act, 2012*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

[21:00]

#### Bill No. 48

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Cheveldayoff that **Bill No. 48** — *The Management and Reduction of Greenhouse Gases Amendment Act, 2012* be now read a second time.]

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

**Mr. Forbes:** — Thank you very much, Mr. Speaker. I rise today to speak to the second reading on Bill No. 48, *An Act to amend The Management and Reduction of Greenhouse Gases Act*, which is clearly a very important Act in Saskatchewan right around the world when we talk about climate change and what should be done about it.

And of course we have a lot of concerns about this. And of course we are looking forward to knowing more about this. We've got lots of questions about it. Very interesting to read the minister's comments about this. It's always interesting to read this Minister of Environment's comments about hot air and what can be, how he responds to challenges.

And so with that, Mr. Speaker, you know, he goes on and talks about coordinating this with the federal government and how that's important, and what that needs to be done there. But we need to see much more than just hot air. We need to see much more than words about this. We are concerned that this province is getting a bad reputation of not doing enough around greenhouse gas emissions, and clearly when they keep reintroducing legislation about this, that more needs to be done. More action needs to be done — not more words, not more words.

And I find it very interesting, you know. He talks about, and I quote, "Extensive consultation has been undertaken. And, Mr. Deputy Speaker, when I mean extensive . . ." He talks about extensive — some 1,200 submissions across the province from interest groups. So we are very interested to know more about this. Who was doing the consultation? What was this all about? What was the format?

And it'd be interesting to know more about this process here because clearly he's making a lot of the 1,200, but we've not heard that or seen that. And this is one of the first times this has been brought up. So we have some real concerns here about what this is all about when he's talking about this and this government. I think that when this government leaves office, there's going to be a book about consultations — 101 different ways of doing this. They've done it 101 different ways, you know. And I think that clearly I don't know whether it's a master's or undergraduate, at least a certificate, something,

should be awarded to these folks — trying different things, but not talking to ordinary people. They refuse to talk to ordinary people.

So we have made a lot of comments about their consultation process, and it's all over the map, all over the map. And so this minister makes a lot about this, but clearly what we need to see is more action and less rhetoric and getting down to the job at hand because clearly we know climate change is the issue of this time period and we need to do more.

And so with that, Mr. Speaker, I know many of us will want to get up and speak at length on this, but I know the hour is getting late and so with that, Mr. Speaker, I move second reading, I move adjournment, adjournment . . . Get ahead of myself. Had you guys with me on that. Let me rephrase that. Less rhetoric, more action, adjournment of Bill No. 48, *An Act to amend The Management and Reduction of Greenhouse Gases Act*.

**The Speaker:** — The member has moved adjournment of Bill No. 48, *The Management and Reduction of Greenhouse Gases Amendment Act, 2012*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

#### Bill No. 49

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Cheveldayoff that **Bill No. 49** — *The Forestry Professions Amendment Act, 2012* be now read a second time.]

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

**Ms. Sproule:** — Thank you very much, Mr. Speaker. I'm pleased to rise in the debate on *The Forestry Professions Amendment Act, 2012*.

I've had an opportunity to review the minister's comments as they relate to the amendments here and he's describing them as concrete demonstrations, which is an interesting way to describe the government's confidence in the forestry professionals. Anyways I have a few comments I'd like to raise about the changes and as they relate to other professions in the province as well.

The main thrust of the Act, it appears, is to remove people who are teaching forestry and conducting research activities from forestry, from being eligible to be professional foresters. And it's not entirely clear to me why that will improve the management of Saskatchewan's provincial forests. I have trouble seeing the connection on this.

And he also indicates that this right-to-title protection will deal with the concerns of public safety, and again it's not entirely clear to me why, if someone has met all the other requirements, if they are teaching it, they somehow would be a threat to public safety, Mr. Speaker. So it's a bit curious and indeed

when I look at my own profession of law, certainly professors that are teaching law are considered to be lawyers and even me, as a legislator, although I'm not practising, I'm still considered to be a lawyer and a member of that profession. So if I was a professional forester and decided to go teach, somehow I am going to lose that designation when I have the same qualifications as an existing forester.

So unfortunately the minister's comments don't clearly indicate why this is going to protect public safety or the environment, and we hope to be able to discern that at some point, to understand why removing the teaching and research parts of the definition somehow will improve public safety. And quite often I can't see why a teacher of forestry couldn't also be able to offer professional forestry services. In fact I would hope teachers would have some practical experience in the field of forestry. So it's not entirely clear why this change is necessary and how it will help public safety.

The other part of the bill, there is a couple other changes. It's actually expanding the use of the professional seal to other categories of membership, but then it's making it an obligation rather than a right. And I guess the other thing that we find in the minister's comments is the idea of elevating the forestry profession to the same level as other provinces in Canada do.

We have other professions being dealt with in bills so far in this session. But one of my concerns, and I mentioned earlier, Mr. Speaker, is I understand the registered music teachers of Saskatchewan are actually being demoted by this government and they're being told that they're no longer eligible to be a profession despite the fact that the designation of RMT [registered music teacher] is something that is taken very seriously. If you have the designation as a registered music teacher and are allowed by law to put those letters after your name, that means something, and means something to parents who are choosing where to have their children instructed in music. And it also means something to the profession itself because they can then choose the requirements for membership and have some say in who has that designation.

So it seems a shame that the registered music teachers are being actually . . . Their legislation, which is quite old, has been wiped out completely. But here we have the professional foresters — and that's the link to this legislation, Mr. Speaker — is that the professional foresters are actually being elevated to the level of other provinces in Canada. So I'm not sure why this government would choose to treat some professions this way and then treat other professions in the way that the Registered Music Teachers' Association have been forewarned that legislation is forthcoming. Now we haven't seen that legislation yet, although I've seen letters to the association that it's coming. So maybe this government has changed their mind and they're going to continue to ensure that other professional associations are being treated in the same way that the forestry people are being treated.

So the minister talked a little bit about, in his comments, about the downturn in the forest industry. Certainly the price of softwoods is not recovering quickly and we know that that's a real problem for the forestry industry. We still don't see mills opening here in Saskatchewan despite promises of the same. We're still waiting to see it happen, and we keep hearing that

it's imminent, but they're not open yet.

And so the whole issue around forestry, there's a number of them. We see reforestation companies taking a hit when the changes were made to the way contracts were being awarded. We see people who are actually growing trees here in the province, and the seedlings, being excluded from opportunities to contract with local contracts for providing trees, and that's been very difficult on the local growers.

And so when he talks about the hit to the world market of forestry, it's also some of this government's policies are having a direct negative impact on local producers of trees and of reforestation companies. So it's unfortunate that this isn't being addressed at all by this government. And he speaks about the New West Partnership provinces, and indeed a part of that is having a negative impact on local reforestation companies.

At any rate the other changes that are being proposed to this bill are fairly minor, and they just are further defining who the members of the association are and what it would take to engage in the professional practice of forestry.

So we'll have more to say. I'm sure my colleagues will have more to say on this bill, but at this point I think that's the extent of my comments on this bill. And read the minister's comments with great interest on this in his second reading comments because he goes way beyond what the bill is actually referring to. But they're worth a read, Mr. Speaker, so if you have time over your next coffee break, you might want to take a look at those. At any rate, at this point I'm prepared to adjourn debate on Bill 49, *The Forestry Professions Amendment Act, 2012*.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 49, *The Forestry Professions Amendment Act, 2012*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

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

**Mr. Harrison:** — Thank you, Mr. Speaker. I move that this House do now adjourn.

**The Speaker:** — The Government House Leader has moved that this House do now adjourn. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried. This House stands adjourned to 1:30 p.m., Wednesday afternoon.

[The Assembly adjourned at 21:13.]

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