



SECOND SESSION - TWENTY-SEVENTH LEGISLATURE

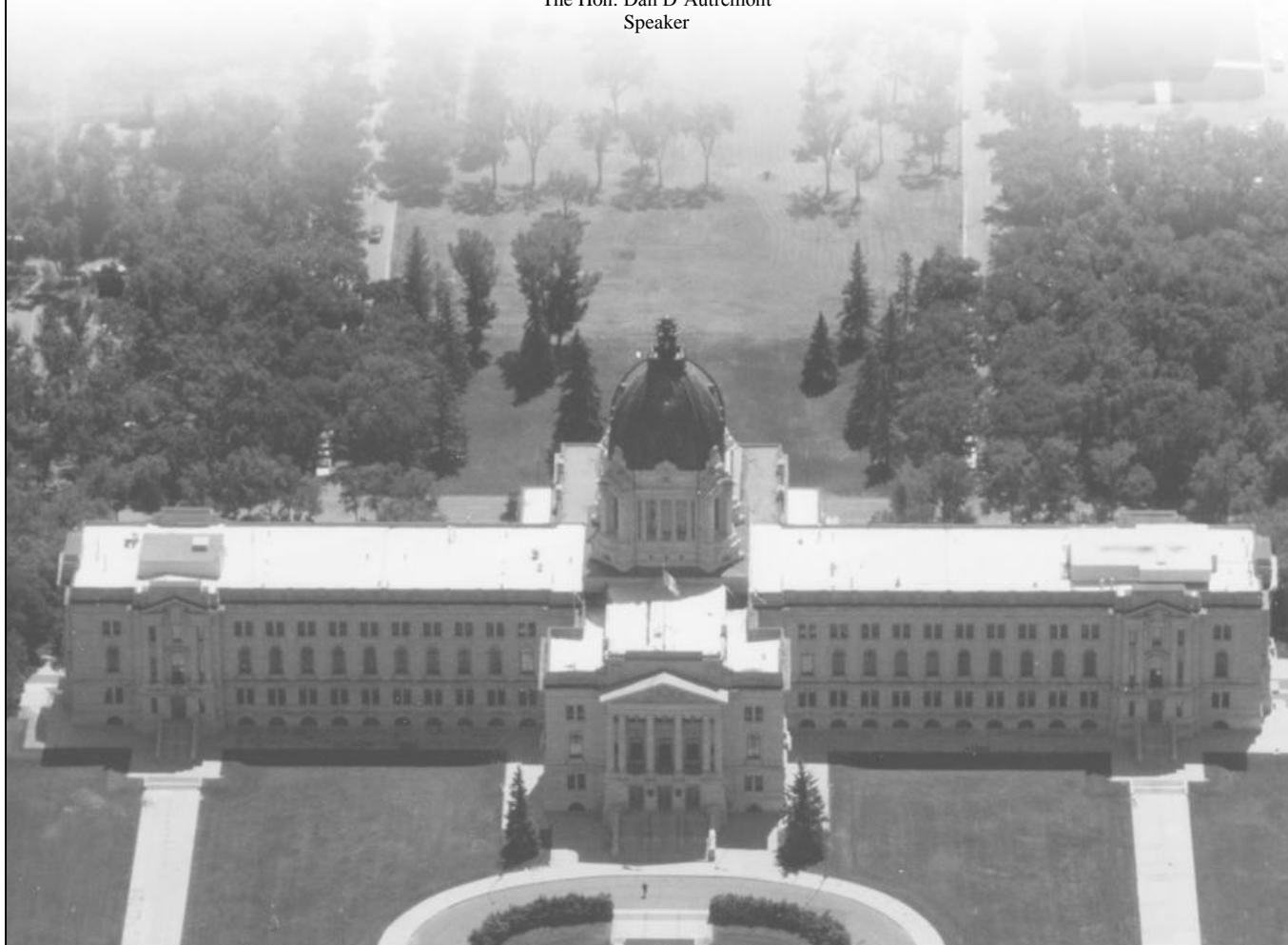
of the

Legislative Assembly of Saskatchewan

**DEBATES
and
PROCEEDINGS**

(HANSARD)

Published under the
authority of
The Hon. Dan D'Autremont
Speaker



MEMBERS OF THE LEGISLATIVE ASSEMBLY OF SASKATCHEWAN

Speaker — Hon. Dan D’Autremont
 Premier — Hon. Brad Wall
 Leader of the Opposition — John Nilson

Name of Member	Political Affiliation	Constituency
Belanger, Buckley	NDP	Athabasca
Bjornerud, Bob	SP	Melville-Saltcoats
Boyd, Hon. Bill	SP	Kindersley
Bradshaw, Fred	SP	Carrot River Valley
Brkich, Greg	SP	Arm River-Watrous
Broten, Cam	NDP	Saskatoon Massey Place
Campeau, Jennifer	SP	Saskatoon Fairview
Chartier, Danielle	NDP	Saskatoon Riversdale
Cheveldayoff, Hon. Ken	SP	Saskatoon Silver Springs
Cox, Herb	SP	The Battlefords
D’Autremont, Hon. Dan	SP	Cannington
Docherty, Mark	SP	Regina Coronation Park
Doherty, Hon. Kevin	SP	Regina Northeast
Doke, Larry	SP	Cut Knife-Turtleford
Draude, Hon. June	SP	Kelvington-Wadena
Duncan, Hon. Dustin	SP	Weyburn-Big Muddy
Eagles, Doreen	SP	Estevan
Elhard, Hon. Wayne	SP	Cypress Hills
Forbes, David	NDP	Saskatoon Centre
Harpauer, Hon. Donna	SP	Humboldt
Harrison, Hon. Jeremy	SP	Meadow Lake
Hart, Glen	SP	Last Mountain-Touchwood
Heppner, Hon. Nancy	SP	Martensville
Hickie, Darryl	SP	Prince Albert Carlton
Hutchinson, Bill	SP	Regina South
Huyghebaert, D.F. (Yogi)	SP	Wood River
Jurgens, Victoria	SP	Prince Albert Northcote
Kirsch, Delbert	SP	Batoche
Krawetz, Hon. Ken	SP	Canora-Pelly
Lawrence, Greg	SP	Moose Jaw Wakamow
Makowsky, Gene	SP	Regina Dewdney
Marchuk, Hon. Russ	SP	Regina Douglas Park
McCall, Warren	NDP	Regina Elphinstone-Centre
McMillan, Hon. Tim	SP	Lloydminster
McMorris, Hon. Don	SP	Indian Head-Milestone
Merriman, Paul	SP	Saskatoon Sutherland
Michelson, Warren	SP	Moose Jaw North
Moe, Scott	SP	Rosthern-Shellbrook
Morgan, Hon. Don	SP	Saskatoon Southeast
Nilson, John	NDP	Regina Lakeview
Norris, Rob	SP	Saskatoon Greystone
Ottenbreit, Greg	SP	Yorkton
Parent, Roger	SP	Saskatoon Meewasin
Phillips, Kevin	SP	Melfort
Reiter, Hon. Jim	SP	Rosetown-Elrose
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 met at 13:30.]

[Prayers]

ROUTINE PROCEEDINGS

INTRODUCTION OF GUESTS

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

Mr. Broten: — Thank you, Mr. Speaker. It's a pleasure this afternoon to introduce some friends and some guests who are seated in your gallery. In the gallery, Mr. Speaker, Maria and Daniel Vaiaso. And they're joined today with their family Natalie Vanidour and Cameron Vanidour, ages 10 and 8, who go to Westmount Community School in Saskatoon. And, Mr. Speaker, along with them is a newborn son, Tali Vaiaso, born about one month ago, so it's his first trip to the legislature. And they're a wonderful family, Mr. Speaker, living in Saskatoon and good friends. And I'm very happy that they're able to be here today. I would ask all members to join me in welcoming this family to the Legislative Assembly. Thank you.

PRESENTING PETITIONS

The Speaker: — I recognize the member for Athabasca.

Mr. Belanger: — Thank you very much, Mr. Speaker. I'm proud to stand today to present a petition on cellphone coverage for northwestern Saskatchewan. And the prayer reads as follows, Mr. Speaker:

Undertake, as soon as possible, to ensure SaskTel delivers cell service to the Canoe Lake First Nations, along with the adjoining communities of Cole Bay and Jans Bay; Buffalo River First Nations, also known as Dillon, and the neighbouring communities of Michel Village and St. George's Hill; English River First Nations, also known as Patuanak, and the hamlet of Patuanak; and Birch Narrows First Nations along with the community of Turnor Lake, including all the neighbouring communities of these areas.

Mr. Speaker, I'm very proud to say that this petition is supported all throughout the province, as many people from many cities and towns and villages have signed this petition. And the petition I'm sending today, Mr. Speaker, are people that have signed this petition are from Canoe Narrows and area. And I so present.

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

Mr. Forbes: — Thank you very much, Mr. Speaker. I rise today to introduce this petition calling for the reconsideration of passing Bill 85, *The Saskatchewan Employment Act*. And we know there is no labour crisis to fix and no necessity to rush this omnibus bill through that will likely govern workplace relations for decades to come. And you know, if we do pass this, that stable labour relations in all sectors run the risk of being thrown into turmoil as a result of its sweeping changes. Thousands of represented workers stand to lose their rights to bargain collectively and be represented by the union of their choice. I'd like to read the prayer:

We, in the prayer that reads as follows, respectfully request that the Legislative Assembly of Saskatchewan take the following action: cause the Government of Saskatchewan to not pass Bill 85, *The Saskatchewan Employment Act* in this current session before the end of May and to place it on a much longer legislative track to ensure greater understanding and support for the new labour law.

Mr. Speaker, I do so present. Thank you.

The Speaker: — I recognize the member for Last Mountain-Touchwood.

Mr. Hart: — Thank you, Mr. Speaker. Mr. Speaker, I wish to present a petition for a private bill on behalf of the petitioners from the Orange Benevolent Society of Saskatchewan. The prayer, Mr. Speaker, requests that the Act which incorporated the Orange Benevolent Society be repealed. And the prayer reads as follows:

Wherefore your petitioners humbly pray that your honourable Assembly may be pleased to repeal *An Act to incorporate The Orange Benevolent Society of Saskatchewan*, being chapter 79 of the statutes of Saskatchewan, 1927, accordingly.

And in duty bound, your petitioners will ever pray.

I so present, Mr. Speaker.

The Speaker: — I recognize the member for Batoche.

Mr. Kirsch: — Thank you, Mr. Speaker. Mr. Speaker, I wish to present a petition for a private bill on behalf of the petitioners from the Lutheran Sunset Home of Saskatoon. The prayer of the petition requests to amend *An Act to incorporate Lutheran Sunset Home of Saskatoon*. And the prayer reads as follows:

Wherefore your petitioners humbly pray that your honourable Assembly may be pleased to amend *An Act to incorporate Lutheran Sunset Home of Saskatoon*, being chapter 98 of the statutes of Saskatchewan, 1967, accordingly.

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

I so present.

STATEMENTS BY MEMBERS

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

2012 Prince Albert Citizen of the Year

Ms. Jurgens: — Thank you, Mr. Speaker. I am happy to rise in the Assembly today to recognize Mr. Harris May of Prince Albert who was named the 2012 Prince Albert Citizen of the Year.

Mr. Speaker, Harris May is a volunteer who has contributed to

numerous organizations and charities in Prince Albert for approximately 40 years, including the Prince Albert art gallery, the Prince Albert Downtown Improvement Association, Habitat for Humanity, and the Calvary United Church. He has also worked hard at Prince Albert Historical Society in recent years, including playing a key part in organizing last year's successful Centennial of Flight Air Show.

Mr. May was named Prince Albert Citizen of the Year in December during a personal presentation at his work site, which caught him completely off guard. Earlier this year, Mr. May's tireless contributions to his community were officially recognized at a banquet in Prince Albert on February the 8th, which my colleague from Prince Albert Carlton and I were happy to attend.

The Prince Albert Citizen of the Year Award is a joint effort between the *Prince Albert Daily Herald* and the Prince Albert Kinsmen Club.

Mr. Speaker, I ask that all members of this Assembly join me in congratulating Mr. May on being named Prince Albert Citizen of the Year. Thank you, Mr. Speaker.

The Speaker: — I recognize the member for Regina Lakeview.

Saskatchewan Cookbook Wins Gourmand Award

Mr. Nilson: — Mr. Speaker, we would like to congratulate the Saskatchewan women who wrote *Breast Friends*, a bestselling cookbook. Their cookbook, *Breast Wishes for the Men in our lives*, targeted at raising awareness about prostate cancer, recently won a Gourmand Award for best charity cookbook in Paris, France. The women even beat out First Lady Michelle Obama's cookbook. That's quite a sign of their success.

To date, their six cookbooks have raised \$1.4 million for cancer awareness and services. Their books, including *Breast Wishes* and *Breast Friends Inspire Health* and others, have been purchased around the world. They have contributed to services and regional hospitals ensuring that individuals don't have to travel as far to access treatment. They have supported shuttle services and awareness-raising programs. The strength of our Saskatchewan communities is demonstrated in their ability to come together and create something that is of benefit to all of us.

I want to personally thank Linda Helgason, Jacquie Klebeck, Nat Dunlop, Anne Reynolds, Cecile Halyk, Patti Hack, Darlene Cooper, Charlene Rokochoy, Val Helgason and Jeannie Johnson for their dedication to building a better Saskatchewan through this ongoing project. I ask all members of this Assembly to please join me in congratulating *Breast Friends* on their recent Gourmand Award.

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

Rendez-vous de la Francophonie

Ms. Campeau: — Thank you, Mr. Speaker. I am happy to rise in this Assembly today to recognize that March 8th to the 24th has been proclaimed Rendez-vous de la Francophonie in

Saskatchewan. During these two weeks, francophones and French speakers in this province will join together with millions of others from across the country to celebrate Canada's francophone culture and heritage. I myself have a little bit of French heritage.

Mr. Speaker, these festivities are held in March every year throughout Canada to promote French language and francophone culture and to coincide with the International Day of La Francophonie on March 20th.

Mr. Speaker, Saskatchewan has nearly 50,000 French speakers and a vibrant and diverse francophone culture that is an important part of our history. For over 100 years francophone culture has been an important part of this province and is woven into the very fabric of Saskatchewan's identity. Everyone in this province, no matter their heritage, is welcome and encouraged to celebrate this important occasion and to learn more about francophone culture in this province.

Mr. Speaker, I ask that this Assembly recognize the great contributions that francophone culture has given to this great province, and wish success upon all festivities and events planned in Saskatchewan and across the country. Thank you, Mr. Speaker.

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

Saskatoon's Western Development Museum Wins Reader's Choice Award

Ms. Chartier: — Thank you, Mr. Speaker. I am pleased to rise today to congratulate the Saskatoon Western Development Museum on being awarded *RVwest* magazine's highest honour, the platinum Reader's Choice Award, in three categories: favourite Saskatchewan attraction, favourite overall Saskatchewan RV [recreational vehicle] destination, and favourite Saskatchewan historical site. The Reader's Choice winners have been chosen by the readers, representing RVers' favourite places, attractions, and other RV-related topics.

Jason Wall, the manager of the Saskatoon branch of the Western Development Museum, describes his reaction to receiving the award as "a wonderful feeling." He says these awards "speak volumes about the staff and volunteers who work very hard to ensure our visitors have a remarkable experience."

Mr. Speaker, as we all know here in this Assembly, last year the Western Development Museum was forced to cut one day a week from its schedule. This has meant that the WDM [Western Development Museum] was forced to close Mondays in Moose Jaw, North Battleford, Saskatoon, and Yorkton as a direct result of the zero per cent increase in its annual budget allocation from the Sask Party government. We hope the government sees fit in the budget next week to support our arts and culture sector that contributes so much to our province.

Mr. Speaker, I ask that my colleagues join me in celebrating the work of the Western Development Museum. We're proud to share the history of Saskatchewan with visitors to our province, school groups, and families. Thank you.

The Speaker: — I recognize the member for Cut Knife-Turtleford.

Battlefords Farm Family of the Year

Mr. Doke: — Thank you, Mr. Speaker. I'm happy to rise in the Assembly today to recognize constituents of mine, the Nachtegaele family, who have been named the Farm Family of the Year by the Battlefords Agricultural Society. Mr. Speaker, the Nachtegaeles received the award at the annual Evening Out for Farmers and Friends on March 2nd at the Agrivilla in North Battleford.

Mr. Speaker, the Nachtegaele farm has been in the family for over 100 years. Gustafson and Eugenie Nachtegaele came to Canada in 1911 from Belgium, eventually settling on the land their descendants are farming today. Mr. Speaker, the land has been passed down from generation to generation and is now farmed by brothers Keith and Dwayne Nachtegaele, who took the farm over from their father Alan. Keith and Dwayne also own a seed business, Nachtegaele Agri Services, through which they support numerous local events and organizations. Keith and Dwayne credit their wives, for without them, running the farm would be impossible.

Mr. Speaker, I ask that all members join with me in recognizing the Nachtegaeles on receiving the 2013 Farm Family of the Year award. Thank you, Mr. Speaker.

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

Canadian Challenge Sled Dog Champion

Ms. Wilson: — Thank you, Mr. Speaker. I'm pleased to rise in this Assembly today to acknowledge the recent accomplishment of one of my constituents. Last month, Mr. Speaker, Stefaan De Marie became this year's Canadian sled dog champion. While this is the second time Mr. De Marie has won the Canadian Challenge; it's the first time he's won it on his own. In 2008 he had to split it with another competitor.

Mr. De Marie has been an active competitor in the 12-dog race for a number of years, but Stefaan is not the only one passionate about dog sledding in the De Marie family, Mr. Speaker. His brother Bart also mushes competitively and works as Stefaan's handler to ensure their dogs are in top physical condition. The brothers train their dogs year-round in the beautiful boreal forest near their hometown, Christopher Lake.

Next up for Mr. De Marie and his pack of dogs is the Hudson Bay Quest this Friday, which takes place on the windblown flats of northern Ontario.

Mr. Speaker, I would ask all members of this Assembly to join me in congratulating Stefaan on his recent championship and wish him luck with the rest of his season. Mush!

[13:45]

The Speaker: — I recognize the member for Saskatoon Sutherland.

Perspectives on Pipeline

Mr. Merriman: — Mr. Speaker, yesterday NDP [New Democratic Party] leader, Thomas Mulcair, said President Obama should reject the Keystone XL pipeline. This is an alarming betrayal of Canada's national interest by a man who wants to be prime minister. And now Saskatchewan's NDP leader won't say where he stands on this important issue. Here's a quote from today's *Leader-Post*: "We've passed our comments on to Mr. Mulcair," said the NDP leader to reporters, but he wouldn't tell us what those comments were. Well isn't that special? The NDP leader will tell Thomas Mulcair what he thinks but he won't tell the Saskatchewan people what he thinks. Mr. Speaker, what kind of leadership is this?

Then he said he had to wait for approval from the National Energy Board. Well here's a news flash for the Leader of the Opposition. The National Energy Board approved Keystone pipeline three years ago. Here's their news release from March 11, 2010. The headline reads, "National Energy Board Approves Keystone XL Pipeline Project."

Mr. Speaker, yesterday while he was ducking the question, the NDP leader said the project needs to pass the triple bottom line. Here's the real triple bottom line: the NDP leader won't stand up for our energy sector; he won't stand up for Canada; and he has failed to stand up for Saskatchewan. Will the Leader of the Opposition do the right thing and tell Mr. Mulcair he is wrong on Keystone? Well, Mr. Speaker, we're about to find out.

[13:45]

QUESTION PERIOD

The Speaker: — I recognize the member for Athabasca.

Highway Access and Land Acquisition

Mr. Belanger: — Thank you very much, Mr. Speaker. Smart growth for our province should be encouraged, and this includes consulting landowners when new roads and interchanges are being built. This isn't the case at one of the interchanges outside of the city at Pinkie Road and Highway No. 1. Instead the Saskatchewan Party government is now being sued by landowners because they failed to consult after they took that land away from those owners.

The landowners co-operated. They wanted to help, and they wanted to invest into this new economic development opportunity. Instead the Saskatchewan Party government has bullied these landowners with abusive powers and have repeatedly gone back on their word. To the minister: why has the Saskatchewan Party government allowed this to deteriorate to the point of lawsuits because they broke their promise to these people?

The Speaker: — I recognize the Minister of Highways and Infrastructure.

Hon. Mr. McMorris: — Mr. Speaker, as is the tradition, I will not comment on anything that is before the courts, Mr. Speaker, as far as lawsuits. But what I will talk about is certainly the growth that we are experiencing throughout the province and no

doubt in southern Saskatchewan. I'll also talk about the great work that has been done by the Global Transportation Hub and attracting businesses to that front. With that Global Transportation Hub, there is a need for infrastructure.

Our government has moved on the west Regina bypass, a bypass at Pinkie Road and No. 1. Mr. Speaker, that construction is going on right now. There are safety concerns around that intersection, Mr. Speaker. If you look at any of the other jurisdictions that have had major system interchanges — and that's what this one will be, is a system interchange — they limit access on and off of No. 1 Highway, Mr. Speaker. That's what this will do as we move forward.

But, Mr. Speaker, I can tell you that under this government, we attract growth. We welcome growth. And that will never change until the NDP get back in power, and that will never happen.

The Speaker: — I recognize the member for Athabasca.

Mr. Belanger: — Mr. Speaker, we knew that the minister would say that matter's before the courts, but he's very happy to play politics when the issue is before the House. Sue Ailsby is here today, and she's participating in that lawsuit. And she told the media, "The rest of the land that they didn't take, they're essentially saying we're not going to have any access to, so they're making it useless as well."

When co-operative landowners see their property taken away by this government, there should at least be an open dialogue with them. It is apparent that the Saskatchewan Party does not listen to these co-operative people. Again to the minister: why has the Sask Party government told landowners that they have no access to their own property, because of the road construction, that they rightfully own and should be able to access?

The Speaker: — I recognize the Minister for Highways and Infrastructure.

Hon. Mr. McMorris: — Mr. Speaker, as I said, if it's an issue around access, we're certainly welcome to talk to these landowners, Mr. Speaker. But if it's access to No. 1 Highway, if it's access to No. 1 Highway, Mr. Speaker, with a major interchange such as the west Regina bypass, the general design rules, Mr. Speaker, that have been developed for quite a long time, is no access within 2 miles of that or 3.2 kilometres of that interchange, Mr. Speaker. There's been some access . . . A fly in here anyway.

Mr. Speaker, there is limited access certainly on No. 1 Highway, but that doesn't mean that property owners in that area will not be granted access off of service roads eventually or other municipal roadways, Mr. Speaker. But if they're looking for direct access on to a No. 1 Highway with a system interchange so close to their property, Mr. Speaker, I'm afraid the answer will be no.

The Speaker: — I recognize the member for Athabasca.

Mr. Belanger: — Mr. Speaker, this isn't the first time that this government has taken away land from people and has created a

major problem for all the parties involved. They've had trouble with the set-up of the Global Transportation Hub located in that same area.

There is an emerging trend here, Mr. Speaker, and that trend is that the Saskatchewan Party government cannot manage this exciting growth. The people who want to help with that growth and opportunity are now being overpowered. They're being bullied and are forced to go to the courts. To me, Mr. Speaker, and to all of us, that is not smart growth. Smart growth for our province means it's not just about development for government; it's about opportunity for all people, Mr. Speaker.

When will this minister get it right and listen to the landowners when he takes away their land? Will he at least keep the dialogue open? When will he do that, Mr. Speaker?

The Speaker: — I recognize the Minister of Highways and Infrastructure.

Hon. Mr. McMorris: — Mr. Speaker, what I would say, absolutely for this government the very, very last resort in any of these negotiations is expropriation. We do not want to get down to that level, Mr. Speaker. What we'd rather do is go through proper negotiations and land on a price, Mr. Speaker, a fair market price and even a buffer, an inflator, Mr. Speaker. That has been the tradition of our government. There is mediation offered up. There is a long process to go through before we get to expropriation, and that is the last resort.

But the member opposite was the Minister of Highways. Is he standing in his spot and going to claim that under his watch and under his signature they never expropriated any land, Mr. Speaker? Is that what he's saying, Mr. Speaker? Because quite frankly, he just finished saying NDP are all about smart growth. When they were in power, the NDP were about no growth.

The Speaker: — I recognize the member for Athabasca.

Mr. Belanger: — Mr. Speaker, it's time we take the training wheels off that government. You're the minister; you figure this challenge out, Mr. Speaker. But this isn't a surprise, Mr. Speaker, this isn't a surprise. The Sask Party has gone to war with the teachers. They have gone to war with working men and women. They have gone to war with the Aboriginal community. They're ignoring the middle class. They have refused to admit their mistakes. And now they're being sued by landowners who have co-operated with this government to this point, Mr. Speaker.

Mr. Speaker, it's very apparent that the Sask Party government just can't manage that growth, Mr. Speaker. Will the minister stand up today and admit that his government, his government is failing the people of Saskatchewan, and will he simply learn to work closer with the landowners that are trying to help build the economy here and all throughout the province? Will he do that, Mr. Speaker?

The Speaker: — I recognize the Minister of Highways and Infrastructure.

Hon. Mr. McMorris: — Mr. Speaker, I would say that over the last six years this province has increased by 80,000 people,

Mr. Speaker, because of the Saskatchewan Party government. Mr. Speaker, we see the very lowest unemployment rates in Canada, Mr. Speaker, because of the Saskatchewan Party government, Mr. Speaker.

Mr. Speaker, we are seeing growth throughout the province, Mr. Speaker, that brings on issues, absolutely. But, Mr. Speaker, many of us just got back from a SARM [Saskatchewan Association of Rural Municipalities] convention, the bear-pit, which was very, very interesting, Mr. Speaker. Lots and lots of support for what we are doing. Yes, some challenges along the way, but every one of those challenges is centred around growth. The same questions were never posed to the NDP because there was absolutely no growth under that government.

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

Building Northern Roads

Mr. Broten: — Mr. Speaker, in 2008 the Sask Party government promised the community of Wollaston Lake an all-weather road. They put that promise, Mr. Speaker, clearly in writing.

The all-weather road is vital, Mr. Speaker, because currently the community needs to rely on a barge and an unsafe ice road, Mr. Speaker, for the winter months. Sadly but not surprisingly, Mr. Speaker, the Sask Party government broke its promise to this community, to the people in the area. My question to the Premier: will he admit that his Sask Party government broke this very specific promise to the community of Wollaston Lake?

The Speaker: — I recognize the Minister of Highways and Infrastructure.

Hon. Mr. McMorris: — Mr. Speaker, I can certainly see why they changed questioners, why they have the Leader of the Opposition now asking this question because the former minister of Highways never got it done, Mr. Speaker. And he's from that area, Mr. Speaker. He always talks about northern Saskatchewan, and he never got it done.

Mr. Speaker, we've moved on this issue a bit, Mr. Speaker. We've developed some roadway. We haven't gone all the way around Wollaston Lake, Mr. Speaker. We see the cost of that, Mr. Speaker. We had a delegation in the House in the fall session and answered these questions at that time. I had met with that delegation and offered up some alternatives such as changing the barge, Mr. Speaker, because right now, Mr. Speaker, when you look at all the priorities — and that's what we have to do is look at all the priorities in the province, with a growing population, a need for more infrastructure, Mr. Speaker — at this time, Mr. Speaker, that project has not moved forward.

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

Mr. Broten: — Mr. Speaker, it was their promise. It was their promise that they put in writing February 19th, 2008: "Province approves first leg of construction on all-weather road to Wollaston Lake."

Mr. Speaker, if we want a successful province in the generations to come, it means extending opportunity to more and more people. It means whether we are First Nations and Métis, whether we're the descendants of immigrants, we all deserve the opportunity to reach our full potential. To do that, Mr. Speaker, many people need to travel the province for economic, social, and educational reasons, Mr. Speaker.

The people of Wollaston Lake know this. They've come here to lobby for a road. Recently, Mr. Speaker, we've learned that they are now pursuing a P3 [public-private partnership] approach, taking matters into their own hands because the Sask Party government has turned their back on them. We know, Mr. Speaker, that under this approach, if the province picked up the tab, it would cost much, much more in the long run than if the minister actually lived up to his promise.

My question to the Premier: why is he turning his back on the community of Wollaston Lake and forcing them to pursue a path which will cost the province much, much more in the long run?

The Speaker: — I recognize the Premier.

Hon. Mr. Wall: — Thanks, Mr. Speaker. The minister has outlined the specific answer to the hon. member's question. The context for his answer are I think four, now five, record Highways budgets from this particular side of the House, Mr. Speaker. We have built roads in the South. We have built roads in the North. We have fixed roads in all regions of the province at record levels.

Mr. Speaker, the member will note that in the growth plan we committed another \$30 million to the important northern 914 connector road, Mr. Speaker, that's there. We'd like to do actually more. One way we could do more is if we had the \$300 million in extra oil revenue that closing the differential would give us, that the Keystone pipeline would give us, Mr. Speaker. If that member is serious about the economy of this province, if he's serious about opportunities for people, north and south, he will finally articulate an economic vision; he'll finally have the courage to stand up, go against Mr. Mulcair, and support the Keystone pipeline.

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

Mr. Broten: — Mr. Speaker, Wollaston Lake is a growing community. It's a young community, Mr. Speaker, with many people wanting to reach their full potential. I travelled there with the member from Cumberland and met many of these individuals at a graduation ceremony.

The social reasons for this road are hugely important, but so too, Mr. Speaker, are the economic reasons. With prospective mines coming into the area, Mr. Speaker, the road can also benefit industry. I understand, Mr. Speaker, and see that the Sask Party has turned their back on the people in the community who need access for social reasons, for educational reasons, but there's also the economic argument, Mr. Speaker, for increased mining activity. My question to the Premier: is he turning his back on the mining activity in this area through his denial of this road?

The Speaker: — I recognize the Premier.

Hon. Mr. Wall: — Mr. Speaker, Mr. Speaker, in the first answer I just indicated that the growth plan that we released to the province in the fall involved \$30 million from this government to be matched by Cameco for one of the most important northern roads in terms of economic opportunity in the North. That's the 914 connector. That's something that industry has asked for for a long time, the North asked for for a long time, as they have with respect to the member's road that is the subject of the member's question, that were ignored by the NDP.

Mr. Speaker, again, again we have an opposition that wants to talk about economic growth for the province, that wants to talk about resources, but a Leader of the Opposition who is unable to articulate a clear position on things like, well uranium mining, selling more uranium to China. Or the Keystone pipeline. In fact, Mr. Speaker, he can't even get his facts straight. Yesterday he said he would wait until the National Energy Board approved the Keystone. They did it three years ago, Mr. Speaker, March 2010. Does he now have a position on Keystone?

The Speaker: — I recognize the Opposition Whip.

Consultation With Northern Trappers

Mr. Vermette: — Mr. Speaker, tomorrow the Northern Saskatchewan Trappers Association will be meeting in Prince Albert. One priority for the trappers is consultation. The trappers association believes that not all trappers are made aware of developments that affect their traplines. This happens even though the provincial government has a duty to consult.

When trappers live off the land, they have their traplines disrupted. The government won't listen to them. They say that they do not have to consult with commercial trappers. That leaves many feeling left out of decisions that affect their traditional way of life. To the minister: why do northern trappers feel the minister has not shown respect to them or their traditional way of life? Why will his government not consult with the trappers of northern Saskatchewan?

[14:00]

The Speaker: — I recognize the Minister for the Environment.

Hon. Mr. Cheveldayoff: — Thank you very much, Mr. Speaker. I certainly reject the premise of the member's question. We on this side of the House have the utmost respect for trappers across Saskatchewan, the northern trappers. We consult with them on issues that they bring forward. The member himself knows I went up and, with him, consulted with them on educational issues. Very recently I attended the provincial trappers association meeting in Humboldt. Northern trappers were there, Mr. Speaker.

Trapping is an important industry in Saskatchewan. It's an industry that's growing again in the province. The members opposite may not recognize that.

The Speaker: — I recognize the Opposition Whip.

Mr. Vermette: — Mr. Speaker, tomorrow the Northern Trappers Association meets in P.A. [Prince Albert] and I made that very clear.

Mr. Speaker, many northerners participate and live a traditional lifestyle. They need to be consulted. Mr. Speaker, the prices for furs are rising. They help protect the way of life, one of Saskatchewan's very important traditional cultures. It's a point of pride. And there's an opportunity for economic development in the North which the Premier should take serious. And there's an opportunity for an economic development in northern Saskatchewan. The minister told trappers in a recent letter, "Commercial trapping is not recognized as a treaty or an Aboriginal right. The CPFN is therefore not directly captured within the consultation process."

Mr. Speaker, up north those that make a living off trapping are trappers. End of story. To the minister: why are trappers being treated differently? Now that they are expanding their business opportunities, why are they not being not consulted?

The Speaker: — I recognize the Minister for the Environment.

Hon. Mr. Cheveldayoff: — Mr. Speaker, that is simply not the case. Since becoming minister some 9 or 10 months ago, I've had a chance to meet directly with northern trappers to talk about their issues. One of their most important issues was education, talking to me about ideas and how the Ministry of Environment can change how it helps trappers. We have taken those recommendations. We've acted upon them.

Again, most recently I met with the provincial trappers association in Humboldt. They had some very specific things that they wanted me to address. We're taking those under consideration. We're working with them. This is an important industry in our province. It is growing. We are working with the industry to help it grow, and members opposite just don't understand growth, I guess.

The Speaker: — I recognize the Opposition Whip.

Mr. Vermette: — Mr. Speaker, the trappers association wants the minister to recognize their industry as an opportunity for the North. With the price of fur increases, there is an opportunity for economic growth.

Mr. Speaker, the minister suggested that northern trappers, that he would work to support them and their proposals, but to date there has been no commitment from the Sask Party to the trappers. What is the minister's commitment to northern trappers and what can they look forward to in this year's budget, Mr. Speaker?

The Speaker: — I recognize the Minister for the Environment.

Hon. Mr. Cheveldayoff: — Mr. Speaker, to be very clear, trapping is an important industry in our province. This minister believes that. This government believes that. And we're willing to work with them. We're willing to consult. More so, we're willing to listen to their ideas. We've acted upon some of their ideas. We encourage more ideas coming forward and certainly we will consult with them when necessary and when they want to do that. So my door is always open. I'm more than willing to

meet with them on a wide variety of issues and if the member opposite wants to set up some of those meetings, I'd be happy to undertake them and help to grow this important industry.

Prices are up. They're at the highest level in some 30 years, I'm told. And we're very encouraged by that, and we encourage people to make their livelihood in this important way. It's part of economic development. It's part of what this government does. Let industry do what they do best — do their own thing.

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

Student Population Increases and Support for Education

Mr. Forbes: — Thank you very much, Mr. Speaker. Mr. Speaker, the Minister of Education wants standardized testing, even though he has yet to give a single reason why the province should be going down this path other jurisdictions are rejecting.

Teachers know if there are more resources available for education they should be put into learning, not into preparing students for exams. But the Sask Party has nothing but platitudes as why it's barrelling ahead with standardized testing. The minister's answers so far have been, and I quote, "Evidence to support enhanced outcomes is evident," and "Investing in school infrastructure is an investment." Nothing but platitudes, Mr. Speaker.

And meanwhile, Mr. Speaker, the classrooms are packed with students, a clear sign that the Sask Party has its priorities mixed up. Now to the question: why does the Sask Party have time to entertain standardized testing and not standardized class sizes?

The Speaker: — I recognize the Minister of Education.

Hon. Mr. Marchuk: — Thank you, Mr. Speaker, and I thank the member opposite for the question. You know, Mr. Speaker, the success of Saskatchewan students is a priority for this government. All Saskatchewan students are a priority for this government.

We need to get a couple of things straight. We have significant growth in this province, Mr. Speaker, and that is a great thing. And so we need to continue to support education, so much so, Mr. Speaker, that we've increased funding, operating funding to schools, by 21 per cent since coming into government — \$258 million, Mr. Speaker, for student supports since coming into government, Mr. Speaker. We have more teachers today in Saskatchewan schools, Mr. Speaker, than ever before — 469 more teachers, Mr. Speaker. And we are committed to supporting the learning outcomes of our students and we will continue to move forward in that regard.

The Speaker: — If the members on either side of the House want to carry on a conversation, they can leave the Assembly and do so in the rotunda. I recognize the member for Saskatoon Centre.

Mr. Forbes: — Mr. Speaker, we have 350 less educational assistants around they took government. Mr. Speaker, in the schoolyard across the province are more young children, and we think that's a good thing too. And we're happy to see this

province growing. But the Sask Party can't seem to manage its growth. And many schools, kindergartens and other grades, are bursting at the seams.

Mr. Speaker, at Dr. John G. Egnatoff in Saskatoon we understand there'll be 95 kindergarten students there in the fall. The already large number of portable classrooms will make schools congested. That means the school board must pack in more kids who need one-on-one teaching to help them start their learning. To the minister: why are families being told to make the best of a crowded situation in schools? Where is the planning for our education system?

The Speaker: — I recognize the Minister of Education.

Hon. Mr. Marchuk: — Again, Mr. Speaker, in reference to the student achievement initiative, the student achievement initiative is just one support. There are many supports that our government is committing to education. And let's get the record straight. Again, special ed supports, \$258 million, Mr. Speaker. That's an increase of 4 per cent, not a cut. Twenty-one per cent increase in operating funding to schools, Mr. Speaker, not a cut.

School divisions have hired more educators, more professionals, paraprofessionals, and educational assistants, Mr. Speaker. Since 2008-09 there are actually 19 more educational assistants in our schools than before. There are 439 more regular teachers, 86 more student support teachers, Mr. Speaker. I think that evidence is fairly clear that we are committed to the success of Saskatchewan students in our schools.

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

Mr. Forbes: — Well I am amazed that the minister is impressed by the number of 19 educational assistants in this province that's growing the way it is. What an impressive number. Mr. Speaker, parents and teachers know with crowded classrooms there's less time to focus on the individual needs of the students. And following the Sask Party's mistake of cutting 350 educational assistants — and now they say 19, which they will still refuse to admit that they've done — that one-on-one learning with teachers and students is just simply spread too thin.

Only the Sask Party would think cramming in more students into a classroom is somehow a good thing for students, and only the Sask Party would think forcing those students to undergo standardized testing would somehow magically improve outcomes. Mr. Speaker, why is the Minister of Education pushing forward with standardized testing for students instead of lowering class sizes and giving teachers and students the breathing room for real learning?

The Speaker: — I recognize the Minister of Education.

Hon. Mr. Marchuk: — Mr. Speaker, this government is planning for growth. I was Chair of a board when we were losing in the neighbourhood of 2,000 to 3,000 students annually, Mr. Speaker.

Mr. Speaker, the other day we had four leading educators in your gallery, Mr. Speaker — four educational leaders from

around the province that are leading the charge in success for student outcomes. Mr. Speaker, the evidence that they are producing, the evidence that their teachers in the field are actually enacting with our students is remarkable and quite dramatic, Mr. Speaker. Chinook School Division, for example, moved 63 per cent success rate to 84 per cent in the span of four years. Prairie Valley School Division, another school division, Mr. Speaker, out of 26 student achievement initiatives, 23 have been increased. Mr. Speaker, the evidence is really quite clear, quite accurate, and quite dramatic and we'll stick to that, Mr. Speaker.

MINISTERIAL STATEMENTS

The Speaker: — I recognize the Minister for Rural Health.

Rural Physician Incentive Program

Hon. Mr. Weekes: — Thank you, Mr. Speaker. I am pleased to note that since 2007, under our government, the number of doctors practising in Saskatchewan has risen 14 per cent. However, Mr. Speaker, we are very aware that many rural communities face a shortage of family physicians. Our government firmly believes that all Saskatchewan residents deserve timely access to quality medical care regardless of where they live. Today I am pleased to advise this Assembly that our government has launched a new program to help bring more doctors to Saskatchewan, particularly in rural areas.

Earlier today the Premier announced the new rural physician incentive program. This new program fulfills our government's 2011 campaign commitment to provide up to \$120,000 in student debt relief over five years to recent medical grads, both Canadian and international, who practise in rural communities.

Mr. Speaker, the original promise was to forgive government student loans. However, as I travelled around the province last summer meeting with dozens of rural doctors, community leaders, and local health foundations, I heard that medical students often carry the bulk of their student debt outside of government loans. Therefore, Mr. Speaker, we went above and beyond our campaign commitment and developed an incentive program that will be provided as a grant. It will still be targeted towards recently graduated doctors. Eligible physicians are those who practise in rural communities with a population of 10,000 or less people; Canadian medical graduates, including those from Saskatchewan, who have graduated in the last two years; and international medical graduates who have completed their post-graduate training within the last three years due to the additional timeliness associated with obtaining citizenship and licensure to practice in Saskatchewan.

We know this new program will help ease the heavy debt load that many new physicians carry when they finish their training. It will also expose them to the benefits of practising in rural Saskatchewan. And we know from our discussions with health regions that physicians who practise for three to five years in a rural setting and experience that lifestyle are more likely to stay.

This program will be retroactive to April 1st, 2012 and will be administered by the Physician Recruitment Agency, Saskdocs. Anticipated cost of the program will be approximately

\$250,000 in year one and growing to approximately \$2.6 million once fully utilized in five years.

Much like our government's highly successful graduate retention program, annual payments will be increased towards the back end of the program. We are estimating 30 new physicians each year will benefit from the program.

Mr. Speaker, the rural physician incentive program supports our growth plan goal of ensuring that health services are available to all Saskatchewan residents. It is one of a variety of initiatives that will help us attract and keep more doctors in underserved communities, and we look forward to seeing its results. Thank you, Mr. Speaker.

[14:15]

The Speaker: — I recognize the member for Regina Lakeview.

Mr. Nilson: — Thank you, Mr. Speaker. The program that the minister has described here, it appears to have been adjusted from the original campaign promise to make sure that it actually accomplishes its purpose, which is to encourage people to try out rural practice and then hopefully stay in rural practice. And how it's been changed is to make it a grant and not debt relief, and I think that's a good plan to do it that way because it's quite difficult to describe all the different ways that people fund their medical educations. And this makes it much simpler for everybody, and I commend the minister for what he's done. Thank you.

ORDERS OF THE DAY

WRITTEN QUESTIONS

The Speaker: — I recognize the Government Whip.

Mr. Ottenbreit: — Thank you, Mr. Speaker. I wish to table the answers to questions 206 to 208.

The Speaker: — The Government Whip has tabled questions 206 to 208 inclusive . . . has answered questions 206 to 208 inclusive.

GOVERNMENT ORDERS

ADJOURNED DEBATES

SECOND READINGS

Bill No. 85

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Morgan that **Bill No. 85** — *The Saskatchewan Employment Act* be now read a second time.]

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

Mr. Broten: — Thank you, Mr. Speaker. It's a pleasure this afternoon to join in on the discussion on a very important piece of legislation — important, Mr. Speaker, because of the implications that it has to so many people working here in the province. And when we think of working people, Mr. Speaker,

there are of course many types of people that we think of. We think of families. We think of individuals. We think about those who have recently arrived to the province, those who have been here a very long time and, Mr. Speaker, we think of our neighbours, our constituents.

And so when we're dealing with a piece of legislation like this, it's necessary to have a thorough conversation. It's necessary to ask the right questions and to cover the topics that matter so much to the content of the bill. This is something, Mr. Speaker, that has not been done, in my view, in an adequate way by the Sask Party government in looking at this piece of legislation.

Bill No. 85, Mr. Speaker, is the government's work in overhauling and looking at 12 pieces of legislation — 12 pieces of legislation that affect workers in many different areas and pieces of legislations, Mr. Speaker, that have been worked on and created and understood in the province for many decades.

The pieces of legislation that are included in Bill 85, Mr. Speaker: *The Assignment of Wages Act*, *The Building Trades Protection Act*, *The Construction Industry Labour Relations Act*, *The Employment Agencies Act*, *The Fire Departments Platoon Act*, *The Health Labour Relations Reorganization Act*, *The Labour-Management Dispute (Temporary Provisions) Act*, *The Labour Standards Act*, *The Occupational Health and Safety Act*, the radiation therapy and safety Act, *The Trade Union Act*, *The Wages Recovery Act*. So we can see, Mr. Speaker, just by the content of the bills that are being looked at or included in this Bill 85, by the titles alone we can see that the scope of the content and the scope of the individuals affected is in fact very broad.

And we know, Mr. Speaker, that when the government chooses to look at legislation in this way in such a large format, it takes a considerable amount of time and energy in order to understand and see, Mr. Speaker, how the new changes — and whether they're minor changes or major changes — how they will actually affect Saskatchewan people, affect the workplace, and affect the labour environment here in the province.

As the Sask Party government introduced and stated that it was going down this path, Mr. Speaker, one concerning part was the amount of time that they allowed for consultation with Saskatchewan people and allowed for proper listening and engagement with Saskatchewan people, whether that be workers, businesses, unions, whatever the case may be. It was a very short period of time, Mr. Speaker, a 90-day review, and I think that is not an adequate amount of time given the importance of this legislation.

I think it's also important to look at this piece of legislation within the context of other pieces of labour legislation that the Sask Party has brought forward: Bills 5, 6, Bills 80, and 43. We've seen a track record, Mr. Speaker, where the Sask Party has not approached the matter in a thoughtful way, has not approached the matter in a truly consultative way seeking information from people. But on the other hand, the approach that they have pursued is having a clear idea where they want to be before they start any sort of consultations. So not a genuine consultation in my view, and it's caused some problems with respect to relations in the province, and it's caused some problems with respect to the quality of labour legislation that

has been brought forward by the Sask Party government.

We understood this on the opposition side, Mr. Speaker, when the Sask Party said they were pursuing the course of Bill 85, and we wanted to ensure that there was in fact necessary and proper consultation and discussion with Saskatchewan people, with working people, with families.

And for that reason, Mr. Speaker, we as an opposition conducted our own tour, meeting with people, hearing from organizations, hearing from individuals in order to gain a better understanding of what are the issues that Saskatchewan people want to see addressed through legislation, either through amendments or revisions or brand new legislation because the Sask Party was saying they had an idea of what this was, that they knew where they wanted to go, but it wasn't necessarily matching up with the things that many of us were hearing as to what workers and families actually do in fact want. So there was a tour, Mr. Speaker, throughout the province in larger centres and in smaller regional centres that provided people with the opportunity to voice their concerns, to voice their priorities, to state what they think needs to be included in any sort of changes to do with labour legislation.

And the member from Saskatoon Centre, who serves as the Labour critic for the official opposition, organized a great amount of this. And it was a fruitful process, Mr. Speaker, that was, I think, a positive and a sincere way to hear what Saskatchewan people had to say. And when we listen, when we hear that sort of information, it better informs the approach that we ought to be taking as a legislature, in my opinion. And there's a report with a number of recommendations that were provided coming out of that process.

When looking at legislation, there's obviously a number of considerations that need to occur. One area, Mr. Speaker, is examining how legislation and how this particular piece of legislation, Bill No. 85 — and as I mentioned it, it includes about 12 pieces of legislation, so it is a lengthy document — but it's important to ask ourselves how this document can in fact promote and strengthen the position of vulnerable workers that we have here in the province. So that's certainly one component. And, I mean, vulnerable workers are not by any means the entire workforce, but they are an important part of the workforce that we need to keep top of mind and ensure that the legislation we're bringing in does in fact promote their interests.

So the issues around vulnerable workers, Mr. Speaker, issues like fair hours of work, appropriate rules and guidelines around overtime, appropriate minimum standards for rest periods in between shifts; also scheduling issues, Mr. Speaker, such as the ease of having split shifts and how that can affect vulnerable workers, the importance of weekends; as well as the importance of accommodating or ensuring that legislation is appropriate and sensitive to the needs and priorities of women who are pregnant, or of disabled workers. And especially within this category, also young workers, Mr. Speaker. There are many young individuals who work either out of necessity or out of a want to do so. And it's important to ensure that the legislation that we're bringing forward does in fact have the necessary protections and promote the interests of vulnerable workers.

Another category of workers that we need to keep in mind as we consider employment legislation, I think, are non-standard work situations. And we can think of artists in this situation, Mr. Speaker, who may be operating in a variety of environments with a number of different sources of income. This is another category, the non-standard work situations, where we need to ensure that the legislation that we're bringing forward can in fact improve their situation and their lot in life and their ability to do what they want to do as a profession and what they have been doing well. And also, Mr. Speaker, another group that I think we need to look at are low-income individuals and how increased participation . . . and how we can have better outcomes for individuals living and working with a low income.

We do see in this legislation, Mr. Speaker, a number of significant changes. And they're significant changes and because they are significant, I think it drives home the point all the more that the proper consultation, the proper listening should occur when this type of process is embarked on. Because when we're dealing with significant changes, if we are not actually listening to what Saskatchewan people want and need and care about, this is how we get into a problematic situation where people's interests aren't promoted as they ought to be.

A big change in the way that the information is being brought forward, Mr. Speaker, is by having all of these pieces of legislation into one bill. By having the thickness of the actual bill and the content in it, it requires necessary examination. It requires necessary discussion and time to process what is in fact in the new piece of legislation and to see how that compares to existing pieces of legislation.

When dealing with legislation, especially when it relates to labour issues, placements of commas or changes in words, definitions, these sorts of things can have a huge implication for the actual effect of the legislation. And I think that is an important point to make and something we need to be cautious about when pursuing this path.

We've also in my view, Mr. Speaker, seen not a great explanation by government members in what is their motivation for many of the changes that have been brought forward. And it ties into the consultation component with the question mark of who has asked for these changes, whose best interests are they in or do they consider, and what will the consequences be for all Saskatchewan people. So I don't think we've necessarily had a good explanation from the Sask Party government on who they've been talking to, who has informed this legislation, who has been calling for it, and who are the main proponents of it.

As I said earlier, Mr. Speaker, with these big changes there are really big concerns with the amount of time that the government put aside, only 90 days, for the feedback coming back from the public. I think that is a concern when we're dealing with the enormity of the piece of legislation. We know there's a lot of information in there, and a 90-day review period isn't acceptable in my view, especially considering, or vis-à-vis, other review periods that Sask Party members or the Sask Party government has had for other projects longer than a 90-day period.

To me that would indicate that there's not a true and genuine desire to hear what Saskatchewan people have to say, but instead the government is coming with beliefs and coming with an agenda that they want to see put in without listening or talking to Saskatchewan people.

And another component to keep in mind with these big changes, Mr. Speaker, is that of the issue of regulations. And much of the detail and a lot of the actual content or the on-the-ground reality of what this legislation will mean for working people comes through the process of regulations. And I think it's necessary to ensure that this also be part of the discussion. What will the regulations look like and how will this affect, how will the law be interpreted through the regulations? I think that's very important.

Our view, Mr. Speaker, in the opposition is that when dealing with labour legislation, it's important to have a balanced working environment. It's important for employees and employers to each have their rights, to each have their roles, to operate under a banner of respect, and to have a constructive workplace that is good for the worker, good for the employer, good for our cities, our society, and ultimately good for the province.

[14:30]

I think, Mr. Speaker, some of the discussion around overtime provisions that have been provided in this legislation do cause us to pause and examine how this will affect working families and individuals. I think that is very important. We think of families who are working hard, raising children, involved in their community. Some of the expectations around overtime and some of the changes may make it more difficult for families to achieve the life and family balance, work-life-family balance that individuals want and need to have in order to have a successful life.

We also see, Mr. Speaker, I think an upsetting of the balance between workers and employers through some of the changes that the Sask Party's bringing forward in this bill. We see increased ability for employers to interfere with collective bargaining and strike votes. And, Mr. Speaker, within a free and democratic society, the right to organize is hugely important as is the right to strike, Mr. Speaker, for those workers who are organized. So when we see, Mr. Speaker, the erosion in ways of that right and that right being weakened, I think that is concerning, Mr. Speaker. And it's concerning not just for actual workers, though of course that is hugely important, but it's also how we have a strong democracy. It's how we have a strong civil society, Mr. Speaker, by having people who have their rights, have them respected, and are able to exercise them as they see fit.

The issue also, Mr. Speaker, of last offer votes, which forces a vote on an employer's last offer at any time, can have implications when . . . It is always best, Mr. Speaker, to engage in collective bargaining in good faith, to allow two sides to come with their two positions and through discussion, through compromise, through bargaining to arrive and achieve a resolution that is acceptable to both sides and then ultimately in their best interest. We know, Mr. Speaker, that is the best approach because when it's based on respect, when it's based

on a healthy tension, I think both sides end up happier and there is also actually an incentive to co-operate and to do things better. And I think that is a positive and a constructive thing.

There are also changes within this legislation, Mr. Speaker, that can affect the dynamic within the workplace. We see by taking supervisors and workers out of the same bargaining unit, that can cause different challenges within the workplace. So I think that's certainly something to keep top of mind and to consider properly when looking at this legislation.

And we also see, Mr. Speaker, with this legislation what could lead to, in my view, as an increased fragmentation of bargaining units, making it more difficult to bargain, making that healthy process of collective bargaining more difficult by having the units fractured more and more — less cohesiveness, I suppose, within the workplace, Mr. Speaker — and a more arduous and difficult process at times for achieving and reaching collective agreements when there is increased or fragmented bargaining units within the workplace.

So, Mr. Speaker, when we look at the legislation, Mr. Speaker, that we have here, there's a number of concerns. And one, Mr. Speaker, is we have to look at the track record of the Sask Party government. And one area, Mr. Speaker, is in the issues of the essential services Act. And here we have a piece of legislation, Mr. Speaker, that was brought forward in a similar manner, brought forward in a manner that did not have true consultation, a manner that demonstrated there was not a clear understanding of who was asking for this, Mr. Speaker. But the Sask Party introduced this in a way, despite some of the calls from individuals to have proper consultation, to have a proper examination, and we see, Mr. Speaker, because the Sask Party government ignored that and pushed through the legislation, they now need to fix this, as the courts have determined. And this has not been addressed in the legislation. So we have a huge piece of legislation here, Mr. Speaker, in Bill No. 85, but it's not fixing and providing the solution for the essential services Act, and that's in a sense put on the back burner by the Sask Party government.

To me, Mr. Speaker, that doesn't seem like a sound approach because if you're going to have a comprehensive piece of legislation that is designed to improve the lot for all workers, I would think, Mr. Speaker, that efforts and energies ought to be placed in this spot so that there could be a proper resolution that could be looked at in a comprehensive way. But we haven't seen that, Mr. Speaker.

We also need to look at, Mr. Speaker, I think some common sense changes within the large piece of legislation. In Bill No. 85 there are components that we would support, Mr. Speaker, based on the common sense approach, of course. A minimum wage indexed to CPI [consumer price index] is a wise move, Mr. Speaker. I think that is a constructive thing, as well as sections that allow for electronic payment of wages, Mr. Speaker. Of course the days of everyone going to a bank teller with a chequebook and using cash, there are still some individuals who favour that mode of transaction, but most individuals increasingly, I should say, Mr. Speaker, increasingly individuals pursue to use electronic payment of wages or electronic payments and do more and more work online. So there may be some benefits there, Mr. Speaker, that

could be positive.

Also, with families of ill children, Mr. Speaker, 12 days leave is now described, and of course when we have families that have children who are ill, we want to operate from a place of compassion. We want to operate from a place of common sense and we want to, Mr. Speaker, operate from a place that allows these families to care for their children as best as they possibly, possibly can, Mr. Speaker.

The approach that the Sask Party has taken here hasn't been a positive one, Mr. Speaker, because I think they've failed to start in a proper spot. And the proper spot, Mr. Speaker, would be consulting and engaging with Saskatchewan people and listening to what Saskatchewan people want, before plowing ahead. So the need for due diligence and public engagement is most certainly needed, and I think the Sask Party government needs to do that. They need to pause and allow for that proper consultation and listening to occur, Mr. Speaker. There also, Mr. Speaker, need to be changes that are motivated by the area, motivated by a general ethos of balance. And I'm not sure, Mr. Speaker, the members opposite when they made these changes that their motivation, their desire for doing this has been one of balance.

The changes, Mr. Speaker, around the eight-hour workday and the 40-hour week, I think these also do present concerns, Mr. Speaker, in terms of balance for families, in terms of holidays, in terms of what people have expected. And I think that is a concern.

I think we should also, Mr. Speaker, be looking at ways that sick time benefits, or sick time rights and provisions for workers could be strengthened and enhanced. When someone falls sick and is dealing with an illness, the stress of making ends meet, the stress of doing what is proper, Mr. Speaker, and allowing for the business of their family to continue, it can be a concern. I think that is a concern.

Overtime rules, Mr. Speaker, are also a concern. And I think that is something, Mr. Speaker, that deserves, that warrants additional attention from what the Sask Party has already done.

I think also, Mr. Speaker, we should be having a more thorough discussion right now about the regulations and what the intent behind some of the legislation is, and what they want to be doing through this legislation. I think that needs to be part of the discussion.

I think we could also, Mr. Speaker, look for improvements to workplaces, workplace rights for independent contractors in this province. And at the beginning of my speech when I talked about certain groups, I think, Mr. Speaker, it was important to also think of independent contractors and how their considerations and concerns are in fact taken into consideration.

There's also the area, Mr. Speaker, with respect to financial reportings for unions and whether or not their members should decide. In my view, Mr. Speaker, the unions and organized labour operates in a democratic fashion, Mr. Speaker, and have rules of accountability to their membership. I think that's part of how unions and organized labour do contribute to civil society and strengthening our democracy on a whole. And I

think, Mr. Speaker, the decision of reporting that information and how that is reported is a decision that members who belong to a union, who pay their dues, who have the right to vote, attend meetings, access information, that is something that is existing within our existing democratic framework.

Also keeping the mandatory collection of union dues, Mr. Speaker, I think is an important component that needs to remain within the legislation. Again this facilitates how these are collected in a way that can be done easily without more headaches than are needed. And it's a simple way; it's a common sense approach to doing it, in my view, Mr. Speaker, and I think this is something that should be looked at seriously in order to ensure that we are putting the best interests of the entire province at the front.

Also, Mr. Speaker, applying the principles of the Rand formula and in not allowing for additional opting out of dues other than for presently applicable religious reasons, I think that is an important part, Mr. Speaker. And it's important because all members belonging to the union have benefit from the contracts that are negotiated by the union. And if there's a benefit through the contracts that are negotiated, Mr. Speaker, it's appropriate to pay the dues, the exception being when there is religious grounds for that to occur. I think that is an important part, Mr. Speaker, because it provides the stability within the workplace. It provides the stability within an individual bargaining unit or a collective bargaining environment in order to ensure that things are successful.

And, Mr. Speaker, this is a huge component which I think deserves attention in this area, and that is a much stronger focus, a much stronger energy is placed in the area of occupational health and safety and the improvements that ought to take place there. We think, Mr. Speaker, of the Day of Mourning, of workers who are fallen and have died in the workplace or related to their jobs, Mr. Speaker. That happens. And it is of course a common desire of all Saskatchewan people to do better. And we can do that, Mr. Speaker, by having a stronger and a larger discussion on that, and that should be part of this broader discussion of labour legislation I think, Mr. Speaker.

And there's not only . . . I mean the fatalities of course are the worst, but there's also injured workers, Mr. Speaker, which presents a huge cost to us as a society, as families, as individuals when we are working. And as any MLA [Member of the Legislative Assembly] would know who's dealt with WCB [Workers' Compensation Board] casework in their constituency offices, it's a trying time. It can often be very tragic, and it can really change lives. So I think any discussion around labour legislation also needs to have a stronger focus on improvements to occupational health and safety.

And, Mr. Speaker, it's not directly tied to the legislation, but it needs to be part of the broader discussion that we're having, Mr. Speaker, and that is looking at the area of skills training and education and how we are extending opportunity to more and more people, how we are welcoming more and more people into opportunities to reach their full potential. And education is a huge component of that, and how we can have the proper partnerships with business, with educational organizations, with all types of organizations within the province in order to ensure

that what we are doing is the smartest plan. So, Mr. Speaker, these are my remarks on Bill No. 85. It's a hugely important piece of legislation.

And I would also like to take this opportunity to thank the individuals from the community who have made the effort to engage with MLAs on both sides of the House to share their views and share their concerns about this piece of legislation. I think we as legislators become better and have more information when people make that effort and take the time to do that and to share information. It allows us to have a more balanced perspective. It allows us to be better informed and make smarter decisions, Mr. Speaker. And I would encourage all members, when given opportunities, to sit down and discuss this piece of legislation with individuals who would like to do so, that they would in fact do that.

So, Mr. Speaker, I thank you for the opportunity to do this. This is a piece of legislation that we as a caucus will continue to look at, continue to work on, Mr. Speaker. And it's something also that we'll be spending considerable time in committee I would imagine as well. So with that, Mr. Speaker, I'd move to adjourn debate on Bill No. 85.

The Speaker: — The member has moved adjournment of debate on Bill No. 85, *The Saskatchewan Employment Act*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

[14:45]

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 Riversdale.

Ms. Chartier: — Thank you, Mr. Speaker. I am pleased to speak to Bill No. 55, *The Consumer Protection and Business Practices Act*. In a time where technology has made it such that not only are people consuming but we're consuming in very different ways, purchasing products very differently than we used to, I think this an interesting Act in talking about some of the ways we ensure we protect consumers, Mr. Speaker.

I'd like to go straight to the minister's second reading comments where he talks about, how he describes how the bill . . . the impact that it has. So you'll note that Bill No. 55 will have an impact on 12 other pieces of legislation. I would just like to mention some of these bills.

So the minister has talked about this Act, Bill No. 55, making legislation more accessible and easier to understand. So this bill is consolidating or rolling in other consumer protection legislation into this one bill, Mr. Speaker. And I think it's interesting to note which bills that this will impact. For example

it will have an impact on *The Auctioneers Act*. For some of these Acts, they'll be repealed. It's *The Auctioneers Act*, *The Cemeteries Act, 1999*, *The Charitable Fund-raising Businesses Act*, *The Collection Agents Act*, *The Consumer and Commercial Affairs Act*, *The Consumer Protection and Business Practices Act*, *The Consumer Protection Act*, *The Cost of Credit Disclosure Act, 2002*, *The Direct Sellers Act*, *The Film and Video Classification Act*, *The Funeral and Cremation Services Act*, *The Motor Dealers Act*, *The Sale of Goods Act*, and *The Ticket Sales Act*.

So this piece of legislation has a broad-reaching impact on already existing consumer protection legislation. The minister says that "... through regulations these licensing regimes are going to be all brought into the same Act resulting in consistency of treatment and coordination of administration."

When administration can be streamlined, that's always a good thing, Mr. Speaker, but you have to make sure you don't miss any of the nuances that may impact different businesses differently.

So the minister goes on say that "The Act will allow for individuality of rules governing the businesses depending on the particular needs of the industry being licensed." He also says, "... this legislation allows other business types to be brought into the licensing scheme by regulation as the need arises."

But I want to point out he goes on to talk about:

... flexibility will apply to consumer contracts of which five types are typically regulated pursuant to *The Consumer Protection Act*. These are: Internet sales, future performance, personal development services, travel club, and remotely formed contracts.

The minister says the government, when the government ... if and when the "... government decides to regulate other types of contracts, the new Act will provide a simple mechanism to do so."

And he also assured the House in the second reading speech that through consultation ... or consultation will take place "... with the affected industry groups, consumer and business groups, the legal profession, and the public before any regulations are passed."

But first of all ... and I'll take the minister at his word that the consultation piece will happen, but that's sometimes difficult to do, Mr. Speaker, because this government hasn't had a great track record on consultation. My colleague and the Leader of the Opposition just spoke to *Saskatchewan Employment Act* and that is a classic example of lack of consultation, putting things forward before you've actually spoken to people impacted.

So I'd just like to flag for concern that I'm glad the minister is saying that he will be consulting on regulations with affected groups, but I would argue that it's good to consult before you actually even ... how much consultation work went into the actual piece of legislation in the first place, and perhaps it would be good to discuss with the affected people, affected organizations, how this Act will impact them without ... before

even talking about the regulations, Mr. Speaker.

It's interesting, I'm thinking about some personal experiences around consumer protection, or one particular experience. I am an online shopper, Mr. Speaker. At times — pressed, harried schedule — sometimes I appreciate the opportunity to be able to shop at midnight from the comfort of my own home and my computer. But that opens up a whole host of questions and challenges. Not for me particularly, but I know more and more people who are relying on online shopping to get some of the things that they need in their lives.

I know one example, actually. My daughter's favourite clothing company has a great online presence and does a really great job online, but back in the fall we happened to be in Edmonton visiting some friends and she visited the store in person and bought an item without trying it on. She knows her size, bought an item, and we got back to Saskatoon and realized there was a major flaw for this piece of clothing. So I thought, okay, I contacted the store via the Internet and had a great response. I had my bill and a picture of the item and they were ready to support me and send this item back and replace it right away. And then they realized that I'd actually purchased the item in person at a store. And at that point they said, sorry, we can't do anything for you. You have to go back to the store, or a store, and return that item there, which was a bit disappointing, Mr. Speaker. So just thinking about how consumers interact with online shopping or in this age of technology, how all that works.

I think a good example of the need for consumer protection happened earlier this week, actually. I just want to pull the story up from my phone here. We heard a story earlier this week on CBC [Canadian Broadcasting Corporation] about a time-share resort where an individual from Saskatoon had purchased a time-share several years ago for \$3,000 upfront, and then there was an annual maintenance fee of less than \$500. And for this particular individual, it was a good buy. He could make that work, he and his family. And then after the financial meltdown in 2008 the company had gone bankrupt, and so in 2009 he saw an increase in his annual maintenance fees by nearly \$1,000, Mr. Speaker. So that was almost double what he was paying. And then he just received a letter recently saying that this facility that he has, at which he has a time-share, needed to do 28 million to 38 million in renovations. And that was going to be a \$4,000-plus bill plus GST [goods and services tax], which means that this was untenable for this particular individual.

And I know there's many people who, coming up with \$4,000 unexpectedly, not in their budget, would be very, very difficult. And interesting hearing some of the interviews on the radio ... So it's not so simple as him just saying, I can't pay this \$4,000; I want out of the contract. From some of the interviews on the radio, there was actually a lawyer saying, you can't just back out of that contract. This could have an impact. If there are people who can't afford that \$4,000 maintenance fee, it will have an impact on people's credit ratings, Mr. Speaker.

So I believe that some of these consumer contracts that the minister mentions actually cover time-shares, I think probably under future performance or under travel clubs possibly, Mr. Speaker. So consumer protection in this day and age of people spending ... And when the economy is good, people spend,

and they've been spending a great deal here in Saskatchewan, Mr. Speaker. And the way we spend has changed over the years as well. So ensuring that we have good consumer protection legislation is absolutely imperative. And I know that we . . . And consolidation of these Acts is an interesting way to do it, and as I said, streamlining administrative functions is good.

But I know that in committee my colleagues and I will have further questions just to dig a little bit deeper to find out a little bit more about *The Consumer Protection and Business Practices Act*. So with that, Mr. Speaker, I'd like to move Bill No. 55 to committee.

The Speaker: — The question before the Assembly is the motion by the Minister of Justice and Attorney General that Bill No. 55, *The Consumer Protection and Business Practices Act* be now read a second time. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

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

The Speaker: — To which committee shall this bill be referred? I recognize the Government House Leader.

Hon. Mr. Harrison: — Thank you. Mr. Speaker, to the Standing Committee on Intergovernmental Affairs and Justice.

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

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 Opposition House Leader.

Ms. Sproule: — Thank you very much, Mr. Speaker. It's my pleasure today to rise to speak to Bill No. 56 here in these adjourned debates. Bill 56 is *An Act to amend The Court of Appeal Act, 2000*.

So as you know, Mr. Speaker, the Court of Appeal is a very important court here in Saskatchewan. It's the highest court, highest level of court that we have. And this court is the one that hears appeals both from the Court of Queen's Bench and from other courts and tribunals where there is a right to appeal to the Court of Appeal. As you probably know, there's a Chief Justice and six other judges of appeal, and the court sits both in Regina and Saskatoon.

So the original bill for *The Court of Appeal Act* came actually from 1920, and it's been revised since, and there was a new bill passed in 2000, *The Court of Appeal Act*. So it's had a long and, I think, storied history here in Saskatchewan and it certainly has served us well as the people of Saskatchewan over the many

decades that it's been in existence.

This bill itself is a short bill. It's a couple of changes to *The Court of Appeal Act, 2000*. And the minister spoke to it when he introduced the bill, second reading on November 6th. And in the comments from the minister at that time, he indicated there was a couple of amendments here that are necessary to better serve justice, Mr. Speaker.

And the first change he talks about is the provision to allow Court of Appeal judges to participate in decisions for six months after leaving office on matters that they've heard before they left office. As you know, appeals can take a long period of time from the first time it's on record. The panel of judges may hear the case, and it could be a significant number of months before they're actually able to finalize their judgment on the appeal. And from the minister's comments that there was always some difficulty about what happened when a judge retired, because if he just heard the case and then happened to retire, he was no longer able to participate in that particular judgment. So this appears to be setting up a form of transition for those situations where a judge has heard a case and chooses to retire and yet is still vested with the work that's been put in on that particular case and he or she is able to work on that final judgment.

The minister indicated that when a justice departs from the Court of Appeal, there's challenges for the court management and the work of the court, especially if the remaining judges on the panel are unable to agree. And as I mentioned earlier, there are usually three judges on each appeal. So you can see what happens if you have a judge leave and there's only two judges left. And if they don't agree, then you can't get a judgment and you have to go start from the beginning. So it's important to have an odd number of judges hearing the case for that particular reason.

And if a judge retired or departed while the judgment was being written, the other two judges wouldn't be able to resolve — I don't suppose flipping a coin would be a good way to do that — on an appeal decision. So we need to have an ability to have a majority of judges ruling on the final decision, so preventing the deadlock is clearly the aim for this particular bill.

The other advantage he indicated for the court is that it would allow judges who have announced their retirement to fully participate in the work of the court and hear matters right up until their departure. So that's another management aspect that this amendment deals with. If a judge decides to retire and he wants to retire in December, it allows him to keep working right up until his retirement so that he knows if there are judgements that he needs to participate in afterwards, he can do so.

[15:00]

And at this point, it would be difficult for a judge to take on any work prior to his retirement, knowing full well that it could leave that situation of deadlock in place. So I guess it's always best to keep people busy and working until they retire rather than having them sit around twiddling their thumbs for the last few months of their career. And obviously our Court of Appeal judges are very significant people in the practice of law.

They're experienced and, you know, put there because of their wisdom and their skills as a legal counsel, and so we don't want to have them sitting around for the last few months just waiting to retire either. These are some of the sharpest legal minds that we have in the province, and we certainly want them to be able to continue to provide that wise counsel to the courts and for the people of Saskatchewan as long as they're able to.

There's another change that's being proposed. So one other comment that the minister indicated is that preventing rehearings, which would happen when there's a deadlock between the two remaining judges, will obviously benefit the public as well as the courts; you know, all the additional costs that would happen would be a significant burden for the parties to the appeal. And of course just the time and the time away from work, legal fees, and all those things are really difficult for the individuals involved in the appeal process.

So the idea of rehearings, I think the goal the minister has stated is to avoid these rehearings in the future. So that would be a good thing to not have to have all those rehearings. Obviously I think the minister's staff are well advised by the Court of Appeal staff and by the previous history of these rehearings to propose these types of amendments to *The Court of Appeal Act, 2000*.

He goes on to say that there still could be a situation where rehearings may be required but this will deal with the particular one that is arising when judges decide to retire for whatever reason.

So what I'm going to do right now, Mr. Speaker, is just look a little bit at the bill itself. There is basically a new provision 5.1(1) and a couple of other changes that are taking place. So on the new provision 5.1(1), it allows Court of Appeal judges to participate in the decisions for six months. And I have to find the English version. Here we go. So the clause basically reads:

5.1(1) 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 so that's the change that's being proposed in order to deal with that.

There's a couple of other changes, and they are to section 15(3) and 16(1). So in 15(3) basically the existing provision talks about three judges being a quorum of the court and the decision of three judges constitutes quorum and that is deemed to be the decision of the entire court. And the old clause used to read this way:

15(3) . . . if an appeal . . . has been heard and is standing for judgment, and one or more of the judges who heard the appeal . . . resigns . . . dies or is absent through illness . . . the remaining judges may give the decision, and the decision is deemed to be the decision of the court.

So the way this clause is set up right now, three judges constitute quorum; three judges can make the judgment. In the

event one of the judges leaves as described in the clause, then the remaining judges will make the decision.

Now they're saying in the explanatory notes that the decision of the remaining members is the decision of the court but, as said earlier, if they can't agree, then there's a problem.

So the new wording . . . That (3) is being repealed, and there is a new clause that reads as follows: "Subsection (4) applies in the following circumstances." So I'll read that in a minute:

(a) an appeal or matter has been heard and is standing for judgment; and

(b) one or more of the judges who heard the appeal . . . [dies or is ill, can't give the decision or resigns].

Those are the three circumstances. And now in the new subsection (4) it says in those circumstances notwithstanding the first subsection, ". . . the remaining judges may give the decision, and the decision is deemed to be the decision of the court."

So what they're doing is inserting the ability for the retiring judge to come back. So section 16(1) is the new change. The repeal of 16(1) is the relevant clause and probably the most important provision in this bill.

Section 16 is the clause referring to rehearings and, as I described earlier, that may be in the case where the two remaining judges simply cannot agree. So there's a deadlock. They have to have a rehearing. And originally . . . The clause that's been changed here is 16(1) which said:

The court shall re-hear an appeal or matter that has been heard and is standing for judgment if, due to the death, resignation or absence of two or more of the judges who heard the appeal or matter, only one of the judges who heard the appeal or matter remains.

Now this is being repealed and it's going to read as follows:

(1) The court shall rehear an appeal or matter that has been heard and is standing for judgment if a majority of the judges who heard the appeal or matter:

(a) die before the decision is given [are sick or resign their office].

So in this case it's only the majority of judges, which allows for the judge who has retired or, I suppose in this case, was sick — certainly if he passed away, he won't be able to provide any further services to the court — but in the instance where's he's ill and he's now better, or where he's retired and doing something else, but he is able in that case to rehear it. So yes, we don't want to go too further than that, I think, Mr. Speaker, in terms of calling judges back before we avoid a rehearing.

So I think what the minister indicated in his comments was that the six-month period is consistent with other jurisdictions like British Columbia, Alberta, New Brunswick, Newfoundland, and Labrador. So it seems to be in order. And at this point, I think we would ask — there'll be questions in committee for

sure — but at this point, we would ask that we move this bill to committee.

The Speaker: — The question before the Assembly is a motion by the Minister of Justice and Attorney General that Bill No. 56, *The Court of Appeal Amendment Act, 2012* be now read a second time. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

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

The Speaker: — To which committee shall this bill be referred? I recognize the Government House Leader.

Hon. Mr. Harrison: — Thank you, Mr. Speaker, to the Standing Committee on Intergovernmental Affairs and Justice.

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

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 Centre.

Mr. Forbes: — Thank you very much, Mr. Speaker. It is a pleasure to stand and enter into the debate on Bill No. 57, *An Act to amend The Condominium Property Act, 1993*. And this is one that's very important in terms of the housing issues that we face in our cities, our communities right across this province. And in many ways this meets a lot of concerns but I think it falls short, and I need to have questions for the committee. I do want to acknowledge the minister and thank the minister in terms of some of the work that's been done in terms of consulting, not quite as far and deep as I would have liked to have seen it, but it was there.

I do have to say that I have two documents in front of me, both from July 2011. One is the review of *The Condominium Property Act, 1993* that was done by the legislative services of the public law division, Ministry of Justice, that went out to some of the folks that are stakeholders. And that was quite a thorough piece. There were some questions that weren't quite asked, but of course you know that at that period of time we were going into an election mode. And so this may have been overlooked by many people because clearly that fall we had lots of stuff on our mind.

And as well I want to say and I want to acknowledge that this piece of work that was done by my legislative intern, Nicole Hamm, in July 2011, *Concerns and Emerging Issues for Condo Owners in Saskatchewan*, this is the kind of good work that the interns can do for MLAs. And this was made public, and in fact we gave it to the ministry. I don't know if they used it or not.

But when we have interns, they come and they do some very good non-partisan research. And I really wanted to thank her for the work because condos are a new kind of idea in terms of ownership, home ownership that really many of us don't really understand, and we think of these things as just apartments that we bought and we go from there.

But I do want to say that, if I can, just to give a little brief history. I don't know if you know this, Mr. Speaker, but the first condo in Canada was built in Edmonton in the Brentwood Village townhouse complex in 1967. Prior to 1967 there were no such thing as condos in Saskatchewan. The first high-rise was built in 1969 in Nepean, Ontario. And we actually put legislation into place in 1968, and the first condo in Saskatchewan or the first condo in Saskatoon was built in Sutherland area late 1969. A two-bedroom unit, the first condo, sold for \$11,600, and a three-bedroom unit was \$12,850 with a down payment of \$790. Those were probably big prices in those days. But we've come a long way and this is a really important, important debate because it affects the people, particularly those owners.

And what's interesting about this, and Nicole found from her research, there's two specific groups that really are impacted by condos and the legislation around them. Of course it's the whole range of people from young adults right to seniors. But the two groups that really are impacted are young adults because it'll be the first thing they buy, and seniors because it will be the last thing they buy. And as you go through their housing continuum of buying a house in a neighbourhood, raising a family, that type of thing . . . But condos are very, very important. And so legislation is very important that we get it right, that we get it right.

And so this piece that is before us addresses some of those concerns. But I want to make sure I highlight a couple of concerns. And as you may know, as you may know, in my riding I have a lot of condos. Downtown Saskatoon are a lot of condos. And they are owned by both seniors, and they are owned by young people, and they are owned by all sorts of folks. So this is a big, big issue to me.

And of course one of the things that happened — and this happened late 2006; 2007, continued a bit — was that whole issue around condo conversions. And this legislation goes further along that road to resolve that issue. But clearly that was something that was a bit of a perfect storm in a way, with the Saskatchewan economy starting to really take off, and condos, apartment buildings were being sold. The idea was to be converted. And so there were some real issues here.

And of course in fact we did, as the government on this side, in October 2007 we did some changes to regulations to slow that down. The city of Saskatoon did some changes to try to slow that down so there's more fairness in this. And of course Regina placed a moratorium on condo conversions until their policy was complete, and that happened in 2008.

So the issues that Nicole had identified — my intern, of course — was the issue around particularly non-resident owners and condo corporation boards. And this is one that's emerging as a real concern. And it was one that was brought forward to me by my constituents because they have some real concerns that

when you're buying into a condo, particularly if you're a senior, that in fact that you think you're buying into a community of like-interested people, whether they be seniors or whatever. But people are looking for others of common interest, a common-interest community.

And what they found was the trend has been, over the course of time, that there is becoming more and more tenants in the building, and there were not owners. And this is a real concern.

It's happening right across Canada. This is not just something that's happening here in Saskatchewan or Saskatoon, but in fact I know in Vancouver it's something they're wrestling with.

Well how many people in a condo building should be tenants? How many should be owners? It's a very tough question. It's a very tough question. And I know it's a bit of a Pandora's box to open up, because what do you do? What is the correct number?

A person should be able to buy. In fact I know many of my friends who are close to retirement age say, I'm going to buy a condo now, invest in it, get a big chunk of it paid off by having a tenant in it, but it's where I want to retire when I'm 75 or older. That's their thinking. But if you have a condo building where everybody's thinking that, that becomes a problem. It's not bad when it's one or two or three people, but it's a problem when it's 30 or 40 or 50 per cent.

So this is something I think we're going to have to wrestle with over the course of time. And so I would like to have seen this . . . This was an issue that was raised with me because people would go to an AGM [annual general meeting] . . .

An Hon. Member: — Are tenants in a condo bad?

[15:15]

Mr. Forbes: — The question is, are tenants in a condo bad? Not necessarily. Tenants are not bad, necessarily. But what happens, this is what happens, and this is the concern they would have . . . [inaudible interjection] . . . There you go.

What they would do is, the complaint that I had to me was that they would go to the AGM, and then when it came to electing a president and all the positions on the condo board, they found out there was a shrinking pool of volunteers, a shrinking pool of volunteers. And the tenants would say, I'm a tenant. I'm paying rent. It's not my responsibility to be a volunteer in this building. Whereas the owners would say, I really want to be a volunteer, but I can't volunteer for everything. So that's an issue we have to wrestle with.

And so it's a reality. It's a reality. And I know the Minister of Housing, you know, may not think it is, but this is what seniors and older folks are saying because they don't have the energy over the course of time, whether it's five or ten years. You get more tired and you say, I can't do all the things that I did when I was younger. And I think that's a reality that we have to deal with. And so this is an issue that they brought up.

The other issue that they brought up was the idea of having some sort of bylaw that they could pass so they would have the same age type of group in it. And of course there are issues

around that that we have to wrestle, right? And that is around the Human Rights Code. Can you pass bylaws that in fact are age specific? And of course that's something that we have to deal with. And of course issues around insurance. That's an important one, and that's one I think that has come up.

So, Mr. Speaker, I find this a very interesting discussion because there are issues. And as we get further down the road with this, we see all different kinds of housing open. Prior, you know, the big thing that we saw in the '60s too were co-op housing facilities, and of course we still see that happening. Of course the difference there is, of course, people do not own their individual units. And now we see — now it's just outside my riding — one of the first, I think in the province, Wolf Willow, where it's co-housing where it's sort of a blend of co-op housing and condo living. You actually own your unit, but they very much live in a structured type of thing.

And so anyways, these are some of the issues that the condo discussion talked about, condo corporation boards. That was very important, how they dealt with that. And this is true. The issue is a listing of directors for a condo corporation is not publicly available. This causes unit owners, renters, potential unit purchasers, and others difficulty when attempting to resolve disputes with the condo corporation. And I know our reality as candidates, when we want to go enter buildings, we can't find out who is on the board to ask permission. We don't know who the president of the condo board is. And while we would like to have a conversation with them, we just don't know who they are. And so this will be interesting. So the recommendation that they had under consideration was to make this list available through the annual notice so there's a listing of directors of the condo corporation available to the public. And so that's a very important thing.

Sale of unit by developers. This is one that's very important and is addressed in the Act. Turnover from the developer to the condo board, some of the information about what was happening during the building of the condo. And this talks about agreements, warranties, plans, lists of subcontractors, financial records for corporation, certificates and approvals from government — these kind of things. So this was a concern that was raised in my riding because people, when they took over a building, it was hard to find out who actually did the work on the building. And where were the plans? Where were the warranties? And there was nothing really to force the developer to give the information to the condo board and particularly to give it in a reasonable timeline. So I'm glad to see that appears to have been done. As well, Mr. Speaker, maintenance of common property, that type of thing; parking, that's always a big issue.

And so what I'd like to do is talk a little bit about the legislation that's before us now in terms of specifically what's in the Act. And so it is interesting that they talk about building into this Act what they call:

adding the following clause after clause (y.2):

'short-term rental management pool' means a rental management agreement pursuant to which one or more units within the corporation will be rented out for periods of less than one month";

So there's lots of different angles around this rental part, and I think this'll be very interesting in committee when we talk about this. So what does this mean that if you have a building and you're living in there and you find out that the condo beside you that used to be owned by somebody who lived in it on a permanent basis now is being rented out for a one-week time period, a two-week period, essentially you're now living in a hotel? And this allows that to happen. What is that all about?

What about the idea of, what happens if you have an owner in the condo building that owns two or three units? Or, and we know this is happening in downtown Saskatoon, where you have circumstances where condos are being purchased by corporations so they can be rented out to workers who are coming in to work. And essentially they're residence for their workers, and that's not quite the idea you had when you bought into that condo building. That's not the vision that you had. So we'll have some questions about what does the short-term rental management pool mean.

The other question we have — but again we'll have this as a question in committee, so the minister may want to take a look at *Hansard* later about this — is when we talked about the whole idea of condo conversions. And this is one of the clauses that will be added in:

if the application relates to the conversion of existing premises used for apartments, flats or tenements into units intended for residential purposes:

- (i) the conversion will not reduce below the prescribed level the availability of rental accommodations in the area;

So it's two questions. What does area mean? What does area mean? And what does prescribed level mean? And so that'll be interesting. While this seems really a very good addition, we have some questions about again what are the regulations in this. So that's very important. And as I said earlier, Mr. Speaker, the idea, the dealing with the issue of when the developer's finished building the building, people have moved in, and there was a delay or in fact sometimes not information given over to the condo board, that now this is part of the new legislation.

So it talks about section 12 being amended, that now in clause (a) they add in manuals before warranties and guarantees. So some of this stuff will be very helpful for maintaining the property as a whole. So that's a very good thing.

So all of this work will make for some very interesting discussions in committee. I know that people are interested. Because as I said, the two largest groups within our communities that use condos as their homes are the younger, young people entering into home ownership and buying their first place is a condo. And they want to make sure they're doing the right thing, that they'll retain their value because what they want to do is move on to their next home. And hopefully it will be a good deal and they're not stuck into that. And also seniors because it is their last home that they'll own. And they want to make sure that when they leave their condo and they sell it again that, again, they'll get a good return and there'll be a good price on the marketplace.

And so all these things factor into it. And whether it's a simple but critical like parking, all the way to making sure there's proper insurance, that of course that your neighbours are good people, and that you have a sense of what's happening in your complex and whether, you know, I mean people can support what they understand, but if they don't know what's going on in the unit beside them, then it's a bit of a problem. And so this is important.

And as I've said, that legislation around condos is relatively new here in Saskatchewan. As I said, our first bill was passed in 1968, with buildings shortly to follow. And so we're learning as we go a bit. And of course when you have a boom like we've experienced over the last years, that we need to make sure housing is managed, that growth is managed in a way so that all along the housing continuum that we're meeting the needs of the people and that we're not looking for the easy, the easy ways that lead to other problems, that lead to unintended consequences. And we see that in other provinces, whether it's Vancouver with really the huge bubble in terms of housing costs, or Ontario where in Toronto in particular, with their whole issue around condos. And if you're in Toronto for sure you'll see these condos going up left, right, and centre. And some of them are very tiny, but people are looking for places to live and they're not left with many choices.

And what our job as people who make the laws is to make sure that they're fair to everyone, and that we've thought all of the angles through and there are no unintended consequences, and what we've passed is what we mean to pass. And this is why we'll have lots of questions in committee on this. We think it's really important to get it right. I think we've tackled this two or three times in the last six years, so I imagine it'll be back fairly soon. But let's get it right and even better this time.

So with that, Mr. Speaker, I would like to move this bill to committee, and so I would do so move. Thank you.

The Deputy Speaker: — The question before the Assembly is the motion by the Minister of Justice that Bill No. 57, *The Condominium Property Amendment Act, 2012* be now read a second time. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Deputy Speaker: — That's carried.

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

The Deputy Speaker: — I recognize the Government House Leader. To which committee will this bill be referred?

I recognize the Government House Leader.

Hon. Mr. Harrison: — Thank you, Mr. Speaker. I designate that this bill be referred to the Standing Committee on Intergovernmental Affairs and Justice.

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

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 Deputy Speaker: — I recognize the member from Regina Lakeview.

Mr. Nilson: — Thank you, Mr. Speaker. It's my pleasure to rise this afternoon to talk about Bill No. 58, *An Act respecting Compensation for Injured Workers and making consequential amendments to certain Acts*.

Now, Mr. Speaker, it's my understanding that this bill has been brought forward to this legislature in response to the review of legislation which is mandated within *The Workers' Compensation Act*, and that review report was received by the government in November of 2011. And so, Mr. Speaker, there are a number of issues that are dealt with in quite a long bill that we have here that effectively relate to that particular review. And so I'll talk about some of the things that I see that are here that respond to the concerns that have been raised by both employers and employees during the consultation process.

The Workers' Compensation Act is one of the pieces of legislation that we have in Saskatchewan that has built into it this automatic five-year review. And so it does give us a chance to respond to the changing needs of the workplace as it relates to compensation for injuries that workers have been involved with as a result of their employment.

And so what we see is that there are some increases in the benefit levels. There's indexation of some of these levels. There's changes to the maximum wage rate that can be compensated for, which makes sure that people who are injured are not going to be in a situation where they can't support themselves and their families. Also there's some other penalties that are put into here to make sure everything is dealt with in a straightforward manner.

[15:30]

Now there's also a section which, basically the way the minister described it on November 6th when he was talking about this, he says:

This bill provides clarity to a number of WCB's internal processes. These include codifying the fair practice office within the legislation and clarifying the appeal process for claimants that disagree with the decision of the WCB regarding a claim for compensation.

And then it says that this "... fair practices office has been in place since 2003 ...". Now this particular fair practices office is effectively the internal ombudsman for the Workers' Compensation Board. I think any of us who have been legislators for a number of years know that there continue to be questions raised by our constituents about the Workers' Compensation Board, about *The Workers' Compensation Act*, and that our constituency assistants and we as legislators are quite often dealing with particular problems that are actually hard to deal with because we don't often have the information

that we require.

Now, Mr. Speaker, I know that our critic on this particular file will want to speak after me, and he'll go into more detail on some of the specific changes. But I would like to talk about how we can do a better job and talk about something that's not in this bill and that I think should be in this bill.

And what I'm referring to is an issue that has been raised by Saskatchewan's Information and Privacy Commissioner on quite a number of occasions. I'll be referring at length and probably annotating a letter that was sent by Mr. Gary Dickson, the Saskatchewan Information and Privacy Commissioner, to the Minister of the Workers' Compensation Board on November 19th, 2012. And basically the point that he made after this bill was introduced a couple of weeks earlier was that there had been a major point that had been missed, and it was something that was raised by the committee of review in 2006, and it was raised again by the committee of review in 2011.

And I want to talk about this for a while to have people understand why he has consistently raised this issue. And it's not entirely clear from anything that the minister has said or any information that we've received why this particular suggestion hasn't been acted on in response to these reports.

So here's the issue. Well basically the way Mr. Dickson says it is that the interpretation of the Workers' Compensation Board of *The Freedom of Information and Protection of Privacy Act* in relation to the current workers' compensation Act means that they will not provide information to the worker or to the office of the Information and Privacy Commissioner, so that they can attempt to resolve a particular issue. And in 2006 the committee of review effectively took the Information and Privacy Commissioner's suggestion and said this should be done when the legislation is amended. Now that did not happen after that review, which the legislation I think was brought forward after the election of 2007. And further, in 2011 the issue was raised but it wasn't as clearly recommended that this should be done but that it should be studied some more.

But the effect for a worker is that they cannot get access to information from the Workers' Compensation Board in the normal course of their file being dealt with. So there will be decisions relayed to them, whether orally or in writing, and they don't have the right to go and see what the information is that is being used to make the decision or to have the worker who's from the compensation board that's working with them give them the responses that they're getting. They can get the information if they file an appeal. And the appeal process is not that simple, and it usually involves the expense of a lawyer, and then you can get some of that information.

But if the person goes and makes a complaint to the Information and Privacy Commissioner, they cannot in any way get access themselves to the information and they can't authorize the Information and Privacy Commissioner to get that information. And so the suggestion is that the Act should be amended to make sure that matters can be resolved by individuals getting their own information, but also that the individuals can authorize the Information and Privacy Commissioner to get that information so that it most often probably could be explained to the worker who is affected.

Now Mr. Dickson says that he has put this issue in his reports over the last number of years, and he's also identified it as an issue in a number of his review reports and investigation reports as being the main reason why it has to go to his office and incur all of that extra expense.

So, Mr. Speaker, I'd like to quote from Mr. Dickson's annual report, his last annual report. And he says under a heading:

Jurisdictional issue with the Saskatchewan Workers' Compensation Board

I have now issued four different Reports with recommendations for WCB with respect to improved compliance with freedom of information protection and *The Health Information Protection Act*.

And he lists the . . . it's investigation reports F-2007-001, F-2009-001, F-2010-001, and Review Report F-2010-002.

A fundamental problem is that WCB takes the position that section 171 to 171.2 of *The Workers' Compensation Act, 1979* are somehow paramount to the requirements of the freedom of information protection and that section 4(4) of *The Health Information Protection Act* operates as an exclusion of the records in the custody or control of WCB from HIPA.

Or *The Health Information Protection Act*. That's the end of that paragraph.

I just want to comment that basically the Workers' Compensation Board and obviously their legal advisers are preventing the worker from seeing the information, but also preventing an independent officer of this legislature, whose job is to deal with particular issues, preventing them from having any access to the records to see what may have been revealed or not revealed.

Now continuing with the quotation from his letter, or from his annual report:

Our office receives a significant number of requests for review and complaints involving WCB; 44 WCB related files have been opened since July 2003. We also receive numerous inquiries about WCB which do not result in a file being opened.

In recent years, we have issued two Investigation Reports involving a breach of privacy on the part of WCB:

Investigation Report F-2009-001 — the Commissioner [that's the Information and Privacy Commissioner] determined that WCB disclosed the complainant's personal information to an independent claims advisor without authority and that WCB failed to satisfy its obligations under section 27 of *The Freedom of Information and Protection Act* to ensure that the complainant's personal information in its possession was accurate and complete.

So I'll stop quoting and I'll make some comments about this. That investigation report concluded that WCB — because they

don't think the rules apply to them — has basically given personal information about a worker to somebody who the Information and Privacy Commissioner says shouldn't have that information.

And, Mr. Speaker, this is a fundamental question that this legislature has to protect. And that's why I'm going to spend some time on this, because I think that there's an opportunity here for the minister to fix this particular problem and do it in a way that responds to almost, well about eight years worth of recommendations and discussion. And if there's no intention to fix it — and obviously we'll have some discussion in committee about this — then we need to have very clearly on the record why the WCB is flying in the face of the rules that every other institution and organization in our province has to respond to.

So I'll go back now to this 2011-2012 annual report:

Investigation Report F-2007-001 — the Commissioner found that WCB disclosed to the complainant's employer more personal information and personal health information than was necessary. We further found that WCB failed to adequately safeguard the complainant's information when it sent copies of the individual's personal information and personal health information to the complainant by ordinary mail, which was not received by the complainant and could not be accounted for.

And then I'll stop quoting from the report.

So here we have a situation where a worker, unbeknownst to the worker, but he finds out later that WCB has been sending his personal information and personal health information to the employer without his or her consent. And on top of that, they've sent it in a way that's not traceable and in fact it didn't go where it was supposed to go. Nobody knows where it went. And so it becomes an issue around the process within WCB, their disregard for personal information of workers that are involved in the system. And once again, it's a reason why this legislation needs to be amended to give the Information and Privacy Commissioner the ability to monitor what's happening at Workers' Compensation.

Now I'll continue back in the report of 2011-2012:

Overall, the complaints and concerns we hear regarding WCB include the following:

WCB demands personal health information that is not relevant to the compensable injury;

WCB shares more information about an injury with the employer than is necessary or relevant; and

WCB does not let claimants see their own case management files unless and until an appealable issue has been identified, and even then may not allow the claimant to view their entire file.

We are also concerned about WCB's position that the OIPC does not have jurisdiction in many cases that involve WCB. As noted earlier, WCB claims that an

injured worker's access to their personal information/personal health information is solely governed by section 171.1 of *The Workers' Compensation Act, 1979* and that . . . [the freedom of information and protection Act] thus has no application.

Not only have we set out our contrary interpretation and each of our Investigation Reports but we also have made submissions to the 2006 Workers' Compensation Act Committee of Review and to the 2011 Workers' Compensation Act Committee of Review.

[15:45]

Mr. Speaker, I'll step back out from this report again. Mr. Speaker, the Information and Privacy Commissioner has attempted to resolve issues for quite a number of people — I think he said 43, 44 files that have been opened plus also requests for information that have been received — and they haven't been able to have the Workers' Compensation Board accept the fact that they're part of the provincial system and have rejected any ability for them to get involved.

So I'll continue with the report. Continuing with the annual report of 2011-12, the commissioner continues:

In the case of the 2006 Committee of Review, the committee appeared to accept our recommendations. In fact it addressed our concerns as follows:

And now I'll quote from the committee of review report in 2006.

Currently, there is a difference over the extent to which sections 171 to 171.2 are paramount over *The Freedom of Information and Protection of Privacy Act*. This difference contains the seeds for much dispute and costly litigation, which should be forestalled.

The Committee can find no compelling public policy purpose or basis for the Board to continue to be exempt from, or have a special position with respect to, the legislation and the administration protecting information or personal health information that applies generally in Saskatchewan.

The Committee recognizes the unique mandate and decision-making role of the Board in the administration of justice, but does not consider the Board's mandate and role to be so unique or special that the law and remedies that apply to other administrative agencies and public bodies should not apply to the Board.

Recommendation:

Amend the Act to specify the Board is subject to *The Freedom of Information and Protection of Privacy Act*.

The Board collects, compiles and uses extensive personal health information. There is a regime in *The Health Information Protection Act* that addresses the protection of this information while preserving access and sharing of the information by "trustees" for diagnosis, treatment and care, which the Board involves

itself in through the Early Intervention Program and other case management endeavours.

The general rules and processes in many parts of *The Health Information Protection Act* apply to the Board, but it is exempt from Parts II (Rights of the Individual), IV (Limits on Collection, Use and Disclosure of Personal Health Information . . .) and V (Access of Individuals to Personal Health Information).

The Committee has concluded there is no overriding purpose or reason that the Board should be exempt from these parts.

Recommendation:

Repeal the exemption *The Workers' Compensation Act, 1979* has from Parts II, IV and V of *The Health Information and Protection Act*.

Once these recommendations are enacted, the Board will have to review and adopt new processes and procedures for the collection, use and disclosure of personal information that will respond to the submissions the committee received.

Now that's the end of those recommendations, and I'm stepping out of the report now from the 2006 committee of review. Now I'm going to get back into Mr. Dickson's most recent annual report and he says:

The Saskatchewan government has, to my knowledge, never addressed those recommendations from the 2006 Committee of Review so the difficulties with WCB have continued unabated to this date.

A new Committee of Review was struck in 2011 to undertake a further statutory review of *The Workers Compensation Act, 1979*. In *The Workers Compensation Act Committee Of Review, Final Report, 2011*, the committee observed as follows:

And I'm quoting from the report.

We firmly believe that the operational efficiency of WCB and the perception of WCB by stakeholders and the public will greatly improve if freer access to files and information is provided to all relevant parties. Access to information is a hallmark of a free and democratic society.

The Committee examined the WCB's relationship to FOIP and HIPA and heard opposing opinions on what should be done. The Committee reviewed these opinions but was not able to conduct a thorough legal analysis. We suggest that future Committees examine this issue further.

So that's a quote right from their 2011 report. And then now Mr. Dickson makes a comment and goes back into the report. He says:

In the discussion of Recommendation 21, the 2011 Committee of Review commented as follows:

It should also be noted that sometimes the right time to gain access to a file or information may not be connected to the appeal process. Access to files should be restrained only by privacy legislation and should not be limited to having an appeal in process. We are concerned that many unnecessary appeals are filed and much unnecessary work generated when the issue could have been easily and quickly settled by access to files and information.

Claimants should always have access to their complete files.

Recommendation 52 in the 2011 Report is as follows:

All workers and employers have timely access to files without the need to file an appeal. A good rationale such as privacy legislation must be provided for any access that is denied.

I'll continue then quoting from Mr. Dickson's letter:

Since my statutory mandate does not permit me to seek a trial of an issue at the Court of Queen's Bench to resolve this matter once and for all, injured workers in Saskatchewan are left in the unsatisfactory position of being able to appeal to our office but they are denied redress since WCB insists that our office has no jurisdiction to require compliance with *The Health Information Protection Act* and the freedom of information and privacy Act by WCB.

Quoting Mr. Dickson again, he says:

I have met with the Chairman of WCB and the Minister formerly responsible for *The Workers' Compensation Act, 1979* but this has not resulted in any change in the approach taken by WCB. I am mindful that an aggrieved applicant has the right to initiate an appeal *de novo* in the Court of Queen's Bench however the cost of doing so will be seen by many citizens as prohibitive.

To the best of our knowledge, in every other Canadian jurisdiction except for the Yukon, the provincial workers' compensation scheme is subject to oversight by the provincial Information and Privacy Commissioner, similar to all other provincial public bodies in those jurisdictions. Saskatchewan is anomalous. The problem is that there are more than 370,000 Saskatchewan workers eligible to make a claim under *The Workers' Compensation Act, 1979* and in 2011 there were 39,689 claims reported to WCB. I submit that this is far too many citizens to leave unprotected and disenfranchised when it comes to their full information rights.

And that's the end of the quote from the annual report.

Now, Mr. Speaker, I'm going to go back and emphasize what this committee of review that the minister put in place in response to the legislation — and this is the 2011 committee of review — it stated very clearly "Access to files should be restrained only by privacy legislation and should not be limited to having an appeal in process."

Mr. Speaker, we're talking about individuals who are suffering already. We know the people that come to us in our constituency offices, who we see other places in our communities, are hurting. I mean they don't want to be on workers' compensation. They want to get back to work. And they're given bits of information that they don't believe or they don't understand, and they're not given access to their files.

The committee of review has recommended to the minister and, as far as I can see, there's been no response to this recommendation in Bill 58. And there's no reason why there's no response. There's no mention in the minister's remarks in this legislature about this particular issue.

My suggestion would be to the minister that he go back to his officials and see if there's not some way that an amendment can be brought forward in committee so that this particular issue can be corrected. I don't see, I haven't seen any rationale for the basically the prevention of access to information to the workers that is part of the system that we have now.

Times change, as we all know. And as patients, as workers on workers' compensation we all have much more access to the information about ourselves. And that's part of, you know, a major discussion obviously around electronic health records, which is happening within the health system. But when the only way you can get the personal information about you and about your injury which affects you as an individual is to go to the Court of Queen's Bench with an application, which is going to cost you quite a bit of money for a lawyer. That's wrong.

And the ministers can do something about it. He can make the quite reasonable changes that have been suggested by Mr. Dickson, and we can do it I think without much difficulty in the next few weeks so that this can be part of the bill when it goes forward.

As we know, this bill comes back every five years. And so the last time it was here was in 2008. Now we've got it in 2013. And so my suggestion and I guess my plea to the minister would be that on this particular point he have some proposed amendments prepared so that we can review them in the committee.

And practically it's quite a simple amendment. All it would say is that *The Freedom of Information and Protection of Privacy Act* effectively trumps *The Workers' Compensation Act* and the attitudes of the officials at Workers' Compensation, and that it gives the power to the Information and Privacy Commissioner to assist people who are hurting and are having trouble in this whole system. It would also apply to *The Health Information Protection Act* that that provincial legislation, which applies to every other institution, every other person in the province, would also apply to the Workers' Compensation Board.

Mr. Speaker, we're in a situation where we can make what is actually quite a simple change which will be of positive benefit to a whole number of people who are already caught in the system. But it'll also I think require more accountability, more transparency, from the people who are dealing with these injured workers in our province.

And so, Mr. Speaker, there's an opportunity here for the

minister to fix this particular problem and do it now rather than wait for the next review, which is five years from now. With that, Mr. Speaker, I'll adjourn debate.

The Deputy Speaker: — The member from Regina Lakeview has moved to adjourn 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 Deputy Speaker: — Carried.

[16:00]

Bill No. 59

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Stewart that **Bill No. 59 — *The Animal Identification Amendment Act, 2012*** be now read a second time.]

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

Ms. Sproule: — Thank you very much, Mr. Deputy Speaker. It's my pleasure to rise today to speak to Bill No. 59, *The Animal Identification Act*. And just a few comments to make on this. It's a fairly basic bill. What we see from the minister's comments is that really his intention is to devolve some of the responsibilities that government used to have to the industry itself. And in his comments when this bill was introduced on November 13th, he indicated that it's his view that brand inspection legislation needed to be updated. And so in its current form it's not flexible enough to allow industry to control the delivery of services that they need.

So the proposed bill in his view will add provisions so it would allow for the delivery of brand inspection services by parties outside of government. And I guess one of the main concerns we have with this bill, Mr. Deputy Speaker, is whether or not this is an appropriate move because inspection is typically something that should be a function of the public service and a function of a government-controlled oversight. When you allow industries to internally inspect, there could be problems and that's, I guess, one of the main issues that we have with this particular bill. And so we're certainly going to look carefully to that as this rolls along.

There's a number of amendments that are being made, changes that are being made to *The Animal Identification Act* that's being amended, and different definitions that are being changed and different provisions in the regulations as well. Also there's some new sections being added: responsibilities and powers of the minister — so we see those kinds of things happening — and animal identification inspection administration agreements.

So the Act purports to provide for an agreement between the minister and the industry itself to make these changes, and it's actually moving to a third party system and away from the government. That's something that we have to watch and make sure that the industry itself has the capacity to do the delivery of the program, for one thing.

The minister announced in his comments that he has created an advisory committee to review this, and he's met with them a number of times. And based on those discussions, he's indicated that this is something that the stakeholders are looking for. So obviously the industry is looking for this. It's something they want. He had different organizations in the committee to review. And they're looking at brand inspection models in various provinces and even in the United States as well, in North Dakota. And they're supposed to make some recommendations.

He anticipates that these recommendations will be . . . He was hoping they would come in by early 2013, but he's indicated recently that they actually won't be happening now until this summer. So we need to see that as well. And it would be beneficial to have an opportunity to look at those comments before we comment on this proposed bill, but it looks like it's not going to happen that way, Mr. Deputy Speaker. So we'll just have to watch and wait as that goes along.

As he said, brand inspection is very important to the producers in our province, and it certainly is. The industry is evolving, and so we understand that the service of brand inspection must also evolve. And so his goal is “. . . to ensure there's no obstacles to industry when a new system is ready for implementation.” I think our goal would be similar, but we want to make sure that the needs of the individual producers are being met as well. So we'll have to just kind of watch as this goes through.

There's not a whole lot of changes being proposed in the bill itself, and it's basically an enabling type of legislation so that these third party agreements can be instituted. So as the explanatory notes indicate, there's some new definitions that are required so it will enable inspection services by a third party. Currently that's controlled by the government.

And the new section . . . Or 2.1 is being amended, and what it does is allow the minister to remain responsible for all matters related to animal identification and inspection and a number of things there. And the existing 2.2 allows the minister to make agreements with a third party and clarifies the elements that an agreement with a third party must include.

So in section 2.3, we can see that this subsection connects the authorities in the Act and its regulations to the agreement. It outlines what happens when an agreement is established between the minister and a third party, and they allow the agreement to be modified to different sectors, regions, and persons or category of persons as long as they're specified in the agreement.

So let's just take a little closer look at 2.3 in the Act. It's a fairly long section and it's one that appears . . . 2.2 and 2.3 are really the meat of the Act and the amendments that are being proposed, these two new sections. So in 2.2, this is the reference to the animal identification inspection administration agreement and what this happens is it has to be approved by the Lieutenant Governor in Council. So it requires executive approval, and it will allow the minister to enter into an agreement with any person. So presumably the minister will work with the industry to make those changes and to ensure that they are acceptable from a government perspective. Now this is

a broad provision.

In 2.2(2) the minister can actually delegate his powers and the regulations in the agreement. So it allows him to delegate all his powers with respect to inspections of animal identification marks or any category of inspections of animal identification marks that are going to be listed in the agreement. So it's basically a devolution of his power to that third party. Again it's not something I think that we would heartily endorse. We're going to be curious about how it evolves and whether this is going to work or not.

Now there's a number of things that must be in the animal identification inspection administration agreement, and there's a list here of several things that must be in there. First of all it has to specify what powers and duties are in fact being delegated and it says there are outcomes that must be achieved by the person receiving the delegation. There also has to be an acceptance by the person who is accepting the delegation. They have to agree to exercise those powers. So you can't just give somebody delegation without them agreeing to take on those powers and responsibilities.

There's a number of reporting requirements in clause 2.2(3)(d). So there are certain reporting requirements that must be there. And also there is a requirement that they provide the minister, within a period after the end of the year, an annual report. So again there appears to be proper reporting and transparencies built and accountabilities built into what has to be in the agreement.

There's also the requirement for records. So they have to do proper records management. And there's a requirement for, that they report to the government in:

... any matters with respect to the exercise by it of the powers and fulfilment by it of the duties delegated to the person;

[and] the requirement that the person carry adequate insurance [as well].

There also has to be an indemnification and that's something you'll often see in any of these types of agreements, is the indemnification itself and obligations of the parties if the agreement is terminated.

So it also goes on to say that the period of the agreement and the procedure for the review has to be in there. So again it's building in the transparencies and accountabilities that are necessary.

Something else you often see in these types of agreements is:

the settlement of disputes;

[and] the liability of the person arising of the person's carrying out of the provisions of the agreement.

The terms and conditions also have to be imposed on that person. And then always the catch-all, any other prescribed matters. So that's what has to be in this new agreement once the minister decides to delegate the authority to a third party.

There are other things we find in section 2.3, and in there is matters arising from entering into an animal identification inspection administration agreement.

So this is what comes out of these agreements. Notwithstanding any other part of the Act, what we see is that "... the minister and a person enter into an animal identification inspection administration agreement."

There should be a reference in the specified provisions to an inspector, and if there is, it's deemed to be a reference to an inspector appointed by the person. So again, the person that's being delegated to will deal directly with the inspectors.

And it goes on to talk about a reference to the minister, duties imposed by the specified provisions on the minister, all the people who are required in the specified provisions to pay to the minister the fees that will be required. And the person can exercise any powers that it has been given, including the power to cancel or suspend documents, licence, or approval issued pursuant to the Act.

Finally there's three other provisions that are indicated in this section. These are matters arising from entering into the agreement. For example, all the applications that are supposed to be made to the minister are now made to this person or the inspector if the person designates them to do that. And any licence issued by the minister will remain in force from previously. And every prohibition or notice issued by the minister or an inspector that is in place the day this comes into effect can be dealt with by the person. So there's an automatic delegation to that person of things that had previously been done.

So, Mr. Deputy Speaker, I think at this point there is not a whole lot more that we would like to speak to on this bill, and I think we're ready to ask the minister and his people questions in committee. So at this point I would like to move Bill No. 59 to committee.

The Deputy Speaker: — The question before the Assembly is the motion by the Minister of Agriculture that Bill No. 59, *The Animal Identification Amendment Act, 2012* be now read a second time.

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

Some Hon. Members: — Agreed.

The Deputy Speaker: — Carried.

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

The Deputy Speaker: — To which committee shall this bill be referred to? I recognize the Government House Leader.

Hon. Mr. Harrison: — Thank you, Mr. Speaker. To the Standing Committee on the Economy.

The Deputy Speaker: — This bill stands referred to the Standing Committee on the Economy.

Bill No. 60

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Stewart that **Bill No. 60 — *The Animal Products Amendment Act, 2012*** be now read a second time.]

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

Mr. Forbes: — Thank you very much, Mr. Deputy Speaker. It's a pleasure to get into the debate on *The Animal Products Act* that's before us now, Bill No. 60. It's an important piece of legislation of course when we've seen things go drastically wrong in our food systems, our meat systems at the different food processing plants. We know what a drastic impact that can have on our consumers as people worry about the challenges of safety. And this is an important thing. It's hugely important.

And so when we have legislation before us like the bill today, we need to make sure that we get it right. And it sounds like the minister has been working very hard on that, and in fact often comments have been made about how he has consulted extensively. It's too bad that his seatmate wouldn't consult as much as he does but that can be a challenge, I know. So we only wish that . . . But I know and I don't want to make light. This is a hugely important, hugely important Act.

And so I think that this is one . . . As I say, when we've seen situations that happened in Brooks, that we want to make sure that our food systems have integrity and have respect, and people know. And this is important though, no matter what, we debate the bills fully and completely, fully and completely, fully and completely. And so this is a critical piece of legislation before us. People have to have confidence in the products that are before them, particularly animal products, that they are inspected.

[16:15]

And it's interesting as I read through the minister's comments. And I have to say, the minister's comments for a piece of legislation that is only — how many pages is it? — eight pages, eight pages and he has more to say about that piece of legislation than his seatmate did about a piece of legislation that's 180 pages. And so I was expecting many more pages from the Minister of Labour. But I guess I'm missing that. But this is very good work, very good work here because we know how important it is.

But as I read through this, the discussion, the minister talks about how the Canadian Food Inspection Agency typically would make the inspection services to the facilities that we have that are registered for meat inspection, that do meat slaughter and processing, but that they are intending to withdraw these services by December 31st of this year. And so it's critical that we get this in place and that we work through it.

So he talks about how the animal Act needs to be updated. In its current form, it doesn't provide the authority for third party delivery of inspection services, and we need to make sure that's available. We would prefer and we think, we believe actually on this side of the House that the best inspection is really done

by government-employed inspectors. That's critical. So we would disagree with the minister on that part. But it does need to be inspected. That's critical. That's the first line. It's important that it gets done right and gets done properly, that the whole chain along the system is that we have confidence that it's being inspected, and that's very important.

So we have concerns about the third party aspect of it that, if that does happen, that there is a reporting process and that there's some way to hold these folks accountable. It's interesting. The CFIA [Canadian Food Inspection Agency] has given two years notice of their withdrawal of service. And so if this happens with the third party, we will be very interested and we will be watching that closely because again it gets back to that confidence in the system.

And clearly people don't really think too much about it until something . . . a crisis happens, a crisis like Brooks where you have huge facilities. And of course we all think about the big, big plant, but it's one that recognizes that when things go wrong, they go horribly wrong. And again, also I believe it was Maple Leaf in Toronto was the other food inspection. So this is important work.

So it talks about being amended to allow for a new brand inspection delivery model in Saskatchewan. And this is important that this gets done. He talks about how this was a federal decision that they would pull out and they had no input into it. And of course that is really too bad. That really is too bad, and that we should have been stronger on that, but we need to develop a new provincial meat inspection system to go forward.

And so apparently they've been consulting extensively with the affected meat processors, and I understand that there's 12 provincially registered facilities in the province and they've all been engaged to date. And of course they all would appreciate how important this piece of legislation is. And so when we think about this, it's very important and it goes right through.

Now it would be interesting . . . I don't know if the minister has consulted with consumers about this. He's probably consulted with the ranchers and the producers, the food processing plants, but has there been a consultation with consumers? They would be very interested in this. And this is why we, as I go back, that it's just very, very unfortunate and it's too bad. And of course we do see the federal government . . . We've had this conversation about the cuts to food inspection, the number of food inspectors' positions that have been cut by the federal government, and clearly this is the outcome of that. That now we're having to think about a third party delivery system of inspections. So that's a big issue.

So another major initiative under this bill that he talks about is the flexibility it needs to move forward with the marketing assurance mechanism. So he talks about having, enabling industry-led fund producer marketing assurance funds, that this would happen so they could collect the fees from the industry to go into this fund. And it would help, be used to compensate producers when livestock buyers default on payments. And he gives an example as recently as G & M Livestock in Manitoba where apparently they must have sold some of their cattle to a buyer, and the buyer must have for some reason defaulted on

payment. And of course that is really tough, really tough. And so that's something that must be addressed.

And so then he goes on and talks about the assurance fund and how allowing the industry the option of running their own program if they so choose. And again he's talking about how it's important that we make sure that legislation allows the producers to protect their most important investment, and that's their animals. And so, Mr. Speaker, it seems relatively straightforward, but I think it's one that again that we would have many questions in committee just because, as I say, when things go horribly wrong, and we've had a couple of experiences in the last few years with . . . We've talked about the Maple Leaf plant in Toronto and of course the Brooks plant in Alberta, the XL plant in Brooks. And it's important that we do all that we can as lawmakers to ensure that there's quality assurance in our products we buy, particularly meat, that can be so deadly, so deadly if things go wrong.

And I know it's hard for people. When we saw the pictures, the videos, the news coming out from the XL plant of the meat that was contaminated, and in fact we found out about it because of things that were . . . the inspection that was happening in the States. We need to do all that we can here in Saskatchewan to make sure that we have our confidence in the system.

Now the minister would talk about making sure we do stuff, all that we can, to protect the most important investments the producer has, and that's their animals. But I would also say that another important element of that is the customer, the consumer. I mean if there's no consumer, there's no point in having the animal, is there? You know, if nobody's going to buy the meat products, then why, why, why go to all this length? So this is an important link between the two. This is an important link between the consumer having confidence in the products that we raise here in Saskatchewan and we produce here in Saskatchewan, and then also as well what we produce as ranchers or livestock producers.

And so, Mr. Deputy Speaker, it's critical that we ask questions but as I said earlier, it seems the minister has consulted about this. It's been two years since we first heard about this, and I think that some of the basic work has been done. But I'm not sure; I'm not confident. And we will be asking those questions about that in terms of, are there any stones left unturned? And so at that point, Mr. Speaker, I'd be very happy to move Bill No. 60, an Act to amend bill products Act, I'd be very happy to move that to committee. Thank you very much.

The Speaker: — The question before the Assembly is the motion by the Minister of Agriculture that Bill No. 60, *The Animal Products Amendment Act, 2012* be now read a second time. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

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

The Speaker: — To which committee shall this bill be referred? I recognize the Government House Leader.

Hon. Mr. Harrison: — Thank you, Mr. Speaker. To the Standing Committee on the Economy.

The Speaker: — This bill stands referred to the Standing Committee on the Economy. And while I'm on my feet I would like to ask the members to perhaps be a little quieter as we can hear it across the province.

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 Regina Lakeview.

Mr. Nilson: — Thank you, Mr. Speaker. It's my pleasure to rise to speak to Bill No. 61, *An Act to amend The Railway Act*. Mr. Speaker, sometimes people in Saskatchewan don't realize that we require railway legislation because many people understand that the federal legislation governing our national railways often trumps anything that we try to do as a province. But as will be shown and as has been discussed previously, this legislation relates to what we would call shortline railways in Saskatchewan, in other words, railways that are wholly contained within the bounds of the province of Saskatchewan. And we're all pleased to see that there have been a number of shortline railways that have been encouraged to grow in the province, with I think last summer the 13th one starting into operation.

Now this particular legislation is an amendment, so it's not very long. And it directly relates to how the sections of what are often part of the national railway system are acquired by corporations or communities to set up shortline railways. And so what we have, and I know that when the minister spoke to this on November 7th he had quite a short speech, and I think that was an accurate way to do it because from the government's perspective it's setting out quite a simple thing. But effectively what's been happening over a few decades now as the national railway systems divest themselves of some of their branch lines, is that it's been quite difficult to assess the value of these branch lines and also figure out the rules around how they should be acquired.

And so what we're looking at today is a change around those rules about how segments of rail can be acquired by interested people, I guess, is basically . . . So in this particular legislation, the new section 22.1 defines interested person, and that definition includes a person, so that's as an individual or as a corporation, who has an interest in buying, leasing, or acquiring a railway line or part of a railway line.

Now this legislation is in place because quite often the national railway or international railway lines would just as soon dismantle and remove the rail lines from the system totally. And the reason for that is obvious. It's that they prefer to have terminals on some of the larger lines and effectively require the people who are delivering goods for use of the railways that they would come to these centres. And so we have across the province effectively seen the elimination of the small-town elevator which was the traditional method of getting grain into the railway system. And what this legislation does is says that

there should be some fair rules around how this would work.

And one of the difficulties — and I suppose it was because it was part of the national, more powerful railway system setting up the rules — was a rule that, sure, a community or organization could buy a rail line but they couldn't determine the net salvage value of the rail line, which was used in determining the price, until after they had made a firm offer. And what the minister is proposing here, which seems to be reasonable, is that it effectively provides more balance for the person or the organization that wants to buy the rail line by saying that they can reject an offer that they might have made if the net salvage value that they eventually find out about is different than what they expected. And so this process is one that I think makes sense in light of what's happening here, and it effectively provides more balance in the bargaining between the buyer and the seller.

[16:30]

Now when we are working on this type of legislation, we have to recognize that it's another piece of the changing landscape, changing history of Saskatchewan. And we have all seen, those of us who are similar age to me, how the landscape has changed as small towns have changed. I know that quite a few years ago now, probably in 1996 or '97 when I was the attorney general and minister of Justice, that we were asked in Justice to provide some legal advice around the issue of the sale and removal of small-town elevators. And it became quite clear that it was actually a jurisdictional constitutional issue that made it very hard for the province to step in and try to protect those particular icons of the prairie. And as we now know, there aren't that many left, and they are in many communities being preserved, but there's still some of them that are being removed.

One of the factors was that in small towns, as they had less and less commercial activity in the small towns, was that they had really very few businesses to put their local town tax rates on. And as a result, the elevators ended up taking a little bigger and bigger hit each year.

So some of the first reaction to that was to go to the RM [rural municipality] next to the town and say, well how about let's build a new one over here, and you give us a 10- or 20-year tax deal. So that was some of the first change that happened.

But at the same time as that was happening, the size and length of trains could be included, and it became less efficient to go and pick up four or five cars in a small town and go to the next town and pick up another four or five cars. And so we got much larger what we call inland terminals. And those inland terminals effectively took the business from 20, 30, or 40 towns where the traditional grain delivery system had been.

And so you ended up having a combination of federal legislation, the inability of provincial legislation to respond to it very well because of this special jurisdiction of the federal government over railways, and you ended up also with changes within the industry itself. And so we had the changes that happened with the Wheat Pool going to Viterra, with other of the grain companies combining, and eventually there became less grain companies, less something that we traditionally

knew, but more bulk transfer companies. And so the net result is now we have one of the world's largest bulk transfer companies as a major actor in our provincial delivery system, which means that they understand how to move heavy items of all sorts and provides efficiencies within the system. But it certainly changes how grain is delivered.

Now the protections that are in this particular legislation relate to keeping some of the smaller pieces that make sense of the branch delivery systems. And as we move forward with this legislation, I think it makes sense to do it, but it also is a recognition that some of the more efficient ways of transporting heavy products, primarily grains, have changed and are causing lots of difficulties for our other transportation systems, primarily the highway system, that we have.

It's also quite interesting to note that, you know, not that many years ago we would have been surprised to have as much crude oil being transported by train as we do now. But it also then reflects the fact that there's a change in, you know, how we do in how we move heavy items within our community. But practically this particular legislation will balance the bargaining that happens around the sale of the shortline railways. It makes sense that we should do that.

Now I know that some of my colleagues still want to speak to this legislation, so I would move to adjourn debate.

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. 62

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Doherty that **Bill No. 62 — *The Parks Amendment Act, 2012 (No. 2)*** be now read a second time.]

The Speaker: — I recognize the member for Regina Lakeview.

Mr. Nilson: — Yes, Mr. Speaker, I'm pleased to rise on Bill No. 62, *An Act to amend The Parks Act*. And this particular legislation sets out some of the changes that happen. And as a former minister of Environment in charge of parks, I know that there's a continual review of the boundaries of the parks that related to the improvement in our land titles system, our ISC [Information Services Corporation of Saskatchewan], which meant that they were often finding errors in the description in the legislation as it relates to the parks. And I think that some of that is taking place in this legislation as well as some adjustments to deal with use by park neighbours.

And so when we look at this legislation, the first section relates to the Steele Narrows Provincial Park up in the northwest part of the province by Makwa Lake. And this is making sure that land that everybody assumed was in the park is actually in the park. But there are some places where the roads have been built where pieces of the park are, as the parks people call, marooned. They're separate from the park, and they really don't

add anything to the park, and those pieces can then be taken out and exchanged for other land or sold. And so I think what's happening here is that there's a fairly equivalent addition and exchange of land so that there's a small net gain in Steele Narrows Park of .03 hectares of land. We know that's not very much.

There's also an amendment I guess in the next section, which is section 5, which relates to the Anglin-Emma Lakes Provincial Park. And this is actually the creation of a new park in the province. And so therefore there has to be quite a detailed description of all of the land that's included. That's further complicated by the area where this land is located because it's in a very important recreational area for the province just south of Prince Albert National Park. And so we're pleased to have this new park created, and what this particular legislation does is to make sure that all of the boundaries are as clear as is presently known. I wouldn't be totally surprised if we won't in a few years get some corrections on these, but that's just the nature of this kind of work.

And then we go on to the next section, where there's an amendment related to Danielson Provincial Park. And Danielson Provincial Park is the provincial park right by the Gardiner dam on Lake Diefenbaker. And there are some changes being made here to add land that's native prairie at the same time as releasing some land which is in that area for creation of a subdivision. And it's land that looks kind of natural now, but during the huge earthmoving project which was the Gardiner dam and Lake Diefenbaker project, much of this land was disturbed. And so it's really not natural prairie or anything other natural about it other than it's on the edge of the lake. And it's my understanding that there's some interest in increasing the recreational potential for that part of Lake Diefenbaker, and so this amendment will facilitate that.

This is in my home territory where my grandparents' farm was, and so I know that in the '50s actually there was discussion about building the dam right on our farm land. This is about I think 6 miles upriver from where our farm was, and so I know the area well. There are some very beautiful spots that would add more recreation possibilities on Lake Diefenbaker, and it's a question of how that's done, whether it's done within the provincial park system or as a separate sale of land and a piece of private area. The other interesting thing about this part, this is very close to where the world record trout have been caught in Lake Diefenbaker. And so there's probably a lot of interest in people who are fishers that they would like to get access in this particular area.

So we have those changes that have been made that increase the size of Danielson Provincial Park but remove some land from the park to allow for the further development.

And, Mr. Speaker, the only other change here that is in this legislation reflects some of the rules around what the enforcement officers can do related to wildlife attractants. And it's effectively dealing with those kinds of things where there are nuisance bears. And we know that there are many times in our parks where there are substantially more bears, and it gives the enforcement officers the ability to step in and assess where certain products, whether it's garbage or whether it's food products or whatever is stored to make sure that it doesn't

create a further security risk for the people using the park.

I know that in the neighbourhood of Greenwater park in Saskatchewan that there are many bears around that area, and they are most of the time not a problem. But if they become a nuisance, it's a big issue for the parks officials and for the neighbours of the parks. My nephew has worked as an environment officer with the specific job of dealing with nuisance bears, and it's quite an interesting line of work, but it's also one that takes resources that could be used to better use in other activities.

Now, Mr. Speaker, I think that this legislation appears to accomplish what it's set out to do, but I know that at least one of my colleagues wants to make some further comments about parts of the legislation, so I will adjourn debate.

The Speaker: — The member has moved adjournment of debate on Bill No. 62, *The Parks Amendment Act, 2012 (No. 2)*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried

[16:45]

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 government House, or excuse me, the Opposition House Leader.

Ms. Sproule: — Thank you very much, Mr. Speaker. It's my pleasure to rise and speak to Bill No. 63 which is *An Act respecting Regional Parks and making consequential amendments to other Acts*. And just to start off, just a couple of comments about the importance of regional parks.

I think in many peoples' lives and certainly in my life, the regional park was the place where we all took our swimming lessons when we were kids. The regional park that was closest to my home in Lafleche was Thomson Lake Regional Park. Thomson Lake Regional Park is an interesting park because it is part of a PFRA [Prairie Farm Rehabilitation Administration] dam of the Wood River. And the Wood River was dammed in 1961. It was a PFRA project, and a fair bit of farm land was actually flooded as a result of that. But the whole goal was to provide for irrigation, which was what the PFRA was all about in those days, creating some water reservoirs for irrigation purposes. And it's still being used for that purpose to this day.

But once you have a lake in a rural area, people are going to want to use it for recreational purposes. So a regional park authority was established, and the Thomson Lake Regional Park was created. We certainly took our swimming lessons there in the summers, and you know, we would be very, very cold in early July. I remember just shivering so hard that you thought your bones were going to fall apart, but you managed to survive.

A few years later they added a swimming pool, so there's now a beautiful swimming pool there. There's picnic areas. There's lots of campsites. And more interestingly, there was a great golf course that developed at Thomson Lake, and I know my family enjoys it very much and use it a lot. And then the cottage lot developments started up, and all of a sudden there's a number of people that have little cottages, and then soon they got more complex and more beautiful and more home-like.

And now there are actually a lot of people living at Thomson Lake Regional Park. And it's got a well-run organization and certainly has the support of all the surrounding communities: Lafleche, Gravelbourg, even Assiniboia, as far east as Assiniboia, and Meyronne, and Woodrow, and Glentworth. And a number of communities use Thomson Lake Regional Park for their summer activities and their recreational activities.

So it's great fun to think about some of the fun times we had there boating, skiing — that's where I learned to water ski — and generally just have a lot of fun when we were out there. So clearly the regional parks have had a significant impact on all kinds of people in this province, and their importance can never be underestimated.

The minister indicated in his comments when the bill was introduced last November on second reading that the goal of this bill is, “. . . to improve the effectiveness and efficiency of regional parks governance and to provide additional clarity to the regional park authorities that rely on this legislation.” There's a number of changes that are being proposed in this legislation, and I guess two of the main components that I will speak to is the new part II of this new Act. Most of part III and part IV are really reflected in the previous Act in part V, part VI as well. So those are sort of . . . They've been tuned up a little bit, Mr. Speaker, but there are no significant changes there.

The biggest change is in part II which is the administration of the Act. And as I was looking at the way this is being structured, I had an incredible sense of déjà vu, Mr. Speaker, and I wasn't sure what was causing that. And then I looked back. Earlier today I spoke a little bit on Bill 59, which is *The Animal Identification Amendment Act*, and what I've discovered is it's almost word for word, clauses that are mirrored between, if you can imagine, the regional parks authority Act and *The Animal Identification Amendment Act*. And it's almost uncanny the similarities between the two major changes in these two bills.

The essence of the major changes that we are seeing is that we have an identification of what the powers and responsibilities of the minister are, and that happens in both of these Acts. And then we have another section that deals with these administration agreements, and not only the administration agreements but the matters that arise from these administration agreements. And I went to quite a bit of detail on the last bill about the essence of that administration agreement, and as I was looking through this one, it occurred to me that this is exactly the same clause.

What I do find kind of curious, Mr. Speaker, is the differences in language between these two, the two clauses, and the subtleties of the differences. And what I suspect is that, well, we see a wish on the part of this government to devolve

governmental responsibilities down to local authorities. In the case of *The Animal Identification Act*, it's the devolution to the industry itself where they're now going to be responsible for animal identification. And in this case, as the minister indicated in his opening comments, the goal is to devolve responsibility and administration down to the Saskatchewan Regional Parks Association.

And again, I see it's just another example of this government's general view and attitude that it should not be looking after some of these matters that government has typically looked after. I'm not sure that that's a positive change, Mr. Speaker, and I think there are things that need to be examined very carefully when governments devolve responsibilities and authorities down to local authorities.

And the way the minister described that in his comments back in November was that he wanted to introduce in the legislation an authority to delegate his powers down to the Saskatchewan Regional Parks Association through this formal, what we hear is an administration agreement. So there's definitely a pattern here in terms of the types of devolution this government is interested in.

And he goes on to describe the role of the Saskatchewan Regional Parks Association, so that here we have a provincial body that's well-established. And as we look at the history of the regional parks, you can see that it used to be each park had a direct relationship with the government, and there would be grants and capital maintenance grants provided to each individual park. So the idea of the Saskatchewan Regional Parks Association came out of that, and since the 1990s the provincial association has been playing more and more of a role in the administration of the grants and the capital grants and the maintenance grants.

So according to the minister, he indicates he has worked closely with the Regional Parks Association and that they have been asking for changes to the bill. I'm not sure if they were actually looking for this sort of devolution of administration because it's so uncannily like the devolution of administration for *The Animal Identification Act*. So I can't imagine the Saskatchewan Regional Parks Association and the Cattlemen's Association talking ahead of time together and proposing the same type of administration agreement. I think this is a top-down imposition of these types of agreements on these organizations. However, I think the devil will be in the details and obviously in the level of support that this government provides to the Saskatchewan Regional Parks Association.

The other thing, I think, that we found somewhat interesting in this bill was the definition of organization. And I need to find it in the old bill, the change from the old bill, where there's a new definition in the new bill of organization. And it says again it can be a person or a body or a non-profit corporation. So it appears that the government can not only delegate all these authorities and responsibilities to the Regional Parks Association, Saskatchewan Regional Parks Association, it could also delegate it to an individual. So one wonders if there's an ability here for delegating authorities to an individual to run a regional park and what kind . . . what that would mean. Is that a form of privatization? Will parks be allowed to be run by individuals?

According to the definition of organization that we find in the new Act, it reads as follows. This is section 2(d), and it says:

“organization” means:

- (i) a person or body that has as one of his, her or its purposes to develop regional parks, to better the community, to enhance the well-being of Canadians or to improve the environment.

So that goes well beyond the traditional arrangement of having parks run by municipalities or local government organizations. So I would like to question the minister, and I think these are some of the questions we'll have when this bill is put into the committee structure and examined from that level.

So he identified in his comments that the area that's being addressed is a:

- ... formal recognition of community and non-profit organizations in the establishment and operation of regional park authorities, where previously only municipalities had this formal recognition.

I think this change goes a little beyond what he has described in his comments.

The other thing we see as a change from the previous Act is in section 3 where the purpose of the Act, municipalities are basically taken right out of the definition that used to be there.

The purposes of this Act are the following: section 3(b), to assist local government agencies in establishing regional parks. What's been removed from that clause is it used to say, to assist municipalities, local government agencies, and organizations in establishing and operating regional parks. So one has to wonder why operating has been removed or added, and municipalities are now added and organizations are added. So again, those are the types of questions I think we're going to want to have a look at in committee.

The minister also indicated that the fourth goal that he's looking at is just clarity throughout the legislation, removing out-of-date and redundant references. And he made a comment that many of the existing sections of the Act have been moved to the regulations or policy or deleted. And if you look through it, you can see there is a number of regulatory provisions found near the end of the Act, section 30, and that used to be section 24 in the previous Act.

Section 24 in the previous Act only listed seven regulatory authorities, and now that's been expanded to 12 regulatory provisions. And so I think the first few haven't changed a whole lot, but there's some in there that are the general catch-all which provides quite a bit of leeway for the Lieutenant Governor in Council to pass regulations for things that aren't provided for in the Act. And as I've often commented here, Mr. Speaker, those are of concern when we don't have an opportunity for the public or the opposition to take a look at those regulations before they're passed.

So for example, one of the things that's now found within the regulations is regarding regional park bylaws, so prescribing the

process for making regional park bylaws. This is no longer within the Act and it's been moved out to the regulatory sphere. So that's something we'll be watching for sure.

And then respecting grants, so we now have something within the regulatory sphere that says, this is section 30(i), “respecting the grants provided to regional park authorities, including eligibility for that assistance.”

That was previously reflected in section (f) of the old Act, but this specifically provides for grants.

Other things that are in there is when regional park authorities can dispense with an auditor. That's something that's new and that's found in section 30(j).

So I think what we'll do, Mr. Speaker, is there are other of my colleagues that are going to want to speak to this bill. The intent I think is clear, is to devolve responsibility from the government outward. We see a trend with this government, as I indicated. The same trend is almost word for word being imposed on *The Animal Identification Amendment Act*.

And these are things that I think as the opposition we want to take a very careful look at. So when it comes to the committee stage, we're going to be asking those questions and try and get a sense of why there's this repeating pattern of devolution of authority and what the serious impact of that will be on the local groups that have to carry on. We see what happens with the universities when they're given a lot of responsibility and the government then yanks the funding that they've promised them.

So those are things that we'll watch, and at this point, Mr. Speaker, I would like to adjourn debate on Bill No. 59.

The Speaker: — The member has moved adjournment of debate on 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. It now being 5 o'clock, this House stands adjourned to 10 a.m. tomorrow morning.

[The Assembly adjourned at 17:00.]

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