



FOURTH SESSION - TWENTY-SEVENTH LEGISLATURE

of the

**Legislative Assembly of Saskatchewan**

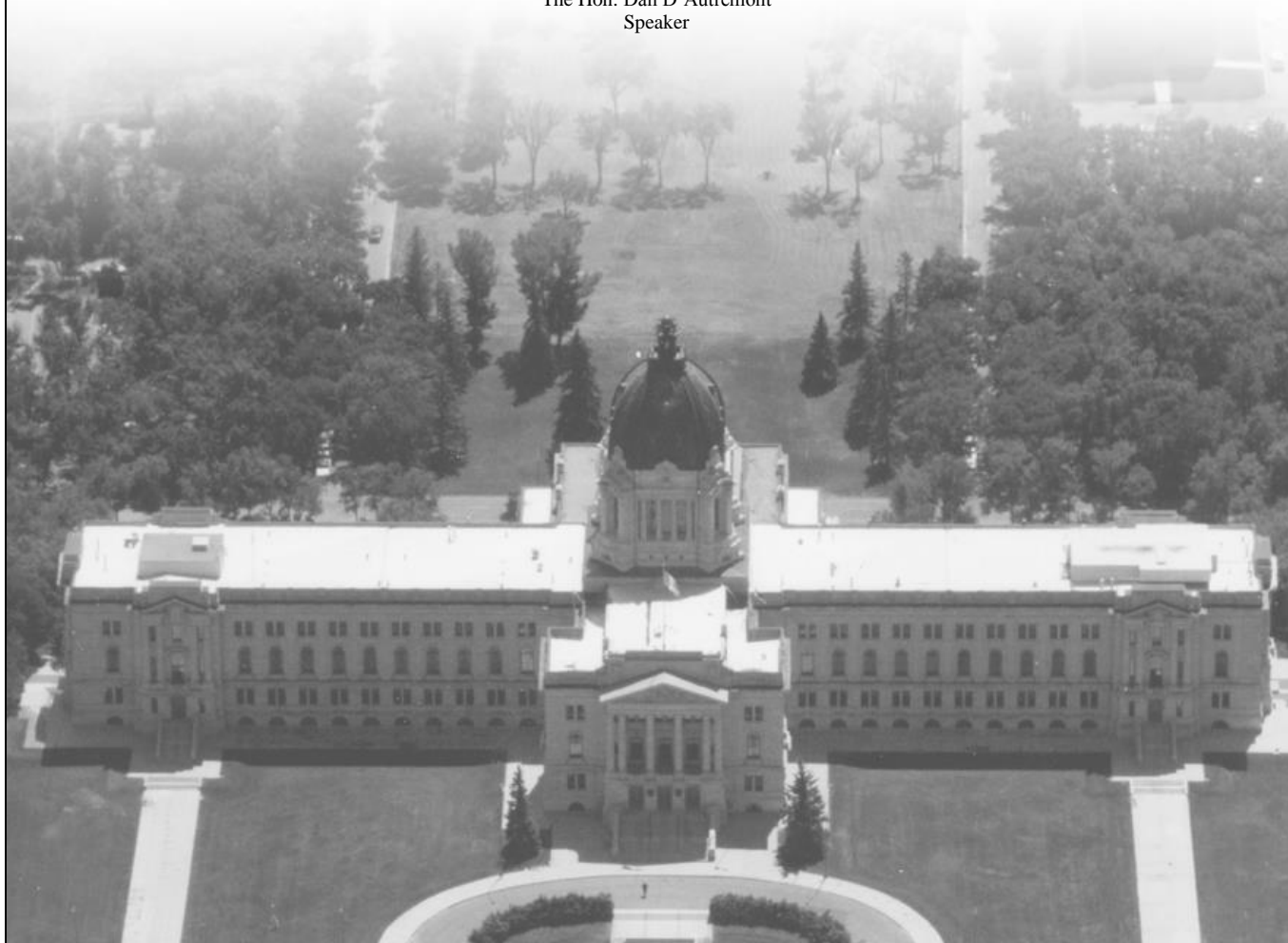
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**DEBATES  
and  
PROCEEDINGS**

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(HANSARD)

Published under the  
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 — Cam Broten

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, Hon. 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, Hon. Mark	SP	Regina Coronation Park
Doherty, Hon. Kevin	SP	Regina Northeast
Doke, Larry	SP	Cut Knife-Turtleford
Draude, June	SP	Kelvington-Wadena
Duncan, Hon. Dustin	SP	Weyburn-Big Muddy
Eagles, Doreen	SP	Estevan
Elhard, Wayne	SP	Cypress Hills
Forbes, David	NDP	Saskatoon Centre
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, Russ	SP	Regina Douglas Park
McCall, Warren	NDP	Regina Elphinstone-Centre
McMorris, Hon. Don	SP	Indian Head-Milestone
Merriman, Paul	SP	Saskatoon Sutherland
Michelson, Warren	SP	Moose Jaw North
Moe, Hon. Scott	SP	Rosthern-Shellbrook
Morgan, Hon. Don	SP	Saskatoon Southeast
Nilson, John	NDP	Regina Lakeview
Norris, Rob	SP	Saskatoon Greystone
Ottenbreit, Hon. 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, Randy	SP	Biggar
Wilson, Hon. Nadine	SP	Saskatchewan Rivers
Wotherspoon, Trent	NDP	Regina Rosemont
Wyant, Hon. Gordon	SP	Saskatoon Northwest
Vacant		Lloydminster

[The Assembly met at 13:30.]

[Prayers]

## ROUTINE PROCEEDINGS

### INTRODUCTION OF GUESTS

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

**Hon. Mr. Duncan:** — Thank you, Mr. Speaker. Mr. Speaker, to you and through you to all members of the Legislative Assembly, I'd like to introduce three guests that are seated in your gallery. Joining us today are Bill and Maureen Preston as well as Dr. Mike Moser. They are here to hear first reading of *The Human Tissue Gift Act*.

Mr. Speaker, Bill is a lawyer and Maureen works as an RN [registered nurse] on the transplant ward where renal patients are admitted. And a number of years ago, Maureen donated a kidney to her husband. Mr. Speaker, Dr. Moser is one of our kidney transplant surgeons.

Mr. Speaker, we're going to be making changes to legislation that we certainly hope will establish standards, practices, and procedures that will improve access to transplantations here in the province. I'm glad that the three of them could be with us here today to hear the introduction and first reading of the bill, and I'd ask all members to join with me in welcoming them to their Legislative Assembly.

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

**Ms. Chartier:** — Thank you, Mr. Speaker. It's my pleasure to join with the minister in welcoming Bill and Maureen Preston and Dr. Mike Moser to their Legislative Assembly here today.

We're eager and interested to see and hear first reading of this bill as well. There can always be improvements. Many of us know people who've had to go through transplants or have been on the list waiting for various transplants, Mr. Speaker, so we look forward to hearing what this bill is about and how it will improve services for people here in Saskatchewan. So with that, I'd ask my colleagues to join me and the minister as well in welcoming these guests to their legislature.

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

**Hon. Mr. Wyant:** — Thank you, Mr. Speaker. To you and through you I am pleased to welcome to the Assembly representatives and supporters from Kate's Place and the Salvation Army who have graciously agreed to join us today.

Mr. Speaker, Kate's Place is a residence operated by the Salvation Army that provides safe, stable, and supportive housing for women participating in the drug treatment court. In your gallery today it's my pleasure to introduce Major Mike Hoeft, area commander of the Salvation Army — you can give us a wave; thanks, Mike — Audra Isaac, executive director of the Salvation Army; Amanda Carlson, managing director of

Kate's Place; Judie Birns, manager of the drug treatment court; Isabelle Morris who is a graduate and current tenant of Kate's Place; and Susan who is also a graduate and former tenant of Kate's Place.

I'd also like to recognize Pat Thiele, acting executive director of the community justice division of the Ministry of Justice who is also seated in your gallery. Pat and his team have worked very closely with Kate's Place and the Salvation Army in seeing this move forward, Mr. Speaker, and we're very, very proud of their work.

So I would ask all members to join me in welcoming our guests to the legislature today.

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

**Mr. Forbes:** — Thank you very much, Mr. Speaker. I'd like to join in with the minister in welcoming the guests here today. It's a very important announcement, a good news announcement. So folks from Kate's Place, welcome to your legislature. We're glad this is moving forward. To the Salvation Army for the leadership in this and all the folks that made it possible, thank you very much from the opposition. Thank you.

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

**Hon. Mr. Morgan:** — Thank you, Mr. Speaker. To you and through you, Mr. Speaker, I would like to introduce Bruce Farrer and his wife, Cathy, who are joined today by a number of their family members. If Mr. Farrer would give us a wave.

Mr. Speaker, Bruce Farrer is a teacher. He has a long and storied career. You are going to hear a bit more about one of his stories coming up shortly, Mr. Speaker, but I wanted to take this opportunity to recognize Mr. Farrer for his commitment to education in Saskatchewan. He has spent much of his 53-year career at Bert Fox Community High School in Fort Qu'Appelle. He's also spent time teaching in on-reserve schools, and he continues to teach in classrooms today.

Mr. Speaker, Saskatchewan is full of passionate and dedicated teachers and Mr. Farrer is certainly no exception. I would like to ask all members to join me in welcoming him and his family to the legislature, Mr. Speaker, and also advise that he plays bridge with the mother of the member from Indian Head-Milestone. I don't know whether he taught the member from Indian Head-Milestone. If he did, there's probably some work continuing that needs to be done. I won't go any further down that road, Mr. Speaker.

But I'd also like to join with the Minister of Health in recognizing Bill and Maureen Preston. Bill Preston is a lawyer from Saskatoon where I practise as well. I had a number of files with him, both on the same side and on the opposite side over the years, a person who is a great practitioner, a very skilful lawyer, a good person. He's also one of the senior partners in the law firm that has employed my wife for the last 28 years. And we've got 28 years of cheques that have never bounced, so keep up the good work. And we'd like to ask members to join all of these people today.

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

**Mr. Wotherspoon:** — Thank you, Mr. Speaker. It's my pleasure to join with the Minister of Education as opposition Education critic and welcome Mr. Bruce Farrer and Cathy Farrer to their Assembly. It's an honour to recognize somebody who's given so much to their province. Fifty-three years of service and excellence in teaching is something incredibly special, and that impact that'll have been left in the lives of so many is something that can never be in fact measured and certainly can't be taken away. So certainly the opposition is thankful for your leadership in education in our province. Certainly Bert Fox is an incredibly special school doing very important work, and it's our pleasure to welcome you to your Assembly. Thank you.

### PRESENTING PETITIONS

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

**Mr. Forbes:** — Thank you very much, Mr. Speaker. I rise today to present a petition that calls for greater protection for Saskatchewan citizens from developers who default on fixed-price contracts with the Saskatchewan government. And we know that in September this year this government walked away from a new 48-unit, low-income affordable housing project in Regina, allowing a private developer to instead take control of and then rent the units at full market price. I'd like to read the prayer, Mr. Speaker:

We, in the prayer that reads as follows, respectfully request that the Legislative Assembly of Saskatchewan take the following action: cause the government to recognize that there are indeed desperate homeless people in our province and to immediately reverse its policy of now allowing private developers with whom the government has close relationships to default on fixed-price contracts for affordable housing projects.

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

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

**Mr. Wotherspoon:** — Thank you, Mr. Speaker. I rise to present petitions as it relates to the unacceptable safety issues on Dewdney Avenue relating to heavy-haul truck traffic and the failure of this government to properly plan to ensure safety for our residents and users along Dewdney Avenue. And this petition calls for immediate action by this government to ensure safety for all. The prayer reads as follows:

Wherefore your petitioners humbly pray that your honourable Legislative Assembly call on the provincial government to immediately take action as it relates to the unacceptable danger, disturbance, and infrastructure damage caused by the heavy-haul truck traffic on Dewdney Avenue west of the city centre, to ensure the safety and well-being of communities, families, residents, and users; and that those actions and plans should include rerouting the heavy-haul truck traffic, receive provincial funding, and be developed through consultation with the city of Regina, communities, and residents.

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

These petitions today are signed by concerned residents of Regina, including directly from Dewdney Avenue. I so submit.

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

**Mr. Belanger:** — Thank you very much, Mr. Speaker. I'm also pleased to stand in my place to present a petition on housing. And the prayer reads as follows, Mr. Speaker:

To cause the provincial government to restore the rent-to-own option for responsible renters of the social housing program and to reinstate the remote housing program.

And, Mr. Speaker, the people that have signed this petition are primarily from Ile-a-la-Crosse. And I so present.

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

**Ms. Sproule:** — Thank you very much, Mr. Speaker. I'm rising to present a petition that's condemning this government's dangerous smart meter program. And the individuals who signed this petition want to bring to the attention of the Assembly the following:

Whereas the government knew about major safety concerns related to its smart meter project; whereas the government ignored those safety concerns and plowed ahead with its program; whereas the safety of Saskatchewan families was put at significant risk; we, in the prayer that reads as follows, respectfully request that the Legislative Assembly of Saskatchewan take the following action: to cause the provincial government to take responsibility for its failure to act on readily available information about safety concerns with its smart meter program, including through the immediate resignation of the Minister Responsible for SaskPower and a fully independent inquiry into the concerning chain of events that severely compromised the safety of Saskatchewan families.

Mr. Speaker, this is signed by individuals from Regina. I so submit.

### STATEMENTS BY MEMBERS

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

#### Saskatoon Company Contributes to Historic Space Mission

**Ms. Sproule:** — Thank you, Mr. Speaker. I would like to take a moment today to recognize the contributions of an innovative Saskatchewan company to an important space mission. Saskatoon's SED Systems is a Canadian company that's playing a big role in the European Space Agency's Rosetta mission. The Rosetta mission is the first project in history to rendezvous with a comet.

The roots of SED came in 1965 when the University of Saskatchewan's Institute of Space and Atmospheric Studies announced the formation of a new group within its organization. It was called the space engineering division. Its mandate was to design and build rocket instrumentation for upper atmospheric studies. With Dr. Alex Kavadas as director, one engineer, and three technicians, the company began its journey to the global solution provider that it is today.

SED Systems has been involved in the Rosetta project since 2001 when they, with only 250 employees at the time, won the contract to build the first ground station. There are currently three Saskatchewan-built ground stations in Australia, Spain, and Argentina.

Earlier today, after a 6.4-billion-kilometre journey that began a decade ago, the 220-pound robot probe successfully landed on the comet, which is going 135 000 kilometres per hour. This is the first historic landing on a comet after descending from a mother ship.

Mr. Speaker, it's incredibly exciting that a Saskatoon-based company is playing such an important role in this mission. I ask all members to join me in recognizing the remarkable accomplishments and the Saskatchewan spirit of the team at SED Systems.

**The Speaker:** — I recognize the Minister of Government Relations.

#### **Distinguished Police Officer Retires**

**Hon. Mr. Reiter:** — Mr. Speaker, it's my honour to rise today and recognize a good friend, Sergeant Ian Skinner, who has retired from the Royal Canadian Mounted Police after 37 years of service. I first met Ian in 2001 when he was promoted to corporal and worked in the Rosetown detachment. I was immediately struck by his professionalism and commitment to the safety of our community.

Ian was born in Ontario and began his career in 1977 in Ottawa, serving on Parliament Hill and then in the executive/diplomatic protection station. Ian was assigned to Saskatchewan in 1992 and served the communities of Rosetown, Langenburg, Saskatoon, and Yorkton. It was great to welcome Ian back to Rosetown in 2011 when he became the commanding officer of the Rosetown detachment.

He is also a dedicated member of our community, and perhaps one of his more notable local achievements occurred earlier this year when he refereed the longest hockey game ever played in Saskatchewan history. The Midget A North Saskatchewan Female Hockey League game went into eight overtime periods and lasted almost 200 minutes, a daunting task for the young players, let alone a middle-aged guy like Ian.

Mr. Speaker, recent events in our nation's capital have reminded us all how thankful we are to people like Ian who dedicate themselves to protecting Canadian people each and every day. I ask all members to join me in congratulating Sergeant Ian Skinner for an outstanding career with the RCMP [Royal Canadian Mounted Police] and thank him for making our province not only a great place to be but a safe place to be.

Thank you, Mr. Speaker.

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

#### **Availability of Midwifery Services**

**Ms. Chartier:** — Thank you, Mr. Speaker. Last week I had the pleasure to attend the 14th annual conference of the Canadian Association of Midwives. Midwifery is an important and established profession in our country, and other provinces are making great strides to advance and promote midwifery.

Unfortunately for women here in Saskatchewan, this government has been dragging its feet, and progress in building midwifery services has been slow. Most women in Saskatchewan are not able to choose midwifery because there just aren't enough midwives working in our province. The government could do something about this, Mr. Speaker.

[13:45]

Services are only available in three of our province's 13 health regions. Women in Saskatoon, Regina, and the Cypress Hills area have very limited access with a total of 15 midwives in our whole province. Where it is available, wait-lists are long and many women are turned away. This government got to proclaim *The Midwifery Act*, building on the work that had been happening since the previous government committed to funding it in the 2005-06 budget, but it has not made midwifery or women a priority.

I hope that all members will join me in congratulating the CAM [Canadian Association of Midwives] on their successful convention and will continue to fight for access for all Saskatchewan women who want to choose midwifery care. Thank you.

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

#### **Teacher Achieves Decades of Student Engagement**

**Mr. Marchuk:** — Thank you, Mr. Speaker. Our government recently embarked on the first ever student-first consultation. One of the key pieces heard through that consultation is that student engagement is essential to student success. Today I stand to celebrate someone who has engaged his students for decades, Mr. Speaker, and that person is Fort Qu'Appelle's Bruce Farrer.

Mr. Speaker, Mr. Farrer started teaching in 1961; his annual salary, \$3,200. And he taught in a one-room rural school. The times have certainly changed, Mr. Speaker, but Mr. Farrer's passion for education certainly hasn't. For a number of years, Mr. Farrer has given his students a unique assignment: write a letter to your future self.

This year, Mr. Speaker, it was his 1994 English class's turn to receive the letters that they had written to themselves. One of those recipients was Scott Fulton who's now a teacher himself. He said of the experience, and I quote, "I was just feeling honoured and grateful. I'm amazed and inspired at the work of

Mr. Farrer.” And, Mr. Speaker, he’s not the only one.

I’ve been in many classrooms throughout my career, Mr. Speaker, and I know that good teachers find a way to engage their students. Mr. Farrer has not only engaged his students, but he’s engaged people from across this country. He’s a living example of why Saskatchewan is the best place in Canada to live. Simply put, it’s the people. I thank Mr. Farrer for his contributions to education in our province throughout the years and in the years to come. Thank you, Mr. Speaker.

**The Speaker:** — I recognize the member for Kelvington-Wadena.

### Working Together to Support At-Risk Mothers

**Ms. Draude:** — Thank you, Mr. Speaker. Six months ago I stood in this House to tell you about Sweet Dreams, a supported living home for at-risk single moms in Saskatoon. Our government is proud to report that Sweet Dreams is already helping families stay together and providing moms with mentoring they need to continue them on the path towards success and well-being.

Sweet Dreams has already had one mom with three children move into independent living. The mom is continuing her education and is doing motivational speaking for Aboriginal women. There are also five other moms living in the home with their six children. Mr. Speaker, Sweet Dreams will also have a mom expecting a baby soon transition into Sweet Dreams. This is all very exciting for our government and the people of our province because this means that moms and their children are getting the support they need to help them stay together. We are able to help moms without taking their children into care.

Mr. Speaker, this progress is made possible thanks to the great partnership between Conexus Credit Union, Wally and Colleen Mah, and Egadz. The commitment made by our government was a trial of a social impact bond, the first funding model of its kind in Canada. And it’s now a reality.

Mr. Speaker, Don Meikle of Egadz from Saskatoon can attest to the positive work that’s being done. He says, and I quote, “The innovation and commitment of the community at large has attracted a great deal of positive attention on the way we are working together to provide moms the opportunity to care for their children with lessening degrees of support into the future.”

Our government believes in the social conscience of our citizens. This is one of the ways we are working together to help keep Saskatchewan strong. Thank you, Mr. Speaker.

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

### Hilltops Win Fourth Junior Football Title in Five Years

**Hon. Mr. Cheveldayoff:** — Thank you very much, Mr. Speaker. I am pleased to rise in the House today to announce the victory of the Saskatoon Hilltops over the Langley Rams this past Saturday. The Hilltops won 39 to 14 to secure the win in the second Canadian Bowl championship matchup between these two teams in the last three years. The Hilltops have now secured their unprecedented 17th Canadian Junior Football

League title and the fourth in five years.

Mr. Speaker, the great coverage and big hits led to five first half turnovers created by the defence. These great plays really set the tempo for what would end up becoming a dominating performance.

Mr. Speaker, not to be outdone by their defence, the Hilltops offence made a few highlight-worthy plays in their own right. Quarterback Jared Andreychuk scored on a 14-yard keeper, followed by running back Logan Fischer breaking two tackles to find the end zone from 7 yards out. Receiver Evan Turkington added to the Hilltops’ advantage with two touchdowns. He finished the game with five catches for 131 yards. Mr. Speaker, the strong lead by the Hilltops in the first half ensured them the victory.

I ask all members to join me in congratulating the Saskatoon Hilltops in their win over the Langley Rams and securing yet another Canadian Bowl championship. I’d also like to thank head coach Tom Sargeant and his entire coaching staff, the Hilltops executive, and fans. Thank you, Mr. Speaker.

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

### Shelter for Vulnerable Citizens

**Mr. Lawrence:** — Thank you, Mr. Speaker. I stand in this House today to talk about how we can all work together to save the lives of our most vulnerable citizens during the coldest months of the year. As our temperatures in our province plummet, our government, along with our community partners, want to make sure that people know what to do if they see someone in need of a warm place to sleep.

Mr. Speaker, community and government partners in Saskatoon, Regina, and Prince Albert have developed cold-weather strategies and have coordinated measures to support those in need of shelter. Although these supports are in place, we still ask Saskatchewan people to look out for those without shelter so that they can get the help they need, when they need it.

Mr. Speaker, individuals who witness someone in the need of help in Regina can contact Mobile Crisis Services. For those in Saskatoon, the Salvation Army and Saskatoon Lighthouse can be contacted for after-hours emergency services and referrals. In other communities across the province, individuals are asked to contact their nearest Ministry of Social Services centre. As always, if someone witnesses someone who’s in immediate danger, please call 911.

The loss of one life is one loss too many. Mr. Speaker, let’s keep Saskatchewan strong by working together to make sure nobody in our province is without a warm place to sleep.

Thank you, Mr. Speaker.

### QUESTION PERIOD

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

### Health Quality Council and the Lean Initiative

**Mr. Broten:** — Thank you, Mr. Speaker. This government's \$40 million American lean consultant didn't like the communications branch at the Ministry of Health, so this government, Mr. Speaker, scurried to turn the Health Quality Council into the province-wide provincial kaizen promotion office. And it did so, Mr. Speaker, on an incredibly tight timeline. On February 1st, 2013, the proposal for such a move was circulated amongst senior leaders. But just 12 days later, Mr. Speaker — not even two weeks — the Health Quality Council announced that it would become the provincial kaizen promotion office on April 1st.

Mr. Speaker, my question is for the Premier. Why did the government move so quickly to make the Health Quality Council the main cheerleader for its lean pet project? What was the rush?

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

**Hon. Mr. Duncan:** — Thank you very much, Mr. Speaker. Mr. Speaker, as the Health Quality Council's role had evolved over a number of years to focus not only on reporting but also helping all of the health sector in the system work on quality improvement initiatives, this was something that, in the words of the board Chair, wasn't forced on them, that they took on this role eagerly on behalf of the health care system.

In fact, Mr. Speaker, I can tell the members of the House that this was a decision of the Health Quality Council that was made by the board, unanimously by the board of directors of the Health Quality Council, to take on this work. And, Mr. Speaker, I think it's important to also know that at that time over half of the board members of the Health Quality Council were appointees under the former government, the NDP [New Democratic Party] government, clearly not the cheerleaders of this government.

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

**Mr. Broten:** — Mr. Speaker, internal emails show that there is a tremendous amount of confusion and frustration, Mr. Speaker, in the Ministry of Health as this government sought to appease and sought to please John Black. It's incredibly unfortunate, Mr. Speaker, that this Premier and this Minister of Health did not do the proper consultation with stakeholders to ensure this was the right decision, Mr. Speaker. And they did not properly consult with people. They did not think this decision through.

And it's appalling, Mr. Speaker, that this government's \$40 million American lean consultant was put in a place where he could call the shots. But it's not surprising, Mr. Speaker, given the standing of this toxic consultant, the standing that has been given to him by this government. An internal org chart, Mr. Speaker, shows that this government's \$40 million American lean consultant is at the same level as the deputy minister of Health.

My question, Mr. Speaker, to the Premier: does he really think that that is an appropriate placement for such a toxic consultant?

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

**Hon. Mr. Duncan:** — Mr. Speaker, I can say very clearly that John Black or John Black and Associates, the firm that we've contracted with, is not on the same level in terms of decision making, in terms of providing advice to me as the minister, in terms of providing the functions of the permanent head of the Ministry of Health, Mr. Speaker. That is clearly not the case.

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

**Mr. Broten:** — Mr. Speaker, it's an internal org chart produced, Mr. Speaker — not by the opposition but by government, by the Health Quality Council, Mr. Speaker — that shows John Black is up at the top of the org chart. And they should be able to answer, Mr. Speaker. This is the government, the Premier that has placed such faith in John Black, such blind faith in John Black, Mr. Speaker. They should be able to stand and say whether or not he should be there calling the shots.

It's the \$40 million consultant, Mr. Speaker, that tattles on leaders who dare question John Black's authority, the one that senior leaders say, Mr. Speaker, lacks respect. So it's incredibly concerning that he's up at the top of the chart, Mr. Speaker.

It's also concerning, Mr. Speaker, that John Black is there, lording over the Health Quality Council, the Health Quality Council that is supposed to be an agency that is independent and an agency that provides independent analysis and evidence for Saskatchewan people. And I think that speaks volumes, Mr. Speaker, about the John Black version of lean that this government has been chugging now for months and months. And they laugh. They scoff. But they know, Mr. Speaker, that they placed this individual as the chief cheerleader for its lean pet project. I have huge problems with the Health Quality Council, Mr. Speaker, delivering a program and also responsible for evaluating its effectiveness.

My question to the Premier: we know he is hugely concerned about optics, Mr. Speaker, so will he at least admit in this situation that there is at least the appearance of a huge conflict of interest in the role of the Health Quality Council, that it is a glaring conflict here?

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

**Hon. Mr. Duncan:** — Mr. Speaker, Mr. Speaker, I want to quote from the strategic plan of the Health Quality Council. And I'll quote:

Although measurement is important, Health Quality Council has gone beyond issuing reports. Over the past four years, we have set out a substantial program of quality improvement activities to ensure that problems identified in our reports would be followed up by concrete action.

Mr. Speaker, this strategic plan was adopted and approved May 2007 under the former government, Mr. Speaker. Mr. Speaker, this shows that there has been a role of the Health Quality Council to ensure that there are measurements but also that they play an active lead role in quality improvement. That's what's continuing under this government. That's what was put out by

the former government.

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

**Mr. Broten:** — Mr. Speaker, it is this government that has chugged the Kool-Aid coming from John Black. It's this government, Mr. Speaker, that has meddled with the role of the Health Quality Council, and it's this government, Mr. Speaker, that should fire John Black.

John Black was upset, Mr. Speaker. He didn't like the Ministry of Health's communication. So he threw a fit, Mr. Speaker, and he ensured that the communications and the promotion were moved from the ministry over to the Health Quality Council. He wasn't happy, Mr. Speaker, that there were only five staff in the ministry responsible for lean promotion, so he made the Health Quality Council devote over 22 of its full-time staff to promote lean, a whopping 350 per cent increase in the full-time staff who were devoted to lean promotion here in the province.

But, Mr. Speaker, that wasn't enough for the toxic John Black in his approach to health care here in the province. Internal emails from June of this year show that John Black was upset again. And this time, Mr. Speaker, he was upset because of a job title change within the Health Quality Council. That's how meddling and how toxic his role is in this.

To the Premier: on what planet, Mr. Speaker, on what planet does it make sense for John Black to have control over job titles at the Health Quality Council?

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

**Hon. Mr. Duncan:** — Thank you, Mr. Speaker. I'll go on to quote from a strategic report that talks about the work of the Health Quality Council, working on metrics, working on reporting, but also moving into quality improvements. So this is May of 2007. Since 2003, so between 2003 and 2007, Health Quality Council has provided basic quality improvement training to over 1,400 individuals and supported some 135 quality improvement teams across the province.

Mr. Speaker, we made the decision based on some work that had been done in Five Hills Health Region, some work done under this government after 2008 in quality improvement, and some of the work using lean methodology. We felt that it was prudent to invest further into the health care system to deploy lean methodology across the entire health care system and work with the Health Quality Council, as had been approved in May of 2007 in terms of their evolving role.

[14:00]

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

**Mr. Broten:** — Mr. Speaker, the Health Quality Council itself admits that its bread-and-butter work, the work that it is legislatively mandated to do, is being put on the back burner, is taking second place, Mr. Speaker, to the lean pet project and the cheerleading role that has been assigned by that Premier and that Health minister, Mr. Speaker.

On June 13th of this year, the Vice-Chair of the Health Quality

Council wrote a lengthy email in which he talked about, Mr. Speaker, John Black not acting like how a consultant should act. He talked about the need — get this, Mr. Speaker — for a reset on the overall lean strategy. And this is what he said: "Somehow we need to take a much more active role in defining the strategy as opposed to allowing JBA to dictate it to us."

Mr. Speaker, it is so clear this project has gone off the rails. This version, Mr. Speaker, of John Black's lean is not working for Saskatchewan, and everyone knows it. And there's a lot of frustration, Mr. Speaker, with the elevated role that this government has placed John Black in.

My question to the Premier: will he admit that it was a rushed decision to have the Health Quality Council to become the lead cheerleader for its lean pet project, and will it finally put an end to allowing John Black to dictate things in our health care system?

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

**Hon. Mr. Duncan:** — Mr. Speaker, I'm going to check the record just so I get this right. But did the Leader of the Opposition quote an internal document, a memo or a letter from the Deputy Chair, the Vice-Chair of the Health Quality Council that says that the Health Quality Council should have more control over determining on how lean is implemented in the health care system, something that I think I'm not sure if the Leader of the Opposition is for or against that now, Mr. Speaker, in terms of the Health Quality Council being involved.

Mr. Speaker, we have made changes to the way the contract's going to be developed, the way that it's going to end in terms of tailoring this to Saskatchewan's need, but certainly this evolution in the role of the Health Quality Council is not new. In fact it had not even started under this government. It had started with the strategic plan of 2007 under the members opposite, and they know that.

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

**Mr. Broten:** — Mr. Speaker, everyone in Saskatchewan knows that the government's lean pet project, with its John Black version of lean, has gone off the rails, Mr. Speaker. They have put far too much trust in John Black. They've given him far too much power. They have deviated, allowed the HQC [Health Quality Council] to deviate from its main role, Mr. Speaker. Everyone understands that, Mr. Speaker, except this Premier and this Health minister.

My question to the Premier: will he admit his government has lost its way with the John Black version of lean? Will he stand today and admit that they need to end the contract with John Black?

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

**Hon. Mr. Duncan:** — Thank you very much, Mr. Speaker. Mr. Speaker, we are ending the contract with John Black and Associates in June of next year, Mr. Speaker. I've said that publicly. We have already announced that, Mr. Speaker.

But what we're not going to do is we're not going to change our



practices and lose the momentum that we're seeing when we can report, Mr. Speaker, to the people of this province that RUH's [Royal University Hospital] emergency department times, from arrival in the door to treatment, was formerly 1 hour 53 minutes on average. Now it is approximately 57 minutes, thanks to a lean RPIW [rapid process improvement workshop].

So we're not going to change that. We're not going to change the momentum that we're seeing in the health care system. We are going to make adjustments. We are going to tailor it to Saskatchewan's needs. And we're going to make sure that we can contain this, that we can continue with this after the JBA [John Black and Associates] contract ends, Mr. Speaker. But this is work that we're going to continue on with.

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

### Replacement of Smart Meters

**Mr. Wotherspoon:** — On Friday a smart meter on the side of Joan Riemer's home here in Regina started on fire. Joan said she woke up to an exploding sound, looked out her bedroom window, and saw flames. The burning meter started her barbecue cover on fire, which could have quickly spread to the propane tank.

Thankfully Joan was home and was able to deal with the fire immediately. But it's shameful that this government has failed to contact all Saskatchewan families that have had these fire-prone smart meters strapped to their homes to tell them how dangerous these meters are and to ensure measures are taken in order to minimize damage and save lives if meters start on fire. To the Premier: will he commit to do that today? And does he believe it's safe for families, for babies, for kids, for parents, for seniors, to lay their heads down tonight on the wall just outside of a smart meter?

**The Speaker:** — I recognize the Minister for the Economy.

**Hon. Mr. Boyd:** — Thank you, Mr. Speaker. Indeed SaskPower officials informed the public that there was another meter failure on Friday of last week. SaskPower is working as quickly as possible and as quickly as meters can be delivered from the current supplier to reinstall these meters as quickly as possible.

Obviously it was a very unfortunate incident, Mr. Speaker. We would certainly, the Government of Saskatchewan would want . . . And SaskPower is removing those meters as quickly as possible, at a rate of approximately 5,000 per week and is currently ahead of schedule with respect to these meters. A very unfortunate incident that SaskPower officials are dealing with.

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

**Mr. Wotherspoon:** — The question wasn't answered. It was put to the Premier. The question to the Premier was, what steps is he taking to make sure he's mitigating risk? And does he believe it's safe for families — for babies, for parents, for children, for seniors — to be laying their heads down tonight on the other side of a smart meter?

**The Speaker:** — I recognize the member for the Economy.

**Hon. Mr. Boyd:** — Mr. Speaker, indeed this is obviously an unfortunate incident. The Government of Saskatchewan has taken actions with respect to this. We've ordered the removal of these meters as quickly as replacements can be installed, Mr. Speaker. The current supplier, Itron, is supplying SaskPower with about 5,000 meters per week. So this is moving as quickly as the new meters are available to SaskPower to install on the homes of people across Saskatchewan.

And, Mr. Speaker, clearly we would want to do everything we can with respect to this. We will check to see whether there was any notification on the installation of the meters to begin with, Mr. Speaker, but we will be removing them as quickly as they possibly can be.

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

**Mr. Wotherspoon:** — Mr. Speaker, no answer again from the minister. The question was to the Premier. It was about safety. That minister was informed about safety concerns and proceeded two years ago to strap over 100,000 smart meters to the homes of Saskatchewan people, put their property and put their lives at risk. It's entirely unacceptable.

Saskatchewan families that have dangerous smart meters strapped to their homes are rightfully very afraid about waking up to an explosion and looking out their bedroom and seeing flames, just like Joan Riemer saw. They're thinking of their loved ones. They deserve to know when these dangerous smart meters will be removed from their homes.

My specific question to the Premier: will he commit today to speed up the removal process for these dangerous smart meters and release the order in which these fire-prone meters will be removed? Will he do that today?

**The Speaker:** — I recognize the Minister for the Economy.

**Hon. Mr. Boyd:** — Mr. Speaker, as I mentioned in the two previous questions that have been provided, clearly SaskPower and the Government of Saskatchewan want these meters removed as quickly as possible. They are only available in about 5,000 per week, Mr. Speaker, so SaskPower is working as quickly as possible. They are ahead of schedule with respect to this action, Mr. Speaker, and that's all of the meters that are available from the one company that makes this particular type of meter that they're being reinstalled with. All other meters, Mr. Speaker, would be a smart meter type that we are reluctant to put in place.

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

**Mr. Wotherspoon:** — Mr. Speaker, it's just not believable that that government can't find and source safe meters to urgently replace the meters and speed up this process. The reality is this government isn't treating this as an urgent safety priority, and they haven't all the way through this process.

Joan Riemer still hasn't been told if government will cover the damage to her property as a result of the fire caused by the smart meter that this government strapped to her home. My specific question to the Premier: who's paying for the damage caused by this government's catastrophic smart meter fiasco?

**The Speaker:** — I recognize the Minister for the Economy.

**Hon. Mr. Boyd:** — Mr. Speaker, all costs related to any problems with respect to this would be borne by SaskPower.

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

#### Funding for Aboriginal Education

**Mr. Belanger:** — Thank you very much, Mr. Speaker. This government used to give \$10,000 a year to the science ambassador program at the U of S [University of Saskatchewan], but this year it gave nothing. And that is very frustrating, Mr. Speaker, because the science ambassador program enhances science education for Aboriginal kids by connecting the U of S students with schools in many of our northern communities.

And I know how important this program is to kids in northern Saskatchewan, and I think it's outrageous that this government cut its \$10,000 of funding to this program. To the minister: why did he cut the funding for this incredibly valuable program that improves education for Aboriginal kids in northern Saskatchewan?

**The Speaker:** — I recognize the Minister for Advanced Education.

**Hon. Mr. Doherty:** — Well thank you, Mr. Speaker, and I want to thank the hon. member for the question. What I would indicate is that the funding at the University of Saskatchewan is given to them in block grant funding for them to decide on what they're going to do with their programs at the University of Saskatchewan, Mr. Speaker. That particular funding is up 60 per cent since this government came into office in 2007.

Mr. Speaker, we are proud of the fact that we are having more and more Aboriginal students enrolled in our universities and our post-secondary education institutions over the last five years. The University of Regina enrolment's up over 50 per cent. The University of Saskatchewan is up over 10 per cent, Mr. Speaker, year over year for Aboriginal enrolment. And SIIT [Saskatchewan Indian Institute of Technologies] is at record enrolment, Mr. Speaker. We're proud of that record.

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

**Mr. Belanger:** — Don't blame the U of S, Mr. Speaker. They used to fund it; they cut the program, Mr. Speaker. The science ambassador program makes science fun and relevant for Aboriginal kids in remote northern communities. Its aim is to increase participation of Aboriginal students in science and technology, engineering, and math. Supporting this program is an investment in our province's future, Mr. Speaker, but this government slashed \$10,000 from this program. It has \$3,500 per day for each Japanese lean sensei, but it can't find \$10,000 a year to improve science education for Aboriginal kids in northern Saskatchewan.

Once again to the minister: without blaming the U of S, how can this government justify nickel-and-diming Aboriginal education?

**The Speaker:** — I recognize the Minister for Advanced Education.

**Hon. Mr. Doherty:** — Well, Mr. Speaker, I would take exception to the notion of nickel-and-diming Aboriginal education in this province, Mr. Speaker.

This government has provided \$295 million in First Nations and Métis education and skills development in the last seven years, Mr. Speaker. This government has promised, this government has promised, Mr. Speaker, to eliminate the adult basic education wait-list, which we are on track to do this coming year, Mr. Speaker. This government has provided \$20 million in its previous budget for First Nations and Métis, Aboriginal education in the post-secondary sector, Mr. Speaker. I'll take no lessons from that member on providing funding to post-secondary education in this province.

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

**Mr. Belanger:** — Mr. Speaker, it's a \$10,000 program. And that's it, Mr. Speaker; it's a \$10,000 program that was very valuable. The government of Manitoba supports the U of S science ambassador program. But this government doesn't support it anymore — 10,000 bucks, Mr. Speaker. And that didn't stop the Education minister from showing up at the year-end celebration and talking about how important this program is. It's bizarre that the minister would show up for the cake and the balloons after cutting funding in this program.

Mr. Speaker, this funding speaks volumes about this government's approach to Aboriginal education in our province, and it's downright shameful. Once again to the minister: will he commit today to reverse this reckless funding cut and provide enhanced funding to expand this crucial science education program? Will he do that?

**The Speaker:** — I recognize the Minister for Advanced Education.

**Hon. Mr. Doherty:** — Thank you, Mr. Speaker. Mr. Speaker, as we've seen over the last number of days in this Legislative Assembly, the opposition has a knack for coming in here and taking quotes out of context and providing information that isn't quite factual.

Mr. Speaker, what I will do is endeavour to look into this program to see what the University of Saskatchewan has done with it and get back to the honourable member. Thank you, Mr. Speaker.

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

**Mr. Belanger:** — Once again, Mr. Speaker, total confusion from that minister and that government. It's a \$10,000 program that they cut. Once again, this past year the science ambassador program was in Green Lake. It was in Beauval. It was in Pinehouse, Fond-du-Lac, Stony Rapids, Black Lake, and Hatchet Lake. It would be incredible to see this program expanded to more communities throughout northern Saskatchewan and the rest of the province, Mr. Speaker, but this government needs to do its part.

Once again to the minister: the minister showed up for the cake and for the balloons and sang the praises for the program, about the program, Mr. Speaker. And now why can't he do the right thing and refund this funding cut to the U of S, a valuable program to northern Saskatchewan? Will he do that, Mr. Speaker?

[14:15]

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

**Hon. Mr. Morgan:** — Mr. Speaker, I can undertake to have a look at this and see where the funding came from. My understanding, Mr. Speaker, and I just received a short note, is that this was funding provided by the University of Saskatchewan, not directly by the Ministry of Education.

Mr. Speaker, I can advise the members opposite that we provide \$189 million a year in our government's budget for First Nations and Métis initiatives, \$6 million for recommendations for the joint task force. And, Mr. Speaker, we have a far better record than the members opposite. Mr. Speaker, last March a resolution calling for equal funding for on-reserve students was defeated. And where was it defeated, Mr. Speaker? At the NDP convention.

Mr. Speaker, I have a quote from the Missinipi Broadcasting Corporation, dated March 15 of 2013. And I'll just read the quote:

Broten . . . [was] non-committal as to whether the province should fund on-reserve education but says the government should be lobbying the federal government more vigorously to equalize funding.

Mr. Speaker, they're not the ones that are doing anything over there.

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

**Mr. Broten:** — Mr. Speaker, it's absolutely unacceptable to see this government walking away from First Nations children, Métis children in northern Saskatchewan when it comes to science education, Mr. Speaker.

A \$10,000 program, Mr. Speaker, a program more than that, with \$10,000 of funding from the government, Mr. Speaker, and what do we see? We see the minister going for the cake, going for the balloons, Mr. Speaker, but axing the funding. It makes absolutely no sense. And we see the contrast in priorities. They have \$3,500 per day, Mr. Speaker, for every sensei, but they nickel and dime a program for \$10,000. That's a rounding error for John Black's travel on any given day, Mr. Speaker.

My question to the Premier: will he admit that it was a mistake to cut the funding for the science ambassador program?

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

**Hon. Mr. Morgan:** — Mr. Speaker, the member opposite, the Leader of the Opposition can huff and puff all he wants. We indicated we will have a look at where it was coming from. This

was the University of Saskatchewan program. Mr. Speaker, we'll make no apologies and, Mr. Speaker, we'll take no lessons from the members opposite.

Six hundred thousand dollars is provided by this government for summer literacy camps targeted primarily at remote northern communities; \$500,000 for a Community Literacy Fund which goes to organizations such as the North Central Family Centre; 1.2 million and \$1 million in capital for 15 new pre-k [pre-kindergarten] spaces; \$276 million for supports for learning which goes to support our most vulnerable students which includes First Nations and Métis.

For the members over there to try and cherry-pick something that was cut by the university is something, Mr. Speaker, that is typical of the misleading that they're doing over there, Mr. Speaker. It's something that the members here will not tolerate and the citizens of our province will not tolerate it either. We want reliable, accurate information.

**The Speaker:** — I'd like to caution the minister about the use of the word misleading.

## MINISTERIAL STATEMENTS

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

### Government Support for Safe Housing at Kate's Place

**Hon. Mr. Wyant:** — Thank you, Mr. Speaker. Mr. Speaker, it's my pleasure to inform members of the Assembly that today our government is announcing funding that will keep the doors open at Kate's Place, a residence that provides safe and supportive housing for women enrolled in the Regina drug treatment court.

Mr. Speaker, this announcement is significant for many reasons. For one, it matters to those who are interested in ensuring supports exist to help vulnerable women in our province. The Regina drug treatment court addresses drug addiction as an underlying cause of criminal activity and has proven successful in reducing recidivism, reducing drug harm, and substantially improving participants' health and overall well-being. It is in fact considered to be one of the most effective therapeutic courts in Canada, and something we're very proud of.

Prior to Kate's Place, a lack of safe and secure housing prevented many women from taking part in this successful therapeutic court. Vulnerable to exploitation, many would instead be serving custodial sentences or potentially, Mr. Speaker, be homeless. Now more women are completing the program. I'm pleased to report that since the opening of Kate's Place, the number of women participating from the drug treatment court is up nearly 40 per cent.

This funding has meaning for those interested in families. Addicted to drugs and often separated from their friends and family, most of the women at Kate's Place have or had children in the care of child protection services or in the care of relatives. With the help of staff at Kate's Place — who dispense and monitor medications, complete curfew checks and room inspections, provide counselling, assist clients with personal

problems, and provide transportation to court and medical appointments — these women have made positive changes in their lives. As a result, many were able to resume contact with their children after completing the program.

Even more significantly, Mr. Speaker, since 2012 four women who were pregnant when they moved into Kate's Place for treatment later gave birth to healthy, drug-free babies. That may be this program's most enduring contribution to the future of our province to date.

Most importantly, this funding will make a significant difference in the lives of some of the city's most vulnerable citizens. Many of the residents of Kate's Place are young, single mothers who have in their own lives battled histories of addiction and abuse. Often they're, before participating in the therapeutic court, residents of Kate's Place were frequent users of the health, social service, and criminal justice systems.

Kate's Place has allowed its residents to make positive changes in their lives. Women live in Kate's Place while taking treatment, getting education, finding a job, and learning parenting skills. Kate's Place provides a vital contribution to the rehabilitation process, providing a supportive environment that enables women to make a significant improvement in their lives.

So, Mr. Speaker, you can appreciate our interest in ensuring that this program, which has showed encouraging signs of success, is given a chance to continue. Kate's Place was started in 2012 by the Salvation Army with money from a federal pilot project, but the federal pilot funding is over, leaving the project on the brink of termination with its doors set to close at the 1st of this month.

I'm proud to say, Mr. Speaker, to members of this House, that our government will not let that happen. The Ministry of Justice is providing \$200,000 for operations and programming at Kate's Place. That's on top of a \$49,000 grant from the ministry provided earlier this year, and another grant worth \$20,000 from the Ministry of Social Services. This means the lives of women at Kate's Place will continue to improve. They will foster healthy, drug-free futures for themselves and their children.

So on behalf of the Government of Saskatchewan, I applaud all those who are involved in bettering the future of these affected women and children. The Government of Saskatchewan continues to support the work that they do, and we are profoundly proud to be part of their cause and their future. Thanks, Mr. Speaker.

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

**Mr. Nilson:** — Thank you, Mr. Speaker. I'd like to congratulate the government on coming up with the funding for this particular project. It's a very important thing that's been happening in Regina that complements the work of the drug treatment court, and it's important that that court have structures around it that allows it to do its job. And so it's very much appreciated that this money has been located now. My understanding is that it will be ongoing money so that this project will continue.

I'd like to make a special point of thanking Major Mike Hoefl of the Salvation Army and all of the staff there who have worked to make sure this project works. Also I'd like to thank, in Justice, Ms. Jan Turner and Mr. Pat Thiele for all of the work that they have done to put this all together. And I think we all need to acknowledge the very capable leadership that Provincial Court Judge Clifford Toth has provided for the drug treatment court because this has been a key in making sure that some of these programs continue.

It's important that the whole community understands the importance of providing these services, and I very much appreciate the work that the minister has done and the ministry has done to make sure Kate's Place continues. So thank you, Mr. Speaker.

## INTRODUCTION OF BILLS

### Bill No. 157 — *The Human Tissue Gift Act, 2014*

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

**Hon. Mr. Duncan:** — Thank you, Mr. Speaker. Mr. Speaker, I move that Bill No. 157, *The Human Tissue Gift Act, 2014* be now introduced and read a first time.

**The Speaker:** — It has been moved by the Minister of Health that first reading of Bill No. 157, *The Human Tissue Gift Act, 2014*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

**Clerk:** — First reading of this bill.

**The Speaker:** — When shall this bill be read a second time? I recognize the minister.

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

**The Speaker:** — Next sitting.

### Bill No. 158 — *The Saskatchewan Pension Plan Amendment Act, 2014*

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

**Hon. Mr. Krawetz:** — Mr. Speaker, I move that Bill No. 158, *The Saskatchewan Pension Plan Amendment Act, 2014* be now introduced and read a first time.

**The Speaker:** — The Minister of Finance has moved first reading of Bill No. 158, *The Saskatchewan Pension Plan Amendment Act, 2014*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

**Clerk:** — First reading of this bill.

**The Speaker:** — When shall this bill be read a second time?

**Hon. Mr. Krawetz:** — Next sitting of the House, Mr. Speaker.

**The Speaker:** — Next sitting.

#### ORDERS OF THE DAY

#### GOVERNMENT ORDERS

#### ADJOURNED DEBATES

#### SECOND READINGS

#### Bill No. 144

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 144** — *The Victims of Domestic Violence Amendment Act, 2014* 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 today to enter into this very, very important debate on victims of domestic violence. So I'm pleased to enter into debate on Bill No. 144, *An Act to amend The Victims of Domestic Violence Act and to make a consequential amendment to The Adult Guardianship and Co-decision-making Act*.

It is an important piece of legislation and one that is very, very timely. You know, Mr. Speaker, we were all gripped, the news of just a few weeks ago, when there was a shooting of a soldier in Ottawa and how that really galvanized a country in terms of concerns about those who serve us.

But just shortly after that, that very weekend of course, the news of what was happening at CBC [Canadian Broadcasting Corporation] with their own Jian Ghomeshi and the idea of domestic violence, and that also galvanized the country about what happens. How can a situation arise where you have one person in a position of power over another person, no matter what the circumstance? So we've all come to have another good think about what does domestic violence mean.

And I think this is an important topic that we raise, and we go back and we take a look at this. We saw a situation where a star in CBC's radio programming, Jian Ghomeshi, could all of a sudden cause such discussion and despair. Because I think people whenever we hear of this kind of thing happening think, how could this happen in a modern society, a society that prides itself on being compassionate and fair and a zero tolerance on violence? And yet we know, we know that this happens way, way too often. And we should make this a priority of our society, our province, our country, our communities that we will not tolerate this, that we will not tolerate the existence of domestic violence.

And I see that we're changing the name to interpersonal, and I'll get into that kind of discussion.

But we hear about this more and more, and of course this summer when we heard about Raymell Rice, Ray Rice of the

Baltimore Ravens, what happened there. And we see the complications you have where if you don't have people . . . And it is a difficult situation. It's so easy for us to say, if people just would only come forward. But the circumstances are so personal and complex that people feel that they do not have the power to come forward.

[14:30]

And so we really think this is an opportunity for us to have that discussion in the House, and I look forward to the speeches and the questions in committee on this. Because as we've seen, particularly in the case of the CBC circumstance where we know of at least nine women who were victims of violence — and I understand now that a couple have come forward and have made reports to the Toronto Police Service, and that will proceed as it should — but how a secret could be kept so quiet so long, especially in such a high profile situation. You have it in sports. You have it in the media. And somehow we can keep that a secret, so it's no wonder that in a home or in those interpersonal relationships, it's very, very difficult to bring forward.

But we are glad to see for example that we know, after the Jian Ghomeshi allegation came forward — and I'm just going to read several quotes from CBC News — that the Saskatoon Sexual Assault Centre said the news triggers memories, triggers memories and I hope gives a sense of courage that we will as a community stand behind those who do come forward, that they know that they're not alone, that we will support them as they tell their stories, and that they will have a safe place to be. And this is an important issue. So not only do we have the legislation, but we have the resources in our communities to make sure that people feel safe to come forward.

And so I just want to quote, too, the article that was posted November 4th, 2014, and I quote:

Heather Pocock, assistant director of the Saskatoon assault centre, said news reports have triggered memories for many people. In some cases, that prompts calls to the centre. Most of them simply want to talk.

It goes on to say, and I quote:

"Research says most people don't talk to anyone," she said.

"Well, I think every time something like this breaks in the news people start to think about their own circumstances and their own situation and they reach out for somebody to talk to."

Pocock said she is not surprised many don't report abuse to the police. She said they are afraid they will be blamed or they are skeptical of the justice system.

She wants victims to know there are people here who will listen, and help.

And she says, and I quote:

"If people really feel like they need to say something or to

get help, we want them to know there are services that exist on their behalf.”

Pocock [goes on to say] . . . she’ll be speaking with police to ask whether the increase in calls to the centre’s crisis line is matched by a corresponding increase in calls to police.

Well it goes on to say, continues to talk about the role of police and victim services.

Linda Perrett, and I quote:

Linda Perrett, Coordinator of Saskatoon Police Service’s victim services, said it is too soon to tell if her department will also see the same sort of increase as workers have at the city’s sexual assault centre.

And she says:

“One of the problems with going to court is that you need such a high level of evidence,” Perrett said of her work with victims of alleged sexual assaults. “Unfortunately, the victim’s credibility is often what is questioned.

[And she] . . . explained that once a victim makes the often difficult decision to take their claims of a sexual assault to court, the file is given to a prosecutor who reviews the case to determine whether there is enough evidence to lay a charge.

The article goes on to say:

Perrett said victim services attempts to make this process easier for people who decide [when] they want to go through the judicial process by referring them to support resources in the community that can help.

And then she goes on, and I quote her:

“The other thing I tell victims is that the court is not a healing process,” Perrett said. “Your healing should come outside of that . . . but don’t count on the court system to be a healing process, because it generally isn’t for victims.”

So it’s a tough, tough row that the folks who are victims of domestic violence find themselves in. And so this is an important discussion that we’re having here today.

So, Mr. Speaker, I want to just take a moment and reflect on what did the minister have to say about this. And I find his comments, they were a little bit longer than typical. Sometimes the minister doesn’t give an awful lot of comments. And what I read here was helpful. He reflects back on the fact that members, and I quote:

Members will recall that Saskatchewan was the first province in Canada to introduce victims of domestic violence legislation back in 1994. Since then this Act has served as a successful model throughout Canada for emergency protection . . . legislation.

So I’m proud to say that that was our side of the House that brought that forward and we’re glad to see that that was an important thing that we did. But it’s important to bring this forward. And now we are 20 years later looking at it and saying, is this the best it can be? Can it be better? And clearly this government is thinking there’s tools that we need to bring forward to make it more effective. Because as I was just quoting in the media, the police service says there are gaps. It’s not an easy process to go through, the judicial system, because there are gaps and it makes it very difficult for victims.

So he talks about how this provides an additional tool to a responding police officer to separate individuals who represent an imminent risk of injury to each other. It’s critical to the functionality of the Act that police and victims are immediately able to seek an emergency intervention order by telephone. So again it’s using the technology. How can we use technology to move this forward?

It talks about the balance between the risk to the individual who fears violence and the procedural rights of the respondent. That’s fair. That’s what our justice system is based on — due process. But we can’t have it that there is imminent danger or risk because, as we know, people just will not come forward when it’s time to report such abuse. It’s very important that we make it so it’s an effective tool, but one that respects that balance of judicial due process but is not used as a tool to protect an abuser as well. So this is an important thing that we can take a look at.

He also talks about how the changes in the bill will provide for incremental increase in the scope of the application, the act of verification where it provides for a particular situation. We think that’s important. It provides for procedural changes to address concerns that have been identified by victim services branch in their ongoing operations of this Act. Clearly they are people who experience and can bring forward what’s been happening in the field.

What are the kind of circumstances that we see that happen, that we can clarify or make changes so there are not barriers to people who are being victims? We want to make sure that it works as effectively as possible because we cannot tolerate that situation where, because of a legal loophole, that all of a sudden people are getting protection where they should not. We support due process, and that’s a reasonable request in our society that the justice system is there for both sides, but it cannot be used as a tool for undue protection.

But I would like to . . . And I’ll ask more about this because we always ask this: who was it that brought forward these concerns? Was it just the justice branch that brought this forward, the victims services branch? Or were there groups like the sexual assault centre? Did they bring forward ideas?

You know, one of the concerns that I’ve heard an awful lot are people who live with disabilities that have a hard time articulating and expressing concerns, particularly, for example, those with autism that don’t have the . . . who may not have the power of emotion or expression. When we normally think somebody might come in and be talking about a sexual assault, quite often people — you know, the victims — are showing that on their faces or in their voices. But if, because of your

disability, you may not have that ability to show emotion or your language, then as a matter of fact, no matter what the circumstances, it becomes a more difficult situation.

So are people being trained to really help this new spectrum that this government, I understand, may be considering? Those would be the questions that we'll be asking in committee because what we think of victims has rightfully so been expanded from, you know, 20 years ago. There's a newer understanding that people may be victimized who haven't come forward because of the limitations in the legislation.

The one, for example, that they talk about, will extend the scope of the application of the Act to caregiving relationships regardless of cohabitation. And so that's an interesting idea because maybe they're not living together. They have a unique relationship because one is a caregiver, so there is a relationship of power. One has power over the other. And that creates an unfair relationship where one would feel like, I can't report because I would lose. I would be a big loser in terms of this relationship. This person is a caregiver and I can't put that at risk. I absolutely can't put that at risk. So that's very, very important.

They will go . . . talk about a variety of circumstances beyond their traditional domestic scenario in order to protect a broader range of victims and of violence. So we've talked about that, what that may mean. So it will be interesting to know and, when we get into committee, to have a very full discussion of this. Were people with disabilities involved? Were people of visible minorities involved? You know, we often think about this as a male-female, a heterosexual type of relationship. Were people of the LGBT [lesbian, gay, bisexual, and transgender], the queer community, were they involved? Were trans people? And we'll be celebrating next week marking — celebrating's the wrong word for it — but the Transgender Day of Remembrance. And there's another perfect example of violence, of violence especially in a power relationship. So have those folks been consulted, and how can we make sure that we bring them into this discussion as well?

It would also . . . brings in the idea of prohibitions of electronic contact between parties, and clearly that's a huge issue. When you think of, just if we could just go back 20 years, what we have now, what we, you know, the emails, Internets were just starting to emerge in the early '90s. I remember in fact, if anybody here remembers the early '90s and what we talked about, Archie and Gopher on the Internet. Emails were a very slow thing in the early '90s. How far we've come now with Facebook and Twitter, and the idea of revenge porn that you have on the Internet now, what that all means for this. We've come so far so fast in just 20 years. I don't know if there is any other area in terms of harassment or abuse that probably has seen so much change.

So I'm glad to hear about that, and it'll be interesting to hear.

And of course this then as well gets into what we were talking about a year ago at this time in terms of bullying and the idea of bullying online and the horrific, horrific circumstances that we've seen, particularly in high school age kids or even younger, pictures that get floated around on the Internet. This is a huge, huge issue. So this is one that we think really deserves a

lot of discussion, and I think it's going to be an important one to talk about.

So it would also expand the definition to include harassment and deprivation of necessities within the scope of prohibited interpersonal violence. And again this one, when we talk about the Jian Ghomeshi circumstance, we think of that in the workplace. That extended actually into the personal lives of many people, but it was based through the workplace that Jian Ghomeshi created his power base because he was a star on the radio, a star of a rock band. He was a major Canadian personality, also in the book world with the Giller prizes, and how he could influence people and really play that power game and victimize women in this circumstance.

And I'm just curious where, you know . . . And I have an article here about, and the title is, "Don't be the CBC: How employers should handle allegations of violence and workplace harassment." Now that's interesting because we've come and we've done an awful lot of good work here in Saskatchewan about workplace bullying. We are not sure how that is going on now, and it would be interesting to have an update on that.

[14:45]

And it's often interesting how we have circumstances, unfortunate tragic circumstances that act as triggers for better legislation. So I hope in many ways, right across Canada, that many legislatures, and if they have the good fortune to have a piece of legislation before them now, are taking a look at their own victims of domestic violence Acts and saying, are these the best they can be? How does this coordinate with the occupational health and safety legislation?

Fortunately we have good, strong legislation there. We're not sure how it's being supported through operational funding and resources. This victims of domestic violence is outside the workplace but there could be connections through work. But this is important: to make the connection between the fact that, you know, we are in a plugged-in world where you might be at work but, if you've got somebody's email or you're a Facebook friend, all of a sudden you can have access that maybe goes beyond just what happened at work, and that's what we talked about in terms of this interpersonal violence. So I'm hoping that's what the minister is alluding to, and we can get clarification in committee. But it's a hugely, hugely important area.

And I'll go on a bit more. And it talks about they will broaden the scope of factors that justices of peace may take into account when granting emergency intervention orders, including the consideration of past contacts by the respondent with other family members as well as immediate circumstances with the respondent such as a recent release from jail or being fired from a job, which we know too often and unfortunately we see violence that occurs because the workplace . . . where somebody's had a dispute at a workplace, has been fired, has come back, and that has caused, especially in the States, but it has happened in Canada, where there's been mass shootings just because of that. And it's a tough, tough situation.

It goes on to list matters that will not preclude an order being granted, clarify the non-contact provisions for emergency

intervention orders including contact at school, at workplaces of the victim and family members, and so on and so forth.

So this is one that I think is one that really deserves a lot of attention. And again I think that it's important that we have this discussion, we continue to have this discussion, we continue to review it. It's one that will not, will not, unfortunately for some bizarre reason, will not go away. But we know in Saskatchewan particularly, this is something that we share a dubious title, you know, an unfortunate one where we know domestic violence is one that is one . . . We are one of the worst provinces in Saskatchewan when it comes to domestic violence and domestic violence rates. So I think it's very important that we monitor this and we watch this very closely.

I just want to go through again a definition of domestic violence. And I know that it's in the legislation, and I'll talk about that and compare the two in a minute because so people know, people who may be watching or reading this or following this, that it's important that we understand what domestic violence is. And domestic violence, and I quote from the domesticviolence.org website:

Domestic violence and emotional abuse are behaviours used by one person in a relationship to control the other. Partners may be married or not married; heterosexual, gay or lesbian; living together, separated or dating.

Examples of abuse include: name-calling or putdowns, keeping a partner from contacting their families or friends, withholding money, stopping a partner from getting or keeping a job, actual or threatened physical harm, sexual assault, stalking, intimidation.

Violence can be criminal and includes physical assault [and we know that's] (hitting, pushing, shoving), sexual abuse . . . and stalking. Although emotional, psychological and financial abuse are not criminal behaviors, they are forms of abuse and can lead to criminal violence.

[It can take many forms of violence] . . . and can happen all the time or once in a while . . .

[So it's important that we know that] anyone can be a victim. Victims can be of any age, sex, race, culture, religion, education, employment or marital status. Although both men and women can be abused, [we know] most victims are women. Children in homes where there is domestic violence are more likely to be abused and/or neglected. Most children in these homes know about violence. Even if a child is not physically harmed, they may have emotional and behavior problems.

And that's huge. That's a huge consideration especially, you know, in terms of the number of kids that we have that are in vulnerable circumstances who find themselves in foster care. And this may be one of those issues that lead to that. We need to make sure we do as much as we can to reduce domestic violence.

So if you're being abused, you need to remember that you're not alone. It's not your fault, and help is available. And I know it is. And we talked about that where in Saskatoon there are

several organizations — the sexual assault centre is one Saskatoon police can point people in the direction — and I am sure that's the same in Moose Jaw, Regina, right across the province.

So we look forward to hearing more about this, but we also want to make sure people are feeling safe. And so this was one tool that we can go a long way to make sure that people feel that they can come forward and that the police then have more tools to work on this.

But, Mr. Speaker, I want to ask a few questions and put the, I guess, the government on notice that we will be asking questions in committee. That we want to know. The minister said that it was the people in victim services who came forward with the idea, but we would be curious about who will benefit from these changes. How that will play out, and how do they see that going forward?

And we would like to know, is this a reaction to any particular case? I've gone on about Jian Ghomeshi and how that triggered a national reawakening about this issue. And it's important that we have that. Hugely though, that it's come hugely, unfortunately it's come at the cost to several women we know of, at least nine who've come forward. Three have gone to the Toronto Police Service and there perhaps could be more. So, Mr. Speaker, is this a reaction to a particular case? Or has there been an ongoing collection of, this is what we can do to do a much better piece of legislation here? And so this is important.

So who asked for these amendments? Was it the courts? We know it was victim services, but if we could have more details. Are there any downsides of these amendments? What's happening across Canada? Is there something . . . I know this minister in particular, because Justice ministers across Canada often reflect on, together in conferences, about how to have the best legislation and have some uniformity standards across Canada. What's happening across Canada? We want to know what will be the implication of changing the name from domestic to interpersonal. Why the change? And what does this mean for people, and will this create confusion? You know, over the past many decades, we've come to know what domestic violence is and I'm not sure whether that . . . To me, I think of domestic violence as opposed to workplace violence. You know, domestic violence to me implies the interrelationships. The caregiver, I'm not sure if it's necessary. And who asked for the expansion of types of family members? So we need to think more about that.

And as I said, and I do want to say that I do think that in terms of people of disabilities, particularly because we know they can be victims of violence, whether it's a physical disability or a cognitive disability because of . . . that we've . . . Really, their work and their advocacy has really come of age, and it's really important that we think in terms of that. So I will be curious to know about that, and then again around the queer community, the gay and lesbian relationships, the trans relationships.

And I'm curious to know what kind of training will be, when you give the police another tool, what kind of training will come forward with that tool? Because clearly it's important. And as the police, I quoted earlier in an article, they talked about how it's very challenging, and people should be clearer



what their expectations are when they go through the judicial system. That's fair enough. But how can the police be trained in a way so that they are, as they say, a service to people in their community, to say this is what your expectations can be and this is where you get help?

But people always should feel safe, and I think largely they do feel safe coming forward to the police to report concerns. And as the person said, in some cases there's a huge demand for evidence. But we all want to feel that when we come forward to the police service, that we're feeling safe and that we will be served in a fair and understanding and a compassionate manner.

And I think that some, as the groups that I've talked about, whether you're in the trans community or whether you're with a cognitive disability or a physical disability, that you may not be able to communicate or you might be frightened in ways that others may not understand. So we'll be interested to hear about who have they consulted, and did they heed their advice? And if not, why not? That's hugely important.

So we'll be looking at this very carefully, doing a good review of this. As I said, it's a timely, timely piece, hugely timely, Mr. Speaker, because of the media. And whether it's the football stories we've heard of coming out of the States this past summer and fall or our own situation here in Canada with CBC . . . But you know, those are only the tip of the iceberg. This is something that happens much, much more often than we would care to admit.

And so, Mr. Speaker, I know that many of my colleagues will want to comment on this. And I think they will, because as I said, there's been a national reawakening of this issue. And the timing is of good fortune that the minister has brought forward this piece so we can have this discussion, and I hope we can have some good committee discussions about that, because it'll be very interesting to hear from the people from victim services about what they're finding out.

But I'm also really hoping that those people who have had situations that they have not felt well served because of the limitations of the legislation, will come forward and say, this is my story; this is what's happened to me — they will get served so that they can begin that healing process. It's important they begin that healing process, but that justice will occur. That justice will occur. That the offender will be served what their due penalty will be. And that's important. That's important. And that they get their day in court. But those who are victims or continue to be victims, in our homes and our communities, will feel a sense of renewed hope that they're not alone but, in fact, there are people they can talk to.

So with that, Mr. Speaker, I think I need to move . . . I need to adjourn this debate. I know that many others will want to enter into the debate. So I move adjournment on *An Act to amend The Victims of Domestic Violence Act and to make a consequential amendment to The Adult Guardianship and Co-decision-making Act*. Thank you very much, Mr. Speaker.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 144, *The Victims of Domestic Violence Amendment Act, 2014*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

[15:00]

#### Bill No. 152

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 152 — *The Victims of Domestic Violence Consequential Amendment Act, 2014/Loi de 2014 portant modification corrélative à la loi intitulée *The Victims of Domestic Violence Consequential Amendment Act, 2014**** be now read a second time.]

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

**Mr. Forbes:** — Thank you very much, Mr. Speaker. I rise today to enter into the debate on Bill No. 152, *The Victims of Domestic Violence Consequential Amendment Act, 2014*. And in many ways I understand this is simply amending the bilingual *Queen's Bench Act, 1998* to update the reference in that Act to make sure the language is consistent through, and obviously that makes good sense.

And so as I said earlier, my remarks about Bill 144, that this is a timely piece of discussion, and I think we'll be focusing on Bill 144 because that really sets the piece out. Whatever comes out of that, then we'll have to look for the consequential amendments. But generally speaking, I think that we have no further comment on the consequential amendments and so I'd like to move adjournment of Bill 152, *The Victims of Domestic Violence Consequential Amendment Act, 2014*. Thank you very much.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 152, *The Victims of Domestic Violence Consequential Amendment Act, 2014*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

#### Bill No. 145

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 145 — *The Fee Waiver Act*** be now read a second time.]

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

**Ms. Sproule:** — Thank you very much, Mr. Speaker. I'm glad to rise today to speak to this bill. It was recently introduced by the Minister of Justice. We had second reading just on November 5th, 2014, and in that speech that he provided he indicated some of the thinking that the government is having regarding this type of fee waiver program.

You know, in and of itself, it's not an earth-shattering piece of legislation in any way, sense, or any shape or form, Mr. Speaker, but it certainly is another piece in the work that's

being done to, I guess, assist people with their access to the courts. So he indicated near the end of his comments that a lot of this is coming from the work of the Law Reform Commission of Saskatchewan and a recent decision from the Supreme Court of Canada in a case called the Trial Lawyers Association of British Columbia versus the Attorney General of British Columbia. And I haven't . . . I don't understand exactly what that case was about and the minister certainly didn't indicate that. But I assume there was some discussion on this type of fee waiver and whether it's appropriate for individuals seeking justice, Mr. Speaker.

He indicated that he also consulted with the legal community in Saskatchewan and has found widespread support for the changes. Now as my colleague just discussed earlier in terms of victims of domestic violence, we're not sure who else the government consulted with. And it would be interesting to know if they consulted with people involved with poverty issues, Mr. Speaker, because certainly fees are often prohibitive for individuals in many, many circumstances in Saskatchewan, especially those who are living below the poverty line.

And while it's laudable to bring forward changes to allow some relief in terms of access to the courts, we know that until very recently this government refused to even have a poverty reduction strategy, let alone make concrete steps to move forward in the reduction of poverty in Saskatchewan. And then we see bills like this which are maybe token efforts to deal with poverty issues. However, you know, we are promised a new poverty reduction strategy that is forthcoming according to the Speech from the Throne. So we'll look forward to seeing what that looks like.

I think in any of the literature dealing with poverty reduction and poverty reduction strategies however, it's not just talk that will make it happen. So we're going to look for a constructive plan and one that has the dollars behind it to make it actually effective. And that's certainly some of the commentary is, you know, the best plans in the world are of no force and, in fact, if the funding isn't there to support them.

So we don't know how much this is going to cost the government. There's certainly no information in the minister's comments in terms of how these fees are going to be reduced and what sort of revenues are being foregone because of it. So we'll look for that information in committee for sure, Mr. Speaker, because that information simply isn't available. But it's a new Act. It's not amending any other Act. It's a shiny new Act all on its own. And I'll just make a few comments, I think, about this bill before I adjourn the debate to allow others of my caucus to discuss it.

Before I move on to the bill itself, I just want to highlight a couple of comments from the minister that he made on November 5th, last week. And basically he has indicated that, not only are this fee waiver program being made available for the court system — so Provincial Court, Court of Queen's Bench, and the Court of Appeal — but that it would also apply to some tribunals that regularly adjudicate for members of the public. And the two he identified was the Automobile Injury Appeal Commission and the Office of Residential Tenancies. And we know those are very, very busy tribunals, Mr. Deputy Speaker. So those are . . . It seems appropriate to include these

kinds of tribunals in this type of an Act.

And also the minister indicated that other tribunals certainly could be added where appropriate, and again I'm not familiar with the fee structure for any of these tribunals or courts. I know there's always fees that are attached to pretty much everything we do, but I'm thinking perhaps the Human Rights Commission, although there's no more tribunal there, those folks now have to go to the courts. So maybe that's a bad example. But there certainly are other tribunals in Saskatchewan where I assume there would be fees associated, maybe the Labour Standards Commission or some of those types of administrative bodies, Mr. Deputy Speaker.

The minister also indicated that the application process to get the waiver of these fees will be kept simplified, so we'll be looking to make sure that that's there.

One of the questions I had as I read through his comments is, who is eligible for these fee waivers? Now he doesn't tell us how, who is eligible. All he's told us is that the eligibility will be determined by a simple set of rules in the regulations. So of course as you know, Mr. Deputy Speaker, that's kind of frustrating for us on this side of the House when those important factors that are going to affect the way the legislation rolls out are kept for the regulatory sphere. It leaves us with a bit of a gap because we're being told that the eligibility criteria for these waivers will be a simplified criteria, but we have no idea what that criteria will be. We have no idea what the regulations are going to look like. And we certainly won't see those regulations or have any opportunity to comment on them until after they are passed by Executive Council.

So again it's a bit frustrating to enter into debate on these types of bills when we don't know the details and we have to wait for the regulatory process before we see those kinds of details. So it's concerning when we see governments taking this kind of strategy. And I don't think it's particular to this particular government, but I think as a member of the opposition, our job is to shine light on these bills and sort of offer some public debate and hear from other people. And when we see these types of details being held back and being reserved for the regulations, then we know that we're not able to fully assess the impact of the bill. And that's frustrating, Mr. Deputy Speaker.

We do know that the bill contains some discretionary authority to grant a fee waiver in special circumstances. So I'll talk about that a little bit when I get into the bill, and the minister is promising that this Act provides the flexibility that's needed to make this program worthwhile.

Now again, you know I'm speaking to all this in the context that it's all fine and dandy to offer waiver fees for particular individuals who can't access the tribunal or the court without money. So it's helping people of lower incomes who would find this to be a real burden, access to the courts a real burden, without some sort of financial support.

Now I think of some of the folks that I know that are struggling with perhaps decisions by SGI [Saskatchewan Government Insurance]. One individual is having a very difficult time in my constituency dealing with . . . He was brain-injured by a drunk driver. And some of the decisions made by SGI in terms of

what his ongoing income would be were based on some very sort of questionable details provided by his employer. And I think . . . He's brain-injured. He suffers from PTSD [post-traumatic stress disorder]. He finds any kind of form or application process very difficult. Plus, he absolutely has no kind of income to deal with the fees that would be associated with any of these things that come to his, on his plate basically. So he's got a lot to deal with. And then, you know, if he could only have a guaranteed income of some sort to help him deal with these issues, then this kind of bill would not be, wouldn't be necessary.

And again, it's laudable that we see a government willing to reduce fees for low-income people in this context. But we know that low-income people, or people with no income, have all kinds of situations where they are frustrated by their poverty. And I think of people like diabetics for example. I'm fortunate as a diabetic that I have a plan that covers all the costs of the medications that I require in order to stay healthy. I have access to other kinds of health care providers, chiropractors and physiotherapists, and all those things that help me stay healthy.

But when you look at people who have no income or are unable to find work for all sorts of reasons, those types of supports simply aren't available. And I know that many of them are able to get meds through the medicare system, but this seems like such a piecemeal Act when you look at the issue of poverty, when you look at the issue of a working wage.

We know that a working wage these days to stay under the poverty level is around \$17 an hour. And when you think about the thousands and thousands of people in Saskatchewan who work for less than \$17 an hour, living in urban centres where the cost of living is exploding — including rental, housing, roofs over their head, the amount of food they can eat, what kind of food they can put on the table — this just seems like a drop in the bucket, Mr. Speaker. And it certainly is concerning that the government is turning their attention to rather picayune approaches to providing support for people who simply aren't making it. But nonetheless, it's here.

And I think I'll just discuss a little bit about the bill itself in the time that remains for me. So we have a new bill, Bill 145, and it's respecting the waiver of fees. So in the definitions, we have quite a few definitions that sort of set out the scene. First of all, who's the court? As I indicated earlier, there's three courts that this bill applies to: the Provincial Court of Saskatchewan, the Court of Queen's Bench, and the Court of Appeal.

And then we have some definitions of fees and a certificate. Who is an official? What does prescribed mean? Obviously it means prescribed in the regulations, so I'm not sure why that's a defined term. It's somewhat mystifying. And then of course it defines proceedings.

Public body is another important definition here. As I indicated earlier, they have identified two specific public bodies: the Automobile Injury Appeal Commission, and there's also the Office of Residential Tenancies. And as you know, Mr. Deputy Speaker, those are very busy tribunals that hear a lot of cases. I think the Labour Relations Board is also a tribunal that hears a lot of important cases. Obviously the workmen's compensation appeal process is another one, maybe even crop insurance. And

any other number of agencies in Saskatchewan likely have some sort of appeal process.

But the only two that are identified as a public body in this particular Act is the Automobile Injury Appeal Commission and the Office of Residential Tenancies. The minister didn't indicate in his comments why those two were singled out and why the next part of the definition allows again this discretion at the regulatory sphere where the government can decide to add other bodies through the regulations at the executive layer of government, Mr. Speaker. So again, no opportunity for us to comment in this Assembly. But we will keep an eye on those regulations, and certainly if any concerns come to us from members of the public, then we would bring it forward at that time.

So the public body, in terms of the definition, the third part of the definition will include “. . . any other prescribed board, commission, ministry, Crown corporation, or government body.” And so in that case, there could be any number of organizations. A government body could be probably maybe thousands of bodies that could be included in the regulations. I don't know how many there are out there, but I would expect there's quite a few. So we'll have to watch the regulations on that front and see whether or not the definition of public body is expanded beyond the two that are specifically identified. An unusual approach, I mean they could have just done this all through regulation.

So again we have no indication from the minister why he chose to single out those two, but I think any reasonable guess would tell you that it's because they're probably the two busiest commissions outside of the courts when it deals with hearings. And quite often I would suspect, in terms of residential tenancies when people are renters and having trouble with their landlord, quite likely they would . . . On the majority of them, I would suspect would be people of lower income who are struggling with making their rent payments. So that's probably why they're there, but we can only speculate without any comment from the minister on that part.

[15:15]

Section 3 gets into the meat of the Act really. And it talks about . . . Well it starts off the process. What is the first thing you have to do? You have to apply for a fee waiver certificate. And again when I think of my own constituent who's struggling with forms, period, I mean the idea of having to apply for the fee waiver is unfortunate. I think it's an additional layer of stress for many people who are already struggling. And so hopefully there will be some assistance on the part of the courts in question to help people out with this part of the process.

Often forms and certificates are very intimidating for a lot of people if their literacy levels are not that high. And I think there are a lot of people out there who really struggle with terminology and legalese. I think a lot of us — and I know myself included — really have to sometimes read things out loud to even understand what the heck it is they're trying to say. So when you think of people who are struggling and have other issues on their plate, this can be a barrier for access to the waiver of these fees that the whole purpose of the Act is about.

So it says anyone can apply for a fee waiver and they have to submit an application in the prescribed form to an official of the court where the proceeding is going to be commenced. So right away you're into a lot of administration and legalese. And I'm hoping that the minister will ensure that people have access to the supports they need to deal with the forms that are required; you know, you think of people with English as a second language or a third language. So those folks are going to need some help and even to understand that they have access to the waiver form. You know, you could just see how it can get complicated.

So there's a few other subsections in here that talks about how the application form is to be received and how it will be, the certificate itself will be issued. So now we have officials making the determination, and then they provide that individual with their certificate. So that's all good. If you get through section 3, you've got your certificate to waive the fees.

Then obviously once you get the certificate you go on to section 4 which says, "No fee is payable to apply for a fee waiver certificate pursuant to this Act." Thank goodness, Mr. Speaker. I mean that makes total sense, but I guess it had to be said. So in order to get a waiver of a fee, you don't have to pay a fee to get the waiver of the fee, which is great. And that's all good in section 4.

Section 5 talks about the fee waiver certificate itself. And what it says is on and after the date that the certificate is issued, whoever gets it is excused from paying any fee of the court or public body with respect to a proceeding before that court. So you've got your certificate. You don't have to pay a fee for the certificate, and from that day forward you don't have to pay any fees in relation to that particular proceeding.

Then you get into section 6. What's interesting, it says, subject to the regulation. So we'll have to look at that section in a minute. But it says these certificates can be cancelled at any time. A bit alarming, I suppose, for folks who have their certificate, knowing that all of a sudden it can be revoked for no obvious reason. But we have to look to the regulatory section, which is section 10, to see how these officials or judges can decide to yank their certificate. And I think that would be very concerning for people who have the certificate to realize that it is revocable at any point in time. Interesting.

Section 7 talks about costs. So what are these costs that are being talked about here? The definition says, section 7(1) says:

... "costs" means any payment by one party to another party in a proceeding that is intended to reimburse the recipient for any fee or expense paid by the recipient with respect to that proceeding.

So okay, and I think in any court case you're familiar where the judge says, costs to the defendant, or costs to the plaintiff. And what that means is, if you win and you spent a lot of money to make your case, often the court will order that the other party pays for your costs.

So how does that apply here where there's a fee waiver certificate? In section 7(2) we see that, again subject to the regulations, a court or any of these public bodies will have the

discretion to make an order for costs against the holder of a fee waiver certificate. So even though you're eligible to get a waiver of the fees for the court, this does not make you immune from costs. And I think that's something the individual needs to understand as they go through the proceeding. If for whatever reason they lose and the court finds that their case was one that maybe shouldn't have been brought — it was a losable, a really losing case to begin with and it caused the other person a whole bunch of expenses — that person, no matter what their income, is still responsible for the costs. So clearly it doesn't apply to the costs.

Now there are some exceptions for how these costs can be determined, and there's a whole bunch of factors there that I think are interesting in terms of how they appear in another bill I'm going to be speaking to in a few minutes. But the court can take into a few things when they're determining costs. And I think this is the case for judges already, but there's a specific list that is prescribed here in section 7(3). And again, you know, I don't know what the purpose of this kind of clause is when we know the courts already have the discretion to take all these things into account, but for some reason the minister and his officials have decided that it's important that they identify at least four things that can be taken into account when determining whether or not costs should be awarded. I'm sure there's some good thinking behind that. It just isn't immediately obvious to me, but I haven't thought about this a whole lot myself, Mr. Deputy Speaker. So I think we'll have to just sort of ask those kinds of questions when we get to committee and have an opportunity to discuss it with the officials.

But here it says that they can take into account these four things when deciding whether or not to order costs against the holder of a fee waiver certificate, and they're saying access to justice, fairness to the parties, the conduct of the parties, and any other factor that they consider appropriate. So it's a very broad list of things that the court can take into account. Of course the court can already do that when taking it into account, but for some reason it's been specified here.

And I think access to justice is probably the most important one on the list. Because if people are going to be deterred from bringing forward a case for fear that they may lose and that they may have costs awarded against them, again that's a barrier to accessing the justice system and one that needs to be taken to account. Obviously it's not dealt with fully in this Act, but I think the message from the legislators here is that if you have received a fee waiver certificate, there are certain eligibility requirements that you've met. So that's one thing for the court to take into account, and I assume the courts will know that this will be part of the record that this individual has received a fee waiver certificate. Again there's nothing in the Act that tells us how it will be brought to the court's attention. I guess the application would go through that body in some way, shape, or form, but it could go through a clerk. So whether or not it's on the record, I don't know, and I'm assuming it will be.

At any rate, the decision maker, when deciding whether to make an award for costs, would have to take into account these lists because the legislation is saying, take into account these lists if you so want to. But I think there's a bit of a directive here just by including them. Access to justice is obviously the most important one on the list because if you're fearful of

accessing the justice system and worried about that you might have costs awarded against you, that will certainly impact your decision whether or not to go forward with a lawsuit or any kind of appeal or against a tribunal decision.

So interesting that the legislators have done this and it's interesting that it shows up in the class actions draft bill that's ahead of us as well or in front of us as well.

Interesting clause no. 8. So we're now through the process. We've got the costs awarded or not awarded. Now it says in section 8 that any court or public body can exercise existing powers to waive fees for someone, notwithstanding whether or not they've got their fee waiver certificate. So basically it says, if you don't go through this process, it doesn't mean that they still can't waive the fees. So it seems kind of weird a little bit, Mr. Deputy Speaker, that they would continue to provide the access to fee waivers in the general powers of the tribunals or the public bodies. But maybe there's a number of pieces of legislation that already provide that power to the tribunals.

And it seems like if you were drawing a Venn diagram of this, you would have the court's authority to waive fees in a larger circle, and then we'd plunk this bill right in the middle of that circle and say, oh and by the way, they can apply to waive the fees, have the fees waived individually and get a certificate. So interesting approach. And we'll certainly have to take a look and see how often this is used by individuals who are trying to seek justice and can't afford the fees, and whether or not this just simply wouldn't be available generally and broadly. And I assume it is already. So we'll watch and see how the uptake is for this type of waiver certificate once the bill becomes law.

Section 10 is again, as always, there's a long list of what the government can do through their Executive Council and not through this Chamber. So a long list of regulations that can be made by the Lieutenant Governor in Council, and of course that's the Executive Council of cabinet who can produce all kinds of rules and regulations dealing with this bill, and as I've talked about in the past, many other bills.

So they can . . . Even under the first clause, 10(a), the executive cabinet can define, enlarge or restrict the meaning of any word or expression used in this Act but not defined in this Act. So right off the hop you have cabinet being able to change the meaning of any word in this Act, and to me that just strikes me as a very broad expansive power that we hand over to the executive government.

And again, as speaking from a member of the opposition bench, Mr. Deputy Speaker, it's concerning. I think it's worrisome when we can't have open, public debate about all the decisions that are being made. However in a modern government, the regulatory sphere is here to stay, and I think the number of issues that come forward to government, certainly you know, it's very difficult to do it through the, you know, passing of bills in the Legislative Assembly, but I just have to point that out.

They can make regulations prescribing fees. They can prescribe who are the public bodies, which is something I'd talked about earlier. They can prescribe what a special circumstance is. The procedures to be followed with respect to applications, that makes sense, and I think that's an appropriate use of regs. Also

how the forms are going to look, that makes absolute sense to be in the regulatory section. Different rules about the issuance of a certificate in special circumstances, that makes sense again I think in the regulatory sphere.

Oh, here's one. They can under (j), section 10(j) the Lieutenant Governor in Council can make regulations prescribing rules respecting the payment of lawyers' fees by the holder of a fee waiver certificate. Now I'm not sure how that applies to lawyers' fees. This would be certainly through the private bar, and I didn't practice in the private bar. I practised public law. So I'm not sure how that would affect payment of fees, but I suppose most lawyers would want to know in advance whether or not there's going to be a regulatory exclusion of the payment of their fees if someone holds a fee waiver certificate. That's a whole other issue that needs to be looked at.

Prescribing procedures for the review of decisions of officials. So there will be some sort of . . . I'm not sure what this would intend to do, but it looks like there will be some sort of process that's set out for decisions made under section 3. Oh, and that's the application of the fee waiver certificate. So there will be rules to review if you're denied. You know, how are you going to be denied, and then can you appeal that or have a review of that?

And again, the rules that I've talked about earlier in section 7, I think it was, oh section 6, where a judge can cancel your certificate, there will be rules prescribed in the regulations about that.

So I think that's it for the regulatory section of the Act. There's some consequential amendments as well to other bills that will be affected by this, particularly *The Automobile Accident Insurance Act* because we're talking about the tribunal there, and *The Residential Tenancies Act* needs to be amended as well.

So I think in terms of the bill itself is pretty straightforward. Now he talks about in his comments how self-represented litigants can apply for fee waiver certificates, and apparently that was only available until now in Ontario and British Columbia. And he says, currently fee waivers are only available to individuals represented by legal counsel. I'm not sure currently where that resides, Mr. Deputy Speaker, and it may be in one of the court Acts, and I'm sure other of my colleagues may be more familiar with this.

[15:30]

But he's saying that what the effect of the law is right now is that it's limited to fee waivers for individuals who get . . . It's limited them to people who are represented by pro bono counsel or legal aid and family law matters, so it sounds like it's only available to people who actually have legal representation. But now they're expanding the eligibility to self-represented clients, so again it's intended to provide broader access to the courts. And I'm not sure how that shows up in the Act itself, but there's nothing in that Act that says you have to be represented by legal counsel, so maybe that's how they're trying to determine that, Mr. Speaker.

I think, in terms of the ultimate goal here — enhancing access to justice — this does provide some relief for, as I said,

low-income individuals. There's no indication how that eligibility in terms of income is going to be . . . Like when I read the section 10 that describes what's going to be in the regulations, I don't see a lot of guidance in terms of eligibility for the fee waiver, and I don't know if it's going to be income-based, if you just sort of have to provide your last three years of income tax in order to be eligible and under a certain threshold. We have little guidance from the minister on that aspect.

And so it makes me think again of my particular constituent who needed to fill out a form for child tax benefit, and one of the things that the Canada Revenue Agency wanted was his three previous years of taxes. And because of his condition and his mental health issues, he had no record. He'd been living on the street, Mr. Speaker, and sort of sleeping on the street, so he didn't carry his previous years' income tax returns with him when he was homeless. So how are you supposed to be able to fill out the form? And when we tried to get information from Canada Revenue Agency — it was their form — they wanted his previous income, which they already have access to. So it was really a bizarre situation that we found ourselves in. But when you're talking about people who are in dire straights, these kinds of things are real, real barriers for them to be able to access justice.

So as I said earlier, I'm hoping the ministry will have some sort of mechanism to facilitate this process for people who are struggling, people who have difficulty dealing with all the administrative requirements. And you know, people who are on the street don't have a filing system available in order to keep track of all the multitude of papers that we deal with these days and so hopefully there'll be some support for them at that level.

He's talking about simplified application processes and simplified criteria for eligibility. Again there's very little mention in the regulatory section so we will have to wait until the actual regulations are tabled before we can even comment on that, and again there's no room for debate on those. So I will continue to make that point as I rise to my feet on these various bills. But at this point I think that's the extent of my comments on this particular bill, and so I move that we adjourn the debate on Bill No. 145.

**The Deputy Speaker:** — The member from Saskatoon Nutana has moved to adjourn debate on Bill No. 145, *The Fee Waiver Act*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Carried.

#### Bill No. 146

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 146** — *The Fee Waiver Consequential Amendments Act, 2014/Loi de 2014 portant modifications corrélatives à la loi intitulée The Fee Waiver Act* be now read a second time.]

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

**Ms. Sproule:** — My colleague beside me suggested that I do this particular discussion in French, Mr. Speaker. I don't think I'll make an attempt at that today because it would be fun, but I don't have the language totally at my command at this point. But that's the exact point.

We talked about some consequential amendments that we found in the previous bill I just discussed, 145, and we've amended a couple Acts already, or the proposals to amend them, right within the bill. But for the bills that are prescribed in bilingual form, we have to have this consequential amendments Act dealing with the bills en français, Mr. Deputy Speaker.

So we have one, two, three . . . three bills that are affected by *The Fee Waiver Act* that I just spoke about that are provided to us in both official languages, and so these need to be amended separately in Bill 146. So in particular it's *The Court of Appeal Act* and *The Queen's Bench Act* and *The Small Claims Act* which are all being amended by saying that any fee payable under those three Acts is subject to *The Fee Waiver Act*. And of course it's in French as well, so that's why this wee little separate Bill No. 146 was necessary. And that's really the extent of any comment I might have on this particular bill, so I move that we adjourn debate on Bill No. 146.

**The Deputy Speaker:** — The member has moved to adjourn debate on Bill No. 146. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Carried.

#### Bill No. 147

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 147** — *The Class Actions Amendment Act, 2014/Loi de 2014 modifiant la Loi sur les recours collectifs* be now read a second time.]

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

**Ms. Sproule:** — Yes, Mr. Speaker, it's me again, and I'm trying to switch my brain over to this other bill that I've been asked to comment on today. And this is *The Class Actions Amendment Act*.

Class actions are a very interesting part of the legal process, and I know we see a lot of notorious and newsworthy types of class actions because often the payout, if a class action's successful, is very, very large. And you look at something like I remember the breast implants case where a number of women brought a case for when the implants . . . I think they were silicone-based, and they started leaking and making people very, very sick. So a class action case was brought and any woman who by virtue of the fact they had that type of implant would be eligible for the award. And so it's kind of an interesting form of lawsuit.

And as always when I take a look at these kinds of bills, I go to my friend Wikipedia just to find out a little bit about what it is a class action suit is and where they came from. There's an interesting history on class action suits in Wikipedia. The article

of course focuses more on the American style of class action suits, but they go all the way back to medieval England, Mr. Speaker. And the idea of a class action suit was actually very common in medieval England, and that was something I was surprised to find out. They were called group litigation in those days, and what it did is it would involve groups of people that were either suing or being sued in the common law.

Now why were they grouped? Well it says in Wikipedia that these groups were usually based on existing societal structures like villages, towns, parishes, and guilds. And so back in those days, there was never any question about whether or not that was a proper group, because everybody knew what group they belonged to. I mean it was very clear back in medieval England. If you were part of the village, you were part of the village.

I think one of the things we hear about in class action suits is who actually is in the class, who belongs to that group of plaintiffs or defendants. So back in the medieval times, I think your group was a lot easier to ascertain. Of course with modern society, through all the modern communications we have, you can be a member of any number of groups across the world without even actually having to be geographically present with other individuals of that group. So modern society has certainly changed what the notion of a group was.

Why was it that the courts never questioned people to sue on behalf of an entire group? And Wikipedia points out that a professor, a UCLA [University of California, Los Angeles] law professor, said that really the reason for that was there was no transportation or it was abysmally poor. There was really no communications, and it was impossible for the king or the English sovereign to manage the whole country in terms of an individual. So it just was easier to structure all these lawsuits in groupings rather than insist that it be done by the individual. And so they go on and talk about that a little bit.

Eventually though, from 1400 to 1700, the idea of group litigation was eventually switched over to an individual type of litigation. Other problems that arose at the time was the rise of the use of a corporation. So they knew a corporation represented a group of shareholders, but what were these other loosely unincorporated or voluntary groups? There was a whole series of confusing and conflicting cases apparently around in that time period because of the War of the Roses and the Star Chamber, and at that time the common law courts were often paralyzed. So what you saw was the courts of Chancery then taking up the idea of jurisdiction over group litigation. And this article says that "Chancery cases on group litigation after 1700 were a totally incoherent mess." So things really fell apart after 1700, and there was a number of issues that came through into the next century. At any rate, there was a steep decline in English jurisprudence and the whole idea of group litigation never recovered. So we see the end of group litigation, and that was it.

Also in the United States of course there was a lot of confusion on the judges there who were trying to understand what happened in the courts of Chancery. And then because of the American Revolution, a lot of the judiciary then started talking about individualism. And this is something we see that's critically important to the whole ethos of what it means to be an American. And so a lot of the judges took individualism for

granted and said that you can't allow then a court to bind somebody else who doesn't even know they're being included, which is the case in class actions. You can't really bind them to this individual suit. So what happened over the next 150 years or so, Mr. Deputy Speaker, was that eventually the whole idea of a class action suit started to reassert itself, but it took a long time.

In fact I think it was just until 1966 where what they call Rule 23 in the United States was modernized and the modern class action actually binds all members of the class. The only time you can get out of that class action is if you show up in court and say, take me out; I don't want to be involved. And so that's how we now have the modern class action lawsuit.

The other thing I think that came up in the '60s, and it says there's two other major developments, first of all, class action litigation by individual shareholders on behalf of all shareholders of the company could supplement direct government regulation of securities markets. So when you see shareholders being abused or disabused of their money because of nefarious actions, say Enron or some of those famous corporate rip-offs or thievery or fraud, whatever you want to call it, that it was very important for the security regulation to make sure that the companies would be responsible to every shareholder and not just the individual ones who had the wherewithal to bring a lawsuit.

They say the second development was because of a number of movements that came up in the United States, including the African-American civil rights movement, environmentalism, and consumerism. So when you think about environmental class action suits . . . I don't know. I think of Lake Erie or maybe the Three Mile Island, where there are environmental disasters that affect people, and class action lawsuits come out of that. Obviously the American civil rights movement would bring forward actions on behalf of African-Americans when their rights were being violated. And consumerism is I think the one we're most familiar with where we see class action lawsuits where a particular product fails. You know, you could think of car failings, in particular cars where the brake systems aren't working and 15 people lose their lives as a result. Well then you would have a class action lawsuit representing all of them.

I know I think of even the residential schools where there were attempts, as that went through the court processes, to have a class action lawsuit for all individuals who attended the residential schools. And that's a whole other story for another time, Mr. Deputy Speaker. At any rate, I think it's just interesting to think a little bit about class actions and how they came about and why they're important in the modern context.

What this bill, particular bill does, Bill No. 147, is just amending *The Class Actions Act* a little bit. It's quite a small amendment. It only deals with one section of *The Class Actions Act* in section 40. And the minister's comments of November 5th when he introduced the second reading of the bill are quite brief but I think they're succinct as well, which we always appreciate.

We do want as much detail as possible though, Mr. Deputy Speaker, and certainly the second reading speeches are something that we rely on a lot to provide the government's

context. And I know it's not just members of the opposition who rely on these comments, but certainly for interpretation later on. Twenty years from now, these comments at the second reading are looked at to give some sense of what was the intent of government when the bill was passed, particularly if there is a dispute about interpretation of the bill.

[15:45]

Now really all this section is doing is changing the way costs are awarded. And I know I spoke about costs just a few minutes ago in relation to *The Fee Waiver Act*. And the minister, his explanation for the change in this Act was that in the previous version, or in the current version of *The Class Actions Act*, the court is limited in how it can provide costs and award costs.

Now he's indicating that the court's normal discretion to award costs in the regular course of proceedings was removed. I'm not sure that it was removed entirely. I think if you look at the existing section 40, it's not removed entirely, but it is curtailed. And I think that might be a more appropriate description of the court's ability. Because the current cost section has two subsections . . . or sorry, four, but two that are important here.

The first subsection of the costs clause says they can't award costs except under subsection (2), so it's a restriction on their ability to award costs. And subsection (2) talks about some of the situations where they can award costs. So I'm not sure why the minister is saying that their normal discretion was removed. I guess in the general sense discretion has been removed, but I think it would be more accurate to say it's limited to the three or four areas where . . . three areas where the courts can consider costs and where they do have discretion.

And those three areas are this, Mr. Speaker. Under subsection (2)(a), it's whether there are "vexatious, frivolous or abusive conduct on the part of any party." And subsection (b), "an improper or unnecessary application or other step has been made or taken for the purpose of delay . . ." And certainly that's a tactic that many people engage in in these types of lawsuits. And then the third one is that "there are exceptional circumstances that make it unjust to deprive the successful party of costs."

And I think those are the normal situations where a court would consider costs, but I may be missing something here. And I'm sure other of my colleagues will have something to say about that. Apparently the impetus here was in Alberta and Nova Scotia they have taken a different approach in terms of awarding costs in class actions, and I think the government has taken a look at that and decided that they wanted to introduce it here.

So if you look at the actual new clause itself in this rather brief bill, it is clause 2 and it's a definition of costs . . . or sorry, it's not the definition of costs. It's the section relating to costs. The current one is . . . section is being repealed and here's the substitute section. And it just says the Court of Appeal or the courts may award costs that they consider appropriate. And then again, the government has taken the interesting extra step . . . Because the first step just says award costs that you think are appropriate, which maybe in a way the old section says, although it says you can't award them unless you take these into

account. But those things that they would take into account would be appropriate, and so now we're saying you can do it if it's appropriate.

But then the section (2), 40(2) goes on to sort of direct the courts and tell them what might be considered appropriate. So what it says is, "In determining whether a costs award should be made pursuant to subsection (1), the court . . . may take into account one or more of the following." So they're saying you can do this and you can also take this into account, which is, if we're doing the Venn diagram again, it would be the discretion is the larger part of the Venn diagram but there's a little circle now plunked right in the middle of the larger authority that says, take this into account.

What can they take into account? The public interest. Obviously in these types of class actions where there are maybe thousands of people involved — maybe it's a car manufacturing issue or some sort of health product that has gone terribly bad — then they would want to take in the public interest.

There's another reason for . . . And I'm not sure how costs would apply here, but whether or not the action involved a novel point of law. I find that very interesting, Mr. Speaker, and I would be interested in knowing why the officials over at Justice would want to take that into account when it comes to costs. And again I think we'll either have to wait until committee to find out or maybe speculate further.

But costs are to be awarded when there's a hardship on the other side because of the lawsuit. So again, I think having not practised in private law and only been a public lawyer, that's just something that I would need to explore further. And hopefully my colleagues who know more about this will be able to explain a little better about how that would apply, or we can ask in committee.

Again the third thing that the court can take into account under 40(2) is, "(c) whether the action was a test case." And again I don't see the connection between that and costs. But there you have it.

And the fourth one is, "access to justice for members of the public using class action proceedings." Again, access to justice is always something that we want to ensure people have. We hear how difficult it is nowadays to even have a successful lawsuit because of the enormous costs that are associated. Again, whether this is a reason for awarding costs made by the Court of Appeal or the courts, perhaps that could be explained a little better. But we don't have any comment from the minister on that, so we will look to the discussion in committee on that as well.

Interestingly subclause (3) which is in this new section 40 is very similar, almost identical to the previous subsection 3. And I just find it interesting because it talks about if you're a class member but you're not one of the actual representative plaintiffs for that class . . . So if you're way off somewhere, and you don't even know that this class action lawsuit is happening affecting you, you are not responsible for the costs, which is somewhat unusual for me because I'm thinking you're going to benefit from the award, but you're not responsible for costs.



And I guess I'd have to think that through, but maybe if someone's bringing a class action lawsuit . . . If I'm bringing a class action lawsuit, I'm very angry at my car manufacturer for, you know, the paint peeling off the side of my door. I'm angry enough to go forward and take it to the courts. But it's found out afterwards that I, you know, for whatever reason my car was not . . . The paint peeled off for other reasons unrelated, and I'm awarded costs against me, then everybody with a car like mine isn't going to have to pay those costs. I guess administratively it would almost impossible to handle, but it just seems weird that you can benefit from the award, but that you're not responsible for the costs.

As I said, that's already in the existing Act. I'm not sure why it's there. And as we go through these adjourned debates, it's kind of . . . Some of these thoughts just come to you while you're on your feet, Mr. Deputy Speaker, and you start wondering, well why is it that way? So I think those are the kinds of things that we look forward to in committee. And certainly if, you know, folks are following this this afternoon, maybe there's a few interested private bar lawyers that are out there right now and that deal with class action suits, maybe they can inform the opposition or myself in particular to let us know why these things are as they are.

At any rate that's the extent of this bill. There's only the one clause, and it's the removal of the existing section 40 and replacing it with a new section 40. And as I explained it's dealing with the actual costs that courts can award when they are determining class action lawsuits.

So the minister in his close of his comments, he said that the intention of these amendments is to “. . . restore the discretion to the courts to control their own processes, as in regular litigation matters, while still addressing the unique access-to-justice concerns that arise with class action litigation.” I don't see the direct connect between that comment and what this bill actually does, and would look to the minister for more elaboration on that point as well. And perhaps that's something he will be able to do in committee, so again we look forward to that.

And at this point, Mr. Deputy Speaker, I would move to adjourn the debate on Bill No. 147, *The Class Actions Amendment Act, 2014*.

**The Deputy Speaker:** — The member from Saskatoon Nutana has moved to adjourn debate on Bill No. 147, *The Class Actions Amendment Act, 2014*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Deputy Speaker:** — Carried.

### Bill No. 150

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Wyant that **Bill No. 150 — *The Residential Tenancies Amendment Act, 2014*** be now read a second time.]

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

Saskatoon Riversdale.

**Ms. Chartier:** — Thank you, Mr. Deputy Speaker. It's my privilege to rise today to speak to Bill No. 150, *The Residential Tenancies Amendment Act, 2014*. Just a little bit about what this Act is set to do, Mr. Speaker, is that . . . Well in the original Act that we're amending, governs the relationship between landlords and tenants of residential properties in Saskatchewan. And as the minister has pointed out, it's designated to balance the rights and obligations of landlords and tenants while bringing efficiency to dispute resolution through the use of hearing officers.

I know in my office . . . Undoubtedly when it comes to that balancing tenants' and landlords' responsibilities, it is a fine balancing act. But I know in my own office, I have had one issue in recent times with a landlord who had a concern. But by and large the things that I hear in my office in Saskatoon Riversdale are challenges that tenants are experiencing, Mr. Deputy Speaker.

Some of the things that the minister commented about and that he lays out that this Act will be changing, he specifically lays out the expanding the time for claiming the return of a security deposit from 120 days to two years. And it's interesting, he points out that he doesn't think that there will be many claims that are made beyond 120 days, but there certainly may be some. That actually is not an issue that's ever come up in my office, Mr. Deputy Speaker. More than anything, not so much around the damage deposit but people's inability to afford rent in this current climate, Mr. Deputy Speaker. With rising costs of everything from housing to utilities to food, I think one of the biggest challenges people face is actually being able to pay their rent and sometimes their mortgage, Mr. Speaker.

Another proposal that is in this bill, which I think is positive for tenants, Mr. Speaker, is found in the amendment to section 60 which allows landlords to evict tenants if the landlord wishes to demolish or renovate the premises or has other uses for the property. That notice period is currently one month, and this Act will extend it to two, which is, in this particular housing market, Mr. Speaker, having more time to be able to . . . When you have to vacate your premises because your landlord is doing something different with the building, having more time to find affordable housing is absolutely imperative. I know I have people who come into my office who are in a pinch and there is nothing in their, for their family size and what they can afford. It is still incredibly hard to find housing, Mr. Speaker.

The minister talks about some of the problems that this bill will alleviate for landlords, and he says:

In particular the bill expressly permits landlords to make and enforce reasonable rules in their residential premises. These rules may concern the tenants' use, occupancy, or maintenance of the premises or the tenants' use of services. Some examples may be rules concerning smoking or pets. If the rules are not reasonable, the tenant may challenge them with an application to a hearing officer.

Mr. Speaker, that makes sense. If I were a landlord and I had a home and I was a non-smoker or wasn't a pet person, I think

that it makes sense to be able to set the rules on the property that you own, or some of those particular rules. I know that in my own home I don't allow smoking. So if I were to own a rental property, I don't think I'd want people smoking in my rental property either. I happen to be a pet person, but I know not everybody is, and I think having the latitude to set some of those rules is not a bad thing. But I think that there'll be opportunity for further questions to ask the minister what else this might cover.

I do think it's important to point out one thing that is missing or that will be removed in this Act, Mr. Speaker. If you look at page 4 of the Act, section 58 will be amended in 12(1)(b):

**in clause (1) by striking out** “social housing program as defined in the regulations” **and substituting** “housing program”.

I think we have a number of questions about why you would want to remove the term social housing, Mr. Speaker. Social housing and affordable housing are not interchangeable terms, although we do use them.

I think it's interesting to look to the CMHC, the Canada Mortgage and Housing Corporation definition of what is considered affordable housing and what is defined as social housing, Mr. Speaker. So in Canada . . . This is from the CMHC website:

In Canada, housing is considered affordable if shelter costs account for less than 30 per cent of before-tax household income. The term “affordable housing” is often used interchangeably with “social housing.” [And they go on to point out that] . . . social housing is just one category of affordable housing and usually refers to rental housing subsidized by the government.

[16:00]

And on the housing continuum you can have everything which can fall under affordable housing, and:

Affordable housing is [in fact] a much broader term [according to CMHC] and includes housing provided by the private, public and not-for-profit sectors as well as all forms of housing tenure [whether it's] . . . rental, ownership and cooperative ownership.

So in the housing continuum you've got emergency shelters, transitional housing, supportive housing, subsidized housing, market rental housing, and market home ownership housing.

But I think it's interesting if we . . . So that's CMHC's definition of affordable housing, which is 30 per cent of your before-tax, less than 30 per cent of your before-tax household income. But if you go to the Saskatchewan Housing Corporation's website and look at how we've defined things here in Saskatchewan, it's quite different, Mr. Deputy Speaker.

The affordable housing program, the rental program . . . Well I should actually put on the record here the Saskatchewan Housing Corporation is, as I think everybody in this Assembly knows but maybe not everybody in the province might not

know this, that the Saskatchewan Housing Corporation is a Crown corporation owned by the Government of Saskatchewan, founded in 1978 to fund social housing and provide grants and other incentives for low-income and rental housing development within the province. And as at the 2013 annual report, Saskatchewan Housing Corporation-owned rental housing portfolio consists of 18,229 units and the distribution as follows: 45 per cent seniors, 35 per cent families, 15 per cent persons with disabilities, 3 per cent homeowner units, and 2 per cent singles.

But back to my point here, Mr. Speaker, about how CMHC has defined affordable housing as 30 per cent, or less than 30 per cent of your before-tax income. Here in Saskatchewan the Housing Corporation, which falls under the Minister of Social Services, the affordable housing rental program:

. . . offers rental housing for people with moderate incomes. The rent is set at the low end of the private rental housing market for each community. [It] . . . is available in over 80 communities in Saskatchewan and is suitable for seniors and families.

For families, affordable housing is intended to be short-term until a family is able to afford to buy or rent a home in the private housing market. For seniors affordable housing is intended for the long-term.

So the rent — again just to reiterate here for the Saskatchewan Housing Corporation affordable housing rental program — the rent is set at the low end of the private rental housing market for each community. I would like to point out that that might not be less than 30 per cent of your before-tax income, Mr. Deputy Speaker, in many parts of the province. So in fact Saskatchewan Housing Corporation's affordable housing program wouldn't meet CMHC's same definition of affordable housing.

So now we need to talk about social housing here. The social housing program for the Saskatchewan Housing Corporation offers rental housing for people with low incomes to people who are victims of abuse. The rent is based on a tenant's income. The lower the income, the lower the rent. Social housing is available in over 300 communities in Saskatchewan. This housing is suitable for seniors and families, but some is suitable for persons with a disability. For families, social housing is intended to be short-term until a family is able to afford to buy or rent a home in the private housing market. For seniors, social housing is intended for the long term.

So again the question around removing the term social housing from this particular Act, Mr. Deputy Speaker, I'm not quite sure what the rationale is. And I know that'll be something in committee that we'll want to ask the minister and find out what is behind that decision, Mr. Deputy Speaker.

I know that in my own community, just one thing with *The Residential Tenancies Act* is there's a huge exclusion in this Act. It would have been nice to see not-for-profit corporations considered under this Act. Right now there is an exclusion. So as of a few years ago, Mr. Deputy Speaker, it was changed so rents couldn't be increased more than every six months for landlords, but CBOs [community-based organization] or not-for-profits are excluded from this.

So what I've seen, and what I know some of my colleagues have seen in two or three different very recent examples, is not-for-profit organizations raising their rent frequently. And I'm thinking of one particular case where there was a rent increase twice this year already. There'll be one on December 1st and another one on January 1st. And I think for me that triggers the question what's going on in the CBO world or the not-for-profit sector that they're needing to raise rents? In terms of both federal and provincial government funding, are there pressures to bear on the CBO sector or the not-for-profit sector that are making them, are putting them in a position to have to increase their rents on what's considered affordable housing?

But this one particular building that I'm thinking about, Mr. Deputy Speaker, I heard from one individual who currently is a single individual. And he has a criminal record and a disability, so finding employment is incredibly difficult. But he talks about he gets a cheque on the 1st of the month and after he's paid his rent, he has \$9 left. Mr. Speaker, \$9 left to live. Then a little while later, he gets a second cheque for a disability rental supplement which does give him an extra \$256 which is not a lot of money to live off of for the rest of the month. So in total he would have \$265 after his rent is paid for the whole month: food, transportation, all those kinds of things, Mr. Deputy Speaker.

I would challenge anyone in this Chamber to live off that same amount. It's impossible. It is near impossible. It actually amazes me how people do make it work, but thankfully . . . in large measure to many of the service organizations. But someone shouldn't have to rely month after month after month on charity and the goodwill of their neighbours, Mr. Speaker.

But this individual pointed out that he is in an affordable housing building, so he has \$9 left after his first cheque after his rent is paid. And so with the two increases — the one that happens on December 1st and the one that happens on January 1st — that will leave him with \$156 after his second cheque, Mr. Speaker, because his money will go to that increased \$100 in rent. And this, this is affordable housing, Mr. Deputy Speaker.

So we have a problem here in Saskatchewan. There are people who cannot pay their rent and survive. It is impossible. Again I would challenge anybody in this room to think about how they would live on that kind of money, Mr. Deputy Speaker.

So again I would ask the question: what's going on with not-for-profits, that they're in this position to have to raise rents? What are the funding pressures that they're experiencing? But secondly, there is clearly a loophole if a regular landlord is not allowed to increase rents unless it's every six months but we have other landlords who fit into a different category who can and are doing it more often. This one case that I've just told you about, I know I've had two colleagues mention two very similar cases with not-for-profits, so this is not an isolated incident, Mr. Speaker.

I think we can't talk about housing here, Mr. Deputy Speaker, without referring to some of the comments the Minister of Social Services made when the Deveraux housing project, the 48 units, fell apart when they were over budget and the government decided that they were going to walk away from

that deal — 48 units, Mr. Speaker. And our Minister of Social Services who is responsible for housing made the comment about, "You're assuming that there are these desperate homeless people." She did apologize for that after and say that those words should never have been said. I couldn't agree more with that comment, that these words should never have been said, Mr. Speaker.

The cold, hard reality is homelessness is an issue here in Saskatchewan. People live and die on the streets in Saskatchewan. But homelessness has many different faces. There are the individuals that we think about who are in fact completely without a home and are living on the streets, but homelessness also comes in the form of people who are having to couch surf, going from place to place, staying with friends and family. Homelessness looks like multiple families living under one roof in a home made or designed to be a single family unit, Mr. Deputy Speaker.

I think I want to talk about some of those impacts that living under those conditions have on families. So if you're couch surfing or if you've got multiple families living in a home for one family . . . I know that I've spoken to teachers and families in my community who are seeing the effects of this in schools in Saskatoon Riversdale and undoubtedly in other parts of the province, Mr. Speaker, where if your parents are couch surfing and you're with your parents, there is no consistency or reliability. So how do you continue to attend school or go to the same school if your house is constantly changing, Mr. Deputy Speaker? Or if you are living under that roof where there are two or three families in a house designed for one family, how do you study? And how do you learn when you have no . . . And how do you have a high-functioning household? We all have stresses and pressures, which are often in some cases made worse by financial constraints.

And so you've got multiple people living in a house, no place to retreat for space and for quiet — and I think we all appreciate the opportunity once in a while to have some time and some quiet to ourselves — no place for kids to study. And it leads to children leaving schools and going to multiple schools, Mr. Speaker.

So that homelessness doesn't just have the face of people living without a home and living directly on the street. Homelessness comes in many forms.

I know a few years ago when Tim Richter, who is the CEO [chief executive officer] or the president I believe of the Canadian Alliance to End Homelessness, when he came to talk a few years ago about Housing First as a really important concept, I remember hearing him speak. And he talked about a boom town economy. There was nothing like a boom town economy to throw gasoline on the fire of homelessness, Mr. Deputy Speaker. And we've seen that in spades in our communities, Mr. Speaker, that housing is a huge issue. Affordability of that housing is a huge issue. People are struggling.

So that point about what is missing in this Act, so the government is proposing removing the term social housing from the Act. Perhaps we should talk about defining, like CMHC has, defining what affordable housing is. And I think a

good measure is 30 per cent or less of your before-tax income.

I know some affordable housing units went up in Saskatoon Riversdale, very well-intentioned, and they sat empty until they've been rented out. They were actually units for purchase, Mr. Deputy Speaker. And what ended up happening with many of them, there were some houses that were torn down, and these new units put up. But many of those people displaced by the houses being torn down . . . And admittedly many of those houses were ramshackle and needed to go. They were not well-cared-for rental units. But what came up were these so-called affordable units for purchase, Mr. Speaker, but they were 210, \$220,000. This was a few years ago, Mr. Speaker. And they sat empty until they've been more recently rented out. They had to be rented out instead of sold because people who had been displaced can't afford . . . \$220,000 for some people is not affordable.

So when you think about the average house in Saskatoon I think is over \$400,000, the average home price, and so you think, well \$220,000 is affordable. For so many people, Mr. Deputy Speaker, that is not affordable.

So with this particular Act, I think it's again important to talk about what we could have done with this Act, closing up the loophole for not-for-profit organizations to raise rent at will.

You know what? I need to talk a little bit about the Saskatoon housing corporation. I've several units or several buildings in my own constituency. And I know under this government, rents went up multiple times, again putting the screws to people and making it difficult for them to pay their rents. And these are people . . . Again, some people have families, but often I hear from single individuals who are really feeling the pinch, the fellow I referred to earlier, who after he receives his first cheque, he's got \$9 left. Single people often have challenges, but with . . . The rents had gone up in all these Saskatoon Housing Authority buildings early in my days as an MLA [Member of the Legislative Assembly], Mr. Deputy Speaker, multiple times in the period of a couple of years. And people have no money left for other necessities like food, Mr. Speaker.

So I think about when you think about the philosophy of a government as well, why you'd remove social housing from this Act or what is or isn't in the Act, I think we need to look towards this government. Their current candidate who's running in the by-election in Lloydminster last week made the comment that governments shouldn't be involved in housing, but it's interesting because social housing by definition is housing subsidized by government. So does she and do other people in her party think that the government should not be involved in social housing? By its removal from this Act, that is a question that comes up, Mr. Speaker.

[16:15]

So I know we will have some questions, many questions in committee about this, and very interested to hear what the minister has to say on some of these issues, and as well I know I have colleagues who have many comments and many thoughts on this Act as well. So with respect to Bill No. 150, *The Residential Tenancies Amendment Act, 2014*, I move to adjourn debate.

**The Speaker:** — The member has moved to adjourn debate on Bill No. 150, *The Residential Tenancies Amendment Act, 2014*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 151

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Duncan that **Bill No. 151 — *The Pharmacy Amendment Act, 2014*** 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 this bill, No. 151, *The Pharmacy Amendment Act, 2014*. Now, Mr. Speaker, the minister put forward the second reading comments on Nov. 4th, 2014, but they are notable by their brevity even in a government which doesn't usually give us very much information on changes being made to legislation. But this particular second reading speech is even maybe shorter than a lot that we have seen.

And practically there are some quite interesting changes that are being made to the pharmacy and pharmacists and pharmacist technician legislation that perhaps could have used quite a bit more explanation on the record as to who requested these changes, why the changes are being made now, what kinds of things are being affected. Because so much of what is being dealt with here does affect people on a day-to-day basis as they deal with their pharmacist, the pharmacist technicians, and the various corporate pharmacies or larger pharmacies that are here in the province.

So I think the first thing that happens is that they've changed the name of the legislation to *The Pharmacy and Pharmacy Disciplines Act*. And effectively what this does is then create a college of pharmacists that will be responsible for regulating not just pharmacists but also pharmacy technicians, and it will also clarify that this particular college will be responsible for issues around pharmacy ownership, which will have broader implications.

So we don't know, from what the minister has said or from the legislation, why some of these changes are being brought forward right now. But I think what we do know is that the whole world of pharmacies has changed dramatically in the last 10 or 20 years. And what we've seen is that pharmacies, the local independent pharmacy that is there still in Saskatchewan, has received huge competition from national pharmacy chains that are present in our province but also what we would traditionally call grocery stores or other kinds of stores that have entered into the pharmacy business.

And the challenge I think for Saskatchewan and for the legislation that is being brought forward here is to make sure that it deals with the issues between a patient and the pharmacist as the prime goal, and I think it tries to do that, but also to make sure that individual patients are protected in the larger scheme of things and also that pharmacists as professionals have the full protection of their agency but also

the full supervision.

And so, Mr. Speaker, it's worth looking at how the legislation has been drafted and what kinds of changes are being brought forward to understand what kinds of amendments are here. And practically some of the changes seem kind of innocuous, but other ones do have some fairly, fairly, I think important changes that are here.

So we know that one of the major parts is bringing in the pharmacy technicians under the protection of the pharmacists. And this is actually a much more interesting issue than we might suspect because it has its parallels in other professions. Here in Saskatchewan we've been quite, I think the word is trusting, but also respectful of various professions regulating the profession plus the people who are involved in that profession. So for example, I'm a lawyer, a member of the Law Society. The Law Society also has the substantial role in legislating for paralegals and related people. For dentists, dentists have a substantial role in monitoring all of the parts of the dental profession. I think the same would be true with medical. And so this legislation follows that model.

But if we look at other jurisdictions in North America, some of them have gone quite a different direction than what's happened here. And I'm not sure what the exact word would be to describe it, but it's basically people who don't like the establishment organizations bring forward legislation that takes away some of the powers on the edges. A good example does relate to dentistry where, in some provinces, separate legislation has been created to create new dental professions or dental therapy professions, the dental technician professions or parodontist type legislation because of the concern that maybe the dentists have had too much control in a particular area.

And this I don't think applies as it relates to this pharmacist legislation, but it does raise the question of where is the ultimate control as it relates to the pharmacy technicians. I think it's quite clear from the way the legislation is drafted that that job of dispensing what can be harmful substances, in appropriate doses and in appropriate forms, will be regulated by this College of Pharmacists. But I think the whole issue though will have to be looked at carefully if in fact there become difficulties in the longer term around how the various pharmaceuticals are dispensed.

So the new name for the college will now be the Saskatchewan college of pharmacy disciplines. And so when we have that new name, what are the changes that happened to the legislation itself? Well one of the first things, it does relate to the whole concept of keeping control on how the work is done, and that includes how you set up the discipline committees. It's clear in the new legislation that the number of public representatives, in other words non-dental technicians, or non-pharmacists and non-pharmacy technicians, will be increased to four public representatives. This is in line with other professions like lawyers and doctors and others where there are between three and five sort of non-professionals, if I can put it that way, who are on the board of governing the particular . . . So that's one way that this Act does change it.

Another way, it does relate to the actual discipline committees. And so what it states is that if a pharmacist is subject to a

discipline committee, the committee will have three members and at least two of the members must be pharmacists. So that makes the possibility that the third member would either be a pharmacy technician or it could be one of the public members on the board of the organization. If the person being disciplined is a pharmacy technician, then in that particular case at least two members of the discipline committee have to be pharmacy technicians, and then the third person could either be a pharmacist or one of the public members.

And it goes on also then to deal with some of the other issues around pharmacy ownership issues and sets out some of the rules there as well for how this particular work is going to be done. Now the importance of that is that it retains the idea that you're being disciplined or governed by your peers when you are doing this. And so changes had to be made when we put both pharmacists and pharmacy technicians in the same group.

Now another interesting section is the section 18 around the registration of members. And the section is amended, it says here in the explanation, around the minimum academic requirements for registration. And what we now know is that people with a bachelor's degree in pharmacy will have the basic qualifications to move forward to be registered as a pharmacist in Saskatchewan. What the amendments do is recognize the fact of degree creep, I guess is one way to put it, but the fact that many schools of pharmacy are now giving a doctorate in pharmacy or a PharmD [Doctor of Pharmacy] designation. It's not dissimilar to what's happened in Canadian law schools where now all the lawyers get a Juris Doctor or a J.D. But what it also does is deal with the credential-based professions that are primarily in health care. What we know is if you're practising 100 miles south of here as a physiotherapist, you most likely have a doctorate in physiotherapy which is exactly the same as the bachelor of physiotherapy that's used in Saskatchewan.

I think in the same way, this change in the legislation reflects that change in designation around entry-level positions for pharmacists. Now this is an interesting phenomenon right across North America. When the Minister of Health works with the Minister of Finance and they look at the budget for the year, one of the factors is the number of people with various credentials and how they're paid. Every time we increase the designation or description of a particular profession by adding the word doctor to the name, we increase into the bargaining power of that particular group.

And we see that right across the board. We know that the issue goes right through the nursing areas. It goes through medical, all the different areas, but it's especially an issue in the health care system because so much of the pay scales are based on the credentials that people have, and that's set over and against the credentials that are there in some other areas like emergency medicine or fire or whatever. Emergency medicine has credentials. The fire side has basically seniority and experience, and often that juxtaposition does cause some issues in sorting out the compensation levels in negotiations.

[16:30]

So what we're doing here in this legislation is, without much comment, basically increasing the credential capacity for the PharmD or doctorate in pharmacy. I'll be curious, I think all of

us will be curious to hear some of the explanations for that from the minister when we get into committee because once again it's I guess positive for the pharmacists but we I think need to ask that question right across, across the board.

Now the next section of the change relates to section 19. And what effectively happens here is that proprietary pharmacies, which I think you know are defined basically as the corporate pharmacies, need to have permits and permission under this legislation. I think that's appropriate. How that's done and whether it's done the same way as is done in Alberta or Manitoba or British Columbia, I think that might be something we'd want to know as we move forward with this. Are we doing it the same as what's happening in other provinces or do we have some special method of doing that kind of registration in Saskatchewan?

And the same thing also applies to the next section as it relates to the definition of pharmacy technicians. Is this a common Canadian definition, a common North American definition, or is it a definition that is in place primarily just in Saskatchewan? And does that limit some of our people who have got these jobs to staying within the Saskatchewan stores of a particular larger pharmacy corporation or national chain, or does this cause some difficulties for them?

So practically there are a number of these changes which are part of this legislation. But we don't really know from the second reading speech of the minister, you know, what the take is on why certain things have been done. And so to fill that out, we'll end up asking questions here on this side of the House. But I think we'll also have to make sure we get on the record as much as possible what's the rationale for proceeding with this particular legislation. And ultimately I would say that the purpose of this legislation is the protection of the public, protection of the patients, and I don't think there's any deviation from that. But we need to know exactly how that's being done and why certain provisions are set out in the legislation.

The next section, relating to the disciplinary powers, points out that the level of fines that can be levied against members who are guilty of misconduct or professional incompetence, the levels of these fines have increased dramatically. And I think we'll end up wanting to know what those kinds of levels are and also how effective they have been and how increasing the levels will make the legislation more effective if that's in fact the case. And so it also includes substantial fines for the proprietary permit holders who may be guilty of some kind of an offence as well. So we'll want to have more information about that.

Now the whole area around how this applies to former members and former permit holders is a tricky one. We know that we've had some difficulties in some of the other professional legislation and I think we'll end up having to look at that area as well to understand exactly how this will apply, especially as it applies to the proprietors or to some of the corporate situations because that's a little bit trickier when it's a whole national or even an international company that's involved.

So now another interesting practical section that's been placed in the legislation — I think it does actually make some sense

but it's one that will have to be supervised very carefully — is that under the present legislation if a pharmacist dies, especially in a smaller community, it's quite difficult for the continued provision of pharmaceutical services because there wasn't an arrangement whereby the pharmacy technician, who would actually work and deal with a lot of the patients, could take over on an interim basis until the new management was set up with a licensed pharmacy.

And so what the legislative change here that's coming forward does, does set out a process whereby that can be done. And I think that's a practical solution to a problem that we sometimes have in Saskatchewan. Now whether this will apply on a broader basis . . . We know we have some situations in the province where, I guess, extrajudicial individuals — I don't know, that's not quite the right word — but people who are not pharmacists can be in the process of dispensing pharmaceuticals on a special licence because they are in such a unique situation in the province. Presumably this legislation will deal with professional people in that kind of a situation who would also need the supervision of the college as well.

And so now the legislation includes a number of amendments to other pieces of legislation because the title has been changed, and I think that obviously that's a fairly practical one that we don't have any great difficulty with. And so what we see is basically then legislation that has changes which reflect the changing nature of the dispensing of pharmaceuticals in Saskatchewan.

Mr. Speaker, I think that we know that the pharmacy profession and the pharmacy technician profession that's been involved with the creation of this legislation, we don't know all of the answers as to why specific procedures were accepted and put forward in the Act. We'll be asking some questions around some of those things to make sure that what we have brought forward here is the best choice for the protection of the public. And we know that's the intention of the people who have been involved in working with this, but sometimes more of the advice comes from the professional side than from the consumer side. And what we do know is that there's substantial concern right across the world around the regulation and dispensing of pharmaceuticals.

What we know in Canada is that we have a plan that provides for medical care and substantially for long-term care, home care, those kinds of things, but at this point we don't have a national pharmacare program. I think that every time you look at legislation like this amending legislation, we need to keep asking the bigger picture about how we provide these pharmaceuticals in Canada.

What we know from the history of the last 50 years that many people who are prescribed and then use pharmaceuticals can live relatively normal lives, not in an institution, not in a hospital situation, and we know that that's an important part of how we live. But also we know that there's a huge amount of money that is public money that is used in some of these things — plus it's also money that comes from our families — and that we need to continue to ask questions about whether this, the way we've provided our pharmaceutical care for all citizens, is the best that we can do for Canadians.

What we know is that, over and against our friends to the south in the United States, that our patent medicines do have a cheaper price than what they often pay. But we also know that their generic drugs that they're able to purchase on a number of their plans, whether it's Medicare or the private plans, are substantially less than what we pay in Canada. And so we need to keep asking questions about that.

We can also look to countries like New Zealand or Australia where they have developed some pharmaceutical purchasing plans that work together with the professions that we're talking about in this legislation, where they have been able to provide the same pharmaceuticals that our citizens get at a much more reasonable cost.

And so, Mr. Speaker, this particular legislation may seem like it's a fairly narrow change to legislation that we have in the province, but it's part of a bigger question of a broader issue. And we will continue to ask questions when we get a chance about that broader issue, because it's about making sure safe, effective medications are provided to all citizens of the province of Saskatchewan at a reasonable cost.

Mr. Speaker, there will be questions from some of my colleagues. I know others of my colleagues have some comments about this particular legislation, so at this point I will move to adjourn the debate.

**The Speaker:** — The member has moved adjournment of debate on Bill No. 151, *The Pharmacy Amendment Act, 2014*. Is it the pleasure of the Assembly to adopt the motion?

**Some Hon. Members:** — Agreed.

**The Speaker:** — Carried.

### Bill No. 141

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Docherty that **Bill No. 141 — *The Archives and Public Records Management Act*** be now read a second time.]

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

[Applause]

**Mr. Forbes:** — Thank you, Mr. Speaker. It's great to rise with such an applause. It's a kind thing of the government side.

This is an interesting bill though, Bill No. 141, *An Act respecting the Provincial Archives of Saskatchewan, Public Records Management and making consequential amendment to other Acts and Regulations*.

I just think of yesterday. We think of Remembrance Day. And we think of not only the service that those who went to protect our country, protect our democratic values and freedom, the work they did. But I also have to say that the work of people who work in the archives, the public archives, whether it's the War Museum in Canada or our own archives here in Saskatchewan, our archives in different public libraries, really brought home the message yesterday and leading up to it — the

true story, the context of what was happening in Canada, Saskatchewan, our communities that led to the situation where we have and we mark Remembrance Day.

Without them, all the work that would've gone into making sure that that memory is not lost, that we shall remember, takes on a whole new meaning when you talk about archives. They truly do the good work of what often some may say as, it may seem to be dry. It may seem to be mundane. It may not seem to have a lot of value in the here and now. But clearly in the future, when generations look back and say how do we understand the story of what happened then, public archives plays a huge, huge role.

And I have to say that our thanks should go out to them and it's very, very important work that they do. And it's an honourable occupation and good work that is done to make sure that our story, our unique story of Saskatchewan is recorded and can be understood by those in the future.

And whether, you know . . . As I said, the record of the world wars, the Afghanistan war, past wars that Saskatchewan people have been part of, clearly are much more understandable. And people appreciate the dedication, the commitment, the soldiers, the people who were involved in making those difficult decisions, the climate of the day.

[16:45]

It's hard to fathom. It's hard to fathom some of the events that happened in our world. But public archives makes it come alive, which is so incredible, because you think of the records that they keep and they must catalogue and organize them in a way that is understandable. Because, as the minister has said, the number of requests that they get is truly impressive.

So how does one look into the future to say, how can I put together records that will be understandable and comprehensible and appreciated by those in the future? Because you know, it's one thing to have a piece of paper in front of you, but it's another thing for somebody to really appreciate what was happening around that piece of paper or around that document.

You know, whether it's a . . . And I see that school records may be part of it, you know, a simple attendance record. And I remember those sheets that we used to do, and I remember, most will remember the teachers who did the diagonal lines in their attendance books. Relatively mundane work that is done but hugely, hugely important when it comes to records of Saskatchewan.

Saskatchewan has an incredible history. When we talk about the First Nations, the treaties that were negotiated here and the fact that we're all children of the treaties, how that record is kept and kept alive. So the meaning of that. And of course so much of that was oral tradition. But how do you keep that in a way that can have meaning for future generations? It's important, and it's more than just important in the sense of nice to have. It's critical in terms of who we are as a culture, who the First Nations are as a culture, who are the Métis as a culture. And you know, we take a lot of pride in Saskatchewan because we say, "from many peoples, strength" and from . . . So we're a

community of diversity, and we have to appreciate that and how do we have those records.

The fact now that we have so many languages that are spoken in our communities and so many cultures, it's a wonderful thing. It's a wondrous thing. But the fact is, how do we keep that in a way that has meaning for generations, generations to come so they'll understand this province from its earliest days of before being a province, before being a territory, to how it's evolved through those states, through being a territory, through being a province, to the cities that we have now? How do we do that?

And so this is an important piece of legislation before us, and we have to consider it fully. And there's a lot of questions we have about who was consulted in this because this is not a small piece of legislation. It's 20 pages long, and it's one that could have a huge impact, a huge impact on how we gather and organize and keep our records.

And so there are a lot of considerations we have, and we have a lot of considerations about how those records are, whether they're paper records, whether they're electronic records. You know, it's interesting. We thought everything . . . And we've had this debate as well in terms of how the records were kept in this legislature, whether they were tape recordings and then they've evolved into DVDs [digital versatile disc] from paper and pencil and all of those things. So what will be the record of 10 years from now? And how will we make sure . . . Well we will know for sure, we won't know what it is. We know that.

But what we need to know is how can we ensure that the records can be transferred more easily. And that's an important, an important issue. And so we have a lot of questions about this. And of course it's one thing to put together this legislation, and of course we ask, who's been consulted and what did they have to say about this?

But of course the other big issue will be the costs. And we know this government, when it can have its pet projects like lean, there are no bounds to what they will spend and who will they press into service, as we've seen with the Health Quality Council who will be pressed into service. But archives are a little bit different, as I've said. It's a huge job but often left to a very few people and often underfunded. And with this kind of new legislation, will there be more funding? How will we make sure? If we're taking this kind of a leap forward, you can't do it . . . [inaudible] . . . resources. You can't say, jump forward, when you're asking people and organizations to jump forward into the great unknown.

What are they going to do? What are the resources going to be for them? And we also have questions about, what does this mean for other archives, you know, the University of Saskatchewan, the University of Regina? You have huge collections of important public records. How is that coordinated into this?

Of course it does talk a little about school records. That's important. How is that coordinated into this? You know, and the wonderful thing about Saskatchewan, when you look around the province, you know, you have all these museums and people gathering important documents and whether they make

the grade of what is a public record and who gets to decide, and I have some questions about that. For example when I look at one of the questions around the public records committee and who it consisted of — the Provincial Archivist which I think is obviously a great choice, the Legislative Librarian, deputy minister of Finance or his or her designate, deputy minister of Justice or his or her delegate, and the head of any other government institution that may be designated in the regulations or her or his delegate — and I'm wondering where is Culture in this? Where is Culture in this?

To me, the public records really serves a much deeper cultural purpose than any other purpose really. You would think Culture would be one of the key members of the public records committee because they're the people who do the archaeology. They do all the kind of works with Royal Saskatchewan Museum is under the Minister of Culture's management. And I'm, you know, I'm not sure who the archives report to, whether they report directly to Finance or who they report to directly. I would almost think it should be Culture. It might be . . . I don't know. That's a question we have . . . [inaudible interjection] . . . Okay. I've just heard the answer. I'm glad that I posed that. Thank you very much. Thank you very much.

So I think that's why there should be somebody from the Ministry of Culture on this public records committee. Because I think if the public archives reports to Culture, why is Culture not there? I'm not sure. This is something we have for committee. I'm just saying public archives is a very important cultural activity, and I would like to see more profile for the Ministry of Culture in that because it's much more than finances. It's much more than justice records. It's who we are.

And when I think of days like yesterday when we celebrate and mark world wars and service of people, it's more than just a numeric thing. It's more than just a recording. It's who we are. And so I would like to see the ministry take or be given the opportunity. We'll find out more about that through questions, but we'll be asking the questions to make sure that they are.

And I do see and I do want to take a few minutes to reflect on the minister's comments. And actually he did give quite . . . And this was very good to see, and I know my colleague has commented on this, that usually the minister's comments are shorter, but actually this time the minister gave quite extensive comments. And that was very good to see because it's an archival document and it's very important to see the record. The public record is clear about the intent of this bill before us. So it's very important.

And we're going to be seeing and asking a lot of questions. He did talk about providing a framework for effective delivery of the archives mandate, particularly in the electronic records environment and of course what all does that entail, right from film and audio to now with emails and texts. This is a brand new world, and I think this will be very, very important to see what is it that that means. And I do appreciate the comment of, will distinguish the role of the institution as the custodian of Saskatchewan's documentary history.

But also it's the leader. It's the leader. It sets the bar for how do we act as custodians of our history? And clearly how the government acts, the Provincial Archivist acts, so will many



others take their cue from the province.

The minister goes on and talks about how the Archives responded to over 5,000 inquiries in 2013-14. That's almost . . . That would be in the ballpark of 200 requests a day. That is pretty impressive — 200 a day. You know, you're talking about 20 or 30 an hour. It really does show that people are interested in the history of our province. We're a phenomenal province when it comes to diversity and I think our records are strong, but we need to be able to provide the resources so that people can have access to our archival records. They're very, very important. It's a critical, important service that we provide to the people of Saskatchewan.

I do find this always interesting, how the archives provide some of the data. And when the minister talks about, since April 1st of this year, Saskatchewan Archives has reviewed 656 disposal requests involving over 6,000 boxes of material. Imagine what that would look like in the warehouse, 6,000 boxes. You could get lost in 6,000 boxes. I know it would be quite a thing.

Eighteen hundred metres of public record for disposal and identified 146 metres of record for transfer to archives for a historic preservation. So I'd be interested in getting to hear more about, so does that mean they're sending out 1,800 boxes or metres that's not worthy of anything? One hundred and forty-six is. And so what will happen to those, all that material? And how do we keep it, effectively? You know, as a province grows, we have that challenge of how do you store this material? Because clearly the warehouses could fill pretty quickly if you don't have a management process of keeping this in some sort of effective way.

And of course the minister does talk about the role of the board in updating the responsibility of the board and setting a strategic direction for the institution. Now it must be strategic in some sense. I hope it's not always short term because, you know, governments do change, and we should anticipate that governments change. I know governments hope they don't change, but clearly this should be above that kind of short-term thinking, and that this is a long-term process where we celebrate, in fact, we celebrate our politics and the fact that we have a rigorous kind of province, that it's been diverse from many political parties and it is worth managing, but that the archives can be most effectively delivered. And the type of long-term planning in areas of accommodation and operating budgets are not political footballs but in fact they have that long-term stability, that they can do their job without interference or political manipulation. And so this is something that we'll be looking for in the new year.

How is this legislation supported in the budget? I mean it's one thing to say yes, we want to do these new things when we think they're very, very important, but the second part of it is, is there any support for actually doing it? And that's the key thing. Because we've known in the past where we've seen this government say one thing but do another thing. And it's very important when you are putting legislation forward that you are sending messages that you are supporting this area, very interested in doing the right thing. But the question will be, will you support it?

We are also very . . . And I'll be asking more questions about

this in committee and as we discuss this further, about the whole question around who has been consulted, that is the one thing the minister did not talk about. And, as we've said, his comments were fairly lengthy but he did not talk about who was consulted in this new legislation. I think there's a group of archivists. I know that the U of S . . .

**The Speaker:** — It now being after the hour of 5 o'clock, this House stands adjourned to 10 a.m. tomorrow morning.

[The Assembly adjourned at 17:00.]

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