



FOURTH SESSION - TWENTY-SEVENTH LEGISLATURE

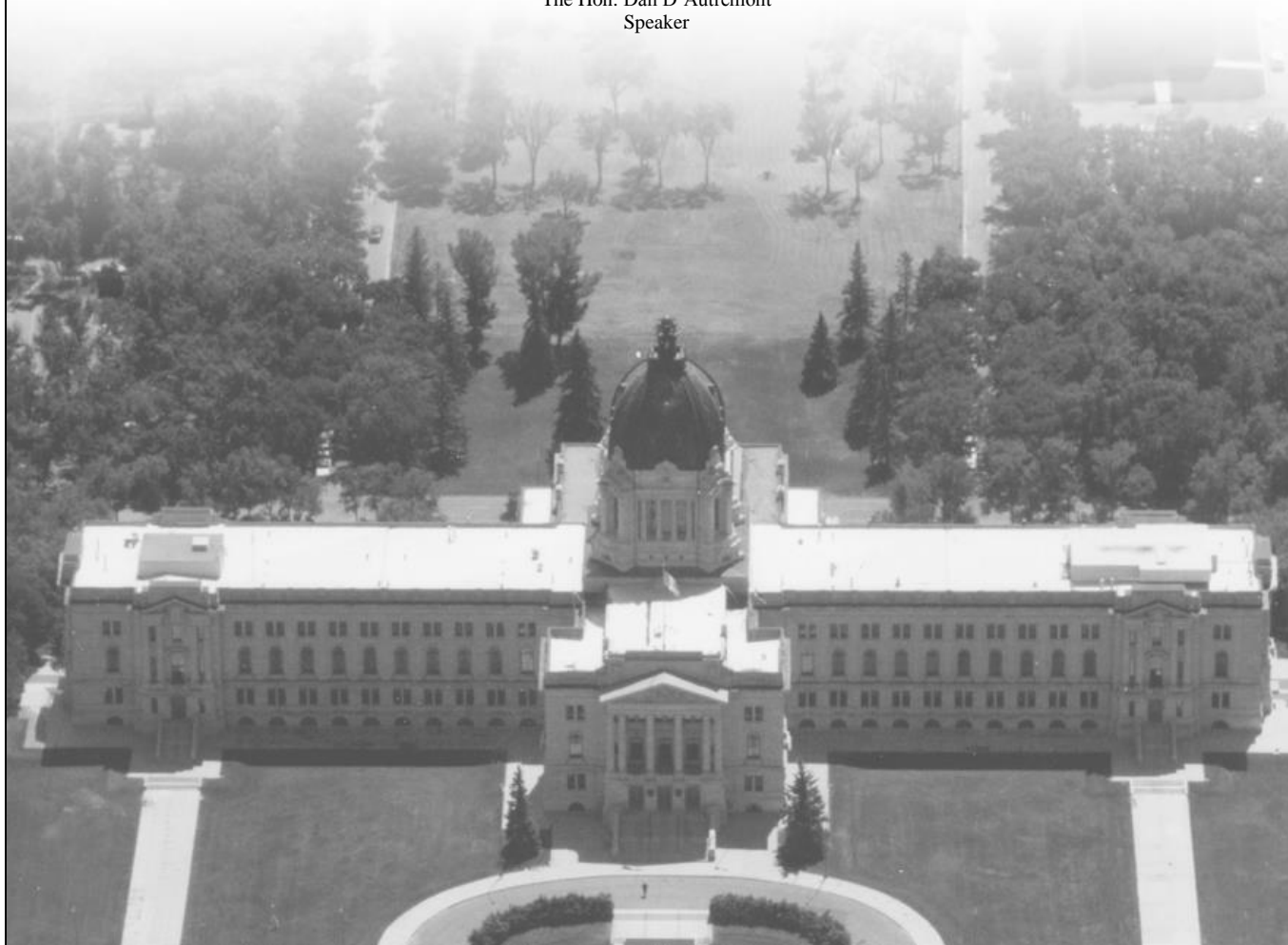
of the

Legislative Assembly of Saskatchewan

**DEBATES
and
PROCEEDINGS**

(HANSARD)

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The Hon. Dan D'Autremont
Speaker



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Young, Colleen	SP	Lloydminster

[The Assembly resumed at 19:00.]

EVENING SITTING

The Speaker: — It now being 7 o'clock, debate will resume on Bill No. 147. I recognize the member for Saskatoon Centre.

ADJOURNED DEBATES

SECOND READINGS

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.]

Mr. Forbes: — All right, here we go. We're getting revved up.

Thank you, Mr. Speaker. And I just want to welcome all of the people back, especially those who are tuning in who were at work this afternoon, who are watching this evening. It's adjourned debates and we're resuming debate on Bill 147, *An Act to amend The Class Actions Act*.

And this is a very interesting piece of legislation. I started just prior to 5 o'clock. I just had a few minutes in before 5 o'clock talking about this. And so I have been taking a look at the Internet, looking for novel points of law. I really couldn't find any novel points of law, so I don't know what the lawyers are looking for with that.

But I do want to take a minute and talk about this piece of legislation, and I do want to review just for a minute for those people who are just tuning in and for the folks up in the gallery as well. I know we have visitors in the gallery from the reception earlier; I want to welcome them as well to their House, their legislature.

It's an important piece of legislation that we have before us when it reflects on class actions. My colleague from Saskatoon Nutana gave a very learned, very thorough discussion about the history of class actions and how they were the norm starting in our British history of law back in the 1100s, 1200s when they were trying to figure out a way to have an effective, efficient way of delivering justice because we all know that justice delayed is justice denied. And if you have that kind of circumstance then that can lead to civil unrest, when we know that there's common groups of people out there who are facing injustice and they look for redress from, at that time in England it would have been from the king or his representative. Because of this situation where there would be poor transportation, poor roads, poor communication, they had to make sure decisions were quick, effective and affected as many people as possible so they didn't have to keep repeating the same type of decisions over and over and over again.

This was the way to do it, was group law. And it was an interesting process I was not familiar with because of course we are more used to thinking about individual or independent law, individual law.

And of course, interestingly, that came about through, whether it would be the industrial revolution in Britain; the rise of much more of the middle class, but independent individuals who wanted not to be grouped with others; the War of Independence in the States; and all of that kind of thing where maybe law became a little bit more sophisticated, and this kind of fell into not as much use as it had in the past.

So here we are taking a look at class actions. And I think it's a good discussion and we will have lots of questions for the minister. And I will take a minute in a few minutes to review his notes because, as I was saying, this Act only really talks about repealing section 40 of the old class actions Act and which, where we're really talking about costs and how the court or the Court of Appeal will decide on cost. And it talks about four benchmarks: public interest, whether the action involved a novel point of view, whether the action was a test case, and whether access to justice for members of the public using class action proceedings . . . [inaudible] . . . and they needed a way to have access, and then the catch-all clause, any other factor.

Interestingly it does talk about, the section applies to proceedings commenced and costs incurred before, on, or after the section comes into force. And so that is sort of the retroactive aspect. And we asked about why and we will want to know why is that in there and are there any limitations, because at this point, it doesn't look like there's limitations and that could be quite costly. What are the consequences of having no limitations on legislation like that? So we have a lot of questions about that.

But I just want to take a minute to review what the minister had said and because it's always very instructive to take a minute to review what he had said. And sometimes ministers can be quite thorough in their second reading speeches and sometimes not. And sometimes when they're not, we have some real questions. And what they say or don't say leaves a lot of room for us to have questions about this.

And so of course he talks about and he stood on November 5th to introduce *The Class Actions Amendment Act*. And he talks about how it's going to serve “. . . several important functions in our justice system . . . for more efficient use of court resources by consolidating similar matters.” And that's true and that goes back hundreds of years. “Defendants can also benefit from class actions by defending multiple claims through a single set.” So it works for both sides, whether you are making a claim or you are defending against a claim, and then you can be dealt with quickly.

Now he talks about when it was first introduced: “This was done out of concern that the threat of large cost awards could deter legitimate claimants from participating in class action matters.” It talks about how “Alberta and Nova Scotia class action legislation has demonstrated that a more balanced approach can be taken . . .” and how that's important. It talks about balance and “. . . provides courts authority to award cost and class actions and appropriate circumstances.”

And talks about the factors “. . . whether to award costs: the public interest, whether the action involves a novel point of law . . . [or that] the action is a test case, [and for sure allowing]

access to justice for members of public using class action proceedings . . .”

So he reviews those but doesn't really illuminate or gives any more definition to what is the public interest, doesn't really talk about what kind of actions are we talking . . . that might involve a novel point of law here in Saskatchewan, and whether the action is a test case. It would have been interesting if he had some examples because, as we know, in Saskatchewan we've had many instances of people coming together and demanding more justice. And we can just think of the residential schools as an example of people banding together and demanding justice. And that's one example, but I think it would have been interesting to hear more from the minister on that.

As well, Mr. Speaker, he talks about that the amendments “. . . will restore the discretion to the courts to control their own processes . . . while still addressing the unique access-to-justice concerns that arise with class action litigation.” So that was the extent of his comments. He doesn't really add more to it. He doesn't talk about who they consulted with and what were their concerns, doesn't give any sort of grounding in what's happening out there in Saskatchewan, what would cause these amendments to come forward.

Now is this part of a national plan? He references Alberta and Nova Scotia but doesn't say it's part of the federal-territorial-provincial tables on law that might be driving this so things are uniform across Canada. If that's the case, that would be helpful to know and then we might see some of those documents. So we don't know, and there's lots of questions that we'll have about this.

But I want to take a minute, I did talk about why this is a one-page Act. It's pretty straightforward, repealing section 40. But in the old Act on page 20 is section 40, and I'll talk about what is being changed that I think has some, causes further questions, for example when . . . It's structured pretty much the same with 40(1) or section 1 and section 2. I'm not seeing, but I'm a non-lawyer, so maybe there are significant differences, but I'm not seeing a big thing. But one thing I'm noticing here that “A court mentioned . . .” And this is the old Act, in section 40(2):

A court mentioned in subsection (1) may award costs to a party respecting an application for certification or respecting all or any part of a class action or an appeal from a class action if the court considers that:

- (a) there has been vexatious, frivolous or abusive conduct on the part of . . . [the] party;
- (b) an improper or unnecessary application or other step has been made or taken for the purpose of delay or increasing costs or for any other improper purpose; or
- (c) there are exceptional circumstances that make it unjust to deprive the successful party of costs.

So there are those three sub-parts, but they're not anything like these five that are in the new one. So the old one talks about vexatious, frivolous, or abusive conduct. That's not mentioned in the new legislation, so it will be lost. And I don't know

whether that's a gain or a loss, if that's negative or a positive. So I would be interested to hear from the minister about why the turnaround here, going from a negative to a positive. This one seems to be much more supportive of the claimant who's making a case or the class action when they talk about public interest or novel point of law or a test case. That's the new stuff, but the old stuff was saying that they take into account “vexatious, frivolous or abusive conduct.” So why, why the change about it? I'm not sure.

Or:

- (b) an improper or unnecessary application or other step has been made or taken for the purpose of delay or increasing costs or for any other improper purpose.

So those are the two. And then (c) is sort of the catch-all clause, there are:

- exceptional circumstances that make it unjust to deprive the successful party of costs.

So it's a significant change. It's, you know, a bit of a 180 I think, in the sense of here we're seeing the new Act as positive. And I agree with that, I think that seems reasonable, but it's taking out some of the other stuff and I'm not sure why.

So we have a lot of questions here, Mr. Speaker, about why the change? What caused it? Who were the groups that were consulted? What was the case law behind this that caused them not to worry anymore and to drop the issue of frivolous or vexatious claims? Maybe there's a reason for that and now they're moving towards more of a concern about the public interest and the novel point of law and the idea of a test case. I think those things are important. And access to justice of course is very, very important.

But there's questions because none of these things are defined. We don't have the public interest defined, and we don't have the novel point of law defined. We are pretty familiar what a test case is. We see that often at the Supreme Court and what that means because it's establishing or clarifying points of law. So we have some real questions about that. And as I said, that this will be an interesting one to understand more fully because, as we see and as I mentioned, in terms of our new world, in terms of issues — whether it be environmental issues, consumer issues whether you're buying a new car, a new house, that type of thing — these are huge, huge issues.

And if this is going to help the delivery of justice, which is very important and that's what the minister has said, we're for that. But will it have unintended consequences because, for example, that section that talks about:

- . . . applies to proceedings commenced and costs incurred before, on or after this section comes into force”.

So a lot of questions, Mr. Speaker, on this piece of legislation. And I know that many of my colleagues will want to speak more fully on this because of the impact it has. We've had one of our colleagues give quite a good, thorough history of what it means in terms of class actions in the British law system. So I think this will be one that we'll be paying a lot of attention to.

So, Mr. Speaker, I know that many other people will want to get into this debate and will want to have their thoughts recorded. But with that, Mr. Speaker, I would like to now move adjournment of Bill No. 147, *An Act to amend The Class Actions Act*. Thank you very much, Mr. Speaker.

The Speaker: — The member has moved adjournment of 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 Speaker: — Carried.

[19:15]

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 Speaker: — I recognize the member for Regina Rosemont.

Mr. Wotherspoon: — Thank you, Mr. Speaker. It's a pleasure to enter into debate here today as it relates to *The Residential Tenancies Act*, of course a very important piece of legislation to balance the rights of tenants and landlords and make sure those are . . . that all Saskatchewan people are served.

And certainly this speaks directly to a very important area of the province, that being housing in this province. And I know that, you know, all members in this Assembly recognize the pressure and the need for housing within . . . right across our province, but certainly in certain parts of the province it's even more exacerbated than others such as, you know, Weyburn, down in Weyburn for example or down in Estevan, Mr. Speaker, where actually there's really an overheated housing market and a lot of pressure to find adequate housing for many.

It's a pleasure to have some of the regional college leadership in the Assembly here tonight. We had the chance to sit down with some of these leaders within our regional colleges here today just in the recess between the afternoon sitting and the evening. And certainly they're leaders that run very important programs and colleges that are very nimble and responsive to both community and economic needs in this province. And I thank them for joining us here tonight in the Assembly and I thank them for the leadership they provide across our province in certainly allowing us to be all we can be from an economic perspective and a social perspective, Mr. Speaker.

In fact drawing on some of those conversations I had up there tonight with some of the regional college leaders, it was noted by some of them that one of the very important pieces that requires action is a focus on making sure that there's housing within the communities — both for students but also for communities as a whole — to make sure that communities can be as whole as they can be, to make sure they have the ability to attract and retain individuals to provide the services and the roles right across the spectrum, and recognizing the big challenge that it is for many students to pay for housing or find

housing in some markets across our province.

When I look at this Act and the changes that have been brought forward, some of them look reasonable. What's been mentioned is that the changes have been brought about as a result of consultation with both landlords and with tenants, and that's important, and the Office of Residential Tenancies. This is important.

But we know well enough with this government that when they say they've consulted, it's not good enough to take them at their word. Because often what we see them do is introduce legislation, claim that they've consulted, but in the end bring forward flawed legislation that in fact stakeholders and those that they've said they've consulted actually take issue with. So what's going to be important on our side to fulfill our role to the people of Saskatchewan as the official opposition and to make sure we're advancing the needs around housing in a constructive fashion is for us to have our ears open and to listen to those stakeholders across our province when it comes to housing, and for us to engage directly, to listen to some of their perspective on both this piece of legislation but also to make sure that, given that this an opportunity to open up this Act, that government has acted in a way that is as impactful as possible, recognizing the unique opportunity to open up an Act and make changes.

Some of the changes that are there, certainly the extension of the period of time for which a tenant can pursue their security deposit seems reasonable and a reasonable support back to the tenant to extend that period of time. It's important of course to not look at that extension of time as some sort of a period that should be the common practice. Really when you're talking about these dollars, that if they're entitled to them as a renter or as a tenant, then they should be provided in an incredibly timely way. Because these are big sums of money that are tied up in housing at times and really can be a challenge for families to come up with those security deposits. But also if they're out a security deposit, they deserve to receive those back in a timely fashion.

Some of the other changes that I see here change the eviction, the period for which somebody could be evicted, changing it from one month to two. And there's a host of reasons for that change and a host of circumstances for which that eviction could occur. Certainly the extension there at first blush would seem to be a positive piece and one that would make sense. The question is, is two months the appropriate length of time? Is that enough time for someone in this housing market — a very difficult one — in this case a renter? Does two months really provide enough time for a person or a family to organize their next step?

And I'm not sure that it is when I look at it and when I think about it. Because certainly the one month was entirely inadequate. But if you think of some of the housing markets and challenges to actually find housing, whether it be in Regina or Saskatoon or Estevan or Weyburn, it is extremely difficult at times to find a place that's safe, that's secure, that's dignified, and that's affordable, Mr. Speaker. And many of these folks that we're talking about that could be evicted would be, you know, this is the case that they might be evicted because the landlord might be choosing a different use for that property.

And that's fine. But I'm not sure that two months is sufficient for a family, if you will, Mr. Speaker. If you think of a family that might access day care within the area or might have a relationship with the school and might be trying to keep those important supports in play for a loved one or for a child, I'm not sure that that's a sufficient period of time.

And I'd like to engage directly with some of our tenants' associations and with renters across the province to hear a little bit more on that front. But I certainly know and I hear it all the time, how difficult it is to find and secure adequate, safe, affordable housing. And as I say, in these overheated housing markets, I'm just not sure that two months is sufficient. And that's a big change in the lives of a family.

And if you think about it . . . You know, I used to teach before I was elected to this Assembly, Mr. Speaker, and I keep relationships with many educators. And one of the big challenges is transiency for families and for students. And a change in school can be very difficult and traumatic for students and in fact can contribute to many, many, many learning gaps but also social pressures and challenges for students.

So I think when we're looking at this measure here, what I would want to think about is just how difficult it is sometimes for one to locate housing within a specific region while maintaining some of those important supports to a family, like a day care or like the school that one might rely on. And knowing that, you know, in all of our interests it's important for us to make sure that the children of today are able to engage in their learning program in their school, do so effectively, and that those relationships they build in those schools can be incredibly powerful for them to find the success that they so deserve.

And that transiency in itself is an issue that many attribute to the challenges and pressures in our housing market, the shortage of quality, affordable housing. And it's in that lens that I look to that two-month eviction and I question and I doubt that two months is sufficient for families to make those plans.

And if I think of so many, so many constituents that are in the position where they've secured housing and they have a place to rent that they deem to be safe and maybe works within their budget — although pretty much all the places to rent are incredibly expensive for families — the disruption maybe for a young mom, for example, who often is working one or two jobs as well to make ends meet, can be significant. And the importance of creating some stability with their ability to maintain relationships and friendships within the community and as well the school is something that certainly should be considered. So that's one of the pieces that stands out to me as being important.

I recognize there's been some changes here that bring about what's called by the minister, reasonable rules that can be put in place by the landlord, and there's examples put forward of pets or smoking. And those might be quite reasonable, but what I notice, at least in the minister's description on this front, is that it doesn't clearly define whether it's pets they're talking about or whether it's smoking. They actually just simply use the language of, that landlords are able to put in place reasonable rules. Well reasonable is a rather subjective word, and I'm not sure that this legislation, being that vague, that it may not create

a real, real challenge for enforceability and for a clear understanding to Saskatchewan people.

And you know, clearly you don't want to create a bottleneck or a mess of appeals in a bunch of areas for which are subjective and not clearly defined. So I would urge the government on this front to maybe better understand what it is they're trying to achieve, what it is they're trying to allow, and maybe more specifically lay out what's permitted by way of areas for reasonable rules and what aren't. Because certainly we want to make sure that we have clear understandings between tenants and landlords and that we don't create, as I say, a real cumbersome process or a bottleneck process for appeal. And of course we also need to make sure that this is clearly understood that, you know, there's very specific human rights that simply can never be compromised when we're talking about something such as housing.

Other measures in here speak to ability to evict somebody through violations of municipal bylaws, and certainly we'll get a better understanding in the days and weeks to come exactly what examples that would pertain to and what circumstances that would pertain to. And it also talks about making changes to allow, I guess, better enforcement of . . . if someone no longer qualifies to be part of an affordable housing program, then an ability to address that circumstance.

And certainly that seems reasonable, but I would just urge proceeding with a level of caution in respect to circumstance and to making sure that decisions that are made are really reflective of the realities that people and families are facing. Because of course housing through this period of special growth within our province, something, the growth for which we're all proud to celebrate, the housing itself simply hasn't been addressed appropriately by this government. And in fact it's a failure to adequately respond and invest back into communities to make sure that, from that growth we're balancing off other responsibilities to one another on the social infrastructure side of the equation and of course basic needs around housing. And because of that, there's a specific pressure that's been placed on many households across this province.

And we just haven't seen the action from this government in creating real, true, social and affordable housing spaces, something that we believe as New Democrats are an important part of the complement of housing options that assist in balancing off a market and serving those who aren't going to be able to be served by the markets, Mr. Speaker.

And we see this government really dropping the ball as well when they . . . You know, their approach to going at this has been to ignore it for a long time. And then what they did is they entered into a private P3 [public-private partnership] partnership, Mr. Speaker, on housing. And they had a supposed fixed price, and they touted it. They let the balloons go many times, Mr. Speaker. They, I think, cut the ribbons on the project.

And many families were depending on those units coming online, insufficient in the number that they were, but something certainly meaningful to those that were going to access them. And instead of having a contract that had the rigor it required or instead of having the backbone that government required, they simply allowed the private sector partner to pull out of that deal

and leaving many high and dry. And you know, there's many of course disappointed with what was touted for so long and all the balloons that are so far up now, Mr. Speaker, somewhere, but no action on the actual housing.

And I think, often when I think of this sort of P3 partnership where you have government sort of back patting itself and thinking they had a real great solution, sort of thinking they had a shortcut maybe, Mr. Speaker, and then not being able to deliver to Saskatchewan people, should be a fair warning. I know I've heard many Saskatchewan people say to me, well if they can't manage a very basic P3 partnership for some affordable housing, how the heck are they going to manage schools over the lifespan of 20 or 30 years, Mr. Speaker?

And of course we know all the hosts of concerns around the P3 schools, around the excess costs, and the concerns around the forfeiture of community control or school board control or the shutting out of the local builders, the local construction industry in the province, Mr. Speaker. But this is also a very valid one, is just that, you know, if this is the government's best effort when they engage into a P3 and this is the best they could muster up when trouble hit the fan, Mr. Speaker, is that they simply, you know, cut their losses and gift the project to the developer, it's just simply not good enough, Mr. Speaker.

So as I say, I think that, you know, just the government's approach to housing has been weak and inadequate. It is. There's a lot of things we can celebrate in Saskatchewan, a lot of good things that we're all equally proud of, but the failure of this government to address housing and to ensure options for families is something that's certainly placed a significant strain on many. And it's an area which needs to be addressed because it's important to many young people, many seniors, many families across this province, but ultimately it's important to the long-term social and economic well-being of our province.

[19:30]

And I take it back to those conversations tonight that I had with some from the regional colleges who are suggesting to me that if they aren't able to address some of the housing pressures in their part of the province, that that part of the province and that community won't be as strong as it can be and won't extend the opportunity that they should be, economically and socially, to the young people in the region, but as well for all within the region, and in fact describe it as a limitation to the economic activity and growth potential of the area. So it's certainly something that on many fronts we should all care about.

And I know I just, I look regularly at the circumstances that many of my constituents face on the housing side of the equation. I look at the rent they're paying, and I look at the income they're earning and the month-to-month circumstances that they're left in, and the vulnerability of not knowing, you know, when that next increase is coming or when that eviction might come, and then where they can locate next. It's a real impact on those that are in that difficult market, and we need to all do a better job in pressuring this government to look at this issue. And certainly as New Democrats we'll continue to put forward solutions on this front.

But as it relates to Bill No. 150, *The Residential Tenancies Act*,

this is a bill that seems to have some reasonable measures. It has some that I've questioned here tonight specifically around periods of eviction, and also questions as to whether this bill has all the elements that it should because, given that this is an opportunity to open up an Act and provide better protection to Saskatchewan people, it seems to me to be a bit wanting or more than a bit wanting, Mr. Speaker. So we'll engage with our tenants' associations, with renters across the province, with landlords too. And let's make sure that, with this opportunity here before us, that we get it right. And if there's the possibility to suggest amendments or opportunities to strengthen this piece of legislation, certainly the opposition New Democrats will be ready and willing to do so.

At this point in time, Mr. Speaker, I will move adjournment of Bill No. 150, *The Residential Tenancies Act*.

The Speaker: — The member has moved adjournment of 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 Cumberland.

Mr. Vermette: — Mr. Speaker, I would ask leave to introduce a guest if I could.

The Speaker: — The member has requested leave to introduce guests. Is leave granted?

Some Hon. Members: — Agreed.

The Speaker: — I recognize the member for Cumberland.

Mr. Vermette: — Oh, there you go. There you go. Well, Mr. Speaker, you know what? I thank you, but the gentleman has left the building. There you go.

The Speaker: — I recognize the member for Cumberland.

Mr. Vermette: — There you go. Yes. Yes. I'll introduce the minister. How's that sound? But anyway, Mr. Speaker, to join on Bill 151, *The Pharmacy Amendment Act, 2014*, just to give I guess some comments. And I realize at the time that this amendment and the bill was introduced, we had individuals that were from the pharmacy association, and they were here. And I guess this request has come forward from themselves who, you know, deal with some changes. And they've asked for some amendments.

And I know at the end of the day my colleagues, myself, and as government we have to do the due diligence. And hopefully we will do that as we go through debating this bill and the

amendments that this bill will bring into effect once it's passed and goes through the process.

But before it goes through that process, there's some things need to be done, make sure, clarification. And I know on this side of the House we'll talk to individuals. I know government has its obligation; government does say it does consult. And we hope sometimes that they've, you know, made sure they've consulted with as many as they can to make sure they get the information, to make sure if they're going to introduce changes and legislation to this bill, they'll introduce that the way it's expressed to them and making sure the changes are what's being asked and to make sure . . . And I guess at the end of the day when we see the changes being asked here, we want to make sure. Again it's always about public safety, making sure the right questions are asked and making sure that the provisions, you know, and this legislation, this amendment will give certain powers and maybe change the way pharmacists are carrying on their business.

And I know that they're asking, you know, to do some injections, flu shots. There's a number of things the minister has referred to and we've asked . . . I believe vitamin B₁₂ and stuff like that where they would give flu shots as well, and that's in vaccinations. So if that's what they're looking for and asking, there needs to be some questions and clarification and on what role they will play in that.

And then you go further to that, I know the minister referred to some of the pharmacy technicians, what role they will change. And their role's going to change, and I think we have to make sure those roles are clearly defined. And we have to make sure we ask the right questions, and to make sure — again, I'll go back to this — that public safety is key.

But the pharmacists talk about, and I guess the changes in here have talked about working in collaboration with physicians. I guess they can order some testing, look at some of the results. And I think they're going to try to collaborate with physicians. And if that's what it is, hopefully at the end of the day we've talked to Saskatchewan physicians, association of physicians, get their input and their view, as well as the association for pharmacists.

You got to make sure at the end of the day the checks and balances are done, to making sure . . . Again, I have said about public safety, we want to make sure that those provisions are there and changes are being made. And I think people want to make sure, people that go into pharmacies . . . Pharmacies are busy, and we see, there's a number of them that are really busy. You'll go in sometimes to fill a prescription or maybe, you know, I guess the clinics are closed and you don't have access to a doctor. Some people will go in and ask for some medication, something to assist them with a loved one or themselves with an illness. And we want to make sure that those provisions are clear and the answers on what role they have, and what they shouldn't do, what they can do. You want to make sure that the regulations, I guess, that follow will ensure public safety.

And we know that they're asking to make some changes. And at this point, I know in committee, and I know our critic for Health, the member from Riversdale will do her due diligence

in committee. We will ask some tough questions in committee to make sure. And I guess we're not, you know, opposed to some changes when it will help speed the process for our loved ones and for, I guess, patients that need the care that they're asking for, whether it's the physicians, whether it's by prescriptions or medication that they need to deal with an illness. We want to encourage that and make sure that that happens.

So you know at this point, it's just to clarification, making sure we've consulted, making sure, you know, checks and balances are in place to protect the public. We want to make sure. I know we'll do our due diligence on our side. And I know our colleagues will have many questions and get clarification, I guess, like always if they want to talk to doctors, physicians. Our members have that right to talk to, I guess, constituents, how they feel about the changes and if this is something that they see supportive or not. And if they don't, well they can bring it forward to this Assembly and share it, or they can share it in committee, or ask the questions if individuals out there that are in our constituency have concerns with the changes that are being proposed here.

At this point, Mr. Speaker, I think it's, from the minister's comments that we've read, they're, yes, asking for different changes the way things will be done. And it sounds like they're trying to move in a way to make the system move quicker to deal with illnesses and deal with some of the sickness that some of our family or loved ones have or constituents have.

So at this point, Mr. Speaker, I know in committee we can ask for more clarification, making sure that we have done our due diligence, the government's done its due diligence, and ask the right questions to support the industry as it's, you know, if it's industry that's requesting these changes. And we could ask those in committee: who's asked for these changes to be made, amendments. And we will do all that, and I know we'll get our opportunity in committee. So at this point I have no further questions on this Bill. I move adjournment on this Bill.

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. 142

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Docherty that **Bill No. 142** — *The Archives and Public Records Management Consequential Amendments Act, 2014/Loi de 2014 portant modifications corrélatives à la loi intitulée The Archives and Public Records Management Act* be now read a second time.]

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

Mr. Forbes: — Thank you very much, Mr. Speaker. It's a pleasure to rise on this Bill No. 142, *An Act to make consequential amendments resulting from the enactment of The Archives and Public Records Management Act*. That's quite a

long title, considering it's a pretty short piece of legislation. And really it's the companion piece to Bill 141, which hopefully we'll get to later tonight at some point as I continue with my remarks on that piece of legislation.

But this one is relatively straightforward because it's an enabling piece of legislation that makes amendments to other pieces of legislation. Specifically *The Education Act, 1995*, section 369 is amended and allows the Provincial Archives to deposit any of its non-current documents with the Provincial Archives for preservation in the archives, which is an important piece of legislation because, as we know, people get more and more into genealogy and curious about their families.

And you know, I think one thing about Saskatchewan particularly, as we've worked through the evolution of the education of students in Saskatchewan, you know, from the one-room schoolhouse and the idea that if, I think the number was if you had 12 children in three families, you could form a school board. And that was the initial basis because so much of Saskatchewan was rural. But the key thing was, and it's a wonderful thing when we think about it, that schools were set up to make sure kids were educated. That was a priority of our pioneers and of people who'd gone before us. And it's really key.

And in fact in many of them it was also a way to learn English. You know, we think of schools now as English as a second language is a new issue. It's not new at all in Saskatchewan. In fact it's an age-old issue, learning English. And whether you were Ukrainian or French, Métis or First Nations, English was not your first language, and so schools were set up with that in mind. So it's a good way to have a set of records, and this is the enabling piece of legislation for that.

And of course then *The Evidence Act* is amended by striking out *The Archives Act, 2004* and putting in the new archives and public records management Act. And I think it's relatively straightforward.

What isn't as straightforward is the companion Bill No. 141, of which I'll have much more to say. And I think at that point I'll be raising the concerns and issues, but I will because we will want to make sure and it's our responsibility.

You know, when you run for election, you don't know what side of the House you're going to be. But if you're in opposition, you have to make sure you hold the government accountable for its actions, and that is particularly for the legislation. And so while this may seem relatively straightforward and we have no flags going off right away on this particular piece of legislation, we definitely will have questions, and we'll have, as I said, for its companion piece, the one that's driving this one forward.

It is odd tonight that we're doing 142 before we do 141, but that's sort of the way it goes. It's kind of, you know, put the cart before the horse, but that's the way it is tonight. We've got the cart before us. So I'll just park it until we could find that horse. And so I know it will come up soon.

But, Mr. Speaker, with that I would like to move adjournment of Bill 142, *An Act to make consequential amendments*

resulting from the enactment of The Archives and Public Records Management Act. I do so move. Thank you.

The Speaker: — The member has moved adjournment of debate on Bill No. 142, *The Archives and Public Records Management Consequential Amendments Act, 2014*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

[19:45]

Bill No. 143

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Doherty that **Bill No. 143 — *The Degree Authorization 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 Bill No. 143, *An Act to amend The Degree Authorization Act*.

Now, Mr. Speaker, this particular bill in this legislature is very short. It effectively basically changes a deadline that's in the legislation from a specific deadline of November 30th, 2016 by which the affected colleges in Saskatchewan are required to meet certain of the guidelines that are in the legislation, by putting in the words "the prescribed date." What this does is allow for the cabinet of the government to, by regulation, change the deadline to allow for compliance of the provisions of this particular bill.

Now, Mr. Speaker, the minister set out in quite some detail about how and why some of these particular changes are being made on this legislation, but I think there's a bigger question that this bill raises with respect to the kinds of degree-granting institutions we have in the province of Saskatchewan. It's very clear in the main legislation that the whole purpose of the Act is to make it very clear that the University of Saskatchewan and the University of Regina are the primary degree-granting institutions in the province of Saskatchewan.

And this is always an interesting discussion because what we know is if we go a few hundred kilometres to the south into the United States, they have a much more open system of degree authorization, or creation of colleges and universities which provide degrees, which is much more on a basis of a particular region using their local college as an academic development instrument, also as a way of making sure that their local people have a chance at many types of basic post-secondary education in their local communities.

And so, Mr. Speaker, this is a very interesting day to be discussing this particular bill because when we met earlier today with the presidents and board Chairs of the college system in Saskatchewan, one of their points of discussions is whether they should be allowed to issue degrees in the regional colleges in the province of Saskatchewan. And this would be a

much more similar system to what we have in Montana or North Dakota or Idaho or some of our neighbours to the south. And what could that mean?

Well what it could mean in Saskatchewan is that we would have degree-granting institutions maybe more in the line of what you would have in Nova Scotia. In Nova Scotia we know that they have Dalhousie University, but it also has Saint Mary's University. It has St. F of X [St. Francis Xavier] up at Antigonish. They've got Acadia over in the Annapolis Valley, and they have a few other universities right in Halifax. And what it does do is provide quite a bit of choice for students. When you look at the size of what they're doing there, it's not very dissimilar from what we have in Saskatchewan, but they do allow for more choice and more I guess varied loyalties.

What would happen in Saskatchewan if we had in Saskatoon: the University of Saskatchewan; we had St. Thomas More university; we had St. Andrew's university? You would end up with the Lutheran school up there as well. We obviously have St. Peter's out in Muenster. We've got others. In Regina we could have Luther College and Campion College and the University of Regina. We could have the Southeast Regional College as a college or an institution.

And I raise all this because there are clearly strong loyalties that we hear about as it relates to the colleges and their interrelation with the bigger universities in Saskatchewan. And it does raise this interesting issue of, what if we did have a less centrally controlled system, which Bill 143 and the actual, original degree authorization Act deal with, because it would end up that we would have many more institutions in the province.

Now I think most of us are quite used to the system that we have here, so to talk about this seems a little bit uneasy or a little bit strange. But let's imagine if we had a system where we had 15 post-secondary colleges that all had for example athletic teams or others where you would actually have within Saskatchewan some fairly interesting competition. Because what I know over the years is that the opportunities for our Saskatchewan young people, when they graduate from high school, to go on and play a sport — basketball or hockey or volleyball or baseball or all those things — those opportunities are quite limited unless they look to the States or to other provinces.

For example if you are a volleyball player and want to play in Saskatchewan, there might be three or four spots a year at University of Saskatchewan, three or four spots at a year at the University of Regina. And so you might have a couple of thousand young men playing volleyball in high school, and there's that many spots available for them. I think that many of the regional areas of the province would be quite proud of any sports team they might have that would relate to their local college.

And this particular bill, if it had maybe been more expansive, might look at that. Actually when you read the minister's explanation, what he's talking about is Briercrest College and its ability to issue degrees, which it now has. But it has some steps that it has to go through to make sure that the degrees are properly described, and they haven't been able to get that task completed by the deadline of November 30th, 2016.

But what would have happened or what could happen if this was a much more expansive, much more generous way of setting up degree-granting institutions in the province? There's no question it would create some economic activity in Weyburn or Swift Current or Prince Albert or North Battleford, Meadow Lake. All of these places have colleges, but they're more like close feeder schools into SIAST [Saskatchewan Institute of Applied Science and Technology] or into University of Regina or University of Saskatchewan.

And so this particular bill deals with some of the restrictions and some of the deadlines which apparently everybody thought could be met but now obviously are causing some difficulties. And so we have a fairly decent explanation of what some of the difficulties are, but I don't know if we have a total explanation of how that happens.

Now in addition, this bill also speaks to other universities from across Canada that somehow may be caught by this legislation. I know an interesting one was Great Plains College in Swift Current has a method whereby people can go to Cape Breton University in Nova Scotia to work on a Master of Business Administration, and that this is a little bit different. Although historically what we know is that Notre Dame college in Wilcox for many years was directly related to the University of Ottawa and so that their students could start taking University of Ottawa courses in Wilcox and then eventually go through to the University of Ottawa to get their degree. In the same way I know that Luther College in Regina was related to Capital University in Ohio, and people were able to make connections on degrees that way.

So there's an interesting history in Saskatchewan which this bill gives us a glimpse of, but I'm not sure it necessarily goes to that bigger, broader question of whether we would have a broader or more generous method of allocating the degree authorization power in Saskatchewan.

So I know another area that the bill does talk about is, as its general purpose, a greater accessibility for students in the province to post-secondary education. Clearly that's something that we all support. I guess what I'm challenging the minister and the government to look at is, well are there some other things that could be done to enhance some of the regional colleges that we have now to provide even more accessibility and also more local pride in how some of these organizations operate?

I think that anybody who is part of one of the regional colleges knows that one of their challenges is the length of time that students actually stay in their programs, and two years would be really a long time. But if there was a situation where they could offer a three- or four-year degree program, all of a sudden all kinds of other student activities are available for them. And I think that it may be that we're at a point in the history of our province where we would have some further discussions about that.

Now I'm not sure how many people have gone down to look at what's happening in some of the bigger states besides North Dakota and Montana, but if you go into the state of Washington, you have Washington State University, which would be more similar to our University of Regina. That's

located at Pullman, Washington, in the eastern part of the state. And then you have the University of Washington, which is a huge university located in Seattle, which would be very much akin to what we would say is the University of Saskatchewan. When you go now to the state of Washington, you have a Washington State University campus in one suburb of Seattle, a University of Washington campus in another suburb, and there's direct competition between universities in almost every part of the state of Washington. And what has happened is that there's become this incredible competition for students but also between the institutions on a level that's really quite dramatic.

Now what we've done in Saskatchewan with this particular legislation that we're now amending is to say the authorization for this is going to happen in the ministry of post-secondary education. A deputy minister recommendation to the minister is the only way that some of these things can be changed. It's very much I think an organized way to do it, but it still raises the question of whether it's the only way to do it and whether maybe it's necessarily the right way to do it in the next number of years when perhaps a much broader choice should be available for all of our students.

It's interesting to look at the history of education in Saskatchewan and in light of a bill like this. What we do know is that public school education was primarily provided by local initiative, sometimes by congregations of churches, sometimes by community effort. And I think it was around 1916 that there became a public education Act where you had public schools right across the province.

[20:00]

At that time there were certain levels of compulsory education, and obviously that's moved up as the years have gone. So we're now at a situation where I think grade 12 is pretty well education that's paid for by the province.

But it begs the question of what happens in Germany or Scandinavia, where they provide public education right up to the end of the first degree. So in other words, the whole public system is something that's of vital importance for the whole community.

I'm not sure if this bill is part of that discussion, but I think it raises that question as we expand the degree authorization to a few more institutions in the province. But I think that there are some bigger questions here which aren't answered by this particular Bill No. 143, but I think they're questions that should be asked as we move forward.

Mr. Speaker, I think the bill as it stands will attempt to solve some of the particular issues that are here today. I think we need much more information about Briercrest's situation, which I think we'll be able to get in the committee hearings that we would have looking at this.

I think that once again though, there are some bigger issues around how our provincial post-secondary educational system is organized, and I think we should take that opportunity to look at that as well.

With that, Mr. Speaker, I don't have any more comments at this

point. But I know this particular amending bill has touched a nerve among the members of my caucus, and there will be others who want to talk about it because there are so many interesting issues that are related to this actually quite short bill.

So at this point I will move to adjourn debate on Bill No. 143, *An Act to amend The Degree Authorization Act*. Thank you, Mr. Speaker.

The Speaker: — The member has moved adjournment of debate on Bill No. 143, *The Degree Authorization Amendment Act, 2014*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

The Speaker: — Carried.

Bill No. 148

[The Assembly resumed the adjourned debate on the proposed motion by the Hon. Mr. Duncan that **Bill No. 148** — *The Vital Statistics Amendment Act, 2014/Loi de 2014 modifiant la Loi de 2009 sur les services de l'état civil* be now read a second time.]

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

Ms. Sproule: — Thank you very much, Mr. Speaker. And I'm pleased to be able to continue my comments from the other day when the clock ran out and I wasn't quite done what I had to say. So I'm glad to rise tonight and complete those comments.

Before I get into the actual bill itself though, I would like to express a warm welcome to the new member from Lloydminster and welcome her to the legislature. It's certainly great to see another woman here, and it brings our numbers up now. I just did the math.

[Applause]

Ms. Sproule: — Hear, hear . . . [inaudible interjection] . . . Pardon me? A 10 per cent increase, very good. We had 11 and we're now 12. And that brings us over 20 per cent women representation in this legislature. So congratulations to the new member. I haven't had an opportunity to meet her yet, but I will. And I just want to say, welcome and glad to see another woman in the ranks. We'll get there yet, Mr. Speaker, slowly but surely.

In terms of vital statistics, I was looking backwards a little bit in terms of the role of vital statistics in our society and also the way that the gathering of statistics is reflected . . . how we gather statistics reflects our society and who we are as a society. And I just wanted to make a few more comments about that before I actually get into the substance of the bill.

There's a few articles that I was able to locate that talked a little bit about some of the reflections of our society in the gathering of statistics. And there was one article I found from the *Canadian Journal of Sociology* which is called "Who Counts Now? Re-making The Canadian Citizen." In this article, the

sociologists are arguing that there's some upsides maybe and downsides but certainly an impact on Canadian history and Canadian sociology when we see what the Government of Canada did on June 17, 2010.

What they did then, that's already four years ago, is they issued an order in council that authorized the cancellation of the nationwide decadal mandatory long-form census. I think many of us will remember when that happened, and it certainly has changed how the census is now being done. It was replaced by a mandatory short-form census, and all the questions from the old long-form census was shifted to a voluntary survey called the national household survey.

And the article here indicates that this was not a welcome announcement, that there were many, many people — particularly the organizations and communities all over Canada — that were hugely upset about this, Mr. Speaker. And in fact even the chief statistician of Statistics Canada resigned his job over this announcement, so obviously this wasn't something that they did in consultation with the actual statistics people.

On page 233 of the article, when they were talking about this cancellation of the long form, they said:

Hundreds of groups publicly opposed the removal of the mandatory long-form census. These included organizations representing health, antipoverty, planning, religion, marketing, law, insurance, ethnicity, language, teaching, research, youth, aging, women, family, childcare, unions, chambers of commerce, municipalities, provinces, and civil rights organizations. This list is notable in that it points to the number of organizations and professions that depend on statistical data in order to plan, manage, advocate, and do business. For many organization and agencies, census data allows them to prove the existence of various groups, locate them statistically, present the problem to government, and measure the effectiveness of their actions once implemented.

So you can see, Mr. Speaker, how important vital statistics are to making a case. So for any kind of organization that's trying to plead its particular issue to the government, if you don't have data, you really don't have a case. And our society is certainly dependent on data for making arguments for support or particular expression, you know, maybe for grant money or for anything that's used to help make a case that that group has a need that is identified through the statistics.

On page 234, they go on to say:

While the Conservative Party and Prime Minister Steven Harper argued that this change of policy reflects an expressed desire on the part of Canadians for more privacy, official documentation could not verify this claim. In other words, for many people, privacy of self is less important than their membership in a group and the official acknowledgement of their group. For example, the lawyer representing Aboriginal groups (arguing that the removal of the census violates the Canadian Charter of Rights and Freedoms) stated in court: "If you're not counted, then no one is accountable to you." The Federation of Francophone and Acadian Communities stated: "The consequence of not

having reliable and representative data . . . to develop programs and services for Francophones could well be an erosion of the vitality of French . . . in Canada.

So you can see, Mr. Speaker — that's the end of the quote — you can see, Mr. Speaker, that this is of grave concern to any minorities in Canada. And it's really unfortunate that the federal government decided that getting rid of the long-form census was something that they thought was good to do. I think by and large the jury is out on whether that was a good idea, but anything that this article reports on tells us that a lot of people were very upset about it.

At the end of their article on page 247 in their concluding remarks, they say:

Certainly, the mandatory nature of the census itself indicated that collective planning and needs outweighed purported individual concerns with privacy. With the recent withdrawal of the long-form census, both the information used to support the mosaic and the rhetorical tool that purports its good has been removed from the Canadian political-cultural scene. As the many ethnic, religious, and cultural groups that protested this new policy indicated, their very existence as ethnocultural "good" is at stake. Without official counting, they cannot officially exist. Since the mosaic metaphor is so highly tied in with the federal policy of multiculturalism, the census itself is a tool of mosaic — the good of identity tied to such group membership and the good of each ethnocultural piece or group in itself.

So I think, you know, given that we're celebrating today the 45th anniversary of the Saskatchewan Multicultural Council and the importance that that reflects, you know, when they feel they can't even exist without the existence of the long-form census data that would help identify and give shape to who they are through the gathering of data, I think that's something that we need to be concerned about.

Part of the other thing that that census does is it reflects how gender looks in the 20th century. There's an article that we found on Statistics Canada that talks about . . . It's called "The Census and the evolution of gender roles in the early 20th century Canada," and this is by someone named Derrick Thomas. And of course we know that coming up this Thursday, we're talking about the Transgender Day of Remembrance and we're talking about it as a day to memorialize those who have been killed as a result of transphobia and to bring attention to the continued violence endured by the transgender community.

The article that Mr. Thomas wrote talks about how gender roles and relations are among the areas that have undergone the most profound transformations in Canada in the last 100 years. And he talks about the role of the census in reflecting those norms and what is seen as normal in Canada. And what he says is, social construct, this is a quote, "Social constructs can be almost invisible to contemporary social actors and can form an important part of what is regarded as reality." So our reality is described by our social construct, Mr. Speaker.

They go on to say:

Some historical perspective is usually required before they can be understood. Gender roles and expectations represent a mode of thinking and acting, and form part of the individual's identity or relation to self and others. These constructs not only condition behaviour but also influence what is regarded as scientifically interesting, worthy of recording and collecting information about. The information collected and the presentation of results are indicative of the roles played by household members and what was deemed important at various junctures. This information ostensibly provided basic knowledge for the formulation of social policy and the transformation of the society that it measured.

And again, we look at the definition of gender for example, Mr. Speaker, and that in itself is evolving in our society. And we know that data is now being collected for, say, transgendered individuals that was not collected years ago. So I think not only does the census define who we are, but it is defined by who we are. And it's kind of an interesting chicken-and-egg situation, but I think gathering of vital statistics really helps reflect our society and we rely on it to define who we are.

He talks about the position of women within households and families in the early part of the 20th century. And it's interesting how he notes that the head of the household was assumed to be the man. I mean that was just the social construct of the day, and that's what it was.

In the early 20th century common-law relationships were infrequent and not even reported to census takers until 1981. Up until 1951 close to 90 per cent of women had entered into a legal marriage by the age of 50. And they raised children and divorce was extremely rare. About 1 in 1,000 women were reported as divorced up until 1941, but in 2006 by contrast, over 120 in 1,000 women were divorced or separated. So there's a lot of different kinds of information that's been gathered that really tells us a story about who we are.

An interesting example was, was the work of women acknowledged? And certainly women were identified as housewives or homemakers, and that type of work was never even measured by the Bureau of Statistics until more recently. And it shows earnings. In the early 1900s women earned just over half of what men earned. And we see that the gap is also being perpetuated even to this day and that Statistics Canada data helped measure what that gap is. So without having that information it's going to be more difficult for sociologists and academics to do the research they need to, to prove that the gap still exists. And I think that's something that we need to be concerned about actually, Mr. Speaker.

The conclusion of the article he talks about censuses, and I'm just going to read a quote from the last paragraph of the article. So he says:

Censuses were planned and carried out within a social and historical context. The expectations of census takers played a role in what they looked for and in what they found. The data collected and published tended to reflect and reinforce the norms of the day. The original and rejuvenated census data, documentation and instruction manuals from the early part of the twentieth century enable researchers to examine

how gender roles have evolved and changed as changes in society occurred.

[20:15]

So again, I think it just reflects the importance of having that kind of information. In this particular bill that's before us today, we see more of that evolution of our society and how we gather information being reflected.

In his opening comments, the minister indicated that, he says, "... today's world is different from 2009 when the initial vital statistics Act was first introduced." Now I'm not sure if he meant just that particular Act, but actually the first vital statistics Act was introduced in 1847, so 2009 wasn't the first vital statistics Act. And I'm sure he knows that, but maybe it's the first Act that his government introduced.

We know that *The Vital Statistics Act* in Saskatchewan has been changed many, many times. Since 1920 it's probably been amended six or eight times. And I went through just a few of the earlier bills to see what has changed, and here's a good example. In 1920, in *The Vital Statistics Act* of 1920, there was a requirement under, I guess this would be section 26(3) that says, "Every record whether of a birth, marriage or death shall be written legibly in durable black ink . . ." And, Mr. Speaker, I found that to be very interesting. It had to use durable black ink, and today we're talking about electronic signatures. So from 1920 till 2014, we can see the evolution of even how we gather that kind of information.

In 1950 it was interesting to note that there was a definition for Indian:

"**Indian**" means an Indian within the meaning of the *Indian Act (Canada)*, but does not include an enfranchised Indian.

In 1950, Mr. Speaker, only enfranchised Indians were allowed to vote. And until the amendments of the *Indian Act* of 1950, there was a lot of suppressive items within the *Indian Act* that I think were really actually quite oppressive, including the fact they couldn't leave the reserve without permission from the Indian agent. And this version of the Act also includes the definition of Indian agent, which was still in force at those days.

Now we go to 1965 and we look at the definitions that occurs in *The Vital Statistics Act* Saskatchewan at that time. We no longer see a definition of an Indian. We don't see a definition of an Indian agent. We do see the new term now, the Indian superintendent. So you can see the reflection of the terminology within the *Indian Act*, and we also see the inclusion now of a definition of reserve. So I found that to be quite interesting and reflective of the way the information was gathered with respect to First Nations in Saskatchewan and just sort of reflects how these things evolve.

So let's move forward now to 2014 and look a little bit at the bill that the minister's introduced. There's sort of three different types of areas where changes are being made, and I suppose two are more noteworthy than the third. But first of all, the bill is trying to reflect the fact that you can have electronic forms and that they're the norm. So electronic forms are now the norm.

I see the Minister of Education get a little tired here, Mr. Speaker, but I hope we'll keep him awake for the rest of the session because this is really riveting information and he may want to pay attention to this.

So anyways we're now talking about electronic versions being legal, as legal as paper versions. And there's a whole number of sections of the Act that are amended just to indicate that electronic is an acceptable legal form of submitting records into the vital statistics registry. And again in Saskatchewan, vital statistics is almost always birth, marriage, and death, so those are the three types of information that our province is responsible for collecting.

The second part I think that is interesting, and the minister certainly talked about it in his opening comments is, well, is the ability for — what did they call them? — prescribed practitioners to submit information regarding death and stillborn certificates, medical certificates of death, and stillborn deaths or stillborns. And what's happening here is that now instead of just a doctor who can sign a death certificate, there is an opportunity for a prescribed practitioner to do that in the event that a medical practitioner is not available.

So we don't have a definition of a prescribed practitioner, but I believe that's something that would be available in the regulations and that again we'll find out when they pass the regulations exactly what a prescribed practitioner will be. But I assume it's a licensed practical nurse or someone of that level, particularly because the minister indicated that in his comments from November 4th when he introduced the bill at second reading.

The third piece I think that is interesting, and I think it really reflects the need for vital statistics in our society, is the minister's recognizing the need for organizations like the national Truth and Reconciliation Commission to find data and statistics on particular social events like the residential school system in Canada. And I believe he indicated that there was difficulty providing death information for Aboriginal children who attended residential schools in Saskatchewan because of the limitations in the current legislation.

So there's a reflection in this bill of the need for that type of information to be available. And hearkening back to my earlier remarks, Mr. Speaker, obviously the information has to be available to be researched. And so I think again, and I'm hoping the Minister of Health will think about encouraging the federal government to reinstate that long-form census data because when we're only gathering death information, birth information, and marriage information, the whole host of all the other things that reflects who we are as a society is no longer being collected.

So I know the minister appreciates the necessity and the utility and the social function of having this data available for us to examine who we were in the past, and I think that's a good piece in this legislation. I think it's important for groups like the commission, the Truth and Reconciliation Commission of Canada, to have access to that data in order to understand how we were and what it was . . . how we were acting in times before us. And certainly in the future, people will be looking to this bill and to the information that's gathered there.

So those are sort of the three aspects of the bill the minister talked about. He also indicated that there was another, some other minor changes that were being made. I noticed that because of course, and sadly, the Information Services Corporation had to be privatized by this government, and so then there was a need for a number of amendments to *The Vital Statistics Act* to reflect that the registrar was now part of government and that the corporation was responsible for certain things.

A couple of amendments that show up in the bill that deal with . . . Maybe something was overlooked when ISC [Information Services Corporation of Saskatchewan], Information Services Corporation, was privatized, but there's some changes in the section 78 of the 2009 vital statistics Act that talk about the corporation and how the registrar and the corporation can disclose vital statistics information. So these are housekeeping amendments, but it reflects the sad reality that this government chose to privatize this kind of public registry function and something that has always been gathered as a service of the public service, and I would say as a neutral gathering technique. Now that we have a private corporation managing and gathering that information, I think we'll have to watch and see, Mr. Speaker, whether or not it reflects the information that we really, truly need or if it becomes an unfortunate byline in terms of budget cuts and efficiencies within the corporation.

But I think I'm rambling, and I think at this point, Mr. Speaker, I will stop that. And I will move that we adjourn debate on Bill No. 148, *The Vital Statistics Amendment Act*.

The Speaker: — The member has moved adjournment of debate on Bill No. 148, *The Vital Statistics 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.

Mr. Forbes: — Thank you, Mr. Speaker. It's a pleasure to rise and continue my discussion on Bill No. 141, *An Act respecting the Provincial Archives of Saskatchewan, Public Records Management and making consequential amendment to other Acts and Regulations*. And this is an important piece of legislation, and I am glad to rise again.

Last week I started to speak on this just briefly. It was Wednesday, just the day after Remembrance Day, and I had alluded to some of the important roles that archives play in our world and particularly when we were thinking about November 11th and how archives can help us understand the past, in ways that for people today would have difficulty, because they're the keepers of the facts, the artifacts, the things of the past that help us make sense of that time and whatever time that may be. And

I will take a moment to allude again to that.

But I do want to say for those who are tuning in tonight that this Bill No. 141 I think is a critical piece of legislation. And I would urge people to watch the progress of this bill, and if they have any questions or comments, be sure to let us know.

You know, Saskatchewan has a proud record of its past, and really it's an important one. And you know, we talk about the museums and that type of thing. And how do we, how do we have as good a record as we can have? And it is our responsibility to make that happen as this legislature. And so we're glad to see this come forward. We have a lot of questions about this, and I will talk more about some of the concerns I have. But I just want to say that this is an important issue.

And I want to set the stage, you know, and I want to . . . I did talk last week about the impact of Remembrance Day and the fact that, when we are in Remembrance Day ceremonies and people are listing or reading the names of those who fought for us in the different areas or formats or, you know, whether they be in the military or other protective services, it's really important to have that record.

But I think about the archives, the provincial archives, and how I certainly appreciate receiving their — I think it's every other month — their little magazine called *Saskatchewan History*. And I'm just looking at one that we got this summer and the struggle of Chinese settlers and about exploring the North and meeting a pioneer DJ [disk jockey]. And I just think these are interesting, and it brings the past to life. And it's an amazing thing when I think about the kind of things that, whether it be pictures, original documents, or whether they be cultural or factual, it's an important thing that we have this.

And I think that I just want to congratulate and recognize the archives staff for the good, the very outstanding work they do in keeping us informed but also keeping us passionate about our province and because of understanding our past. And I think this is hugely, hugely important. And as the member talked about the special celebration, the anniversary for the Multicultural Council of Saskatchewan, how we recognize that “from many peoples, strength,” and that's key for us. That's key for us. And how we will understand that more fully, if we can understand our past, and the archives play a significant, significant role.

I want to just highlight one article, and it's an interesting one, Mr. Speaker. I don't know if you saw Saturday's paper. It was both in *The StarPhoenix* and *Leader-Post*, but I'm going to quote from *The StarPhoenix*. And it's about this document that was found and is now at the U of S archives. And I'll talk about the U of S and the U of R, the University of Saskatchewan and the University of Regina archives and how they relate to the provincial archives. But this is on page A9 and the 15th of November 2014. The headline is “Rare document solidifies treaty partnership.”

And how we find documents and how they can go astray, and then many years later we can find them and they have huge, huge impact. So I'll quote from this extensively. It's a beautiful story, and it's one of a success story in terms of how archives can play a huge, huge role in understanding the past. Because as

I said last week, and I believe this to be true, that we are all children of the treaties. And this is important. So this find is something that we can all celebrate. But what happened was, and I'll quote:

A delicate, creased and slightly worn three-page document has been returned home to the area where it originated 105 years ago: Treaty 6 territory.

The document is an original, three-page adhesion to Treaty 6, signed in 1889 by leaders of the Montreal Lake Cree Nation and the Lac La Ronge Indian Band, once collectively known as the Green Lake Indians.

Signed in 1876, Treaty 6 covers a large, east-west swath of central Saskatchewan, extending as far south as Kindersley and as far north as La Ronge. The area also extends west into Alberta.

The agreement with the Crown resulted in the creation of the two Montreal Lake Indian Reserves and the Little Red River Reserve.

[And now] the Montreal Lake Cree Nation now owns the historical document, [and they are] loaning it permanently to the University of Saskatchewan, where it's held at the Archives and Special Collections unit.

[20:30]

And they had a fellow, the band manager from Montreal Lake Cree Nation, Mark D'Amato, and he is quoted extensively. This is what he had to say: “It was shocking for all of us, when we first heard about it.”

In some ways, the significance is the fact that we were able to obtain it all, since it was signed in 1889 and transferred to Edmund Morris in 1909 and not really heard . . . [about it since then].

Now you may, Mr. Speaker, recognize the name Edmund Morris. Edmund Morris was the son of Alexander Morris, the fellow who negotiated many of the treaties. But what happened was that the person who had given the adhesion to Edmund Morris was A.G. Irvine, the Montreal Lake copy. One went to Ottawa. There were two copies made. Didn't have photocopiers or whatever in those times, so the two copies were made. One went to Ottawa. But you would have thought the other one would have gone to the First Nations, so for their records. But it didn't. It was kept by the person who negotiated the treaty adhesion on behalf of the Crown, and that would have been Commissioner A.G. Irvine. But “In 1909, he presented the document to Edmund Morris, a painter best known for his pastel portraits of Aboriginal leaders, especially those who signed major treaties.”

And many of us will know that downstairs are many of his paintings, Edmund Morris. Now it wasn't like they were tucked in behind the paintings but part of his papers. But those papers should have gone to the First Nations. But 100 years later, in 2014, they have come home to the First Nations and that is good, good news.

And as D'Amato said, that they "are excited, glad to have it home. And we want to make sure our young people have a good understanding of the value of the document." And he says, "This is a learning tool for everyone, First Nations people and non-First Nations people."

And of course it's at the University of Saskatchewan, their special collections archives unit, so it can be in safekeeping. And it's on permanent loan. The ownership is clear: it's with the Montreal Lake Band and it's their document. But it's easily accessible and it's safe and that's hugely important. The university, I know, and the archivist, the U of S archivist, Tim Hutchison — and he's pictured with the original Treaty 6 documents — is just delighted to play a role as an archivist to make sure that it's safe and that there's access, particularly to young people, because it's a huge thing.

Now I talked about last week about the whole discussion about public records because this is the addition. This may be more the theme. And it will be interesting to have the discussion in committee about this because before it was just, the Act was called the public archives Act, plain and simple and straightforward. Now we're talking about public records as if they're something more beyond than archives, so we're not sure what the significance of public archives.

But as I said at that time last week that we did have a list of people who were designated to be on that board but are interestingly . . . The representative, there was not a representative from Culture on that board. And I wondered about that because it seems to me, particularly since the Minister of Culture is the person responsible for the public archives and public records, that he would have or she would have somebody on that board. But that is not the case and I wondered why, because public records are much more than just a justice issue or much more than a financial record, I would think. They're really a cultural record too and I have a lot of questions about that.

So, Mr. Speaker, I have questions too . . . You know, when we've been talking to people, the question arises, how does this change what is now and what will be? And we'll be looking forward to consulting with folks. We notice that there's a change in terms of the relationship with the University of Saskatchewan and University of Regina. We know that a lot of early records were actually kept by the University of Saskatchewan. They were the first archivists in the province. And so what is the role particularly of the University of Saskatchewan in this? And what does that mean? What does that entail? And so it'll be interesting to hear more about that. What are the costs here? This is a hugely important issue in terms of . . . We know the public archives has chronically been underfunded and needs to have more funding. And whether this is a signal that, of course, we'll see appropriate funding in the budget, I think this is an important, important one.

And as well, Mr. Speaker, I just want to take, while I have certain ministers in the audience, I want to talk about some of the things that are recorded. And I don't know if the Minister of Culture . . . [inaudible interjection] . . . Well all ministers are in the audience. Certain ministers are in the audience. You know, I had to look at this. And I was wondering whether the Minister of Culture is getting to know his colleagues very well, very well

because some of the things he's had in here brings to mind certain ministers, brings to mind certain ministers.

And of course it talks about the public record that the Legislative Assembly, the Legislative Assembly Service, every officer of the Legislative Assembly, every government institution, every court, talks about the things that will happen. This is 24(5)(b):

create and implement a records policy, management policy, and procedure to protect and maintain all public records that are in the custody . . . control of the Legislative Assembly [on and on] for which they are being maintained.

And it talks about certain records. So I know that the ministers will have to follow these instructions. They're usable and accessible, transferable. And here's the kicker, Mr. Speaker: they have to be legible. The records have to be legible. So I'm looking at certain ministers and I'm wondering whether the Minister of Culture is going to have these ministers take some handwriting course. Now I don't know about the Minister of Education, whether he's going to put back into school cursive handwriting, but I think . . .

An Hon. Member: — Standardized cursiveness.

Mr. Forbes: — Standardized cursive handwriting. Because I've got to say, sometimes we have issues about legibility here, Mr. Speaker.

When we're talking about archives, it's important that the archives are legible and understandable. And I appreciate the Minister of Culture stepping up to the plate and saying that from now on the records of the ministers are going to be understandable and legible. So I think this is . . .

An Hon. Member: — Only if Archives gets them back from former ministers.

Mr. Forbes: — I think they're all in order, Mr. Speaker. They are all in order. They are all in order, Mr. Speaker . . .

[Interjections]

Mr. Forbes: — Mr. Speaker, we can debate that. I don't know if they're going to create another bill, but whether that one is in the bill, but they are all legible. I've got to tell you, Mr. Speaker, they are all legible, Mr. Speaker.

So anyways but I think this has got a lot of budget implications, and we'll be looking forward to hearing about this. But we'll be looking forward to hearing more about this in committee.

As I said earlier last week, that the consultation piece is one that we'll be really interested in hearing from the different folks who have a real stake in this, have a real stake in this. And as we clearly see, whether it's the University of Saskatchewan, whether it's the University of Regina, the First Nations, the Métis folks, those organizations clearly want to make sure their records are protected and if there's a role for the Provincial Archives, it's got to be protected.

And of course as we're talking today, the multicultural organizations really want to make sure their records are protected too and whether the Provincial Archives are considering that. What that means in this piece of legislation is huge.

So with that, Mr. Speaker, I know this will be an important piece of legislation, and we think it's an important one both to have the conversation. I think it's critical that we review this every once in a while. But clearly it's a priority for us, and I think it's a priority for this House that we do it right: there's no unintended consequences; nothing is lost. For the Archives, that's not a joke when something gets lost. They really want to make sure everything is in its right place.

So with that, Mr. Speaker, I would move now that we adjourn debate on Bill 141, *An Act respecting the Provincial Archives of Saskatchewan, Public Records Management and making consequential amendment to other Acts and Regulations*. I do so move. Thank you.

The Speaker: — The member has moved adjournment of debate on Bill No. 141, *The Archives and Public Records Management Act*. Is it the pleasure of the Assembly to adopt the motion?

Some Hon. Members: — Agreed.

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

Hon. Mr. Cheveldayoff: — Mr. Speaker, I move that this House do now adjourn.

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

Some Hon. Members: — Agreed.

The Speaker: — Carried. This House stands adjourned to 1:30 p.m. tomorrow.

[The Assembly adjourned at 20:41.]

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