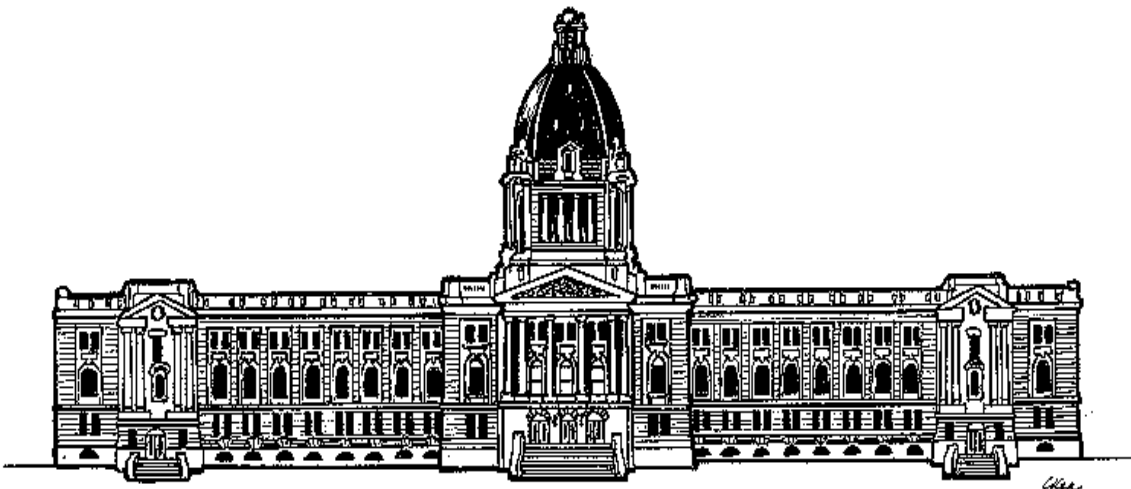




# **STANDING COMMITTEE ON CROWN AND CENTRAL AGENCIES**

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## STANDING COMMITTEE ON CROWN AND CENTRAL AGENCIES

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Mr. Kim Trew, Deputy Chair  
Regina Coronation Park

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Mr. Tim McMillan  
Lloydminster

Mr. Jim Reiter  
Rosetown-Elrose

Mr. Randy Weekes  
Biggar

Mr. Kevin Yates  
Regina Dewdney

[The committee met at 15:00.]

**Bill No. 54 — *The Vital Statistics Act, 2008/*  
*Loi de 2008 sur les services de l'état civil***

**The Chair:** — Good afternoon committee members. The item before the committee is Bill No. 54, *The Vital Statistics Act, 2008*. Minister Cheveldayoff, welcome to the committee. Would you please at this time introduce your officials to the committee.

**Hon. Mr. Cheveldayoff:** — Thank you, Mr. Chair. Yes indeed, good afternoon to members of the committee. Joining me today from the Information Services Corporation of Saskatchewan are Kathy Hillman-Weir and Ronn Wallace. Kathy is the general manager of corporate affairs and general counsel. Ronn is the registrar of vital statistics.

**Clause 1**

**The Chair:** — We will now consider clause 1, short title. Minister Cheveldayoff, if you have any opening remarks, you may proceed at this time.

**Hon. Mr. Cheveldayoff:** — Thank you, Mr. Chair. Today we're talking about both Bill 54, *The Vital Statistics Act, 2008* and Bill 55, *The Vital Statistics Consequential Amendment Act, 2008*.

Bill 54, *The Vital Statistics Act, 2008* is bilingual legislation. It modernizes the existing legislation, provides authority for electronic vital event registration processes, provides transparency in the collection, use, and disclosure of vital event information, and expands the definition of parents to recognize non-traditional family structures. It also contains necessary consequential amendments to other affected bilingual statutes.

Bill 55 is *The Vital Statistics Consequential Amendments Act, 2008*. It ensures that the English-language-only statutes affected by Bill 54 are compatible with the new vital statistics legislation.

I'm happy to entertain any questions, Mr. Chair.

**The Chair:** — Thank you, Minister Cheveldayoff. Are there any questions or comments on the Bill? I recognize and welcome Mr. Quennell to the committee. Mr. Quennell.

**Mr. Quennell:** — Thank you, Mr. Chair. Well first and foremost, the legislation that the minister refers to being modernized is *The Vital Statistics Act, 2007*. That's the Act that's going to be repealed as a consequence of this Bill when this Bill is passed. There's a great deal of similarity, if you take the two Bills together, between *The Vital Statistics Act, 2007* and the consequential amendments Act to that legislation and the two Bills that are in front of us.

Now some of the matters that were dealt with in the consequential Act in 2007 are now being dealt with in the main Act, if I can use that phrase, and some matters that are being dealt with in the main Act in 2007 are now being dealt with in the consequential Act.

But I guess my first question to the minister is . . . There are some changes. There are some differences between the legislation passed back in 2007 and now in place — and proposed to be repealed by this legislation — and this legislation, but there aren't a great number of them. So my question is, why almost an omnibus piece of legislation updating legislation that was updated in 2007? Why not just the amendments making the changes the government wanted to make?

**Hon. Mr. Cheveldayoff:** — Well thank you very much for the question. I'll begin by saying I believe that this modernizes the Act 1995 that is currently in operation. The 2007 Act was passed but never proclaimed. That's the information that I have, and I'll turn it over to one of the officials for the complete answer to your question.

**Ms. Hillman-Weir:** — The 2007 Act was introduced and passed in the spring of 2007, and in the second reading speech at the time, there was a declared intention that a bilingual version of the Bill would also be brought forward in the fall of that year. The vital stats Act has traditionally been in bilingual form in Saskatchewan, and the 1995 Act is in bilingual form based on consultations with the francophone community.

And so when the look at bringing the French-language version of the new legislation forward continued, there were a couple of things that had happened. There had been the intervening transfer of vital statistics operations from the Ministry of Health into the Information Services Corporation. And a few items come to light when you look at translation in terms of consistency of provisions, as well as a few other housekeeping items that became apparent. And so it just seemed easier logistically to bring forward a bilingual new Bill that addressed those few minor items.

**Mr. Quennell:** — So the decision was made to redraft both pieces of legislation in their entirety for consistency with the French version?

**Ms. Hillman-Weir:** — No, the 2007 Bill was basically brought forward in its 2008 form with a few minor additions to address the transfer to ISC [Information Services Corporation of Saskatchewan] and to deal with the housekeeping items that had come to light that needed a bit of clarity. And because the '07 Act had never been proclaimed, rather than amend the '07 Act, it seemed easier to bring them forward as a pair.

**Mr. Quennell:** — So that the key historical event or non-event actually is the non-proclamation of the previous legislation. It seemed to make more sense to the government, I take it, to redraft the legislation and reintroduce it than to proclaim the old legislation and then amend it. Is that correct?

**Ms Hillman-Weir:** — The drafting effort on the English version Bill was very minimal. Ronn, do you want to add to that? The changes that were made . . .

**Mr. Wallace:** — In terms of the changes? Well there were changes that we had to make as a result of the translation to French language. The consistency and wording was a problem. These were identified to us by the Ministry of Justice. So that

was part of the amendments to the new piece of legislation that was being brought forward.

Also the way the original Act was crafted in 2007, there was fairly significant change having to be made to reflect the transfer to ISC. And given that because ISC is a Crown corporation whereas the ministry itself was not, so there was a fair amount of work that was done into there to amend and completely rewrite some of the provisions in the Act.

**Mr. Quennell:** — One of the changes that seems to be not just a matter of language or drafting but a policy choice between the legislation previously passed and now proclaimed in this legislation is some of the treatment in respect to biological fathers. That appears to be a change between the previous legislation not proclaimed and this Bill.

And as far as I can tell, a similar provision to the one I'm going to read out now doesn't exist in the 2007 Act. Section 29(3)(b) of Bill 54 provides that:

. . . the registrar may amend the statement by adding the particulars of another parent . . .

on an application made jointly by the mother and father to add the particulars of the father, with or without the consent of any co-parent whose particulars are set out in the statement.

Now that's the statement of birth, I believe. I don't believe that exists in the 2007 Act. And that is, as I understand it, a father is defined as the person who acknowledges himself to be the biological father of the child. Am I correct in that addition, that change, and if so, how did that come about? Or why did it come about?

**Mr. Wallace:** — I'm sorry. In terms of the biological component, the definition of father was expanded certainly in this piece of legislation to reflect that it is the biological, the person who self-identifies as the biological father. With respect to the other provision, and I'm sorry, which section was that?

**Mr. Quennell:** — I believe it's section 29(3)(b) of the new Bill, Bill 54.

**Mr. Wallace:** — Of the new Bill, 29(3)(b). I don't know if we have the other Bill with us. Kathy, do we?

**A Member:** — No.

**Mr. Wallace:** — No. My recollection is that that section was in the previous Bill as well. The intent of that provision was so that a biological father or the person who identified himself to be the father and stepped forward in that regard could not be prevented from having his particulars placed on the registration of live birth by a co-parent.

The process that is in place today is, if a father is not recorded on a live birth registration or a stillbirth, the mother and the father jointly come together forward and request in writing, complete with a statutory declaration, that his particulars be added. To ensure that a co-parent or the other parent, pardon me, situation did not prevent that from being able to happen —

that's the intent of that provision, which still allows for the mother and the father to come forward together, with or without the consent of any other parent named on the registration document, to have his particulars added. So it's an assurance that the father gets the opportunity to be named on the registration document.

**Mr. Quennell:** — And that's not believed to be a change?

**Mr. Wallace:** — I don't recall.

**Ms. Hillman-Weir:** — I think it is a change, Ronn.

**Mr. Wallace:** — Is it? I'll have to find it. I guess it would be then a change, yes. I'm sorry.

[15:15]

**Mr. Quennell:** — Well now I'm not sure who to direct this question to because it doesn't seem to be that anybody here with the minister . . . Well that's not quite right. I'm sorry.

Is the minister able to provide a reason for this policy change between the 2007 legislation that this legislature passed and this proposed legislation as to the rights of a strictly biological father who wasn't on the original statement and probably wasn't on the original statement because he wasn't all that involved at the time?

**Mr. Wallace:** — With respect to your question, it's not a policy change. It continues the current policy. Policy has always been that a father always has the opportunity jointly with the mother to have his particulars placed on the document.

When we added the other parent into the mix and the requirements of consents — of whose consents are required to add or to make changes — we, in consultation with Justice, concluded that what we wanted to do was to continue to protect the rights of the father to be able to have his particulars put on without having to obtain the consent because, if the consent of the other parent was not provided, the father now has to go to court and have a court issue a declaration of paternity so that he can have his particulars placed onto the child's registration document. So we didn't consider it a policy change.

**Mr. Quennell:** — Well it's a change within the legislation. The previous legislation also provided for co-parents and the status of co-parents on the statements and the rights of co-parents.

And I understand the government may have an amendment to change that language in the Bill today to other parent, but that was there before. What wasn't there before was this statement, that upon the application of the mother and father, the father can be added where the father wasn't there before. Now is the committee being told that without legislative support that that was being done anyways, and therefore we're putting legislation in place to reflect the practice? Or is this indeed a policy change?

**Ms. Hillman-Weir:** — If I can try to explain, the way I understand it is that there's always been an ability for a father to be added. And when the 2008 legislation was reviewed in comparison to the 2007 Bill, there was a bit more scrutiny

applied as well to the implications of the co-parent concept and whether there were any items that maybe had been missed or could be clarified further.

The addition of a father in certain cases, when you include the co-parent category of people, could have potentially led to a situation where, because of the consents required under the articulated procedure . . . might have created a circumstance where a co-parent could make it difficult for a father to be added without a court application being made. And so my understanding is that 29(3) was intended to allow the addition of a father's particulars without the consent of a co-parent.

**Mr. Quennell:** — Now co-parent can cover a lot of territory, and technology has changed, reproductive technology has changed. It covers more territory and different territory than it used to cover. But a co-parent could be in effect a stepfather, for example.

And you could have that scenario where, for example, because both the mother and the co-parent could both be women as well, but in my example a stepfather who is according to the Act, "cohabiting with the mother . . . of the child in a spousal relationship at the time of the child's birth and who intends to participate as a parent in the upbringing of the child," and does in fact participate in the upbringing of the child.

And what this change from the previous legislation does is . . . And I'm not necessarily being critical, but I just want to make sure that we understand what's being done by the legislation. That's our responsibility as legislators. What this legislation does is elevate the ability in a case of breakdown of that spousal relationship that I just referred to — that the Act refers to — allows the mother to elevate the status of a merely biological father, if I can use the term, over who the child would see as their actual father, the person who was actually involved in their upbringing.

That wasn't there in the previous legislation. And I have to challenge, given that I seem to have come here with more awareness of this issue than perhaps the minister did, how much thought went into making this change.

**Ms. Hillman-Weir:** — Mr. Quennell, I think what we're dealing with is the difficult circumstance of the vital statistics regime existing to record vital event information. And there's an unquestionable relationship between that and relationships and societal values around relationships and how we recognize and record and reflect them in legal and other documents.

I'm trying to get to the heart of your concern. And I think what I'm hearing from you is, what's the ability of a stepfather who is maybe known to a child as a father figure and who, you know, spends a great deal of time and dedication to play the role of father, what's the recourse or option for that person who may not be added as the father on the birth record information, given that the mother has the ability to jointly, with the biological father, add the particulars of the biological father.

And perhaps if that's the circumstance and the mother, acting together with the biological father, makes the choice to take that positive step of adding a biological father to the birth record, and a stepfather is then feeling, you know, in a difficult position

where he wasn't recognized, that's a different matter. And there is recourse through the courts to have a declaration made to amend the records.

**Mr. Quennell:** — I appreciate that. I just want to make sure that we examine particularly matters that are new to this legislation, that aren't in the 2007, because that's our job and this is our time to do that.

The other provision that's new to section 29, and I think maybe addresses some of what we've discussed, is that:

Except as permitted by section 26 [which deals with abandoned newborn children], the registrar shall not amend a statement by removing the particulars of a parent except in accordance with an order described in subsection (1).

So that would be, I guess, the corresponding protection for the co-parent, that they can't be removed except by the court. Is that correct?

**Mr. Wallace:** — Yes that would be correct. The intent there is that the removal of any parent from a child's registration document should only be done by an order of the court, not by an application or by the authority of the registrar.

[15:30]

**Mr. Quennell:** — My concern, if concern isn't too strong a word for the questions I'm raising, wasn't so much that the co-parent, whether it's a stepfather or in a same-sex relationship perhaps . . . the language of the Act might be co-parent or other parent, but the other mother. My concern wasn't that they could be removed. My concern was that, or my question was about sort of diluting their role by adding a person who . . . again I would use the phrase probably merely biological father because if they were anything else at the time, they would have been on the statement originally.

So that was my concern, but hardly to the extent that we would be opposing the legislation or even opposing the provision.

The legislation makes an interesting decision in light of the reproductive technology changes that I discussed earlier. And this is certainly not a criticism of this Bill because this is not new. But this legislature I assume will pass this legislation. The previous legislature also passed legislation that has these provisions in it, and I don't know if there's anyone with the minister who has any comment about the decision that's been made here and has been made previously. But the definition of father and mother are somewhat different.

The father "means the person who acknowledges himself to be the biological father of a child." So that could be a sperm donor, either formally or informally. And mother "means the woman from whom a child is delivered," which is in the vast majority of cases also the biological mother but not always, and sometimes the birth mother is not the biological mother.

The legislation doesn't seem to — and again this is not new, so this is hardly a criticism of the current government — the legislation does not seem to treat biological mothers and

biological fathers equally. And I wonder if any thought went into that when the legislation was being re-drafted in any case.

**Ms. Hillman-Weir:** — I understand that certainly there was consideration of that at the time. Both pieces of legislation were drafted, and the advances in reproductive technology, as you pointed out, are rapid. And it's posing challenges in the law and in how information is recorded in a registry like the vital statistics registry and how relationships are then reflected and addressed in the other legislation like *The Children's Law Act*.

There is a national review going on that Saskatchewan is participating in through the Department of Justice and others, and we are watching keenly what the outcome of those discussions will be around definitions of parentage, and it may be appropriate at some time to further consider these definitions to ensure that they're in step with those changes and advances and on a national level.

**Mr. Quennell:** — It seems somehow unequal to be treating biological fathers . . . although, you know, sperm donors are much more common than egg donors, but sometimes a person who's intending to act as the parent and act as the mother and who is the biological mother isn't the birth mother. And I know that that is still not a common occurrence and maybe never will be a common occurrence. But since the government decided to make the specific change to better secure the status of biological fathers down the road, at the same time it was not considered to provide the same potential protection to biological mothers.

**Mr. Wallace:** — Regarding your question, there was no conscious effort — at least not on our part — to protect the father over the mother; that was not the intent. At the national level, mother is defined as the person from whom the child is delivered; that's across the country. So we are consistent in what we are doing here, and we look to maintain that consistency.

Again as Kathy had pointed out, we are looking to the review at the national level, through Justice and others, in terms of reproductive technologies and what we might have to change. Those changes likely will not only involve Saskatchewan but potentially all of the other provinces and territories as well in terms of how we approach these definitions.

**Mr. Quennell:** — Yes, and to move on to other issues that arise now — that did not used to arise and arise more often than they used to arise — is the change of sex designation in the legislation. I think there might be a small change between section 28 of the 2007 Act and section 31 of Bill 54.

Basically both sections, as I understood them, require that a change of sex designation may only be provided in the case of an individual who has undergone gender reassignment surgery. Now that requirement is, I think, an issue that's come before the courts, and I don't know if anyone here is aware of some suggestion that that may be a requirement that won't be upheld in the future or isn't necessarily being upheld now in all cases in all jurisdictions.

But the substantive difference between the two provisions, as we understand it, is a certificate from a physician who assisted in performing the surgery may now be accepted, whereas the

2007 legislation would only accept a certificate from a physician who performed the surgery. Am I correct in that change as well?

**Mr. Wallace:** — Excuse me, can I ask you, Mr. Quennell: which provision exactly? Is it (b) or 28 . . .

**Mr. Quennell:** — Just a second, I think it's in the new Bill. Yes, in the new Bill, its change of sex designation is section 31.

**Mr. Wallace:** — Correct.

**Mr. Quennell:** — And:

An application pursuant to subsection (1) must be made on a form approved by the registrar . . ." [Then drop down to] . . . a certificate of a physician who is licensed to practise in the jurisdiction in which the surgery was carried . . . and who performed the surgery on the applicant or assisted in performing that surgery."

I believe in the old legislation there wasn't the "assisted in performing that surgery," wasn't there. And that's new?

**Ms. Hillman-Weir:** — Yes, that's correct.

**Mr. Quennell:** — That's new. And no criticism again of the change, but why was that made?

**Mr. Wallace:** — You are correct. I mean, it is a change. It was an oversight in the wording of the original Bill. The Bill allows for certification by a physician who assisted, and the way it was originally worded in that provision, it didn't really account for the physician who assisted, and so it was added as strictly an oversight on our part.

**Mr. Quennell:** — Correct a drafting error or almost a housekeeping provision, in any case.

Do you happen to know if any of this surgery is performed within the jurisdiction of Saskatchewan? If there are any surgeons who perform these surgeries, or are all these certificates going to come from outside of Saskatchewan? And when I say all, I appreciate there won't be a great number of them.

**Mr. Wallace:** — To my knowledge, I am not aware of any of the certificates originating out of Saskatchewan directly. Most of them are coming, that I've seen, via Toronto and out of province, some out of Europe.

**Mr. Quennell:** — How often does this issue arise?

**Mr. Wallace:** — At this point, I hate to be quoted on a number, but let me just say it's no more than a handful in a year, if that.

**Mr. Quennell:** — It could even be just even one annually or . . . A handful I guess is five. I know you didn't want to be quoted on a number.

**Mr. Wallace:** — It might be one or two a year that we actually deal with. In a lot of cases, the surgery is never completed, and so we don't hear. In some cases they don't go all the way to

completion. They never go to full gender reassignment.

**Mr. Quennell:** — But you'd only get the certificate upon completion of the surgery.

**Mr. Wallace:** — Correct.

**Mr. Quennell:** — Now there's, as I alluded to before, some argument for self-identification, but that clearly would not be permitted under the legislation. Clearly under the legislation, as previously drafted and in this new Bill, it requires surgery and a certificate in respect to the surgery. And there's not really any room for any kind of discretion on the part of vital statistics in that respect.

**Mr. Wallace:** — No.

**Mr. Quennell:** — No. A couple of other minor changes or at least one, I believe that the previous legislation, the 2007 Act — when referring to records of baptisms, marriages, and burials kept by religious bodies — referred to church records of baptisms, marriages, or burials and referenced both the church or a religious body, but that the new legislation does not use the word church. And if I'm correct in that, then I'm curious also as to why that change was made.

**Mr. Wallace:** — In response to that, it was deemed, when we were reviewing it, to be a redundant term. A religious body and a church were deemed to be one and the same entity.

**Mr. Quennell:** — Thinking of the drafters, that church denoted perhaps more Christian religious bodies and that religious bodies was more broad in its interpretation as to include . . . They don't usually call synagogues and mosques "churches," for example. Was the thinking that church was maybe a bit too exclusive to use in a 21st century piece of legislation?

[15:45]

**Mr. Wallace:** — Correct.

**Mr. Quennell:** — Okay. Again, I'm not being critical. I just want to understand when changes are being made, why they are being made.

And many of the other changes, as I think the minister pointed out and the officials have pointed out as well, are in respect largely of moving the administration of the legislation from the Ministry of Health to ISC. The corporation is given specific powers to impose fees subject to the approval of cabinet. Former legislation was silent on this as well, and we presume because the Ministry of Health already had powers to levy fees under its own legislation. But this legislation requires specific powers to levy the fees because now it's being done by ISC. Is that correct?

**Ms. Hillman-Weir:** — I'll address your question. Previously in the ministry or in the department, fees are commonly set by regulation, and they're set out in regulations. For the other registries that operate at ISC, the fees are established by an order in council approved by cabinet, and so it was a bit for procedural consistency.

**Mr. Quennell:** — Well that's what I thought. It was because of the move from the Ministry of Health to the corporation and the different way the corporation has its fees set as opposed to how a ministry has its fees set. And again, previously the Minister of Health designated an employee of the department as the director of vital statistics. Now that's no longer a ministerial appointment but a cabinet appointment — is that correct? — under this legislation.

**Ms. Hillman-Weir:** — That's correct.

**Mr. Quennell:** — Okay. Now there's an additional provision which I think we would be supportive of, that "No person shall seek to direct the registrar in the performance of any duty . . ." That doesn't appear to have been felt required in the previous legislation, this statement of the independence of the registrar. That's an addition as well?

**Ms. Hillman-Weir:** — It is, and that addresses consistency with other statutory officials' roles with responsibility for registries administered and delivered by an information services corporation. It respects and identifies the obligations and responsibility for public policy that the registrar is accountable for.

**Mr. Quennell:** — So again, this would be consistent with the legislative treatment of other registrars that now have . . .

**Ms. Hillman-Weir:** — The registrar of titles in particular.

**Mr. Quennell:** — Right. So we're talking about land registry. So the registry of vital statistics is going to be treated in the same way as we treat the land registry in respect to the independence of the registrar.

**Ms. Hillman-Weir:** — Certainly the registrar of titles doesn't have the breadth of authority and responsibility that the registrar of titles has. There are some quasi-judicial responsibilities of the registrar of titles. But what it does preserve and protect, I guess, is the ongoing need to ensure a balancing of the commercial and delivery and business objectives of the Crown corporation with the importance of upholding the integrity and public policy principles of the registry, and provides additional oversight of the registrar's function.

**Mr. Quennell:** — There's a reference in the legislation to both the Ministry of Health and health regions in respect to collecting information in respect to incomplete statements of live birth, which is more detailed than the previous legislation that provided that vital statistics branch would collect any necessary information from other records of the department. Interested in the specific reference to health regions, and perhaps the minister can advise if he foresees any amendment being made in the near future because of change of our current health region structure from the number of regions we have now to one health board.

There's specific reference in the legislation to health regions, and well this legislation's now come before the legislature almost two years in a row or almost close to that. Is the government committed to retaining the current number of health regions?

**Hon. Mr. Cheveldayoff:** — Thank you very much for the question. To my knowledge, there's nothing that is in the Act that was dependent on any policy change regarding health regions or regional health authorities. As the member knows, the Ministry of Health is undertaking a patient-first review, and certainly all recommendations made by Mr. Dagnone will be taken under advisement by the ministry. But to my knowledge nothing has an impact on or has had an impact on anything in this legislation currently.

**Mr. Quennell:** — Okay. Kim, do you have anything? Those are all my questions. Thank you very much, Mr. Chair. Thank you.

**The Chair:** — Mr. Trew.

**Mr. Trew:** — Thank you very much. Thanks, Mr. Chair. I've got just a couple of things. One I noted that my colleague was talking about the definition of father and the definition of mother. And I heard your response that nationally we're consistent with the way other provinces and the country of Canada defines mother.

But might I suggest, father — the definition I have no argument with — it says father means the person who acknowledges himself to be the biological father of the child. In light of egg donors — you know, the reproductive technology — what would be wrong with defining mother, mother means the person who acknowledges herself to be the biological mother? Exactly the same measure, if I can describe it, that you used, that is used to define father.

**Ms. Hillman-Weir:** — Thank you for the question. The point you raise is a good one, and this is a very complex issue. And I guess the starting point . . . or I'll reiterate that the question of parentage and how we define and identify parentage is certainly evolving, and there are a number of very learned people who are considering this across the country.

There's probably an undeniable presumption, I would suggest, that the person from whom the child is delivered is the mother and that there's no question that there certainly can and will be circumstances where another person acknowledges herself to be the mother and perhaps is acting in the role of mother in the most important and fundamental ways.

However *The Vital Statistics Act*, when it was prepared, we didn't have answers to those questions. And I still don't think we have complete answers to those questions such that a complete registration regime could be developed around newly structured definitions like that. And as I mentioned earlier, it's certainly a concept that is being watched carefully. And as those definitions evolve and when we come to a point where there's resolution around how those fundamental questions and human rights questions can be appropriately addressed, I think the intention would be to ensure that this registry legislation reflects that evolution.

**Mr. Trew:** — Thank you. Let me try this a different way. Clearly with reproductive technology, we can have a sperm donor — you would have a sperm donor with no intention of being anything beyond what we recognize in this legislation as the biological father — a sperm donor who sees his role ending with the sperm donation or may or may not see that role ending,

but let's assume does see that his role ends with the sperm donation. Am I right then? That's the biological father, the sperm donor?

**Ms. Hillman-Weir:** — Yes. There's no evidence requirement. It is the person who declares himself to be the biological father, and I'm sure that a sperm donor may do that.

**Mr. Trew:** — Yes, declared. But in the intent of this legislation, would be that it would be in fact the biological father. It's not something they dreamt up. They contributed in some way to being a biological father. They contributed in this legislation by being the provider of the sperm.

**Ms. Hillman-Weir:** — Yes although there's no requirement that that person be named, and Ronn may correct me here, but there's no requirement that a sperm donor be named on the vital event registration documentation. Your comment about a donor being someone who expects and intends his role to end would suggest to me that that's not the type of individual who would then take the positive step of declaring himself to be the biological father.

**Mr. Trew:** — Well thank you, Mr. Chair. I'm confused now; I have to confess. I always thought that biology was biology, and that's not the case in this Act.

**Ms. Hillman-Weir:** — The Act ties the definition of father to someone who declares himself to be the biological father, and so the right or the ability to make that declaration is tied, I guess, to a belief or an understanding that there is a biological connection and the declaration is being made for that reason, unlike the circumstance that was addressed by Mr. Quennell where a stepfather is not able to make that declaration because there is no biological tie or link.

[16:00]

**Mr. Trew:** — So what you're saying is that they have to have some reason to make that declaration, right?

**Ms. Hillman-Weir:** — Yes, and they need to fall within the parameters of the definition.

**Mr. Trew:** — Thank you. Now my argument, I'm going to switch to the mother because we have reproductive technology where you can have an egg donor, and the provider of the egg not in fact carry that baby through to term. Who would you view to be the biological mother in an instance like that — the provider of the egg or the provider of the balance of the reproductive system?

**Ms. Hillman-Weir:** — Under the provisions of the Act, the definition of mother is the person from whom the child was delivered. And so you're suggesting a surrogacy possibility where there is an egg donor and a surrogate. One of the circumstances I believe that the addition of the concept of co-parent that is included in this legislation was intended to address was a variety of various parenting relationships, including the one where there is perhaps a married couple or two parents who, where one donates an egg and it's carried by a surrogate and a child is delivered, the person who donates the egg can be reflected on the vital registration documents as a



co-parent and in a parenting relationship.

**Mr. Trew:** — Okay. I appreciate the answers you're giving me on this, and I think that I essentially made the points that I need to. And I recognize that whatever legislation we may pass today is being looked at on a national level, and indeed I hope by you folks here in Saskatchewan as well. So I don't want to pursue this further. I appreciate your answers, and I think you have an appreciation of my questions and sort of where that was coming from.

I've one other issue that I wanted to get some clarification on and that is under the definition of co-parent, and it refers to mother or father of a child in a spousal relationship. Does spousal relationship, in this instance, include common law relationships?

**Mr. Wallace:** — Yes.

**Mr. Trew:** — I see that answer's yes. That's what I wanted to hear. And I thank you for that. Mr. Chair, that concludes my questions on this Bill.

I should say — Mr. Chair, thank you — I want to say I appreciate the good work that has been done on this. I think this is a genuine advancement, and I want to congratulate the minister and his officials on that. This is a genuine improvement to the Bill. Thanks, Mr. Chair.

**The Chair:** — Minister Cheveldayoff.

**Hon. Mr. Cheveldayoff:** — Thank you very much. If I just may respond very briefly also. Many questions were a very, very specific nature, and this Bill was done jointly with the Department of Justice officials. I think in the future, so all questions can be answered in as complete a fashion as possible, if the members would like to just give me some indication of the specific level of questioning, I can ensure that Department of Justice officials are here as well when necessary. But likewise I appreciate the level and depth of questioning, and I think it will be a better Bill for it. Thank you.

**The Chair:** — Thank you, Minister Cheveldayoff. Seeing no further questions, clause 1 short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

[Clause 1 agreed to.]

## Clause 2

**The Chair:** — I recognize Mr. Reiter.

**Mr. Reiter:** — Mr. Chair, I would move the following amendment. I would move:

That subsection (1) of clause 2 of the printed Bill be amended as follows:

(a) by striking out the definition of “**co-parent**” and by adding the following definition in alphabetical order:

““**other parent**”:

(a) in relation to a live birth, means a person other than the mother or father who is cohabiting with the mother or father of the child in a spousal relationship at the time of the child's birth and who intends to participate as a parent in the upbringing of the child; and

(b) in relation to a stillbirth, means a person other than the mother or father who is cohabiting with the mother or father of the stillborn child in a spousal relationship at the time of the stillbirth and who had intended to participate as a parent in the upbringing of the child; (« *autre parent* »); and

(b) by striking out the definition of “**parent**” and substituting the following:

““**parent**” means a mother, father or other parent; (« *parent* »”).

And the amendment is in both official languages, Mr. Chair.

**The Chair:** — Will the committee take the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — As Mr. Reiter pointed out, note that the amendment is in both official languages and there is an amendment in French as well. Is it the pleasure of the committee to adopt the amendment?

**Some Hon. Members:** — Agreed.

**The Chair:** — That's carried. Is clause 2 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That's carried.

[Clause 2 as amended agreed to.]

[Clauses 3 and 4 agreed to.]

**The Chair:** — Committee members, this Bill has 120 clauses. Is leave granted to review portions of the Bill by part?

**Some Hon. Members:** — Agreed.

**The Chair:** — That's carried.

[Clauses 5 to 19 inclusive agreed to.]

## Clause 20

**The Chair:** — I recognize Mr. Reiter.

**Mr. Reiter:** — I move that clause 20 be amended as follows:

(a) by striking out subsection (2) and substituting the following:

“(2) The following persons shall ensure that the live birth of a child in Saskatchewan is registered in accordance with this Part:

(a) the parents of the child;

(b) if the parents are incapable, a person standing in place of the parents of the child; or

(c) if there is no person to whom clause (a) or (b) applies, any person who has knowledge of the birth of the child”; and

(b) in clause (3)(c) by striking out “any other parent” and substituting “any additional parent”.

And again it’s in both official languages.

**The Chair:** — Will the committee take the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Is it the pleasure of the committee to adopt the amendment?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried. Is clause 20 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — And that is carried.

[Clause 20 as amended agreed to.]

#### Clause 21

**The Chair:** — I recognize Mr. Reiter.

**Mr. Reiter:** — I move the following amendment, Mr. Chair, that we:

Amend Clause 21 of the printed Bill in subclause (1)(a)(i) by striking out “mother or the father of the child or both” and substituting “parents of the child”.

**The Chair:** — Will the committee take the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Is it the pleasure of the committee to adopt the amendment?

**Some Hon. Members:** — Agreed.

**The Chair:** — And that’s carried. Is clause 21 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — And that’s carried.

[Clause 21 as amended agreed to.]

#### Clause 22

**The Chair:** — I recognize Mr. Reiter.

**Mr. Reiter:** — Mr. Chair, I move the following, that we:

Amend subsection (3) of Clause 22 of the printed Bill by striking out “mother or father of the child or both” and substituting “parents of the child”.

**The Chair:** — Will the committee take the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Is it the pleasure of the committee to adopt the amendment?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried. Is clause 22 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried.

[Clause 22 as amended agreed to.]

[Clause 23 agreed to.]

#### Clause 24

**The Chair:** — I recognize Mr. Reiter.

**Mr. Reiter:** — Mr. Chair, I move the following amendment that:

... Clause 24 [be amended] of the printed Bill in clause (a) by striking out “mother and father” and substituting “parents”.

**The Chair:** — Will the committee take the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Is it the pleasure of the committee to adopt the amendment?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried. Is Clause 24 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried.

[Clause 24 as amended agreed to.]

[Clauses 25 and 26 agreed to.]

#### Clause 27

**The Chair:** — I recognize Mr. Reiter.

**Mr. Reiter:** — Mr. Chairman, I move the following amendment that we:

Amend subsection (7) of Clause 27 of the printed Bill by striking out “any co-parents” and substituting “any other parents”.

**The Chair:** — Will the committee take the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Committee members, please note that the amendment is in both official languages and that there is an amendment in French as well. Is it the pleasure of the committee to adopt the amendment?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried. Is Clause 27 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — And that is carried.

[Clause 27 as amended agreed to.]

[Clause 28 agreed to.]

#### Clause 29

**The Chair:** — Mr. Reiter.

**Mr. Reiter:** — Mr. Chair, I move the following, that we:

Amend subsection (3) of Clause 29 of the printed Bill:

(a) by striking out subclause (a)(ii) and substituting the following:

“(ii) subject to clause (b), if it is not possible to obtain the consent of every other person whose name appears on the statement as a parent, with an order of a judge of the Court of Queen’s Bench dispensing with the consent”; and

(b) in clause (b) by striking out “co-parent” and substituting “other parent”.

**The Chair:** — Will the committee take the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Please note again that the amendment is in both official languages and that there is an amendment in French as well. Is it the pleasure of the committee to adopt the amendment?

**Some Hon. Members:** — Agreed.

**The Chair:** — And that’s carried. Is Clause 29 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

[Clause 29 as amended agreed to.]

[Clauses 30 and 31 agreed to.]

**The Chair:** — Is leave granted to review part 5, clauses 32 to 42?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

[Clauses 32 to 43 inclusive agreed to.]

#### Clause 44

**The Chair:** — I recognize Mr. Reiter.

**Mr. Reiter:** — Thank you, Mr. Chair. I move that we:

Amend Clause 44 of the printed Bill in clause (3)(c) by striking out “any other parent” and substituting “any additional parent”.

**The Chair:** — Will the committee take the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Please note that the amendment is in both official languages and that there is an amendment in French as well. Is it the pleasure of the committee to adopt the amendment?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried. Is Clause 44 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

[Clause 44 as amended agreed to.]

#### Clause 45

**The Chair:** — I recognize Mr. Reiter.

**Mr. Reiter:** — Mr. Chair, I move that we:

Amend Clause 45 of the printed Bill by striking out subsection (2) and substituting the following:

“(2) The following persons shall complete a statement with respect to a stillborn child and submit the completed statement to a funeral director or to the registrar:

(a) the parents of the stillborn child;

(b) if the parents are incapable, a person standing in place of the parents of the stillborn child; or

(c) if there is no person to whom clause (a) or (b) applies, any person who has knowledge of the stillbirth”.

**The Chair:** — Will the committee take the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Please note that the amendment is in both official languages and that there is an amendment in French as well. Is it the pleasure of the committee to adopt the amendment?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried. Is Clause 45 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

[Clause 45 as amended agreed to.]

#### Clause 46

**The Chair:** — I recognize Mr. Reiter.

**Mr. Reiter:** — Mr. Chair, I move that we:

Amend Clause 46 of the printed Bill in subclause (1)(a)(i) by striking out “mother or father of the stillborn child or both” and substituting “parents of the stillborn child”.

**The Chair:** — Will the committee take the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Please note, committee members, that the amendment is in both official languages and that there is an amendment in French as well. Is it the pleasure of the committee to adopt the amendment?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried. Is Clause 46 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

[Clause 46 as amended agreed to.]

#### Clause 47

**The Chair:** — I recognize Mr. Reiter.

**Mr. Reiter:** — Mr. Chair, I move that we:

Amend subsection (3) of Clause 47 of the printed Bill by striking out “mother or father of the stillborn child or both” and substituting “parents of the stillborn child”.

**The Chair:** — Will the committee take the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Please note that the amendment is in both official languages and that there is an amendment in French as well. Is it the pleasure of the committee to adopt the amendment?

**Some Hon. Members:** — Agreed.

[16:15]

**The Chair:** — That’s carried. Is Clause 47 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

[Clause 47 as amended agreed to.]

[Clauses 48 to 52 inclusive agreed to.]

#### Clause 53

**The Chair:** — I recognize Mr. Reiter.

**Mr. Reiter:** — Mr. Chair, I move that we:

Amend Clause 53 of the printed Bill in clause (a) by striking out “mother or the father” and substituting “parents”.

**The Chair:** — Will the committee take the amendment as read?

**Some Hon. Members:** — Agreed.

**The Chair:** — Please note that the amendment is in both official languages and that there is an amendment in French as well. Is it the pleasure of the committee to adopt the amendment?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried. Is Clause 53 as amended agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

[Clause 53 as amended agreed to.]

[Clauses 54 to 56 inclusive agreed to.]

**The Chair:** — Is leave granted to review the remaining clauses by part?

**Some Hon. Members:** — Agreed.

**The Chair:** — That’s carried.

[Clauses 57 to 120 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as

follows: Bill No. 54, *The Vital Statistics Act, 2008*. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — And that is carried. And I would ask that a member move that we report Bill No. 54, *The Vital Statistics Act, 2008* with amendment. It's been moved by Mr. McMillan. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — And that is carried.

**Bill No. 55 — *The Vital Statistics Consequential Amendments Act, 2008***

**The Chair:** — Okay, members. One final item is Bill 55, *The Vital Statistics Consequential Amendments Act, 2008*. I see there's no new officials with the minister. Does the minister have a statement on this, on Bill 55?

**An Hon. Member:** — In French please.

**Hon. Mr. Cheveldayoff:** — En français? Thank you, Mr. Chair. Bill 55, *The Vital Statistics Consequential Amendments Act, 2008* ensures that the English language only statutes affected by Bill 54 are compatible with the new vital statistics legislation.

**The Chair:** — Thank you, Minister Cheveldayoff. Seeing no questions, clause 1, short title. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried.

[Clause 1 agreed to.]

[Clauses 2 to 8 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: Bill No. 55, *The Vital Statistics Consequential Amendments Act, 2008*. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried. And I would ask a member to move that we report Bill No. 55, *The Vital Statistics Consequential Amendments Act, 2008*, without amendment.

**Mr. Weekes:** — I so move.

**The Chair:** — It's been moved by Mr. Weekes. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — And that is carried. Minister Cheveldayoff, I want to thank you and your officials for appearing before the committee this afternoon.

And before we adjourn for the afternoon, I do want to just remind members or make a note to members that we have a number of annual reports that are being tabled with the committee and with committee members. And seeing no further business for the afternoon, I would ask that a member move that this committee adjourn.

**Mr. Reiter:** — I so move.

**The Chair:** — It's been moved by Mr. Reiter that this committee adjourns. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — That is carried. This committee stands adjourned.

[The committee adjourned at 16:20.]