



STANDING COMMITTEE ON CROWN AND CENTRAL AGENCIES

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STANDING COMMITTEE ON CROWN AND CENTRAL AGENCIES

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Mr. Steven Bonk
Moosomin

Mr. Daryl Harrison
Cannington

Mr. Terry Jenson
Martensville-Warman

Mr. Greg Lawrence
Moose Jaw Wakamow

Mr. Dana Skoropad
Arm River

[The committee met at 18:00.]

The Chair: — I'd like to welcome you to the Standing Committee on Crown and Central Agencies. I'm Terry Dennis, the Chair. With me tonight we have Daryl Harrison, Terry Jenson, Jeremy Cockrill substituting for Greg Lawrence, and Ms. Aleana Young substituting for Erika Ritchie.

I'd like to table the following document: CCA 10-29, Crown Investments Corp of Saskatchewan: Report on public losses from January 1st, 2021 to March 31st, 2021.

And we're going to go through the same COVID protocol as previously. This evening the committee will be considering three bills: Bill 17, *The Traffic Safety (Miscellaneous) Amendment Act, 2020*; Bill No. 18, *The All Terrain Vehicles Amendment Act, 2020*; and Bill No. 24, *The Vehicles for Hire Amendment Act, 2020*.

Bill. No. 17 — *The Traffic Safety (Miscellaneous) Amendment Act, 2020*

Clause 1

The Chair: — We will now be considering Bill No. 17, *The Traffic Safety (Miscellaneous) Amendment Act, 2020*. We will begin with our consideration of clause 1, short title. Minister Morgan, please introduce your official and make your opening comments.

Hon. Mr. Morgan: — Thank you, Mr. Chair. Good evening. Joining me from SGI [Saskatchewan Government Insurance] today is JP Cullen, vice-president of Auto Fund operations. I'm also joined in the Chamber by my chief of staff, Jared, who will make sure that I don't say anything too foolish. But Jared Dunlop's been also a lawyer so we can hope that he knows something that will make sure that I don't get into any trouble.

The first item on our agenda tonight is *The Traffic Safety (Miscellaneous) Amendment Act*. There are many changes in this bill, but allow me to touch on the more notable ones. The first two proposed changes are intended to combat vehicle theft and fraud. SGI is proposing several new offences that will fill a gap for situations that fall below the threshold for what law enforcement will pursue in terms of criminal charges. Vehicle and registration fraud is a growing concern in Saskatchewan and across borders. SGI discovered more than 100 instances of fraud in 2019. Currently there are no consequences or action that SGI or enforcement can take under *The Traffic Safety Act* other than voiding the transaction.

Police have indicated that unless the fraud is over \$5,000 they will not dedicate resources to it in terms of laying a Criminal Code charge. We are making numerous fraudulent acts chargeable offences under the Act. Implementing these changes would provide police the ability to charge without requiring Criminal Code proceedings. Law enforcement would issue the ticket.

In addition to these new offences, SGI is also proposing the implementation of a standardized bill of sale for vehicles. Without standardization, motor licence issuers have been

accepting bills of sale without vehicle details, VIN [vehicle identification number] numbers, and/or required signatures. Requiring a standardized bill of sale should make it more difficult to commit fraud and reduce errors by issuers.

The next amendment I'll touch on is the one on trusted frameworks. Privacy and security are top of mind these days as the world seems to move more and more towards digital means. Trusted frameworks serve to enhance privacy and security of personal information because that information is not shared or exchanged between agencies within the framework; instead it is only verified or authenticated. I'll also note that the proposed change only allows the use of trusted frameworks in situations where the customer has provided their consent.

We have worked closely with the Privacy Commissioner on these provisions. SGI reached out to the Privacy Commissioner early in the drafting process to discuss concerns that the commissioner may have about the trusted frameworks legislation. They also held further meetings with the executive director of compliance and people from the Privacy Commissioner's office on January 26th and as recently as today. SGI has met with the office and the meetings are progressing well. The Privacy Commissioner's concerns relate to the duplication of provisions in this bill and a different government Act.

We believe that SGI as an insurance company is in a unique position. Building a trusted framework with its customers needs to have individual consent of each customer. That's why we've brought forward separate data linking and trusted framework provisions in this bill.

Another proposed change is that this bill would allow vehicle owners to sue to recover impoundment costs from a driver, even if that driver had the owner's permission to use the vehicle. For an example, an employer could recover the cost from an employee whose actions resulted in the impoundment.

SGI is also proposing changes that would apply the same safety standards for vehicles operating on permits to vehicles with permanent licence plates. Currently customers can purchase permits to move vehicles or commodities as part of a commercial undertaking, but in many cases permit holders are able to bypass a number of safety and insurance requirements.

Other proposed changes will modernize and harmonize the process of disposing of abandoned vehicles for garage keepers. Currently there are a number of slightly differing sections in the Act that speak to this, which makes it difficult for garage keepers to accurately administer. These amendments will make it easier for garage keepers to administer the disposing of abandoned vehicles.

There are also proposed changes that would bring speed offences established by municipal bylaw under the Act to make ticketing more efficient for police, and a change to the limitation period to sue for non-economic loss in order to align this legislation with a recent court ruling. There are also several proposed changes to ensure the Act reflects current practices, and for housekeeping in terms of clarity, consistency, and accuracy. Mr. Chair, with that I thank you, and we would be happy to answer questions.

The Chair: — Thank you, Minister. Before we ask any questions, I would like to apologize. I forgot on the introductions to include Dana Skoropad too as well. Now I will open it up to questions.

Ms. A. Young: — Thank you, Mr. Chair. And thank you, Minister, and to your officials and your chief of staff who I may embarrass by, I think, I may have hired 10 years ago-ish. So nice to see you Jared, albeit on the wrong side of the Chamber. Just kidding. Thanks, Minister.

The first question I have relates to the impounding of vehicles and the changes that you spoke to there. And I'm wondering if you could, for the record, maybe share some of the feedback that these changes were introduced to accommodate. It's not something, you know, within my personal life that I'm familiar with, but I imagine there would be significant feedback, both from individuals in regards to this as well as from industry. And I'm wondering if, just for the sake of the record, you could clarify some of the intent around that.

Hon. Mr. Morgan: — I will turn it over to Mr. Cullen for that.

Mr. Cullen: — Thank you. So we deal with garage keepers on a regular basis, and because the nature of the current legislation is quite complicated, there are a number of different parts of legislation that aren't exactly synchronizing with one another. It's quite confusing for them to administer. So through those discussions, we've decided that it's best to amend the legislation so that it's more up to date and modern and also more in line with current legislation relating to corporate liens.

Ms. A. Young: — Pardon me, could you just repeat that last sentence?

Mr. Cullen: — Current legislation regarding corporate liens.

Ms. A. Young: — Thank you. And again, just more so for the sake of the record and understanding, you know, some of the decisions that make their way into the bill and the role of this legislation, could you speak a little bit more about the recent court ruling that you referenced in regards to non-economic suffering?

Mr. Cullen: — This is related to a different amendment regarding the ability to sue for non-monetary damages.

Hon. Mr. Morgan: — Mr. Chair, and to the opposition member, the court cases that are referred to or we referred to in the material was for court interpretation of limitation periods with regard to pain and suffering and bereavement loss. So under the existing legislation, there's a two-year time limit, which is the normal limitation period on most of our pieces of legislation, and then the legislation allowed the time period to sort of start again or have an overlapping time period of another year to bring the action. You can't, under this section, really have an action unless there has been a conviction. So some of the courts . . . Then there's no intention here to overrule the courts, but there's a lack of clarity and the courts have mused as to which is the time period, the one-year or the two-year or when it starts.

[18:15]

So what this change will do is change the legislation. So rather than have the two-year-plus-a-year from the date of conviction, it will just be two years from the date of conviction. So rather than referring back to the date of the accident, it will allow for two years from the date of conviction to allow the claimant to bring an action for pain and suffering and bereavement.

Pain and suffering is not ordinarily actionable, but would be in a case where there is that type of a conviction. Bereavement is the damages that would come from non-monetary things: pain and suffering or loss of companionship, etc. So that was the gist of what the change was.

Ms. A. Young: — Thank you, Minister. My last question, this being the first bill that I've ever been cc'd on correspondence from the Information and Privacy Commissioner on. I know you cited that in the opening comments, and just to make sure I'm fully understanding, those kind of comments are being taken into consideration and worked through as . . .

Hon. Mr. Morgan: — They are. We wanted to make it abundantly clear that the Privacy Commissioner had chosen to make comments on this. And I think whenever that happens, government, whether it's a Crown or one of the ministries, should always take those comments seriously and either accept them or if they choose not to . . . But in this case, we wanted to make it clear that they had chosen to make a recommendation or make comments on it because the section appears, on the face of it, to be somewhat duplicating some things that are within a Justice bill. And the discussions that have taken place with the Privacy Commissioner is that we think that the ones that are in this piece of legislation are unique in that they require the consent of the individual insured to try and . . . [inaudible]. And the ones in the Justice bill are more broad, dealing with data linking in a more broad sense.

So this one is specific to SGI, and it's specific to having a consent from the actual insured person within the certificate of insurance.

Ms. A. Young: — Thank you, Minister. And my final question is in regards to, I believe it's the self-reporting of a medical condition if that medical condition may impact the safe operation of a vehicle. Forgive me, I don't have the clause number in front of me. But I was just hoping to obtain some high-level commentary on that as it relates — from you or your officials — as it relates to the duty to self-report and the expectation on individuals to fully understand, certainly, their own medical history. So what the obligation there looks like.

Hon. Mr. Morgan: — Sure. I will turn it to Mr. Cullen again.

Mr. Cullen: — Thank you very much. And your assessment is absolutely correct. It is first and foremost about the safety of the individual and the safety of the individual on our roads. So ultimately what this amendment tries to do is synchronize with current practice.

We, at this present time, do strongly encourage people to report any condition that might impede their ability to drive safely. It's also a requirement that any medical professional, they're obliged to report to SGI if one of their patients is limited in their ability to drive because of a medical condition. So really what we're trying to do is just catch up the language of the legislation to

match current practice.

Ms. A. Young: — Thank you very much. I suppose, in closing, I'd just note that these are some important and comprehensive changes to traffic safety here in the province. And I'm very supportive, and I applaud you and your team for all of the measures that you are undertaking to ensure people stay safe on the roads.

The Chair: — Any further questions? Thank you. Seeing none, we'll now vote on the clauses. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 38 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: *The Traffic Safety (Miscellaneous) Amendment Act, 2020*.

I would ask a member to move to report Bill 17, *The Traffic Safety (Miscellaneous) Amendment Act*, without amendment. Do I have a mover? Mr. Skoropad moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Thank you.

**Bill No. 18 — *The All Terrain Vehicles
Amendment Act, 2020***

Clause 1

The Chair: — We will now be considering Bill No. 18, *The All Terrain Vehicles Amendment Act, 2020*. We will begin the consideration of clause 1, short title. Minister Morgan.

Hon. Mr. Morgan: — Thank you, Mr. Chair.

The Chair: — Please make your opening ceremonies . . . comments.

Hon. Mr. Morgan: — We'll try not to be too ceremonial tonight, Mr. Chair. [Inaudible] . . . *The All Terrain Vehicles Act*. The proposed changes in this are mostly cleanup, with the main one being removing the Highway Traffic Board's oversight. There are several proposed amendments that relate to this. The Highway Traffic Board authority in the Act dates back to a time when they played an active role in the issuance of driver's licences and vehicle registration. The Highway Traffic Board has not held this role for several years.

In addition, there are some housekeeping changes to clarify that individuals over age 15 can operate an all-terrain vehicle without requiring a driver's licence, and an update to the definition of an all-terrain vehicle, as the current definition is out of date. Currently that covers the main points, and I am happy to answer questions.

The Chair: — Thank you, Mr. Minister. Do any committee

members have any questions?

Ms. A. Young: — I will have one question for due diligence here, Mr. Minister, to either yourself or your officials, as it relates to clause 4. Not having an ATV [all-terrain vehicle] myself nor being 12 years old, I'm just wondering if some comment could be provided on this, broadly speaking, and then also specifically around the accessibility of the all-terrain vehicle training courses to young people who may be interested in taking that.

Mr. Cullen: — Thank you for your question. We work with the ATV association of Saskatchewan to provide a training course. There is both an online version and a practical version and it's available largely throughout the entire province.

Ms. A. Young: — Thank you. And working with that third-party organization, did they provide SGI with measures such as, you know, to help identify perhaps how many people of a certain age category are taking advantage of these courses? Do we know there are ten thousand 13-year-olds out there, and ATV use amongst young people is climbing? It's essentially kind of what I'm curious about.

Mr. Cullen: — To the best of my understanding we don't have a reporting relationship that requires that. That is information that we can find out on inquiry, though.

Ms. A. Young: — Thank you. No further questions.

The Chair: — Thank you. We will now move on to the bill. We have clause 1, short title. Is that agreed?

Some Hon. Members: — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 13 inclusive agreed to.]

The Chair: — I'd ask a member to move that we report Bill No. 18, *The All Terrain Vehicles Amendment Act, 2020* without amendment. Mr. Jenson moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Thank you.

Bill No. 24 — *The Vehicles for Hire Amendment Act, 2020*

Clause 1

The Chair: — We will now move on to Bill No. 24, *The Vehicles for Hire Amendment Act, 2020*. We will begin our consideration of clause 1, short title. Minister Morgan, please make your opening comments. Thank you.

Hon. Mr. Morgan: — Thank you, Mr. Chair. The last item on the agenda is *The Vehicles for Hire Amendment Act*. The key changes align the sanctions for all passenger-for-hire services and SGI's ability to administer those sanctions. In other words, this gives SGI the authority to apply the same sanctions to taxis and limos that it can for ride-share services.

[18:30]

You'll see the majority of proposed changes are to create offences when a vehicle-for-hire service doesn't comply with the regulatory requirements. This includes a fine for non-compliance so that there are staged sanctions instead of moving right to suspending business operations.

Another change also adds an immunity clause into this legislation. There are already immunity clauses in *The Vehicles for Hire Act* to protect cities and municipalities; however, no clause was added to protect SGI since immunity clauses already exist in both *The Traffic Safety Act* and *The Automobile Accident Insurance Act*.

The proposed changes will make it clearer that SGI has immunity against actions taken in good faith related to vehicles for hire. These are the main points and we would, Mr. Chair, be glad to answer any questions.

The Chair: — Thank you, Minister. Is there any questions?

Ms. A. Young: — Thank you, Mr. Chair. Minister, specifically on the issue of sanctions, as I understand it, this legislation is essentially bringing an update to taxi services or limousines or kind of more traditional forms of shared transit in light of the emergence of ride-sharing services.

And specifically on that piece around criminal record checks of which I recall, you know, a great deal of discussion as it related to things like Uber and Lyft. Historically when we look back at traditional vehicles for hire and transportation services, was this lack of a criminal record check historically an issue or something that had been brought to your attention in consultation with stakeholders or through citizen feedback?

Mr. Cullen: — Thank you. You're very accurate in your assessment. When this legislation was initially put forward, the objective was for SGI to regulate at a very high level. And as the legislation had time to mature and as we've heard more and more feedback about it, our intent was to have municipalities regulate and monitor situations like criminal record checks and the like more closely. As time has gone by, the feedback to us has been that there's a preference, largely for the sake of consistency, that SGI play a larger role in that. And that's why the amendment that we're bringing forward now is as it stands.

Ms. A. Young: — Thank you, sir. And reflecting on, you know, some of the transgressions that may result in sanctions, have there been, to date, challenges around enforcement?

Mr. Cullen: — I can't say to my understanding that there have been, but I can't say that with certainty. That's something I could follow up for you for sure.

Ms. A. Young: — Thank you. I was wondering . . . I have two questions. One, I am looking for some broad commentary as it relates to consultation with the industry or industries that has taken place to date in preparation for this legislation. And then my second and final question relates to the immunity clauses which perhaps I'll just wait on.

Mr. Cullen: — So thank you for your patience. So just to be clear, most of the consultation was done right at the . . . up front when ride share was going to be implemented. And over time,

what we've really experienced is a desire to level and set a common playing field.

Now that the ride share is available in most of the larger centres around the province, we're finding that municipalities just simply don't have the capacity to monitor to the extent that we can. And that's really what's been the drive for making the amendments that we have.

Ms. A. Young: — Thank you very much. My final question is in relation to that new immunity clause. And just by way of information, Minister, are you or your officials able to provide kind of some examples for the committee of the type of legal actions that, on a go-forward basis, the government would be protected by that previously they would not have been?

Hon. Mr. Morgan: — The idea is not to add a level of immunity or to broaden the existing clauses that are there now. There are already immunity clauses in *The Traffic Safety Act* and *The Automobile Accident Insurance Act* which protects SGI as well as the municipalities if they've acted in good faith.

So if somebody, for example, chose to sue them because of information that was contained erroneously in a criminal record check or something of that nature, they would have protection. Now I'm loathe to use any kind of an example, because the immunity clauses are expected to be quite broad, but that would be an example of where it is.

So those protections already exist for SGI in *The Traffic Safety Act* and *The Automobile Accident Insurance Act*. So at the time the bill was drafted initially, they didn't include it in *The Vehicles for Hire Act* because it existed in the other two places already. But they think and they believe that for better clarity . . . So if somebody's looking in this Act, they may not realize that that protection exists in another two Acts. So they felt it was out of good caution to bring it into this Act as well so it's apparent on the face of it. So it's a matter of wanting to use good drafting practices and making the bills more readable for members of the public that would be looking at it.

Ms. A. Young: — Thank you, Minister. Thank you, Mr. Chair. No further questions.

The Chair: — Thank you. We'll move into the bill. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 12 inclusive agreed to.]

The Chair: — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts the following: *The Vehicles for Hire Amendment Act, 2020*.

I would ask a member to move that we report Bill 24, *The Vehicles for Hire Amendment Act* without amendment. Mr. Cockrill moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. That concludes our business for this evening. Minister Morgan, do you have any final comments?

Hon. Mr. Morgan: — Thank you, Mr. Chair. I would like to thank the committee members on both sides of the House and to yourself for being here. I'd also like to thank the legislative staff, the staff at Hansard, building staff as well as security, my own staff, Jared who is here tonight, and the staff from SGI. Both Mr. Cullen, who's here, as well as the people that were working at the office that were available for the team's calls so we were able to get some answers.

Mr. Chair, I think it's worthwhile that all of those people . . . We thank them not just for what they did tonight, but what they do for the province each and every day. These people are career civil servants and provide, I think, absolutely immeasurable good for our province. And we should be forever grateful for the work that they do to make our province the place that it is. So with that, Mr. Chair, thank you.

The Chair: — Thank you. Ms. Young, any final comments?

Ms. A. Young: — I would just echo the thanks already expressed by the minister and also add on my own appreciation, certainly, to the folks at SGI. I know a significant amount of work does go into consultation and the drafting of legislation as well, behind-the-scenes work that we don't necessarily get to see. So I would add, for the record, my deep and sincere appreciation.

The Chair: — Thank you. I'd ask a member to move a motion to adjourn. Mr. Harrison has moved. All agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. This committee stands adjourned until the call of the Chair.

[The committee adjourned at 18:45.]