



STANDING COMMITTEE ON THE ECONOMY

Hansard Verbatim Report

No. 20 — March 7, 2023

Published under the
authority of
The Hon. Randy Weekes
Speaker



Legislative Assembly of Saskatchewan

Twenty-Ninth Legislature

Hansard on the Internet

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STANDING COMMITTEE ON THE ECONOMY

Ms. Colleen Young, Chair
Lloydminster

Ms. Jennifer Bowes, Deputy Chair
Saskatoon University

Mr. Ryan Domotor
Cut Knife-Turtleford

Mr. Ken Francis
Kindersley

Mr. Delbert Kirsch
Batoche

Ms. Alana Ross
Prince Albert Northcote

Mr. Doug Steele
Cypress Hills

[The committee met at 16:01.]

The Chair: — All right, welcome everyone to the Standing Committee on the Economy. I am Colleen Young and I will be chairing the Economy committee meeting this evening. And also sitting in are committee members Ryan Domotor, Ken Francis, Delbert Kirsch, Alana Ross, Doug Steele, and sitting in for Jennifer Bowes is Trent Wotherspoon.

I would like to begin by tabling the following documents: ECO 11-29, Law Clerk and Parliamentary Counsel: 2021 regulations filed; ECO 12-29, Law Clerk and Parliamentary Counsel: 2021 bylaws filed; ECO 13-29, Law Clerk and Parliamentary Counsel: 2022 regulations filed; ECO 14-29, Law Clerk and Parliamentary Counsel: 2022 bylaws filed.

**Bill No. 96 — *The Leafcutting Beekeepers
Registration Repeal Act***

Clause 1

The Chair: — Today the committee will be considering two bills. We will begin with Bill No. 96, *The Leafcutting Beekeepers Registration Repeal Act*, clause 1, short title.

Minister Marit is here with his officials. And I would ask that officials please state their name before speaking at the microphone the first time. And you don't have to touch the mikes as our Hansard operator will turn them on when you're about to speak.

So I will ask Minister Marit to introduce the officials that are here with him today and make any opening remarks you may have.

Hon. Mr. Marit: — Thank you, Madam Chair. Obviously with me at the front here is Rick Burton, my deputy minister; and Penny McCall, assistant deputy minister, regulatory and innovation.

Obviously I want to thank you, Madam Chair, and the committee for meeting us today on the proposed repeal of *The Leafcutting Beekeepers Registration Act*. The proposed repeal of this Act would eliminate legislation that has gone unused and unenforced for 25 years. It would also address a near duplication of the alfalfa seed producer registry, which is currently maintained by *The Alfalfa Seed Development Plan Regulations*, 2009.

Repealing the Act would have no impact on the productivity or health of the leafcutting bee sector in Saskatchewan. The recommendation in 2010 to repeal the Act prompted some resistance from the industry at the time and it was decided to defer. The current executive of the Saskatchewan Leafcutters Association has exhibited a lack of interest in engagement on the proposed repeal.

The original purpose of the Act was to provide the ministry with the authority to maintain a leafcutting beekeeper registry. The ministry has not maintained the registry since approximately 1996, and there are now other means in place to provide biosecurity support to the industry outside of legislation. Repealing the Act is a red tape reduction and housekeeping opportunity for government.

Thank you, Madam Chair, and I open it up for any questions.

The Chair: — Thank you, Minister, and I'll open the floor to questions from committee members. And I'll recognize Mr. Wotherspoon.

Mr. Wotherspoon: — Thank you very much. The legislation hasn't created the buzz that I think some were anticipating so my critique won't be real stinging here today. The committee might be rather short and sweet, but I appreciate the time with all of you here today, Mr. Minister.

And you know, I appreciate as well the context that's been provided around . . . that this legislation has been in place for a long time, hasn't been used for over 20 years. You've described a bit that there's been some consultation and that no concerns have been brought back. Certainly the, you know, the leafcutter bee is important in Saskatchewan and very important to agriculture, important to alfalfa and fruit growers, and important to native prairie natural pollination in the province.

Just I guess to get a bit of perspective, who were the folks that would have been consulted on this front? There'd be obviously very important agricultural stakeholders to consult as well, you know, to ensure some of the environmental considerations.

Ms. McCall: — Thank you for that question. My name is Penny McCall, and I'm an assistant deputy minister with the Ministry of Agriculture. To answer your question, the main groups that were consulted with were the Saskatchewan leafcutter bee association as well as the Saskatchewan Alfalfa Seed Producers Development Commission. Those are the two main groups consulted with the boards, and those consultations took place during various meetings and interactions that they've had over previous years.

Mr. Wotherspoon: — Thanks very much. And this legislation hasn't been enforced or utilized for decades, I understand. Can you speak to sort of its original intent?

Hon. Mr. Marit: — I'm giving it to the expert.

Ms. McCall: — The original intent of this is when this was first developed the leafcutter beekeeping industry was just getting going. And at that time, it was really trying to get a handle on who was out there that were the leafcutter bees. So this Act was only about having a registry of who those beekeepers were. And the intent was knowing who they were would allow, if there was a disease outbreak or communication, knowing who to contact in a quick manner.

One of the big things is since then there are so many different ways to communicate and work with these grower groups and we've really focused on education and building that relationship with them. And there's other ways to reach out and be in touch and so we focus on that education and communication around disease outbreak since.

Mr. Wotherspoon: — Thanks so much. Can you just speak a little bit about, I guess, modern communication on this front and how you're enabled on these fronts, and then also just a bit about the monitoring and then policy and process around disease communication and prevention.

Ms. McCall: — Thank you for that question as well. I'll just maybe start to give an overview of how all the ministry is supporting the leafcutter beekeeper industry. We have two specialists in our province that deal with bees in our province. One is our provincial apiculture specialist. And his focus is primarily honeybees. But we also have a pollinator biosecurity specialist. And that is the role that works most closely with the leafcutter bees and also with some of our natural pollinators.

And so in terms of the communication that takes place is . . . There is newsletters, there is field days, various other meetings. Also the alfalfa seed growers' association keeps a list of their producers. And alfalfa's unique in that it needs a pollinator to be able to . . . or like an insect to pollinate, and so that's why they're so closely linked with the leafcutter association. And so they have a list also of all the people. And so we've really relied on their list in recent years as a form of communication for sending out newsletters and notices about field days.

The other thing that we're moving towards is we have a premise ID [identification] system within the province. And it's not mandatory at this point, but anyone with livestock, including honeybees and leafcutter bees, are expected to be part of that premise ID system. And so again, they're there and they'll be notified very, very quickly of different diseases that happen.

Mr. Wotherspoon: — Thanks very much. The leafcutter bee, it's native to Saskatchewan, correct?

Ms. McCall: — I believe so. Now you're going to be testing my knowledge on that as well, but there's different forms of leafcutter bees. I don't know the particular species on alfalfa versus, but there is some other native leafcutter types as well, yes. And they're unique in that, you're right, they cut the leaf and they create a cocoon. And that's how they're different than the honeybees.

Mr. Wotherspoon: — And they're important as well too for the fruit growers. Is that correct? Which fruit would they be important to for agriculture in Saskatchewan?

Ms. McCall: — Yeah, I'm not able to answer that question. My understanding is that for fruit production in the province, we rely more heavily on the honeybees.

Mr. Wotherspoon: — On the honeybee.

Ms. McCall: — They're more open-pollinated. What's unique about alfalfa, it's a hidden flower. And the leafcutter bees are smaller and can get in there and pollinate. But if you're curious, I will follow up with you on that question, unless anyone else knows?

Mr. Wotherspoon: — No, I appreciate your response. No, thanks for the information here and certainly, you know . . . And just to confirm again, through your consultations or otherwise as this bill's been before the public, you haven't had any concerns brought forward with respect to the changes here. No further questions at this point.

The Chair: — All right. Thank you, Mr. Wotherspoon. Are there any other questions from committee members? Seeing none, we will proceed to vote on the clauses. Clause 1, short title, is that

agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1 agreed to.]

[Clauses 2 and 3 agreed to.]

The Chair: — His Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Leafcutting Beekeepers Registration Repeal Act*.

I would ask a member to move that we report Bill No. 96, *The Leafcutting Beekeepers Registration Repeal Act* without amendment.

Mr. Francis: — I so move.

The Chair: — Mr. Francis so moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Minister, do you have any closing remarks on leafcutter bees?

Hon. Mr. Marit: — None, Madam Chair.

The Chair: — All right. Thank you, everyone. We'll pause briefly if we need to change any officials.

Hon. Mr. Marit: — We did.

The Chair: — You already did.

Bill No. 100 — *The Miscellaneous Statutes (Accretion) Amendment Act, 2022*

Clause 1-1

The Chair: — All right. We will now begin with consideration of Bill No. 100, *The Miscellaneous Statutes (Accretion) Amendment Act, 2022*, clause 1-1, short title. Minister Marit, you can introduce your new officials and make your opening remarks.

Hon. Mr. Marit: — Thank you, Madam Chair. I'll just introduce the officials. And I apologize to my chief of staff. I didn't introduce him in the first one. So James Cherewyk is my chief of staff who is with me here today. But also I have Lee Auten, assistant deputy minister of programs is here, and Grant Zalinko who's our executive director of lands branch is with us as well. Also joining us is Tim Epp. He's Crown counsel with the civil law branch of the Ministry of Justice. He's with us as well.

Madam Chair, the intent of *The Miscellaneous Statutes (Accretion) Amendment Act, 2022*, which is before the committee today, is to provide clarity of ownership regarding land adjacent to water bodies in Saskatchewan. The Act will also align our approach with other Western Canadian provinces as well.

The term "accretion" in this context refers to land which has become uncovered by water and can be considered permanently

dry. This land then takes on the soil and vegetative characteristics of the adjoining property. Accretion occurs gradually and imperceptibly over time — I hope I got that right — and is the opposite of erosion where land is consumed by water.

Recognizing some of the principles of the common law of accretion in Saskatchewan under certain conditions will help sustain the kind of investor confidence in our mineral resource sector that is so integral to our future. In addition, land which landowners may have simply assumed was theirs previously can in fact be surveyed and titled. It will also reduce the potential for litigation and liability to the government by removing legal uncertainty.

Madam Chair, an accretion working group has developed and recommended the changes in this Act over the past two years. It consists of the ministries of Agriculture; Environment; Energy and Resources; Justice; Parks, Culture and Sport; Government Relations; and the Water Security Agency. The result of their diligent work is that stakeholders are supportive of our government taking these steps to recognize the principles of accretion in Saskatchewan.

Thank you, Madam Chair, and at this point we'll open it up for questions.

The Chair: — Thank you, Minister Marit, and I'll open the floor to questions from committee members, recognizing Mr. Wotherspoon.

Mr. Wotherspoon: — Thank you, Madam Chair, and thank you, Mr. Minister, and officials that have joined us here tonight and that have been involved in this work. I've learned a fair amount about accretion these last few months since this bill was introduced and have appreciated the engagement with some of the stakeholders. And so thank you for the time here today.

Could you describe the members of that working group and who's been consulted and who's been a part of that work?

[16:15]

Ms. Auten: — My name is Lee Auten. I'm the assistant deputy minister of programs with the Ministry of Agriculture. Thanks for that question. We had a number of different members of the working group and it was based on impacted legislation or current regulations across government. We had the ministries of Agriculture; Environment; Energy and Resources; Justice; Parks, Culture and Sport; Government Relations; and the Water Security Agency. And so it would be a combination of subject matter experts — of course with Justice we had legal counsel present — and others.

Mr. Wotherspoon: — Thank you. Thank you for that. Now was there any specific group external to government or internal to government that was calling for these changes?

Ms. Auten: — Again, Lee Auten. We had the surveyors association who was interested in seeing some of the changes to the common law of accretion or putting the common law of accretion in place. It was something that was asked for when we were putting in *The Provincial Lands Act* but we felt that it was too large as part of the changes to *The Provincial Lands Act* so

we put it to the side and brought it forward when we were ready to dedicate our time and resources to that and pull the working group from across government.

Mr. Wotherspoon: — Thank you very much. Now my understanding is that this move will bring us in line with other western provinces. Alberta I know. Does that include British Columbia and Manitoba as well?

Ms. Auten: — Yes it does.

Mr. Wotherspoon: — Their legislation, was it fair to say this is modelled after their legislation?

Ms. Auten: — It parallels or it brings us to an equal standing or footing with the other provinces, yes.

Mr. Wotherspoon: — And I hear from some that basically common law seems to already be established on this front. Some may question whether or not the legislation itself is needed because there's a prevailing feeling that common law has been established. But ultimately I hear support from most folks around, you know, making this clear. I guess just your assessment. How necessary is this legislation or has common law already established what you're pursuing?

Hon. Mr. Marit: — I guess the easiest way to do it is read what . . . Obviously it came from Justice. The proposed legislation will confirm once and for all that accretion is part of the law in Saskatchewan. It's giving it that certainty. Yeah.

Mr. Wotherspoon: — Okay, thanks. Some of the questions I hear from folks is . . . I think there's good expertise out there. I think of the land surveyors particularly. To ensure their involvement, I would assume as you move forward here and particularly around sort of the policies or the processes and regulations that will flow from this legislation, would it be the intent of the minister to make sure that the land surveyors of the province are intimately involved with those next steps?

Hon. Mr. Marit: — Yeah, I can probably say that the surveyors will be obviously definitely part of the regulation development part.

Mr. Wotherspoon: — I think the biggest question that I hear is how accretion will be determined, you know, keeping in mind that there are numerous errors in the current GIS [geographic information system] due to the fact that some of those water boundaries were plotted from survey plans, I understand, back to like the 1880s. And the intent of some of those plans was never to accurately depict the land location of the lake or the river in the first place. So give a bit of a comment on that matter and at this point in time how you're anticipating determining accretion.

Ms. Auten: — Lee Auten. We are currently developing the process to determine how we're going to go about determining accretion. It will be an application-driven process where people put in an application for the land that they would like to look at accretion.

Mr. Wotherspoon: — Thanks. As I understand, there is different policy on this. I think again the land surveyors will be an invaluable resource on this front as to the deficiencies or gaps of

the GIS, you know, boundaries that were drawn that were never intended to be clear markers on this front, and then other markers at different points in time through surveying and common law that applies to all of this.

So I think, you know, my point out of some of the consultation I've been doing on this front as Agriculture critic is that the land surveyors bring tremendous value to this. And it's one of those things where you really want to get the implementation or the processes and policy right. So I appreciate very much the commitment to you working. I would urge very intimately at this very time to make sure that you get it right because it's all a matter of big legal implications and otherwise.

Now I understand that there's . . . like the current policy of government doesn't allow for easy rectification of the bank and the GIS, so it's where there's concerns with those boundaries. And I am hearing some concerns around requiring transfers and transforms with the Ministry of Agriculture, so policy that relates to the Ministry of Agriculture.

Can you speak to I guess further consultations that are going to be needed, or decisions that have been made around processes and policy to address some of those concerns?

Ms. Auten: — We are working to get our processes right. And that will include going back and having discussions with organizations like the Water Council, SARM [Saskatchewan Association of Rural Municipalities], Water Security Agency, and of course the members of the working group that will continue to review and look at those processes so that we can develop the right policies moving forward.

Mr. Wotherspoon: — Thanks. And that's sort of what I'm hearing from key stakeholders, those with expertise on the matter, is just really making sure there's a clear understanding with government and all those that are interacting with this matter that they need to understand that with the boundaries, that GIS really has limitations and that water boundaries shown in it cannot be assumed to be reflective of a true boundary on the ground, or the boundary defined by the natural monument.

So I'm hearing I think that. Is that fair for me to take that from what you've expressed?

Ms. Auten: — Yes.

Mr. Wotherspoon: — You have the working group that's internal to government, and that's important. Who's involved in that working group that's external to government?

Hon. Mr. Marit: — I don't quite understand.

Mr. Wotherspoon: — Just getting a sense of the various stakeholders that would also be involved. So you have appropriately the impacted ministries of government that interact on this, but who do you have involved external to government? One that I've flagged and I think that I hear appreciation for here as well is the invaluable expertise that the land surveyors will bring to this very work that you're talking about. So I'm wondering, you know . . . It seems to me that they should be fully integrated into that work, and I'm wondering if you have other external stakeholders as well.

Ms. Auten: — I would say that when we're putting together our new regulations, our process, and our policy, we'll continue to consult thoroughly with the organizations or anybody impacted. On our internal working group, we don't have anyone external to government sitting on our internal working group. That's for our ministries and, as I said at the outset, our subject matter experts and legal counsel, etc.

But we will continue to go back to those organizations who have expressed some feedback as part of the original consultation, groups like SARM, our surveyors association, the Water Council. And of course we'll also go back to groups who may have some concerns moving forward raised as part of our consultation on the regulations. We did, as part of our original consultation on this, go to over 50 organizations, and we did receive requests from the three organizations indicated for those sit-down meetings.

Mr. Wotherspoon: — Thanks. And just to identify those organizations again: SARM, which makes sense; the surveyors, which I think are indispensable in getting this right; and . . .

Ms. Auten: — Yeah, and the Water Council.

Mr. Wotherspoon: — And the Water Council.

Ms. Auten: — Yeah. They had wanted the additional follow-up.

[16:30]

Mr. Wotherspoon: — Right. Yeah. And I'm hearing from some of those folks, you know, that . . . I really think the expertise we can draw upon will really strengthen and make sure that the processes and the policy around this will really be, you know, effective, enforceable, and not get us into a challenging spot.

Part of the minister's remarks in the House were around that this will address potential litigation concerns. And we know of course that basically this has been established through common law, the treatment or the spirit and intent of what the legislative change is. I hear from the minister that this is, you know, meant to be a clarifying or solid signal, legislative signal that that's the case. Is there any specific litigation that's currently under way or potential litigation or threats of litigation that have motivated this legislation?

Ms. Auten: — No, we're not aware of any.

Mr. Wotherspoon: — And as it relates to any of the subsurface activity, can you just speak about . . . I know in the House he spoke about subsurface impacts and why this is important. I know why the common law is important on these fronts. But maybe just speak a little bit about that as well as, you know, if there's any specific concerns from industry or stakeholders on that front that's been brought forward.

Ms. Auten: — So the intention with this is to mirror what's going on below ground with the above-ground changes. So any changes to surface rights doesn't change subsurface rights. So what I mean by that is the objective is to ensure that a mineral parcel boundary cannot be amended unless the surface parcel boundary has been determined to be subject to accretion. Make sense?

Mr. Wotherspoon: — I think it makes sense. I've been learning lots as I've been going through this. And now how does this interact with mineral rights, mineral rights holders?

Ms. Auten: — Do you want to answer that?

Hon. Mr. Marit: — Well I think it would just . . . Once we have the surface, then the subsurface would just mirror that.

Mr. Wotherspoon: — And would the subsurface have a different boundary than the surface right now because would the subsurface . . . If you've got what was at one point maybe a body of water to some extent and then you had this gradual, imperceptible, natural change to it where it's no longer . . . Would the subsurface line not always have been below that body of water anyway? So I'm just wondering how that interacts with one another.

Ms. Auten: — I think the easiest way to say it is accretion will not create mineral rights and it will not take them away. So it's all part of the process that we go through and we have to determine whether or not mineral rights apply or not as part of the accretion process.

Mr. Wotherspoon: — When the minister first was talking about gradual, imperceptible, and natural loss I thought he was talking about my hair loss or . . .

Hon. Mr. Marit: — That would be mine.

Mr. Wotherspoon: — But as I say, we've sort of dug into the file and learned from stakeholders, which has been really interesting. Could you speak to anyone who may be watching this or observing this and wondering, well, how do you make sure that, you know, in fact you're dealing with something that is natural and imperceptible and gradual, and not a result of alteration many years ago or, you know, currently?

Hon. Mr. Marit: — I think the easiest way to say it . . . Obviously we know it has to be application based, right. So somebody's going to make an application. Then it'll be determined if that parcel of land has taken on the vegetation of the adjoining land, or whatever the case may be, because there's a big difference between accretion and erosion, right?

Mr. Wotherspoon: — Right. A big difference between erosion and accretion but also a big difference between, like . . . Accretion does not include any land that's been drained or altered, you know, and has lots of technical factors around an inlet and an outlet, as I understand. So I just appreciate, you know, making sure the broad public . . . Anyone involved in this matter would know the technical difference, but the broader public may not know real well.

I don't think I have any further questions at this time. I think the undertaking that I'm hearing that's most important to me on this front, just based on the consultations across the sector and stakeholders, is making sure that the policy and the processes and the regulations that flow from this are done in a real thoughtful way. From my perspective and what I've heard through this, obviously any impacted stakeholder should be involved, but really that the land surveyors of Saskatchewan are going to be critical in those next steps and getting this right.

Obviously we've had the commitment brought here to work directly together on that front, but also if there's any unintended consequences that are identified in the weeks ahead or concerns brought forward, to deal with those, you know, really in earnest and address those before any policies are cemented or processes cemented that might not be as effective as they can be.

The Chair: — Are there any further questions from committee members? Seeing none, we will proceed to vote on the clauses. Clause 1-1, short title, is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried.

[Clause 1-1 agreed to.]

[Clauses 2-1 to 5-1 inclusive agreed to.]

The Chair: — His Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Miscellaneous Statutes (Accretion) Amendment Act, 2022*.

I would ask a member now to move that we report Bill No. 100, *The Miscellaneous Statutes (Accretion) Amendment Act, 2022* without amendment. Mr. Ryan Domotor moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. Minister, you can offer any closing remarks that you may have.

Hon. Mr. Marit: — Thanks, Madam Chair. No, I just want to thank the committee and obviously thank the member for the questions and moving this forward. I think it's obviously a big hurdle that we had to get through on the legal side. So we'll obviously do our due diligence on the consultation side as well as setting the regulations. We will.

The Chair: — Thank you. Mr. Wotherspoon, if you have any remarks you'd like to make?

Mr. Wotherspoon: — Yeah. Well for some I think they'd find that the exchange might have been a bit dry in this committee. But for those with an understanding of the impacts and the legal side of the matter, I think they'd find it a rather deep well and important to the future of the province. Trying out too many puns here after coming out of the leafcutting bees here.

The Chair: — I was just going to say, are you running out of . . . Are you drying up on your puns?

Mr. Wotherspoon: — So I just want to say thank you very much to the minister for his time here today, all the officials that have been involved in the work and obviously to urge that very important involvement with the stakeholders, and very specifically the land surveyors, who I think will bring incredible value to making sure we get this right.

The Chair: — All right. Thank you, everyone, and thank you, committee members. That concludes our business for today. And I would ask a member to move a motion of adjournment.

Mr. Steele: — Yeah, I move.

The Chair: — Mr. Steele so moves. Is that agreed?

Some Hon. Members: — Agreed.

The Chair: — Carried. This committee stands adjourned to the call of the Chair. Thank you, everyone.

[The committee adjourned at 16:42.]